

**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~~

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