

1 **OFFICE OF THE ATTORNEY GENERAL**

2 **RESPONSIBILITIES**

3 2004 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Katherine M. Bryson**

7 **LONG TITLE**

8 **General Description:**

9 This bill clarifies the nature of the relationship between the attorney general's office and
10 state agencies that the attorney general's office represents.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ provides that the attorney general is the attorney and the state agency is the client;
- 14 ▶ requires that the attorney general must comply with certain Rules of Professional

15 Responsibility; and

- 16 ▶ makes technical corrections.

17 **Monies Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 **AMENDS:**

23 **67-5-3**, as last amended by Chapter 76, Laws of Utah 1982

25 *Be it enacted by the Legislature of the state of Utah:*

26 Section 1. Section **67-5-3** is amended to read:

27 **67-5-3. Performance of legal services for agencies -- Billing -- "Agency" defined.**



28 (1) As used in this chapter, "agency" means any department, division, agency,
29 commission, board, council, committee, authority, institution, or other entity within the state
30 government of Utah.

31 (2) The attorney general may assign his legal assistants to perform legal services for
32 any agency of state government. [He]

33 (3) (a) The attorney general shall bill [that] each agency for the legal services
34 performed, if [(-)]:

35 (i) the agency [so billed] receives federal funds to pay for the legal services [rendered,]
36 performed; or [if (-)]

37 (ii) the agency collects funds from any other source in the form of fees, costs, interest,
38 finances, penalties, forfeitures, or other proceeds reserved or designated for the payment of legal
39 fees sufficient to pay for all or a portion of the legal services [rendered; however, the]
40 performed.

41 (b) The agency may deduct any unreimbursed costs and expenses incurred by the
42 agency in connection with the legal services [rendered] performed. [As used in this act
43 "agency" means any department, division, agency, commission, board, council, committee,
44 authority, institution, or other entity within the state government of Utah.]

45 (4) (a) In performing legal services for an agency under authority of this section, the
46 attorney general is the attorney and the agency is the client.

47 (b) In its representation of the agency, the attorney general and his legal assistants shall
48 comply with the requirements of Rules of Professional Conduct Rule 1.2.

Legislative Review Note
as of 1-21-04 3:37 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0170

Office of the Attorney General Responsibilities

04-Feb-04

11:47 AM

State Impact

It is estimated that provisions of this bill can be implemented with existing resources.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst