

MINUTES OF THE HOUSE
LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE
Room 25, House Office Building, State Capitol Complex
March 2, 2010

Members Present: Rep. Douglas Aagard, Chair
Rep. Curt Oda, Vice Chair
Rep. Trisha Beck
Rep. Ben Ferry
Rep. Richard Greenwood
Rep. David Litvak
Rep. Becky Lockhart
Rep. Paul Ray
Rep. Jennifer Seelig
Rep. Larry Wiley
Rep. Carl Wimmer

Staff Present: Mr. Stewart Smith, Policy Analyst
Ms. Linda Error, Committee Secretary

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

Rep. Oda called the meeting to order at 4:15 p.m.

MOTION: Rep. Wiley moved to approve the minutes of the March 1, 2010. The motion passed unanimously, with Rep. Ferry, Rep. Lockhart and Rep. Seelig absent for the vote.

H.B. 312 Medical Expenses for Offenders (Rep. P. Ray)

Spoke to the bill: Ms. Kim Wirthlin, University of Utah Health Care
Mr. Dave Gessell, Utah Hospital Association

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

Page 1, Line 16 Delete "60% of the amount" and insert "the same rate"
Line 18 Delete "65% of the amount" and insert "the same rate"

Page 3, Line 62 Delete "60% of the amount" and insert "the same rate"
Line 64 Delete "65% of the amount" and insert "the same rate"

The motion to amend passed, with Rep. Aagard, Rep. Greenwood, Rep. Oda and Rep. Ray voting in opposition. Rep. Ferry and Rep. Litvack were absent for the vote.

MOTION: Rep. Aagard moved to pass the bill out with a favorable recommendation.

SUBSTITUTE

MOTION: Rep. Litvack moved to return the bill to interim for further study. The motion failed with Rep. Beck, Rep. Litvack, Rep. Seelig and Rep. Wiley voting in favor. Rep. Ferry and Rep. Lockhart were absent for the vote.

The original motion to pass the bill out with a favorable recommendation passed, with Rep. Litvack voting in opposition. Rep. Ferry and Rep. Lockhart were absent for the vote.

S.J.R. 10 Joint Resolution Supporting the Expansion of Correctional Facilities in Uintah County (Sen. K. Van Tassell)

Sen. Van Tassell presented the resolution to the committee.

Spoke to the bill: Mr. Mike Haddon, Utah Department of Corrections

MOTION: Rep. Ferry moved to pass the bill out with a favorable recommendation. The motion passed unanimously, with Rep. Lockhart absent for the vote.

MOTION: Rep. Greenwood moved to saunter for 5 minutes. The motion passed unanimously, with Rep. Lockhart absent for the vote.

Rep. Oda called the meeting to order at 5:10 p.m.

S.B. 62 Motor Vehicle Insurance Coverage Amendments (Sen. S. Urquhart)

Sen. Urquhart presented the bill to the committee

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

1. *Page 1, Line 13*
Senate 2nd Reading Amendments
2-25-2010:

13 This bill:

► provides that an arbitrator or arbitration panel may issue a subpoena for the attendance of a witness and for the production of records and other evidence at any hearing of an arbitration proceeding on an uninsured or underinsured motorist coverage claim;

2. *Page 8, Lines 223 through 225:*

223 (g) **(i)** Except as otherwise provided in this section or unless otherwise agreed to

in
224 writing by the parties, an arbitration proceeding conducted under this section shall be
governed
225 by Title 78B, Chapter 11, Utah Uniform Arbitration Act.

(ii) An arbitrator or arbitration panel may issue a subpoena for the attendance of a witness and for the production of records and other evidence at any hearing in accordance with Section 78B-11-118.

3. *Page 10a, Lines 306f through 306j*
Senate 2nd Reading Amendments
2-25-2010:

306f ~~{(ii) If the judge or arbitrator determines that the covered person intentionally withheld~~
306g ~~a material fact prior to the initial demand:~~
306h ~~—(A) the award may not exceed the uninsured motorist policy limits; and~~
306i ~~—(B) no costs may be awarded to the covered person under Subsection (9)(d)(iii);~~
306j ~~—(iii)}~~ **(ii)** If the award is greater than the uninsured motorist carrier's offer described in

4. *Page 16, Lines 488 through 490:*

488 (g) **(i)** Except as otherwise provided in this section or unless otherwise agreed to
in
489 writing by the parties, an arbitration proceeding conducted under this section shall be
governed
490 by Title 78B, Chapter 11, Utah Uniform Arbitration Act.

(ii) An arbitrator or arbitration panel may issue a subpoena for the attendance of a witness and for the production of records and other evidence at any hearing in accordance with Section 78B-11-118. =

5. *Page 19, Lines 572e through 572j*
Senate 2nd Reading Amendments
2-25-2010:

572e motorist policy.
572f ~~{(ii) If the judge or arbitrator determines that the covered person intentionally withheld~~
572g ~~a material fact prior to the initial demand:~~

572h ~~—(A) the award may not exceed the underinsured motorist policy limits; and~~
572i ~~—(B) no costs may be awarded to the covered person under Subsection (8)(d)(iii);~~
572j ~~—(iii);~~ (ii) If the award is greater than the underinsured motorist carrier's offer
described in

The motion to amend passed unanimously, with Rep. Litvack and Rep. Seelig absent for the vote.

Spoke against the bill: Mr. Chris Purcell, State Farm Insurance
Mr. Lowell Smith, Bear River Insurance
Mr. Harold Lee Peterson, Farmers Insurance

Spoke for the bill: Mr. Christian Burridge, Siegfried and Jensen
Mr. Steve Sullivan, Robert DeBry and Associates
Mr. Mitch Jensen, Siegfried and Jensen

Spoke to the bill: Mr. Brad Tibbitts, Utah Department of Insurance

MOTION: Rep. Wimmer moved to pass the bill out with a favorable recommendation.

SUBSTITUTE

MOTION: Rep. Ferry moved to hold the bill. The motion failed with Rep. Ferry, Rep. Greenwood and Rep. Oda voting in favor. Rep. Aagard, Rep. Litvack and Rep. Seelig were absent for the vote.

The original motion to pass the bill out with a favorable recommendation passed, with Rep. Ferry, Rep. Greenwood and Rep. Oda voting in opposition. Rep. Aagard, Rep. Litvack and Rep. Seelig were absent for the vote.

H.B. 362 Duties of City Police Departments (*Rep. C. Herrod*)

This bill was not heard.

MOTION: Rep. Ray moved to adjourn the meeting. The motion passed unanimously, with Rep. Aagard, Rep. Litvack and Rep. Seelig absent for the vote.

Rep. Oda adjourned the meeting at 6:40 p.m.

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Rep. Douglas Aagard, Chair