

**MINUTES OF THE
JUDICIARY INTERIM COMMITTEE**

Tuesday, January 15, 2002 – 9:00 a.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. Patrice M. Arent
Rep. Chad E. Bennion
Rep. Greg J. Curtis
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
Rep. David Ure

Member Excused:

Sen. David L. Gladwell, Senate Chair

Staff Present:

Mr. Jerry D. Howe, Research Analyst
Ms. Sandra Maeser, Senate Secretary

1. Call to Order and Approval of Minutes

Chair Way called the meeting to order at 9:11 a.m.

MOTION: Sen. Peterson moved to approve the minutes of the January 9, 2002 meeting. The motion passed unanimously with Sen. Gladwell, Sen. Waddoups, Rep. Bennion, Rep. Bryson, Rep. Curtis, Rep. Daniels, and Rep. Ure absent for the vote.

2. Bills Considered

H.B. 66 “Judiciary Amendments” (P. Arent)

Rep. Arent introduced the bill. Mr. Rick Schwermer assisted in clarification of the bill.

MOTION: Rep. Arent moved to replace the bill with H.B. 66 1st Sub. The motion passed unanimously with Sen. Gladwell, Sen. Waddoups, Rep. Bennion, Rep. Bryson, Rep. Curtis, Rep. Daniels, and Rep. Ure absent for the vote.

MOTION: Sen. Peterson moved to send H.B. 66 1st Sub. to the Rules Committee. The motion passed with Sen. Spencer and Rep. Thompson voting in opposition. Sen. Gladwell, Sen. Waddoups, Rep. Bennion, Rep. Bryson, Rep. Curtis, Rep. Daniels, and Rep. Ure were absent for the vote.

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

Rep. Way explained that H.B. 196 was approved at the committee meeting of January 9, 2002. The following amendment was proposed:

Page 4, lines 98-99 After “(13)” delete the rest of line 98 and all of line 99 and insert:
“To provide note to a non-custodial parent in accordance with Section 62A-11-304.4 of the opportunity to contest the accuracy of allegations by a custodial parent of nonpayment of past-due child support, prior to taking action against a non-custodial parent to collect the alleged past-due support.

MOTION: Rep. Hendrickson moved to recommend the proposed amendment to the Rules Committee.

SUBSTITUTE MOTION: Sen. Peterson moved to reconsider the amendment and move it to a standing committee. The motion failed with Sen. Gladwell, Rep. Bennion, Rep. Curtis, and Rep. Ure absent for the vote.

The original motion passed unanimously with Sen. Gladwell, Rep. Bennion, Rep. Curtis, and Rep. Ure absent for the vote.

H.B. 78 “Gun Show Background Check” (S. Daniels)

Sen. Daniels explained the bill. He was assisted in his presentation by Ms. Maura Carabello, Gun Violence Prevention.

Mr. Elwood Powell, Chairman, Utah Shooting Sports Council, spoke against the bill and distributed a handout on firearm source by offenders. Ms. Sarah Thompson, Director, Utah Gun Owners Alliance, also spoke against the bill.

MOTION: Rep. Ferrin moved to return H.B. 78 to the Rules Committee with an unfavorable recommendation.

SUBSTITUTE MOTION: Sen. Peterson moved to send H.B. 78 to a Standing Committee for further consideration. The motion failed with Sen. Gladwell, Rep. Bennion, Rep. Tyler, and Rep. Ure absent for the vote.

The original motion passed with Sen. Allen, Sen. Peterson, Rep. Arent, and Rep. Daniels voting in opposition. Sen. Gladwell, Rep. Bennion, Rep. Tyler, and Rep. Ure were absent for the vote.

H.B. 211 “Repeal of Weapons Law” (S. Daniels)

Sen. Daniels introduced the bill.

Mr. Leonard Wojcik, Utah Shooting Sports Council, and Mr. Richard Partridge, citizen, spoke against the bill.

MOTION: Rep. Thompson moved to return H.B. 211 to the Rules Committee with an unfavorable recommendation. The motion passed with Sen. Peterson, Rep. Daniels, and Rep. Tyler voting in opposition. Sen. Gladwell, Sen. Spencer, Rep. Arent, Rep. Bennion, Rep. Hendrickson, and Rep. Ure were absent for the vote.

H.B. 195 “Protection of Sports Officials from Violent Abuse” (D. Hogue)

Rep. Hogue introduced the bill. He distributed a handout of a letter from the Southern Utah Officials Association.

Ms. Gayle Ruzicka, Utah Eagle Forum, Mr. Brent Odenwalder, Citizens for Proper Government, and Ms. Polly Samuels, LELC, spoke against the bill.

MOTION: Rep. Way moved to send H.B. 195 back to the Rules Committee with an unfavorable recommendation. The motion passed with Rep. Daniels and Rep. Tyler voting in opposition. Sen. Gladwell, Sen. Spencer, and Rep. Curtis were absent for the vote.

H.B. 219 “Firearm Fee Amendments” (J. M. Philpot)

Rep. Philpot introduced the bill.

Sen. Waddoups suggested that the bill be withdrawn at this time because of fiscal note problems.

3. Adjourn

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

Chair Way adjourned the meeting at 11:37 a.m.

Minutes prepared by Sandra Maeser, Secretary.

