STATE OF UTAH

SENATE JOURNAL

ELEVENTH EXTRAORDINARY SESSION OF THE FIFTY-SEVENTH LEGISLATURE

Convened and Adjourned on Wednesday, August 20, 2008

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Eleventh Extraordinary Session of the Fifty–Seventh Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Eleventh Extraordinary Session convening on Wednesday, August 20, 2008, and adjourning sine die on the same day.

Annette B. Moore Secretary of the Senate

Leslie McLean Manager, Senate Services

Mary B. Andrus
Journal Clerk

STATE OF UTAH

SENATE JOURNAL

ELEVENTH EXTRAORDINARY SESSION of the FIFTY-SEVENTH LEGISLATURE

Pursuant to the proclamation of His Excellency, Governor Jon M. Huntsman, Jr., the Senate of the Fifty-Seventh Legislature of the State of Utah met in the Senate Chamber at the State Capitol Complex in the Eleventh Extraordinary Session at 12:00 noon on Wednesday, August 20, 2008.

The Senate was called to order at 12:15 p.m. with President John Valentine presiding.

Prayer – Senator Michael Waddoups

Pledge - Senator Scott Jenkins

Leslie McLean read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the close of the 2008 General Session of the 57th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature in Extraordinary Session;

NOW, THEREFORE, I, JON M. HUNTSMAN, JR., Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 57th Legislature into an Eleventh Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 20th day of August, 2008 at 12:00 noon, for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2008 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Utah State Capitol in Salt Lake City, Utah, this 18th day of August, 2008.

Jon M. Huntsman, Jr. Governor

Gary R. Herbert Lieutenant Governor

CERTIFICATION

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of August 18, 2008, and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamation calling the Senate only into an Eleventh Extraordinary Session at the State Capitol Complex, at Salt Lake City, Utah, on the 20th day of August, 2008, at 12:00 noon, for the purpose named in the Proclamation.

I FURTHER CERTIFY THAT the membership of the Utah State Senate has not changed from that of the 2008 General Session of the Utah State Legislature.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah at Salt Lake City, Utah, this 18th day of August 2008.

Gary R. Herbert
Lieutenant Governor

Roll call - All Senators present, except Senators Dmitrich and Peterson, excused.

On motion of Senator Hickman, the Senate voted to adopt the Senate Rules of the 2008 General Session of the Fifty-Seventh Legislature as the rules for the Eleventh Extraordinary Session.

President Valentine appointed a committee comprised of Senators Jon Greiner, Kevin Van Tassell, and Ross Romero to notify the Governor's representative that the Senate is convened in the Eleventh Extraordinary Session in accordance with his proclamation.

Senator Greiner advised the Senate that the Governor's representative has been notified of the convening of the Eleventh Extraordinary Session.

* * *

Leslie McLean read the following communications:

COMMUNICATION FROM THE GOVERNOR

Mr. President: August 5, 2008

In accordance with Utah Code Ann. 67–1–1 and 67–1–2, I propose and transmit the following appointments:

State Tax Commission:

Marc B. Johnson is reappointed as a member of the State Tax Commission, a term to expire on June 30, 2012. See Utah Code Ann. 59–1–201 Et. Seq. Art. XIII, Sec. 11. Mr. Johnson is non–partisan.

Workers Compensation Fund Board of Directors:

Ruth Lybbert is reappointed as a member of the Workers Compensation Fund Board of Directors, a term to expire on June 30, 2012. See Utah Code Ann. 31A–33–106 UCA.

John Eberhardt is appointed to replace Robert B. Murray as a member of the Workers Compensation Fund Board of Directors, a term to expire on June 30, 2012. See Utah Code Ann. 31A–33–106 UCA.

State Board of Regents:

Joel D. Wright is appointed to replace Josh Reid as a member of the State Board of Regents, a term to expire on June 30, 2011. See Utah Code Ann. 53B-1-104 UCA.

Teresa Theurer is appointed to replace Sara Sinclair as a member of the State Board of Regents, a term to expire on June 30, 2013. See Utah Code Ann. 53B-1-104 UCA.

Robert Scott Marquardt is appointed to replace Patti Harrington as a member of the State Board of Regents, a term to expire on June 30, 2013. See Utah Code Ann. 53B–1–104 UCA.

Salt Lake Community College Board of Trustees:

Dr. Ashok Joshi is appointed to replace France A. Davis as a member of the Salt Lake Community College Board of Trustees, a term to expire on July 1, 2011. See Utah Code Ann. 53B–2–104 UCA.

Anna Kay Waddoups is appointed to replace Gail Miller as a member of the Salt Lake Community College Board of Trustees, a term to expire on June 30, 2009. See Utah Code Ann. 53B–2–104 UCA.

Judicial Conduct Commission:

Rodney K. Orton is reappointed as a member of the Judicial Conduct Commission, a term to expire on January 30, 2010. See Utah Code Ann. 8–8–102 UCA; Article VIII, Section 13 Utah Const. Mr. Orton is a Republican.

Lois S. Richins is appointed to replace Flora Ogan as a member of the Judicial Conduct Commission, a term to expire on June 30, 2012. See Utah Code Ann. 8–8–102 UCA; Article VIII, Section 13 Utah Const. Ms. Richins is a Republican.

Real Estate Commission:

Stefanie Tugaw is appointed to replace Bonnie Peretti as a member of the Real Estate Commission, a term to expire on June 30, 2012. See Utah Code Ann. 61–2–5.5 UCA.

Securities Advisory Board:

Laura Polachack is reappointed as a member of the Securities Advisory Board, a term to expire on July 1, 2012. See Utah Code Ann. 61–1–18.5 UCA.

Craig J. Skidmore is reappointed as a member of the Securities Advisory Board, a term to expire on July 1, 2012. See Utah Code Ann. 61–1–18.5 UCA.

Jane E. Cameron is appointed to replace Edward McCartney as a member of the Securities Advisory Board, a term to expire on July 1, 2012. See Utah Code Ann. 61–1–18.5 UCA.

Real Estate Appraiser Licensing and Certification Board:

Craig Morley is reappointed as a member of the Real Estate Appraiser Licensing and Certification Board, a term to expire on July 1, 2012. See Utah Code Ann. 61–2b–7 UCA.

Paul W. Throndsen is appointed to replace Paul M. King as a member of the Real Estate Appraiser Licensing and Certification Board, a term to expire on July 1, 2012. See Utah Code Ann. 61–2b–7 UCA.

Debra Sjoblom is appointed to replace Holly J. Christensen as a member of the Real Estate Appraiser Licensing and Certification Board, a term to expire on July 1, 2012. See Utah Code Ann. 61–2b–7 UCA.

School and Institutional Trust Lands Board of Trustees:

Steven B. Ostler is appointed to replace Michael P. Morris as a member of the School and Institutional Trust Lands Board of Trustees, a term to expire on July 1, 2014. See Utah Code Ann. 53C-1-202(2) UCA.

Permanent Community Impact Fund Board:

Dr. Claudia P. Jarrett is appointed to replace Ralph Okerlund as a member of the Permanent Community Impact Fund Board, a term to expire on July 1, 2012. See Utah Code Ann. 9–4–304 UCA.

Thank you for your timely consideration and confirmation of the above appointments.

Jon M. Huntsman, Jr., Governor

Senator Hillyard moved to consent to the appointment as read by Leslie McLean. The motion passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Eastman	Fife
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Wallran	Volentine		

Walker Valentine

Absent or not voting were: Senators

Dmitrich Goodfellow Peterson

President Valentine directed the committee to wait upon the Governor's representative to notify him that the Senate has concluded its business.

Senator Greiner reported that the committee had notified the Governor's representative that the Senate had concluded its business, and that the Governor has no further business to bring before the Senate.

On motion of Senator Bramble, and at 12:30 p.m., the Senate adjourned sine die.

STATE OF UTAH

SENATE JOURNAL

SECOND SPECIAL SESSION OF THE FIFTY-SEVENTH LEGISLATURE

Convened on Thursday, September 25, 2008 and Adjourned on Friday, September 26, 2008.

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Second Special Session of the Fifty–Seventh Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Second Special Session convening on Thursday, September 25, 2008, and adjourning sine die on Friday, September 26, 2008.

Annette B. Moore Secretary of the Senate

Leslie McLeanManager, Senate Services

Mary B. Andrus
Journal Clerk

SENATE JOURNAL

SECOND SPECIAL SESSION of the FIFTY-SEVENTH LEGISLATURE

September 25, 2008

Pursuant to the proclamation of His Excellency, Governor Jon M. Huntsman, Jr, the Senate of the Fifty–Seventh Legislature of the State of Utah met in the Senate Chamber of the State Capitol in a Special Session at 9:00 p.m. on Thursday, September 25, 2008.

The Senate was called to order at 9:15 a.m., with President John Valentine presiding.

Prayer – Senator Allen Christensen

Pledge of Allegiance – Senator Fred Fife

Roll Call – All Senators present except Senator Dayton, excused.

Leslie McLean read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the adjournment of the 2008 General Session of the Fifty-Seventh Legislature of the State of Utah, matters have arisen that require immediate legislative attention; and,

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature into Special Session;

NOW, THEREFORE, I, Jon M. Huntsman, Jr., Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the laws of the State of Utah, do by this Proclamation call the Fifty–Seventh Legislature of the State of Utah into a Second Special Session at the State Capitol Complex, in Salt Lake City, Utah, on the 25th day of September 2008, at 9:00 a.m., for the following purposes:

To make adjustments to the FY2009 budget to conform with the most recent revenue estimates and to make amendments to statutes necessary to implement those budget adjustments.

- 2. To consider amending state and local sales and use tax provisions to address the transactions eligible for exemption as aircraft parts and equipment and to require the exemption to be claimed by refund under certain circumstances.
- To consider legislation allowing the State Board of Education to exempt a school district or charter school from testing requirements under the Utah Performance Assessment System for Students (U-PASS).
- **4.** To consider issuance of general obligation bonds for capital facilities and transportation projects.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the State Capitol Complex in Salt Lake City, Utah, this 22nd day of September, 2008.

Jon M. Huntsman, Jr. Governor Gary R. Herbert Lieutenant Governor

CERTIFICATION

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a proclamation issued under the date of September 22nd, 2008, and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamations calling the Fifty–Seventh Legislature of the State of Utah into a Second Special Session at the State Capitol Complex at Salt Lake City, Utah, on the 25th day of September, 2008, at 9:00 a.m., for the purpose named in the Proclamations.

I FURTHER TESTIFY THAT the membership of the Utah State Senate has not changed from that Certification of the 2008 General Session.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah at Salt Lake City, this 23rd day of September, 2008.

Gary R. Herbert Lieutenant Governor

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On motion of Senator Hickman, the Senate voted to adopt the Senate Rules of the 2008 General Session of the Fifty-Seventh Legislature as the rules for the Second Special Session.

President Valentine appointed a committee comprised of Senators Peter Knudson, Greg Bell, and Brent Goodfellow to notify Governor Jon M. Huntsman, Jr. that the Senate is convened in the Second Special Session in accordance with his proclamation and is organized and ready to receive any communication from him.

President Valentine appointed a committee comprised of Senators Carlene Walker, Dennis Stowell, and Gene Davis to notify the House of Representatives that the Senate is organized and ready to do business.

Senator Knudson reported that the House has been notified.

Senator Walker reported that the Governor has been notified.

On motion of Senator Hickman, and as provided by the Utah State Constitution and the Joint Rules of the Legislature, the Senate voted to suspend the reading of the titles of bills and resolutions on the Senate calendar as they are read for the first time and introduced and considered on Second Reading, Third Reading, and Consent Calendars. This suspension applies to all bills and resolutions introduced during this special legislative session, except that any senator may request the reading of the long title, short title, or both of any House of Senate bill or resolution.

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Senator Hillyard addressed the Senate concerning the budget issues they will be discussing in caucus and appropriation meetings today. Senator Dmitrich commented.

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On motion of Senator Bramble and at 9:55 a.m., the Senate adjourned until 9:00 a.m., Friday, September 26, 2008.

SENATE JOURNAL SECOND SPECIAL SESSION SECOND DAY

September 26, 2008

The Senate was called to order at 9:15 a.m., with President John Valentine presiding.

Prayer – Senator Wayne Niederhauser

Pledge of Allegiance – Senator Mike Dmitrich

Roll Call – All Senators present except Senators Dayton and McCoy, excused.

INTRODUCTION OF BILLS

- **S.B. 2002**, **Student Achievement Testing Exceptions** (H. Stephenson), read the first time by short title and referred to the Rules Committee.
- **S.B. 2003**, **Higher Education Budget Authority** (G. Bell), read the first time by short title and referred to the Rules Committee.
- **S.B. 2004**, **Deposit of Interest Earned on Restricted Funds** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

On motion of Senator Bramble, **S.B. 2002**, **S.B 2003**, and **S.B. 2004** under suspension of the rules, were placed on the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Stephenson, under suspension of the rules, **S.B. 2002**, STUDENT ACHIEVEMENT TESTING EXCEPTIONS, was considered read the second and third times. Senator Stephenson explained the bill.

Senator Stephenson proposed the following amendment:

- 1. Page 1, Lines 24 through 25
 - 24 postsecondary education;
 - <u>provides a cap on the number of exemptions that the State Board of Education may provide to school districts and charter schools:</u>

- 25 ▶ provides that a school district or charter school that is exempt from U–PASS testing
- 2. Page 4, Line 105:
 - (ii) developed and adopted by the State Board of Education.
 - (c) By October 31, 2009, the State Board of Education shall:
 - (i) develop and adopt an accountability plan for a school district or charter school that pilots an assessment system described in Subsection (3)(a)(i) (iii); and
 - (iii) report on the accountability plan to the Education Interim Committee.
 - (d) The State Board of Education may only provide the following exemptions under this Subsection (5):
 - (i) up to three rural school districts;
 - (ii) up to two urban school districts; and
 - (iii) up to five charter schools.

