

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE MEETING
Room W010 - State Capitol Complex
February 10, 2006**

MEMBERS PRESENT: Rep. James A. Ferrin, Chair
Rep. Erik K. Hutchings, Vice Chair
Rep. Douglas C. Aagard
Rep. Ben C. Ferry
Rep. Glenn A. Donnelson
Rep. Lorie D. Fowlke
Rep. Neal B. Hendrickson
Rep. David L. Hogue
Rep. Susan Lawrence
Rep. Rosalind J. McGee
Rep. Scott L. Wyatt

MEMBERS ABSENT: Rep. Ann W. Hardy
Rep. Ross Romero

STAFF PRESENT: Jerry D. Howe, Policy Analyst
Sylvia Newton, Committee Secretary

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

Representative Ferrin called the meeting to order at 3:23 p.m.

MOTION: Rep. Hogue moved to approve the minutes of the February 9, 2006 meeting. The motion passed unanimously with Rep. Donnelson and Rep. Ferry absent for the vote.

H.B. 333 Antitrust Exemption (*Rep. R. Wheeler*)

MOTION: Rep. Wyatt moved to delete in title and body H.B. 333 and replace it with 1st Sub. H.B. 333. The motion passed unanimously with Rep. Donnelson and Rep. Ferry absent for the vote.

Rep. Wheeler introduced 1st Sub. H.B. 333 and explained it to the committee. He was assisted by Reed Searle, General Manager, Intermountain Power Agency.

MOTION: Rep. Hogue moved to pass 1st Sub. H.B. 333 out favorably. The motion passed unanimously with Rep. Donnelson and Rep. Ferry absent for the vote.

MOTION: Rep. Hogue moved to place 1st Sub. H.B. 333 on the Consent Calendar. The motion passed unanimously with Rep. Donnelson and Rep. Ferry absent for the vote.

S.B. 62 Judicial Conduct Commission Amendments (Sen. M. Waddoups)

Sen Waddoups introduced S.B. 62 and explained it to the committee.

MOTION: Rep. Hogue moved to pass the bill out favorably. The motion passed unanimously with Rep. Ferry absent for the vote.

H.B. 180 Divorce Orientation (Rep. L. Fowlke)

MOTION: Rep. Fowlke moved to amend H.B. 180 as follows:

1. *Page 2, Lines 41 through 43:*

41 (2) The clerk of the court shall provide to a petitioner who attempts to file a
 ~~{complaint}~~ petition
42 for divorce without the certificate of completion, a list of providers certified to provide
 divorce
43 orientation and a copy of this section.

2. *Page 3, Lines 62 through 65:*

62 (c) marriage and family therapists licensed under Title 58, Chapter 60, Part 2, Social
63 Worker Licensing Act, Part 3, Marriage and Family Therapist Licensing Act, Part 4,
64 Professional Counselor Licensing Act, or Title 58, Chapter 61, Psychologist Licensing
 Act , or an unlicensed therapist acting under the supervision of a certified marriage
 and family therapist ;
65 (d) any member of the clergy , or a person acting under the supervision of a
 certified member of the clergy ;

3. *Page 3, Lines 86 through 88:*

86 (11) In the event a temporary restraining order is requested in conjunction
 with a divorce petition, the petitioner shall take the divorce orientation course within
 30 days of filing the petition.
 (12) It shall be an affirmative defense in all divorce actions that the pre-filing
87 requirements were not complied with, and the action may not continue until the petitioner
 has
88 complied.

The motion to amend the bill passed unanimously with Rep. Ferry, Rep. Hendrickson, and Rep. Lawrence absent for the vote.

Rep. Fowlke introduced H.B. 180 as amended and explained it to the committee.

MOTION: Rep. Hendrickson moved to pass the bill as amended out favorably. The motion passed with Rep. Donnelson, Rep. Lawrence, Rep. Wyatt, and Rep. Ferrin voting in opposition to the motion. Rep. Ferry and Rep. Hogue were absent for the vote.

H.B. 360 Child Support Bond (Rep. L. Fowlke)

MOTION: Rep. Fowlke moved to amend H.B. 360 as follows:

1. *Page 1, Line 24 through Page 3, Line 67:*

24 78-32-17. Noncompliance with child support order.

* * * *Some lines not shown* * * *

44 (4) A court may, in addition to other available sanctions[;];

45 (a) withhold, suspend, or restrict the use of driver's licenses, professional and
46 occupational licenses, and recreational licenses and impose conditions for reinstatement
upon a
47 finding that:

* * * *Some lines not shown* * * *

64 [~~(c)~~] (iii) an obligor or obligee, after receiving appropriate notice, has failed to
comply

65 with a subpoena or order relating to a paternity or child support proceeding[;]; ~~{and}~~

66 (b) require the obligor to post a bond in an amount ~~{equal to the total of 12~~
~~months}~~ up to three years of
67 child support payments ; or

(c) in a final decree of divorce, upon a showing of a history of nonpayment or sporadic payment during the separation period, order the obligor parent to post a bond in an amount of up to three years of child support payments .

The motion to amend the bill passed unanimously with Rep. Ferry, Rep. Hendrickson, and Rep. Hogue absent for the vote.

Rep. Fowlke introduced H.B. 360 as amended and explained it to the committee.

Spoke in favor of the bill: Paul Mero, Sutherland Institute

MOTION: Rep. Aagard moved to pass the bill as amended out favorably. The motion passed unanimously with Rep. Hogue and Rep. Wyatt absent for the vote.

H.B. 382 Parentage Act Amendments (Rep. L. Fowlke)

MOTION: Rep. Fowlke moved to amend H.B. 382 as follows:

1. *Page 2, Lines 45 through 47:*

- 45 (1) Within ten days of the issuance of a birth certificate under Subsection
46 78-45g-807(1)(c), an affidavit regarding fees and expenses {signed by all parties to
the
47 gestational agreement;} shall be filed with the tribunal. The affidavit shall contain
the case number and be signed by counsel for the petitioners.

The motion to amend the bill passed unanimously with Rep. Hogue and Rep. Wyatt absent for the vote.

Rep. Fowlke introduced H.B. 382 as amended and explained it to the committee.

Spoke to the bill: Richard Schwermer, Administrative Office of the Courts

Spoke in favor of the bill: Stewart Ralphs, Legal Aid Society

MOTION: Rep. Ferry moved to pass H.B. 382 as amended out favorably. The motion passed unanimously with Rep. Hogue and Rep. Wyatt absent for the vote.

Rep. Donnelson moved to adjourn. The motion passed unanimously with Rep. Hogue and Rep. Wyatt absent for the vote.

Rep. Ferrin adjourned the meeting at 4:41 p.m.

Rep. James A. Ferrin, Chair