

**MINUTES OF THE
HOUSE JUDICIARY
STANDING COMMITTEE**

Tuesday, January 31, 2017 • 2:00 pm • 20 House Building

Members Present:

Rep. Mike K. McKell, Chair
Rep. V. Lowry Snow, Vice Chair
Rep. Kim F. Coleman
Rep. Bruce R. Cutler
Rep. Brian M. Greene
Rep. Ken Ivory
Rep. Brian S. King
Rep. Karianne Lisonbee
Rep. Susan Pulsipher

Rep. Tim Quinn
Rep. Mark A. Wheatley

Members Absent:

Rep. Dixon M. Pitcher

Staff Present:

Mr. Joseph T. Wade, Policy Analyst
Mr. Steve Benard, Committee Secretary

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

Vice Chair Snow called the meeting to order at 2:04 p.m.

MOTION: Rep. McKell moved to approve the minutes of the January 26, 2017, meeting. The motion passed with a vote of 6-0-6.

Yeas:

Rep. B. Greene
Rep. M. McKell
Rep. S. Pulsipher
Rep. T. Quinn
Rep. V. Snow
Rep. M. Wheatley

Nays:

Abs:

Rep. K. Coleman
Rep. B. Cutler
Rep. K. Ivory
Rep. B. King
Rep. K. Lisonbee
Rep. D. Pitcher

1. H.B. 150 Custody Amendments Related to Parents with Disabilities (*Arent, P.*)

Rep. Patrice M. Arent presented the bill with the assistance of A. Daniel Spencer.

Susan Reimers, citizen, spoke in favor of the bill.

Dan Dovel, National Parents Organization of Utah, spoke in favor of the bill.

Stewart Ralphs, Family Law Section of Utah State Bar Association, spoke in favor of the bill.

Joyce Delcourt, LCPD, spoke in favor of the bill.

Christine Passey, Salt Lake Major's office, spoke in favor of the bill.

Thomas Cantrell, representing himself, spoke in favor of the bill.

Stephen Persinge, Utah Association of the Deaf, spoke in favor of the bill.

MOTION: Rep. Ivory moved to amend H.B. 150 with Amendment #4:

1. *Page 3, Lines 85 through 86:*

85 (b) The court may not consider the disability of a parent as a factor in awarding
86 custody **or modifying an award of custody based on a determination of a**
substantial change, unless the court makes specific findings that:

The motion passed with a vote of 10-0-2.

Yeas:

Nays:

Abs:

Rep. K. Coleman
Rep. B. Cutler
Rep. B. Greene
Rep. K. Ivory
Rep. B. King
Rep. M. McKell
Rep. S. Pulsipher
Rep. T. Quinn
Rep. V. Snow
Rep. M. Wheatley

Rep. K. Lisonbee
Rep. D. Pitcher

MOTION: Rep. King moved to report a favorable recommendation on H.B. 150, as amended. The motion passed with a vote of 10-0-2.

Yeas:

Nays:

Abs:

Rep. K. Coleman
Rep. B. Cutler
Rep. B. Greene
Rep. K. Ivory
Rep. B. King
Rep. M. McKell
Rep. S. Pulsipher
Rep. T. Quinn
Rep. V. Snow
Rep. M. Wheatley

Rep. K. Lisonbee
Rep. D. Pitcher

2. **H.B. 106 Utah Uniform Securities Act Amendments (Hall, C.)**

Rep. Craig Hall presented the bill with the assistance of John Neilsen, Office of the Attorney General.

MOTION: Rep. McKell moved to report a favorable recommendation on H.B. 106. The motion passed with a vote of 9-0-3.

Yeas:

Rep. B. Cutler
Rep. B. Greene
Rep. K. Ivory
Rep. B. King
Rep. M. McKell
Rep. S. Pulsipher
Rep. T. Quinn
Rep. V. Snow
Rep. M. Wheatley

Nays:

Abs:

Rep. K. Coleman
Rep. K. Lisonbee
Rep. D. Pitcher

MOTION: Rep. McKell moved to place H.B. 106 on the Consent Calendar. The motion passed with a vote of 7-0-5.

Yeas:

Rep. B. Cutler
Rep. K. Ivory
Rep. M. McKell
Rep. S. Pulsipher
Rep. T. Quinn
Rep. V. Snow
Rep. M. Wheatley

Nays:

Abs:

Rep. K. Coleman
Rep. B. Greene
Rep. B. King
Rep. K. Lisonbee
Rep. D. Pitcher

3. H.B. 129 Adult Protective Services Amendments (*Edwards, R.*)

Rep. Rebecca P. Edwards presented the bill with the assistance of Nan Mendenhall.

MOTION: Rep. Wheatley moved to report a favorable recommendation on H.B. 129. The motion passed with a vote of 8-0-4.