Senator Stephenson's motion to amend passed on a voice vote. Senators Greiner, Waddoups, Jones, Hickman, Mayne, Peterson, and Romero commented. The bill passed on the following roll call:

Yeas, 22; Nays, 5; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dmitrich	Eastman	Fife	Goodfellow
Hillyard	Jenkins	Jones	Killpack
Madsen	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
*** * **			=

Walker Valentine

Voting in the negative were: Senators

Christensen	Greiner	Hickman	Knudson

Mayne

Absent or not voting were: Senators

Dayton McCoy

S.B. 2002, as amended, was transmitted to the House.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

September 26, 2008

The House passed **H.B. 2001**, SALES AND USE TAX EXEMPTION FOR AIRCRAFT PARTS AND EQUIPMENT, by Representative B. Dee, and it is transmitted for consideration; and

The House passed **H.B. 2002**, AMENDMENTS TO LEGISLATOR SALARIES, by Representative D. Clark, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 2001 and H.B. 2002 were read the first time.

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On motion of Senator Eastman, under suspension of the rules, **H.B. 2001** and **H.B. 2002** were placed on the Second Reading Calendar.

On motion of Senator Bramble, **H.B. 2002,** AMENDMENTS TO LEGISLATOR SALARIES, was placed at the top of the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Bramble, under suspension of the rules, **H.B. 2002**, AMENDMENTS TO LEGISLATOR SALARIES, was considered read the second and third times. Senators Hillyard and Hickman commented and the bill passed on the following roll call:

Yeas, 23; Nays, 4; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Eastman	Fife	Goodfellow
Greiner	Hickman	Jenkins	Jones
Killpack	Knudson	Mayne	Niederhauser
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Voting in the negative were: Senators

Dmitrich Hillyard Madsen Peterson

Absent or not voting were: Senators

Dayton McCoy

H.B. 2002 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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S.B. 2003, HIGHER EDUCATION BUDGET AUTHORITY, was read the second time.

On motion of Senator Bell, the bill was circled.

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On motion of Senator Hillyard, under suspension of the rules, **S.B. 2004**, DEPOSIT OF INTEREST EARNED ON RESTRICTED FUNDS, was considered read the second and third times. Senator Hillyard explained the bill. The bill passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dmitrich
Eastman	Fife	Goodfellow	Greiner
Hickman	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Volentine			

Valentine

Absent or not voting were: Senators

Bramble Buttars Dayton McCoy

S.B. 2004 was transmitted to the House.

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On motion of Senator Madsen, under suspension of the rules, **H.B. 2001**, SALES AND USE TAX EXEMPTION FOR AIRCRAFT PARTS AND EQUIPMENT, was considered read the second and third times. Senator Niederhauser commented and the bill passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dmitrich
Eastman	Fife	Goodfellow	Greiner

Hickman	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker

Valentine

Absent or not voting were: Senators

Bramble Christensen Dayton McCoy

H.B. 2001 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President: September 26, 2008

The House passed **H.B. 2003**, CAPITAL IMPROVEMENT AMENDMENTS, by Representative K. Garn, and it is transmitted for consideration; and

The House passed **H.B. 2004**, TRANSPORTATION GENERAL OBLIGATION BOND MODIFICATIONS, by Representative W. Harper, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 2003 and H.B. 2004 were read the first time.

On motion of Senator Killpack, under suspension of the rules, **H.B. 2003** and **H.B. 2004** were placed on the Second Reading Calendar.

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On motion of Senator Hillyard, and at 10:40 a.m., the Senate sauntered.

The Senate was called to order at 11:45 a.m., with President Valentine presiding.

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On motion of Senator Bell, the circle was removed from **S.B. 2003**, HIGHER EDUCATION BUDGET AUTHORITY, and it was before the Senate.

On motion of Senator Bell, under suspension of the rules, **S.B. 2003**, HIGHER EDUCATION BUDGET AUTHORITY, was considered read the second and third times. Senator Bell explained the bill. Senators Valentine and Goodfellow commented. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

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Absent or not voting were: Senators Dayton McCoy

S.B. 2003 was transmitted to the House.

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On motion of Senator Bramble, and at 12:00 noon, the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:50 p.m., with President Valentine presiding.

INTRODUCTION OF BILLS

S.B. 2001, Current Fiscal Year Budget Adjustments (L. Hillyard), read the first time by short title and referred to the Rules Committee.

On motion of Senator Hillyard, **S.B. 2001**, CURRENT FISCAL YEAR BUDGET ADJUSTMENTS, was placed at the top of the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Hillyard, under suspension of the rules, **S.B. 2001**, CURRENT FISCAL YEAR BUDGET ADJUSTMENTS, was considered read the second and third times. Senator Hillyard explained the bill. Senators Dmitrich, Waddoups, Walker, Davis, Jones, Romero, Goodfellow, and Hickman commented.

Senator Davis proposed the following amendment:

1. Page 11, Line 388: Delete line 388

- 2. Page 11, Line 391: Delete "(67,500)" and insert "(127,500)"
- 3. Page 12, Line 412: Delete "310,000" and insert "370,000"
- 4. Page 12, Line 422: Delete "(12,000)" and insert "48,000"

Senator Davis' motion to amend passed on the following roll call vote:

Yeas, 17; Nays, 8; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Davis	Dmitrich
Eastman	Fife	Greiner	Hickman
Killpack	Knudson	Madsen	Romero
Stephenson	Stowell	Van Tassell	Walker
Volentine			

Valentine

Voting in the negative were: Senators

Buttars	Christensen	Goodfellow	Hillyard
Jenkins	Jones	Mayne	Waddoups

Absent or not voting were: Senators

Dayton McCoy Niederhauser Peterson

The bill passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker

Valentine

Absent or not voting were: Senators

Dayton McCoy Niederhauser Peterson

S.B. 2001, as amended, was transmitted to the House.

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On motion of Senator Jenkins, under suspension of the rules, **H.B. 2003**, CAPITAL IMPROVEMENT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting were: Senators

Dayton Hickman McCoy Niederhauser Peterson

H.B. 2003 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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On motion of Senator Waddoups, under suspension of the rules, **H.B. 2004**, TRANSPORTATION GENERAL OBLIGATION BOND MODIFICATIONS, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Dayton McCoy Niederhauser Peterson

H.B. 2004 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

September 26, 2008

The House passed **H.B. 2005**, TRANSPORTATION FINANCE AMENDMENTS, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed **H.J.R. 201**, JOINT RESOLUTION REJECTING SALARY INCREASES FOR LEGISLATORS, by Representative G. Snow, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 2005 and H.J.R. 201 were read the first time.

On motion of Senator Hillyard, the Senate voted to place **H.B. 2005** and **H.J.R. 201** on the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Walker, under suspension of the rules, **H.B. 2005**, TRANSPORTATION FINANCE AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Mayne	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting were: Senators

Dayton Madsen McCoy Niederhauser

Peterson

H.B. 2005 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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On motion of Senator Eastman, under suspension of the rules, **H.J.R. 201**, JOINT RESOLUTION REJECTING SALARY INCREASES FOR

LEGISLATORS, was considered read the second and third times and passed on the following roll call:

Yeas, 22; Nays, 2; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Jenkins	Jones
Killpack	Knudson	Mayne	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Wolker	Volentine		

Walker Valentine

Voting in the negative were: Senators

Buttars Hillyard

Mr. President:

Absent or not voting were: Senators

Dayton	Madsen	McCoy	Niederhauser
Peterson			

H.J.R. 201 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

On motion of Senator Hillyard, and at 3:25 p.m., the Senate sauntered.

The Senate was called to order at 4:20 p.m., with President Valentine presiding.

COMMITTEE OF THE WHOLE

On motion of Senator Stephenson, Howard Headley, Executive Director, Utah Bankers Association, spoke in Committee of the Whole. Senators Greiner, Hickman, and Bramble commented.

On motion of Senator Stephenson, the Committee of the Whole was dissolved.

COMMUNICATIONS FROM THE HOUSE

The House passed, as amended, **S.B. 2001**, CURRENT FISCAL YEAR BUDGET ADJUSTMENTS, by Senator L. Hillyard, and it is transmitted for further consideration; and

September 26, 2008

The House passed, as amended, **S.B. 2002**, STUDENT ACHIEVEMENT TESTING EXCEPTIONS, by Senator H. Stephenson, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 2003**, HIGHER EDUCATION BUDGET AUTHORITY, by Senator G. Bell, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 2004**, DEPOSIT OF INTEREST EARNED ON RESTRICTED FUNDS, by Senator L. Hillyard, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

CONCURRENCE CALENDAR

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to **S.B. 2001**, CURRENT FISCAL YEAR BUDGET ADJUSTMENTS. The bill, as amended, passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Volentine		-	

Valentine

Absent or not voting were: Senators

Dayton McCoy Niederhauser Peterson

S.B. 2001 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Stephenson, the Senate voted to concur in the House amendments to **S.B. 2002**, STUDENT ACHIEVEMENT TESTING EXCEPTIONS. The bill, as amended, passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Valentine

Absent or not voting were: Senators

Dayton McCoy Niederhauser Peterson

S.B. 2002 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bell, the Senate voted to concur in the House amendments to **S.B. 2003**, HIGHER EDUCATION BUDGET AUTHORITY. The bill, as amended, passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
X7-14'			

Valentine

Absent or not voting were: Senators

Dayton McCoy Niederhauser Peterson

S.B. 2003 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to **S.B. 2004**, DEPOSIT OF INTEREST EARNED ON RESTRICTED FUNDS. The bill, as amended, passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker

Valentine

Absent or not voting were: Senators

Dayton McCoy Niederhauser Peterson

S.B. 2004 was returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

September 26, 2008

The Speaker of the House has signed **S.B. 2001**, CURRENT FISCAL YEAR BUDGET ADJUSTMENTS, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 2002**, STUDENT ACHIEVEMENT TESTING EXCEPTIONS, by Senator H. Stephenson, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 2003**, HIGHER EDUCATION BUDGET AUTHORITY, by Senator G. Bell, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 2004**, DEPOSIT OF INTEREST EARNED ON RESTRICTED FUNDS, by Senator L. Hillyard, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 2001, S.B. 2002, S.B. 2003, and **S.B. 2004** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

President Valentine appointed Senators Chris Buttars, Bill Hickman, and Karen Mayne to wait upon the Governor and ask if he has any further business to bring before the Senate.

President Valentine appointed Senators Greg Bell, Jon Greiner, and Fred Fife to notify the House of Representatives that the Senate has concluded its business and is ready to adjourn sine die.

Senator Bell reported the House has been notified that the business of the Senate has concluded and the Senate is ready to adjourn sine die.

Senator Buttars reported that his committee had notified the Governor. The Governor asked that the committee convey to the Senate that he has no further business to bring before the legislature.

* * *

On motion of Senator Bramble and at 4:57 p.m., the Senate adjourned sine die.

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SENATE AND HOUSE BILLS AND RESOLUTIONS

FIFTY-SEVENTH LEGISLATURE SECOND SPECIAL SESSION

Convened on Thursday September 25, 2008 and Adjourned on Friday, September 26, 2008

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STATE OF UTAH

SENATE JOURNAL

TWELFTH EXTRAORDINARY SESSION OF THE FIFTY-SEVENTH LEGISLATURE

Convened and Adjourned on Wednesday, October 15, 2008

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Twelfth Extraordinary Session of the Fifty–Seventh Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Twelfth Extraordinary Session convening on Wednesday, October 15, 2008, and adjourning sine die on the same day.

Annette B. Moore Secretary of the Senate

Leslie McLean Manager, Senate Services

Mary B. Andrus
Journal Clerk

STATE OF UTAH

SENATE JOURNAL

TWELFTH EXTRAORDINARY SESSION of the FIFTY-SEVENTH LEGISLATURE

Pursuant to the proclamation of His Excellency, Governor Jon M. Huntsman, Jr., the Senate of the Fifty-Seventh Legislature of the State of Utah met in the Senate Chamber at the State Capitol in the Twelfth Extraordinary Session at 12:00 noon on Wednesday, October 15, 2008.

The Senate was called to order at 12:20 p.m. with President John Valentine presiding.

Prayer – Senator Chris Buttars

Pledge - Senator Curtis Bramble

Annette Moore read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the close of the 2008 General Session of the 57th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature in Extraordinary Session;

NOW, THEREFORE, I, JON M. HUNTSMAN, JR., Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 57th Legislature into an Twelfth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 15th day of October, 2008 at 12:00 noon, for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2008 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Utah State Capitol in Salt Lake City, Utah, this 14th day of October, 2008.

Jon M. Huntsman, Jr. Governor

Gary R. Herbert Lieutenant Governor

CERTIFICATION

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of October 14, 2008, and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamation calling the Senate only into an Twelfth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 15th day of October, 2008, at 12:00 noon, for the purpose named in the Proclamation.

I FURTHER CERTIFY THAT the membership of the Utah State Senate has not changed from that of the 2008 General Session of the Utah State Legislature.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah at Salt Lake City, Utah, this 14th day of October 2008.

Gary R. Herbert
Lieutenant Governor

Roll call – All Senators present, except Senators Bell, Knudson, and Peterson, excused.

On motion of Senator Hickman, the Senate voted to adopt the Senate Rules of the 2008 General Session of the Fifty-Seventh Legislature as the rules for the Twelfth Extraordinary Session.

President Valentine appointed a committee comprised of Senators Allen Christensen, Margaret Dayton, and Scott McCoy to notify the Governor's representative that the Senate is convened in the Twelfth Extraordinary Session in accordance with his proclamation.

Senator Christensen advised the Senate that the Governor's representative has been notified of the convening of the Twelfth Extraordinary Session.

SPECIAL ORDER OF BUSINESS

A citation was read honoring Evan K. Excell, Executive Director, Utah State High School Activities Association on his retirement.

COMMITTEE OF THE WHOLE

On motion of Senator Dmitrich, Evan K. Excell, spoke in Committee of the Whole. Senators Stephenson and Goodfellow commented.

On motion of Senator Dmitrich, the Committee of the Whole was dissolved.

