

**MINUTES OF THE
JUDICIARY INTERIM COMMITTEE**

Wednesday, January 9, 2002 – 2:00 p.m. – Room 403 State Capitol

Members Present:

Rep. Glenn L. Way, House Chair
Sen. D. Edgar Allen
Sen. Millie M. Peterson
Sen. Terry R. Spencer
Sen. Michael G. Waddoups
Rep. Chad E. Bennion
Rep. Ron Bigelow
Rep. Katherine M. Bryson
Rep. Scott Daniels
Rep. James A. Ferrin
Rep. Ben C. Ferry
Rep. Neal B. Hendrickson
Rep. Eric Hutchings
Rep. Mike Thompson
Rep. A. Lamont Tyler

Members Excused:

Rep. Patrice M. Arent
Rep. David Ure

Members Absent:

Sen. David L. Gladwell, Senate Chair
Rep. Greg J. Curtis

Staff Present:

Mr. Jerry D. Howe, Research Analyst
Ms. Esther D. Chelsea-McCarty, Associate General Counsel
Ms. Patrice Shaffer, Senate Secretary
Ms. Jeanne Wride, Senate Secretary

Note: A list of others present and a copy of materials can be found at <http://www.image.le.state.ut.us.imaging/history.asp> or contact the Office of Legislative Research and General Counsel.

1. Call to Order and Approval of Minutes

Chair Way called the meeting to order at 2:27 p.m.

MOTION: Rep. Hendrickson moved to approve the minutes of the November 14, 2001 meeting. The motion passed unanimously with Sen. Gladwell, Rep. Arent, Rep. Bryson, Rep. Curtis, and Rep. Ure absent for the vote.

2. Bills Considered

H.B. 66 "Judiciary Amendments" (P. Arent)

This bill will be held until the next meeting.

H.B. 69 "Payment for Bailiff and Other Services in Courts of Record" (J. Seitz)

Rep. Seitz introduced the bill asking that the State, rather than the counties, fund Bailiff Services, and answered questions of the committee. The following spoke in favor of the bill:

Mr. Mark Walsh, Utah Association of Counties
Mr. Alan Dayton, Salt Lake County Deputy Mayor
Mr. Rick Schwermer, Courts
Mr. Brad Slater, Utah Sheriffs Association

MOTION: Rep. Bennion moved that H.B.69 be sent directly to the floor calendar. The motion passed unanimously with Sen. Gladwell, Rep. Arent, Rep. Bryson, Rep. Curtis, Rep. Ferry, and Rep. Ure absent for the vote.

H.B. 196 "Divorce and Parent-time Revisions" (C. Bennion)

Rep. Bennion explained that an amendment was being prepared that would read: (13) to provide notice to a non-custodial parent in accordance with Section 62A-11-304.4 of the opportunity to contest the accuracy of allegations by the custodial parent of non-payment of past-due child support prior to taking action against the non-custodial parent to collect the alleged past due support.

MOTION: Because the amendment was not properly before the committee in written form, Sen. Waddoups moved to approve the amendment in concept subject to the committee's review at its next meeting. The motion passed unanimously with Sen. Gladwell, Rep. Arent, Rep. Bryson, Rep. Curtis, Rep. Daniels, Rep. Ferry, Rep. Hendrickson, and Rep. Ure absent for the vote.

Discussion was held with Ms. Emma Chacon, Department of Recovery Services and Mr. Brent Holdaway, Focus, spoke in favor of the bill. Mr. Stewart Ralphs, Legal Aid Society and Ms. Gayle Ruzicka, Eagle Forum, spoke against the bill. Others speaking to the bill included:

- Mr. Gary Holt, Focus
- Mr. Conrad Lloyd, Focus
- Ms. Karen Silver, Salt Lake Community Action Program
- Ms. Lori DeGroot, citizen

MOTION: Sen. Spencer moved that H.B.196 be recommended to the floor calendar, as amended, subject to final review of the proposed amendment at the next meeting.

SUBSTITUTE MOTION: Rep. Tyler moved that H.B.196 be sent to a standing committee for further work. After discussion, Rep. Tyler withdrew the motion.

The original motion passed with Sen. Allen, Sen. Spencer, Rep. Way, Rep. Bennion, Rep. Bigelow, Rep. Ferrin, Rep. Hendrickson, Rep. Hutchings, and Rep. Thompson voting in favor. Sen. Peterson, Rep. Ferry, and Rep. Tyler voted in opposition. Sen. Galdwell, Sen. Waddoups, Rep. Arent, Rep. Bryson, Rep. Curtis, Rep. Daniels, and Rep. Ure were absent for the vote.

S.B. 43 "Uniform Trust Act" (L. Hillyard)

Sen. L. Hillyard and Mr. Tom Christensen explained the bill. Sen. Hillyard requested that the committee take no action on the bill until it had time to review the issues. Mr. Chuck Newton spoke in support of the bill.

S.B. 86 "Funding of the Controlled Substances Database" (J. Valentine)

Sen. Valentine explained S.B. 86, emphasizing the need for continued funding for the database. Mr. Ray Walker, Department of Occupational/Professional Licensing, spoke in support of the bill.

MOTION: Rep. Bryson moved that S.B. 86 be sent directly to the floor calendar. The motion was passed unanimously with Sen. Gladwell, Sen. Peterson, Sen. Waddoups, Rep. Arent, Rep. Bennion, Rep. Curtis, and Rep. Ure absent for the vote.

S.B. 87 "Visitation Rights of Grandparents" (T. Spencer)

Sen. Spencer explained the bill with Mr. Stewart Ralphs, Legal Aid Society speaking in support of the bill.

MOTION: Sen. Allen moved that S.B. 87 be sent directly to the floor calendar. The motion passed unanimously with Sen. Gladwell, Sen. Peterson, Sen. Waddoups, Rep. Arent, Rep. Bennion, Rep. Curtis, and Rep. Ure absent for the vote.

3. Adjourn

MOTION: Rep. Bryson moved to adjourn the meeting. The motion passed unanimously with Sen. Gladwell, Sen. Waddoups, Rep. Arent, Rep. Bennion, Rep. Curtis, and Rep. Ure absent for the vote.

Chair Way adjourned the meeting at 4:26 p.m.

Minutes prepared by Patrice Shaffer, secretary.

