

**MINUTES OF THE  
HOUSE JUDICIARY STANDING COMMITTEE MEETING  
Room W010 - State Capitol Complex  
February 8, 2005**

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

**MEMBERS ABSENT:** Rep. Ben C. Ferry

**STAFF:** Jerry D. Howe, Policy Analyst  
Crystal Hermanson, Committee Secretary

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

Representative Hutchings called the meeting to order at 4:35 p.m.

**H.B. 204 Statute of Limitations Amendments (*Rep. D. Clark*)**

**MOTION:** Representative Aagard moved to adopt 1st Sub. H.B. 204. The motion passed unanimously 8-0-5, with Representatives Donnelson, Ferry, Hogue, McGee, and Wyatt absent for the vote.

Representative Clark introduced the bill and explained its intent.

**MOTION:** Representative Hardy moved to pass the bill out favorably. The motion passed unanimously 8-0-5, with Representatives Donnelson, Ferry, Hogue, McGee, and Wyatt absent for the vote.

**H.B. 131      Access to Health Care Facilities and Places of Worship (*Rep. D. Aagard*)**

Representative Aagard introduced the bill and explained its intent.

Dani Eyer, ACLU of Utah, spoke against the bill.

**MOTION:**      Representative Fowlke moved to pass the bill out favorably. The motion passed 10-1-2, with Representatives Aagard, Donnelson, Fowlke, Hardy, Hendrickson, Hogue, Lawrence, Wyatt, Hutchings, and Ferrin voting in favor of the motion, and Representative Romero voting against the motion. Representatives Ferry and McGee were absent for the vote.

**H.B. 56      Divorce Amendments (*Rep. P. Wallace*)**

Representative Wallace introduced the bill and explained its intent.

The following members of the public spoke for the bill:  
    Judy KastenBell, Utah Domestic Violence Council  
    Stewart Ralphs, Legal Aid Society  
    Jill Burton, Sutherland Institute

**MOTION:**      Representative Wyatt moved to amend the bill as follows:

Page 3, Line 58: add to the end of the sentence, "Possible child custody and support order presumptions based on the cause of divorce."

The motion failed 3-9-1, with Representatives McGee, Wyatt, and Hutchings voting in favor of the motion, and Representatives Aagard, Donnelson, Fowlke, Hardy, Hendrickson, Hogue, Lawrence, Romero, and Ferrin voting against the motion. Representative Ferry was absent for the vote.

**MOTION:**      Representative McGee moved to amend the bill as follows:

Page 2, Line 30: after the word "following", delete the word "nine" and replace it with "eleven"

Page 2, Line 34: insert "(c) The President of the Utah State Bar shall designate two members of the Family Law Section of the Utah State Bar."

SUBSTITUTE

MOTION: Representative Ferrin moved to pass the bill out favorably.

MOTION: Representative Fowlke moved to Call the Question. The motion to end debate passed unanimously 12-0-1, with Representative Ferry absent for the vote.

The substitute motion to pass the bill out favorably passed unanimously 12-0-1, with Representative Ferry absent for the vote.

**S.B. 42 Alcohol Restricted Drivers (*Sen. C. Walker*)**

MOTION: Representative Lawrence moved to accept 1st Sub. S.B. 42. The motion passed 9-1-3, with Representatives Aagard, Donnelson, Hardy, Hendrickson, Hogue, Lawrence, McGee, Wyatt, and Hutchings voting in favor of the motion, and Representative Romero voting against the motion. Representatives Ferry, Fowlke, and Ferrin were absent for the vote.

Senator Walker introduced the bill and explained its intent.

The following members of the public spoke for the bill:

Art Brown, M.A.D.D.

Dan Fallow, Law Enforcement Committee

Susan Burke, USAAV

MOTION: Representative Fowlke moved to pass the bill out favorably. The motion passed 11-1-1, with Representatives, Aagard, Donnelson, Fowlke, Hardy, Hendrickson, Hogue, Lawrence, McGee, Wyatt, Hutchings, and Ferrin voting in favor of the motion, and Representative Romero voting against the motion. Representative Ferry was absent for the vote.

**H.B. 131 Access to Health Care Facilities and Places of Worship (*Rep. D. Aagard*)**

MOTION: Representative Wyatt moved to reconsider action on H.B. 131. The motion passed unanimously 12-0-1, with Representative Ferry absent for the vote.

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

1. Page 2, Lines 47 through 54:

47           (2) (a) A person is guilty of preventing or impeding passage to a health care facility  
or  
48 place of worship if the person intentionally or knowingly obstructs, detains, hinders,

- impedes, or blocks
- 49 another person's entry to or exit from the health care facility or place of worship.
- 50 (b) A person who violates Subsection (2)(a) is guilty of a class B misdemeanor.
- 51 (3) (a) A person is guilty of unlawfully interfering with passage to a health care  
facility
- 52 or place of worship if, within a radius of 100 feet from any entrance door to a health care  
53 facility or place of worship, the person intentionally or knowingly approaches within  
eight feet of another
- 54 person for the purpose of:

SUBSTITUTE

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

Page 2, Line 48: after the word "person" add the words "intentionally and"  
Page 2, Line 53: after the word "person" add the words "intentionally and"

Representative Fowlke withdrew the motion.

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

MOTION: Representative Hogue moved to adjourn. The motion passed unanimously 12-0-1, with Representative Ferry absent for the vote.

Representative Hutchings adjourned the meeting at 6:06 p.m.