

**MINUTES OF THE  
HOUSE JUDICIARY STANDING COMMITTEE MEETING  
Room 223 - State Capitol Building  
February 28, 2002**

**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. Scott Daniels  
Rep. Ben C. Ferry  
Rep. Neal B. Hendrickson  
Rep. Eric Hutchings  
Rep. Mike Thompson  
Rep. A. Lamont Tyler

**MEMBERS ABSENT:** Rep. Greg J. Curtis

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

**VISITORS:** List of visitors on file

Representative Way called the meeting to order at 6:40 a.m.

**H.B. 153      Standards for Illegal Drug Lab Decontamination      (A. L. Tyler)**

**MOTION:** Representative Tyler moved to amend:

1. Page 4, Line 117: Delete "2002" and insert "2003"
2. Page 7, Line 191: Delete "Department of Health" and insert "Department of Environmental Quality"
3. Page 7, Line 196: After "tablet" insert ", caplet, or capsule"
4. Page 7, Line 197: After "purchased" delete "or used"
5. Page 7, Line 198: After "purchase" delete "or use" and insert "by a retailer"; after "tablet" insert ", caplet, or capsule"
6. Page 7, Line 208: After "annual" insert "sales tax"

The motion passed unanimously with Representatives Arent, Daniels, Hendrickson and Thompson absent for the vote.

Representative Tyler proceeded to introduce the bill and explain its intent. (See handouts on file)

Jim Olsen, Retail Merchants Association, and Mike German, Utah Taxpayers Association spoke in opposition to the bill.

Jon Greiner, Utah Chiefs, spoke in favor of the bill.

**MOTION:** Representative Bryson moved to go to the next item on the agenda. The motion passed 10-1-2, with Representative Tyler voting in opposition to the motion, and Representative Thompson absent for the vote.

**S.B. 140      Reallocation of Judges      (*J. Hickman*)**

Senator Hickman introduced the bill and explained its intent.

**MOTION:** Representative Arent moved to pass the bill out favorably. The motion passed unanimously.

**H.B. 332      Child Support Modifications      (*E. Hutchings*)**

Representative Hutchings introduced the bill and explained its intent.

Brent Holdaway, FOCUS, and Conrad Lloyd, FOCUS, spoke in favor of the bill.

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

**SUBSTITUTE**

**MOTION:** Representative Thompson moved to amend:

1. Page 1, Line 15:                      After “base” insert “combined”
2. Page 1, Line 15:                      After “support” delete “award” and insert “obligation”

The motion passed 8-1-4 with Representative Daniels voting in opposition to the motion, and Representatives Bennion, Bigelow, and Ferry absent for the vote.

**MOTION:** Representative Bryson moved to pass the bill out favorably as amended. The motion passed 6-3-4 with Representatives Arent, Daniels, and Tyler voting in opposition to the motion, and Representatives Bennion, Bigelow and Ferry absent for the vote.

**H.B. 288      Competency to Stand Trial Amendments (S. Daniels)**

**MOTION:** Representative Daniels moved to amend:

1. Page 2, line 42:            After "order" delete "appointing the examiners" and insert "for a competency examination of a defendant"
2. Page 4, line 97:            After “Subsection (8)” delete “(b)” and insert “(a)”

The motion passed unanimously with Representatives Bennion, Bigelow, Ferry, and Thompson absent for the vote.

Representative Daniels proceeded to introduce the bill and explain its intent.

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

**H.B. 121      Restrictions on Public Officials Becoming Lobbyists (S. Daniels)**

Representative Daniels introduced the bill and explained its intent.

Cassia Dippo, Common Cause of Utah, spoke in favor of the bill.

**MOTION:** Representative Ferrin moved to amend:

1. Page 1, Line 8:            At the beginning of the line delete “**two**” and insert “**one**”
2. Page 3, Line 73:            After “for” delete “two calendar years” and insert “one calendar year”
3. Page 3, Line 74:            After “the” delete “two” and insert “one”

**SUBSTITUTE**

**MOTION:** Representative Bryson moved to go to the next item on the agenda. The motion passed 5-3-5, with Representative Arent, Daniels, and Hendrickson voting in

opposition to the motion, and Representatives Bennion, Bigelow, Ferry and Thompson absent for the vote.

**H.B. 283     Antiterrorism Amendments     (P. Ray)**

**MOTION:** Representative Ferrin moved to substitute H.B. 283 with 1<sup>st</sup> Substitute H.B. 283. The motion passed unanimously with Representatives Bennion, Bigelow, Bryson, Ferry and Thompson absent for the vote.

Representative Way turned the chair to Representative Ferrin at 8:10 a.m.

Representative Ferrin turned the chair back to Representative Way at 8:15 a.m.

**MOTION:** Representative Arent moved to amend the bill:

1. Page 4, Line 115: After "government" insert ", or any private business,"
2. Page 8, Line 238: After ";" delete "and"
3. Page 8, Line 238: After Line 238 insert:  
"(h) food distribution systems; and"
4. Page 8, Line 239: Delete "(h)" and insert "(i)"

The motion passed unanimously with Representatives Bennion, Bigelow, Bryson, Ferry, and Thompson absent for the vote..