* * *

Leslie McLean read the following communications:

COMMUNICATION FROM THE GOVERNOR

Mr. President: September 30, 2008

In accordance with Utah Code Ann. 67–1–1 and 67–1–2, I propose and transmit the following appointments:

Committee of Consumer Services:

Kelly Casaday is reappointed as a member of the Committee of Consumer Services, a term to expire on June 30, 2012. See Utah Code Ann. 54–10–2 UCA. Mr. Casaday is a Republican.

Representative Roz McGee is appointed to replace Dee Jay Hammon as a member of the Committee of Consumer Services, a term to expire on June 30, 2012. See Utah Code Ann. 54–10–2 UCA. Representative McGee is a Democrat

Utah Valley University Board of Trustees:

Greg Butterfield is appointed to replace Jason E. Chaffetz as a member of the Utah Valley University Board of Trustees, a term to expire on June 30, 2011. See Utah Code Ann. 53B–2–104 UCA.

Utah State University Board Of Trustees:

Ronald W. Jibson is appointed to replace Richard Nelson as a member of the Utah State University Board of Trustees, a term to expire on June 30, 2009. See Utah Code Ann. 53B–2–104 UCA.

Utah College of Applied Technology Board of Trustees:

Jason Perry is appointed to replace Parley Hellewell as a member of the Utah College of Applied Technology Board of Trustees, a term to expire on August 31, 2009. See Utah Code Ann. 53B–2a–103 UCA.

Utah Digital Health Service Commission:

Bradley D. LeBaron is reappointed as a member of the Utah Digital Health Service Commission, a term to expire on October 1, 2012. See Utah Code Ann. 26–9f–103 UCA.

Mark Allen Munger is reappointed as a member of the Utah Digital Health Service Commission, a term to expire on October 1, 2012. See Utah Code Ann. 26–9f–103 UCA.

Utah Arts Council Board of Directors:

Victoria Rowe Berry is appointed to replace Pilar Pobil as a member Utah Arts Council Board of Directors, a term to expire on July 1, 2009. See Utah Code Ann. 9–6–204 UCA.

Andrew Yarosh is appointed to replace Gary Amano as a member Utah Arts Council Board of Directors, a term to expire on July 1, 2011. See Utah Code Ann. 9–6–204 UCA.

Board of Child and Family Services:

Dr. Brad M. Reedy is appointed to replace Sterling Church as a member of the Board of Child and Family Services, a term to expire on July 1, 2012. See Utah Code Ann. 62A–1–107 UCA & 62A–4a–102 UCA.

Dr. Kevin Gully is appointed to replace Dr. David Corwin as a member of the Board of Child and Family Services, a term to expire on July 1, 2012. See Utah Code Ann. 62A–1–107 UCA & 62A–4a–102 UCA.

Barbara Ann Feaster is reappointed as a member of the Board of Child and Family Services, a term to expire on July 1, 2012. See Utah Code Ann. 62A–1–107 UCA & 62A–4a–102 UCA.

Dr. George Monsivais is reappointed as a member of the Board of Child and Family Services, a term to expire on July 1, 2012. See Utah Code Ann. 62A–1–107 UCA & 62A–4a–102 UCA.

Board of Substance Abuse and Mental Health:

Dr. Michael Crookston is reappointed as a member of the Board of Substance Abuse and Mental Health, a term to expire on September 1, 2012. See Utah Code Ann. 62A–15–106 UCA.

Joleen Meredith is reappointed as a member of the Board of Substance Abuse and Mental Health, a term to expire on September 1, 2012. See Utah Code Ann. 62A–15–106 UCA.

Utah Athletic Foundation Board of Directors:

Natalie Gochnour is appointed to replace Fraser Bullock as a member of the Utah Athletic Foundation Board of Directors, a term to expire on August 15, 2011. See Utah Code Ann. HJR 25 2002 General Session.

Vicki Varela is appointed as a member of the Utah Athletic Foundation Board of Directors, a term to expire on August 15, 2011. See Utah Code Ann. HJR 25 2002 General Session.

Luke Bodensteiner is reappointed as a member of the Utah Athletic Foundation Board of Directors, a term to expire on August 15, 2011. See Utah Code Ann. HJR 25 2002 General Session.

David B. Winder is reappointed as a member of the Utah Athletic Foundation Board of Directors, a term to expire on August 15, 2011. See Utah Code Ann. HJR 25 2002 General Session.

Thank you for your timely consideration and confirmation of the above appointments.

Jon M. Huntsman, Jr., Governor

Senator Hillyard moved to consent to the appointment as read by Leslie McLean. The motion passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Mayne	McCoy
Niederhauser	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting were: Senators

Bell Buttars Knudson Madsen

Peterson

President Valentine directed the committee to wait upon the Governor's representative to notify him that the Senate has concluded its business.

Senator Christensen reported that the committee had notified the Governor's representative that the Senate had concluded its business, and that the Governor has no further business to bring before the Senate.

On motion of Senator Bramble, and at 12:45 p.m., the Senate adjourned sine die.

STATE OF UTAH

SENATE JOURNAL

THIRTEENTH EXTRAORDINARY SESSION OF THE FIFTY-SEVENTH LEGISLATURE

Convened and Adjourned on Wednesday, November 19, 2008

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Thirteenth Extraordinary Session of the Fifty–Seventh Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Thirteenth Extraordinary Session convening on Wednesday, November 19, 2008, and adjourning sine die on the same day.

Annette B. Moore Secretary of the Senate

Leslie McLean Manager, Senate Services

Mary B. Andrus
Journal Clerk

STATE OF UTAH

SENATE JOURNAL

THIRTEENTH EXTRAORDINARY SESSION of the FIFTY-SEVENTH LEGISLATURE

Pursuant to the proclamation of His Excellency, Governor Jon M. Huntsman, Jr., the Senate of the Fifty-Seventh Legislature of the State of Utah met in the Senate Chamber at the State Capitol in the Thirteenth Extraordinary Session at 12:00 noon on Wednesday, November 19, 2008.

The Senate was called to order at 12:15 p.m. with President John Valentine presiding.

Prayer – Senator Dennis Stowell

Pledge – Senator Ross Romero

Annette Moore read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the close of the 2008 General Session of the 57th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature in Extraordinary Session;

NOW, THEREFORE, I, JON M. HUNTSMAN, JR., Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 57th Legislature into a Thirteenth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 19th day of November, 2008 at 12:00 noon, for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2008 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Utah State Capitol in Salt Lake City, Utah, this 18th day of November, 2008.

Jon M. Huntsman, Jr. Governor

Gary R. Herbert Lieutenant Governor

CERTIFICATION

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of November 18, 2008, and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamation calling the Senate only into a Thirteenth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 19th day of November, 2008, at 12:00 noon, for the purpose named in the Proclamation.

I FURTHER CERTIFY THAT the membership of the Utah State Senate has not changed from that of the 2008 General Session of the Utah State Legislature.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah at Salt Lake City, Utah, this 18th day of November 2008.

Gary R. Herbert Lieutenant Governor

Roll call – All Senators present, except Senator Peterson, excused.

On motion of Senator Hickman, the Senate voted to adopt the Senate Rules of the 2008 General Session of the Fifty-Seventh Legislature as the rules for the Thirteenth Extraordinary Session.

President Valentine appointed a committee comprised of Senators Sheldon Killpack, Kevin Van Tassell, and Pat Jones to notify the Governor's representative that the Senate is convened in the Thirteenth Extraordinary Session in accordance with his proclamation.

Senator Killpack advised the Senate that the Governor's representative has been notified of the convening of the Thirteenth Extraordinary Session.

COMMUNICATION FROM THE GOVERNOR

Leslie McLean read the following communications:

Mr. President:

September 23, 2008

In accordance with Utah Code 67–1–1 and 67–1–2 (2008), I propose and transmit the following appointment:

SIXTH DISTRICT COURT

Marvin D. Bagley is appointed as a Judge of the Sixth District Court. See Utah const. ant. VIII, 8; Utah Code 78A–10–101.

Thank you for your timely consideration and confirmation of the above appointment.

Jon M. Huntsman, Jr. Governor

* * *

Mr. President:

November 7, 2008

The Senate Judicial Confirmation Committee met on November 7, 2008, and reports a favorable recommendation for Mr. Marvin D. Bagley to be confirmed to the position of Judge in the Sixth District Court.

Greg Bell, Chair

* * *

Mr. President:

November 12, 2008

In accordance with Utah Code 67–1–1 and 67–1–2 (2008), I propose and transmit the following appointment:

FOURTH DISTRICT COURT

Christine S. Johnson is appointed as a Judge of the Fourth District Court. See Utah const. ant. VIII, 8; Utah Code 78A–10–101.

Thank you for your timely consideration and confirmation of the above appointment.

Jon M. Huntsman, Jr. Governor

* * *

Mr. President:

November 12, 2008

The Senate Judicial Confirmation Committee met on November 12, 2008, and reports a favorable recommendation for Ms. Christine S. Johnson to be confirmed to the position of Judge in the Fourth District Court.

Greg Bell, Chair

Senator Hillyard moved to consent to the appointments as read by Leslie McLean. Senators Bell and Hickman commented. The motion passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator

Peterson

COMMITTEE OF THE WHOLE

On motion of Senator Bramble Judge Christine S. Johnson and Judge Marvin D. Bagley, spoke in Committee of the Whole.

On motion of Senator Bramble the Committee of the Whole was dissolved.

* * *

Leslie McLean read the following communications:

COMMUNICATION FROM THE GOVERNOR

Mr. President:

November 4, 2008

In accordance with Utah Code Ann. 67–1–1 and 67–1–2, I propose and transmit the following appointments:

Health Data Committee:

Clark B. Hinckley is reappointed as a member of the Health Data Committee, a term to expire on June 30, 2012. See Utah Code Ann. 26–33a–103 UCA.

Gregory P. Poulsen is reappointed as a member of the Health Data Committee, a term to expire on June 30, 2012. See Utah Code Ann. 26–33a–103 UCA.

David D. Call is reappointed as a member of the Health Data Committee, a term to expire on June 30, 2012. See Utah Code Ann. 26–33a–103 UCA.

Jim M. Wall is appointed to replace Marylin Tang as a member of the Health Data Committee, a term to expire on June 30, 2012. See Utah Code Ann. 26–33a–103 UCA.

Kevin Craig Orton is appointed to replace Gail McGuill as a member of the Health Data Committee, a term to expire on June 30, 2012. See Utah Code Ann. 26–33a–103 UCA.

Board of Water Resources:

Joseph Stewart Paulick is reappointed as a member of the Board of Water Resources, a term to expire on January 1, 2013. See Utah Code Ann. 73–10–2.

Blair R. Francis is reappointed as a member of the Board of Water Resources, a term to expire on January 1, 2013. See Utah Code Ann. 73–10–2. Mr. Francis is a Democrat.

Youth Parole Authority:

James K. Smith is appointed as a member of the Youth Parole Authority, a term to expire on April 1, 2011. See Utah Code Ann. 62A–7–501.

Grand County Water Conservancy District Board of Directors:

Preston Lynn Paxman is appointed to replace the late John W. Keys, III, as a member of the Grand County Water Conservancy District Board of Directors, a term to expire on January 1, 2012. See Utah Code Ann. 17A–2–1409 UCA.

Board of Pardons and Parole:

Iris E. Hemenway is reappointed as a member of the Board of Pardons and Parole, a term to expire on February 28, 2014. See Utah Code Ann. 77–27–2.

Thank you for your timely consideration and confirmation of the above appointments.

Jon M. Huntsman, Jr., Governor

Senator Hillyard moved to consent to the appointment as read by Leslie McLean. The motion passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator

Peterson

* * *

Mr. President:

November 12, 2008

In accordance with Utah Code 67–1–1 and 67–1–2 (2008), I propose and transmit the following appointment:

COURT OF APPEALS

Judge Robert K. Hilder is appointed as a Judge of the Court of Appeals. See Utah const. ant. VIII, 8; Utah Code 78A–10–101.

Thank you for your timely consideration and confirmation of the above appointment.

Jon M. Huntsman, Jr. Governor

* * *

Mr. President:

November 12, 2008

The Senate Judicial Confirmation Committee met on November 7 and 12, 2008, and reports a favorable recommendation for Judge Robert K. Hilder to be confirmed to the position of Judge in the Appeals Court. Senators Bell, Dmitrich, and Hillyard voted in favor. Senators Buttars and Waddoups voted in opposition.

Greg Bell, Chair

Senator Hillyard moved to consent to the appointment as read by Leslie McLean. Senators Bell, Dmitrich, Waddoups, Romero, Bramble, McCoy, Buttars, Jones, and Mayne commented. The motion failed on the following roll call:

Yeas, 12; Nays, 16; Absent, 1.

Voting in the affirmative were: Senators

Bell	Davis	Dmitrich	Fife
Goodfellow	Hillyard	Jones	Mayne
McCoy	Romero	Van Tassell	Walker

Voting in the negative were: Senators

Bramble	Buttars	Christensen	Dayton
Eastman	Greiner	Hickman	Jenkins
Killpack	Knudson	Madsen	Niederhauser
Stephenson	Stowell	Waddoups	Valentine

Absent or not voting was: Senator

Peterson

President Valentine directed the committee to wait upon the Governor's representative to notify him that the Senate has concluded its business.

Senator Killpack reported that the committee had notified the Governor's representative that the Senate had concluded its business, and that the Governor has no further business to bring before the Senate.

Senators Darin Peterson, Mike Dmitrich, Fred Fife, Dan Eastman, Bill Hickman and Carlene were honored as retiring Senators.

On motion of Senator Bramble, and at 2:00 p.m., the Senate adjourned sine die.

STATE OF UTAH

SENATE JOURNAL

2009 GENERAL SESSION OF THE FIFTY-EIGHTH LEGISLATURE

Convened Monday, January 26, 2009

Adjourned Sine Die Thursday, March 12, 2009

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the 2009 General Session of the Fifty–Eighth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the General Session convening on Monday, January 26, 2009, and adjourning sine die on Thursday, March 12, 2009.

