

**MINUTES OF THE  
HOUSE JUDICIARY STANDING COMMITTEE**  
Wednesday, February 28, 2018 • 4:00 p.m. • 20 House Building

**Members Present:**

Rep. Michael 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. Dixon M. Pitcher  
Rep. Susan Pulsipher  
Rep. Tim Quinn  
Rep. Mark A. Wheatley

**Staff Present:**

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

Note: A copy of related materials and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

Vice Chair Snow called the meeting to order at 4:21 p.m.

**MOTION:** Rep. Ivory moved to approve the February 27, 2018, meeting minutes. The motion passed with a vote of 10 - 0 - 2 .

Yeas-10

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

Nays-0

Absent-2

Rep. K. Coleman  
Rep. M. Wheatley

**1 . H.B. 466 Wildland Fire Liability Amendments (*McKell, M.*)**

Rep. Mike K. McKell explained the bill with the assistance of Brett Parkinson.

Mr. Brian Cottam, Director, Utah Division of Forestry, Fire, and State Lands, spoke against the bill.

Mr. Dan Petersen, Fire Chief, Unified Fire Authority, spoke against the bill.

Mr. Jeff Peterson, Utah Rural Electric Co-ops, spoke against the bill.

Mr. Eric Maxfield, attorney for Intermountain Power Agency, spoke against the bill.

Mr. Jon Cox, Rocky Mountain Power, spoke against the bill.

Mr. Karl Lieb, Salt Lake City Fire Dept Chief, spoke against the bill.

Mr. Brian Nelson, Director of Risk Management, spoke against the bill.

Mr. Ryan Loose, Utah League of Cities and Towns, spoke against the bill.

**MOTION:** Rep. King moved to amend H.B. 466 with Amendment 3. The motion passed with a vote of 12 - 0 - 0 .

Amendment 3  
H.B. 466

1. Page 1, Lines 12 through 18:
  - 12 ▶ states that a person who negligently, recklessly, or intentionally causes a wildland
  - 13 fire shall be liable for damages and the cost of suppressing the fire;
  - 14 ▶ states that a person that **negligently, recklessly, or intentionally** causes a wildland fire through the
  - 15 operation, maintenance,
  - 16 or use of any instrumentality of the person's shall be liable for all damages resulting
  - 17 from the wildland fire;
  - 18 ▶ states that a **person or a** property owner who suffers damage from a wildland fire may bring an
  - 19 action to recover damages, costs, and reasonable attorney fees;
  
2. Page 2, Lines 41 through 49:
  - 41 (2) (a) The conduct described in Subsection (1) includes any negligent, reckless, or
  - 42 intentional conduct, and is not limited to conduct described in Section 65A-3-2.
  - 43 (b) Notwithstanding { **Subsection (1) or (2)(a) or** } any provision of Title 63G, Chapter 7,
  - 44 Governmental Immunity Act of Utah, when a person **negligently, recklessly, or intentionally** causes a
  - 45 wildland fire through the
  - 46 operation, maintenance, or use of any instrumentality of the person, the person shall be liable
  - 47 for all damages resulting from the wildland fire, including the cost of suppression.
  - 48 (3) (a) [~~A person who incurs~~] A **person or a** property owner who suffers damage from a wildland
  - 49 fire, including **incurring** costs to suppress a wildland fire, may bring an action under this section to
  - 50 recover [~~those costs~~] damages resulting from the fire and attorney fees.

Yeas-12

Nays-0

Absent-0

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

Rep. M. Wheatley

**MOTION:** Rep. King moved to amend H.B. 466 with Amendment 4. The motion passed with a vote of 11 - 1 - 0 .

Amendment 4  
H.B. 466

1. Page 2, Lines 43 through 46:

43 (b) { ~~Notwithstanding~~ } Subsection (1) or (2)(a) or { ~~any provision of Title 63G, Chapter 7,~~  
44 ~~Governmental Immunity Act of Utah,~~ } when a person causes a wildland fire through the  
45 operation, maintenance, or use of any instrumentality of the person, the person shall be liable  
46 for all damages resulting from the wildland fire, including the cost of suppression.

