

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE MEETING
Room 223 - State Capitol Building
January 30, 2004**

MEMBERS PRESENT: Rep. Ben C. Ferry, Chair
Rep. J. Stuart Adams, Vice Chair
Rep. Chad E. Bennion
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. Katherine M. Bryson
Rep. Greg J. Curtis
Rep. Scott Daniels

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

NOTE: A list of visitors and handouts are filed with the committee minutes.

Representative Ferry called the meeting to order at 8:20 a.m. and called for a motion to approve the minutes of January 23, 2004.

MOTION: Representative Love moved to approve the minutes of January 23, 2004. The motion passed unanimously with Representatives Bennion, Bryson, Curtis, Daniels, and Philpot absent for the vote.

1 SUB. H.B. 66 State Spending Limitations Amendments (Rep. G. Hughes)

Representative Hughes indicated that an amendment on this bill was distributed and he requested the committee consider it.

MOTION: Representative Lawrence moved to amend 1st Substitute H.B. 66:

1. Page 1, Line 12: After "limit;" delete "and"
2. Page 1, Line 13: After "formula" insert "; and
▶ makes technical corrections."
3. Page 1, Line 19: After line 19 insert:
"63-38c-102, as last amended by Chapter 16, Laws of Utah 2003"

4. Page 1, Line 24: After line 24 insert:
"Section 1. Section **63-38c-102** is amended to read:
63-38c-102. Purpose of chapter -- Limitations on state mandated property tax, state appropriations, and state debt.
(1) (a) It is the purpose of this chapter to:
(i) place a limitation on the state mandated property tax rate under Title 53A, Chapter 17a, Minimum School Program Act;
(ii) place limitations on state government appropriations based upon ~~[the average of changes in personal income and]~~ the combined changes in population and inflation; and
(iii) place a limitation on the state's outstanding general obligation debt.
(b) The limitations imposed by this chapter are in addition to limitations on tax levies, rates, and revenues otherwise provided for by law.
(2) (a) This chapter may not be construed as requiring the state to collect the full amount of tax revenues permitted to be appropriated by this chapter.
(b) This chapter's purpose is to provide a ceiling, not a floor, limitation on the appropriations of state government.
(3) The recommendations and budget analysis prepared by the Governor's Office of Planning and Budget and the Office of the Legislative Fiscal Analyst, as required by Title 36, Chapter 12, Legislative Organization, shall be in strict compliance with the limitations imposed under this chapter."

Renumber remaining sections accordingly.

5. Page 3, Line 63: After "general" delete ", uniform school, and transportation" and after "fund" insert "and non-uniform school fund income tax revenue"
6. Page 3,
Lines 64 and 65: After "sources" bracket the rest of line 64 and all of line 65

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

Dr. Andrea Wilko, Fiscal Analyst Office addressed questions from the committee.

Ron Casper, National Federation of Independent Business, and Mike Jerman, Utah Taxpayers Association spoke in favor of the bill. Richard Ellis, Governors Office of Planning and Budget for against the bill.

MOTION: Representative Hutchings moved to pass the substitute bill out favorably as amended. The motion passed 8-2-3, with Representatives Bennion, Hutchings, Lawrence, Love, Philpot, Thompson, Adams and Ferry voting in favor of the motion, Representatives Hendrickson and McGee voting against the motion, and Representatives Bryson, Curtis, and Daniels absent for the vote.

H.C.R. 3 Resolution Urging Protection of United States from Weapons of Mass Destruction (*Rep. C. Bennion*)

The following members of the public addressed the committee regarding the bill:

Craig Axford, Co-Chair, Utah Democratic Progressive Causes
Jason Groenewold, Health Environment Alliance of Utah (see handout on file)
Gavin Wenzil, self, and downwinder friends

MOTION: Representative Philpot moved to amend:

1. Page 2, lines 43-44:

After "the efforts" delete "of the Bush Administration"

After discussion the motion was withdrawn.

MOTION: Representative McGee moved to amend:

1. Page 2, line 43:

After "therein," insert "oppose the development of nuclear weapons, or nuclear testing by the United States,"

SUBSTITUTE

MOTION: Representative Adams moved to pass the bill out favorably. The motion passed 9-1-3, with Representative McGee voting against the motion, and Representatives Bryson, Curtis, and Daniels absent for the vote.

Chairman Ferry turned the chair to Representative Lawrence at 9:30 a.m.

S.B. 12 Transportation of Children for Parent-time (*Sen. P. Arent*)

Senator Arent introduced the bill and explained its intent.

Speaking in favor of the bill Dr. John Kriesel, non-custodial parent, and Randy Nielsen, concerned father.

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

MOTION: Representative Thompson moved to place the bill on the consent calendar. The motion passed unanimously with Representatives Bryson, Curtis, and Daniels absent for the vote.

H.B. 215 Uniform Building Standards Amendments (*Rep. J. S. Adams*)

The sponsor introduced the bill and explained its intent.

Robert Burgman, Building Contractors and Sub-contractors spoke in favor of the bill.

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

Rep. Ben C. Ferry, Chair