Annette B. Moore Secretary of the Senate

Leslie McLeanManager, Senate Services

Mary B. Andrus
Journal Clerk

PRESIDENT OF THE SENATE



2009 General Session Fifty-Eighth Legislature

My first year as President of the Senate was invigorating and filled with opportunities. I express appreciation to my constituents who have allowed me to continue serving and to my colleagues in the senate who elected me to serve as their president during 2009 and 2010.

In my opening remarks at the beginning of the session, I issued a challenge for each of us to "measure up" as we addressed the needs of the state during this time of reduced revenues. In my opinion, our senators did "measure up" as they dealt with difficult issues related to health–care reform, education, transportation, ethics reform, and historic alcohol reform—including stiffer pen—

alties for drunk drivers and underage offenders. Senators kept their word and "discharged their duties with fidelity" as they were sworn to do when they were administered the oath of office on January 26. The session was smooth, congenial, and cooperative.

The global economic down-turn presented some significant challenges this year. Program cuts were made across the board, but we were able to soften the impact by using federal dollars from the American Recovery and Reinvestment Act of 2009. Because of this stimulus money, state agencies can start to incorporate those cuts gradually over the next few years. In spite of a \$1 billion budget shortfall, public education was funded at \$2.4 billion (state funds and federal stimulus monies), the \$414 million Rainy Day Funds were kept in tact, taxes were not raised, we still have \$100 million set aside for education, and the constitutional provision for balancing the budget was met. Even in this time of economic challenges Utah is still one of the best–managed states in the country and has kept its AAA bond rating. This is due in large measure to the commitment of the legislature to ensure that expenses match revenue—that we as a state live within our means.

The senate bid farewell in December to six of its members: Fred Fife (D, District 1), Carlene Walker (R, District 8), Dan Eastman (R, District 23), Darin Peterson (R, District 24), Mike Dmitrich (D, District 27), and Bill Hickman (R, District 29). The Senate also welcomed Senators Luz Robles (D, District 1), Karen Morgan (D, District 8), Dan Liljenquist (R, District 23), Ralph Okerlund (R, District 24), David Hinkins (R, District 27), and Steve Urquhart (R, District 29). Senators Karen Morgan and Steve Urquhart both served in the House of Representatives prior to being elected to the senate. It is difficult to say good bye to those with whom you've worked closely for a number of years, but welcoming new people is always energizing and exciting. We extend our appreciation and warm wishes to those who have moved on and thank them for their dedicated service.

We had occasion to discuss and ponder our policymaking role with respect to diverse cultures and interest groups; and we committed ourselves to be respectful and open-minded as we debate policy alternatives, while ensuring that we do not abdicate our duty to act in the best interest of the state.

I express appreciation to my leadership team—Senators Sheldon Killpack, Scott Jenkins, and Greg Bell—for their excellent service and support. A special note of thanks must also be given to Senators Lyle Hillyard and Peter Knudson for the countless hours they spent working on the budget and to Senator Margaret Dayton for her service as Rules Committee Chair. Throughout the session she maintained a cheerful dignity while facilitating the flow of legislation by making sure bills were prioritized and handled appropriately. She was an integral part of the leadership team. I also extend an expression of gratitude to Senators Pat Jones, Ross Romero, Karen Mayne, and Luz Robles for their service and cooperation.

SENATE LEADERSHIP

MAJORITY LEADERSHIP (Republican)



Sheldon Killpack Majority Leader



Scott Jenkins Majority Whip



Gregory Bell Asst. Majority Whip

MINORITY LEADERSHIP (Democrat)



Patricia Jones Minority Leader



Ross Romero Minority Whip



Karen Mayne
Asst. Minority Whip

SENATE STAFF



Annette B. Moore Secretary of the Senate



Leslie McClean Manager Senate Services



Mary Andrus Journal Clerk



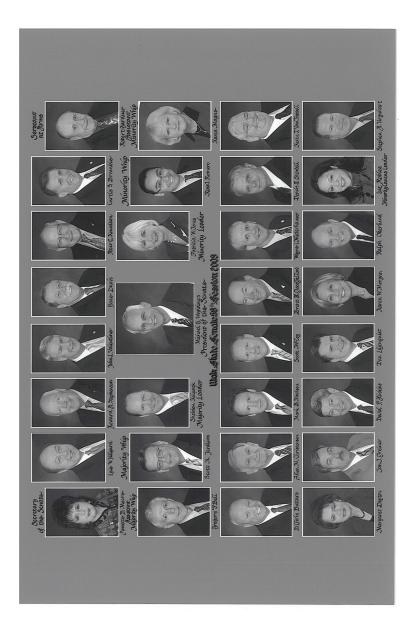
Lynette Erickson

Docket Clerk

SENATE LEADERSHIP

President of the Senate (R) Michael G. Waddoups Majority Leader (R) Sheldon L. Killpack Majority Whip (R) Scott K. Jenkins Assistant Majority Whip (R) Gregory S. Bell Minority Leader (D) Patricia Jones Minority Whip (D) Ross I. Romero Assistant Minority Whip (D) Karen Mayne Minority Caucus Manager (D) Luz Robles				
HOUSE LEADERSHIP				
Speaker of the House (R)David ClarkMajority Leader (R)Kevin GarnMajority Whip (R)Brad L. DeeAssistant Majority Whip (R)Rebecca LockhartMinority Leader (D)David LitvackMinority Whip (D)James GowansAssistant Minority Whip (D)Carol Spackman MossMinority Caucus Manager (D)Jennifer Seelig				
STATE OFFICIALS				
GovernorJon M. Huntsman Jr.Lieutenant GovernorGary HerbertAttorney GeneralMark ShurtleffAuditorAuston JohnsonTreasurerEdward T. Alter				
CONGRESSIONAL DELEGATION				
SenatorRobert F. BennettSenatorOrrin G. HatchCongressmanJim MathesonCongressmanRob BishopCongressmanJason Chavetz				
SenatorOrrin G. HatchCongressmanJim MathesonCongressmanRob Bishop				

MEMBERS OF THE SENATE



MEMBERS OF THE SENATE Fifty-Eighth Legislature

Senator	District	County(ies)	Party	Address & Telephone No.
Luz Robles Minority Caucus Mgr.	1	Salt Lake	(D)	1004 N Morton Dr Salt Lake City Ut 84116 Home (801) 953–0905
Scott McCoy	2	Salt Lake	(D)	560 E 700 S Salt Lake City Ut 84102 Home (801) 359–2544
Gene Davis	3	Salt Lake	(D)	865 Parkway Ave Salt Lake City Ut 84106 Home (801) 484–9428
Patricia Jones Minority Leader	4	Salt Lake	(D)	4571 Sycamore Dr Holladay Ut 84117 Home (801) 278–7667
Karen Mayne Assistant Minority Whip	5	Salt Lake	(D)	5044 W Bannock Cir West Valley City Ut 84120 Home (801) 968–7756
Michael G Waddoups President	6	Salt Lake	(R)	2868 Matterhorn Dr Taylorsville Ut 84084 Home (801) 967–0225
Ross I Romero Minority Whip	7	Salt Lake	(D)	1150 S 1400 E Salt Lake City Ut 84105 Home (801) 364–2451
Karen W. Morgan	8	Salt Lake	(D)	8378 Austrian Way Salt Lake City Ut 84121 Home (801) 943–0067
Wayne L Niederhause	er 9	Salt Lake	(R)	3182 E Granite Woods Lane Sandy Ut 84092 Home (801) 942–3398
D Chris Buttars	10	Salt Lake	(R)	9241 S Lisa Ave West Jordan Ut 84088 Home (801)561–0535
Howard A Stephenson	n 11	Salt Lake, Utah	(R)	1038 E 13590 S Draper Ut 84020 Home (801) 576–1022

Brent Goodfellow	12	Salt Lake, Tooele	(D)	3620 S 6000 W West Valley City, Ut 84128 Home (801) 968–0626
Mark B Madsen	13	Tooele, Utah	(R)	P O Box 572 Lehi Ut 84043 Office (801) 361–4787
John L Valentine	14	Utah	(R)	857 E 970 N Orem Ut 84097 Home (801) 224–1693
Margaret Dayton	15	Utah	(R)	97 W Westview Dr Orem Ut 84058 Home (801) 221–0623
Curtis S Bramble	16	Utah	(R)	3663 N 870 E Provo Ut 84604 Home (801)226–3663
Peter C Knudson	17	Box Elder, Cache,Tooele	(R)	1209 Michelle Dr Brigham City Ut 84302 Home (435) 723–2035
Jon J Greiner	18	Davis, Weber	(R)	4232 Fern Dr Ogden Ut 84403 Home (801) 621–0423
Allen M Christensen	19	Morgan, Summit, Weber,	(R)	1233 E 2250 N North Ogden Ut 84414 Home (801) 782–5600
Scott K Jenkins Majority Whip	20	Weber	(R)	4385 W 1975 N Plain City Ut 84404 Home (801) 731–5120
Sheldon Killpack <i>Majority Leader</i>	21	Davis	(R)	3406 S 875 W Syracuse Ut 84075 Home (801) 773–5486
Gregory S Bell Assistant Majority Whip	22	Davis	(R)	744 Eagle Way Fruit Heights Ut 84037 Office (801) 531–8900
Dan Liljenquist	23	Davis	(R)	553 S Davis Blvd Bountiful Ut 84010 Home (801) 294–2378

Ralph Okerlund	24	Juab, Piute, (R) Sanpete, Sevier,	248 S 500 W Monroe Ut 84754 Home (435) 527–3370
Lyle W Hillyard	25	Cache, Rich, (R)	595 S RIVERWOODS PKWY Logan Ut 84321 Home (435) 753–0043
Kevin T Van Tassell	26	Daggett, Duchesne, (R) Summit, Uintah, Wasatch	3424 W 1500 N Vernal Ut 84078 Home (435) 789–0724
David Hinkins	27	Carbon, Emery, (R) Grand, San Juan, Utah	P O Box 485 Orangeville Ut 84537 Home (435) 384–5550
Dennis E Stowell	28	Beaver, Garfield, (R) Iron, Kane, Millard, Washington	P O Box 796 Parowan Ut 84761 Home (435) 477–8143
Stephen H Urquhart	29	Washington (R)	634 E 1100 S St George Ut 84790 Home (435) 668–7759

*UTAH STATE CONSTITUTION LEGISLATIVE DEPARTMENT ARTICLE VI

*Copies of the Utah State Constitution, with amendments, are available in the Office of Legislative Research and General Counsel and in the Lieutenant Governor's office.

*"Rules of the Fifty-Sixth Legislature 2005"

Constitutional Provisions, Impeachment Provisions, Joint Rules of the Senate and the House of Representatives, Senate Rules, House Rules, Veto Sessions, and Interim Study Committee Rules.

*Copies available in the Legislative Printing.

STATE OF UTAH

SENATE JOURNAL 2009 GENERAL SESSION of the FIFTY-EIGHTH LEGISLATURE

FIRST DAY

MORNING SESSION

January 26, 2009

Pursuant to the provisions of the Constitution of the State of Utah, the Senators of the Fifty–Eighth Legislature of the State of Utah convened in General Session in the Senate Chamber on Monday, January 26, 2009 at ten o'clock a.m.

The Senate was called to order at 10:00 a.m., with the Honorable Michael J. Wilkins, Utah Supreme Court presiding.

PRAYER BY PRESIDENT DIETER UCHTDORF SECOND COUNSELOR IN THE FIRST PRESIDENCY OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

Oh God, our Heavenly Father. On this beautiful winter day, and on this day of a new beginning, we give thanks to Thee for the blessings of freedom, for the beauties and the richness of this state and this country; for the goodness and perseverance of the generations who went before and prepared the path; and for Thy hand, Thy guiding hand in it all. Now we pray with our hearts filled with hope, for all who have been elected by the people to govern this great state of Utah. Bless the Senators, the House members, the Governor and the Judicial Branch. Bless them all with wisdom and grace, with courage and foresight, with integrity and charity. Bless them with a vision to strengthen this state and its people, to care and protect its natural and human resources, and to bring prosperity, peace and unity to this land. Have Thy spirit guide them to fulfill their obligations to Thy laws, to the people, and especially to future generations. Oh God, Thou hast entrusted us with the care of this great land. Protect us from confusion, arrogance and greed. Bless us with a sound mind, a kind heart and mutual respect. Make our righteous hopes become reality. Fill our hearts with thankfulness. Bless us with a desire to trust in Thee and Thy goodness, and to do Thy will always. For this we pray, in the name of Jesus Christ. Amen.

POSTING OF COLORS & PLEDGE OF ALLEGIANCE UTAH NATIONAL GUARD

Members of the Color Guard Curt Hoepfner, SFC Myron Nuffer, SFC Jan Rigby, SSG Scott Faddis, SSG

Pledge of Allegiance - Master Sergeant Jules Breaux, Utah Air National Guard

SPECIAL MUSICAL PRESENTATION

The Salt City Jazz, under the direction of Kristie Arnold, performed "The Star Spangled Banner," "Chili Con Carne," and "Come, Come Ye Saints."

On motion of Senator Sheldon Killpack, the Senate thanked President Uchtdorf for delivering the invocation and ordered it spread upon the pages of the Senate Journal. He also expressed appreciation to the Utah Air National Guard, Master Sergeant Jules Breaux, and the Salt City Jazz for their participation in the opening of the Utah State Senate.

* * *

Annette B. Moore read the following Certification of Membership of the 2009 General Session of the Fifty–Eighth Legislature.

