

**MINUTES OF THE
JUDICIARY INTERIM COMMITTEE**

Wednesday, July 17, 2013 – 2:30 p.m. – Room 450 State Capitol

Members Present:

Sen. Mark B. Madsen, Senate Chair
Rep. Kay L. McIff, House Chair
Sen. Lyle W. Hillyard
Sen. Luz Robles
Rep. Patrice M. Arent
Rep. LaVar Christensen
Rep. Brian M. Greene
Rep. Craig Hall
Rep. Brian S. King
Rep. Lee B. Perry
Rep. Jeremy A. Peterson
Rep. V. Lowry Snow

Members Absent:

Sen. Stephen H. Urquhart

Staff Present:

Ms. Chelsea B. Lloyd, Policy Analyst
Ms. Esther D. Chelsea-McCarty, Associate
General Counsel
Ms. Jennifer K. Christopherson, Legislative
Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair McIff called the meeting to order at 4:25 p.m.

MOTION: Rep. Perry moved to approve the minutes of the June 19, 2013, meeting. The motion passed unanimously with Sen. Robles absent for the vote.

2. Draft Legislation – Court Fees for Political Subdivisions

Sen. Daniel Thatcher explained his draft legislation "Court Fees for Political Subdivisions" (2014FL-0070/002), which was distributed in the mailing packet. He encourage the committee to consider options to eliminate financial incentives or implement oversight associated with political subdivisions' court fees.

3. Sunset Review – Foreclosure Notice to Tenants and Unlawful Detainer

Ms. Barbara Stallone, Director of Policy and Public Relations, Utah Housing Coalition, distributed "Protecting Tenants at Foreclosure Act" and discussed Utah Code, Subsection 78B-6-802(1)(i), regarding unlawful detainer and protecting tenants at foreclosure and Utah Code, Section 78B-6-901.5, regarding notice to tenants on residential rental property to be foreclosed. She said that the current law strikes a balance between the rights of a property owner and the rights of a contract holder. She responded to questions from the committee by recommending that the sunset provision be removed.

MOTION: Sen. Madsen moved to remove the sunset provision in Utah Code, Subsection 78B-6-802(1)(i), regarding unlawful detainer and protecting tenants at foreclosure. The motion passed unanimously with Sen. Robles absent for the vote.

MOTION: Sen. Madsen moved to remove the sunset provision in Utah Code, Section 78B-6-901.5, regarding notice to tenants on residential rental property to be foreclosed. The motion passed unanimously with Sen. Robles absent for the vote.

4. Sunset Review – Attorney Guardian ad Litem in District Court Matters

Ms. Elizabeth Knight, Director, Office of the Guardian ad Litem, discussed the sunset provision in Utah Code, Section 78A-2-227.1, regarding the appointment of attorney guardian ad litem in district courts and recommended that the committee remove the sunset provision. She explained issues with private guardian ad litem having the expertise, education, and training to assume all of the responsibilities associated with certain district court cases. She commented that the Office of the Guardian ad Litem, in conjunction with the Utah State Bar, are working towards recruiting and building the private guardian ad litem program but, at this point, it cannot function independently.

Rep. Christensen discussed 2012 General Session H.B. 357, "Guardian Ad Litem Amendments," which was distributed in the mailing packet. He commented that certain divorce cases are draining the resources of the Office of the Guardian ad Litem and are better placed under private guardian ad litem counsel.

Mr. Stewart Ralphs, Director, Legal Aid Society of Salt Lake City, spoke in favor of the provisions in Utah Code, Section 78A-2-227.1 and urged the Legislature to extend or eliminate the sunset.

Ms. Charri Brummer, Deputy Director, Division of Child and Family Services, spoke in support of extending or eliminating the sunset provision in Utah Code, Section 78A-2-227.1. She explained that several judges rely heavily on the Office of Guardian ad Litem in certain cases.

Ms. Katie Gregory, Assistant Juvenile Court Administrator, Administrative Office of the Courts, spoke in support of extending the sunset provision in Utah Code, Section 78A-2-227.1.

5. Other Items / Adjourn

MOTION: Sen. Hillyard moved to adjourn the meeting. The motion passed unanimously.

Chair McIff adjourned the meeting at 5:20 p.m.