# MINUTES OF THE HOUSE JUDICIARY STANDING COMMITTEE MEETING Room 20, West Office Building

March 7, 2013

MEMBERS PRESENT:	Rep. Kay L. McIff, Chair
	Rep. Lee B. Perry, Vice Chair
	Rep. Patrice Arent
	Rep. LaVar Christensen
	Rep. Brian M. Greene
	Rep. Craig Hall
	Rep. Eric K Hutchings
	Rep. Brian S. King
	Rep. V. Lowry Snow

STAFF PRESENT:	Ms. Chelsea Lloyd, Policy Analyst
	Ms. Linda Black, Committee Secretary

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

Chair McIff called the meeting to order at 4:35 p.m.

- **MOTION:** Rep. Snow moved to approved the minutes for March 4, 2013. The motion passed unanimously, with Rep. Arent, Rep. Christensen, Rep. Hall, and Rep. Hutchings absent for the vote.
- S.B. 204S01 Judiciary Amendments (Sen. L. Hillyard)

Sen. Hillyard presented the bill to the committee.

Spoke to the bill: Mr. Rick Schwermer Administrative Office of the Courts

- **MOTION:** Rep. Perry moved to pass the bill out favorably. The motion passed unanimously, with Rep. Arent, Rep. Hall, and Rep. Hutchings absent for the vote.
- **MOTION:** Rep. Perry moved to place S.B. 204S01 on the Consent Calendar. The motion passed unanimously, with Rep. Arent, Rep. Hall, and Rep. Hutchings absent for the vote.
- S.B. 155S01 Open Adoption (Sen. L. Hillyard)

Sen Hillyard presented the bill to the committee.

**MOTION:** Rep. Perry moved to pass the bill out favorably. The motion passed unanimously, with Rep. Hall absent for the vote.

#### S.B. 102S01 Contractor Licensing Amendments (Sen. W. Harper)

Sen. Harper presented the bill to the committee.

- **MOTION:** Rep. Greene moved to pass the bill out favorably. The motion passed unanimously, with Rep. Hall absent for the vote.
- **MOTION:** Rep. Perry moved to place S. B. 102S01 on the Consent Calendar. The motion failed, with Rep. Arent voting in opposition.

S.C.R. 4S01 Standing with Israel Concurrent Resolution (Sen. C. Bramble)

Sen. Bramble presented the resolution to the committee.

- **MOTION:** Rep. Arent moved to pass the resolution our favorably. The motion passed unanimously, with Rep. Hall and Rep. Snow absent for the vote.
- **MOTION:** Rep. King moved to place S.C.R. 4S01 on the Consent Calendar. The motion passed unanimously, with Rep. Hall and Rep. Snow absent for the vote.

H.B. 383 Taxpayer Funded Lobbyist Prohibition Act (Rep. P. Ray)

Rep. Ray presented the bill to the committee.

**MOTION:** Rep. Greene moved to amend the bill as follows:

1. Page 2, Line 33:

33 (c) "Public official <u>,</u> " <u>notwithstanding Section 36A-11-102</u>, is as defined in <u>Section 20A-11-1202</u>.

The motion passed unanimously, with Rep. Snow absent for the vote.

**MOTION:** Rep. Green moved to further amend the bill as follows:

- 1. Page 2, Lines 34 through 35:
  - 34 (2) A governmental entity may not use public funds to hire, contract, or otherwise
  - 35 <u>engage a lobbyist for the purpose of influencing the action of a public official</u> <u>of the</u> <u>state or of a political subdivision</u> <u>.</u>

The motion passed unanimously, with Rep. Snow absent for the vote.

Spoke in favorMr. Derek MonsonSutherland Instituteof the bill:Mr. Connor BoyackLibertas Institute

Spoke in oppositionto the bill:Mr. Adam TruppAssociation of Counties

MOTION: Rep. Christensen moved to further amend the bill.

