

**MINUTES OF THE SENATE JUDICIARY
STANDING COMMITTEE
Wednesday, February 6, 2002
Room 416, STATE CAPITOL BUILDING**

Members Present: Sen. David L. Gladwell, Chair
Sen. D. Chris Buttar
Sen. Lyle W. Hillyard
Sen. Millie M. Peterson
Sen. Alicia L. Suazo
Sen. John L. Valentine

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

Public Speakers Present: Mark Ward, Div. Chief, Litigation Office, Attorney General's Office.
Colin King, Utah Trial Lawyers Association
Rich Humpherys, attorney
Lowell Smith, defense attorney
David Fonda, International Trademark Association
Mike Sonntag, Alliance of American Insurers
Rick Schwermer, Assistant State Court Administrator
Paul Boyden, Executive Director, Prosecutors Association
Richard Wagner, President, Westminster College Green Party
Patrick Fleming, Director, Division of Substance Abuse
Fraser Nelson, Executive Director, Disability Law Center
Kris Fawson, Co-Director, Legislative Coalition for People with Disabilities

Visitor list on file.

Chair Gladwell called the meeting to order at 7:36 a.m.

MOTION: Sen. Peterson moved to approve the minutes of February 4, 2002.

The motion passed unanimously with Sen. Suazo and Sen. Valentine absent for the vote.

1. S.B. 141 Punitive Damage Awards (L. Hillyard)

Sen. Lyle Hillyard introduced the bill assisted by Mark Ward, Litigation Office, Attorney General's Office.

MOTION: Sen. Hillyard moved to delete in title and body S.B. 141 and replace it with 1st Sub. S.B. 141.

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

The following expressed concerns with the bill:

Colin King, Utah Trial Lawyers Association

Rich Humpherys, attorney

Lowell Smith, defense attorney

MOTION: Sen. Peterson moved to pass 1st Sub. S.B. 141 out with a favorable recommendation.

The motion passed unanimously.

Sen. Buttars assumed the chair.

2. S.B. 150 Registration and Protection of Trademarks and Service Marks (L. Hillyard)

Sen. Hillyard introduced the bill, assisted by David Fonda, Chair, I.P. Section, Utah State Bar, International Trademark Association. A handout was distributed.

MOTION: Sen. Suazo moved to pass S.B. 150 out with a favorable recommendation.

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

3. S.B. 163 Structured Settlement Agreements (L. Hillyard)

Sen. Hillyard introduced the bill assisted by Mike Sonntag, Alliance of American Insurers. A handout was distributed.

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

The motion passed unanimously with Sen. Gladwell and Sen. Hillyard absent for the vote.

4. H.B. 66S1 Judiciary Amendments (P. Arent)

Rep. Patrice Arent introduced the bill assisted by Rick Schwermer, Assistant State Court Administrator.

MOTION: Sen. Peterson moved to pass 1st Sub. H.B. 66 out with a favorable recommendation.

The motion passed with Sen. Gladwell and Sen. Hillyard absent for the vote.

MOTION: Sen. Peterson moved to place 1st Sub. H.B. 66 on the Consent Calendar.

The motion passed with Sen. Gladwell and Sen. Hillyard absent for the vote.

5. H.B. 224 Giving False Information to Police Officer (K. Morgan)

Rep. Karen Morgan introduced the bill, assisted by Paul Boyden, Exec. Director, Prosecutors Association.

MOTION: Sen. Valentine moved to amend the bill as follows:

1. Page 1, Line 19: Delete "misleading" and insert "leading"
2. Page 1, Line 20: After "officer" delete the rest of the line
3. Page 1, Line 21: Delete "intentionally" and insert "to believe that the person is another actual person, he"
4. Page 1, Line 21: After "peace officer" insert "acting"

The motion passed unanimously with Sen. Gladwell and Sen. Hillyard absent for the vote.

MOTION: Sen. Valentine moved to pass H.B. 224 out with a favorable recommendation, as amended.

The motion passed unanimously with Sen. Gladwell and Sen. Hillyard absent for the vote.

Sen. Buttars relinquished the chair to Sen. Gladwell.

6. H.B. 100 Criminal Code Definition Amendment (G. Adair)

Rep. Gerry Adair introduced the bill.

MOTION: Sen. Peterson moved to pass H.B. 100 out with a favorable recommendation.

The motion passed unanimously with Sen. Hillyard and Sen. Valentine absent for the vote.

7. H.B. 72 Penalty for Misuse of Lawful Substances (D. Hogue)

Rep. David Hogue introduced the bill.

The following spoke in favor of the bill:

Richard Wagner, President, Westminster College Green Party

Patrick Fleming, Director, Division of Substance Abuse

MOTION: Sen. Peterson moved to Pass H.B. 72 out with a favorable recommendation.

The motion passed unanimously with Sen. Hillyard and Sen. Valentine absent for the vote.

8. H.B. 77 Criminal Sentencing - Mitigation Amendments (D. Hogue)

Sen. Hogue introduced the bill.

The following spoke in favor of the bill:

Fraser Nelson, Executive Director, Disability Law Center

Kris Fawson, Co-Director, Legislative Coalition for People With Disabilities

MOTION: Sen. Peterson moved to pass H.B. 77 out with a favorable recommendation.

The motion passed unanimously with Sen. Hillyard and Sen. Valentine absent for the vote.

9. H.B. 48 Local Substance Abuse Authority Amendments (P. Ray)

Patrick Fleming, Director, Dept. of Human Services, Division of Substance Abuse, introduced the bill in place of Rep. Paul Ray. A handout was distributed.

MOTION: Sen. Buttars moved to pass H.B. 48 out with a favorable recommendation.

The motion passed unanimously with Sen. Hillyard and Sen. Valentine absent for the vote.

MOTION: Sen. Peterson moved to adjourn.

The motion passed unanimously with Sen. Hillyard and Sen. Valentine absent for the vote.

Sen. Gladwell adjourned the meeting at 9:10 a.m.

Minutes recorded by Sandra Maeser, Secretary

Sen. David L. Gladwell, Chair