

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE MEETING
Room 223 - State Capitol Building
February 21, 2001**

MEMBERS PRESENT: Rep. Glenn L. Way, Chair
Rep. James A. Ferrin, Vice Chair
Rep. Patrice Arent
Rep. Chad E. Bennion
Rep. Ron Bigelow
Rep. Katherine M. Bryson
Rep. Gary F. Cox
Rep. Greg J. Curtis
Rep. Scott Daniels
Rep. Ben C. Ferry
Rep. Neal B. Hendrickson
Rep. Mike Thompson
Rep. A. Lamont Tyler

MEMBERS ABSENT: None

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

VISITORS: List of visitors on file

Representative Way called the meeting to order at 7:05 a.m. and explained that the committee would hear H.B. 341 first, and then continue with the agenda as outlined.

H.B. 341 Noncustodial Visitation Survey (B. Holladay)

Representative Holladay introduced the bill and addressed questions from the committee.

MOTION: Representative Daniels moved to amend the bill as follows:

1. Page 3, Line 76: After Line 76, insert:
Section 3. Coordination Clause.
"If this bill and S.B. 165, Noncustodial Visitation, both pass it is the intent of the Legislature that the term "visitation" found on lines 55, 61, 62, 70, and 74, be deleted and the term "parent time" be inserted in its place."

The motion passed unanimously with Representatives Bigelow and Curtis absent for the vote.

MOTION: Representative Bennion moved to pass the bill out favorably as amended. The motion passed unanimously with Representatives Bigelow and Curtis absent for the vote.

Representative Way turned the chair to Representative Ferrin at 7:21

MOTION: Representative Arent moved to approve the minutes of February 19, 2001. The motion passed unanimously with Representatives Bigelow and Curtis absent for the vote.

H.B. 383 Government Amendments Regarding Constable Services (G. Way)

MOTION: Representative Way moved to delete in title and body H.B. 383, and substitute in its place 1st Substitute H.B. 383.

Representative Way explained the differences between the original bill and the 1st substitute.

Speaking to the bill was Richard Partridge, citizen, Michael Jensen, citizen, and Richard Shaw, citizen.

Addressing questions from the committee was Rick Schwermer, Administrative Office of the Courts.

SUBSTITUTE

MOTION: Representative Bryson moved to go to other items on the agenda in order to allow the sponsor to work out concerns raised by the committee. The substitute motion passed unanimously with Representatives Bigelow and Curtis absent for the vote.

Representative Ferrin relinquished the chair to Representative Way at 7:40 a.m.

H.B. 349 Uniform Probate Code - Power of Attorney Amendments (P. Jones)

Representative Jones introduced the bill and was assisted in responding to questions from the committee by Michael Jensen, Attorney.

Speaking in favor of the bill was Karmen Sanon, Salt Lake County Aging Services.

MOTION: Representative Ferrin moved to amend as follows:

1. Page 1, Line 6: After "**Probate Code**" delete the rest of the line
2. Page 1, Line 7: Delete line 7

3. Page 1, Line 8: After “**act**” delete “**also**”
4. Page 1, Line 12: Delete line 12
5. Page 1, Lines 15-27: Delete lines 15 through 27
6. Page 2, Lines 28-36: Delete lines 28 through 36

The motion passed 6-5-2 with Representatives Bennion, Bryson, Ferry, Thompson, Ferrin and Way voting in favor of the motion, Representatives Arent, Cox, Daniels, Hendrickson, and Tyler voting against the motion, and Representatives Bigelow and Curtis absent for the vote.

Representative Hendrickson declared a conflict of interest on this bill.

MOTION: Representative Tyler moved to pass the bill out favorably as amended.

SUBSTITUTE

MOTION: Representative Bryson moved to go to the next item on the agenda. After some discussion the substitute motion was withdrawn.

The original motion by Representative Tyler passed 9-2-2, with Representatives Bennion and Bryson voting against the motion, and Representatives Bigelow and Curtis absent for the vote.

H.B. 344 Restrictions on Gifts to Legislators (J. Murray)

Representative Murray introduced the bill and answered questions from the committee.

MOTION: Representative Bennion moved to delete in title and body H.B. 344 and substitute in its place 1st Substitute H.B. 344. The motion passed 6-5-2 with Representatives Bennion, Bryson, Hendrickson, Thompson, Ferrin and Way voting in favor of the motion, and Representatives Arent, Cox, Daniels, Ferry, and Tyler voting against the motion and Representatives Bigelow and Curtis absent for the vote.

Speaking in favor of the bill was Chriss Meecham, business owner and citizen.

Speaking in opposition to the bill was Cassie Diplo, Utah Common Cause, David Hansen, citizen.

John Fellows, Associate General Counsel, Legislative Research and General Counsel responded to questions from the committee.

MOTION: Representative Ferrin moved previous question. The chair ruled the motion failed.

MOTION: Representative Daniels moved to amend as follows:

1. Page 7, Line 196: At the beginning of the line after “policy official” insert “or public official”, and after “if the policy official” insert “or public official”

SUBSTITUTE

MOTION: Representative Bryson moved that the committee discuss 2nd Substitute H.B. 376 instead.

MOTION: Representative Bigelow moved to previous question. The chair ruled the motion passed.

The substitute motion that the committee discuss 2nd Substitute H.B. 376 passed 5-3-5 with Representatives Bigelow, Bryson, Ferry, Thompson and Way voting in favor of the motion, Representatives Arent, Cox and Daniels voting against the motion, and Representatives Bennion, Curtis, Hendrickson, Tyler, and Ferrin absent for the vote.

2nd Substitute H.B. 376

Concealed Weapon Permit Holders - Reciprocity

(G. Donnelson)

MOTION: Representative Bigelow moved to delete in title and body 2nd Substitute H.B. 376, and substitute in its place 3rd Substitute H.B. 376, Concealed Weapon Permit Holders - Recognition. The motion passed 6-2-5 with Representatives Bigelow, Bryson, Curtis, Ferry, Thompson, and Way voting in favor of the motion, Representatives Arent and Cox voting against the motion, and Representatives Bennion, Daniels, Hendrickson, Tyler, and Ferrin absent for the vote.

MOTION: Representative Bigelow moved to pass 3rd Substitute H.B. 376 out favorably. The motion passed 7-2-4, with Representatives Bigelow, Bryson, Curtis, Ferry, Thompson, Ferrin and Way voting in favor of the motion, Arent and Cox voting against the motion, and Representatives Bennion, Daniels, Hendrickson, and Tyler absent for the vote.

MOTION: Representative Ferry moved to go to H. B. 383. The motion passed unanimously with Representatives Bennion, Daniels, Hendrickson, and Tyler absent for the vote.

Representative Way turned the chair over to Representative Ferrin at 8:57 a.m.

