

(Draft-Awaiting Approval)
MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE
Monday, March 5, 2018 • 10:00 a.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.

Rep. Greene called the meeting to order at 10:11 a.m.

MOTION: Rep. Pulsipher moved to approve the March 2, 2018, meeting minutes. The motion passed with a vote of 7 - 0 - 5 .

Yeas-7

Rep. K. Coleman
Rep. B. Cutler
Rep. B. Greene
Rep. B. King
Rep. K. Lisonbee
Rep. D. Pitcher
Rep. S. Pulsipher

Nays-0

Absent-5

Rep. K. Ivory
Rep. M. McKell
Rep. T. Quinn
Rep. V. Snow
Rep. M. Wheatley

1 . S.B. 182 Guardianship Amendments (*Adams, J. S.*)

Sen. J. Stuart Adams explained the bill.

MOTION: Rep. Pitcher moved to amend S.B. 182 with Amendment 1. The motion passed with a vote of 9 - 0 - 3 .

Amendment 3

S.B. 182

1. Page 5, Lines 137 through 140:

137 (7) A guardian shall, to the extent {~~feasible~~} **practicable**, encourage the ward to participate in
138 decisions, exercise self-determination, act on the ward's own behalf, and develop or regain the
139 capacity to manage the ward's personal affairs. To the extent known, a guardian, in making
140 decisions, shall consider the expressed desires and personal values of the ward.

Yeas-9

Rep. K. Coleman
Rep. B. Cutler
Rep. B. Greene
Rep. K. Ivory

Nays-0

Absent-3

Rep. T. Quinn
Rep. V. Snow
Rep. M. Wheatley

Rep. B. King
Rep. K. Lisonbee
Rep. M. McKell
Rep. D. Pitcher
Rep. S. Pulsipher

MOTION: Rep. King moved to report a favorable recommendation on pass S.B. 182, with amendments. The motion passed with a vote of 9 - 0 - 3 .

Yeas-9

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

Nays-0

Absent-3

Rep. T. Quinn
Rep. V. Snow
Rep. M. Wheatley

Chair McKell assumed the chair.

2 . S.B. 160 Cold Case Database (Weiler, T.)

Sen. Todd Weiler explained the bill.

MOTION: Chair McKell moved to amend S.B. 160 with Amendment 2. The motion passed with a vote of 10 - 0 - 2 .

Amendment 2
S.B. 160

1. Page 1, Lines 22 through 23:
22 Other Special Clauses:
23 { ~~None~~ } **This bill has a special effective date.**
2. Page 3, Line 78:
78 (5) The division shall maintain the information on a cold case indefinitely.
Section 3. Effective Date.
This bill takes effect July 1, 2018.

Yeas-10

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. M. Wheatley

Nays-0

Absent-2

Rep. T. Quinn
Rep. V. Snow

MOTION: Rep. Lisonbee moved to report a favorable recommendation on S.B. 160, with amendments. The motion passed with a vote of 10 - 0 - 2 .

Yeas-10

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. M. Wheatley

Nays-0

Absent-2

Rep. T. Quinn
Rep. V. Snow

3 . S.B. 177 Bicycle and Electric Assisted Bicycle Amendments (*Weiler, T.*)

Sen. Todd Weiler explained the bill.

MOTION: Rep. King moved to report a favorable recommendation on S.B. 177. The motion passed with a vote of 10 - 0 - 2 .

Yeas-10

Rep. K. Coleman
Rep. B. Cutler
Rep. B. Greene
Rep. K. Ivory
Rep. B. King
Rep. K. Lisonbee

Nays-0

Absent-2

Rep. T. Quinn
Rep. V. Snow

Rep. M. McKell
Rep. D. Pitcher
Rep. S. Pulsipher
Rep. M. Wheatley

4 . 1st Sub. S.B. 186 Indigent Defense Amendments (*Weiler, T.*)

Sen. Todd Weiler explained the bill.

Joanna Landau, Director, Utah Indigent Defense Commission, answered questions.

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

MOTION: Rep. Ivory moved to amend 1st Substitute S.B. 186 with Amendment 1. The motion passed with a vote of 10 - 0 - 2 .

