

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE MEETING
Room 223 - State Capitol Building
February 9, 2004**

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

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

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

Representative Ferry called the meeting to order at 8:10 a.m. and called for a motion to approve the minutes of February 5, 2004.

MOTION: Representative Bennion moved to approve the minutes of February 5, 2004. The motion passed unanimously with Representatives Bryson, Daniels, Hendrickson, Hutchings, Philpot and Thompson absent for the vote.

**H.J.R. 10 Joint Resolution Reaffirming the State of Utah's Commitment to the
Constitution and the Bill of Rights (*Rep. S. Allen*)**

The sponsor introduced the bill and explained its intent. Representative Allen requested the committee consider an amendment on the bill. (See handouts on file)

MOTION: Representative Bennion moved to amend:

1. Page 2, Lines 34-35: Delete lines 34 through 35.

The motion passed unanimously with Representatives Bryson, Daniels, Hendrickson, Hutchings, Philpot and Thompson absent for the vote.

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

H.J.R. 16 Resolution Amending Rules of Civil Procedure - Judgment (*Rep. G. Curtis*)

MOTION: Representative Curtis moved to amend H.J.R. 16 as follows:

1. Page 1, Lines 11 through 14:

11 **Highlighted Provisions:**

12 This resolution:

13 ▶ limits the appellate bond amount to ~~[[10% of the defendant's net~~
~~worth or]]~~

14 \$25,000,000; and

The motion passed unanimously with Representatives Bryson, Hendrickson, Philpot and Thompson absent for the vote.

The sponsor then introduced the bill and explained its intent.

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

H.B. 97 Protective Order Amendments (*Rep. K. Holdaway*)

This bill had been presented and discussed on February 5, 2004.

MOTION: Representative Hutchings moved to amend:

1. Page 8, Lines 229 through 236:

229 (2) Upon the filing of a petition, the clerk of the court shall:

230 (a) review the records of the juvenile court, the district court, and the
management information system of the division to find

231 any petitions, orders, or investigations related to the child or the parties to the case;

The motion passed unanimously with Representatives Bennion, Bryson, Hendrickson, Philpot, and Thompson absent for the vote.

MOTION: Representative Lawrence moved to pass the bill out favorably as amended. The motion passed unanimously with Representatives Bennion, Bryson, Hendrickson, McGee, Philpot and Thompson absent for the vote.

S.B. 118 Judiciary Amendments (*Sen. L. Hillyard*)

The sponsor introduced the bill and explained its intent.

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

H.B. 128 Amendments to Operating Under the Influence (*Rep. D. Love*)

The sponsor introduced the bill and explained its intent.

Speaking in favor of the bill:

Ken Wallentine, Utah Peace Officers Association
Dr. George Van Komen, Alcohol Policy Coalition
Tim Cosgrove, Primary Children's Medical Center
Ron Ostler, Utah Highway Patrol

Speaking against the bill:

Melva Sine, President, Utah Restaurant Association
Rex Swan, Defense Attorney

Speaking to the bill:

Steve Barth, Tavern Association

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

H.B. 124 Small Claims Court Jurisdiction Amendments (*Rep. S. Urquhart*)

The sponsor introduced the bill and explained its intent.

Speaking to the bill:

Rick Schwermer, Administrative Office of the Courts

Steve Sullivan, Concerned Citizen
John T. Nielsen, Utah State Bar
Edward Havas, Concerned Citizen
Rex Swan, Small Claims Court Judge

MOTION: Representative Adams moved to pass the bill out favorably. The motion passed unanimously with Representatives Bryson and Love absent for the vote.

MOTION: Representative Bennion moved to adjourn. The motion passed unanimously with Representatives Bryson and Love absent for the vote. The meeting adjourned at 9:57 A.M.

Rep. Ben C. Ferry, Chair