

**MINUTES OF THE SENATE JUDICIARY
STANDING COMMITTEE
Thursday, February 22, 2001
Room 416, STATE CAPITOL BUILDING**

Members Present: Sen. David L. Gladwell, Chair
Sen. Millie M. Peterson
Sen. Pete Suazo
Sen. D. Chris Buttars
Sen. Lyle W. Hillyard
Sen. John L. Valentine

Staff Present: Jerry D. Howe, Committee Analyst
Deborah Pryor, Committee Secretary

Public Speakers Present:
Scott Sabey, Utah State Bar
Gayle Ruzicka, Eagle Forum
Abel Ortiz, Division of Natural Child Services
Janalee Tobias, Save Open Space
Jason Groenewold, FAIR
John T. Nielson, Utah State Bar

Visitors list on file

Committee Chair Gladwell called the meeting to order at 8:10 a.m.

MOTION: The Committee moved to approve the minutes of February 15, 2001, February 19, 2001, and February 20, 2001.

The motion passed unanimously with Sen. Hillyard and Sen. Suazo absent for the vote.

1. **1st Substitute H.B. 247 Filing Wrongful Liens or Judgements** (*M. Dayton*)
Mr. Scott Sabey explained the bill.

MOTION: Sen. Peterson moved to adopt the following amendment:

1. Page 1, Line 5:
House Floor Amendments
2-16-2001: After "act" delete "**raises the penalty for refusing to correct a wrongful lien and**"

2. Page 1, Line 10
House Floor Amendments
2-16-2001: Delete line 10

3. Page 1, Lines 13 - 25
House Floor Amendments
2-16-2001: Delete lines 13 through 25
4. Page 2, Lines 26 - 31 Delete lines 26 through 31
5. Page 3, Line 68: After "judgment" insert "or notice of judgment";
after "wrongfully" bracket "entered under this
section" and insert "filed against real property"

The motion passed unanimously with Sen. Hillyard and Sen. Suazo absent for the vote.

MOTION: Sen. Peterson moved to pass H.B.247 out favorably as amended.

The motion passed unanimously with Sen. Hillyard absent for the vote.

2. **1st Substitute H.B. 133 Bill fo Rights and Constitution Day** (*J.M. Philpot*)
Rep. Philpot explained the bill. Ms. Gayle Ruzicka, Eagle Forum, spoke in favor of the bill.

MOTION: Sen. Peterson moved to pass 1st Substitute H.B. 133 out favorably.

The motion passed unanimously with Sen. Valentine absent for the vote.

MOTION: Sen. Peterson moved to place 1st Substitute H.B. 133 on the Consent Calendar.

The motion passed unanimously with Sen. Valentine absent for the vote.

3. **2nd Substitute S.B. 222 Notification by Family Services of Noncustodial Parent of Child's Removal** (*P. Hellewelll*)

Rep. Hellewell explained the bill and introduced Mr. Abel Ortiz, Division of National Child Services, who answered questions.

MOTION: Sen. Hillyard moved to adopt the following amendment:

1. Page 1, Line 22: After "custodial and" insert "unless otherwise
ordered by a court, the"

The motion passed unanimously with Sen. Valentine absent for the vote.

MOTION: Sen. Peterson moved to pass 2nd Substitute S.B. 222 out favorably as amended.

The motion passed unanimously with Sen. Valentine absent for the vote.

4. **S.B. 217 Domestic Violence Shelters- Responsibility and Funding** (*M. Dmitrich*)
Rep. Dmitrich explained the bill.

MOTION: Sen. Hillyard moved to adopt the following amendments:

1. Page 1, Line 8: Delete “\$500,000” and insert “\$75,000”
2. Page 2, Line 38: Delete “\$500,000” and insert “\$75,000”

The motion passed unanimously with Sen. Valentine absent for the vote.

MOTION: Sen. Hillyard moved to pass S.B. 217 out favorably as amended.

The motion passed unanimously with Sen. Valentine absent for the vote.

5. **H.B. 112 Prevention of Retaliatory Lawsuits** (*R. Lockhart*)
Rep. Lockhart explained the bill. Mr. John Nielson, Utah State Bar, Ms. Janalee Tobias, Save Open Space, and Mr. Jason Groenewold, FA \IR, spoke in favor of the bill.

MOTION: Sen. Hillyard moved to adopt the following amendments:

1. Page 2, Line 42: After “government” insert “and is done primarily to harass the defendant”
2. Page 3, Line 79: After “authorized by” delete “any other statute” and insert “law”

The motion passed unanimously with Sen. Valentine absent for the vote.

MOTION: Sen. Buttars moved to pass H.B. 112 out favorably as amended.

SUBSTITUTE MOTION: Sen. Hillyard moved to substitute the following amendment:

1. Page 3, Line 69: After “costs and” insert “reasonable”

The motion passed unanimously with Sen. Valentine absent for the vote.

MOTION: Sen. Hillyard moved to pass H.B. 112 out favorably as amended.

The motion passed unanimously with Sen. Valentine absent for the vote.

6. **H.J.R. 11 Resolution Urging Training of Judges** (*M. Thompson*)
Rep. Thompson explained the bill.

MOTION: Sen. Hillyard moved that H.J.R. 11 be placed on the Consent Calendar.

The motion passed with Sen. Hillyard absent for the vote.

7. **1st Substitute H.B. 266 Restoration of Right to Bear Arms** (*M. Throckmorton*)
Rep. Throckmorton explained the bill.

MOTION: Sen. Hillyard moved to adopt the following amendments:

1. Page 1, Line 16
House Floor
Amendments 2-13-2001: Delete "(v), (vi), or"
2. Page 1, Line 20
House Floor
Amendments 2-13-2001: Delete "15" and insert "60"
3. Page 2, Line 26
House Floor
Amendments 2-13-2001: Delete "a preponderance of the" and insert "clear and convincing"

The motion passed with Sen. Valentine absent for the vote.

MOTION: Sen. Hillyard moved to place 1st Substitute S.B. 266, Restoration of Right to Bear Arms, on the Interim Study List.

The motion passed unanimously with Sen. Valentine absent for the vote.

8. **S.R. 3 Resolution Urging Requirement of bond to File a Bar Complaint** (*T. Spencer*)
Rep. Spencer explained the bill.

MOTION: Sen. Peterson moved to suspend rules to make an amendment

The motion was withdrawn.

MOTION: Sen. Peterson moved to adjourn the meeting.

The motion passed unanimously with Sen. Valentine absent for the vote.

Sen. Gladwell adjourned the meeting at 8:17 a.m.

Minutes recorded by Deborah Pryor, Secretary

Sen. David L. Gladwell, Chair