

**MINUTES OF THE  
HOUSE JUDICIARY STANDING COMMITTEE MEETING  
Room 223 - State Capitol Building  
February 10, 2003**

**MEMBERS PRESENT:** Rep. Ben C. Ferry, Chair  
Rep. J. Stuart Adams, Vice Chair  
Rep. Chad E. Bennion  
Rep. Katherine M. Bryson  
Rep. Scott Daniels  
Rep. Neal B. Hendrickson  
Rep. Eric K. Hutchings  
Rep. M. Susan Lawrence  
Rep. Dana C. Love  
Rep. Rosalind J. McGee  
Rep. J. Morgan Philpot  
Rep. Mike Thompson

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

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

**VISITORS:** List of visitors on file

Representative Ferry called the meeting to order at 8:08 a.m.

**H.B. 107 DNA Amendments (J. S. Adams)**

The sponsor had introduce the bill on February 6, and was open for any further questions regarding the bill (see handouts on file).

**MOTION:** Representative Hutchings moved to amend:

1. Page 2, Line 30: After "July 1, 2003;" insert "or"
2. Page 2, Line 31: Delete line 31.

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

Addressing questions from the committee was Reed Richards, Weber County Sheriff's Office.

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

**H.B. 52      Open and Public Meetings Act      (S. Daniels)**

The sponsor introduced the bill to the committee (see handouts on file).

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

1. Page 1, Line 9: After “**Legislature.**” insert “**This act prohibits courts from enforcing the act against certain meetings of the Legislature.**”
2. Page 1, Line 13: After line 13 insert:  
“ENACTS:  
**52-4-11**, Utah Code Annotated 1953”
3. Page 3, Line 73: After line 73 insert:  
“Section 3. Section **52-4-11** is enacted to read:  
**52-4-11. Restrictions on enforcement against the legislature.** Notwithstanding Sections 52-4-8, 52-4-9, and 52-4-10, a court may not enforce this chapter against legislative political party, group, or caucus meetings or against a legislative conference committee, rules committee, or sifting committee meeting.”

The motion passed 8-1-4, with Representative Ferry voting against the motion, and Representatives Bennion, Bryson, and Thompson absent for the vote.

Speaking in favor of the bill were; Cassie Dipo, Utah Common Cause, Joel Campbell, Utah Press Association, Sandy Peck, League of Women Voters, Patrick Koehn, former Summit County Commissioner, Lorna Bone, Utah High School Students.

**MOTION:** Representative Bennion moved to go to the next item on the agenda.

**SUBSTITUTE**

**MOTION:** Representative McGee moved to pass the bill out favorably as amended. The motion failed, 5-6-2, with Representatives Daniels, Hutchings, Lawrence, Love, and McGee in favor of the motion, Representatives Bennion, Bryson, Hendrickson, Philpot, Adams, and Ferry voting against the motion and Representative Thompson absent for the vote.

The original motion to move to the next item on the agenda failed 5-6-2, with Representatives Bennion, Bryson, Love, Adams, and Ferry voting in favor of the motion, Representatives Daniels, Hendrickson, Hutchings, Lawrence, McGee, and Philpot voting against the motion, and Representative Thompson absent for the vote.

**MOTION:** Representative Hutchings moved to amend:

1. Page 2, Line 40: Restore line 40
2. Page 2, Line 41: Restore “[(i) political party]” and insert “.”

After discussion the motion was withdrawn.

**MOTION:** Representative Love moved to hold the bill for further discussion. The motion passed unanimously with Representative Thompson absent for the vote.

**H.B. 119 Judicial Conduct Commission Revisions (K. Bryson)**

The bill was introduced in committee at a prior meeting so the sponsor addressed questions from the committee.

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

**MOTION:** Representative Adams moved to amend and pass the bill out favorably.

1. Page 5, Line 135: After “formal” insert “or informal”

**SUBSTITUTE**

**MOTION:** Representative Philpot moved to pass the bill out favorably as amended (see amendments from February 6, 2003). The motion passed 7-4-2, with Representatives Bryson, Hendrickson, Lawrence, Love, Philpot, Thompson and Adams in favor of the motion, Representatives Daniels, Hutchings, McGee, and Ferry against the motion, and Representative Bennion absent for the vote.

**MOTION:** Representative Daniels moved the committee reconsider its action on H.B. 52. The motion was withdrawn.

**H.B. 93 Suspension of Driving Privileges for Habitual Truants (D. Bourdeaux)**

The sponsor had introduced the bill in a prior meeting and addressed questions from the committee.

**MOTION:** Representative Daniels moved to amend (Amendment 3, Feb. 7, 2003):

1. Page 1, Line 8: At the beginning of the line, delete "**suspended for a year or**"; after "**delayed**" delete the rest of the line and insert "**for up to a year.**"

2. Pages 7 - 8, Lines 209 - 229: Delete Lines 209 through 229 and insert:

"(3)(a) If a minor adjudicated a habitual truant by the court or a commissioner has not yet received a driver's license, the court or commissioner may order the Drivers License Division to delay issuing a driver's license to the minor. The delay may be for up to one year from the date the minor becomes legally eligible to drive. The court or commissioner shall, within ten days of entering its order, transmit a copy of the order to the Drivers License Division.  
(b) If there is no further truancy in the 12-month period following the order, the person affected may petition the court or commissioner for a modification of the order imposing the delay. The court or commissioner may, before the 12-month period is up, consider whether a personal or family hardship exists that requires the minor to have a driver's license for his or her own, or a member of his or her family's, employment, or for medically related purposes.  
(c) The delay of a minor's driving privilege pursuant to this section shall be in addition to any other penalty or sanction imposed by law on the minor."

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

**MOTION:** Representative Philpot moved to amend:

1. Amendment 3, February 7, 2003  
Page 7-8, Lines 209-229: After "to the minor" insert "with the consent of the minors parents or guardian"

The motion passed 7-3-3, with Representatives Daniels, Hendrickson, and McGee voting against the motion, and Representatives Bennion, and Thompson absent for the vote.

**MOTION:** Representative Hutchings moved to pass the bill out favorably as amended. The motion passed 6-5-2, with Representatives Daniels, Hendrickson, Hutchings, Lawrence, McGee, and Adams voting in favor of the motion, Representatives Bryson, Love, Philpot, Thompson, and Ferry voting against the motion, and Representative Bennion absent for the vote.

**H.B. 88**      **Payment of Reward upon Arrest and Conviction**      *(D. Love)*

**MOTION:** Representative Philpot moved to adopt 1<sup>st</sup> Substitute H.B. 88, Payment of Reward upon Arrest and Conviction. The motion passed unanimously with Representative Bennion absent for the vote.

The sponsor explained the differences between the original bill and the substitute and addressed questions from the committee.

**MOTION:** Representative Thompson moved to pass 1<sup>st</sup> Substitute H.B. 88 out favorably. The motion passed unanimously with Representative Bennion absent for the vote.

**MOTION:** Representative Thompson moved to adjourn, the motion passed unanimously with Representative Bennion absent for the vote. The meeting adjourned at 9:53 a.m.

---

Rep. Ben C. Ferry, Chair