CERTIFICATE OF MEMBERSHIP OF THE 2009 GENERAL SESSION OF THE UTAH STATE SENATE 58TH LEGISLATURE

I, GARY R. HERBERT, Lieutenant Governor of the State of Utah, do hereby certify that at a General Election held within and for the State of Utah on Tuesday, November 4, 2008, the following named persons were chosen by the electors as members of the Legislature of the State of Utah, to serve in the Senate, each for the term of four years, beginning January 1, 2009, to wit:

FIRST DISTRICT: County of Salt Lake

Liz Robles

FIFTH DISTRICT: County of Salt Lake

Karen Mayne

SIXTH DISTRICT: County of Salt Lake

Michael G. Waddoups

EIGHTH DISTRICT: County of Salt Lake

Karen W. Morgan

TENTH DISTRICT: County of Salt Lake

D. Chris Buttars

THIRTEENTH DISTRICT: County of Tooele, Utah

Mark B. Madsen

FOURTEENTH DISTRICT: County of Utah

John L. Valentine

SIXTEENTH DISTRICT: County of Utah

Curtis S. Bramble

NINETEENTH DISTRICT: Counties of Morgan, Summit

Allen M. Christensen

TWENTIETH DISTRICT: County of Weber

Scott K. Jenkins

TWENTY-FIRST DISTRICT: County of Davis

Sheldon L. Killpack

TWENTY-THIRD DISTRICT: County of Davis

Daniel L. Liljenquist

TWENTY-FOURTH DISTRICT: Counties of Juab, Piute, Sanpete, Sevier,

Tooele, Wayne **Ralph Okerlund**

TWENTY-FIFTH DISTRICT: Counties of Cache, Rich

Lyle W. Hillyard

TWENTY-SEVENTH DISTRICT: Counties of Carbon, Emery, Grand, San Juan,

Utah

David P. Hinkins

TWENTY-NINTH DISTRICT: County of Washington

Stephen H. Urquhart

I FURTHER CERTIFY that at a General Election held within and for the State of Utah on Tuesday, November 7, 2006, the following persons were chosen by the electors as members of the Legislature of the State of Utah, to serve in the Senate, each for the term of four years, beginning January 1, 2007, to—wit:

SECOND DISTRICT: County of Salt Lake

Scott D. McCoy

THIRD DISTRICT: County of Salt Lake

Gene Davis

FOURTH DISTRICT: County of Salt Lake

Patricia W. Jones

SEVENTH DISTRICT: County of Salt Lake

Ross I. Romero

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NINTH DISTRICT: County of Salt Lake

Wayne L. Niederhauser

ELEVENTH DISTRICT: Counties of Salt Lake, Utah

Howard A. Stephenson

TWELFTH DISTRICT: Counties of Salt Lake, Tooele

Brent H. Goodfellow

FIFTEENTH DISTRICT: County of Utah

Margaret Dayton

SEVENTEENTH DISTRICT: Counties of Box Elder, Cache, Tooele

Peter C. Knudson

EIGHTEENTH DISTRICT: Counties of Davis, Weber

Jon J. Greiner

TWENTY-SECOND DISTRICT: County of Davis

Gregory S. Bell

TWENTY-SIXTH DISTRICT: Counties of Daggett, Duchesne, Summit, Uintah, Wasatch

Kevin T. Van Tassell

TWENTY-EIGHTH DISTRICT: Counties of Beaver, Garfield, Iron, Kane, Millard, Washington

Dennis E. Stowell

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah at Salt Lake City, this 21st day of January, 2008.

Gary Herbert
Lieutenant Governor

Communication filed.

* * *

The Honorable Justice Michael Wilkins administered the Oath of Office to all re-elected and newly elected members of the Senate for the Fifty-Eighth Legislature.

Roll Call – All Senators present.

On motion of Senator Sheldon Killpack, the Senate voted to proceed with its organization and elect its president.

Justice Michael Wilkins declared nominations for the office of President of the Senate were in order.

On motion of Senator Sheldon Killpack, and seconded by Senator Patricia Jones, Senator Michael G. Waddoups was nominated to serve as President of the Utah State Senate.

On motion of Senator Scott Jenkins, and seconded by Senator Ross Romero, the nominations were closed and Senator Michael G. Waddoups was elected President of the Senate by acclamation. Senators Killpack and Jones escorted President Waddoups to the podium.

Justice Michael Wilkins administered the Oath of Office to the President of the Senate, Michael G. Waddoups.

On motion of Senator Killpack, the Senate expressed appreciation to Justice Wilkins for taking time from his busy schedule to participate in the opening of the Utah State Senate.

WELCOMING REMARKS BY PRESIDENT WADDOUPS

First I would like to thank you all for honoring me this day. It is a day I have looked forward to service the citizens of Utah. I am excited to be here to serve the citizens of Utah. If I could begin with a round of thanks for those who have helped. I will begin first with Anna Kay, my wife. Thank you, Anna Kay, for all that you have done; campaigning and helping me in every way. You just don't know how much support is required to get something like this done, and she has been there all the way along. I so appreciate all that she has done to make this happen. Anna Kay would you come up and sit with me. A lot of people hire a campaign manager. I couldn't have afforded one that would do as good of a job as she's done.

I'd also like to thank and recognize my mother who has come down from Idaho today. Some of you have heard me talk about the beginnings of politics in my life. For those of you who haven't, we held the Nixon/Kennedy debates in my living room. My mother represented Kennedy and my dad represented Nixon. And we had those debates and I've had an interest in politics since that time. She has instilled in me a sense of patriotism, and I think she did a good job raising me, so "Thank you, Mom."

My children are here today, Wendy and Heather, with their husbands, and I thank them for coming and showing the effort to be here. My grandchildren are here also with them. If all of my children and grandchildren would stand, both my children and grandchildren, please.

I would like to invite Will to come up. Today is a special day for Will, it's Will's birthday. He has his David Archuleta haircut going. Would you all sing Happy Birthday to Will. Thank you for indulging me in that. Family is an important part of life, and I really appreciate my family. My sister and her husband and my nephews and nieces have come down from Idaho; I appreciate their support and their willingness to come. Thank you, Joyce, thank you for your family. Thank you for bringing Mom down.

I'd also be remiss if I didn't thank those that have participated—the Salt City Jazz from Salt Lake Community College; Sgt. Breaux, my next—door neighbor who helps make life more enjoyable on a real personal level. Thank you, Sgt., I appreciate having you here. I'm also grateful to my constituents who have allowed me to serve, for the honor and trust that they have placed in me. And then I would thank all of our staff that's helped me get this put together for today.

And you, Senators for the State of Utah; I thank you for the honor that you have paid upon me, and pray that we will measure up. That's sort of a theme that I would like to emphasize, that we all measure up to the trust that has been placed on us, to the expectations of the citizens of the State of Utah.

I saw an article recently dealing with higher ed, challenging higher ed to measure up. I think that's appropriate in these difficult times as we're looking at reduced revenues, and yet we have a challenge to do the work of the state. So I ask, "Will you measure up? Will I measure up?" and "Will we measure up?" I believe we will. Starting tomorrow I will present each of you with a reminder that we need to measure up—a small ruler to just expand that message a little. And I will give each of you twelve of those that you will be able to distribute to people who you think measure up. It will be sort of a token of awareness from people in the Senate this year as we find that we are measuring up to what needs to be done. I was reading a book this Fall, it was a Tom Chancy novel, and in there Mr. Ryan was talking with one of the colonels about being sworn in, and I thought the message, seeing as how we are being sworn in as being appropriate, and I would like to share this quote with you talking about being sworn in.

I understand why we do that now, it's a help, not a threat. It's something to remind you how important words are. Ideas are important; principles are important. Words are important—your word is the most important of all. Your word is who you are.

So I hope that we'll all measure up, that we will keep our word, that we will do the work of the citizens that we were challenged to do. That our words, our ideas, our principles and our values will be exemplary to the citizens of our state. I challenge each of us to discharge our duties with fidelity, and to keep our word. We'll have many issues that we'll deal with this year ranging from the budget to ethics, health care, and many others. There will always be nay sayers, there will be those who feel like we're not doing enough. We will always have someone that needs more help. But we have been given a trust. I would like to look on the bright side and say this process is a good process, and things aren't as gloomy as some would have us believe.

I look back a little bit. In 1983, 19% of the households in this country owned stocks; in 2005, 50% of our citizens owned stock. In 1989, the net worth of a family was \$69,000; in 2004 the net worth of a family was \$93,000. We have a better standard of living than ever before. We would all like more, but we're doing well. We live in the most prosperous time in the history of the world. A hundred years ago the average salary was 25¢ an hour. These stats came from a speech that I read by Representative Patrick Toomey, of Pennsylvania. I give him credit for the information that I have shared. Many families that were living below the official poverty line in the early 70s has very little. Less than 40% of them had an automobile. By 2004, 75% of them had an automobile, and 30% of them had two automobiles. None, basically, had a color TV or an air conditioner. By 2004, 97% had a color TV, and 67% had air conditioning. By 2004, 46% of these people actually owned their own home. The average living space for an American was 721 square feet; in Sweden it was only 430; in Mexico it was only 92. We're doing well in this country. Infant mortality has dropped; the expected [age] range back then was around 70; it's now 78. Health care has improved our standard of life.

During the last 25 years, more wealth was created, more people were lifted from poverty than any other time in our history. Let us measure up and do our part to have that continue. Let us be optimistic. Revenues are down a little, we can still eat, we can still have homes, we have health care, we have color TV, we have air conditioning, and most have jobs. We must tighten our belts a little at home, as well as here in the State, but we will continue to do well. This is not a depression; we can all go out and purchase what we need—tires for our cars, clothing for our families. It's good to occasionally re—evaluate where we stand and re—prioritize. The State of Utah will now do that.

Utah is one of the best managed states in our country. We will continue to do that. And we will do that without raising all of the taxes out there; we'll do that without the federal bailout. We'll accept what comes, but we will measure up. My encouragement to you is to measure up, and the State of Utah will measure up with us. Thank you.

* * *

On motion of Senator Jenkins, the Senate voted to have President Waddoups' remarks spread upon the pages of the Senate Journal.

* * *

President Waddoups directed that the following be recorded in the Senate Journal as leaders for the 58th Legislature 2009 General Session.

President – Michael G. Waddoups
Majority Leader – Sheldon L. Killpack
Majority Whip – Scott K. Jenkins
Asst. Majority Whip – Gregory S. Bell
Minority Leader – Patricia W. Jones
Minority Whip – Ross I. Romero
Asst. Minority Whip – Karen Mayne
Minority Caucus Manager – Luz Robles

On motion of Senator Margaret Dayton, the Senate voted to approve the Senate leadership.

President Waddoups appointed a Senate Rules Committee comprised of Senator Margaret Dayton, Chair, Senator D. Chris Buttars, Vice-Chair; and Senators Curtis Bramble, Peter Knudson, Mark Madsen, Gene Davis, and Scott McCoy to formulate the Senate Rules and work with the House of Representatives in formulating Joint Rules.

President Waddoups appointed Senator Allen Christensen as the Committee Chair to serve Patronage and Employees.

On motion of Senator Margaret Dayton, the 2008 Senate Rules, Joint Rules and Interim Rules of the Fifty-Seventh Legislature were adopted with the understanding that changes to these rules for the Fifty-Eighth Legislature will be considered and adopted as soon as possible.

President Waddoups appointed Senators Wayne Niederhauser, David Hinkins, and Karen Morgan as a committee to notify the House of Representatives that the Senate is organized and ready to do business.

President Waddoups appointed Senators Howard Stephenson, Ralph Okerlund, and Gene Davis to join with a like committee from the House to notify Governor Huntsman that the Legislature is organized for the 2009 General Session of the Fifty–Eighth Legislature and ready to do business.

Representatives Herrod, Newbold, and King formally notified the Senate that the House is organized and ready to do business.

Welcoming remarks were made by Senators Sheldon Killpack, Majority Leader and Patricia Jones, Minority Leader.

On motion of Senator Dayton, as allowed by the Utah Constitution and Joint Rules of the Legislature, the Senate voted to continue its practice of reading only the short title of bills and resolutions as they are introduced or considered on the Senate calendar and not read the long title of the bills and resolutions unless a majority of the Senate directs the reading of the long title, short title, or both of any House or Senate bill or resolution.

Senator Niederhauser, Chairman of the Committee to Notify the House, reported the House has been notified that the Senate is organized and ready to do business.

Senator Stephenson, Chairman of the Committee to Notify the Governor, reported that His Excellency, Governor Jon M. Huntsman, has been notified that the Legislature is organized and ready to do business.

