

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE MEETING
Room 20, West Office Building
February 28, 2012**

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

MEMBERS ABSENT: Rep. Derek Brown
Rep. Paul Ray

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. Hutchings, acting as chair, called the meeting to order at 4:10 p.m.

H.B. 433 Expanded Uses of School District Property Tax Revenue *(Rep. K. McIff)*

Rep. McIff presented the bill to the committee.

Spoke in opposition

to the bill: Mr. Peter Cannon, Davis County School Board
 Mr. Ron Mortensen, Citizens for tax fairness

MOTION: Rep. Snow moved to pass the bill out favorably. The motion passed with Rep. Herrod and Rep. Wilson voting in opposition. Rep. King and Rep. Christensen were absent for the vote.

H.J.R. 16 Joint Resolution - Judicial Service Commendation *(Rep. K. McIff)*

Rep. McIff presented the resolution to the committee.

MOTION: Rep. Wilson moved to pass the resolution out favorably. The motion passed unanimously with Rep. King absent for the vote.

Chair McIff resumed the chair.

S.B. 0055S01 Amendments to Adoption Code (*Sen. T. Weiler*)

Sen. Weiler presented the bill to the committee with the assistance of Mr. Lance Rich, Utah Adoption Council.

Spoke to the bill: Mr. Stan Rasmussen, Sutherland Institute

Spoke in opposition
to the bill: Mr. Peter Cannon

MOTION: Rep. Hutchings moved to pass the bill out favorably. The motion passed unanimously with Rep. Cox absent for the vote.

H.B. 457 Eminent Domain Revisions (*Rep. B. Last*)

Rep. Last presented the bill to the committee with the assistance of Mr. Greg Curtis, representing Anderson Development Co.

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

1. Page 1, Line 14:

14 { ~~→ changes the date on attorney fees to 2009;~~ }

2. Page 7, Lines 188 through 189:

188 { ~~(12) Subsections (3) through (10) do not apply to an action filed before July~~
~~1, [2010]~~
189 ~~2009.~~ }

3. Page 8, Lines 226 through 232:

226 bond in an amount and with sureties as determined and approved by the court.
{ } ~~+~~ Condemner,
227 whether a public or private body, may, at any time prior to { ~~final payment of~~
~~compensation and~~
228 ~~damages awarded the defendant.~~ } a decision at trial on damages by the court
or jury, abandon the proceedings and cause the
229 action to be dismissed without prejudice, provided, however, that as a condition of
dismissal

- 230** condemner first compensate condemnee for all damages he has sustained and also
reimburse
- 231** him in full for all reasonable and necessary expenses actually incurred by
condemnee because
- 232** of the filing of the action by condemner, including attorney fees. { }+

The motion passed with Rep. Cox absent for the vote.

Spoke in opposition
to the bill:

Ms. Linda Hull, UDOT
Mr. Jim Soper, UDOT
Mr. Craig Call

Rep. L. Snow declared a conflict of interest with the bill.

The chair adjourned the meeting at 5:55 p.m. due to lack of a quorum. Rep. Christensen, Rep. Cox, Rep. Doughty, Rep. Hutchings, Rep. Ivory, and Chair McIff were present for the adjournment. Minutes of the previous meeting were not approved.

Rep. Kay McIff, Chair