

**MINUTES OF THE HOUSE  
BUSINESS AND LABOR  
STANDING COMMITTEE**

Room 405 State Capitol

January 29, 2004

**Members Present:** Rep. Michael Morley, Vice Chair  
Rep. J. Stuart Adams  
Rep. Jackie Biskupski  
Rep. Craig W. Buttars  
Rep. David Clark  
Rep. Stephen D. Clark  
Rep. Carl W. Duckworth  
Rep. Jim Dunnigan  
Rep. Ben C. Ferry  
Rep. Neil A Hansen  
Rep. Todd E. Kiser  
Rep. R. Curt Webb

**Members Absent:** Rep. Katherine M. Bryson, Chair

**Staff Present:** Mark Steinagel, Policy Analyst  
Linda Error, Committee Secretary

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

Rep. Morley called the meeting to order at 8:17 a.m.

**MOTION:** Rep. Dunnigan moved to approve the minutes of the January 27, 2004 meeting.  
The motion passed unanimously with, Rep. Adams, Rep. Buttars, Rep. D. Clark,  
Rep. Hansen, and Rep. Webb absent for the vote.

**H.B. 59 Lien for Homeowner Association Charges (*Rep. S. Mascaro*)**

Rep. Mascaro explained the bill.

**MOTION:** Rep. Ferry moved to amend the bill as follows:

*1. Page 3, Lines 65 through 68:*

65           (ii) encumbrances on the interest of the property owner ~~[[  ]]~~  
66           ~~[[(A)]]~~ recorded prior to the date of the recording of notice of lien described in  
              Subsection  
67           ~~(2)(b) [[  and]]~~  
68           ~~[[(B) that by law would be a lien prior to subsequently recorded~~  
              encumbrances]] .

The motion to amend passed unanimously, with Rep. Adams, Rep. Buttars, Rep. Hansen, and Rep. Webb absent for the vote.

MOTION: Rep. D. Clark moved to pass the bill out favorably as amended. The motion passed unanimously, with Rep. Adams, Rep. Buttars, Rep. Hansen, and Rep. Webb absent for the vote.

**S.B. 27 Telephone and Facsimile Solicitation Act (Sen. D. Thomas)**

Sen. Thomas explained the bill, assisted by Francine Giani, Director, Consumer Protection Agency.

MOTION: Rep. Dunnigan moved to pass the bill out favorably. The motion passed unanimously, with Rep. Adams, Rep. Hansen, and Rep. Webb absent for the vote.

Rep. Morley relinquished the chair to Rep. D. Clark

**H.B. 219 Construction Bond Amendments (Rep. M. Morley)**

Rep. Morley explained the bill.

MOTION: Rep. Morley moved to amend the bill as follows:

1. Page 1, Lines 16 through 18:

- 16 ▶ deletes exemption related to the Residence Lien Restriction and Lien Recovery  
17 Fund Act; ~~[[and]]~~ .  
▶ addresses the award of attorneys' fees; and  
18 ▶ makes technical changes.

2. Page 2, Lines 47 through 50:

- 47 (d) (i) "Residential construction" means the construction, alteration, or repair of:  
48 (A) single family detached housing; or  
49 (B) multifamily attached housing up to and including a ~~[[duplex]]~~ fourplex .  
50 (ii) "Residential construction" includes rental housing.

3. Page 4, Lines 99 through 100:

- 99 (3) In an action for failure to obtain a bond, the court ~~[[may]]~~ shall award  
reasonable attorneys'  
100 fees to the prevailing party. These attorneys' fees shall be taxed as costs in the action.

The motion to amend passed unanimously, with Rep. Adams and Rep. Webb absent for the vote.

MOTION: Rep. Biskupski moved to amend the bill as follows:

4. Page 2, Line 38: Delete "a" and insert "an original"
5. Page 2, Line 41: After "contracting" insert "with the original contractor"
6. Page 2, Line 52: After "any" insert "original"
7. Page 2, Line 56: After "award of the" insert "original"
8. Page 3, Line 64: After "the" insert "original"

The motion to amend passed unanimously, with Rep. Adams and Rep. Webb absent for the vote.

Spoke for the bill: John Young, attorney, Utah Contractors Council  
Philip Walter , Vice President, Surety Association of Utah  
Todd Bingham, Associated Builders and Contractors  
Taz Biesinger, Home Builder's Association  
Darrel Bostwick, attorney, representing construction industry

MOTION: Rep. Ferry moved to pass the bill out favorably as amended. The motion passed unanimously.

**H.B. 12 Requirements for Recording Certain Real Estate Documents (*Rep. D. Clark*)**

This bill was not considered in this meeting.

MOTION: Rep. Dunnigan moved to adjourn the meeting. The motion passed unanimously.

Rep. D. Clark adjourned the meeting at 9:10 a.m.