



House of Representatives *State of Utah*

318 STATE CAPITOL • SALT LAKE CITY, UTAH 84114 • (801) 538-1029 • FAX: (801) 538-1908

January 21, 2004

Mr. Speaker:

The Business and Labor Committee reports a favorable recommendation on **H.B. 62**, LIEN RECOVERY FUND AMENDMENTS, by Representative R. C. Webb, with the following amendments:

1. Page 2, Lines 45 through 46

45 **38-1-11. Enforcement -- Time for -- Lis pendens -- Action for debt not affected --**
46 **Instructions and form affidavit** ~~[[and motion]]~~ .

2. Page 3, Line 87 through Page 4, Line 91:

87 (d) Judicial determination of the rights and liabilities of the owner of the residence
88 under Title 38, Chapters 1 and 11, and Title 14, Chapter 2, shall be stayed until after the owner
89 has been given a reasonable period of time to establish compliance with Subsections
90 38-11-204(4)(a) and (4)(b) through an informal proceeding, as set forth in Title 63, Chapter 46b,
Administrative Procedures Act, commenced within 30 days of the owner being served summons in the
foreclosure action, at the Division of Occupational and Professional Licensing and
91 obtain a certificate of compliance or a denial of certificate of compliance, as defined in Section
38-11-102.

3. Page 7, Lines 189 through 195:

189 (3) The duties and responsibilities of the board shall be to:

190 (a) advise the division with respect to informal adjudication of ~~[claims]~~ any claim for
191 payment from the fund [by] and any request for a certificate of compliance received by the
192 division;

193 (b) act as the presiding officer, as defined by rule, in formal adjudicative proceedings
194 held before the division with respect to ~~[claims]~~ any claim made for payment from the fund ~~[[and~~
195 any request for a certificate of compliance received by the division]] ;

4. Page 7, Line 213 through Page 8, Line 216:

213 **38-11-106. State not liable.**

214 The state and the state's agencies, instrumentalities, and political subdivisions are not
215 liable for:

216 (1) issuance or ~~[[failure to issue]]~~ denial of any certificate of compliance;

5. Page 9, Lines 253 through 255:

Bill Number



HB0062

Action Class



H

Action Code



HCRAMD

- 253 **38-11-110. Issuance of certificates of compliance.**
- 254 The director shall have authority to issue **or deny** a certificate of compliance only after
determining **through an informal proceeding**, as set forth in Title 63, Chapter 46b,
Administrative Procedures Act,
- 255 that the owner is in compliance with Subsections 38-11-204(4)(a) and (4)(b).

Respectfully,

*Katherine M. Bryson
Committee Chair*

Voting: 12-0-1

3 HB0062.HC1.WPD 1/21/04 9:56 am msteinagel/MBS SMS/MDA

Bill Number



HB0062

Action Class



H

Action Code



HCRAMD