



# UTAH STATE SENATE

UTAH STATE CAPITOL COMPLEX • 320 STATE CAPITOL  
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February 8, 2017

Mr. President,

The Business and Labor Committee reports a favorable recommendation on **1st Sub. H.B. 196**, DIVISION OF REAL ESTATE AMENDMENTS, by Representative G. Froerer, with the following amendments:

1. *Page 1, Line 19:*

19            { ~~→ permits the division to interview a witness;~~ }

2. *Page 30, Lines 914 through 924:*

914            (2) In conducting investigations, records inspections, and adjudicative proceedings,  
the

915            division may:

916            (a) administer an oath or affirmation;

917            (b) issue a subpoena that requires:

918            (i) the attendance and testimony of a witness; or

919            (ii) the production of evidence;

920            (c) take evidence;

921            { ~~(d) interview a witness;~~ }

922            { ~~+~~ } (d) { ~~+(e)~~ } require the production of a record or information relevant to  
an investigation;

923            and

924            { ~~+~~ } (e) { ~~+(f)~~ } serve a subpoena by certified mail.

Bill Number



HB0196S01

Action Class



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Action Code



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3. *Page 36, Lines 1084 through 1100:*

1084 (1) (a) In addition to a power or duty expressly provided in this chapter, the division  
1085 may:  
1086 (i) receive and act on a complaint including:  
1087 (A) taking action designed to obtain voluntary compliance with this chapter,  
including  
1088 the issuance of a cease and desist order if the person against whom the order is issued is  
given  
1089 the right to petition the board for review of the order; or  
1090 (B) commencing an administrative or judicial proceeding on the division's own  
1091 initiative;  
1092 (ii) ~~investigate~~ conduct a public or private investigation of an entity required to be  
1093 registered under this chapter, regardless of whether the entity is located in Utah;  
1094 (iii) employ one or more investigators, clerks, or other employees or agents if:  
1095 (A) approved by the executive director; and  
1096 (B) within the budget of the division; ~~{+}~~ and ~~{+}~~  
1097 (iv) issue a subpoena that requires:  
1098 (A) the attendance and testimony of a witness; or  
1099 (B) the production of evidence ~~{+}~~ . ~~{+, and~~  
1100 ~~{(v) interview a witness.}~~

4. *Page 51, Line 1569 through Page 52, Line 1579:*

1569 (3) For the purpose of the investigation described in Subsection (1), the division or  
an  
1570 employee designated by the division may:  
1571 (a) administer an oath or affirmation;  
1572 (b) issue a subpoena that requires:  
1573 (i) the attendance and testimony of a witness; or  
1574 (ii) the production of evidence;  
1575 (c) take evidence;  
1576 ~~{(d) interview a witness.}~~  
1577 ~~+}~~ (d) ~~{+(e)}~~ require the production of a book, paper, contract, record, other  
document, or  
1578 information relevant to the investigation; and

1579            {+} (e) ~~{+(f)}~~ serve a subpoena by certified mail.

5. *Page 54, Line 1662 through Page 55, Line 1670:*

1662            (2) (a) The division may:  
1663            (i) administer an oath or affirmation;  
1664            (ii) issue a subpoena that requires:  
1665            (A) the attendance and testimony of a witness; or  
1666            (B) the production of evidence;  
1667            (iii) take evidence; {+} and {+}  
1668            ~~{+(iv) interview a witness, and }~~  
1669            {+} (iv) ~~{+(v)}~~ require the production of a book, paper, contract, record,  
                 document,  
1670            information, or evidence relevant to the investigation described in Subsection (1).

Respectfully,

Curtis S. Bramble  
Chair

Voting: 5-0-3

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