

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE MEETING
Room W010 - State Capitol Complex
January 31, 2005**

MEMBERS PRESENT: Rep. James A. Ferrin, Chair
Rep. Erik K. Hutchings, Vice Chair
Rep. Douglas C. Aagard
Rep. Glenn A. Donnelson
Rep. Ben C. Ferry
Rep. Lorie D. Fowlke
Rep. Ann W. Hardy
Rep. Neal B. Hendrickson
Rep. David L. Hogue
Rep. Rosalind J. McGee
Rep. Ross Romero
Rep. Scott L. Wyatt

MEMBERS ABSENT: Rep. Susan Lawrence

STAFF: Jerry D. Howe, Policy Analyst
Greta Rodebush, Committee Secretary

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

Representative Ferrin called the meeting to order at 8:05 a.m.

H.B. 73 Local Referendum Requirements (*Rep. D. Hogue*)

Representative Hogue presented the bill and explained its intent.

Jodi Hoffman, Utah League of Towns and Cities, spoke in opposition to the bill.

MOTION: Representative Ferry moved to proceed to the next item on the agenda. The motion passed unanimously with Representative Hutchings and Representative Lawrence absent for the vote.

H.J.R. 5 Resolution Clarifying Removal Provisions (*Rep. D. Hogue*)

Representative Hogue presented the resolution and explained its intent.

MOTION: Representative Hendrickson moved to pass the bill out favorably. The motion failed 6-6-1, with Representatives Aagard, Ferry, Hardy, Hendrickson, Hogue, and Romero voting in favor of the motion, Representatives Donnelson, Fowlke, McGee, Wyatt, Hutchings, and Ferrin voting in opposition to the motion, and Representative Lawrence absent for the vote.

MOTION: Representative Hogue moved to reconsider action on H.B. 73. The motion failed 6-6-1, with Representatives Aagard, Ferry, Hendrickson, Hogue, McGee, and Hutchings voting in favor of the motion, Representatives Donnelson, Fowlke, Hardy, Romero, Wyatt, and Ferrin voting in opposition to the motion, and Representative Lawrence absent for the vote.

S.B. 21 *Limitation on Liability Regarding Liquefied Petroleum Gas (Sen. D. Eastman)*

Senator Eastman introduced the bill with the assistance of Mr. Kay Cornaby, Jones, Waldo, Holbrook & McDonough.

Representative Romero declared a conflict of interest.

MOTION: Representative Hendrickson move to pass the bill out favorably.

SUBSTITUTE

MOTION: Representative Wyatt moved to delete lines 36 through 40 on page 2 of this bill. The motion failed 1-10-2, with Representative Wyatt voting in favor of the motion, Representatives Aagard, Donnelson, Ferry, Fowlke, Hardy, Hendrickson Hogue, Romero, Hutchings, and Ferrin voting in opposition to the motion, and Representatives Lawrence and McGee absent for the vote.

SUBSTITUTE

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

1. Page 2, Line 36:

After "a" insert "trained and licensed"

After committee discussion, Representative Hardy withdrew the motion.

Representative Ferry called previous question.

A vote was taken on the original motion. The motion passed 11-1-1, with Representatives Aagard, Donnelson, Ferry, Fowlke, Hardy, Hendrickson, Hogue, McGee, Romero, Hutchings, and Ferrin voting in favor of the motion. Representative Wyatt voted in opposition to the motion and Representative Lawrence was absent for the vote.

H.B. 4 Divorce Mediation Program (Rep. B. Ferry)

Representative Ferry introduced the bill and explained its intent. He was assisted by Rick Schwermer, Assistant Court Administrator.

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

1. *Page 1, Line 27 through Page 2, Line 34:*

27 (2) If, after the filing of an answer to a complaint of divorce, there are any remaining
28 contested issues, the parties shall participate in good faith in at least one session of
mediation. **This requirement does not preclude the entry of pre-trial orders before**
mediation takes place.

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

33 (5) The director of dispute resolution programs for the courts **, the court,** or the
mediator may
34 excuse either party from the requirement to mediate for good cause.

The motion passed unanimously with Representative Lawrence absent for the vote.

Representative Fowlke declared a conflict of interest.

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

Lori Nelson, Family Law Section, Utah Council of Conflict Resolution
Stewart Ralphs, Executive Director, Legal Aid Society, Domestic Violence Council
Victor Nelson, Licensed Marriage and Family Therapist.

MOTION: Representative Wyatt moved to amend as follows:

1. *Page 1, Line 27 through Page 2, Line 28:*

27 (2) If, after the filing of an answer to a complaint of divorce, there are any remaining
28 contested issues, the parties shall participate in good faith in at least one session of
mediation.

(3) Either party may opt out of the mediation by filing a statement under oath
alleging that:

(a) he or she is a victim of domestic violence as defined in Section 30-6-1 or 77-
36-1; and

(b) the other party is the perpetrator of the domestic violence.

Renumber remaining sections accordingly

MOTION: Representative Hardy called previous question. The motion passed unanimously with Representatives Lawrence and McGee absent for the vote.

Representative Wyatt's motion to amend failed 3-8-2, with Representative Hardy, Hutchings, and Wyatt voting in favor of the motion, Representatives Aagard, Donnelson, Ferrin, Ferry, Fowlke, Hendrickson, Hogue, and Romero voting in opposition to the motion, and Representatives Lawrence and McGee absent for the vote.

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

MOTION: Representative Aagard moved to adjourn. The motion passed unanimously with Representative Lawrence and McGee absent for the vote.

Representative Ferrin adjourned the meeting at 10:00 a.m.

Rep. James A. Ferrin, Chair