

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE MEETING
Room W020 - House Building, State Capitol Complex
February 13, 2009**

MEMBERS PRESENT: Rep. Lorie D. Fowlke, Chair
Rep. Don Ipson, Vice Chair
Rep. Sheryl L. Allen
Rep. Jim Bird
Rep. Jackie Biskupski
Rep. Francis Gibson
Rep. Keith Grover
Rep. Eric K. Hutchings
Rep. Christine A. Johnson
Rep. Brian King
Rep. Kay L. McIff
Rep. Mark A. Wheatley

MEMBERS ABSENT: Rep. Kraig Powell

STAFF PRESENT: Jerry D. Howe, Policy Analyst
Cherri White, Committee Secretary

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

Madam Chair Fowlke called the meeting to order at 2:08 pm, and called for a motion to approve the minutes of February 9, 2009.

MOTION: Representative Biskupski moved to approve the minutes of February 9, 2009. The motion passed unanimously with Representatives Allen, Grover, Hutchings, Powell, and Ipson absent for the vote.

HB0209 Amendments to Criminal Appeals (Rep. Julie Fisher)

The sponsor introduced the bill and explained its intent. Wade Farraway, Attorney General's Office, assisted with the presentation and addressed questions from the committee.

MOTION: Representative Gibson moved to pass H.B. 209 out favorably. The motion passed unanimously with Representatives Powell and Ipson absent for the vote.

HB0294 Survival Action upon Injury or Death (Rep. K. McIff)

MOTION: Representative McIff moved to delete H.B. 294 and replace it with 1st Substitute H.B. 294. The motion passed unanimously, with Representatives Powell and

Ipson absent for the vote.

The sponsor proceeded to introduce 1st Substitute H.B. 294, gave an overview of the differences between the substitute bill and the original, and explained its intent.

Robin Riggs, Utah Civil Defense League, spoke against the bill. Steve Sullivan, Robert DeVry and Associates, spoke in favor of the bill. Lynn Davies, Personal Injury Attorney, and Utah Defense Lawyers Association, spoke against the bill. Michelle McOmer, Utah Medical Association, expressed concerns related to the bill.

MOTION: Representative King moved to pass 1st Substitute H.B. 294 out favorably.

SUBSTITUTE

MOTION: Representative Bird moved to go to the next item on the agenda. The motion failed 4-8-1 with Representatives Allen, Bird, Biskupski and Fowlke voting in favor of the motion, Representatives Gibson, Grover, Hutchings, Ipson, Johnson, King, McIff, and Wheatly voting against the motion, and Representative Powell absent for the vote.

Returning to the original motion to pass 1st Substitute H.B. 294 out favorably, the motion passed 8-4-1 with Representatives Fowlke, Gibson, Grover, Hutchings, Johnson, King, McIff and Wheatley voting in favor of the motion, Representatives Allen, Bird, Biskupski, and Ipson voting against the motion, and Representative Powell absent for the vote.

SB0112 Obstruction of Justice Amendment (Sen. R. Okerlund)

The sponsor introduced the bill and explained its intent. Jaycee Skinner, Utah Association of Prosecutors assisted the sponsor in answering questions from the committee.

MOTION: Representative Johnson moved to pass the bill out favorably. The motion passed unanimously with Representatives Biskupski and Powell absent for the vote.

MOTION: Representative Gibson moved to place the bill on the Consent Calendar. The motion passed unanimously with Representatives Biskupski and Powell absent for the vote.

Madam Chair Fowlke turned the chair to Representative Ipson at 3:40 pm.

HB0329 Wrongful Death Claims (Rep. L. Fowlke)

The sponsor introduced the bill and explained its intent.

Donald Chris Purcell, State Farm, spoke in favor of the bill.

MOTION: Representative Gibson moved to pass the bill out favorably. The motion passed unanimously with Representative Powell absent for the vote.

MOTION: Representative Gibson moved to place the bill on the Consent Calendar. The motion passed unanimously with Representative Powell absent for the vote.

Representative Ipson passed the chair back to Madam Chair Fowlke at 3:45 pm. Madam Chair Fowlke called for a motion to adjourn.

MOTION: Representative Allen moved to adjourn the meeting. The motion passed unanimously, with Representative Powell absent for the vote. Madam Chair Fowlke adjourned the meeting at 3:45 pm.

Rep. Lorie Fowlke, Chair