Amendment 1
1st Sub. S.B. 186

1. Page 4, Lines 90 through 91:

90 (iv) a parent or legal guardian facing any action initiated by a private party under Title
91 78A, Chapter 6, Part 5, Termination of Parental Rights Act, **or under Section 78B-6-112** ; or

Yeas-10

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. M. Wheatley

Nays-0

Absent-2

Rep. T. Quinn
Rep. V. Snow

MOTION: Rep. Pulsipher moved to report a favorable recommendation on 1st Substitute S.B. 186, with amendments. The motion passed with a vote of 10 - 0 - 2 .

Yeas-10

Rep. K. Coleman
Rep. B. Cutler

Nays-0

Absent-2

Rep. T. Quinn
Rep. V. Snow

Rep. B. Greene
Rep. K. Ivory
Rep. B. King
Rep. K. Lisonbee
Rep. M. McKell
Rep. D. Pitcher
Rep. S. Pulsipher
Rep. M. Wheatley

5 . 1st Sub. S.B. 118 Abortion Law Amendments (Weiler, T.)

Sen. Todd Weiler explained the bill.

Ms. Mary Taylor, President, Pro-Life Utah, spoke in favor of the bill.

Ms. Deanna Holland, Vice President, Pro-Life Utah, spoke in favor of the bill.

Ms. Kristine Neilson, Social Media Director, Pro-Life Utah, spoke in favor of the bill.

Ms. Maryann Christensen, Utah Eagle Forum, spoke in favor of the bill.

Ms. Mary Taylor spoke in favor of the bill.

Ms. Heather Stringfellow, Vice-President of Public Policy, Planned Parenthood of Utah, spoke to the bill.

MOTION: Rep. Pitcher moved to amend 1st Substitute S.B. 118 with Amendment 3. The motion passed with a vote of 10 - 0 - 2 .

Amendment 3
1st Sub. S.B. 118

1. Page 12, Lines 344 through 345:

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344 to the individual described in Subsection (2)(a) that the pregnant woman viewed the entire information
module { to the individual described in

345 Subsection (2)(a)};

2. Page 12, Line 353:

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353 who is to perform the abortion, upon request of that physician or the pregnant woman{-} :

3. Page 15, Line 435:

435 (i) on a document that the pregnant woman may take home ~~{;}~~ :

4. Page 15, Lines 447 through 448:

447 required to be provided under ~~{Subsections}~~ Subsection (2) and this Subsection (3) was provided in accordance with the

448 requirements of ~~{Subsections}~~ Subsection (2) and this Subsection (3); and

5. Page 25, Line 753:

753 76-7-305(2)(a) through (c), and (e) . is a class A misdemeanor.

Yeas-10

Rep. K. Coleman
Rep. B. Greene
Rep. K. Ivory
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. B. Cutler
Rep. T. Quinn

MOTION: Rep. Lisonbee moved to report a favorable recommendation on 1st Substitute S.B. 118, with amendments. The motion passed with a vote of 9 - 2 - 1 .

Yeas-9

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

Nays-2

Rep. B. King
Rep. M. Wheatley

Absent-1

Rep. T. Quinn

6 . 1st Sub. S.B. 203 Termination of Parental Rights Amendments (Weiler, T.)

Sen. Todd Weiler explained the bill.

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

MOTION: Rep. Ivory moved to amend 1st Substitute S.B. 203 with Amendment 1. The motion passed with a vote of 12 - 0 - 0 .

Amendment 1
1st Sub. S.B. 203

1. Page 10, Line 289:

289 by a private party under { Title 78A, Chapter 6, Part 5, Termination of Parental Rights Act } this part or termination of parental rights under Section 78B-6-112 . The

2. Page 16, Lines 466 through 468:

466 (ii) the court shall appoint counsel designated by the county where the petition is filed to represent a parent or legal guardian facing any
467 action initiated by a private party under Title 78A, Chapter 6, Part 5, Termination of Parental
468 Rights Act{.} or termination of parental rights under Section 78B-6-112 {~~who~~} , if the parent or legal guardian :

3. Page 18, Lines 525 through 528:

525 (6) If a county incurs expenses in providing defense services to indigent individuals
526 facing any action initiated by a private party under Title 78A, Chapter 6, Part 5, Termination of
527 Parental Rights Act{.} or termination of parental rights under Section 78B-6-112, the county may
apply for a grant for reimbursement from the Utah
528 Indigent Defense Commission under Section 77-32-806.

