

**MINUTES OF THE  
HOUSE JUDICIARY STANDING COMMITTEE MEETING  
Room 223 - State Capitol Building  
February 26, 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

**MEMBERS ABSENT:** Rep. Mike Thompson

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

**VISITORS:** List of visitors on file

Representative Ferry called the meeting to order at 5:13 p.m.

**H.B. 133 Expedited Child Welfare Procedures (C. Bennion)**

The bill had been introduced to the committee on February 25, 2003, and received a public hearing at that time.

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

1. Page 2, Line 47: Delete "and" and insert "the attorney general shall file the petition within 72 hours of the completion of the investigation and request, excluding weekends and holidays, if: (i)"
2. Page 2, Line 48: Delete ", the attorney general"
3. Page 2, Line 49: Delete Line 49 and insert "; and (ii) without an expedited hearing and services ordered under the protective supervision of the court, the child will likely be taken into protective custody."

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

David Andreasen, Former Child Protective Services worker addressed questions from the committee.

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

**H.B. 324 Jury System Amendments (G. Curtis)**

The sponsor introduced the bill to the committee. Rick Schwermer, Administrative Office of the Courts, addressed questions from the committee.

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

**3<sup>rd</sup> Sub. S.B. 179 Notice of Claim of Governmental Immunity (D. Gladwell)**

The sponsor introduced the bill to the committee.

Steve Sullivan, UTUA, spoke to the bill.

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

**H.B. 326 Parent-time Schedule Amendments (S. Daniels)**

The sponsor introduced the bill to the committee.

Todd Stone, noncustodial parent, spoke in favor of the bill.

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

Page 3, Line 65: After “(iii)” delete “Washington and Lincoln” and insert “Presidents”

After discussion the motion was withdrawn.

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

**H.B. 129 Voyeurism Amendments (B. Goodfellow)**

The sponsor introduced the bill to the committee.

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

1. Page 4, Line 103: After "guilty" insert "of"

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

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

**SUBSTITUTE**

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

1. Pages 4-5, Lines 115-123: Delete lines 115 through 123

The motion passed 7-4-2, with Representatives Bryson, Hendrickson, McGee, and Ferry voting against the motion, and Representatives Hutchings and Thompson absent for the vote.

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

**S.B. 240 Term Limit Repeal (C. Bramble)**

The sponsor introduced the bill to the committee.

**MOTION:** Representative Bryson moved to pass the bill out favorably. The motion passed 11-1-1 with Representative Daniels voting against the motion, and Representative Thompson absent for the vote.

**H.B. 357 Amendments to Utah Arbitration Statute (L. Christensen)**

**MOTION:** Representative Bryson moved to delete H.B. 357, and replace it with 1<sup>st</sup> Substitute H.B. 357, with the following amendment:

1. Page 3, Line 59: After "May 15," delete "2004" and insert "2003"

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

The sponsor introduced the substitute bill to the committee, highlighting the differences between it and the original bill.

**MOTION:** Representative Hutchings moved to pass 1<sup>st</sup> Substitute H.B. 357 out favorably as amended. The motion passed 11-1-1, with Representative Bennion voting against the motion, and Representative Thompson absent for the vote.

Representative Daniels declared a conflict of interest on this bill.

**H.B. 289 Human Resource Management Amendments** (*J. M. Philpot*)

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

1. Page 1, Line 26: After "grievance;" reinstate "and"
2. Page 1, Line 27: After "hearing" reinstate "." and delete "; and"
3. Page 2, Lines 28-29: Delete lines 28-29
4. Page 4, Line 92: After line 92 insert:  
"(d) either party may obtain discovery in accordance with the Utah Rules of Civil Procedure at the evidentiary hearing stage of the grievance process."

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

The sponsor proceeded to introduce the bill, and explain the amendment.

Speaking for the bill:

Philip Dyer, Utah Public Employees Association

Speaking against the bill:

Con Whipple, Department of Human Resource Management  
Carlos Braceras, Department Director, Region Three, UDOT  
Steve Schwendiman, Office of the Attorney General

Answering questions from the committee:

Robert Thompson, Career Service Review Board

**MOTION:** Representative Hendrickson moved to pass the bill out favorably as amended. The motion passed 7-5-1, with Representatives Curtis, Daniels, Lawrence, McGee and Ferry voting against the motion, and Representative Thompson absent for the vote.

**S.B. 187 Eminent Domain Amendments (P. Hellewell)**

The sponsor introduced the bill to the committee.

Chris Kyler, General Counsel, Utah Association of Realtors, addressed questions from the committee.

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

**H.J.R. 19 Resolution Reaffirming Protection of Liberties and Civil Rights of Citizens of Utah (E. Hutchings)**

The sponsor introduced the bill to the committee.

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

**MOTION:** Representative Hendrickson moved to approve the minutes of February 25, 2003. The motion passed unanimously with Representatives Bryson, Curtis, and Thompson absent for the vote.

**H.C.R. 15 Resolution Supporting President and Administration Regarding Iraq (C. Bennion)**

The sponsor introduced the bill to the committee.

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

**MOTION:** Representative Hendrickson moved to return all bills in the possession of the committee to rules. After brief discussion, the motion was withdrawn.

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**MOTION:** Representative Bennion moved to adjourn. The motion passed unanimously, with Representatives Bryson, Curtis, and Thompson absent for the vote. The meeting adjourned at 7:40 p.m.

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Rep. Ben C. Ferry, Chair