Yeas:

Rep. B. Cutler
Rep. B. Greene
Rep. B. King
Rep. M. McKell
Rep. S. Pulsipher
Rep. T. Quinn
Rep. V. Snow
Rep. M. Wheatley

Nays:

Abs:

Rep. K. Coleman
Rep. K. Ivory
Rep. K. Lisonbee
Rep. D. Pitcher

Rep. McKell assumed the chair.

4. H.B. 21 Uniform Powers of Appointment Act (*Snow, V. L.*)

Rep. V. Lowry Snow presented the bill with the assistance of Steven Dixon, attorney.

MOTION: Rep. Greene moved report a favorable recommendation on H.B. 21. The motion passed with a vote of 10-0-2.

Yeas:

Nays:

Abs:

Rep. B. Cutler
Rep. B. Greene
Rep. K. Ivory
Rep. B. King
Rep. K. Lisonbee
Rep. M. McKell
Rep. S. Pulsipher
Rep. T. Quinn
Rep. V. Snow
Rep. M. Wheatley

Rep. K. Coleman
Rep. D. Pitcher

Rep. Snow assumed the chair.

5. H.C.R. 6 Concurrent Resolution Supporting the Re-empowerment of the States Amendment (*Nelson, M.*)

Rep. Merrill F. Nelson presented the bill with the assistance of W David Hemingway, citizen and retired banker.

Stan Rasmussen, Sutherland Institute, spoke in favor of the bill.

MOTION: Rep. McKell moved to replace H.C.R. 6 with 1st Substitute H.C.R. 6. The motion passed with a vote of 10-0-2.

Yeas:

Rep. B. Cutler
Rep. B. Greene
Rep. K. Ivory
Rep. B. King
Rep. K. Lisonbee
Rep. M. McKell
Rep. S. Pulsipher
Rep. T. Quinn
Rep. V. Snow
Rep. M. Wheatley

Nays:

Abs:

Rep. K. Coleman
Rep. D. Pitcher

MOTION: Rep. Greene moved to amend H.C.R. 6 with Amendment #1:

1. *Page 1, Lines 13 through 14:*

13 ▶ asserts that federalism is an integral part of { ~~the American democratic~~
 ~~system~~} our American compound republic and is
14 essential to the vitality of the Union; and

2. *Page 2, Lines 37 through 39:*

37 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah,
 the
38 Governor concurring therein, reaffirms its position that federalism is an integral part of
 { ~~the~~
39 ~~American democratic system~~} our American compound republic and is
 essential to the vitality of the Union.

The motion passed with a vote of 9-1-2.

Yeas:

Rep. B. Cutler
Rep. B. Greene
Rep. K. Ivory
Rep. B. King
Rep. K. Lisonbee
Rep. M. McKell
Rep. S. Pulsipher
Rep. T. Quinn
Rep. V. Snow

Nays:

Rep. M. Wheatley

Abs:

Rep. K. Coleman
Rep. D. Pitcher

MOTION: Rep. Ivory moved to report a favorable recommendation on 1st Substitute H.C.R. 6, as amended. The motion passed with a vote of 8-2-2.

Yeas:

Rep. B. Cutler
Rep. B. Greene
Rep. K. Ivory
Rep. K. Lisonbee
Rep. M. McKell
Rep. S. Pulsipher
Rep. T. Quinn
Rep. V. Snow

Nays:

Rep. B. King
Rep. M. Wheatley

Abs:

Rep. K. Coleman
Rep. D. Pitcher

6. H.B. 145 Foster Children Visitation Amendments (Ivory, K.)

Rep. Ken Ivory presented the bill with the assistance of Krisse Prestwich.

Charri Brummer, Child Protective Services, Division of Child and Family Services, spoke in favor of the bill.

MOTION: Rep. Greene moved to report a favorable recommendation on H.B. 145. The motion failed with a vote of 3-4-5.

Yeas:

Rep. B. Greene
Rep. K. Ivory
Rep. M. Wheatley

Nays:

Rep. B. Cutler
Rep. M. McKell
Rep. S. Pulsipher
Rep. V. Snow

Abs:

Rep. K. Coleman
Rep. B. King
Rep. K. Lisonbee
Rep. D. Pitcher
Rep. T. Quinn

MOTION: Rep. Greene moved to adjourn. The motion passed with a vote of 7-0-5.

Yeas:

Rep. B. Cutler
Rep. B. Greene
Rep. K. Ivory
Rep. M. McKell
Rep. S. Pulsipher
Rep. V. Snow
Rep. M. Wheatley

Nays:

Abs:

Rep. K. Coleman
Rep. B. King
Rep. K. Lisonbee
Rep. D. Pitcher
Rep. T. Quinn

Vice Chair Snow adjourned the meeting at 4:22 p.m.