

MINUTES OF THE HOUSE
LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE
State Capitol -- Room 225
February 9, 2004

Members Present: Rep. DeMar "Bud Bowman, Chair
Rep. Douglas C. Aagard, Vice Chair
Rep. Duane Bourdeaux
Rep. LaVar F. Christensen
Rep. Brad L. Dee
Rep. Patricia W. Jones
Rep. David Litvak
Rep. Michael T. Morley
Rep. Peggy Wallace
Rep. R. Curt Webb

Members Absent: Rep. Wayne A. Harper

Staff Present: Ms. Jami Momberger, Policy Analyst
Ms. Linda Error, Committee Secretary

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

Rep. Bowman called the meeting to order at 8:12 a.m.

MOTION: Rep. Aagard moved to approve the minutes of the February 5, 2004 meeting. The motion passed unanimously, with Rep. Bourdeaux, Rep Christensen, Rep Morley, and Rep. Wallace absent for the vote.

H.B. 123 Drug Lab Cleanup and Disclosure (*Rep. D. Litvack*)

MOTION: Rep. Litvak moved to delete in title and body **H.B. 123** and replace it with **1st Substitute H.B. 123**. The motion passed unanimously, with Rep. Bourdeaux, Rep. Christensen, Rep. Morley, and Rep. Wallace absent for the vote.

Rep. Litvak explained the bill, assisted by Lewis Garrett, Davis County Health Department, and Chris Kyler, Utah Association of Realtors.

Spoke for the bill: Butch Dailey, President, Utah Association of Realtors

MOTION: Rep. Jones moved to pass the bill out favorably. The motion passed unanimously, with Rep. Bourdeaux, Rep. Christensen, and Rep. Morley absent for the vote.

H.B. 161 Law Enforcement Amendments (Rep. C. Moss)

Rep. Moss explained the bill, assisted by Clark Harms, Deputy District Attorney, Salt Lake County.

MOTION: Rep. Dee moved to pass the bill out favorably. The motion passed unanimously, with Rep. Bourdeaux, Rep. Christensen, Rep. Morley, and Rep. Webb absent for the vote.

MOTION: Rep. Jones moved that **H.B. 161** be placed on the consent calendar. The motion passed unanimously, with Rep. Bourdeaux, Rep. Christensen, Rep. Morley, and Rep. Webb absent for the vote.

H.B. 39 Special Functions Officers for the Division of Occupational and Professional Licensing (Rep. J. M. Philpot)

Rep. Philpot explained the bill, assisted by Kelly Atkinson, Executive Director, Fraternal Order of Police.

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

1. *Page 2, Lines 31 through 33:*

31 (2) An investigator employed under Subsection (1) is a special function officer, as
32 defined in Section 53-13-105, but is not eligible for retirement benefits under the Public
Safety
33 Noncontributory Retirement System.

(3)(a) It is not the intent of the Legislature to designate the division as an agency whose primary purpose would be that of general law enforcement.

(b) The primary purpose of the division is to administer and enforce the provisions of Title 58, Occupations and Professions.

Spoke for the bill: Laura Poe, Assistant Director, Division of Occupational and Professional Licensing
 Craig Jackson, Director, Division of Occupational and Professional Licensing

Spoke against the bill: Jim Olsen, Executive Vice President, Utah Retail Merchants Association
 Taz Biesinger, Utah Home Builders Association

MOTION: Rep. Aagard moved to pass the bill out favorably as amended. The motion passed, with Rep. Christensen, Rep. Dee, Rep. Morley, and Rep. Webb voting in opposition.

MOTION: Rep. Jones moved to adjourn the meeting. The motion passed unanimously.

Rep. Bowman adjourned the meeting at 9:15 a.m.

Rep. DeMar "Bud" Bowman, Chair