

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE MEETING
Room 223 - State Capitol Building
January 23, 2004**

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

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

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

Representative Adams called the meeting to order at 2:20 p.m. and called for a motion to approve the minutes of January 20, 2004.

MOTION: Representative Bennion moved to approve the minutes of January 20, 2004 with the following correction:

On page 2, under individuals that spoke regarding the bill it should read: Gayle Ruzicka, Utah Eagle Forum, and Sarah Brenna, Department of Workforce Services spoke to the bill.

The motion passed unanimously with the following Representatives absent for the vote: Curtis, Hendrickson, Lawrence, Love, McGee, and Philpot.

H.B. 72 Release of Claims on Behalf of a Minor (Rep. J. Dougall)

Representative Dougall introduced the bill to the committee and explained its intent.

Chris Purcell, State Farm, spoke in favor of the bill. Steve Sullivan, Utah Trial Lawyers Association spoke to the bill.

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

Lawrence, Love, McGee and Philpot.

H.B. 42 Interest Rates on Judgments (*Rep. J. Dunnigan*)

Representative Dunnigan introduced the bill to the committee and explained its intent. Representative Dunnigan also asked that the committee consider an amendment to the bill.

MOTION: Representative Bryson moved to amend as follows:

1. Page 2, Lines 38 through 39:

After "calculated at" insert "the lesser of: (i) 5% above"

After "rate" insert ":(A)", after "Section 15-1-4" delete ", as of January 1 of each year, plus 2%." and insert "; and (B) in effect at the occurrence of the act giving rise to the cause of action described in Subsection (1); or (ii) 10%."

SUBSTITUTE

MOTION: Representative Bennion moved to amend as follows:

1. Page 2, Line 38:

After "calculated at" insert "(i) 5% above"

2. Page 2, Line 39:

After "interest rate" insert "." and delete the rest of the line.

The substitute motion failed 5-7-1 with Representatives Bennion, Bryson, Daniels, Hutchings, and Thompson voting in favor of the motion; Representatives Hendrickson, Lawrence, Love, McGee, Philpot, Adams, and Ferry voting against the motion, and Representative Curtis absent for the vote.

The original motion to amend passed 10-2-1, with Representatives Bennion and Thompson voting against the motion, and Representative Curtis absent for the vote.

The following members of the public spoke in favor of the bill:

Ross Marchant, Farmers Insurance
Harold Peterson, Farmers Insurance
Chris Purcell, State Farm
Gary Thorup, PCI

The following members of the public spoke in opposition to the bill:

Doug Mortensen, Utah Trial Lawyers Association
Steve Sullivan, Attorney (see handouts on file)

Representative Daniels declared a conflict of interest on this bill.

MOTION: Representative Hutchings moved to pass the bill out favorably as amended.

SUBSTITUTE

MOTION: Representative Bennion moved to go on to the next item on the agenda. The substitute motion passed 7-5-1, with Representatives Bennion, Bryson, Daniels, Hendrickson, McGee, Philpot, and Thompson voting in favor of the motion; Representatives Hutchings, Lawrence, Love, Adams, and Ferry voting against the motion, and Representative Curtis absent for the vote.

H.B. 7 Marriage Preparation Education (*Rep. R. McGee*)

This bill had been discussed and amended in committee on January 20, 2004 and was before the committee with an amended fiscal note. Sarah Brenna, Department of Workforce Services addressed questions from the committee.

MOTION: Representative Hutchings moved to pass the bill out favorably as amended. The motion passed 7-5-1 with Representatives Daniels, Hendrickson, Hutchings, Lawrence, Love, McGee, and Ferry voting in favor of the motion; Representatives Bennion, Bryson, Philpot, Thompson, and Adams voting against the motion, and Representative Curtis absent for the vote.

H.B. 82 Virtual Visitation Amendments (*Rep. D. Aagard*)

The sponsor introduced the bill and explained its intent. Joyce Maughan, Attorney, and Michale Gough, non-custodial parent assisted in the presentation. Representative Aagard indicated there were some amendments he would like the committee to consider.

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

1. Page 2, Line 49: After "messaging," insert "television with videophone."
2. Page 2, Line 50: After "media," delete "including a television with DSL cable,"
3. Page 2, Line 52: After "replace," delete "regular" and insert "in-person"
4. Page 9, Line 265: After "contact" delete "or" and insert "and"

The motion passed unanimously with Representatives Curtis, Love, and Thompson absent for the vote.

Gayle Ruzicka, Utah Eagle Forum spoke to the bill.

MOTION: Representative Lawrence moved to amend:

- 1 Page 3, Line 88: After "permit" delete "an encourage liberal" and insert "reasonable"

SUBSTITUTE

MOTION: Representative Hutchings moved to amend:

1. Page 3, Line 88: After "encourage" delete "liberal" and insert "reasonable"

The substitute motion passed 6-2-5, with Representatives Daniels, Hendrickson, Hutchings, McGee, Adams, and Ferry voting in favor of the motion; Representatives Love and Philpot voting against the motion, and Representatives Bennion, Bryson, Curtis, Love, and Thompson absent for the vote.

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

MOTION: Representative Ferry moved to adjourn. The motion passed unanimously, with Representative Bennion, Bryson, Curtis, Love and Thompson absent for the vote. The meeting adjourned at 5:05 p.m.

Rep. Ben C. Ferry, Chair