

**MINUTES OF THE
SENATE JUDICIARY, LAW ENFORCEMENT & CRIMINAL JUSTICE
STANDING COMMITTEE MEETING
ROOM 250, STATE CAPITOL
February 6, 2012**

Members Present: Sen. Mark B. Madsen, Committee Chair
Sen. Lyle W. Hillyard
Sen. Ben McAdams
Sen. Ross I. Romero
Sen. Steve H. Urquhart
Pres. Michael G. Waddoups
Sen. Todd Weiler

Staff Present: Nathan Brady, Policy Analyst
Karen C. Allred, Committee Secretary

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

Chair Madsen called the meeting to order at 2:11 p.m.

MOTION: Sen. Hillyard moved to approve the minutes of the February 2, 2012 meeting. The motion passed unanimously with Sen. McAdams, Sen. Urquhart, Pres. Waddoups and Sen. Weiler absent for the vote.

S.B. 103 Personal Injury Protection Arbitration (*Sen. C. Bramble*)

Senate Bramble introduced and explained the bill.

MOTION: Sen. Hillyard moved to amend S.B. 103 as follows:

1. Page 2, Lines 38 through 41:

38 (1) Any dispute regarding the recovery of medical expense benefits or other benefits
39 provided under personal injury protection coverage pursuant to Section 31A-22-307
arising out
40 of the operation, ownership, maintenance, or use of an automobile may be submitted to
41 arbitration {on the initiative of any party} if all parties to the
dispute agree .

The motion passed unanimously with Sen. McAdams, Sen. Urquhart, Pres. Waddoups and Sen. Weiler absent for the vote.

Spoke for the bill: David Copeland, President, Segoe Strategies and Consulting, LLC
Greg Curtis, Allstate Insurance
Spoke to the bill: Mike Zantag, Bear River Insurance

MOTION: Sen. Urquhart moved to pass S.B. 103 out favorably. The motion passed with Sen. Hillyard voting in opposition.

S.B. 139 Child Custody Proceedings (Sen. L. Robles)

MOTION: Sen. Romero moved to amend S.B. 139 as follows:

1. *Page 1, Lines 12 through 14:*

12 This bill:

13 ▶ reduces the age from 16 to ~~{14}~~ 12 for children who wish to express
their opinion during

14 a child custody proceeding regarding which parent they would prefer to reside with.

2. *Page 2, Lines 43 through 47:*

43 (d) The court may inquire of the children and take into consideration the children's
44 desires regarding future custody or parent-time schedules, but the expressed desires are not
45 controlling and the court may determine the children's custody or parent-time otherwise.

The

46 desires of a child [~~16~~] ~~{14}~~ 12 years of age or older shall be given added weight,
but is not the single

47 controlling factor.

The motion passed unanimously.

Sen. Robles introduced and explained the bill.

Spoke for the bill: Marco Dinz, Father
Grant Durtschi, Father
Jackie Warren, Mother
Madelyn Meyer, Child
Dalane England, Eagle Forum

Spoke against the bill: Danny Hartvigsen, Mother

MOTION: Sen. Romero moved to pass S.B. 139 out favorably. The motion failed with Sen. Madsen, Sen. McAdams and Sen. Romero voting in favor.

MOTION: Sen. Romero moved to restore the bill to its before amendment form, and pass out favorably. The motion passed with Sen. Hillyard and Sen. Urquhart voting in opposition.

S.B. 146 Property Rights Amendments (Sen. L. Robles)

Sen. Robles introduced and explained the bill

MOTION: Sen. Hillyard moved to pass S.B. 146 out favorably. The motion passed unanimously with Sen. Romero absent for the vote.

S.B. 141 Reauthorization of Prohibitions on Practicing Law Without a License (Sen. S. Jenkins)

Sen. Jenkins introduced and explained the bill.

MOTION: Sen. Urquhart moved to amend S.B. 141 as follows:

Reinstate lines 30 and 31, bracket 2012 and add in 2017.

The motion failed with Sen. Madsen and Sen. Urquhart voting in favor.

MOTION: Sen. Hillyard moved to pass S.B. 141 out favorably. The motion passed with Sen. Madsen and Sen. Urquhart voting in opposition.

S.B. 100 Law Library Self-help Center (Sen. S. Urquhart)

Sen. Urquhart introduced and explained the bill.

Spoke in for the bill: Rick Schwermer, Administrative Office of the Courts

MOTION: Sen. Hillyard moved to pass S.B. 100 out favorably. The motion passed unanimously.

S.B. 57 Issuance of Blasting Permits (Sen. R. Okerlund)

Sen. Okerlund introduced and explained the bill.

Spoke for the bill: Brent Halladay, State Fire Marshall

Spoke to the bill: Lynn Pace, Deputy City Attorney at Salt Lake City Corporation
 Todd Bingham, President, Utah Mining Association

MOTION: Sen. Hillyard moved to pass S.B. 57 out favorably. The motion passed with Sen. McAdams voting in opposition.

S.B. 167 Children's Justice Center Program Amendments (Sen. R. Okerlund)

Sen. Okerlund introduced and explained the bill.

Spoke to the bill: Tracy Tabet, Program Administrator, Children's Justice Centers

MOTION: Sen. Hillyard moved to pass S.B. 167 out favorably. The motion passed unanimously with Pres. Waddoups absent for the vote.

MOTION: Sen. Hillyard moved to adjourn the meeting. The motion passed unanimously, with Pres. Waddoups absent for the vote.

Chair Madsen adjourned the meeting at 4:16 p.m.

Minutes reported by Karen C. Allred, Secretary.

Sen. Mark B. Madsen, Committee Chair