

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE MEETING
Room 223 - State Capitol Building
February 11, 2004**

MEMBERS PRESENT: Rep. Ben C. Ferry, Chair
Rep. J. Stuart Adams, Vice Chair
Rep. Chad E. Bennion
Rep. Katherine M. Bryson
Rep. Greg J. Curtis
Rep. Scott Daniels
Rep. Neal B. Hendrickson
Rep. Eric K. Hutchings
Rep. M. Susan Lawrence
Rep. Dana C. Love
Rep. Rosalind J. McGee
Rep. J. Morgan Philpot

MEMBERS ABSENT: Rep. Mike Thompson

STAFF: Jerry D. Howe, Policy Analyst
Cherri White, Committee Secretary

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

Representative Ferry called the meeting to order at 8:13 A.M. and called for a motion to approve the minutes of February 9, 2004.

MOTION: Representative Bennion moved to approve the minutes of February 9, 2004. The motion passed unanimously with Representatives Curtis, Daniels, Hutchings, Philpot and Thompson absent for the vote.

H.B. 170 Office of the Attorney General Responsibilities (*Rep. K. Bryson*)

MOTION: Representative Bryson moved the following amendment:

1. *Page 1, Lines 11 through 16:*

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]]~~ the Rules of Professional

15 ~~[[Responsibility]]~~ Conduct ; and

16 ▶ makes technical corrections.

2. *Page 2, Lines 45 through 48*

- 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]]~~ .

The motion passed unanimously with Representatives Hutchings and Thompson absent for the vote.

The sponsor then proceeded to introduce the bill and explain its intent.

Speaking against the bill:

Mark Shurtleff, Utah Attorney General

Speaking to the bill:

Sandra Lucas, Utah Chapter Human Rights
Brandon Wilson, Concerned Citizen

MOTION: Representative Bennion moved to pas the bill out favorably as amended. The motion passed 8-3-2, with Representatives Daniels, McGee, and Ferry voting against the motion, and Representatives Hutchings and Thompson absent for the vote.

Representative Ferry turned the chair to Representative Adams at 8:18 a.m.

S.B. 122 Payment of Claims on Deceased Settlor's Estate (*Sen. J. Valentine*)

The sponsor introduced the bill and explained its intent.

MOTION: Representative Hendrickson moved to pass the bill out favorably. The motion passed unanimously with Representatives Bennion, Bryson, and Thompson absent for the vote.

MOTION: Representative Ferry moved to place the bill on the Consent Calendar. The motion passed unanimously with Representatives Bennion, Bryson, and Thompson absent for the vote.

H.B. 149 New Automobile Franchise Act (*Rep. G. Curtis*)

The sponsor introduced the bill and explained its intent.

Speaking in favor of the bill:

Craig Bickmore, Utah Automobile Dealers Association
Larry H. Miller, Utah Automobile Dealers Association, Car Dealership Owner

Speaking against the bill:

Elizabeth Dannonburg, Alliance of Automobile Manufacturers
Representative, Utah Automobile Manufacturers

Gary Howe, General Council, Utah Automobile Association addressed questions from the committee.

MOTION: Representative Bennion moved to pass the bill out favorably.

SUBSTITUTE

MOTION: Representative Daniels moved to hold the bill until the next committee meeting. The motion failed 3-8-2 with Representatives Bryson, Daniels, and McGee voting in favor of the motion, Representatives Bennion, Curtis, Hendrickson, Hutchings, Lawrence, Love, Adams, and Ferry voting against the motion, and Representatives Philpot and Thompson absent for the vote.

Returning to the original motion to pass the bill out favorably, the motion passed 10-1-2 with Representative McGee voting against the motion, and Representatives Philpot and Thompson absent for the vote.

MOTION: Representative Bennion moved to adjourn. The motion passed unanimously, the meeting adjourned at 9:57 A.M.