

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE MEETING
Room 223 - State Capitol Building
Thursday, February 10, 2000**

MEMBERS PRESENT: Rep. Glenn L. Way, Vice Chair
Rep. Patrice Arent
Rep. Chad E. Bennion
Rep. Katherine M. Bryson
Rep. Gary F. Cox
Rep. Greg J. Curtis
Rep. Neal B. Hendrickson
Rep. J.W. "Bill" Hickman
Rep. John E. Swallow

MEMBERS ABSENT: Rep. A. Lamont Tyler, Chair
Rep. Martin R. Stephens

STAFF: Jerry D. Howe, Research Analyst
Janet Farley, Committee Secretary

VISITORS: List of visitors on file

Rep. Way called the meeting to order at 4:10 p.m.

Motion: Rep. Bennion moved to approve the minutes of February 4, and February 8, 2000. The motion passed unanimously with a vote of 6-0-5, with Reps. Hickman, Stephens, Swallow and Tyler absent for the vote.

H.B. 144 Sentencing Enhancement (*G. Curtis*)

Rep. Curtis introduced the bill.

Paul Boyden, Statewide Assoc. of Attorneys, spoke for the bill.

Motion: Rep. Hendrickson moved to pass the bill out favorably. The motion passed unanimously with a vote of 7-0-4, with Reps. Hickman, Stephens, Swallow and Tyler absent for the vote.

H.B. 269 Judicial Review of Final Agency Actions (*G. Snow*)

Motion: Rep. Bryson moved to return the bill to the rules committee. The motion passed unanimously with a vote of 7-0-4, with Reps. Hickman, Stephens, Swallow and Tyler absent for the vote.

H.B. 256 Judgments Lien Revision (*T. Hatch*)

Motion: Rep. Bryson moved to hold the bill. The motion passed unanimously with a vote of 7-0-4, with Reps. Hickman, Stephens, Swallow and Tyler absent for the vote.

S.B. 35S2 Government Tort Liability Amendments (*H. Stephenson*)

Sen. Stephenson introduced the bill.

Jack Powers, Constituent; Doug Bates, State Office of Ed.; Carl Hendrickson, District Attorneys Office; David Spatafore, Utah League of Cities & Towns; Brent Gardner, Utah Assoc. of Counties, spoke for the bill.

Motion: Rep. Arent moved to amend the bill as follows:

1. Page 3, Line 66: After "sum of" reinstate "\$300" and delete "600,"
Goldenrod

The motion passed unanimously with a vote of 9-0-2, with Reps. Stephens and Tyler absent for the vote.

Motion: Rep. Curtis moved the following amendments:
2nd Sub. S.B. 35 Government Tort Liability Amendments
House Committee Amendment 2 Feb. 10, 2000

1. Page 1, Line 8-9:
Delete "CHANGING THE TIME PERIOD FOR FILING CLAIMS" and insert
"AUTHORIZING AN ADDITIONAL TAX LEVY TO PAY CLAIMS,
SETTLEMENTS, JUDGMENTS, AND OTHER ASSOCIATED LIABILITY
COSTS;"
2. Page 1, Line 18: After line 18 insert:
"63-30-27, as last amended by Chapter 3, Laws of Utah 1988"
3. Page 3, Line 68: After line 68 insert:
"Section 3. Section 63-30-27, is amended to read:
**63-30-27. Tax levy by political subdivisions for payment of claims,
judgments, or insurance premiums.**

(1) Notwithstanding any provision of law to the contrary, all political subdivisions may levy an annual property tax sufficient to pay the following:

- (a) any claim;
- (b) any settlement;
- (c) any judgment, including any judgment against an elected official or employee of any political subdivision, including peace officers, based upon a claim for punitive damages but the authority of a political subdivision for the payment of any judgment for punitive damages is limited in any individual case to \$10,000;
- (d) the costs to defend against any claim, settlement, or judgment; or
- (e) the establishment and maintenance of a reserve fund for the payment of claims, settlements, or judgments as may be reasonably anticipated.

(2) It is legislative intent that the payments authorized for punitive damage judgments or to pay the premium for such insurance as authorized is money spent for a public purpose within the meaning of this section and Article XIII, Sec. 5, Utah Constitution, even though as a result of the levy the maximum levy as otherwise restricted by law is exceeded. No levy under this section may exceed .0001 per dollar of taxable value of taxable property. The revenues derived from this levy may not be used for any other purpose than those stipulated in this section.

