

**MINUTES OF THE  
HOUSE JUDICIARY STANDING COMMITTEE MEETING**  
20 House Building, Utah State Capitol Complex  
March 8, 2016

**Members Present:** Rep. LaVar Christensen, Chair  
Rep. Merrill Nelson, Vice Chair  
Rep. Fred C. Cox  
Rep. Bruce Cutler  
Rep. Brian M. Greene  
Rep. Craig Hall  
Rep. Brian S. King  
Rep. Curtis Oda  
Rep. V. Lowry Snow  
Rep. Kevin J. Stratton  
Rep. Mark A. Wheatley

**Staff Present:** Mr. Gregg Girvan, Policy Analyst  
Ms. Glenda VanWagenen, Committee Secretary

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

Chair Christensen called the meeting to order at 5:30 p.m.

**MOTION:** Rep. Hall moved to approve the minutes of February 24, 2016, February 26, 2016, March 1, 2016, March 2, 2016, and March 7, 2016. The motion passed unanimously with Rep. Cox, Rep. Greene, and Rep. King absent for the vote.

**S.B. 203 Immunity Amendments (J. S. Adams)**

Rep. Oda, House sponsor for the bill, explained the bill to the committee.

Spoke for the bill: Clint Mecham, citizen  
Tani Downing, Risk Management

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

*1. Page 5, Lines 134 through 138:*

134       (3) A person or ~~{business}~~ entity owning a building or other facility and an  
operator of or  
135       an employee in a building or facility is immune from liability with respect to any decisions  
or  
136       actions related to emergency or public health conditions, as described in Subsection  
137       63G-7-201(2)(c), while acting under the general supervision of or on behalf of any public

138 entity.

The motion passed unanimously with Rep. Stratton absent for the vote.

**MOTION:** Rep. Snow moved to pass the bill out favorably. The motion passed with Rep. King voting in opposition and Rep. Stratton absent for the vote.

**S.B. 209 Fifth District Court Judge (S. Urquhart)**

Rep. Snow, House sponsor for the bill, explained the bill to the committee with the assistance of Rick Schwermer, Administrative Office of the Courts.

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

**2nd Sub. S.B. 155 Indigent Defense Commission (T. Weiler)**

Senator Weiler explained the bill to the committee.

**MOTION:** Rep. King moved to replace 2nd Sub. S.B. 155 with 5th Sub. S.B.155. The motion passed unanimously with Rep. Stratton absent for the vote.

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

**S.B. 158 Juvenile Court and Child Abuse Amendments (W. Harper)**

Senator Harper explained the bill to the committee.

Spoke for the bill: Kristine Campbell, Pediatrics, University of Utah  
Sarah Houser, Child and Family Services

**MOTION:** Rep. Cox moved to amend the bill and then withdrew his motion.

**SUBSTITUTE**

**MOTION:** Rep. Nelson moved to amend the bill as follows:

1. *Page 7, Lines 201 through 210*  
*Senate Committee Amendments*  
*2-22-2016:*

- 201 (39) "Sexual abuse" means:
- 202 (a) an act or attempted act of sexual intercourse, sodomy, incest, or molestation by an
- 203 adult directed towards a child; [or]
- 204 (b) an act or attempted act of sexual intercourse, sodomy, incest, or molestation
- 205 committed by a child towards another child if:
- 206 (i) there is an indication of force or coercion;
- 207 (ii) the children are related **, as defined in Subsection (20)(a) and (20)(b)** ;
- 208 (iii) there have been repeated incidents of sexual contact between the two
- 209 children **,unless the children are 14 years of age or older** ; or
- 209a (iv) there is a disparity in chronological ~~§~~ → [or developmental] ← ~~§~~ age of four or
- 210 more
- 209a years
- 210 between the two children; or

The motion passed unanimously with Rep. Stratton absent for the vote.

**MOTION:** Rep. Nelson moved to pass the bill out favorably as amended. The motion passed with Rep. Cutler and Rep. Greene voting in opposition and Rep. Stratton absent for the vote.

## **2nd Sub. S.B. 220 Non-judicial Foreclosure Amendments (W. Harper)**

Senator Harper explained the bill to the committee.

