

**MINUTES OF THE SENATE BUSINESS & LABOR
STANDING COMMITTEE
WEDNESDAY, JANUARY 28, 2004, 8:00 A.M.
ROOM 403, STATE CAPITOL BUILDING**

Members Present: Sen. Parley G. Hellewell, Chair
Sen. Curtis Bramble
Sen. Dan Eastman
Sen. Thomas V. Hatch
Sen. Ed Mayne
Sen. Carlene M. Walker
Sen. Michael Waddoups

Members Excused: Sen. Gene Davis

Staff Present: Mark Steinagel, Policy Analyst
Karen Allred, Committee Secretary

A list of visitors and a copy of handouts are filed with the committee minutes.

Committee Chair Hellewell called the meeting to order at 8:10 a.m.

MOTION: Sen. Walker moved to approve the revised minutes of January 26, 2004.

The motion passed unanimously with Sens. Eastman, Hatch, Waddoups and Mayne absent for the vote.

1. H.B. 17 Captive Insurance Companies Act Amentments (J. Dunnigan)

Rep. Dunnigan explained the bill.

Neal Gooch, Deputy Insurance Commissioner, answered questions about the bill.

MOTION: Sen. Bramble moved to pass the bill out favorably.

The motion passed unanimously.

2. S.B. 129 Community Associations (M. Waddoups)

Sen. Waddoups explained the bill.

MOTION: Sen. Walker moved to pass the bill out favorably.

The motion passed unanimously.

3. H.B. 20 Construction Bonding Statutes (M. Morely)

Rep. Morley explained the bill.

MOTION: Sen. Hatch moved to pass the bill out favorably.

The motion passed unanimously.

4. H.B. 32 Lien Amendments (M. Morley)

Rep. Morely explained the bill and the following amendments were distributed:

1. *Page 2, Lines 35 through 50:*

- 35 (1) *A person claiming benefits under this chapter shall file for record with the*
 county
- 36 *recorder of the county in which the property, or some part of the property, is situated, a*
 written
- 37 *notice to hold and claim a lien within 90 days from the date* ~~*[: (a) the person last*~~
 performed
- 38 *labor or service or last furnished equipment or material on a project or improvement for*
 a
- 39 *residence as defined in Section 38-11-102; or (b)] of final completion of [am] the original*
40 *contract [not involving a residence as defined in Section 38-11-102] under which the*
 claimant claims a lien under this chapter . *For purposes of this*
- 41 *Subsection (1), final completion of the original contract means:*
- 42 *(a) if as a result of work performed under the original contract a permanent*
 certificate of occupancy is required for such work, *the date of issuance of a permanent*
 certificate of occupancy by the local
- 43 *government entity having jurisdiction over the construction project;*
- 44 *(b) if no certificate of occupancy is required. [[for the construction project]] by*
 the local
- 45 *government entity having jurisdiction over the construction project, but as a result of*
 the work performed under the original contract an inspection is required for such
 work, *the date of the final*
- 46 *inspection for such work* *by the local government entity having jurisdiction over the*
 construction project; or

47 (c) if with regard to work performed under the original contract no certificate
of occupancy ~~[[is required]]~~ and no final inspection ~~[[is conducted]]~~ are
48 required by the
49 local government entity having jurisdiction over the construction project, the date on
which
50 there remains no substantial work to be completed to finish ~~[[the]]~~ such work on
the ~~[[construction~~
project.]] original contract

2. Page 3, Line 89 through Page 4, Line 94:

89 (1) A lien claimant shall file an action to enforce the lien filed under this chapter
90 within~~[-(a) 12 months]~~ 180 days ~~[[from the date of final completion of the original~~
contract]] from the day on which the lien claimant filed a notice of claim under
Section 38-1-7 ~~[not~~
91 ~~involving a residence as defined in Section 38-11-102; or (b) 180 days from the date the~~
lien
92 ~~claimant last performed labor and services or last furnished equipment or material for a~~
93 ~~residence, as defined in Section 38-11-102].~~ ~~[[For purposes of this Subsection (1),~~
final
94 completion of the original contract is as defined in Subsection 38-1-7(1).-]]

3. Page 5, Lines 137 through 140:

137 (b)(i) For the purposes of this section, residential construction means:
138 (A) single family detached housing; and
139 (B) multifamily attached housing up to and including ~~[fourplexes, and]~~
~~[[duplexes, as~~
140 ~~defined in Section 38-11-102]]~~ fourplexes .

MOTION: Sen. Bramble moved to adopt the amendments.

The motion passed unanimously.

MOTION: Sen. Walker moved to pass the bill out favorably as amended.

The motion passed unanimously.

MOTION: Sen. Eastman moved to adjourn.

The motion passed unanimously.

Chair Hellewell adjourned the meeting at 8:45 a.m.

Sen. Parley G. Hellewell, Chair