

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE MEETING
Room 223 - State Capitol Building
February 21, 2003**

MEMBERS PRESENT: Rep. Ben C. Ferry, Chair
Rep. J. Stuart Adams, Vice Chair
Rep. Chad E. Bennion
Rep. Katherine M. Bryson
Rep. Greg J. Curtis
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: None

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

VISITORS: List of visitors on file

Representative Adams called the meeting to order at 4:40 p.m. and requested a motion to approve the minutes of February 20, 2003.

MOTION: Representative Bennion moved to approve the minutes of February 20, 2003. The motion passed unanimously with Representatives Bryson, Daniels, Hutchings, Philpot, and Ferry absent for the vote.

H.B. 137 Residential Facilities for the Disabled Amendments (G. Curtis)

MOTION: Representative Curtis moved to delete H.B. 137, and replace it with 1st Substitute H.B. 137. The motion passed unanimously with Representatives Bryson, Daniels, Hutchings, Pilpot, and Ferry absent for the vote.

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

Speaking in opposition to the bill:

Donna Gleaves, The Arc of Utah
Barbara Toomer, Disabled Rights Action Committee
Corey Rowley, Legislative Coalition for the People with Disabilities

MOTION: Representative Love moved to pass 1st Substitute H.B. 137 out favorably.

SUBSTITUTE

MOTION: Representative Hutchings moved to amend:

1. Page 2, line 46: After "local" delete "school district and"
2. Page 4, line 91: After "local" delete "school district and"

The motion passed 11-1-1, with Representative Love voting against the motion, and Representative Philpot absent for the vote.

MOTION: Representative Bryson moved to pass 1st Substitute H.B. 137 out favorably as amended. The motion passed 9-3-1, with Representatives Daniels, McGee, and Thompson voting against the motion, and Representative Philpot absent for the vote.

1st Sub. S.B. 132 Child Support and Paternity Amendments (L. Hillyard)

The sponsor, assisted by Emma Chacon, Director, Office of Recovery Services, introduced the bill to the committee.

Speaking to the bill:

Brent Holdaway, President, Focus

Speaking against the bill:

Todd Stone, parent

Connie Barnes, For Childrens Sake

Speaking in favor of the bill:

Lori Nelson, Family Law Section, Utah State Bar

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

S.B. 165 Gubernatorial Nominee Amendments (L. Hillyard)

The sponsor introduced the bill to the committee.

MOTION: Representative McGee moved to amend:

1. Page 1, line 26: After "materials," delete "and any"

2. Page 1, line 27: Delete line 27
3. Page 2, line 28: Delete line 28
4. Page 2, line 29: At the beginning of the line delete "appointee."

SUBSTITUTE

MOTION: Representative Bennion moved to pass the bill out favorably. The motion passed 8-3-2, with Representatives Curtis, Daniels, and McGee voting against the motion, and Representatives Philpot and Thompson absent for the vote.

H.B. 349 Practice of Law Amendments (S. Urquhart)

The sponsor introduced the bill to the committee.

MOTION: Representative Curtis moved to amend:

1. Page 1, line 13: After "advocate" insert "in any criminal proceeding or"

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

Speaking against the bill:

John T. Nielsen, Utah State Bar
Steven Johnson, Legal Council, Norbest Turkey
Victoria Kidman, Chair, Unauthorized Practice of Law Committee
Rick Schwermer, Administrative Office of the Courts
Steve Sullivan, self
Katherine Fox, General Council, Utah State Bar
John Fay, self

Speaking in favor of the bill:

Paul Sharpe, Beehive Forum

MOTION: Representative Lawrence moved to amend:

1. Page 1, line 13: Delete 'The term "practice law" means appearing' and insert "Only a licensed attorney may appear"

SUBSTITUTE

MOTION: Representative Bennion moved to pass the bill out favorably as amended. The motion passed 8-4-1, with Representatives Daniels, Hendrickson, Lawrence, and McGee voting against the motion, and Representative Philpot absent for the vote.

H.B. 230 Parental Relocation Amendments (M. Thompson)

MOTION: Representative Thompson moved to delete H.B. 230, and insert in its place 1st Substitute H.B. 230. The motion passed unanimously with Representatives Bennion, Bryson, Curtis, and Philpot absent for the vote.

MOTION: Representative Thompson moved to amend:

1. Page 3, line 74: After “provide” insert “60 days”
2. Page 3, line 75: At the beginning of the line reinstate “advance”
3. Page 3, lines 81-82: Delete lines 81 through 82 and renumber subsection (1) accordingly.

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

The sponsor, assisted by Lori Nelson, Family Law Section, Utah State Bar, introduced the bill to the committee.

Speaking in favor of the bill:
Brent Holdaway, FOCUS

Speaking against the bill:
Connie Barnes, For Childrens Sake

Speaking to the bill:
Todd Stone, self

MOTION: Representative Ferry moved to amend:

1. Page 1, lines 6-7: After “**state.**” delete “**The notice shall be signed and acknowledged by both parents.**”

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

MOTION: Representative Love moved to pass 1st Substitute H.B. 230 out favorably as amended. The motion passed unanimously with Representatives Bryson, Curtis, and Philpot absent for the vote.

H.B. 325 Court-ordered Counseling (G. Donnelson)

The sponsor introduced the bill to the committee.

Speaking in favor of the bill:
Brent Holdaway, FOCUS

MOTION: Representative Hutchings moved to amend:

1. Page 1, line 14: After "person" delete "may" and after "plan," insert "the court may allow"

SUBSTITUTE

MOTION: Representative Love moved to pass the bill out favorably. The motion passed 7-3-3, with Representatives Bennion, Daniels, and Hendrickson voting against the motion, and Representatives Bryson, Curtis, and Philpot absent for the vote.

MOTION: Representative Bennion moved to adjourn. The motion passed unanimously, with Representatives Bryson, Curtis, and Philpot absent for the vote. The meeting adjourned at 7:57 p.m.