

**MINUTES OF THE
JUDICIARY INTERIM COMMITTEE**

Wednesday, July 20, 2005 – 2:00 p.m. – Room W130 House Building

Members Present:

Sen. David L. Thomas, Senate Chair
Rep. James A. Ferrin, House Chair
Sen. Patrice M. Arent
Sen. Gregory S. Bell
Sen. Scott D. McCoy
Sen. Darin G. Peterson
Rep. Douglas C. Aagard
Rep. Stephen D. Clark
Rep. Ben C. Ferry
Rep. Lorie D. Fowlke
Rep. Ann W. Hardy
Rep. Neal B. Hendrickson
Rep. David L. Hogue

Rep. Eric K. Hutchings
Rep. Susan Lawrence
Rep. Ross I. Romero
Rep. LaWanna Shurtliff
Rep. Scott L Wyatt

Members Absent:

Sen. L. Alma Mansell

Staff Present:

Mr. Jerry D. Howe, Policy Analyst
Ms. Esther Chelsea-McCarty, Associate General Counsel
Ms. Cassandra N. Bauman, Legislative Secretary

Note: A list of others present, copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Ferrin called the meeting to order at 2:52 p.m.

MOTION: Rep. Shurtliff moved to approve the minutes of the May 18 and June 15, 2005 meetings. The motion passed unanimously with Sen. Bell, Rep. Clark, Rep. Ferry, Rep. Fowlke, Rep. Hogue, Rep. Hutchings, and Rep. Lawrence absent for the vote.

2. Advertising Illegal Activities

Rep. Wyatt distributed and reviewed "Advertising Restrictions on Illegal Activities" (2006 General Session). He stated that the bill is intended to restrict the advertising of activities that are illegal in the state of Utah. He indicated that there are two types of advertising in this arena: (1) advertising that promotes the activity itself (e.g., gambling); and (2) advertising that promotes a particular product (e.g., a casino). He explained that Utah is allowing the promotion of activities which are illegal in the state and therefore, encouraging Utahns to leave the state to engage in these activities, which takes revenue out of Utah. He responded to questions from the Committee.

MOTION: Rep. Hutchings moved to amend the legislation on line 56 by deleting "during" and inserting "except for 30 days prior to the" and on line 57 by deleting "prohibited" and inserting "allowed". The motion failed with Sen. Bell, Rep. Aagard, Rep. Clark, Rep. Hogue, Rep. Hutchings, Rep. Lawrence, and Rep. Wyatt voting in favor of the motion. Sen. Thomas, Rep. Ferry, and Rep. Shurtliff were absent for the vote.

Mr. Dale Zabriskie, President, Utah Broadcasters Association, stated that the advertisement is not promoting an illegal activity when it is advertising that activity in a state where the activity is legal. He

indicated that having activities, such as gambling, available in nearby states reduces the pressure for Utah to legalize these activities. He expressed concern for the local businesses that rely on the income derived from the advertising of these activities. He responded to questions from the Committee.

Mr. Craig Hanson, Chief Operating Officer, Simmons Media, explained that his organization owns and operates radio stations throughout the state. He stated that revenue from advertising activities in Las Vegas and Mesquite are a substantial part of the gross income for his organization. He explained that radio stations are being streamed over the Internet and cell phones and that the ability to accept advertising in areas that are receiving the signal will make it difficult to compete with other radio stations in those areas. He responded to questions from the Committee.

Mr. Joshua Eden, President, MediaGrabbers Inc. and Utah Advertisers Federation, stated that the legislation will not stop gaming imagery from coming into the state but punish those who cannot afford to advertise on the national level.

3. Child Support Guidelines

Sen. Bell stated that he is carrying this issue with Rep. Julie Fisher. He explained that a Child Support Guidelines Advisory Committee is formed every four years to review the child support guidelines. He indicated that the Committee reported in 1994 that the child support guideline tables need to be updated. He stated that there is differing applications of the guidelines when the combined income exceeds the amounts specified in the tables.

Mr. Mark Brasher, Director, Office of Recovery Services, explained the concerns that the Child Support Guidelines Advisory Committee had when reviewing the guideline tables. He stated that the majority of the committee agreed that the tables should be amended, but differed about whether the Ingles or Rothbardt economic model should be used.

Chair Ferrin requested that Sen. Bell bring specific legislation back to the Committee to consider.

4. Statutorily Required Reports

A. Expedited Parent-time Enforcement

Mr. Rick Schwermer, Administrative Office of the Courts, distributed and reviewed "Utah's Third District Pilot Co-Parenting Mediation Program" and "Mediation in the Utah State Courts: 2004 Statistics." He and Ms. Kathy Elton, Director, Alternate Dispute Resolution, Administrative Office of the Courts, responded to questions.

B. Mandatory Education Course for Divorcing Parents

Mr. Schwermer distributed and reviewed "Memo Re: Divorce Education for Parents Program Annual Report."

C. Small Claims Court

Mr. Schwermer indicated that the Utah Judicial Council is required to make a recommendation to the Judiciary Interim Committee about the small claims limit every other year. He stated that the small claims limit was increased from \$5,000 to \$7,500 in 2004 and that no additional adjustment is recommended.

5. Sunset Review – Dispute Resolution Program

Mr. Schwermer distributed and reviewed "Sunset Review – Dispute Resolution Program." He stated that Title 78, Chapter 31B was intended to be a framework for rules and programs for mediation. He explained the requirements of the act and indicated that the Legislature has been adding to the list of programs almost every year since its enactment in 1994. He stated that the Legislature has been promoting mediation and that maintaining the statute would be important to continue that effort.

MOTION: Rep. Hogue moved to extend the sunset date of the Dispute Resolution Program by 10 years, until 2016. The motion passed unanimously with Sen. McCoy, Sen. Peterson, and Rep. Shurtliff absent for the vote.

6. Other Items / Adjourn

MOTION: Rep. Fowlke moved to adjourn the meeting. The motion passed unanimously with Sen. McCoy, Sen. Peterson, and Rep. Shurtliff absent for the vote.

Chair Thomas adjourned the meeting at 4:44 p.m.