4. Page 23, Lines 684 through 686:

684 (6) The court shall appoint counsel designated by the county where the petition is filed to represent a party who faces any action initiated by a private party under Title 78A, Chapter 6, Part 5, Termination of Parental Rights Act or whose parental rights are
685 subject to termination under this section , if :
(a) the court determines that the party is indigent under Section
686 77-32-202{.} ; and
(b) the party does not, after being fully advised of the right to counsel, knowingly, intelligently and voluntarily waive the right to counsel.

5. Page 23, Lines 689 through 690:

689 Parental Rights Act{.} or termination of parental rights under this section, the county may apply for a grant for reimbursement from the Utah
690 Indigent Defense Commission under Section 77-32-806.

Yeas-12

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

Nays-0

Absent-0

MOTION: Rep. Ivory moved to report a favorable recommendation on 1st Substitute S.B. 203, with amendments. The motion passed with a vote of 11 - 1 - 0 .

Yeas-11

Rep. K. Coleman
Rep. B. Cutler
Rep. B. Greene
Rep. K. Ivory
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. King

Absent-0

7 . 1st Sub. S.B. 66 Emergency Vehicle Operator Duty of Care Amendments (*Anderegg, J.*)

Sen. Jacob L. Anderegg explained the bill.

Mr. Tom Ross, Bountiful Police Chief, and representing Utah Police Chiefs' Association, spoke to the bill.

MOTION: Rep. King moved to report a favorable recommendation on 1st Substitute S.B. 66. 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

8 . H.B. 483 Extreme Risk Protective Order (*Handy, S.*)

Rep. Stephen G. Handy explained the bill.

Ms. Monica Bellenger, Health Policy Coordinator, Action Utah, spoke in favor of the bill.

Mr. Clark Aposhian, Utah Shooting Sports Council, spoke against the bill.

Ms. Staci Lawrence, kindergarten teacher, spoke in favor of the bill.

Mr. Dan Deuel, representing self, spoke against the bill.

Mr. Tammer Attallah, Behavioral Health Services, Intermountain Healthcare, spoke in favor of the bill.

Mr. Andrew Riggie, Disability Law Center, spoke against the bill.

Ms. Kathleen Kaufman, Utah Nurses' Association, spoke in favor of the bill.

Mr. Connor Boyack, Libertas Institute, spoke against the bill.

Ms. Hillary Stirling, Mormon Women for Ethical Government, spoke in favor of the bill.

Mr. Brian Judy, Utah State Liaison, National Rifle Association, spoke against the bill.

Ms. Nancy Halden, Chair, Gun Violence Prevention Center of Utah, spoke in favor of the bill.

Mr. Shannon O'Neal spoke in favor of the bill.

Ms. Maria Folsom spoke in favor of the bill.

MOTION: Rep. Pitcher moved to replace H.B. 483 with 1st Substitute H.B. 483.

SUBSTITUTE MOTION: Rep. Ivory moved to return H.B. 483 to the Rules Committee. The Substitute motion passed with a vote of 7 - 4 - 1 .

Yeas-7

Rep. K. Coleman
Rep. B. Greene
Rep. K. Ivory
Rep. K. Lisonbee
Rep. M. McKell
Rep. S. Pulsipher
Rep. T. Quinn

Nays-4

Rep. B. Cutler
Rep. D. Pitcher
Rep. V. Snow
Rep. M. Wheatley

Absent-1

Rep. B. King

MOTION: Rep. Coleman moved to adjourn. The motion passed with a vote of 11 - 0 - 1 .

Yeas-11

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

Nays-0

Absent-1

Rep. B. King

Chair McKell adjourned the meeting at 1:08 p.m.