

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE MEETING**
20 House Building, Utah State Capitol Complex
February 12, 2016

Members Present: Rep. LaVar Christensen, Chair
Rep. Merrill Nelson, Vice Chair
Rep. Fred C. Cox
Rep. Bruce Cutler
Rep. Brian M. Greene
Rep. Craig Hall
Rep. Brian S. King
Rep. Curtis Oda
Rep. V. Lowry Snow
Rep. Kevin J. Stratton
Rep. Mark A. Wheatley

Staff Present: Mr. Gregg Girvan, Policy Analyst
Ms. Glenda VanWagenen, Committee Secretary

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

Chair Christensen called the meeting to order at 4:00 p.m.

Rep. Cutler moved to approve the minutes of February 3, 2016. The motion passed unanimously.

S.B. 105 Bail Amendments (L. Hillyard)

Sen. Hillyard explained the bill to the committee

Spoke to the bill: Brett Barrett, Deputy Insurance Commission
 Gary Walton, Beehive Bail Bonds

MOTION: Rep. Stratton moved to amend S.B. 105 as follows:

1. Page 31, Line 954:

954 (b) by written undertaking with or without {+} sureties {+} {a bail bond}
 at the discretion of the

2. Page 32, Lines 958 through 959:

958 the current mailing address [~~and~~], telephone number, and email address of the
{+} surety {+}
959 {individual posting bail} .

The motion passed unanimously.

MOTION: Rep. Stratton moved to pass the bill out favorably as amended. The motion passed unanimously.

H.B. 91 Interest Rate Amendments (K. Powell)

Rep. Powell explained the bill to the committee.

Spoke for the bill: Alan Mortensen, Utah Association for Justice

MOTION: Rep. King moved to replace H.B. 91 with 1st Sub. H.B. 91.

SUBSTITUTE

MOTION: Rep. Cutler moved to amend the bill as follows:

1. Page 5, Lines 122 through 133:

122 [~~(2) Unless~~] (3)(a) {H} Subject to the other provisions of this Subsection
(3), if a right to interest exists as a matter of law, but parties to a lawful
123 contract [~~specify~~] have not specified a different rate of interest, the legal rate of interest for
[the
124 loan or forbearance of any money, goods, or] the contract or other chose in action [~~shall be~~
125 ~~10% per annum~~] prior to judgment is the federal postjudgment interest plus
{-2%} 5% , unless
126 otherwise provided by law.
127 (b) The federal postjudgment interest rate used for purposes of Subsection (3)(a) is the
128 rate as of January 1 for the year in which:
129 (i) a contract is made; or
130 (ii) when the chose in action other than one based on contract accrues.
131 (c) The legal rate under Subsection (3)(a) at the time that a contract is made or other

132 chose in action accrues, shall remain the interest rate for the duration of the contract or other
133 chose in action.

(d) The legal rate under Subsection (3)(a) may not be lower than 5%.

The substitute motion to amend the bill failed, with Rep. Nelson and Rep. Cutler voting in favor.

SUBSTITUTE

MOTION: Rep. Snow moved to amend the bill as follows:

1. Page 5, Lines 122 through 133:

122 [~~(2) Unless~~] (3) (a) ~~{ If }~~ **Subject to the other provisions of this Subsection**
(3), if a right to interest exists as a matter of law, but parties to a lawful
123 contract [~~specify~~] have not specified a different rate of interest, the legal rate of interest for
[the
124 ~~loan or forbearance of any money, goods, or~~] the contract or other chose in action [~~shall be~~
125 ~~10% per annum~~] prior to judgment is the federal postjudgment interest plus
~~{ 2% }~~ **5%**, unless
126 otherwise provided by law.

127 (b) The federal postjudgment interest rate used for purposes of Subsection (3)(a) is the
128 rate as of January 1 for the year in which:

129 (i) a contract is made; or

130 (ii) when the chose in action other than one based on contract accrues.

131 (c) The legal rate under Subsection (3)(a) at the time that a contract is made or other
132 chose in action accrues, shall remain the interest rate for the duration of the contract or other
133 chose in action.

(d) The legal rate under Subsection (3)(a) may not be lower than 5% or higher than 10%.

The motion passed with Rep. Christensen, Rep. Hall, Rep. King, Rep. Stratton, and Rep. Wheatley voting in opposition.

MOTION: Rep. Snow moved to pass 1st Sub. H.B. 91 out favorably as amended. The motion passed with Rep. Christensen, Rep. Hall, Rep. King, Rep. Stratton, and Rep. Wheatley voting in opposition.

H.B. 85 Private Attorney General Doctrine (B. Greene)

Rep. Greene explained the bill to the committee with the assistance of Parker Douglas, Utah Attorney General Office.

Spoke to the bill: Adam Troupp, Association of Counties

Spoke for the bill: Alan Mortenson, Utah Association for Justice

MOTION: Rep. Snow moved to replace H.B. 85 with 1st Sub. H.B. 85 with the following amendment:

1. Page 2, Lines 26 through 30:

- 26 (1) Except as provided in Subsection (2), a court may award reasonable attorney fees
27 and reasonable expert fees to the prevailing party in any action or proceeding **filed after**
 May 9, 2016, that is:
28 (a) against the state or a political subdivision of the state; and
29 (b) to enforce a constitutionally protected right, privilege, or immunity that transcends
30 the plaintiff's individual interests.

The motion passed unanimously.

MOTION: Rep. Stratton moved to pass 1st Sub. H.B. 85 out favorably as amended. The motion passed unanimously.

H.B. 234 Adoptive and Foster Parents Amendments (A. Romero)

Rep. Romero explained the bill to the committee with the assistance of Brent Platt, DHS.

Spoke to the bill: David Carlson, Utah Attorney General Office

Spoke for the bill: Troy Williams, Equality Utah

Spoke against the bill: Laura Bunker, United Families International
Hillary Zekel, Utah Forum
Jackie de Gaston, Eagle Forum

MOTION: Rep. Stratton moved to adjourn. The motion passed with Rep. Cox,

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Rep. Hall, and Rep. Snow voting in opposition.

Chair Christensen adjourned the meeting at 6:15 p.m.

LaVar Christensen, Chair