

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE MEETING
Room 223 - State Capitol Building
February 18, 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
Rep. Mike Thompson

MEMBERS ABSENT: None

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

VISITORS: List of visitors on file

Representative Adams called the meeting to order at 8:04 a.m. and indicated the committee would hear H.B. 247 first.

H.B. 247 Power of Attorney in Relation to a Trust (*M. Newbold*)

The sponsor introduced the bill to the committee, and was assisted in the introduction by Chuck Newton, Director Government Affairs, Financial Planning Association.

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

H.B. 10 Parent-time Amendments (*J. Ferrin*)

The sponsor requested that a member of the committee move 1st Substitute H.B. 10.

MOTION: Representative Hendrickson moved to delete H.B. 10, and adopt 1st Substitute H.B. 10. The motion passed unanimously with Representatives Bennion, Bryson, and Curtis absent for the vote.

The sponsor then introduced the substitute bill.

Speaking in favor of the bill: Louise Lindorf, FOCUS
Mike Whitesell, self
Todd Stone, self

Speaking against the bill: Kim Grant, For Children's Sake
Gayle Ruzicka, Utah Eagle Forum
Eva Gardner, non-custodial parent

MOTION: Representative Lawrence moved to amend:

1. Page 2, lines 38-39: Reinstatement of the deleted language on lines 38 through 39.
2. Page 2, line 45: After "may not" delete "consider the" and insert "use", and after "parties" insert "as the primary consideration"
3. Page 8, line 238: After "his" insert "or her"

A request was made to vote each part of the amendment separately.

On amendment page 2, lines 38-39; the motion passed 11-2-0 with Representatives Bennion and Ferry voting against the motion.

On amendment page 2, line 45; the motion failed 1-12-0 with Representative Lawrence voting in favor of the motion.

On amendment page 8, line 238; the motion passed 11-2-0 with Representatives Curtis and McGee voting against the motion.

MOTION: Representative Bryson moved to amend:

1. Page 2, line 41: Delete line 41 and renumber remaining sections accordingly.
2. Page 9, line 267: Delete line 267 and renumber remaining sections accordingly.

SUBSTITUTE

MOTION: Representative Thompson moved to amend:

1. Page 2, line 41: Delete line 41 and renumber remaining sections accordingly.

2. Page 9, line 267: After “incarceration” delete “for up to ten days” and insert “as determined by the court”

Request was made by the committee to divide the motion. On the amendment page 2, line 41; the motion passed 12-1-0 with Representative McGee voting against the motion.

On amendment page 9, line 267; the motion passed 7-6-0, with Representatives Bennion, Hendrickson, Hutchings, Love, McGee, Thompson, and Ferry voting in favor of the motion, and Representatives Bryson, Curtis, Daniels, Lawrence, Philpot, and Adams voting against the motion.

MOTION: Representative Philpot moved to amend:

1. Page 2, line 45: Delete line 45, and renumber remaining sections accordingly.

SUBSTITUTE

MOTION: Representative Hendrickson moved to pass the substitute bill out favorably as amended. The motion passed 10-2-1, with Representatives Bryson and Philpot voting against the motion, and Representative Bennion absent for the vote.

H.C.R. 10 Resolution Approving Deep Creek - Tender of Judgment (G. Curtis)

The sponsor introduced the bill to the committee.

Speaking against the bill Jim Morton, Attorney, Deep Creek Ranch, and Kraig T. Higginson, General Manager, Deep Creek Ranch.

MOTION: Representative Hutchings moved to go to the next item on the agenda.

SUBSTITUTE

MOTION: Representative Curtis moved to pass the bill out favorably. The motion passed 6-3-4, with Representatives Love, McGee and Thompson voting against the bill and Representatives Bennion, Bryson, Hendrickson, and Philpot absent for the vote.

S.B. 93 Reappointment of County Justice Court Judges (T. Hatch)

Representative Urquhart presented the bill to the committee.

Mark Walsh, Utah Association of Counties, spoke in favor of the bill.

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

MOTION: Representative Hendrickson moved to approve the minutes of February 12, 2003. The motion passed unanimously with Representatives Bennion, Bryson, Curtis, and Philpot absent for the vote.

MOTION: Representative Hutchings moved to adjourn. The motion passed unanimously with Representatives Bennion, Bryson, Curtis and Philpot absent for the vote. The meeting adjourned at 9:57 a.m.

Rep. Ben C. Ferry, Chair