

**MINUTES OF THE  
HOUSE JUDICIARY STANDING COMMITTEE MEETING  
Room 223 - State Capitol Building  
February 14, 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. J. Morgan Philpot  
Rep. Mike Thompson

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

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

**VISITORS:** List of visitors on file

Representative Ferry called the meeting to order at 7:35 a.m. and indicated a change in the schedule to begin with S.B. 103 as Senator Bramble indicated he needed to Chair the Senate Revenue and Tax Standing Committee.

**S.B. 103      Concealed Weapon Permit Holder Amendments      (C. Bramble)**

The sponsor introduced the bill to the committee.

**MOTION:** Representative Bennion moved to pass the bill out favorably. The motion passed 5-1-7 with Representatives Bennion, Love, Philpot, Adams, and Ferry voting in favor of the motion, Representative Lawrence voting against the motion, and Representatives Bryson, Daniels, Hendrickson, Hutchings, and Thompson absent for the vote.

**H.B. 239      Parent-time Assistance Office      (C. Bennion)**

**MOTION:** Representative Bennion moved to amend:

1. Page 4, Line 100: Delete line 100
2. Page 5, Line 128: Delete "Division of Finance" and insert "administrator of the courts"

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

The sponsor then proceeded to introduce the bill to the committee.

Speaking in favor of the bill Steve Barrows, FOCUS, and Conrad Lloyd, concerned parent.

Speaking in opposition to the bill Stewart Ralphs, Family Law Section, Utah State Bar.

Speaking to the bill Karma Dixon, Attorney Generals Office.

**MOTION:** Representative Bennion moved to pass the bill out favorably as amended. The motion passed 7-3-3, with Representatives Bennion, Bryson, Hendrickson, Hutchings, Philpot, Adams, and Ferry voting in favor of the motion, Representatives Daniels, Lawrence, and Love voting against the motion, and Representative Thompson absent for the vote.

**S.B. 128 Protective Order Amendments (L. Hillyard)**

The sponsor introduced the bill to the committee on February 12, 2003.

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

1. Page 7, line 212: Delete "three" and insert "two"
2. Page 7, line 213: After "petitioner" insert ":(a)"
3. Page 8, lines 214-215: Restore bracket language on lines 214 and 215 and delete the ":
4. Page 8, lines 216-217: At the beginning of the line, insert "(b)" and after "~~[(ii)]~~" add a "]" and restore the language on lines 216 and 217.
5. Page 8, line 226: After "parties" delete "unless" and insert "if the petitioner in the protective order action is present or has been given notice in both the divorce and protective order action of the hearing, and"; at the end of the line, delete "needs"
6. Page 8, line 227: Delete "to be" and insert "need not"; after "continued." insert "If the court dismisses the protective order, the court shall immediately issue an order of dismissal to be filed in the protective order action and transmit a copy of the order of dismissal to the statewide domestic violence network as described in Section 30-6-8."

7. Page 29, line 883  
Senate 3<sup>rd</sup> Reading  
Amendments 2-5-2003: Delete "three" and insert "two"
8. Page 29, line 884  
Senate 3<sup>rd</sup> Reading  
Amendments 2-5-2003: After "petitioner" insert ":(a)"
9. Page 29, line 885  
Senate 3<sup>rd</sup> Reading  
Amendments 2-5-2003: After "Procedure" insert ", and the petitioner personally appears before the court and gives specific consent to the vacation of the criminal provisions of the protective order;  
or  
(b) submits a verified affidavit, stating agreement to the vacation of the criminal provisions of the protective order"

The motion passed unanimously.

Speaking in favor of the bill Stewart Ralphs, Domestic Violence Council.

Speaking to the bill Louise Lindor, FOCUS, and David Bates, concerned parent.

**MOTION:** Representative Bryson moved to amend:

1. Page 2, lines 54-57: Reinstate lines 54 through 57.

The motion passed unanimously with Representative Bennion absent for the vote.

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

**S.B. 8 Sentencing in Capital Cases Amendments** *(D. Gladwell)*

The sponsor introduced the bill to the committee.

Speaking in favor of the bill, Paul Boyden, Statewide Association of Prosecutors; Joyce Dolcourt, Legislative Coalition for People with Disabilities; Fraser Nelson, Director, Disability Law Center.

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

**H.J.R. 3 Offer of Judgment in Settlement of Cases Resolution (J. Dougall)**

The sponsor requested the committee adopt 1<sup>st</sup> Substitute HJR 3.

**MOTION:** Representative Daniels moved to adopt 1<sup>st</sup> Substitute HJR 3. The motion passed unanimously with Representatives Bennion and Philpot absent for the vote.

The sponsor then proceeded to introduce the substitute bill and review changes from the original.

**MOTION:** Representative Hutchings moved to pass 1<sup>st</sup> Substitute HJR 3 out favorably. The motion passed 7-1-6, with Representative Daniels voting against the motion, and Representatives Bennion, Philpot, and Thompson absent for the vote.

**S.B. 45 Lobbyist Reporting Requirements (P. Arent)**

The sponsor introduced the bill to the committee. Amy Naccarato, Director, Utah State Elections Office, assisted in the presentation of the bill.

Speaking in favor of the bill Cassie Dippo, Utah Common Cause, and Sandi Peck, League of Women Voters.

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

**H.B. 213 Covenant Marriage Option (D. Aagard)**

The sponsor introduced the bill to the committee and was aided in his presentation by Dr. Alan Hawkins, Professor, Family Life Studies, B.Y.U.

Speaking in favor of the bill Stewart Ralphs, Legal Aid Society, Gayle Ruzicka, Utah Eagle Forum, Steve Barrows, FOCUS, and Conrad Lloyd FOCUS.

**MOTION:** Representative Bennion moved to amend:

1. Page 1, line 10: After "\$20" delete "**for a covenant marriage designation and**"
2. Page 3, line 71-72: Delete lines 71 through 72.

The motion passed 7-3-3, with Representatives Bryson, Daniels, and Hendrickson, voting against the motion, and Representative Philpot absent for the vote.

**MOTION:** Representative Lawrence moved to amend:

1. Page 4, line 101: After "counseling" delete "may" and insert "shall"

After discussion the motion was withdrawn.

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

**SUBSTITUTE**

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

1. Page 4, line 99: After "it:" delete "and"
2. Page 4 line 100: At the end of the line delete ":", and insert ":", and"  
"(d) the financial obligations associated with marriage."

The motion passed 9-1-3, with Representative Bryson voting against the motion, and with Representative Philpot absent for the vote.

**MOTION:** Representative Thompson moved to pass the bill out favorably as amended. The motion passed unanimously with Representative Philpot absent for the vote.

**MOTION:** Representative Bryson moved to approve the minutes of February 6, and 10, 2003. The motion passed unanimously with Representative Philpot absent for the vote.

**MOTION:** Representative Bryson moved to adjourn. The motion passed unanimously, the meeting was adjourned at 9:54 a.m.

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Rep. Ben C. Ferry, Chair