

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE MEETING
Room 223 - State Capitol Building
Tuesday, February 15, 2000**

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

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

VISITORS: List of visitors on file

Rep. Tyler called the meeting to order at 8:05 a.m.

2nd Sub. S.B. 35 Government Tort Liability Amendments (*H. Stephenson*)

Rep. Stephenson introduced the bill.

Motion: Rep. Curtis moved to reconsider the bill. The motion passed with a vote of 4-1-6, with Reps. Bryson, Curtis, Way and Tyler voting for the bill. Reps. Cox, voting against the bill, with Reps. Arent, Bennion, Hendrickson, Hickman, Stephens and Swallow absent for the vote.

Motion: Rep. Arent moved to delete the following amendments:

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, 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).
(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."

The motion passed unanimously with a vote of 7-0-4, with Reps. Bennion, Hendrickson, Hickman and Stephens absent for the vote.

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

H.B. 138 Public Attorneys Act Amendments (*G. Curtis*)

Rep. Curtis introduced the bill.

Karl Hendrickson, Swap Salt Lake County Attorney's Office and Gary Doxey, Governor's Office, spoke for the bill.

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

1. Page 4. Line 95: After "party; and" insert "take charge" and after "attorney" bracket ", represent the state in" and insert "of"

The motion passed unanimously with a vote of 6-0-5, with Reps. Bennion, Bryson, Hendrickson, Hickman and Stephens absent for the vote.

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

1. Page 3, Line 68: After "Subsection" delete "(1)" and insert "(2)"
2. Page 3, Line 75: After "Subsection" delete "(1) of (2)" and insert "(2) or (3)"

The motion passed unanimously with a vote of 8-0-3, with Reps. Bennion, Hendrickson and Stephens absent for the vote.

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

1. Page 9: to delete lines 261-263 completely.

Substitute

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

1st Sub. H.B. 150 Attorney Lien Law (*D. Hogue*)

Rep. Hogue introduced the bill.

Lori Nelson, Family Law, section of the Utah State Bar and John T. Nielson, Utah State Bar spoke for the bill.

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

1. Page 2, After Line 43: insert “Nothing in this section authorizes the attachment or foreclosure of an attorney’s lien against a governmental entity or its property.”

The motion passed unanimously with a vote of 8-0-3, with Reps. Bennion, Hendrickson and Stephens absent for the vote.

Motion: Rep. Cox moved to proceed to the next item on the agenda. The motion passed unanimously with a vote of 9-0-2, with Reps. Bennion and Stephens absent for the vote.

S.B. 151 Justice Court Accountability (*L. Hillyard*)

Sen. Hillyard introduced the bill for Sen. Hillyard.

Richard Schwermer, Administrative Office of the Courts, spoke for the bill.

Motion: Rep. Arent moved to pass the bill out favorably. The motion passed unanimously with a vote of 9-0-2, with Reps. Stephens and Swallow absent for the vote.

S.B. 147 Online Court Assistance (*M. Waddoups*)

Rep. Arent introduced the bill.

Motion: Rep. Way moved to pass the bill out favorably. The motion passed unanimously with a vote of 9-0-2, with Reps. Stephens and Swallow absent for the vote.

S.B. 38 **Notary Public Qualifications (*G. Davis*)**

Sen. Davis introduced the bill.

Fran Fish, Dept. of Commerce; Lorena Riffo-Jenson, Commerce / Corporations;
spoke for the bill.

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

1. Page 2, Line 37: After “by two” insert “adult”

Substitute

Motion: Rep. Bennion, moved to amend the bill as follows:

1. Page 2, Line 37:
Senate Committee Amendments 2-4-2000
Amended in Committee- goldenrod 1-17-00
After “of the state” insert “who are over the age of eighteen”

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

Motion: Rep. Bennion moved to pass the bill out favorably. The motion passed unanimously with a vote of 9-0-2, with Reps. Stephens and Swallow absent for the vote.

Motion: Rep. Bryson moved to adjourn. The motion passed unanimously with a vote of 9-0-2, with Reps. Stephens and Swallow absent for the vote. The meeting adjourned at 9:35 a.m.

Rep. A. Lamont Tyler, Chair