At the direction of President Waddoups, senate membership of the following committees are to be officially recorded in the Senate Journal:

SENATE STANDING COMMITTEES

Business and Labor

John Valentine, *Chair* Daniel Liljenquist Wayne Niederhauser Steve Urquhart Kevin Van Tassell Gene Davis Karen Mayne

Education

Curtis Bramble, Chair Margaret Dayton Lyle Hillyard Scott Jenkins Howard Stephenson Brent Goodfellow Karen Morgan

Natural Resources, Agriculture and Environment

Dennis Stowell, *Chair* Allen Christensen Margaret Dayton Ralph Okerlund Gene Davis Karen Morgan

Health and Human Services

D. Chris Buttars, *Chair* Greg Bell
Allen Christensen
David Hinkins
Patricia Jones
Luz Robles

Workforce Services and Community and Economic Development

Mark B. Madsen, *Chair* Sheldon Killpack Ralph Okerlund Michael Waddoups Patricia Jones Karen Morgan

Judiciary, Law Enforcement and Criminal Justice

D. Chris Buttars, *Chair*Jon Greiner
Lyle W. Hillyard
Mark Madsen
Michael Waddoups
Scott McCoy
Ross Romero

Revenue and Taxation

Wayne Niederhauser, *Chair*Curtis Bramble
Howard Stephenson
Dennis Stowell
John Valentine
Ross Romero
Brent Goodfellow

Government Operations and Political Subdivisions

Peter Knudson, Chair Greg Bell Jon Greiner Scott Jenkins Daniel Liljenquist Scott McCoy Luz Robles

Transportation and Public Utilities and Technology

Steve Urquhart, Chair
David Hinkins
Sheldon Killpack
Peter Knudson
Kevin Van Tassell
Brent Goodfellow
Karen Mayne

Retirement and Independent Entities

Daniel Liljenquist, *Chair*Curtis Bramble
D. Chris Buttars
Jon Greiner
Gene Davis
Brent Goodfellow

Senate Rules

Margaret Dayton, *Chair*D. Chris Buttars, *Vice Chair*Curtis Bramble
Peter Knudson
Mark Madsen
Gene Davis
Scott McCoy

SENATE MEMBERS JOINT APPROPRIATIONS SUBCOMMITTEES 2009 – 2010

EXECUTIVE APPROPRIATIONS COMMITTEE

Sen. Lyle Hillyard, *Chair* Sen. Peter Knudson,

Vice Chair

Sen. Michael Waddoups Sen. Sheldon Killpack Sen. Scott Jenkins

Sen. Greg Bell Sen. Patricia Jones Sen. Ross Romero Sen. Karen Mayne Sen. Luz Robles

COMMERCE AND WORKFORCE SERVICES

Sen. David Hinkins, Co-Chair

Sen. Dan Liljenquist Sen. Karen Mayne

ECONOMIC DEVELOPMENT AND REVENUE

Sen. Ralph Okerlund, Co-Chair

Sen. Sheldon Killpack

Sen. Gene Davis

EXECUTIVE OFFICES AND CRIMINAL JUSTICE

Sen. Jon Greiner, *Co-Chair* Sen. Michael Waddoups

Sen. Scott McCoy

CAPITAL FACILITIES AND ADMINISTRATIVE SERVICES

Sen. Wayne Niederhauser,

Co-Chair

Sen. Curtis Bramble Sen. Brent Goodfellow

HIGHER EDUCATION

Sen. John Valentine, Co-Chair

Sen. Greg Bell Sen. Steve Urquhart Sen. Ross Romero

HEALTH AND HUMAN SERVICES

Sen. Allen Christensen, Co-Chair

Sen. Margaret Dayton Sen. Dan Liljenquist Sen. Patricia Jones

NATURAL RESOURCES

Sen. Dennis Stowell, Co-Chair

Sen. David Hinkins Sen. Brent Goodfellow

PUBLIC EDUCATION

Sen. Howard A. Stephenson,

Co-Chair

Sen. Chris Buttars Sen. Lyle Hillyard Sen. Karen Morgan

TRANSPORTATION AND ENVIRONMENTAL QUALITY

Sen. Kevin Van Tassell, Co-Chair

Sen. Scott Jenkins Sen. Peter Knudson Sen. Mark Madsen Sen. Luz Robles

RETIREMENT AND INDEPENDENT ENTITIES

Sen. Dan Liljenquist, Co-Chair

Sen. Curtis Bramble Sen. Chris Buttars Sen. Jon Greiner Sen. Gene Davis Sen. Brent Goodfellow

LEGISLATIVE MANAGEMENT COMMITTEE

Sen. Michael G. Waddoups Chair

Sen. Sheldon Killpack

Sen. Scott Jenkins

Sen. Gregory Bell

Sen. Patricia Jones

Sen. Ross Romero

Sen. Karen Mayne

Sen. Luz Robles

* * *

On motion of Senator Christensen, the Senate voted to adopt the following committee report and employ the persons recommended by Senator Christensen.

EMPLOYEE COMMITTEE REPORT

Senator Bell introduced the Senate Staff.

Annette B. Moore Secretary and Chief Administrative

Office of the Senate

Ric Cantrell Chief Deputy of the Senate Leslie O. McLean Manager of Senate Services

Laura Barlow Majority Assistant

Janeen M. Halverson Minority Executive Assistant

Lynette EricksonDocket ClerkGreg JohnsonSystem AnalystMary AndrusJournal Clerk

Rolavne Day Secretarial Supervisor Saundra Maeser Rules Secretary Jean Butler Committee Secretary Committee Secretary Allison Volk Karen C. Allred Committee Secretary Nicole Hiedrich Committee Secretary Lorna Wells Committee Secretary Cami Deavila Committee Secretary Robert L. Gardner Sergeant At Arms

Leo Parry Asst. Sergeant At Arms
Thomas R. Shepherd Security

Security Frank Christensen Roger Winslow Security Glenn Hildebrand Security Paul Jacobs Security Jason Hildebrand Security Virgil Blair Security Steve Higham Security Cliff Park Security Dennis Bird Security Tori Buckmiller Security

Gayle C. Petersen Page Supervisor
Linda Cornaby Asst. Page Supervisor

Sue Gaskill Page Kathryn Alldredge Page Deanne Evans Page Kristin Hopson Page Judy Paulson Page Sandra "Penny" Dunn Page Dianne Richards Page Jewel Doxey Page Margaret Pugsley Page

Macey Matthews

Georgianna Knudson Docket Clerk Aide Eileen Miller Public Address

> System/ComputerOperator Receptionist – Senate Building

Richard Block Computer Specialist

Paula Tew Legislative Aide/Receptionist Katherine Gardner Hostess and 3rd House Aide

Pat Worthington Hostess and 3rd House Aide Public Information Officer Vicky Barber Rebecca Rawson Public Information Officer Ellen Schoffield Public Information Officer

INTRODUCTION OF INTERNS

Senator Ross Romero introduced the Senate Interns for the 2009 General Session.

Sen. Greg Bell Adam Stewart Sen. Curtis Bramble Doug Marsh Sen. D. Chris Buttars Amelia Roper Sen. Allen Christensen Kristina Nielsen Sen. Gene Davis Reid Luzzader Sen. Margaret Dayton Buchanan Davis Sen. Brent Goodfellow **Emily Bennett** Sen. Jon J. Greiner Weston Long Sen. Lyle Hillyard Lenaye Howard Sen. David Hinkins Thomas Jarvis Sen. Scott Jenkins Stephen Loos Sen. Patricia Jones Michelle Taylor Sen. Sheldon Killpack Michael Fiske Sen. Peter Knudson Andrew Baker Sen. Daniel Liljenguist Matthew Ricks Sen. Mark Madsen Kristina Nielsen Sen. Karen Mavne Jessie France Sen. Scott McCoy Matthew Beckstead Sen. Karen Morgan Emily Bennett Sen. Wayne Niederhauser Matthew Ricks Sen. Ralph Okerlund Todd Nye Sen. Luz Robles Drew Martinez Sen. Ross Romero Scott Sizemore Sen. Howard Stephenson Martin Curran Sen. Dennis Stowell Todd Nye Sen. Stephen H. Urguhart Thomas Jarvis Sen. John Valentine Colby Green Sen. Kevin Van Tassell Weston Long Whitney Ripplinger

Pres. Michael Waddoups

INTRODUCTION OF BILLS

- **S.B. 10**, **Department of Community and Culture State–owned Art Inventory** (M. Madsen), read the first time by short title and referred to the Rules Committee.
- **S.B. 11**, **Incest Amendments** (D. Stowell), read the first time by short title and referred to the Rules Committee.
- **S.B. 12**, **DUI Amendments** (S. Killpack), read the first time by short title and referred to the Rules Committee.
- **S.B. 13**, **Administering Substances to Wildlife** (M. Dayton), read the first time by short title and referred to the Rules Committee.
- **S.B. 14**, **Financial Incentives for Motion Picture Productions** (L. Hillyard), read the first time by short title and referred to the Rules Committee.
- S.B. 15, Workers' Compensation Premium Assessment and Workplace Safety Funding (K. Mayne), read the first time by short title and referred to the Rules Committee.
- **S.B. 16, Prohibited Gang Activity** (J. Greiner), read the first time by short title and referred to the Rules Committee.
- **S.B. 17**, **Surface Coal Mining Amendments** (D. Stowell), read the first time by short title and referred to the Rules Committee.
- **S.B. 18**, **Utah Transparency Advisory Board Amendments** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.
- **S.B. 19**, **Criminal Offense Penalties Amendment** (J. Greiner), read the first time by short title and referred to the Rules Committee.
- **S.B. 20**, Local Public Health Emergency Funding (D. Stowell), read the first time by short title and referred to the Rules Committee.
- **S.B. 21**, **State and Local Health Authorities Amendments** (D. Stowell), read the first time by short title and referred to the Rules Committee.
- **S.B. 22**, **Street Legal All–terrain Vehicle Amendments** (S. Jenkins), read the first time by short title and referred to the Rules Committee.

- S.B. 23, Income Taxation of Pass-through Entities and Pass-through Entity Taxpayers (W. Niederhauser), read the first time by short title and referred to the Rules Committee.
- **S.B. 24**, **Early Voting Amendments** (P. Knudson), read the first time by short title and referred to the Rules Committee.
- **S.B. 25**, **Online Voter Registration** (P. Knudson), read the first time by short title and referred to the Rules Committee.
- **S.B. 26**, **Open and Public Meetings Act Meeting Record** (P. Knudson), read the first time by short title and referred to the Rules Committee.
- **S.B. 27**, **Election Law Changes** (P. Knudson), read the first time by short title and referred to the Rules Committee.
- **S.B. 28**, **Prohibited Activities of Gang Offenders** (J. Greiner), read the first time by short title and referred to the Rules Committee.
- **S.B. 29**, **Safe Drinking Water Act Amendments** (D. Stowell), read the first time by short title and referred to the Rules Committee.
- **S.B. 30**, **Enhancement of Truth in Advertising Act** (M. Dayton), read the first time by short title and referred to the Rules Committee.
- **S.B. 31**, **Utah Residential Mortgage Practices and Licensing Act** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.
- **S.B. 32**, **Wrongful Death Amendments** (S. McCoy), read the first time by short title and referred to the Rules Committee.
- **S.B. 33**, **Utility Transmission Corridor Siting Task Force** (S. Jenkins), read the first time by short title and referred to the Rules Committee.
- S.B. 34, Amendments to Sales and Use Tax Exemption for Certain Machinery, Equipment, or Parts (W. Niederhauser), read the first time by short title and referred to the Rules Committee.
- S.B. 35, Sales and Use Tax Definitions Relating to Property (W. Niederhauser), read the first time by short title and referred to the Rules Committee.
- **S.B. 36**, **Sales and Use Tax Amendments** (C. Bramble), read the first time by short title and referred to the Rules Committee.

- S.B. 37, Utah Substance Abuse and Anti-violence Coordinating Council Amendments (K. Van Tassell), read the first time by short title and referred to the Rules Committee.
- **S.B. 38**, **Severance Tax Amendments** (J. Valentine), read the first time by short title and referred to the Rules Committee.
- **S.B. 39, Immigration Amendments** (S. Jenkins), read the first time by short title and referred to the Rules Committee.
- **S.B. 40, Lawful Presence Verification for Issuance of a Driver License or Identification Card** (C. Bramble), read the first time by short title and referred to the Rules Committee.
- **S.B. 41**, **Siting of High Voltage Power Line Act** (P. Knudson), read the first time by short title and referred to the Rules Committee.
- **S.B. 42**, **Nuclear Power Distribution and Generation** (S. McCoy), read the first time by short title and referred to the Rules Committee.
- S.B. 43, Insurance Coverage for Autism Spectrum Disorders Clay's Law (H. Stephenson), read the first time by short title and referred to the Rules Committee.
- **S.B. 44**, **Coal Mining and Reclamation Amendments** (G. Davis), read the first time by short title and referred to the Rules Committee.
 - S.B. 45, Concealed Firearm Permit for Retired Peace Officer
- (B. Goodfellow), read the first time by short title and referred to the Rules Committee.
- **S.B. 46**, **School Property Tax Equalization Amendments** (K. Morgan), read the first time by short title and referred to the Rules Committee.
- **S.B. 47**, **Grant in Lieu of Property Taxes Act** (G. Davis), read the first time by short title and referred to the Rules Committee.
- **S.B. 85**, **Homicide Amendments** (S. Urquhart), read the first time by short title and referred to the Rules Committee.
- **S.B. 86**, **Amendments to Preferred Drug List** (A. Christensen), read the first time by short title and referred to the Rules Committee.
- **S.B. 87**, **Preferred Drug List Revisions** (A. Christensen), read the first time by short title and referred to the Rules Committee.

- **S.B. 88**, **Administrative Rulemaking Act Amendments** (H. Stephenson), read the first time by short title and referred to the Rules Committee.
- S.B. 89, Public Safety Retirement Death Benefit Modifications
 (J. Greiner), read the first time by short title and referred to the Rules Committee.
- **S.B. 90**, **Metal Theft Amendments and Penalties** (J. Greiner), read the first time by short title and referred to the Rules Committee.
- **S.B. 91**, **Electronic Communication Harassment Amendment** (J. Greiner), read the first time by short title and referred to the Rules Committee.
- **S.B. 92**, Local Governmental Cooperation in Education Matters (P. Jones), read the first time by short title and referred to the Rules Committee.
- **S.B. 93**, **Building Authorities** (D. Stowell), read the first time by short title and referred to the Rules Committee.
- **S.B. 94**, **Underground Sewer Utilities Facilities Amendments** (J. Greiner), read the first time by short title and referred to the Rules Committee.
- **S.B. 95**, **Mobile Home Park Amendments** (S. Jenkins), read the first time by short title and referred to the Rules Committee.
- **S.B. 96**, Concealed Firearm Permit Residency Requirement (S. McCoy), read the first time by short title and referred to the Rules Committee.
- **S.B. 97**, **Good Samaritan Act for Engineers** (M. Waddoups), read the first time by short title and referred to the Rules Committee.
- **S.B. 98**, **Motor Fuel Theft Penalties** (J. Greiner), read the first time by short title and referred to the Rules Committee.
- **S.B. 99**, **Renewable Energy Certificate Revisions** (C. Bramble), read the first time by short title and referred to the Rules Committee.
- **S.B. 100**, **Financial and Economic Literacy Education Amendments** (P. Jones), read the first time by short title and referred to the Rules Committee.
- **S.B. 101**, **State Ethics Commission** (S. McCoy), read the first time by short title and referred to the Rules Committee.
- **S.B. 102**, **Share the Road Special Group License Plate** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

- S.B. 103, Uniform Laws Uniform Principal and Income Act Amendments (L. Hillyard), read the first time by short title and referred to the Rules Committee.
- **S.B. 104**, **Higher Education Scholarship Program Amendments** (L. Hillyard), read the first time by short title and referred to the Rules Committee.
- **S.B. 105**, **Engineering and Computer Science Initiative Amendments** (L. Hillyard), read the first time by short title and referred to the Rules Committee.
- **S.B. 106**, **Alcoholic Beverage Control Act Restrictions** (S. McCoy), read the first time by short title and referred to the Rules Committee.
- **S.B. 107**, Communications Fraud Penalty Amendments (D. Hinkins), read the first time by short title and referred to the Rules Committee.
- **S.B. 108**, Tax Commission Administration, Collection, and Enforcement Amendments (W. Niederhauser), read the first time by short title and referred to the Rules Committee.
- **S.B. 109**, **Local School Funding Legislative Task Force** (D. C. Buttars), read the first time by short title and referred to the Rules Committee.
- **S.B. 110**, **Oil and Gas Limitation of Actions Amendments** (K. Van Tassell), read the first time by short title and referred to the Rules Committee.
- **S.B. 111**, **Health Care Workforce Financial Assistance Program Amendments** (G. Davis), read the first time by short title and referred to the Rules Committee.
- **S.B. 112**, **Obstruction of Justice Amendment** (R. Okerlund), read the first time by short title and referred to the Rules Committee.
- **S.B. 113**, **Delayed Effective Date for Illegal Immigration Legislation** (P. Jones), read the first time by short title and referred to the Rules Committee.
- **S.B. 114**, **Tobacco Tax Amendments** (A. Christensen), read the first time by short title and referred to the Rules Committee.
- **S.B. 115**, Payment of Mobile Home Park Relocation Expenses (W. Niederhauser), read the first time by short title and referred to the Rules Committee.
- S.C.R. 1, Concurrent Resolution Requesting a Federal Waiver to Establish an Employer–sponsored Work Program (S. Jenkins), read the first time by short title and referred to the Rules Committee.