Representative Ray then proceeded to introduce the substitute bill and explain its intent.

**MOTION:** Representative Ferrin moved to amend:

1. Page 11, Line 325: After "Subsection" delete "(1)" and insert "(2)"
2. Page 11, Line 326: After "Subsection" delete "(1)" and insert "(2)"
3. Page 11, Line 328: After "Subsection" delete "(1)" and insert "(2)"

The motion passed unanimously with Representatives Bennion, Bigelow, Bryson, Ferry and Thompson absent for the vote.

Creighton Horton, Attorney General's Office, and Rick Schwermer, Administrative Office of the Courts spoke to the bill. Jim Olsen, Retail Merchants Association, and Paul Boyden, Statewide Association of Prosecutors, spoke in favor of the bill.

**MOTION:** Representative Daniels moved to amend the substitute bill:

1. Page 4, Line 115: After "business." insert "organization, individual or entity"

The motion passed unanimously with Representatives Bennion, Bigelow, Bryson, Ferry, and Thompson absent for the vote.

**MOTION:** Representative Hendrickson moved to amend the substitute bill:

1. Page 21, Line 629: After "least" delete "4-1/2" and insert "6"

After consideration Representative Hendrickson withdrew his motion.

**MOTION:** Representative Hutchings moved to pass the substitute bill out favorably as amended. The motion passed unanimously with Representatives Bennion, Bigelow Ferry, and Thompson absent for the vote.

### **H.B. 355 Child Support Guidelines (F. Fife)**

Representative Fife introduced the bill and explained its intent.

**MOTION:** Representative Arent moved to amend the bill:

1. Page 1, line 6: After "**determinations.**" insert "**This act takes effect July 1, 2003.**"
2. Page 2, line 54: After line 54, insert:  
"Section 2. **Effective Date.**  
This act takes effect July 1, 2003."

The motion passed unanimously with Representatives Bennion, Bigelow, Ferry and Thompson absent for the vote.

Emma Chacon, Director, Office of Recovery Services, Janetha Hancock, Division of Human Services, and Diana McDowel, Governors Council for Non-Custodial Parents spoke to the bill.

**MOTION:** Representative Ferrin moved to go on to the next item on the agenda. The motion passed 5-4-4, with Representatives Bryson, Ferry, Tyler, Ferrin, and Way voting in favor of the motion, Representatives Arent, Daniels, Hendrickson, and Hutchings voting against the motion, and Representatives Bennion, Bigelow, and Thompson absent for the vote.

**1<sup>st</sup> Sub. S.B. 139      DNA Evidence - Removing Statute of Limitations      (*L. Hillyard*)**

Senator Hillyard introduced the bill and explained its intent.

Rich Townsend, Director Utah Crime Lab, spoke to the bill.

**MOTION:** Representative Tyler moved to pass the bill out favorably. The motion passed unanimously with Representatives Bennion, Bigelow, and Thompson absent for the vote.

**S.B. 117      Trust Amendments      (*J. Valentine*)**

**MOTION:** Representative Ferrin moved to delete S.B. 117 and replace it with 1<sup>st</sup> Substitute S. B. 117, Trust Amendments. The motion passed unanimously with Representatives Bennion, Bigelow, and Thompson absent for the vote.

Representative Ferrin introduced the bill for Senator Valentine, and explained its intent.

Cindy Crass, Callister, Nebeker, and McCullough, spoke in favor of the bill.

**MOTION:** Representative Bryson moved to pass the bill out favorably. The motion passed unanimously with Representatives Bennion, Bigelow, and Thompson absent for the vote.

**S.B. 106      Divorce - Children's Testimony Limited      (*T. Spencer*)**

Senator Spencer introduced the bill and explained its intent.

**MOTION:** Representative Daniels moved to pass the bill out favorably. The motion passed unanimously with Representatives Bennion, Bigelow, and Thompson absent for the vote.

**S.B. 111      Division of Home in a Divorce      (*T. Spencer*)**

Senator Spencer introduced the bill and explained its intent.

**MOTION:** Representative Ferrin moved to pass the bill out favorably. The motion passed 5-4-4, with Representatives Bryson, Hendrickson, Hutchings, Ferrin, and Way voting in favor of the motion, Representatives Arent, Daniels, Ferry and Tyler voting in opposition to the motion, and Representatives Bennion, Bigelow, and Thompson absent for the vote.

**MOTION:** Representative Arent moved to approve the minutes of February 26, and 27 2002, The motion passed unanimously, with Representatives Bennion, Bigelow, and Thompson absent for the vote.

**MOTION:** Representative Ferrin moved to adjourn. The motion passed unanimously with Representatives Bennion, Bigelow and Thompson absent for the vote. The meeting adjourned at 9:08 a.m.

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Rep. Glenn L. Way, Chair