

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE**
Friday, March 2, 2018 • 8:00 a.m. • 20 House Building

Members Present:

Rep. Michael K. McKell, Chair
Rep. V. Lowry Snow, Vice Chair
Rep. Kim F. Coleman
Rep. Bruce R. Cutler
Rep. Brian M. Greene
Rep. Ken Ivory
Rep. Brian S. King
Rep. Karianne Lisonbee

Rep. Dixon M. Pitcher
Rep. Susan Pulsipher
Rep. Tim Quinn

Members Absent:

Rep. Mark A. Wheatley

Staff Present:

Mr. Joseph T. Wade, Policy Analyst
Mr. Steve Benard, Committee Secretary

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

Chair McKell called the meeting to order at 8:07 a.m.

MOTION: Rep. Pulsipher moved to approve the February 28, 2018, meeting minutes. The motion passed with a vote of 7 - 0 - 5 .

Yeas-7

Rep. B. Cutler
Rep. B. Greene
Rep. K. Ivory
Rep. K. Lisonbee
Rep. M. McKell
Rep. S. Pulsipher
Rep. V. Snow

Nays-0

Absent-5

Rep. K. Coleman
Rep. B. King
Rep. D. Pitcher
Rep. T. Quinn
Rep. M. Wheatley

1 . H.B. 438 Child Custody Amendments (*Edwards, R.*)

Rep. Rebecca P. Edwards explained the bill with the assistance of Mr. Dan Deuel, National Parents' Organization of Utah, and Ms. Lesley Garaycochea.

Ms. Lesley Garaycochea spoke in favor of the bill.

Mr. Stewart Ralphs, Legal Aid Society, spoke against the bill.

Ms. Jody Robinson spoke against the bill.

Ms. Amber North spoke against the bill.

Ms. Roni Adams, Stop Abuse Campaign, spoke against the bill.

Ms. Dani Palmer, Utah Eagle Forum, spoke against the bill.

MOTION: Rep. Cutler moved to return H.B. 438 to the Rules Committee with a recommendation that the bill be studied during the interim. The motion passed with a vote of 9 - 0 - 3 .

Yeas-9

Nays-0

Absent-3

Rep. K. Coleman
Rep. B. Cutler
Rep. B. Greene
Rep. K. Ivory
Rep. B. King
Rep. K. Lisonbee
Rep. M. McKell
Rep. S. Pulsipher
Rep. V. Snow

Rep. D. Pitcher
Rep. T. Quinn
Rep. M. Wheatley

2 . S.B. 156 Unclaimed Property Act Amendments (Hillyard, L.)

Sen. Lyle W. Hillyard explained the bill with the assistance of Mr. David Damschen, Utah State Treasurer.

MOTION: Rep. Pulsipher moved to report a favorable recommendation on S.B. 156. The motion passed with a vote of 10 - 0 - 2 .

Yeas-10

Rep. K. Coleman
Rep. B. Cutler
Rep. B. Greene
Rep. K. Ivory
Rep. K. Lisonbee
Rep. M. McKell
Rep. D. Pitcher
Rep. S. Pulsipher
Rep. T. Quinn
Rep. V. Snow

Nays-0

Absent-2

Rep. B. King
Rep. M. Wheatley

MOTION: Vice Chair Snow moved to place S.B. 156 on the Consent Calendar. The motion passed with a vote of 10 - 0 - 2 .

Yeas-10

Rep. K. Coleman
Rep. B. Cutler
Rep. B. Greene
Rep. K. Ivory
Rep. K. Lisonbee
Rep. M. McKell
Rep. D. Pitcher
Rep. S. Pulsipher

Nays-0

Absent-2

Rep. B. King
Rep. M. Wheatley

Rep. T. Quinn
Rep. V. Snow

3 . S.B. 151 Court Security Funding Amendments (*Adams, J. S.*)

Sen. J. Stuart Adams explained the bill with the assistance of Mr. Reed Richards.

Mr. Val Shupe, Executive Director, Utah Chiefs of Police, spoke in favor of the bill.

Mr. Chris Palmer, Security Officer for State Courts, spoke in favor of the bill.

Ms. Jacey Skinner, Administrative Office of the Courts, spoke in favor of the bill.

MOTION: Rep. Cutler moved to report a favorable recommendation on S.B. 151. The motion passed with a vote of 10 - 0 - 2 .

Yeas-10

Rep. B. Cutler
Rep. B. Greene
Rep. K. Ivory
Rep. B. King
Rep. K. Lisonbee
Rep. M. McKell
Rep. D. Pitcher
Rep. S. Pulsipher
Rep. T. Quinn
Rep. V. Snow

Nays-0

Absent-2

Rep. K. Coleman
Rep. M. Wheatley

MOTION: Rep. Cutler moved to place S.B. 151 on the Consent Calendar. The motion passed with a vote of 10 - 0 - 2 .

