

**CORRECTED MINUTES OF THE  
HOUSE JUDICIARY STANDING COMMITTEE MEETING  
Room W010 - State Capitol Complex  
January 25, 2008**

**MEMBERS PRESENT:** Rep. Douglas C. Aagard, Chair  
Rep. Lorie D. Fowlke, Vice Chair  
Rep. Sheryl L. Allen  
Rep. Jim Bird  
Rep. Jackie Biskupski  
Rep. Kevin S. Garn  
Rep. Keith Grover  
Rep. Eric K. Hutchings  
Rep. Christine A. Johnson  
Rep. Rosalind J. McGee  
Rep. Kay L. McIff  
Rep. R. Curt Webb  
Rep. Mark A. Wheatley

**STAFF PRESENT:** Jerry D. Howe, Policy Analyst  
Sylvia Newton, Committee Secretary

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

Representative Aagard called the meeting to order at 2:35 p.m.

**MOTION:** Rep. Allen moved to approve the minutes of the January 23, 2008 meeting. The motion passed unanimously with Rep. Biskupski, Rep. Grover, and Rep. Johnson absent for the vote.

**H.B. 26 Notary Public Revisions (Rep. G. Donnelson)**

**MOTION:** Rep. Garn moved to amend H.B. 26 as follows:

3. *Page 4, Line 96*
  - 96 (iii) for a notary seal issued on or after July 1, 2008, the notary's commission number, exactly as indicated on the notary's commission;

The motion to amend the bill passed unanimously with Rep. Johnson absent for the vote.

**MOTION:** Rep. Webb moved to amend H.B. 26 as follows:

1. *Page 1, Lines 14 through 16:*
  - 14 ▶ amends the definition of "satisfactory evidence of identity" to provide that personal

15 identification ~~{ issued by another nation must be a passport }~~ includes a  
passport, or other identification issued by the United States government, any state  
within the United States, or a foreign government, and that a driving  
16 privilege card is not satisfactory evidence of identity;

2. *Page 3, Lines 64 through 70:*

64 (12) (a) "Satisfactory evidence of identity" means identification of an individual  
based  
65 on:  
66 [~~(a) a current document issued by a federal or state government~~]  
67 (i) valid personal identification with the individual's photograph, signature, and  
68 physical description issued by the United States government ~~{ or }~~ any state  
within the United  
69 States , or a foreign government ; [or]  
70 (ii) a valid passport issued by any nation; or

The motion to amend the bill passed unanimously.

Rep. Donnelson explained H.B. 26 as amended to the committee, assisted by Michael Cragun, Deputy Chief of Staff, Lieutenant Governor's Office.

Spoke in opposition to the bill: Joseph Rust, citizen

MOTION: Rep. Webb moved to pass the bill out favorably. The motion passed with Rep. Biskupski, Rep. Johnson, Rep. McGee, and Rep. Wheatley voting in opposition to the bill.

**H.B. 33 Waivers of Immunity - Exceptions** (*Rep. G. Hughes*)

MOTION: Rep. Biskupski moved to amend H.B. 33 as follows:

1. *Page 2, Lines 52 through 55:*

52 (ii) except as provided in Subsection (4), with a conscious disregard for the  
rights of others, failed to disclose evidence that:  
53 (A) was known to the person, official, or institution; and  
54 (B) was known by the person, official, or institution to be relevant to an issue or  
matter  
55 of inquiry in a judicial or administrative proceeding.

(4) Immunity is not lost under Subsection (3)(c)(ii), if the person, official, or institution:

(a) failed to disclose evidence described in Subsection (3)(c)(ii), because the person, official, or institution is prohibited by law from disclosing the evidence; or

(b) (i) pursuant to the provisions of 45 CFR 164.502(g)(5), refused to disclose evidence described in Subsection (3)(c)(ii) to a person who requested the evidence;

and

(ii) after refusing to disclose the evidence under Subsection (4)(b)(i), complied with or responded to a valid court order or valid subpoena received by the person, official, or institution to disclose the evidence described in Subsection (3)(c)(ii).

2. *Page 4, Lines 101 through 104:*

101 (B) except as provided in Subsection (3)(d), with a conscious disregard for the rights of others, failed to disclose evidence that:

102 (I) was known to the employee; and

103 (II) was known by the employee to be relevant to an issue or matter of inquiry in a  
104 judicial or administrative proceeding.

= (d) The exception, described in Subsection (3)(c)(v)(B), allowing a plaintiff to bring or pursue a civil action or proceeding against an employee, does not apply if the employee:

(i) failed to disclose evidence described in Subsection (3)(c)(v)(B), because the employee is prohibited by law from disclosing the evidence; or

(ii) (A) pursuant to the provisions of 45 CFR 164.502(g)(5), refused to disclose evidence described in Subsection (3)(c)(v)(B) to a person who requested the evidence;

and

(B) after refusing to disclose the evidence under Subsection (3)(d)(ii)(A), complied with or responded to a valid court order or valid subpoena received by the employee to disclose the evidence described in Subsection (3)(c)(v)(B).

The motion to amend the bill passed unanimously.

Rep. Hughes explained H.B. 33 as amended to the committee.

Spoke to the bill: Tom Vaughn, Associate General Counsel

Spoke in favor of the bill: Lynn Pace, Salt Lake City Attorney's Office

MOTION: Rep. Aagard moved to pass the amended bill out favorably. The motion passed unanimously.

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

Rep. Aagard adjourned the meeting at 3:18 p.m.

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Rep. Douglas C. Aagard, Chair