# SUBSTITUTE

**MOTION:** Rep. Perry moved to return the bill to the Rules Committee for interim study. The motion passed unanimously, with Rep. King and Rep. Snow absent for the vote.

# H.B. 339 Indigent Defense in Justice Courts (Rep. B. Greene)

Rep. Greene presented the bill to the committee.

Rep. Greene moved to amend the bill as follows:

- 1. Page 1, Lines 20 through 22:
  - 20 AMENDS:
  - 21 77-32-202, as last amended by Laws of Utah 2012, Chapter 180
  - 22 {<del>77-32-302, as last amended by Laws of Utah 2012, Chapter 180</del> }</del>
- 2. Page 3, Line 88 through Page 4, Line 120: Delete line 88 through line 120
- 3. Page 5, Lines 130 through 132:
  - 130(iii) adequate funding { to defend }and procedures to provide for thedefense ofall persons charged with { a [public offense] }{ crime for
  - 131 which incarceration is a permissible penalty upon conviction, and } an offense for which there is a substantial probability that the penalty to be imposed is confinement in either jail or prison upon conviction, and who are determined by the
  - 132 justice court to be indigent under Title 77, Chapter 32, Indigent Defense Act;

The motion passed unanimously, with Rep. Snow and Chair McIff absent for the vote.

Spoke to the bill:	Mr. Rick Schwermer	Administrative Office of the Courts
Spoke in favor of the bill:	Mr. Adam Trupp Mr. John Mejia	Association of Counties ACLU

Spoke in opposition to the bill: Mr. Sean Hullinger Mr. Jeremy Roberts

Criminal Defense Lawyers (against the amendment)

**MOTION:** Rep. Hutchings moved to strike the amendment, and to return the bill to its original form.

## SUBSTITUTE

**MOTION:** Chair McIff moved to hold the bill.

Rep. Hutchings and Chair McIff withdrew their motions.

**MOTION:** Rep. Arent moved to pass the bill out favorably, as amended. The motion passed unanimously, with Rep. Christensen and Rep. King absent for the vote.

## H.B. 397 Property Tax Increase Amendments (Rep. J. Nielson)

Rep. Nielson presented the bill to the committee.

Spoke in favor of the bill: Mr. Ronald Mortensen

Spoke in opposition		
to the bill:	Ms. Barbara Smith	Davis County School Board
	Mr. Jay Blaine	Utah Education Association
	Mr. Arie Van De Graaff	Utah Association of Counties

**MOTION:** Rep. Arent moved to proceed to the next item on the agenda. The motion passed unanimously, with Rep. Christensen and Rep. King absent for the vote.

#### S.B. 105 Board of Pardons and Parole Revisions (Sen. D. Thatcher)

Sen. Thatcher presented the bill to the committee, with the assistance of Ms. Jacey Skinner, Utah Sentencing Commission.

- **MOTION:** Rep. Arent moved to pass the bill out favorably. The motion passed unanimously, with Rep. Christensen and Rep. King absent for the vote.
- **MOTION:** Rep. Hall moved to place S.B. 105 on the Consent Calendar. The motion passed unanimously, with Rep. Christensen and Rep. King absent for the vote.

# S.B. 159 Theft Amendments (Sen. D. Thatcher)

Sen. Thatcher presented the bill to the committee.

Spoke to the bill:Ms. Jacey Skinner, DirectorUtah Sentencing CommissionMOTION:Rep. Arent moved to pass the bill out favorably. The motion passed unanimously,<br/>with Rep. Christensen and Rep. King absent for the vote.MOTION:Rep. Hall moved to place S.B. 159 on the Consent Calendar. The motion failed with<br/>Rep. Arent voting in opposition.MOTION:Rep. Perry moved to adjourn the meeting. The motion passed unanimously, with<br/>Rep. Christensen and Rep. King absent for the vote.

Chair McIff adjourned the meeting at 7:30 p.m.

Kay L. McIff, Chair