- **S.C.R. 2**, **Concurrent Resolution a Call to Civility** (J. Valentine), read the first time by short title and referred to the Rules Committee.
- **S.J.R. 1**, **Joint Resolution Renewable Energy System** (P. Jones), read the first time by short title and referred to the Rules Committee.
- **S.J.R. 2**, **Topaz Museum and Civil Liberties Learning Center Joint Resolution** (D. Stowell), read the first time by short title and referred to the Rules Committee.
- **S.R. 1, Ecumenical Patriarch Senate Resolution** (P. Jones), read the first time by short title and referred to the Rules Committee.
- S.R. 2, Senate Resolution Supporting the Narrows Water Project in Central Utah (R. Okerlund), read the first time by short title and referred to the Rules Committee.

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On motion of Senator Killpack, and at 11:30 a.m., the Senate recessed.

AFTERNOON SESSION

JOINT CONVENTION

The Joint Convention was called to order by President Michael Waddoups at 2:30 p.m.

COMMITTEE OF THE WHOLE

On motion of Senator Killpack, the House resolved itself into a Committee of the Whole, with the President as Chairman, for the purpose of hearing from Chief Justice Christine Durham, Supreme Court.

On motion of Senator Killpack, the Committee of the Whole was dissolved.

On motion of Representative Garn, the Joint Convention voted to print the speech of the Chief Justice of the Supreme Court on the pages of the House and Senate Journals.

REMARKS BY CHIEF JUSTICE CHRISTINE M. DURHAM

President Waddoups, Speaker Clark, members of the Senate and the House of Representatives, I thank you for the invitation to address you today, and for your courtesy in convening in joint session. I appreciate and acknowledge the presence of my colleagues from the Supreme Court, the Judicial Council, and our State Court Administrator.

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My task in reporting to you on the state of Utah's judicial branch is somewhat more difficult today than it has been in the past because we are all dealing with enormous challenges and uncertainty stemming from a troubled economy and related losses in state revenue. Ordinarily I use this opportunity to report to you on court initiatives and projects that you have identified in legislation, but this year I am going to forego those reports. The entire nation is grappling with serious challenges, and we in Utah are no exception. While those of us who are engaged in public service must take full account of the problems, we must also believe that hard work and creativity will ultimately see us through. I am extremely proud of the more than one thousand employees and over one hundred judges who make up the Utah state judiciary. We are asking more from them, professionally and personally, than ever before, and they consistently perform.

The role of the state courts in the American system has never been more critical. As one of my colleagues, recently nominated as the new Chief Judge for the state of New York, observed:

[A]ll over the country, state court leaders have committed themselves, like never before, to the pursuit of court reform as a way of life, whether it be modernizing the jury system, introducing specialized drug courts and domestic violence courts, promoting more coordinated and comprehensive justice for families and children, ensuring meaningful access to the courts, or using the latest technology to promote efficiency, and cost savings, among countless other reforms.

Whether we like it or not, the state courts are in the eye of the storm; we have become the emergency room for society's worst ailments – substance abuse, family violence, mental illness, mortgage foreclosures, and so many more. (Jonathan Lippman, "Institutional Independence of the Judiciary")

To these observations I would add the point that the courts perform an essential function in the economy generally. For every contract dispute and debt collection action in the courts, there are thousands – cumulatively hundreds of millions – of dollars tied up, awaiting resolution. And, while we tend to hear and read a lot about the nation's federal courts, it is sometimes overlooked that the state courts conduct more than ninety five percent of the judicial business of this country.

In a recent conversation I had with Scott Anderson of Zions Bank, he pointed out that in the financial industry "so much depends on the timely adjudication of court cases." He suggested that as the "carrying costs businesses incur increase

because of court delays, the overall costs to the business side are significantly increased," which further harms the prospects of economic recovery.

Our economy and our public safety, along with responses to so many of the ills that beset individuals and families, depend on the operation of our courts. The conclusion that courts perform core functions of government in American society is self-evident, and is indeed at the heart of our reliance on the rule of law.

As you gather for this legislative session, Utahns from every walk of life are aware of the critical issues you face in dealing with our state's budget in light of recent revenue shortfalls. I know that every aspect of state government will be affected, and I want to spend most of my time with you today describing what we in the judiciary have already done to cut our budget, what our plans are for the coming months, and what the implications are for our ability to fulfill our constitutional role.

Let me talk first about this fiscal year. As the state's economic downturn emerged late last summer, the Utah Judicial Council took immediate and in some cases dramatic steps. We implemented a hiring freeze in September and, with the concurrence of the Governor, determined to hold open all judicial vacancies for the foreseeable future. Aside from those individuals who were already in the nominations process when our announcement was made, current and future vacancies will be held open until we have managed the worst of this crisis. We have reorganized some of the ways we do business, completely eliminating our in-house court reporters, for example, and moving instead to full-time reliance on audio recording. This is a significant break with the way the courts have preserved records for many years. Through a combination of vacancies from the hiring freeze and staff cuts in the Administrative Office of the Courts, we will see a reduction in force of sixty employees by the end of the fiscal year. We have eliminated service contracts, closed programs, canceled travel and training, and identified every opportunity we can for creative funding and re-engineering of our operations.

We have some striking limitations, however. First, the courts' budget is almost all general fund dependent: eighty nine percent of our money comes from the general fund. Second, almost all of our budget is devoted to personnel. After our lease and contract obligations, fully ninety one percent of our budget pays for people. Thus, after the four percent budget reductions we took at the time of the special session, the additional seven and one half percent currently identified for us for this fiscal year will have to come through unpaid furloughs of our employees. The numbers are quite straightforward. As of today, we have approximately forty four million dollars left in our 2009 budget. After subtracting mandatory lease and contract payments and judges compensation (which cannot

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be reduced constitutionally), we will have approximately thirty million dollars left, virtually all of which is allocated to employee salaries. We have been told to assume a seven and a half percent reduction. That equates to eight million dollars out of our remaining thirty million, before the end of June. We understand that even as I speak you are engaged in discussions that may reduce the level of this cut, but until we learn otherwise it would be irresponsible not to have a plan for a seven and a half percent reduction in FY 2009.

The only way we will be able to accomplish such a large reduction is to furlough every one of our thousand employees for twenty–six days before June 30th, a total furlough of more than five full work weeks. This will mean that our employees will experience a twenty percent reduction in pay in every paycheck, and it also means that the courts will not be adequately staffed to perform our work. But even more critical is the impact of reduced staffing on the ability of the courts to do the public's business.

Because the time remaining in the fiscal year is so short, we believe that it would not be fair to our staff to delay the furlough process to the end of the legislative session. It will be more fair to our employees to distribute the burden over as much time as we can, and we are already effectively only twenty weeks away from the end of the fiscal year. While we hope that you will find a way to make implementation of this drastic step unnecessary, or at least very limited in duration, the Judicial Council has decided it will be necessary to start the furloughs for all of our employees in mid-February. Local presiding judges and court administrators have met and will meet again to address how to effectively operate the courts with such an emaciated staffing level. One option on the table is to close courts on a regular schedule to allow for somewhat normal staffing on other days. Let me be clear: this is not the way we as a state want to run our courts; this is not what Utah's citizens are entitled to. We need your help to find a way for the courts to perform their essential governmental role, and we hope that we will be able to re-assess our plans as the budget comes into clearer focus during the session.

I know that other government entities and many private businesses are also dealing with staffing reductions. At least in the private sector, however, when the employees are reduced it is because the work is reduced too. For us, the opposite is true. The workload of the courts is directly tied to the performance of the economy. For the first half of this fiscal year, we have seen a completely unprecedented increase in court filings. Civil case filings statewide were up twenty two percent, the first time in the history of the Utah courts that we have ever seen anything in double digit increases; criminal filings were also up. In a fairly dramatic illustration of the fact that the downturn in the economy gets reflected almost immediately in the work of the courts, filings in contract disputes increased

sixty-one percent, debt collections twenty-seven percent, child custody and support matters twenty-seven percent, and mortgage foreclosures one hundred and one percent.

These pronounced trends will only get worse. As my colleague from New York put it, the state courts are the nation's legal "emergency rooms," and there are going to be a lot more emergencies out there for a while. If this were an ordinary year, the filing increases in the first half of this year would justify a request for three new trial judges and over forty new court clerks. Instead, the combination of increased demand and decreased resources is profoundly affecting our ability to hear cases at all levels of court. We are already receiving complaints from lawyers and members of the public about delays in processing cases, and frankly I sympathize with them. Delays in the resolution of legal disputes have profound human and economic costs.

Drastically reduced staffing and the possible court closures that likely would follow are not merely an inconvenience; they are an economic disaster. The more dreadful the economy, the greater the need for an efficient court system that can quickly get judgments entered and money transferred from debtors to creditors. The "domino effect" of a creditor's inability to secure a prompt court –ordered judgment is far–reaching. A small business that cannot get money or assets owed to it is then at risk of defaulting on its obligations to suppliers and employees; then the suppliers and employees are unable to meet their obligations, and so on up the money trail to banks and investors, who in turn become unable to invest or loan money. Small debts become exponentially larger debts contributing to economic gridlock. These are not consequences that might be realized down the road; these effects can already be seen today, and they will only get worse as our existing filing backlog grows.

The problems are no less severe on the human side. In delinquency cases in the juvenile courts, for example, the goal is to intervene at the earliest possible moment in a child's unlawful behavior to prevent escalation into more serious criminal acts. Drug and alcohol use, without swift response, will in many cases lead to addiction. Because we will have to prioritize child welfare cases, which have mandatory time requirements, the processing of delinquency cases will inevitably slow. Imagine a fifteen—year—old who is being recruited by a gang and is caught shoplifting. In the months it will take to get that child and his family into court he may well become a full—fledged gang member with serious criminal acts under his belt. This is not the court system we want for Utah.

Let me move to a discussion of our budget for 2010. Under current projections, with the fifteen percent cuts the legislature has requested, the prospect is also bleak, but in this case we have some time and more options. The

legislative fiscal analyst has calculated that at fifteen percent, the courts would have to permanently eliminate two hundred and eighty three court employees. Except for vacancies resulting from our current hiring freeze, every one of those positions has a person in it. A reduction in force at this level is to me almost unimaginable, but it would certainly entail closing some court locations permanently, and being unable to try civil cases or hear delinquency matters because we would have to prioritize criminal and child welfare cases to comply with constitutional and statutory requirements. Our capacity to do our work at even a minimally acceptable level would be gravely threatened; the time to resolve routine matters would go from weeks to months, and for more complex ones from months to years.

In searching for options to deal with these concerns, we conducted a survey of neighboring states to examine how our court fee structure compared. determined that Utah is on the low end of civil filing fees, and that it would be equitable to raise those fees as a means of generating funds to avoid drastic personnel reductions. We need, of course, your support for such a proposal, and hope that you will see it as a reasonable solution to our budget dilemma for 2010. At the new filing fee levels we propose, enough revenue would be generated to prevent the hundreds of personnel losses that will otherwise be necessary. We have calibrated the proposed increases to distribute the burdens fairly, and we predict that Utah will remain on the low end of the scale after other states have revisited fees (as most are planning to do this year). Furthermore, if you are able to adopt a fee increase, it could be made effective on April 1st, which would generate three months of revenue in 2009 that could be used to reduce the length of our employee furlough and court closures. Such a solution would help maintain the courts' ability to function, and would reduce a significant amount of individual suffering, which in turn would have positive economic consequences.

While the solutions I have detailed are intended to alleviate the courts' budget concerns directly, we also have ideas that would benefit the state coffers generally. For example, the courts play a role in the collection of a variety of debts owed the state. Criminal fines, tax liens and surcharges are examples of state debts collected under court authority. One way in which you could assist us in that collection function is to support pending federal legislation that would allow the state to intercept federal tax refunds that are due to those who owe the state money. Utah's Finders Program currently intercepts state refunds; this would allow federal funds to be attached as well. A joint resolution supporting this federal proposal would help Congress to understand the need, and passage of that federal law would generate millions of dollars for Utah's general fund.

