



UTAH STATE SENATE

UTAH STATE CAPITOL COMPLEX • 320 STATE CAPITOL
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February 10, 2009

Mr. President:

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 170**, JUDICIARY AMENDMENTS, by Senator L. Hillyard, with the following amendments:

1. *Page 2, Line 40:*

40 78B-2-211, as renumbered and amended by Laws of Utah 2008, Chapter 3
= 78B-3-106, as renumbered and amended by Laws of Utah 2008, Chapter 3

2. *Page 13, Line 387:*

387 as the part improved and cultivated.

= Section 10. Section 78B-3-106 is amended to read:
78B-3-106. Death of adult -- Suit by heir or personal representative.

(1) Except as provided in Title 34A, Chapter 2, Workers' Compensation Act, when the death of a person who is not a minor is caused by the wrongful act or neglect of another, his heirs, or his personal representatives for the benefit of his heirs, may maintain an action for damages against the person causing the death, or, if the person is employed by another person who is responsible for his conduct, then against the other person.

(2) If the adult person has a guardian at the time of his death, only one action may be maintained for the person's injury or death.

(3) The action may be brought by either the personal representatives of the adult deceased person, for the benefit of the person's heirs, or by the guardian for the benefit of the heirs, as defined in Section 78B-3-105.

= (4) In every action under this section and Section 78B-3-105 damages may be given as under all the circumstances of the case may be just.

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Renumber remaining sections accordingly.

3. Page 15, Lines 441 through 450:

441 78B-6-138. Birth parent's rights and duties dissolved.
442 [~~A~~] (1) Except as provided in Subsection (2), a birth parent of an adopted child is
443 released from all parental duties toward and all responsibilities for the adopted child, and
444 has
445 no further rights with regard to that child at the earlier of:
446 [~~(1)~~] (a) the time the parent's parental rights are terminated; or
447 [~~(2)~~] (b) the time the final decree of adoption is entered.
448 (2) {~~At the time the final decree of adoption is entered, a birth parent who is~~
the spouse
of the adopting parent, is not released from any parental duties or responsibilities for
the
adopted child, nor does the decree of adoption terminate any of that birth parent's
rights with
regard to the child.} Subsection (1) may not apply to a biological parent who is a
party to the adoption petition, unless the petition expressly seeks termination of that
biological parent's rights.
(3) Nothing in this section may be construed to permit any adoptions that are
prohibited by Subsection 78B-6-117(3).

4. Page 12, Lines 356 through 357:

356 (1) The term of a justice court judge is six years beginning the first Monday in
January
357 {~~2010~~} [~~—~~ (2) ~~Judges~~] following the date of election.

Respectfully,

D. Chris Buttars
Committee Chair

Voting: 7-0-0

3 SB0170.SCI.WPD jdhowe/JDH ECM/JDH 2/10/09 5:30 pm

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