

**MINUTES OF THE
JUDICIARY INTERIM COMMITTEE**

Wednesday, October 15, 2003 – 2:00 p.m. – Room 405 State Capitol

Members Present:

Rep. Ben C. Ferry, House Chair
Sen. Patrice M. Arent
Sen. Gregory S Bell
Sen. James Evans
Sen. John L. Valentine
Rep. J. Stuart Adams
Rep. Katherine M. Bryson
Rep. Scott Daniels
Rep. Neal B. Hendrickson
Rep. David L. Hogue
Rep. Eric K. Hutchings
Rep. Susan Lawrence

Rep. Roz McGee
Rep. Mike Thompson

Members Absent:

Sen. David L. Gladwell, Senate Chair
Rep. Chad E. Bennion
Rep. J. Morgan Philpot

Staff Present:

Mr. Jerry D. Howe, Policy Analyst
Ms. Esther D. Chelsea-McCarty, Associate General Counsel
Ms. Cassandra N. Bauman, Legislative Secretary

Note: A list of others present and a copy of materials can be found at www.le.utah.gov or by contacting the committee secretary at 538-1032.

1. Committee Business

Chair Ferry called the meeting to order at 2:28 p.m.

MOTION: Rep. Bryson moved to approve the minutes of the September 17, 2003 meeting. The motion passed unanimously with Sen. Evans and Rep. Hogue absent for the vote.

2. Statutorily Required Reports

Mr. Stewart Ralphs, Co-Chair, Utah Child Support Guidelines Advisory Committee, distributed and reviewed "Recommendations of the 2003 Utah Child Support Guidelines Advisory Committee."

Dr. Jane Venohr, economist, PSI (Policy Studies Inc.), distributed and reviewed "Testimony to the Utah Legislature Judiciary Interim Committee." She explained the recommendations of PSI and distributed "Draft Supplemental Information Utah Child Support Guidelines" and "Economic Basis for Updated Child Support Obligation Table." She responded to questions.

Mr. Mark Brasher, Utah Child Support Guidelines Advisory Committee, distributed and reviewed "Low Income Table Comparisons," "Child Support Formulas - One Child," "Combined Adjusted Gross Income," and "% of Increase as Compared to Current Table for # Children."

Ms. DiAnna McDowell, noncustodial parent member, Utah Child Support Guidelines Advisory Committee, explained her concerns with the PSI proposal.

Ms. Susan Burke, Director, Utah Substance Abuse and Antiviolence Coordinating Council, and Ms. Anna Kay Waddoups, Chair, DUI Committee, distributed and reviewed "First Annual DUI Report to the Utah Legislature."

Mr. Ron Gordon, Director, Utah Sentencing Commission, distributed and explained "Quick Guide - DUI Sentencing Matrix," and "DUI Best Sentencing Practices Guidebook." He responded to questions.

Mr. Bart Blackstock, Division of Drivers' License, Department of Public Safety, responded to questions.

Mr. Paul Boyden, Prosecutor's Association, responded to questions.

3. Trust Law Amendments

Rep. David Clark explained draft legislation "Trust Law Amendments." He distributed and reviewed "HB 299 – Trust Law Amendments Taxation of Irrevocable Trusts," "HB 299 Amendments," and amendments to the legislation.

Mr. George Sutton, attorney, Callister Nebekker & McConkie, spoke to the issue.

MOTION: Sen. Valentine moved to amend the legislation. Committee discussion followed. The motion passed unanimously.

Mr. Edward Leary, Commissioner on Financial Institutions; Mr. Conrad Lloyd; and Mr. Palmer Depaulis, Utah State Tax Commission, spoke to the issue.

MOTION: Rep. Daniels moved to proceed to the next item on the agenda.

SUBSTITUTE MOTION: Sen. Evans moved that the Committee approve the legislation as amended.

Committee discussion followed. The substitute motion passed with Rep. Daniels, Rep. Hutchings, and Rep. McGee voting in opposition and Rep. Thompson absent for the vote.

4. Court Security Fund Amendments

Rep. Hogue explained draft legislation "Court Security Fund Amendments."

MOTION: Sen. Evans moved to adopt the legislation. The motion passed unanimously.

5. Parent-time Amendments

This item will be discussed at the next meeting.

6. Sunset Review

MOTION: Rep. McGee moved to hold the sunset review until the November meeting. Committee discussion followed. She withdrew her motion.

Mr. Ed McConkie, Executive Director, Commission on Criminal and Juvenile Justice, explained the sunset review process the commission underwent before the Law Enforcement and Criminal Justice Interim Committee during its July 18, 2003 meeting. Mr. McConkie distributed the minutes of that review. He responded to questions.

Due to the lateness of the hour, committee members agreed to continue the review of the Commission on Criminal and Juvenile Justice at its November meeting.

7. Other Items / Adjourn

MOTION: Rep. Hogue moved to adjourn the meeting. The motion passed unanimously with Sen. Valentine and Rep. Thompson absent for the vote.

Chair Ferry adjourned the meeting at 5:18 p.m.