

**MINUTES OF THE
SENATE JUDICIARY, LAW ENFORCEMENT, AND CRIMINAL JUSTICE
STANDING COMMITTEE
JANUARY 26, 2005
Room W130, West Office Building, State Capitol Complex**

Members Present: Sen. D. Chris Buttars, Chair
Sen. Patrice M. Arent
Sen. Gregory Bell
Sen. Mark B. Madsen
Sen. L. Alma Mansell
Sen. David L. Thomas

Members Excused: Sen. Mike Dmitrich
Sen. Lyle Hillyard

Staff Present: Jerry Howe, Policy Analyst
Jeanne Wride, Committee Secretary

Public Speakers Present: Gale Richard Evans, Chief of Airport Police
Roger Holle, Utah Trial Lawyers Association
John Fay, Utah Trial Lawyers Association
Phil Skousen, Attorney
John T. Nielsen, Utah State Bar Association
Lynn Pace, SLC Deputy City Attorney
Gary Thorup, Attorney
La Ree Miller, Utah Citizens Alliance
Fred Lampropoulos, Merit Medical
Charles Thraison, Utah Trial Lawyers Association
Russell Skouson, Executive Director, Dept. of Commerce
Don Selvey, Alliance Medical
Naomi Halpern, Attorney

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

Chairman Buttars called the meeting to order at 8:35 a.m.

APPROVAL OF MINUTES:

MOTION: Sen. Arent moved to approve the minutes of January 25, 2005.

The motion passed unanimously with Sen. Madsen and Sen. Mansell absent for the vote.

1. S.B. 130 RETIREMENT FOR AIRPORT POLICE (Sen. M. Dmitrich)

Sen. Mayne presented the bill to the committee.

Gale Richard Evans, Chief of Airport Police, spoke to the bill.

MOTION: Sen. Bell moved to pass S. B. 130 out of committee with a favorable recommendation.

The motion passed unanimously. Absent for the vote were: Sen. M. Dmitrich, Sen. L. Hillyard and Sen. L. Mansell.

2. S.B. 92 UTAH ATTORNEY'S FEES RECOVERY ACT (Sen. D. Thomas)

MOTION: Sen. Thomas moved to substitute S.B. 92 with 1st Sub. S.B. 92.

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

Sen. Thomas presented the bill to the committee.

Roger Holle, Utah Trial Lawyers Association; John Fay, Utah Trial Lawyers Association; Phil Skousen, Attorney; John T. Nielsen, Utah State Bar Association; John T. Nielsen, Utah State Bar Association; Lynn Pace, SLC Deputy City Attorney; Lynn Pace, SLC Deputy City Attorney; Gary Thorup, Attorney, and La Ree Miller, Utah Citizens Alliance spoke in opposition to the bill.

MOTION: Sen. Bell moved to pass 1st Sub. S.B. 92 out of committee with a favorable recommendation.

The motion passed. Voting in the negative was Sen. P. Arent. Absent for the vote were: Sen. M. Dmitrich and Sen. L. Hillyard.

Sen. M. Madsen assumed the Committee Chair.

3. S.B. 110 MEDICAL DEVICE NOTIFICATION AND LIABILITY (Sen. D. C. Buttars)

MOTION: Sen. Buttars moved to substitute S.B.110 with 2nd. Sub S.B. 110.

The motion passed unanimously.

Sen. Buttars presented the bill to the committee.

Charles Thraison, Utah Trial Lawyers Association; Russell Skouson, Executive Director, Dept. of Commerce; Don Selvey, Alliance Medical, and Naomi Halpern, Attorney, spoke to the bill.

MOTION: Sen. Thomas moved to pass 2nd Sub. S.B. 110 out of committee with a favorable recommendation.

The motion passed. Voting in the negative was Sen. P. Arent. Absent for the vote were: Sen. M. Dmitrich and Sen. L. Hillyard.

MOTION: Sen. Thomas moved to adjourn.

The motion passed unanimously.

Sen. Buttars adjourned the meeting at 10:15 a.m.

Minutes recorded by Jeanne Wride, Committee Secretary.

Sen. D. Chris Buttars, Committee Chair