Yeas-10

Rep. B. Cutler
Rep. B. Greene
Rep. K. Ivory
Rep. B. King
Rep. K. Lisonbee
Rep. M. McKell
Rep. D. Pitcher
Rep. S. Pulsipher

Nays-0

Absent-2

Rep. K. Coleman
Rep. M. Wheatley

Rep. T. Quinn
Rep. V. Snow

4 . S.J.R. 10 Joint Resolution Dissolving Newton, Amalga, and Lewiston Justice Courts (*Hillyard, L.*)

Sen. Lyle W. Hillyard explained the bill.

MOTION: Rep. Lisonbee moved to report a favorable recommendation on S.J.R. 10. The motion passed with a vote of 10 - 0 - 2 .

Yeas-10

Rep. B. Cutler
Rep. B. Greene
Rep. K. Ivory
Rep. B. King
Rep. K. Lisonbee
Rep. M. McKell
Rep. D. Pitcher
Rep. S. Pulsipher
Rep. T. Quinn
Rep. V. Snow

Nays-0

Absent-2

Rep. K. Coleman
Rep. M. Wheatley

MOTION: Rep. Pitcher moved to place S.J.R. 10 on the Consent Calendar. The motion passed with a vote of 10 - 0 - 2 .

Yeas-10

Rep. B. Cutler
Rep. B. Greene
Rep. K. Ivory
Rep. B. King
Rep. K. Lisonbee
Rep. M. McKell
Rep. D. Pitcher
Rep. S. Pulsipher
Rep. T. Quinn
Rep. V. Snow

Nays-0

Absent-2

Rep. K. Coleman
Rep. M. Wheatley

5 . 1st Sub. S.B. 159 Forcible Entry and Detainer (*Dayton, M.*)

Sen. Margaret Dayton explained the bill with the assistance of Mr. Jeremy Shorts, attorney.

Mr. Mike Ostermiller, Utah Association of Realtors, spoke to the bill.

Ms. Jacey Skinner, Administrative Office of the Courts, spoke to the bill.

MOTION: Rep. Pitcher moved to report a favorable recommendation on 1st Substitute S.B. 159.

SUBSTITUTE MOTION: Rep. King moved to amend 1st Substitute S.B. 159 with Amendment 1. The Substitute motion failed with a vote of 2 - 8 - 2 .

Amendment 1
1st Sub. S.B. 159

1. Page 9, Lines 248 through 266:

248 (a) The tenant may be served with a declaration of abandonment that includes at least a
249 contact address for the owner, contains a brief factual basis supporting the owner's reasonable
250 belief that the presumption of abandonment under Subsection (1) has been met, and states the
251 date and time of service and includes the following language, or language that is substantially
252 similar: "It is believed that these premises are abandoned and the owner is seeking to regain
253 possession of the premises. If a tenant in legal possession of the premises has not abandoned
254 the premises, the tenant must dispute abandonment in writing within {~~24~~} 48 hours of service of this
255 declaration of abandonment by providing a copy to the owner at the contact address included
256 with this declaration of abandonment. If written notice is not served on the owner within {~~24~~} 48
257 hours, the owner may retake possession of the premises." The {~~24-hour~~} 48-hour period stated in this
258 Subsection (2)(a) does not include a Saturday, a Sunday, or a holiday during which the Utah
259 state courts are closed.
260 (b) Service of the declaration of abandonment by the owner and any dispute or rebuttal
261 by the tenant shall be made pursuant to Section 78B-6-805.
262 (c) If the tenant fails to dispute the declaration of abandonment in writing by serving
263 notice to the owner within {~~24~~} 48 hours of being served a declaration of abandonment, excluding a
264 Saturday, a Sunday, or a holiday during which the Utah state courts are closed, the declaration
265 of abandonment serves as prima facie evidence that the tenant has vacated and abandoned the
266 premises.

Yeas-2

Rep. B. King
Rep. M. McKell

Nays-8

Rep. B. Cutler
Rep. B. Greene
Rep. K. Ivory
Rep. K. Lisonbee
Rep. D. Pitcher
Rep. S. Pulsipher

Absent-2

Rep. K. Coleman
Rep. M. Wheatley

Rep. T. Quinn
Rep. V. Snow

Rep. Pitcher's motion to report a favorable recommendation on 1st Substitute S.B. 159 passed with a vote of 10 - 0 - 2 .

Yeas-10

Rep. B. Cutler
Rep. B. Greene
Rep. K. Ivory
Rep. B. King
Rep. K. Lisonbee
Rep. M. McKell
Rep. D. Pitcher
Rep. S. Pulsipher
Rep. T. Quinn
Rep. V. Snow

Nays-0

Absent-2

Rep. K. Coleman
Rep. M. Wheatley

MOTION: Rep. Pitcher moved to adjourn. The motion passed with a vote of 10 - 0 - 2 .

Yeas-10

Rep. B. Cutler
Rep. B. Greene
Rep. K. Ivory
Rep. B. King
Rep. K. Lisonbee
Rep. M. McKell
Rep. D. Pitcher
Rep. S. Pulsipher
Rep. T. Quinn
Rep. V. Snow

Nays-0

Absent-2

Rep. K. Coleman
Rep. M. Wheatley

Chair McKell adjourned the meeting at 9:37 a.m.