

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE MEETING
Room 20, West Office Building
January 30, 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. Ken Ivory
Rep. Brian King
Rep. Paul Ray
Rep. V. Lowry Snow
Rep. Mark A. Wheatley
Rep. Brad Wilson

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. Brown moved to approve the minutes of January 24, 2012. The motion passed unanimously, with Rep. Herrod, Rep. Hutchings, Rep. Ivory, Rep. Ray, Rep. Snow, and Rep. Wheatley absent for the vote.

S.B. 104 **Revisor's Statute** (*Sen. S. Jenkins*) (Rep. J. Peterson)

Sen. Jenkins presented the bill to the committee.

MOTION: Rep. Brown moved to pass the bill out favorably. The motion passed unanimously, with Rep. Herrod, Rep. Hutchings, Rep. Ivory, Rep. Ray, Rep. Snow and Rep. Wheatley absent for the vote.

S.B. 11 **Department of Environmental Quality Boards Adjudicative Proceedings**
(*Sen. M. Dayton*) (Rep. B. Wright)

At the request of the sponsor, Rep. B. Wright presented the bill to the committee. (handout)

Spoke in favor of the bill: Ms. Amanda Smith, Executive Director, Department of Air Quality

Spoke in opposition to the bill: Ms. Kathy VanDame, Wasatch Clean Air Coalition

Spoke to the bill: Mr. David Bird, attorney
Mr. Steve Erickson, Utah Audubon Council

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

H.B. 295 Trademark Renewal Revisions (*Rep. B. King*)

Rep. King presented the bill to the committee.

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

1. Page 2, Line 42:

42 (I) within { ~~six months before the expiration of the registration~~ the time prescribed in Subsection (2)(a)(i) ; and

The motion passed unanimously, with Rep. Herrod, Rep. Ray, and Rep. Wilson absent for the vote.

Spoke to the bill: Mr. John Stringham, attorney
Ms. Kathy Berg, Director, Division of Corporations and Commercial Code

MOTION: Rep. Wheatley moved to pass the bill out favorably as amended. The motion passed unanimously, with 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. McIff moved to amend the bill as follows:

1. *Page 3, Lines 83 through 84:*

83 (C) an estimate of the fair market value of the property sought and any
diminution in value of the landowner's adjoining property, and the general basis for
84 the estimate; and

The motion passed unanimously, with Rep. Herrod and Rep. Wilson absent for the vote.

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

1. *Page 3, Lines 70 through 71:*

70 (g) roads necessary to provide access for exploration, development, or production of
oil
71 or gas, if, before initiating { ~~in~~ a legal action, the party seeking eminent
domain:

The motion passed unanimously, with Rep. Herrod, Rep. Hutchings, and Rep. Wilson absent for the vote.

Spoke in favor of the bill: Mr. Kevin Carter, Utah School and Trust Lands
Administrator

MOTION: Rep. Christensen moved to adjourn the meeting. The motion passed unanimously, with Rep. Herrod and Rep. Wilson absent for the vote.

Chair McIff adjourned the meeting at 4:05 p.m.

Rep. Kay McIff, Chair