

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE MEETING
Room W020 - House Building, State Capitol Complex
February 19, 2010**

MEMBERS PRESENT: Rep. Lorie D. Fowlke, Chair
Rep. Jim Bird, Vice Chair
Rep. Sheryl L. Allen
Rep. Jackie Biskupski
Rep. Francis Gibson
Rep. Keith Grover
Rep. Eric K. Hutchings
Rep. Christine A. Johnson
Rep. Brian King
Rep. Kay L. McIff
Rep. Kraig Powell
Rep. Mark A. Wheatley

STAFF PRESENT: Jerry D. Howe, Policy Analyst
Kathy Sorg, Committee Secretary

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

Rep. Fowlke called the meeting to order at 2:14 p.m.

MOTION: Rep. Gibson moved to approve the minutes of the meetings of February 12, 2010 and February 17, 2010. The motion passed unanimously with Rep. Allen, Rep. Biskupski, Rep. King and Rep. Wheatley absent for the vote.

H.B. 278 **Government Records Access and Management Act Amendments** (*Rep. C. Herrod*)

Rep. Herrod explained the bill to the committee.

Spoke in favor of the bill: Adam Trupp, Utah Association of Counties.

MOTION: Rep. Gibson moved to adopt 2nd Sub. H.B. 278. The motion passed unanimously with Rep. Allen, Rep. Biskupski, Rep. King and Rep. Wheatley absent for the vote.

MOTION: Rep. Gibson moved to pass 2nd Sub. H.B. 278 with a favorable recommendation. The motion passed with Rep. Biskupski, Rep. Powell and Rep. Wheatley voting in opposition to the motion and Rep. Allen, Rep. Hutchings, Rep. Johnson and

Rep. King absent for the vote.

H.B. 340 Sexual Assault Victim Protocols (Rep. J. Biskupski)

Rep. Biskupski explained the bill to the committee.

Spoke in favor of the bill: Jodi Hart, Intermountain Health Care.

MOTION: Rep. Johnson moved to pass H.B. 340 with a favorable recommendation. The motion passed unanimously with Rep. Allen, Rep. Hutchings and Rep. King absent for the vote.

MOTION: Rep. Johnson moved to place H.B. 340 on the Consent Calendar. The motion passed unanimously with Rep. Allen, Rep. Hutchings and Rep. King absent for the vote.

H.B. 150 Administrative Subpoena Amendments (Rep. B. Daw)

Rep. Daw explained the bill to the committee.

Spoke in favor of the bill: Jessica Farnsworth, Attorney General Office, Internet Crimes Against Children Task Force.
Paul Amann, Attorney General's Office, Internet Crimes Against Children Task Force.
Peter Rognlie, Attorney General's Office, Internet Crimes Against Children Task Force.

Spoke against the bill: Sean Hullinger, Utah Association of Criminal Defense Lawyers.

MOTION: Rep. Johnson moved to proceed to the next item on the agenda.

SUBSTITUTE

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

1. Page 1, Line 24:

24. believes the criminal offense ~~may have~~ has been committed.

2. Page 3, Line 67:

67. communications system or service or remote computing service has been ~~or may~~

have been

Rep. Gibson withdrew the motion.

Rep. Johnson's original motion to proceed to the next item on the agenda passed with Rep. Fowlke voting in opposition and Rep. Allen absent for the vote.

1st Sub. S.B. 121 Utah Uniform Probate Code Amendments (Sen. J. Valentine) (Rep.)

Sen. Valentine explained the bill to the committee.

MOTION: Rep. Bird moved to pass 1st Sub. S.B. 121 with a favorable recommendation. The motion passed unanimously with Rep. Allen and Rep. Hutchings absent for the vote.

S.B. 50 Victims' Rights Revisions (Sen. J. S. Adams) (Rep. R. C. Webb)

Sen. Adams explained the bill to the committee.

MOTION: Rep. Biskupski moved pass S.B. 50 with a favorable recommendation. The motion passed unanimously with Rep. Allen and Rep. Hutchings absent for the vote.

S.C.R. 3 State Sovereignty Concurrent Resolution (Sen. J. S. Adams) (Rep. C. Wimmer)

Sen. Adams explained the bill to the committee.

Spoke in favor of the bill: James Giometta, Sutherland Institute.
Gayle Ruzicka, Utah Eagle Forum.

MOTION: Rep. Bird moved to pass S.C.R. 3 with a favorable recommendation.

SUBSTITUTE

MOTION: Rep. Powell moved to amend S.C.R. 3 as follows:

1. Page 2, Lines 32 through 33:

32 { ~~WHEREAS, the scope of power defined by the Tenth Amendment signifies~~

~~that the~~
33 federal government was created by the states specifically to be an agent of the states;

The motion passed with Rep. Bird, Rep. Gibson, and Rep. Grover voting in opposition to the motion and with Rep. Hutchings and Rep. Wheatley absent for the vote.

MOTION: Rep. Johnson moved to amend S.C.R. 3 by deleting line 35. The motion failed with Rep. Biskupski, Rep. Johnson, Rep. King and Rep. McIff voting in favor of the motion and Rep. Hutchings and Rep. Wheatley absent for the vote.

MOTION: Rep. Bird moved to pass S.C.R. 3 as amended with a favorable recommendation. The motion passed with Rep. Biskupski, Rep. Johnson and Rep. King voting against the motion and Rep. Hutchings and Rep. Wheatley absent for the vote.

MOTION: Representative Bird moved to adjourn the meeting. The motion passed unanimously with Rep. Hutchings and Rep. Wheatley absent for the vote.

Rep. Fowlke adjourned the meeting at 4:00 p.m.

Rep. Lorie Fowlke, Chair