

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE MEETING
Room 20, West Office Building
February 21, 2012**

MEMBERS PRESENT: Rep. Kay McIff, Chair
Rep. LaVar Christensen, Vice Chair
Rep. Derek Brown
Rep. Fred Cox
Rep. Brian Doughty
Rep. Eric Hutchings
Rep. Brian King
Rep. Paul Ray
Rep. V. Lowry Snow
Rep. Mark A. Wheatley
Rep. Brad Wilson

MEMBERS ABSENT: Rep. Chris Herrod
Rep. Ken Ivory

STAFF PRESENT: Mr. Jerry D. Howe, Policy Analyst
Ms. Linda Black, Committee Secretary

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

Chair McIff called the meeting to order at 8:15 a.m.

MOTION: Rep. Ray moved to approve the minutes of February 16, 2012. The motion passed unanimously with Rep. Hutchings and Rep. King absent for the vote.

H.B. 236 Alimony Modifications (*Rep. S. Sandstrom*)

Rep. Sandstrom presented the bill to the committee.

MOTION: Rep. Cox moved to replace H.B. 236 with 1st Substitute H.B. 236. The motion passed with Rep. Christensen and Rep. McIff voting in opposition. Rep. Hutchings, Rep. King, and Rep. Ray were absent for the vote.

Spoke to the bill: Mr. Phil Duncan, Sutherland Institute
Mr. Todd Stone

Spoke in favor
of the bill: Ms. Gayle Ruzika, Utah Eagle Forum
Ms. Dani Hartvigsen, Coalition for Preservation of Family Values
Ms. Cherie Rawlings
Ms. Kim Grant

Spoke in opposition
of the bill:

Mr. Stewart Ralphs, Legal Aid Society of Salt Lake City

MOTION: Rep. Cox moved to pass 1st Substitute H.B. 236 out favorably. The motion passed with Rep. Doughty, Rep. Wheatley, and Rep. Wilson voting in opposition. Rep. Hutchings, Rep. King, and Rep. Ray were absent for the vote.

S.B. 154 Judiciary Amendments (*Sen. L. Hillyard*) (Rep. V. L. Snow)

Rep. Snow presented the bill to the committee.

MOTION: Rep. Brown moved to pass the bill out favorably. The motion passed unanimously with Rep. Cox and Rep. King absent for the vote.

MOTION: Rep. Hutchings moved to place S.B. 154 on the Consent Calendar. The motion passed unanimously with Rep. Cox and Rep. King absent for the vote.

H.B. 510 Indigent Defense Act Amendments (*Rep. G. Hughes*)

Rep. Hughes presented the bill to the committed.

MOTION: Rep. Brown moved to replace H.B. 510 with 1st Substitute H.B. 510. The motion passed unanimously with Rep. Cox, Rep. King, Rep. Wheatley, and Rep. Wilson absent for the vote.

Spoke to the bill: Mr. Adam Trupp, Utah Association of Counties
 Mr. Sean Hullinger, Utah Criminal Defense Attorneys

Spoke in favor
of the bill: Mr Gary Crane, Layton City attorney
 Mr. Todd Utzinger

MOTION: Rep. Snow moved to pass 1st Substitute H.B. out favorably. The motion passed unanimously with Rep. Cox, Rep. King, Rep. Wheatley, and Rep. Wilson absent for the vote.

S.B. 168 Uniform Disposition of Community Property Rights At Death Act (*Sen. L. Hillyard*) (Rep. V. L. Snow)

Rep. Snow presented the bill to the committee.

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

1. *Page 3, Lines 70 through 78:*

- 70 75-2b-104. Disposition upon death.
71 Upon the death of a married person, 1/2 of the property to which this chapter applies
 is
72 the property of the surviving spouse and is not subject to testamentary disposition by the
73 decendent or distribution under the laws of succession of this state. One-half of that
 property is
74 the property of the decendent and is subject to testamentary disposition or distribution under
 the
75 laws of succession of this state. {~~With respect to property to which this chapter~~
 applies, the 1/2
76 of the property which is the property of the decendent is not subject to the surviving
 spouse's
77 right to elect against the will and no estate of dower or curtesy exists in the property
 of the
78 decendent.} Property to which this chapter applies may not reduce, be subject to,
 or be used in calculating, the surviving spouse's elective share under this title.

The motion passed unanimously with Rep. Cox, Rep. Wheatley, and Rep. Wilson absent for the vote.

Spoke to the bill: Mr. Robert Tippett

MOTION: Rep. King moved to pass the bill out favorably as amended. The motion passed unanimously with Rep. Cox, Rep. Wheatley, and Rep. Wilson absent for the vote.

H.B. 231 Guardianship Amendments (*Rep. K. Powell*)

Rep. Powell presented the bill to the committee.

MOTION: Rep. Ray moved to replace H.B. 231 with 1st Substitute H.B. 231. The motion passed unanimously with Rep. Cox, Rep. Wheatley, and Rep. Wilson absent for the vote.

Spoke to the bill: Mr. Rick Schwermer, Office of the Courts

Spoke in opposition
to the bill: Mr. Michael Jensen, legislative committee, Utah State Bar

MOTION: Rep. King moved to adjourn the meeting. The motion passed with Rep. Ray voting in opposition.

H.B. 161 **Rights of Parents and Children** (*Rep. L. Christensen*)

The bill was not heard.

Chair McIff adjourned the meeting at 9:55 a.m.

Rep. Kay McIff, Chair