

**MINUTES OF THE  
HOUSE JUDICIARY STANDING COMMITTEE MEETING  
Room W010 - State Capitol Complex  
February 10, 2005**

**MEMBERS PRESENT:** Rep. Eric K. Hutchings, Vice Chair  
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. Susan Lawrence  
Rep. Rosalind J. McGee  
Rep. Ross Romero

**MEMBERS ABSENT:** Rep. James A. Ferrin, Chair  
Rep. Douglas C. Aagard  
Rep. Scott L. Wyatt

**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 4:27 p.m.

**MOTION:** Representative Donnelson moved to approve the minutes of the February 4, 2005 and the February 8, 2005 meetings. The motion passed unanimously with Representatives Aagard, Ferry, McGee, Wyatt, and Ferrin absent for the vote.

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

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

1. *Page 3, Lines 60 through 65:*

60       (4) (a) ~~{ The local law has no force or effect unless and until the voters~~  
~~approve the~~  
61 ~~challenged local law:~~  
62 ~~—(i) at a regular municipal election or a municipal special election, if the~~  
~~challenged law~~

- 63 was enacted by a municipality; or  
64 — (ii) at a regular general election or a county special election, if the challenged  
law was  
65 enacted by a county.} When a referendum petition has been declared sufficient,  
the law that is the subject of the petition does not take effect unless and until it is  
approved by a vote of the people at a regular general election, municipal general  
election, or a special election.

The motion to amend passed unanimously 8-0-5, with Representatives Aagard, Ferry, McGee, Wyatt, and Ferrin absent for the vote.

Representative Hogue introduced the bill and explained its intent with the assistance of Eric Weeks, Office of Legislative Research and General Counsel.

Jodi Hafaun spoke against the bill.

Brian Allen, City of Cottonwood Heights spoke to the bill.

MOTION: Representative Hendrickson moved to pass the bill as amended out favorably. The motion passed 5-4-4, with Representatives Donnelson, Hendrickson, Hogue, McGee, and Hutchings, and Representatives Fowlke, Hardy, Lawrence, and Romero voting against the motion. Representatives Aagard, Ferry, Wyatt, and Ferrin were absent for the vote.

**S.B. 131 Authorization for Additional Judicial Position (*Sen. M. Madsen*)**

Senator Madsen introduced the bill and explained its intent with the assistance of Judge Claudia Laycock, Fourth Judicial District.

MOTION: Representative Romero moved to pass the bill out favorably. The motion passed unanimously 9-0-4, with Representatives Aagard, Ferry, Wyatt, and Ferrin absent for the vote.

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

MOTION: Representative Romero moved to adopt 1<sup>st</sup> Sub. H.J.R. 5. The motion passed unanimously 9-0-4, with Representatives Aagard, Ferry, Wyatt, and Ferrin absent for the vote.

Representative Hogue introduced the resolution and explained its intent.

MOTION: Representative Hendrickson moved to pass the resolution out favorably. The motion passed unanimously 9-0-4, with Representatives Aagard, Ferry, Wyatt, and Ferrin absent for the vote.

**H.J.R. 17      Resolution Honoring Celebration of Marriage Week (Rep. L. Fowlke)**

Representative Fowlke introduced the resolution and explained its intent.

MOTION:      Representative Hogue moved to pass the resolution out favorably. The motion passed unanimously 9-0-4, with Representatives Aagard, Ferry, Wyatt, and Ferrin absent for the vote.

**H.B. 77      Provisions for Emancipation of a Minor (Rep. R. McGee)**

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

*1. Page 7, Lines 196 through 199:*

- 196      (1) An emancipated minor may:
- 197      (a) enter into contracts;
- 198      (b) buy and sell property;
- 199      { ~~☹ sue or be sued;~~ }

After discussion, Representative Donnelson withdrew the motion.

Representative McGee introduced the bill and explained its intent with the assistance of Esther Chelsea McCarty, Office of Legislative Research, Jeff St. Romain, Volunteers of America, and Lynnette Phillips, Lost Boys Diversity.

The following members of the public spoke for the bill:

Tom Sam Steed, Lost Boy  
Brandy McCachren, Volunteers of America

Karen Clark, Utah Eagle Forum, spoke against the bill.

MOTION:      Representative Lawrence moved to pass the bill out favorably. The motion passed unanimously 8-0-5, with Representatives Aagard, Hendrickson, Hogue, Wyatt, and Ferrin absent for the vote.

**H.B. 280      Joint Custody Amendments (*Rep. L. Christensen*)**

Representative Christensen introduced the bill and explained its intent.

MOTION:      Representative Fowlke moved to pass the bill out favorably. The motion passed unanimously 7-0-6, with Representatives Aagard, Hendrickson, Hogue, Lawrence, Wyatt, and Ferrin absent for the vote.

MOTION:      Representative Ferry moved to adjourn. The motion passed unanimously 7-0-6, with Representatives Aagard, Hendrickson, Hogue, Lawrence Wyatt, and Ferrin absent for the vote.

Representative Hutchings adjourned the meeting at 6:12 p.m.

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Rep. James A. Ferrin, Chair