Yeas-11

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

Nays-1

Rep. B. Greene

Absent-0

**MOTION:** Rep. King moved to report a favorable recommendation on H.B. 466, as amended.

**SUBSTITUTE MOTION:** Rep. Quinn moved to hold H.B. 466. The Substitute motion passed with a vote of 7 - 5 - 0 .

**MOTION:**

Yeas-7

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

Nays-5

Rep. K. Coleman  
Rep. B. King  
Rep. K. Lisonbee  
Rep. M. McKell  
Rep. D. Pitcher

Absent-0

Rep. Greene assumed the chair.

**2 . H.B. 427 Custody Amendments (*Snow, V. L.*)**

Rep. V. Lowry Snow explained the bill with the assistance of Stewart Ralphs, Legal Aid Society.

Ms. Cherie Raymond, spoke in favor of the bill.

Ms. Melinda Robinson, Stop Abuse Campaign, spoke in favor of the bill.

Ms. Annika Coleman, Stop Abuse Campaign, spoke in favor of the bill.

Ms. Amber North, Stop Abuse Campaign, spoke in favor of the bill.

Ms. Brinley North spoke in favor of the bill.

Ms. Jaycey Skinner, Administrative Office of the Courts, spoke to the bill.

**MOTION:** Rep. Pitcher moved to report a favorable recommendation on H.B. 427. The motion passed with a vote of 12 - 0 - 0 .

Yeas-12

Nays-0

Absent-0

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

Chair McKell resumed the chair.

**3 . H.B. 440 Presentence Investigation and Probation Report Amendments (*Hutchings, E.*)**

Rep. Eric K. Hutchings explained the bill with the assistance of Dr. Victor Kersey.

**MOTION:** Rep. Cutler moved to report a favorable recommendation on H.B. 440. The motion passed with a vote of 9 - 0 - 3 .

Yeas-9

Rep. K. Coleman  
Rep. B. Cutler  
Rep. B. Greene  
Rep. B. King  
Rep. K. Lisonbee  
Rep. M. McKell  
Rep. D. Pitcher  
Rep. S. Pulsipher  
Rep. V. Snow

Nays-0

Absent-3

Rep. K. Ivory  
Rep. T. Quinn  
Rep. M. Wheatley

**MOTION:** Rep. Pitcher moved to place H.B. 440 on the Consent Calendar. The motion passed with a vote of 9 - 0 - 3 .

Yeas-9

Rep. K. Coleman  
Rep. B. Cutler  
Rep. B. Greene  
Rep. B. King  
Rep. K. Lisonbee  
Rep. M. McKell  
Rep. D. Pitcher  
Rep. S. Pulsipher  
Rep. V. Snow

Nays-0

Absent-3

Rep. K. Ivory  
Rep. T. Quinn  
Rep. M. Wheatley

**4 . H.J.R. 17 Proposal to Amend Utah Constitution -- Right to Pursue Trade, Vocation, Occupation, or Career (*Greene, B.*)**

Rep. Brian M. Greene explained the bill.

Ms. Kate Bradshaw spoke against the bill.

**MOTION:** Rep. Greene moved to amend H.J.R. 17 with Amendment 1. The motion passed with a vote of 10 - 0 - 2 .

Amendment 1  
H.J.R. 17

1. Page 1, Line 28 through Page 2, Line 31:  
28 Government may not infringe on the individual, inalienable right of the people to  
29 pursue an honest trade, vocation, occupation, or career, unless the infringement is narrowly  
30 tailored to protect against {~~a present, recognizable~~} ~~identifiable, likely~~, and significant harm to public  
health or  
31 safety.

