



MINUTES

SENATE JUDICIARY, LAW ENFORCEMENT, AND CRIMINAL JUSTICE STANDING COMMITTEE

LEGISLATURE

Monday, February 11, 2019 | 3:40 p.m. | 250 State Capitol

Members Present:

Sen. Todd Weiler, Chair
Sen. Kirk A. Cullimore
Sen. Luz Escamilla
Sen. Daniel Hemmert
Sen. Lyle W. Hillyard
Sen. Derek L. Kitchen

Members Absent:

Sen. Ann Millner
Sen. Daniel W. Thatcher

Staff Present:

Mr. John Feinauer, Policy Analyst
Ms. Nancy Skidmore, Committee Secretary

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

Chair Weiler called the meeting to order at 3:43 p.m.

MOTION: Sen. Hillyard moved to approve the minutes of the February 7, 2019 meeting. The motion passed with a vote of 3 - 0 - 5.

Yeas-3

Sen. L. Escamilla
Sen. L. Hillyard
Sen. T. Weiler

Nays-0

Absent-5

Sen. K. Cullimore
Sen. D. Hemmert
Sen. D. Kitchen
Sen. A. Millner
Sen. D. Thatcher

1 . S.B. 145 Legal Notice Revisions (McCay, D.)

Sen. McCay presented the bill.

MOTION: Sen. Hillyard moved to amend S.B. 145 with Amendment #1. The motion passed with a vote of 4 - 1 - 3.

Amendment 1
S.B. 145

1. Page 2, Lines 30 through 38:

30 (a) "Average advertisement rate" means:

31 (i) in determining a rate for publication on the public legal notice website or in a newspaper whose primary place of business is located in a county of the third, fourth, fifth, or sixth class, a

32 newspaper's gross advertising revenue for the preceding calendar quarter divided by the gross
33 column-inch space used in the newspaper for advertising for the previous calendar quarter[-];

34 or

35 (ii) in determining a rate for publication in a newspaper whose primary place of business is located in a county of the first or second class, a newspaper's average rate for

36 all qualifying advertising segments for the preceding calendar quarter for an advertisement:

37 (A) published in the same section of the newspaper as the legal notice; and

38 (B) of the same column-inch space as the legal notice.

2. Page 3, Lines 60 through 72:

60 (2) Except as provided in Subsections (8) and (9), notwithstanding any other legal
61 notice provision established by law, a person required by law to publish legal notice shall
62 publish the notice:

63 (a) (i) as required by the statute establishing the legal notice requirement; [~~and~~] or

64 (ii) by serving legal notice, by certified mail or in person, directly on all parties for
65 whom the statute establishing the legal notice requirement requires legal notice, if:

66 (A) the direct service of legal notice does not replace publication in a newspaper whose primary place of business is located in a county of the third, fourth, fifth, or sixth class ;

~~{(A)}~~ (B) the statute clearly identifies the parties;

67 ~~{(B)}~~ (C) the person can prove that the person has identified all parties for whom notice is
68 required; and

69 ~~{(C)}~~ (D) the person keeps a record of the service for at least two years; and

70 (b) on a public legal notice website established by the combined efforts of Utah's

71 newspapers that collectively distribute newspapers to the majority of newspaper subscribers in

72 the state.

Yeas-4

Sen. K. Cullimore

Sen. L. Escamilla

Sen. L. Hillyard

Sen. T. Weiler

Nays-1

Sen. D. Kitchen

Absent-3

Sen. D. Hemmert

Sen. A. Millner

Sen. D. Thatcher

Mr. Brian Allfrey, Executive Director, Utah Press Association, spoke in opposition to the bill.

Mr. Trent Eyre, Vice President of Advertising, Salt Lake Tribune, spoke in opposition to the bill.

Mr. Craig Conover, Manager, Provo Daily Harold, spoke in opposition to the bill.

MOTION: Sen. Hillyard moved to amend S.B. 145 with a verbal ammendment.

Sen. Hillyard withdrew his motion to amend S.B. 145.

MOTION: Sen. Hemmert moved to pass S.B. 145 out favorably. The motion passed with a vote of 4 - 2 - 2.

Yeas-4

Sen. K. Cullimore

Sen. D. Hemmert

Sen. L. Hillyard

Sen. T. Weiler

Nays-2

Sen. L. Escamilla

Sen. D. Kitchen

Absent-2

Sen. A. Millner

Sen. D. Thatcher

2 . H.B. 112 Survival Claims Amendments (Hawkes, T.)

Rep. Hawkes presented the bill with the assistance of Mr. Rick Lundale, Attorney, Utah Association for Justice.

MOTION: Sen. Hillyard moved to replace H.B. 112 with 1st Substitute H.B. 112. The motion passed with a vote of 5 - 0 - 3.

Yeas-5

Sen. K. Cullimore

Sen. L. Escamilla

Sen. L. Hillyard

Sen. D. Kitchen

Sen. T. Weiler

Nays-0

Absent-3

Sen. D. Hemmert

Sen. A. Millner

Sen. D. Thatcher

MOTION: Sen. Kitchen moved to pass 1st Substitute H.B. 112 out favorably. The motion passed with a vote of 5 - 0 - 3.



Yeas-5

Sen. K. Cullimore
Sen. L. Escamilla
Sen. L. Hillyard
Sen. D. Kitchen
Sen. T. Weiler

Nays-0

Absent-3

Sen. D. Hemmert
Sen. A. Millner
Sen. D. Thatcher

MOTION:

Sen. Escamilla moved to adjourn. The motion passed with a vote of 5 - 0 - 3.

Yeas-5

Sen. K. Cullimore
Sen. L. Escamilla
Sen. L. Hillyard
Sen. D. Kitchen
Sen. T. Weiler

Nays-0

Absent-3

Sen. D. Hemmert
Sen. A. Millner
Sen. D. Thatcher

Chair Weiler adjourned the meeting at 4:29 p.m.