

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE MEETING
Room 20, West Office Building
February 7, 2012**

MEMBERS PRESENT: Rep. Kay McIff, Chair
Rep. LaVar Christensen, Vice Chair
Rep. Derek Brown
Rep. Fred Cox
Rep. Brian Doughty
Rep. Chris Herrod
Rep. Eric Hutchings
Rep. Brian King
Rep. Paul Ray
Rep. V. Lowry Snow
Rep. Mark A. Wheatley
Rep. Brad Wilson

MEMBERS ABSENT: Rep. Kenneth Ivory

STAFF PRESENT: Mr. Jerry D. Howe, Policy Analyst
Ms. Linda Black, Committee Secretary

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

Rep. McIff called the meeting to order at 2:15 p.m.

MOTION: Rep. Wheatley moved to approve the minutes of February 3, 2012. The motion passed unanimously, with Rep. Christensen Rep. Herrod, Rep. Hutchings, Rep. Ray, and Rep. Wilson absent for the vote.

H.B. 116 Probate Code Amendments (*Rep. V. L. Snow*)

Rep. Snow presented the bill to the committee with the assistance of Mr. Edward Munson, attorney.

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

1. *Page 10, Lines 290 through 298:*

290 ~~{ (2) An order adjudicating incapacity may specify a minimum period, not~~
~~exceeding one~~
291 ~~year, during which no petition for an adjudication that the protected person is no~~
~~longer~~
292 ~~incapacitated may be filed without special leave. Subject to this restriction, the~~

- protected
293 person or any person interested in the protected person's welfare may petition for an
order that
294 the protected person is no longer incapacitated and for removal or resignation of the
295 conservator. A request for this order may be made by informal letter to the court or
judge and
296 any person who knowingly interferes with transmission of the request to the court or
judge may
297 be found guilty of contempt of court. }
298 {~~(3)~~} (2) Before removing a conservator, accepting the resignation of a
conservator, or

The motion passed unanimously, with Rep. Hutchings, Rep. Ray, and Rep. Wilson absent for the vote.

Spoke to the bill: Ms. Jackie deGaston, representing herself
Mr. Dennis Astle, attorney

MOTION: Rep. Christensen moved to pass the bill out favorably as amended. The motion passed unanimously, with Rep. Brown, Rep. Herrod, Rep. Hutchings, Rep. Ray, and Rep. Wilson absent for the vote.

H.B. 238 Expunged Records Amendments (Rep. R. Greenwood)

Rep. Greenwood presented the bill to the committee.

MOTION: Rep. Hutchings moved to pass the bill out favorably. The motion passed unanimously, with Rep. Brown, Rep. Herrod, Rep. Ray, and Rep. Wilson absent for the vote.

H.B. 74 Eminent Domain Amendments (Rep. M. Noel)

Rep. Noel presented the bill to the committee.

MOTION: Rep. Snow moved to replace H.B. 74 with 1st Substitute H.B. 74. The motion passed unanimously, with Rep. Brown, Rep. Herrod, Rep. Hutchings, Rep. Ray, and Rep. Wilson absent for the vote.

Spoke in favor of the bill: Mr. Kevin Carter, Director Utah School and Institutional Trust Lands Administration
Mr. Lee Peacock, Utah Petroleum Association
Mr. Mike Peterson, Utah Rural Electric Association
Mr. Jeff Hartley, representing himself

Spoke in opposition to the bill: Ms. Jackie deGaston, spoke for herself

Spoke to the bill: Mr. Brent Bateman, attorney
Mr. Jess Knight, spoke for himself
Mr. Sterling Brown, Utah Farm Bureau

MOTION: Rep. Brown moved to pass out 1st Substitute H.B. 74 with a favorable recommendation, as amended. The motion passed unanimously, with Rep. Wilson absent for the vote.

H.B. 326 Serious Youth Offender Amendments (*Rep. P. Ray*)

Rep. Ray presented the bill to the committee.

Spoke to the bill: Mr. Paul Boyden, Statewide Association of Prosecutors

MOTION: Rep. Christensen moved to pass the bill out favorably, with Rep. Doughty and Rep. Wilson absent for the vote.

H.B. 107 Joint Custody Modifications (*Rep. G. Froerer*)

At the request of the sponsor, the bill was not heard.

H.B. 236 Alimony Modifications (*Rep. S. Sandstrom*)

This bill was not heard.

MOTION: Rep. King moved to adjourn the meeting. The motion passed with Rep. Christensen voting in opposition. Chair McIff adjourned the meeting at 3:50 p.m.