Yeas-10

Rep. K. Coleman  
Rep. B. Cutler  
Rep. B. Greene  
Rep. B. King  
Rep. K. Lisonbee  
Rep. M. McKell  
Rep. D. Pitcher  
Rep. S. Pulsipher  
Rep. V. Snow  
Rep. M. Wheatley

Nays-0

Absent-2

Rep. K. Ivory  
Rep. T. Quinn

**MOTION:** Rep. Coleman moved to report a favorable recommendation on H.J.R. 17, as amended. The motion failed with a vote of 3 - 7 - 2 .

Yeas-3

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

Nays-7

Rep. B. Cutler  
Rep. B. King  
Rep. K. Lisonbee  
Rep. M. McKell  
Rep. S. Pulsipher  
Rep. V. Snow  
Rep. M. Wheatley

Absent-2

Rep. K. Ivory  
Rep. T. Quinn

**5 . H.B. 451 Court Commissioner Amendments (*Miles, K.*)**

Rep. Kelly B. Miles explained the bill.

**MOTION:** Rep. Pitcher moved to report a favorable recommendation on H.B. 451. The motion passed with a vote of 10 - 0 - 2 .

Yeas-10

Rep. K. Coleman  
Rep. B. Cutler  
Rep. B. Greene  
Rep. B. King  
Rep. K. Lisonbee  
Rep. M. McKell  
Rep. D. Pitcher  
Rep. S. Pulsipher  
Rep. V. Snow  
Rep. M. Wheatley

Nays-0

Absent-2

Rep. K. Ivory  
Rep. T. Quinn

**MOTION:** Rep. Pitcher moved to place H.B. 451 on the Consent Calendar. The motion passed with a vote of 10 - 0 - 2 .

Yeas-10

Rep. K. Coleman  
Rep. B. Cutler  
Rep. B. Greene  
Rep. B. King  
Rep. K. Lisonbee  
Rep. M. McKell  
Rep. D. Pitcher  
Rep. S. Pulsipher  
Rep. V. Snow  
Rep. M. Wheatley

Nays-0

Absent-2

Rep. K. Ivory  
Rep. T. Quinn

Vice Chair Snow assumed the chair.

**6 . H.B. 359 Allocation of Fault Amendments (*McKell, M.*)**

Rep. Mike K. McKell explained the bill with the assistance of Mr. Edward Havas, Utah Association for Justice.

Mr. Joseph Rust spoke against the bill.

Mr. Dave Davis, President, Retail Merchants Association, spoke to the bill.

Mr. Marshall Thompson, Utah Sentencing Commission, spoke in favor of the bill.

Mr. Dave Gessel, Utah Hospital Association, spoke against the bill.

Mr. Todd Turnblom, Utah Defense Lawyers Association, spoke against the bill.

Mr. Michael Parker, Salt Lake Chamber of Commerce, spoke against the bill.

Mr. Lance Milne, UAJ, spoke to the bill.

**MOTION:** Rep. McKell moved to hold H.B. 359. The motion passed with a vote of 8 - 0 - 4 .

Yeas-8

Rep. K. Coleman  
Rep. B. Greene  
Rep. B. King  
Rep. K. Lisonbee  
Rep. M. McKell  
Rep. D. Pitcher  
Rep. S. Pulsipher  
Rep. V. Snow

Nays-0

Absent-4

Rep. B. Cutler  
Rep. K. Ivory  
Rep. T. Quinn  
Rep. M. Wheatley

**MOTION:** Rep. Pitcher moved to adjourn. The motion passed with a vote of 8 - 0 - 4 .

Yeas-8

Rep. K. Coleman  
Rep. B. Greene  
Rep. B. King  
Rep. K. Lisonbee  
Rep. M. McKell  
Rep. D. Pitcher  
Rep. S. Pulsipher  
Rep. V. Snow

Nays-0

Absent-4

Rep. B. Cutler  
Rep. K. Ivory  
Rep. T. Quinn  
Rep. M. Wheatley

Vice Chair Snow adjourned the meeting at 7:35 p.m.