**MOTION:** Rep. Snow moved to pass the bill out favorably. The motion passed unanimously with Rep. Stratton absent for the vote.

## **S.B. 243 Indigent Counsel in Private Parental Termination Cases (T. Weiler)**

The bill was not considered.

## **2nd Sub S.B. 225 Notice of Pendency of Action Amendments (T. Weiler)**

Senator Weiler explained the bill to the committee.

**MOTION:** Rep. Nelson moved to pass the bill out favorably. The motion passed unanimously

with Rep. Cox, Rep. Greene, Rep. King, and Rep. Stratton absent for the vote.

**1st Sub. S.B. 213      Small Claims Court Amendments (T. Weiler)**

Senator Weiler explained the bill to the committee.

**MOTION:** Rep. Cutler moved to replace 1st Sub. S.B. 213 with 2nd Sub. S.B. 213. The motion passed unanimously with Rep. Cox, Rep. Greene, and Rep. King absent for the vote.

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

**S.B. 252            Joint Tenancy Amendments (C. Bramble)**

Senator Bramble explained the bill to the committee.

**MOTION:** Rep. Cutler moved to amend the bill as follows:

*1. Page 2, Lines 28 through 32:*

28            (1) (a) (i) [~~Beginning on May 5, 1997, every~~] Every ownership interest in real estate  
29            granted to two persons in their own right who are designated as husband and wife {~~-wife~~  
and  
30            husband, married, or a married couple} in the granting documents is presumed to be  
a joint  
31            tenancy interest with rights of survivorship, unless severed, converted, or expressly declared  
in  
32            the grant to be otherwise.

**MOTION:** Rep. Nelson moved to pass the bill as amended. The motion passed with Rep. Cox, Rep. Greene, and Rep. King absent for the vote.

**1st Sub. S.B. 111      Guardianship - Right of Association (T. Weiler)**

Senator Weiler explained the bill to the committee.

Spoke against the bill:            Michael Jensen, attorney  
Lois Brandriet, Guardian Advocate Services

**MOTION:** Rep. Nelson moved to amend the bill. The motion failed with Rep. Oda and Rep. Nelson voting in favor and with Rep. Cox, Rep. Green, and Rep. King absent for the vote.

**MOTION:** Rep. Christensen moved to amend the bill as follows:

1. *Page 2, Lines 50 through 53:*

50 (c) A guardian may give any consents or approvals that may be necessary to enable the  
51 ward to receive medical or other professional care, counsel, treatment, or service.

52 (d) A guardian may not unreasonably restrict visitation with the ward by family, relatives, or friends.

{~~(d)~~} (e) If no conservator for the estate of the ward has been appointed, the guardian may:

53 (i) institute proceedings to compel any person under a duty to support the ward or to

2. *Page 3, Lines 63 through 65:*

63 needs.

64 {~~(e)~~} (f) (i) A guardian is required to report the condition of the ward and of the estate which

65 has been subject to the guardian's possession or control, as required by the court or court rule.

3. *Page 4, Lines 94 through 96:*

94 the court which shall be included in the petition or the informal annual report as required under

95 Subsection [~~(2)~~] (3) {~~(e)~~} (f) . If a fee is paid for an accounting of an estate, no fee shall be charged

96 for an accounting of the status of a person.

4. *Page 4, Lines 107 through 111:*

107 (x) For the purposes of Subsections [~~(2)~~] (3) {~~(e)~~} (f) (i), (ii), (iii), and (iv), "interested

108 persons" means those persons required to receive notice in guardianship proceedings as set forth in Section 75-5-309.

109  
110 {~~(f)~~} (g) If a conservator has been appointed, all of the ward's estate received by the guardian

111 in excess of those funds expended to meet current expenses for support, care, and education of

The motion passed with Rep. Cutler voting in opposition and Rep. Cox, Rep. Greene, and Rep. King absent for the vote.

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

**MOTION:** Rep. Cutler moved to adjourn the meeting. The motion passed unanimously with Rep. Cox, Rep. Greene, and Rep. King absent for the vote.

Chair Christensen adjourned the meeting at 7:55 p.m.

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LaVar Christensen, Chair