

**MINUTES OF THE  
HOUSE JUDICIARY STANDING COMMITTEE MEETING  
Room W010 - State Capitol Complex  
February 18, 2005**

**MEMBERS PRESENT:** Rep. James A. Ferrin, Chair  
Rep. Eric K. Hutchings, Vice Chair  
Rep. Douglas C. Aagard  
Rep. Glenn A. Donnelson  
Rep. Lorie D. Fowlke  
Rep. Ann W. Hardy  
Rep. Neal B. Hendrickson  
Rep. David L. Hogue  
Rep. Susan Lawrence  
Rep. Rosalind J. McGee  
Rep. Ross Romero  
Rep. Scott L. Wyatt

**MEMBERS ABSENT:** Rep. Ben C. Ferry

**STAFF:** Jerry D. Howe, Policy Analyst  
Crystal Hermanson, Committee Secretary

**NOTE:** A list of visitors and copy of handouts are filed with the committee minutes.

Representative Ferrin called the meeting to order at 8:18 a.m.

**MOTION:** Representative Hogue moved to approve the minutes for the February 15, 2005 minutes. The motion passed unanimously 8-0-5, with Representatives Ferry, Fowlke, Hardy, McGee, and Hutchings absent for the vote.

**H.B. 275 Business Entity Amendments (Rep. R. Romero)**

Representative Romero introduced the bill and explained its intent with the assistance of Chris Anderson and Ken Ashton, Snell and Wilmer.

Gary Thorup spoke for the bill.

**MOTION:** Representative Hendrickson moved to pass the bill out favorably. The motion passed unanimously 12-0-1, with Representative Ferry absent for the vote

Representative Hendrickson declared a conflict of interest.

**H.B. 127 Offer of Settlement Provisions (Rep. L. Christensen)**

MOTION: Representative Hogue moved to adopt 1st Sub. H.B. 127. The motion passed unanimously 12-0-1, with Representative Ferry absent for the vote.

MOTION: Representative Hogue moved to amend the bill as follows:

1. *Page 2, Lines 31 through 34:*

- 31 (3) If an offer to settle or dismiss a lawsuit made by a plaintiff is not accepted and  
the  
32 rejecting party does not obtain a more favorable judgment, the judgment shall bear  
interest at  
33 the legal rate of 10% per annum calculated from the date of the **plaintiff's first**  
offer {~~2~~} which is exceeded by the  
34 judgment, and interest shall accrue until the satisfaction of judgment.

The motion passed unanimously 12-0-1, with Representative Ferry absent for the vote.

Representative Christensen introduced the bill and explained its intent.

Harold Peterson, Defense Bar, spoke against the bill.

The following members of the public spoke to the bill:

Steve Sullivan

Victoria Kidman, Defense Lawyers

MOTION: Representative Wyatt moved to go on to the next item on the agenda.

**SUBSTITUTE**

MOTION: Representative Fowlke moved to send the bill to Interim Study. The motion passed 9-1-3, with Representative Hutchings voting against the motion. Representatives Ferry, Hogue, and Ferrin absent for the vote.

**S.B. 138      Judgment Interest Amendments (*Sen. E. Mayne*)**

Senator Mayne introduced the bill and explained its intent with the assistance of Frank Pignanelly, Utah Lending Association, and Paul Allred, Department Financial Institutions.

MOTION:      Representative Hardy moved to pass the bill out favorably. The motion passed unanimously 10-0-3, with Representatives Ferry, Hogue, and Ferrin absent for the vote.

**H.B. 123      Restrictions of Advertising Illegal Activities (*Rep. S. Wyatt*)**

MOTION:      Representative Wyatt moved to send the bill to Interim Study. The motion passed unanimously 10-0-3, with Representatives Ferry, Hogue, and Ferrin absent for the vote.

MOTION:      Representative Fowlke moved to adjourn. The motion passed unanimously 10-0-3, with Representatives Ferry, Hogue, and Ferrin absent for the vote.

Representative Hutchings adjourned the meeting at 9:55 a.m.

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Rep. James A. Ferrin, Chair