(3) (a) In addition to the levy authorized by Subsection (2), each political subdivision may levy an additional .0001 per dollar of taxable value only for the purposes authorized in Subsection (3)(b).

(b) (i) Each political subdivision imposing this levy shall either use the revenues from the levy to pay claims, judgments, settlements, or liability insurance premiums or deposit those revenues into a reserve fund created to pay claims, settlements, or judgments.

(ii) A political subdivision imposing this levy may not use the revenues from the levy to pay the costs of defense, or the salaries and administrative costs associated with the defense, of actions brought against the political subdivision."

Substitute

Motion:

Rep. Swallow moved to amend Rep. Curtis amendments as follows:

1. Page 3, Line 68: (3) (a) After "subdivision" insert "upon a demonstration of compelling need,"

The motion failed with a vote of 4-4-0, with Reps. Bryson, Curtis, Swallow and Way voting for the motion. Reps. Arent, Cox, Hendrickson and Hickman voting against the motion, with Reps. Bennion, Stephens and Tyler absent for the vote.

Substitute

Motion: Rep. Bryson moved to amend the bill as follows:

1. Page 3, Line 68: (3) (a) After “may levy” insert “up to”
After “additional” delete “.0001” and insert
“.00005”

The motion passed with a vote of 5-3-3, with Reps. Bryson, Curtis, Hickman, Swallow and Way voting for the motion. Reps. Arent, Cox and Hendrickson voting against the motion, Reps. Bennion, Stephens and Tyler absent for the vote.

Motion: Rep. Swallow moved to amend Rep. Brysons amendment as follows:

(3) (a) In addition to the levy authorized by Subsection (2), each political subdivision, upon showing of need, may levy up to an additional .00005 per dollar of taxable value only for the purposes authorized in Subsection (3)(b).

The motion passed unanimously with a vote of 7-0-4, with Reps. Arent, Curtis, Stephens and Tyler absent for the vote.

Motion: Rep. Swallow moved to pass the bill out favorably. The motion passed with a vote of 5-2-4, with Reps. Bennion, Bryson, Hickman, Swallow and Way voting for the motion. Reps. Cox and Hendrickson voting against the motion, with Reps. Arent, Curtis, Stephens and Tyler absent for the vote.

H.B. 102 Parental Rights Amendments (N. Stephens)

Rep. Stephens introduced the bill.

David Andreason, public, and Kris Chitcertz, Utah Children, spoke for the bill.

Rep. Bennion moved to delete H.B.102, Parental Rights Amendments (N. Stephens), in title and body and adopt 1st Substitute H.B. 102, Parental Rights Amendments (N. Stephens). The motion passed unanimously with a vote of 6-0-5, with Reps. Arent, Curtis, Stephens, Swallow and Tyler absent for the vote.

Rep. Bennion moved to pass the bill out favorably.

Substitute

Motion: Rep. Cox moved to amend the bill as follows:

1. Page 5, Line 124: After “specialist” delete “at the state office”
2. Page 5, Line 125: After “requiring a” delete “state-level”
3. Page 5, Line 129: After “and appoint” delete “state-level”

The motion passed with a vote of 5-2-4, with Reps. Arent, Cox, Curtis, Hendrickson and Hickman voting for the motion. Reps. Bryson and Way voting against the motion, with Reps. Bennion, Stephens, Swallow and Tyler absent for the vote.

Motion: Rep. Bryson moved to pass the bill out favorably as amended. The motion passed unanimously with a vote of 8-0-3, with Reps. Stephens, Swallow and Tyler absent for the vote.

1st Sub. S.B. 7 Donation of Nonschedule Drugs or Devices - Liability Protection (*P. Suazo*)

Sen. Suazo introduced the bill.

Rick Cantrel, Human Resources Center of N. America, spoke for the bill.

Motion: Rep. Bennion moved to pass the bill out favorably. The motion passed unanimously with a vote of 7-0-4, with Reps. Hickman, Stephens, Swallow and Tyler absent for the vote.

Motion: Rep. Cox moved to adjourn. The motion passed unanimously with a vote of 7-0-4, with Reps. Hickman, Stephens, Swallow and Tyler absent for the vote. The meeting adjourned at 5:55 p.m.

Rep. Glenn L. Way, Vice Chair

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