

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE MEETING
Room 223 - State Capitol Building
February 5, 2002**

MEMBERS PRESENT: Rep. Glenn L. Way, Chair
Rep. James A. Ferrin, Vice Chair
Rep. Patrice Arent
Rep. Chad E. Bennion
Rep. Ron Bigelow
Rep. Katherine M. Bryson
Rep. Greg J. Curtis
Rep. Scott Daniels
Rep. Ben C. Ferry
Rep. Neal B. Hendrickson
Rep. Eric Hutchings
Rep. Mike Thompson
Rep. A. Lamont Tyler

MEMBERS ABSENT: None

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

VISITORS: List of visitors on file

Representative Ferrin called the meeting to order at 7:18 a.m.

S.B. 87 Visitation Rights of Grandparents (*T. Spencer*)

Senator Spencer introduced the bill, and indicated that a substitute bill had been drafted and would appreciate a motion to adopt 1st Substitute S.B. 87.

MOTION: Representative Ferry moved to delete S.B. 87, and adopt 1st Substitute S.B. 87. The motion passed unanimously with Representatives Curtis, Daniels, Hendrickson, Hutchings, Thompson and Way absent for the vote.

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

S.B. 86 Funding of the Controlled Substances Database (*J. Valentine*)

Senator Valentine introduced the bill and explained its intent.

Addressing questions from the committee were Craig Jackson, DOPL, and Marvin Sims, DOPL.

MOTION: Representative Arent moved to pass S.B. 87 out favorably. The motion passed unanimously with Representatives Hutchings, Thompson, and Way absent for the vote.

MOTION: Representative Ferry moved to place S.B. 87 on the Consent Calendar. The motion passed unanimously with Representatives Hutchings, Thompson, and Way absent for the vote.

H.B. 136 Judicial Conduct Commission Amendments (*K. Bryson*)

MOTION: Representative Bryson moved to delete H.B. 136, and insert 1st Substitute H.B. 136. The motion passed unanimously with Representative Hutchings, Thompson, and Way absent for the vote.

Representative Bryson explained 1st Substitute H.B. 136.

Speaking in favor of the bill was John T. Nielsen, Utah State Bar Association, and Rick Schwermer, Administrative Office of the Courts.

Speaking against the bill was Blake Atkin, trial lawyer (see written statement on file.)

Speaking to the bill was Steve Stewart, Executive Director, Judicial Conduct Commission.

Representative Daniels declared a conflict of interest as he is the President of the Utah State Bar Association.

MOTION: Representative Way moved to pass 1st Substitute H. B. 136 out favorably. The motion passed unanimously with Representative Bennion absent for the vote.

H.B. 123 Medical Recommendations for Children (*K. Bryson*)

This bill was originally heard in committee on January 31, 2002.

MOTION: Representative Bryson moved to delete H.B. 123 and insert in its place 2nd Substitute H.B. 123. The motion passed unanimously.

MOTION: Representative Bryson moved to amend the bill as follows:

1. Page 1, Line 8: Delete "**This act provides criminal penalties.**"
2. Page 3, Lines 59-62: Delete all of lines 59 through 62 and insert:
"(6) A local school board shall adopt a policy that indicates that a violation of this section is cause for disciplinary action under Section 53A-8-104.

SUBSTITUTE

MOTION: Representative Ferry moved to amend as follows:

1. Page 1, Line 8: Delete "**This act provides criminal penalties.**"
2. Page 2, Line 51: After "(c) a" delete "brief"
3. Page 3, Lines 59-62: Delete all of lines 59 through 62 and insert:
"(6) A local school board shall adopt a policy that indicates that a violation of this section is cause for disciplinary action under Section 53A-8-104."

The motion passed unanimously.

Representative Ferrin turned the chair over to Representative Way at 8:32 a.m.

Speaking in favor of the bill:

Holly Richardson, Concerned Parent
Brent Odenwalder, Citizens for Proper Government, Weber County

Speaking in opposition to the bill:

Tom Metcalf, Utah Chapter American Academy of Pediatrics
Walt Schofield, Assistant Principle, East High School
Dave Adamson, Granite School District

MOTION: Representative Hutchings moved to amend as follows:

1. Page 2, Lines 51-52: Delete Lines 51 through 52.

SUBSTITUTE

MOTION: Representative Arent moved to substitute 2nd Substitute H.B. 123 with 3rd Substitute H.B. 123.

The motion failed 4-6-3 with Representatives Arent, Daniels, Hendrickson, and Tyler voting in favor of the motion; Representatives Bigelow, Bryson, Ferry,

Hutchings, Thompson and Way voting in opposition to the motion; and Representatives Bennion, Curtis, and Ferrin absent.

SUBSTITUTE

MOTION: Representative Ferry moved to amend as follows:

1. Page 2, Line 47: After “(3),” insert “and”
2. Page 2, Line 50: After “drug” delete “,” and insert “,”
3. Page 2, Lines 51-52: Delete lines 51 and 52.

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

MOTION: Representative Thompson moved to pass the amended substitute bill out favorably.

SUBSTITUTE

MOTION: Representative Daniels moved to amend as follows:

1. Page 2, Line 37: After “specific” insert “private”
2. Page 2, Line 40: After “Services,” delete “concerning” and insert “solely on the basis that”

The substitute motion passed unanimously with Representatives Bennion, Bigelow, and Curtis absent for the vote.

MOTION: Representative Thompson moved to pass out 2nd Substitute H.B. 123 out favorably as amended. The motion passed 7-3-3, with Representatives Arent, Daniels, and Hutchings voting against the motion; Representatives Bryson, Ferry, Hendrickson, Thompson, Tyler, Ferrin and Way voting in favor of the motion; and Representatives Bennion, Bigelow, and Curtis absent for the vote.

H.B. 219 Firearm Fee Amendments (J. M. Philpot)

This bill was originally heard in committee on January 29, 2002.

Speaking in favor of the bill:

Charles Hardy, Gun Owners of Utah
Dana Dickson, Utah Gun Owners Alliance

Speaking against the bill:

Maura Carabello, Gun Violence Prevention Committee

Speaking to the bill and answering questions from the committee was Nanette Rolfe, Department of Public Safety, Bureau of Criminal Identification. (See handout on file)

MOTION: Representative Way moved to pass out 1st Substitute H.B. 219 favorably.

SUBSTITUTE

MOTION : Representative Arent moved to adjourn. The chair ruled that the motion failed.

The original motion on 1st Substitute H.B. 219 passed 8-3-2 with Representatives Arent, Daniels, and Hendrickson voting in opposition to the motion, and Representatives Bigelow and Curtis absent for the vote.

MOTION: Representative Ferry moved to adjourn. The motion passed unanimously, the meeting adjourned at 9:34 a.m.

Rep. James A Ferrin, Vice-Chair