

**MINUTES OF THE
SENATE JUDICIARY, LAW ENFORCEMENT AND CRIMINAL JUSTICE
STANDING COMMITTEE
Monday, February 17, 2003
Room 414, STATE CAPITOL BUILDING**

Members Present: Sen. Gregory Bell, Chair
Sen. Patrice M. Arent
Sen. D. Chris Buttaris
Sen. Mike Dmitrich
Sen. James M. Evans
Sen. David L. Gladwell
Sen. Lyle W. Hillyard

Member Excused: Sen. L. Al Mansell

Staff Present: Jerry D. Howe, Policy Analyst
Saundra Maeser, Committee Secretary

Public Speakers Present: Kim Morris, Office of Consumer Protection
Reed Richards, Weber County Attorney's Office
Marva Van Slate, Lieutenant, Weber County Sheriff's Office
Val Bateman, Deputy Executive Vice President, Utah Medical Association
Elliott Williams, General Counsel, Utah Medical Insurance Association
R. Chet Loftis, General Counsel, Utah Medical Association
David Gessell, Vice President of Government Relations, Utah
Hospitals and Health Systems Association
Lurene Miller, Exec. Director, Utah Citizens for Safety and Accountability
Edward Havas, Attorney, Utah Trial Lawyers Association
Daniel Nielson, Case Management Supervisor, Health Access Project
Tom Peterson, Prosecution Council

Visitor list on file.

Committee Chair Bell called the meeting to order at 8:07 a.m.

1. S.B. 207 Identity Fraud Amendments (P. Knudson)

Sen. Peter Knudson introduced the bill.

Kim Morris, Office of Consumer Protection, spoke in support of the bill.

MOTION: Sen. Arent moved to pass S.B. 207 out with a favorable recommendation.

The motion passed unanimously with Sen. Dmitrich, Sen. Evans and Sen. Gladwell absent for the vote.

2. **H.B. 57 Expansion of Protective Order** (L. Shurtliff)

Rep. LaWanna Shurtliff introduced the bill. Reed Richards, Weber County Attorney's Office, assisted in the presentation.

Marva Van Slate, Lieutenant, Weber County Sheriff's Office, spoke in support of the bill.

MOTION: Sen. Arent moved to pass H.B. 57 out with a favorable recommendation.

The motion passed unanimously.

MOTION: Sen. Hillyard moved to place H.B. 57 on the consent calendar.

The motion passed unanimously.

3. **S.B. 163 Driver License Suspension Requirements** (R. Allen)

Sen. Ron Allen introduced the bill.

MOTION: Sen. Arent moved to pass S.B. 163 out with a favorable recommendation.

The motion passed unanimously with Sen. Evans absent for the vote.

4. **S.B. 44 Tort Reform Amendments** (L. Blackham)

Sen. Leonard Blackham introduced the bill and suggested it be placed on the Master Study Resolution for interim study.

MOTION: Sen. Gladwell moved to return S.B. 44 to the Rules Committee.

The motion passed unanimously.

5. **S.B. 138 Medical Malpractice Amendments** (L. Blackham)

Sen. Blackham introduced the bill.

MOTION: Sen. Gladwell moved to amend S.B. 138 as follows:

1. Page 1, Line 9: After "**charity care.**" insert "**The act sunsets the medical malpractice arbitration agreements section.**"

2. Page 1, Line 12: After line 12 insert:
"63-55-278, as last amended by Chapter 116, Laws of Utah, 2002"

3. Page 3, Line 71: After line 71 insert:
"Section 2. Section 63-55-278 is amended to read:
63-55-278. Repeal dates, Title 78.
(1) The Office of the Court Administrator, created in Section 78-3-23, is repealed July 1, 2003.
(2) Foster care citizen review boards and steering committee, created in Title 78, Chapter 3g, is repealed July 1, 2007.
(3) Alternative Dispute Resolution Act, created in Title 78, Chapter 31b, is repealed July 1, 2003.
(4) Section 78-14-17, regarding medical malpractice arbitration agreements, is repealed July 1, 2009."

ReNUMBER remaining sections accordingly.

The motion passed unanimously.

Val Bateman, Deputy Executive Vice President, Utah Medical Association, assisted in the presentation and distributed a handout.

The following spoke in support of the bill:

Elliott Williams, General Counsel, Utah Medical Insurance Association

R. Chet Loftis, General Counsel, Utah Medical Association

Dave Gessell, Vice Pres. of Government Relations, Utah Hospitals and Health Systems Association

Edward Havas, Attorney, Utah Trial Lawyers Association

Daniel Nielson, Case Management Supervisor, Health Access Project

Lurene Miller, Executive Director, Utah Citizens for Safety and Accountability spoke in opposition to the bill.

MOTION: Sen. Arent moved to pass S.B. 138, as amended, out with a favorable recommendation.

The motion passed with Sen. Hillyard voting in opposition.

6. S.B. 195 Obstruction of Justice and Tampering with Evidence (D. Thomas)

Sen. David Thomas introduced the bill and distributed a handout. Tom Peterson, Prosecution Council, assisted in the presentation.

MOTION: Sen. Hillyard moved to pass S.B. 195 out with a favorable recommendation.

The motion passed unanimously with Sen. Dmitrich absent for the vote.

MOTION: Sen. Arent moved to approve the minutes of February 13, 2003.

The motion passed unanimously with Sen. Dmitrich absent for the vote.

MOTION: Sen. Gladwell moved to adjourn.

The motion passed unanimously with Sen. Dmitrich absent for the vote.

Committee Chair Bell adjourned the meeting at 9:50 a.m.

Minutes recorded by Sandra Maeser, Secretary

Sen. Gregory S. Bell, Committee Chair