

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE MEETING**
20 House Building, Utah State Capitol Complex
February 3, 2015

Members Present: Rep. LaVar Christensen, Chair
Rep. Merrill Nelson, Vice Chair
Rep. Fred C. Cox
Rep. Bruce Cutler
Rep. Brian M. Greene
Rep. Craig Hall
Rep. Brian S. King
Rep. Curtis Oda
Rep. V. Lowry Snow
Rep. Kevin J. Stratton
Rep. Mark A. Wheatley

Staff Present: Mr. Gregg Girvan, Policy Analyst
Ms. Linda Black, Committee Secretary

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

Chair Christensen called the meeting to order at 2:10 p.m., and Vice Chair Nelson assumed the chair.

1st Sub. H.B. 73 Nepotism Amendments *(Rep. B. R. Cutler)*

Rep. Cutler explained the bill to the committee.

MOTION: Rep. King moved to replace H.B. 73 with 1st Substitute H.B. 73. The motion passed with Rep. Christensen and Rep. Cox voting in opposition. Rep. Snow, Rep. Stratton, and Rep. Wheatley were absent for the vote.

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

1. Page 2, Lines 33 through 42:

- 33 (d) "Relative" means {+} a father, mother, husband, wife, son, daughter,
sister, brother,
34 uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law,
brother-in-law,
35 sister-in-law, son-in-law, or daughter-in-law. {+} {a person who, in relation to
a public officer or an
36 appointee as the case may be:

- 37 ~~—(i) is or was a spouse;~~
38 ~~—(ii) is or was living as if a spouse;~~
39 ~~—(iii) is related by blood within three degrees of consanguinity or by marriage;~~
40 ~~—(iv) has or had one or more children in common with the public officer or~~
~~appointee;~~
41 ~~—(v) is the biological parent of the public officer's or appointee's unborn child;~~
~~or~~
42 ~~—(vi) is in an intimate relationship with the public officer or appointee.}~~

2. Page 2, Lines 53 through 56:

- 53 (v) the appointee is the only person available, qualified, or eligible for the
position {+} ;
54 or {+} {-}
55 {+} (vi) the chief administrative officer determines that the public officer is
the only
56 person available or best qualified to perform supervisory functions for the
appointee. {+}

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

MOTION: Rep. Cox moved to amend the bill.

SUBSTITUTE

MOTION: Rep. Christensen moved to hold the bill in committee. The motion passed unanimously with Rep. Snow and Rep. Wheatley absent for the vote.

H.B. 170 Legislative Audit Amendments (Rep. L. Christensen)

Rep. Christensen introduced the bill to the committee.

MOTION: Rep. Cox moved to pass H.B. 170 out favorably. The motion passed with Rep. King voting in opposition.

At the direction of Vice Chair Nelson, the committee sauntered for five minutes.

H.B. 74 Consent Definition for Sexual Offense (Rep. A. Romero)

Rep. Romero introduced the bill to the committee and provided a handout pertaining to Utah Code 76-5-406.

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

1. *Page 1, Lines 18 through 19:*

18 resisting the offense, ~~{the requirement that the defendant also know that the~~
19 ~~victim has a mental disease or defect is removed}~~ the cause of the incapacity
includes any other reason, in addition to the current reasons of mental disease or
defect .

2. *Page 2, Line 54:*

54 (6) the actor knows that {+} **as a result of mental disease or**
defect, {+} or for any other reason the victim is at the

The motion passed unanimously.

Spoke to the bill: Donna Kelly, Utah Prosecution Council
Kim Fisher, ABC-4 news station and Rape Recovery Center
Derek Deitsch, citizen

MOTION: Rep. Snow moved to pass H.B. 74 out favorably as amended. The motion passed unanimously.

H.B. 35 Parent-time Schedule Amendments (*Rep. V. L. Snow*)

The bill was not considered.

H.B. 46 Mechanics Lien Revisions (*Rep. M. McKell*)

The bill was not considered.

MOTION: Rep. Hall moved to adjourn the meeting. The motion passed unanimously.

Vice Chair Nelson adjourned the meeting at 3:55 p.m.

House Judiciary Standing Committee
February 3, 2015
Page 4