

MINUTES OF THE HOUSE
LAW ENFORCEMENT AND CRIMINAL JUSTICE STANDING COMMITTEE
Room WO25, West Office Building, State Capitol Complex
February 9, 2006

Members Present: Rep. DeMar "Bud" Bowman, Chair
Rep. Michael T. Morley, Vice Chair
Rep. Duane Bourdeaux
Rep. LaVar F. Christensen
Rep. Wayne A. Harper
Rep. Patricia W. Jones
Rep. Todd E. Kiser
Rep. David Litvack
Rep. Paul Ray

Members Absent: Rep. Curtis Oda
Rep. Stephen H. Urquhart

Staff Present: Mr. Stewart Smith, Policy Analyst
Ms. Linda Black, Committee Secretary

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

Rep. Bowman called the meeting to order at 8:12 a.m.

H.B. 179 Utah Employment Act (*Rep. G. Donnelson*)

Rep. Donnelson introduced the bill with the assistance of Mr. Richard Hamp, Assistant Attorney General.

Spoke to the bill: Mr. Marco Diaz, Utah Latino Task Force

Spoke in favor of
the bill: Mr. Alex Segura, Utah Minuteman Project

Spoke in opposition
of the bill: Mr. Tom Bingham, President, Utah Manufacturers' Association

MOTION: Rep. Bourdeaux made a motion to table the bill.

SUBSTITUTE

MOTION: Rep. Morley moved to proceed to the next item on the agenda. The motion failed, 3-3-5, with Rep. Bourdeaux, Rep. Jones, and Rep. Litvack voting in opposition.

The original motion to table the bill failed, 3-3-5, with Rep. Bowman, Rep. Kiser, and Rep. Morley voting in opposition.

MOTION: Rep. Kiser moved to proceed to the next item on the agenda. The motion passed unanimously, with Rep. Christensen, and Rep. Ray absent for the vote.

H.B. 64 Driver License Qualification Amendments (*Rep. G. Donnelson*)
Rep. Donnelson introduced the bill

Spoke to the bill: Mr. Darin Underwood, Legislative Office, Auditor General

Spoke in opposition
of the bill: Mr. Marco Diaz, Utah Republican/Hispanic Association
Mr. Alex Segura, Utah Minuteman Project

MOTION : Rep. Morley moved to amend the bill as follows:

1. *Page 4, Lines 96 through 100:*

96 (g) (i) An original license or a renewal or a duplicate to an original license expires on
97 the next birth date of the applicant or licensee beginning on July 1, 2005 if~~[-(A)]~~ the
license
98 was obtained [~~without~~] using a [~~Social Security~~] ~~{-temporary identification (ITIN)~~
~~number}~~ temporary identification number (ITIN) [as
99 ~~required under Subsection (9); and~~ issued by the Internal Revenue Service for a person
who
100 does not qualify for a Social Security number.

2. *Page 11, Lines 320 through 324:*

320 Section 5. Revisor instructions.
321 It is the intent of the Legislature that, in preparing the Utah Code database for
322 publication, the Office of Legislative Research and General Counsel shall delete "the
effective
323 date of this section" where it appears in {this bill} Subsection 53-3-207(7) and
replace it with the actual date on which the
324 bill takes effect.

The motion passed unanimously, with Rep. Christensen, Rep. Harper, and Rep. Ray absent for the vote.

MOTION: Rep. Litvack moved to table the bill, and requested an audit for probable fraudulent practices related to the bill.

The motion passed with Rep. Morley voting in opposition. Rep. Harper was absent for the vote

H.B. 170 Prosecution and Prevention of Child Pornography Offenses Amendments
(*Rep. R. Bigelow*)

Rep. Bigelow introduced the bill.

MOTION: Rep. Ray moved to pass the bill out favorably. The motion passed unanimously, with Rep. Litvack absent for the vote.

H.B. 94 Ban on Gifts to Elected Officials (*Rep. P. Jones*)

This bill was not considered.

H.B. 429 Methamphetamine - Restriction on Components (*Rep. M. Morley*)

Rep. Morley introduced the bill.

Spoke to the bill: Mr. Jim Olsen, President, Utah Retail Merchants' Association

Spoke in favor
of the bill: Mr. Brent Gardner, Utah Association of Counties
Ms. Jacey Skinner, Deputy D.A., Salt Lake City

Spoke in opposition
to the bill: Mr. Tom Holt, Schering/Plough Corp.
Mr. Reed Barker, Utah Pharmacists' Association

MOTION: Rep. Ray moved to proceed to the next item on the agenda.

SUBSTITUTE

MOTION: Rep. Jones moved to pass the bill out favorably. The motion passed with Rep. Harper, Rep. Kiser, and Rep. Ray voting in opposition.

H.B. 398 Joint Custody Amendments *(Rep. L. Christensen)*

Rep. Christensen introduced the bill.

MOTION: Rep. Christensen moved to amend the bill as follows:

1, Line 8 through Page 3, Line 86

8 General Description:

9 This bill allows for the modification or termination of joint custody orders
and creates specific

10 requirements to do so.

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

15 ▶ sets conditions for the court to consider in modifying or terminating a
joint custody order;

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

55 (c) The [~~agreement~~] order shall [~~contain~~] require a parenting plan incorporating a
56 dispute resolution procedure the parties agree to use;

57 (i) in accordance with Section 30-3-10.9, or as ordered by the court in accordance
with

58 Subsection 30-3-10.2(5); and

59 (ii) before seeking enforcement {~~or~~} a modification , or termination
of the terms and conditions of the

60 order of joint legal custody through litigation, except in emergency situations requiring ex
parte

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

64 (1) On the motion of one or both of the parents, or the joint legal custodians if
they are

65 not the parents, the court may, after a hearing, modify or terminate an order that
established

66 joint legal custody if:

67 (a) the circumstances of the child or one or both parents or joint legal custodians
have

- 68 materially and substantially changed since the entry of the order to be modified or
69 terminated ; [~~and~~]
70 (b) a modification or termination of the terms and conditions of the order
would be an improvement
71 for and in the best interest of the child[-]; and
72 * * * *Some lines not shown* * * *
73 (b) A court order modifying or terminating an existing joint legal custody order
74 shall
75 contain {~~written~~} findings that:
76 (i) a material and substantial change of circumstances has occurred; and
77 (ii) a modification or termination of the terms and conditions of the order
78 would be an improvement
79 for and in the best interest of the child.

MOTION: Rep. Litvack moved to pass the bill out favorably as amended. The motion passed unanimously.

Rep. Christensen noted the attendance of Mr. Ron Castleton, constituent, District 48.

MOTION: Rep. Ray moved to adjourn. The motion passed unanimously

Rep. Bowman adjourned the meeting at 10:00 a.m.

Rep. DeMar "Bud" Bowman, Chair