

**MINUTES OF THE HOUSE BUSINESS AND LABOR
STANDING COMMITTEE
Room 445, State Capitol
February 24, 2015**

Members Present: Rep. Val Peterson, Chair
Rep. John Knotwell, Vice Chair
Rep. Jake Anderegg
Rep. Jon Cox
Rep. Susan Duckworth
Rep. Gage Froerer
Rep. Brad King
Rep. Marc Roberts
Rep. Mike Schultz
Rep. Jon Stanard
Rep. Brad Wilson

Members Absent: Rep. Jim Dunnigan
Rep. Dixon Pitcher
Rep. Curt Webb

Staff Present: Ms. Megan Bolin, Policy Analyst
Ms. Rosemary Young, Committee Secretary

Note: List of visitors and a copy of handouts are filed with committee minutes.

Chair Peterson called the meeting to order at 4:11 p.m.

MOTION: Rep. Anderegg moved to approve the minutes of the February 23, 2015 meeting. The motion passed unanimously with Rep. Froerer, Rep. Stanard, Rep. Wilson, and Rep. Knotwell absent for the vote.

2nd Sub. S.B. 93 Uniform Commercial Code Filing Amendments (Sen. L. Hillyard)

Sen. Hillyard explained the bill assisted by Kathy Berg, Director, Division of Corporations.

MOTION: Rep. Anderegg moved to amend 2nd Sub. S.B. 93 as follows:

1. Page 5, Lines 128 through 132:

- 128 information that the filing office considers appropriate. If the filing office concludes that
129 the
129 record was **not authorized and was** caused to be communicated with the intent to
130 harass or defraud the affiant, the
130 filing office shall promptly file a termination statement under Subsection (3) that will be
131 effective immediately and send to the secured party of record the notice required by
131 Subsection
132 (5). The secured party may thereafter file an action for reinstatement under Subsection

(6), and

2. *Page 6, Line 179 through Page 7, Line 182:*

179 (3) ~~{The}~~ Except as provided in Section 70A-9a-513.5, the filing
office ~~{, as defined in Section 70A-9a-513.5,}~~ has no duty to form a belief
180 as to whether a record was caused to be communicated with the intent to harass or
defraud the
181 person identified as debtor or for another unlawful purpose and has no duty to investigate
or
182 ascertain facts relevant to whether the intent or purpose was present.

The motion passed unanimously.

MOTION: Rep. Knotwell moved to amend 2nd Sub. S.B. 93 as follows:

1. *Page 4, Lines 89 through 101:*

89 (ii) regardless of whether the affiant seeks a review under Subsection (6)(a)(i), file
an
90 action against the filing office seeking reinstatement of the financing statement to which
the
91 filed record relates. =
(b) Within 10 days after being served with process in an action under this
92 Subsection (6), the filing office shall file a notice indicating that the action has been
93 commenced. The notice shall indicate the file number of the initial financing statement to
94 which it relates.
95 ~~{(b)}~~ (c) If the affiant is not named as a defendant in the action described
in Subsection
96 (6)(a)(ii), the secured party shall send a copy of the complaint to the affiant at the address
97 indicated in the affidavit. The exclusive venue for the action shall be in the Third District
98 Court. A party may petition the court to consider the matter on an expedited basis.
99 ~~{(c)}~~ (d) An action under this Subsection (6) must be filed before the
expiration of six
100 months after the date on which the termination statement filed under Subsection (3)
becomes
101 effective.

The motion passed unanimously.

MOTION: Rep. Stanard moved to pass out favorably 2nd Sub. H.B. 93. The motion passed unanimously.

MOTION: Rep. Duckworth moved to place 2nd Sub. H.B. 93 on the Consent Calendar. The motion passed unanimously.

1st Sub. S.B. 118 Homeowner Association Bylaws (Sen. T. Weiler)

Sen. Weiler explained the bill assisted by John Morris, Utah Community Association Institute.

MOTION: Rep. Schultz moved to replace 1st Sub. S.B. 118 with 2nd Sub. S.B. 118, "Homeowner and Condominium Association Modifications." The motion passed unanimously.

MOTION: Rep. Froerer moved to pass out favorably 2nd Sub. S.B. 118. The motion passed unanimously.

1st Sub. S.B. 121 Procurement Code Revisions (Sen. K. Mayne)

Sen. Mayne explained the bill.

Spoke for the bill: Dennis Lloyd Workers Compensation Fund

MOTION: Rep. Cox moved to pass out favorably 1st Sub. S.B. 121. The motion passed unanimously.

S.B. 120 Regulation of Reverse Mortgages (Sen. W. Harper)

Sen. Harper explained the bill.

MOTION: Rep. Schultz moved to pass out favorably S.B. 120. The motion passed unanimously with Rep. Wilson absent for the vote.

MOTION: Rep. Anderegg moved to adjourn. The motion passed unanimously with Rep. Wilson absent for the vote.

Chair Peterson adjourned the meeting at 4:55 p.m.