

FORTY-FIFTH LEGISLATURE
FIRST SESSION, 2001

February 8, 2001

Mr. Speaker:

Your BUSINESS AND INDUSTRY COMMITTEE, to whom has been referred

HOUSE BILL 320

has had it under consideration and reports same with recommendation that it DO PASS, amended as follows:

1. On page 3, line 5, after "a" strike the remainder of the line, strike line 6 up to but not including the semicolon and insert in lieu thereof "private person, local public body or state agency other than the state highway and transportation department".

2. On page 3, between lines 23 and 24, insert the following new section:

"Section 3. APPLICABILITY OF ACT.--The provisions of the Retainage Act do not apply to construction contracts for residential property containing four or fewer dwelling units. "

3. Renumber the succeeding sections accordingly.

4. On page 3, line 25, strike "Retainage" and insert in lieu thereof "Except for local public bodies, retainage".

5. On page 4, line 1, after the period, insert:

"A local public body may provide in its bidding documents the manner in which retainage is to be held. Retainage by a local public body shall be in an interest-bearing account. A local public body may combine retainage from more than one project into a single account, and the interest shall be allocated to the contractors and subcontractors pro rata to each project's retainage. "

6. On page 4, between lines 20 and 21, insert the following new subsection:

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"B. An owner may make payment other than as provided in Subsection A of this section not to exceed forty-five days after submission of an undisputed request for payment. The construction documents shall include the following legend or substantially similar language setting forth the specified number of days in clear and conspicuous type on each page of the plans, including bid plans and construction plans:

"Notice of Extended Payment Provision
The contract allows the owner to make payment within _____ days after submission of an undisputed request for payment.".

7. Reletter succeeding subsections accordingly.

8. On page 6, line 5, strike "5" and insert in lieu thereof "6".

Respectfully submitted,

Fred Luna, Chairman

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

The roll call vote was 12 For 0 Against

Yes: 12

Excused: Rodella

Absent: None

. 135679. 1

. 136310. 1