

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE MEETING
Room W010 - State Capitol Complex
February 9, 2007**

MEMBERS PRESENT: Rep. Douglas C. Aagard, Chair
Rep. Lorie D. Fowlke, Vice Chair
Rep. Sheryl L. Allen
Rep. Jim Bird
Rep. Jackie Biskupski
Rep. Kevin S. Garn
Rep. Keith Grover
Rep. Eric K. Hutchings
Rep. Christine A. Johnson
Rep. Kay L. McIff
Rep. Mark A. Wheatley
Rep. Scott L. Wyatt

MEMBERS ABSENT: Rep. Rosalind J. McGee

STAFF PRESENT: Jerry D. Howe, Policy Analyst
Sylvia Newton, Committee Secretary

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

Representative Aagard called the meeting to order at 9:07 a.m.

MOTION: Rep. Hutchings moved to approve the minutes of the February 7, 2007 meeting. The motion passed unanimously with Rep. Allen and Rep. Wheatley absent for the vote.

H.B. 133 Parent-time Amendments (Rep. L. Fowlke)

Rep. Fowlke presented H.B. 133 to the committee.

MOTION: Rep. Wyatt moved to amend the bill as follows:

1. Page 1, Lines 13 through 19:

13 This bill:

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

18 ▶ adds Halloween as a holiday for parent-time purposes, ~~{but}~~ and
provides that ~~{it does not~~

19 ~~interfere with normal}~~ it takes precedence over weekend parent-time if it falls on
a weekend.

2. Page 2, Line 31 through Page 5, Line 126:

31 30-3-35. Minimum schedule for parent-time for children 5 to 18 years of age.
32 (1) The parent-time schedule in this section applies to children 5 to 18 years of age.
33 (2) If the parties do not agree to a parent-time schedule, the following schedule shall
be
34 considered the minimum parent-time to which the noncustodial parent and the child shall
be
35 entitled:

* * * Some lines not shown * * *

46 (c) ~~{with the exception of Halloween in Subsection (2)(f)(vi).}~~ holidays take
precedence
47 over the weekend parent-time, and changes ~~{shall}~~ may not be made to the
regular rotation of the
48 alternating weekend parent-time schedule;

49 (d) if a holiday falls on a regularly scheduled school day, the noncustodial parent
shall
50 be responsible for the child's attendance at school for that school day;

51 (e) (i) if a holiday falls on a weekend or on a Friday or Monday and the total holiday
52 period extends beyond that time so that the child is free from school and the parent is free
from
53 work, the noncustodial parent shall be entitled to this lengthier holiday period; or

* * * Some lines not shown * * *

72 (vi) Halloween on October 31 or the day Halloween is traditionally celebrated in the
73 local community from after school until 9 p.m. if on a school day, or from 4 p.m. until 9
p.m.;

* * * Some lines not shown * * *

**(4) Notwithstanding Subsection (2)(e)(i), the Halloween holiday may not be
extended beyond the hours designated in Subsection (2)(f)(vi).**

The motion to amend the bill passed unanimously with Rep. Allen and Rep. Wheatley absent for the vote.

MOTION: Rep. Wyatt moved to pass H.B. 133 as amended out favorably. The motion passed unanimously with Rep. Allen and Rep. Wheatley absent for the vote.

MOTION: Rep. Johnson moved to place H.B. 133 on the Consent Calendar. The motion passed unanimously with Rep. Allen and Rep. Wheatley absent for the vote.

Rep. Aagard relinquished the chair to Rep. Fowlke.

H.B. 385 Process Server Amendments (*Rep. L. Shurtliff*)

H.B. 385 was not heard in this meeting.

S.B. 114 Aggravated Murder Amendments (*Sen. G. Bell*)

Sen. Bell presented S.B. 114 to the committee, assisted by Paul Boyden, Statewide Association of Prosecutors.

MOTION: Rep. Wyatt moved to pass S.B. 114 out favorably. The motion passed unanimously.

MOTION: Rep. Wyatt moved to place the bill on the Consent Calendar. The motion was withdrawn.

MOTION: Rep. Grover moved to adjourn the meeting. The motion passed unanimously.

Rep. Aagard adjourned the meeting at 9:25 a.m.

Rep. Douglas C. Aagard, Chair