Let me end where I began, in emphasizing the critical role that courts play in sustaining and stabilizing the rule of law and the economic engines of our society.

We resolve contract and property disputes, employment and labor issues, tax and regulatory cases, debt collections and property repossessions, state and local government disputes, divorce, child custody and family support cases, domestic violence claims, child welfare cases where the safety of children is at issue, juvenile delinquency cases where early and prompt intervention in young lives may prevent human tragedy, and, on the criminal side, dispositions that are necessary for public safety and effective law enforcement and, in settings like drug courts, may restore people to productive lives free of addiction and criminal acts. None of these are optional services; these are things that a constitutional democracy owes its citizens.

We in the courts are prepared to do everything in our power to continue to serve the people of Utah efficiently and effectively. We hope that you will do everything in your power to preserve our ability to do so. These are very hard times, and we are ready to do our part. But I believe that the magnitude of the budget cuts we are currently being asked to take will cause our capacity to perform our core governmental function to grind to a halt. Utah needs a healthy, functioning court system. I hope that I have done an adequate job today of explaining the challenges we face and their impact on the public, and of making it clear how much we need your help. For your dedication, for your hard work, and for your public service, thank you.

On motion of Representative Garn, the Joint Convention was dissolved.

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The Senate reassembled at 3:25 p.m., with President Waddoups presiding.

COMMITTEE OF THE WHOLE

On motion of Senator Killpack, Winston Wilkinson, Director, Office for Civil Rights, U.S. Department of Health and Human Services spoke in Committee of the Whole in behalf of the Martin Luther King, Jr. Human Rights Commission.

On motion of Senator Killpack, the Committee of the Whole was dissolved.

SPECIAL PRESENTATION

The New Pilgrim Baptist Sanctuary Church Choir under the direction of Brian Sellmon, Executive Musical Director performed "The Star Spangled Banner" and "I Need You."

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Newly elected Senators Urquhart, Morgan, Liljenquist, Okerlund, Hinkins, and Robles addressed the Senate.

RULES COMMITTEE REPORTS

The Rules Committee recommends assignment of the following bills to

January 26, 2009

Business and I	abor Committee
S.B. 15	Workers' Compensation Premium Assessment and
	Workplace Safety Funding (Sen. K. Mayne)
S.B. 31	Utah Residential Mortgage Practices and Licensing Act
	(Sen. W. Niederhauser)
S.B. 103	Uniform Laws – Uniform Principal and Income Act
	Amendments (Sen. L. Hillyard)
Education Con	· · · · · · · · · · · · · · · · · · ·
S.B. 92	Local Governmental Cooperation in Education Matters
	(Sen. P. Jones)
S.B. 100	Financial and Economic Literacy Education Amendments
	(Sen. P. Jones)
S.B. 104	Higher Education Scholarship Program Amendments
	(Sen. L. Hillyard)
S.B. 105	Engineering and Computer Science Initiative
	Amendments (Sen. L. Hillyard)
Government O	perations and Political Subdivisions Committee
S.B. 88	Administrative Rulemaking Act Amendments
	(Sen. H. Stephenson)
S.B. 93	Building Authorities (Sen. D. Stowell)

Health and Human Services Committee

S.J.R. 2

To the Members of the Senate:

standing committees:

S.B. 20	Local	Public	Health	Emergency	Funding
	/O	D 0.	111		

(Sen. D. Stowell)

S.B. 21 State and Local Health Authorities Amendments

Resolution (Sen. D. Stowell)

(Sen. D. Stowell)

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Judiciary,	Law Enforcement, and Criminal Justice Committee			
S.B. 32	Wrongful Death Amendments (Sen. S. McCoy)			
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S.B. 90 Metal Theft Amendments and Penalties (Sen. J. Greiner)
S.B. 91 Electronic Communication Harassment Amendment

Topaz Museum and Civil Liberties Learning Center Joint

(Sen. J. Greiner)

S.B. 97 Good Samaritan Act for Engineers (Sen. M. Waddoups)

S.B. 98 Motor Fuel Theft Penalties (Sen. J. Greiner)

Natural Resources	, Agriculture and Environment Committee			
S.B. 44	Coal Mining and Reclamation Amendments			
	(Sen. G. Davis)			
S.J.R. 1	Joint Resolution – Renewable Energy System			
	(Sen. P. Jones)			
Revenue and Taxas	tion Committee			
S.B. 23	Income Taxation of Pass-through Entities and			
	Pass-through Entity Taxpayers (Sen. W. Niederhauser)			
S.B. 35	Sales and Use Tax Definitions Relating to Property			
	(Sen. W. Niederhauser)			
Transportation, Pu	iblic Utilities and Technology Committee			
S.B. 41	Siting of High Voltage Power Line Act (Sen. P. Knudson)			
S.B. 94	Underground Sewer Utilities Facilities Amendments			
	(Sen. J. Greiner)			
S.B. 95	Mobile Home Park Amendments (Sen. S. Jenkins)			
S.B. 99	Renewable Energy Certificate Revisions			
	(Sen. C. Bramble)			
Workforce Service	s and Community and Economic Development			
Committee				
S.B. 14	Financial Incentives for Motion Picture Productions			
	(Sen. L. Hillyard)			
	Margaret Dayton			
	Rules Committee Chair			
-	On motion of Senator Dayton, the committee report was			
adopted.				
	RULES COMMITTEE REPORTS			
To the Members of	the Senate: January 26, 2009			
The Rules Committee recommends that the following bills be placed at the				
bottom of the Second Reading Calendar:				
S.B. 10	Department of Community and Culture – State-owned			
	Art Inventory (Sen. M. Madsen)			
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S.B. 10	Department of Community and Culture - State-owned
	Art Inventory (Sen. M. Madsen)
S.B. 12	DUI Amendments (Sen. S. Killpack)
S.B. 13	Administering Substances to Wildlife (Sen. M. Dayton)
S.B. 16	Prohibited Gang Activity (Sen. J. Greiner)
S.B. 17	Surface Coal Mining Amendments (Sen. D. Stowell)
S.B. 18	Utah Transparency Advisory Board Amendments
	(Sen. W. Niederhauser)
S.B. 19	Criminal Offense Penalties Amendment (Sen. J. Greiner)
S.B. 22	Street Legal All-terrain Vehicle Amendments
	(Sen. S. Jenkins)

S.B. 24	Early Voting Amendments (Sen. P. Knudson)
S.B. 25	Online Voter Registration (Sen. P. Knudson)
S.B. 26	Open and Public Meetings Act – Meeting Record
	(Sen. P. Knudson)
S.B. 27	Election Law Changes (Sen. P. Knudson)
	Margaret Dayton
	Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

INTRODUCTION OF BILLS

- **S.B. 116**, **Criminal Penalty and Prosecution Amendments** (D. Liljenquist), read the first time by short title and referred to the Rules Committee.
- **S.B.** 117, Advance Health Care Directive Act Amendments (A. Christensen), read the first time by short title and referred to the Rules Committee.
- S.B. 118, Parental Responsibility for Juvenile Criminal Gang Offense Costs (J. Greiner), read the first time by short title and referred to the Rules Committee.
- **S.B. 119**, **Hospital Emergency Room Task Force** (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Killpack and at 4:00 p.m., the Senate adjourned until 10:00 a.m., Tuesday, January 27, 2009.

SECOND DAY

January 27, 2009

The Senate was called to order at 10:15 a.m., with President Michael Waddoups presiding.

Prayer – Bruce Parry, Chairman, Northwestern Band of Shoshone Nation
 Pledge of Allegiance – Senator Mark Madsen
 Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 73)

INTRODUCTION OF BILLS

- **S.B. 120**, **Workers' Compensation Act Medical Reports** (K. Mayne), read the first time by short title and referred to the Rules Committee.
- **S.B. 121, Workers' Compensation Attorney Fees** (K. Mayne), read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

S.B. 10, DEPARTMENT OF COMMUNITY AND CULTURE – STATE OWNED ART INVENTORY, was read the second time. Senator Madsen explained the bill. The bill passed second reading on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Van Tassell	Valentine	Waddoups

Absent or not voting was: Senator

Hillyard

SPECIAL ORDER OF BUSINESS

Senator Van Tassell introduced Utah's American Indian Tribal Leaders.

SECOND READING CALENDAR

S.B. 12, DUI AMENDMENTS, was read the second time.

On motion of Senator Killpack, the bill was circled.

* * *

S.B. 13, ADMINISTERING SUBSTANCES TO WILDLIFE, was read the second time. Senator Dayton explained the bill. Senators Romero and Valentine commented. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Urquhart
Van Taccell	Valentine	Waddoups	=

Van Tassell Valentine Waddoups

Absent or not voting were: Senators

Hillyard Stephenson

* * *

S.B. 16, PROHIBITED GANG ACTIVITY, was read the second time. Senator Greiner explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Stowell	Urquhart	Van Tassell
X 7 1	XX7 11		

Valentine Waddoups

Voting in the negative was: Senator

Romero

Absent or not voting were: Senators

Hillyard Stephenson

* * *

S.B. 17, SURFACE COAL MINING AMENDMENTS, was read the second time. Senator Stowell explained the bill. Senator Bell commented. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Urquhart	Van Tassell	Valentine
Waddoups			

Absent or not voting were: Senators

Davis Hillyard Madsen Stephenson

* * *

S.B. 18, UTAH TRANSPARENCY ADVISORY BOARD AMENDMENTS, was read the second time.

On motion of Senator Niederhauser, the bill was circled.

* * *

S.B. 19, CRIMINAL OFFENSE PENALTIES AMENDMENT, was read the second time. Senator Greiner explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Urquhart	Van Tassell	Valentine
Waddoups			

Absent or not voting were: Senators

Hillyard Madsen Stephenson Stowell

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S.B. 22, STREET LEGAL ALL-TERRAIN VEHICLE AMENDMENTS, was read the second time. Senator Jenkins explained the bill. Senator Greiner commented. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Urquhart
Van Tassell	Valentine	Waddoups	

Absent or not voting were: Senators

Hillyard Stephenson

* * *

S.B. 24, EARLY VOTING AMENDMENTS, was read the second time. Senator Knudson explained the bill. Senator Romero commented. The bill passed second reading on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Van Tassell	Valentine	Waddoups

Absent or not voting was: Senator

Hillyard

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 27, 2009

The House passed **H.B. 16**, ASSESSMENT AREA AMENDMENTS, by Representative F. Hunsaker, and it is transmitted for consideration; and

The House passed **H.B. 19**, WATER RIGHTS – INFORMAL ADJUDICATIONS, by Representative K. McIff, and it is transmitted for consideration; and

The House passed **H.B. 22**, HARBORING A RUNAWAY, by Representative L. Fowlke, and it is transmitted for consideration; and

The House passed **H.B. 25**, GUN DEALER PENALTY AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed **H.B. 250**, REVISOR'S STATUTE, by Representative K. Garn, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 16, H.B. 19, H.B. 22, H.B. 25,** and **H.B. 250** were read the first time and referred to the Rules Committee.

* * *

On motion of Senator Killpack and at 11:25 a.m., the Senate adjourned until 10:00 a.m., Wednesday, January 28, 2009.

JOINT CONVENTION

President Michael Waddoups called the Joint Convention to order at 6:30 p.m. in the Chamber of the Utah House of Representatives and recognized David Clark, Speaker of the House.

President Waddoups announced that a quorum of the House of Representatives and the Senate was present.

President Waddoups appointed a Joint Committee comprised of Senators Sheldon Killpack, Scott Jenkins and Patricia Jones, and Representatives Kevin Garn, Brad Dee, and David Litvack to notify Governor Jon M. Huntsman, Jr., that the 2009 General Session of the Fifty–Eighth Legislature is in Joint Convention and ready to hear his State–of–the–State address.

President Waddoups acknowledged special guests and elected and appointed officials in attendance at the Joint Convention.

Senator Sheldon Killpack made a motion that the Legislature resolve into a Joint Convention and Committee of the Whole for the purpose of hearing Governor Huntsman's State-of-the-State address.

The Joint Committee escorted Governor Huntsman to the House rostrum.

STATE-OF-THE-STATE ADDRESS BY GOVERNOR HUNTSMAN

Lt. Governor; Mr. President; Mr. Speaker; Members of the Legislature; My parents and in-laws – who are with me tonight as they always have been; My wife and best friend, Mary Kaye; Distinguished guests and fellow Utahns;

I am grateful to be standing here joined in purpose with the generous people of Utah who have given me the distinct honor of a second, and final, term. As the elected officials of the greatest state in America, this roomful of leaders holds an awesome responsibility – to guide our state to success in a time of uncertainty.

We are beginning a new chapter for our nation and for our state. There is a sense of anxiety, pain, heartache and, yes, hope, on display almost everywhere.

Let me state from the top that today's economic conditions make it imperative that we ensure a level of trust between the people who call Utah home and their elected officials. In a time of financial distress, inadequate healthcare, a shaky housing market and apprehensiveness, we must reach beyond traditional political boundaries in seeking solutions that are uniquely our own.

Our first and most urgent priority must be to prudently and wisely balance our budget, as we always have. Let's not forget, unlike many other states, we have tools we can utilize, and with these options we have added flexibility in minimizing impacts to our most critical priorities.

Every person in this chamber is motivated by our state's success. Our discussions should be conducted with civility, respect and a recognition of the challenging circumstances in which we find ourselves.

We are changing. That's inevitable. Utah has gone from fly-over-country to fly-into-country. But, one thing that should never change is our ability to unite behind our state's primary objectives. Because when we are united, we are one. And when we are one, anything is achievable!

I have seen this state when we have been one, of common purpose and mind. I've seen it during the Olympics, floods, fires, festivals and war. It is an awesome thing when unity happens, enough to humble any governor.

Today's circumstances require us, once again, to come together with common purpose and mind. We have a choice: we can cower in the face of strong economic headwinds or we can stand resolute knowing that getting through this financial crisis will require something of all of us.

Politically, we should unite like never before in addressing our state's most basic needs; remembering that government is the last safety net for our most vulnerable. Individually, I ask all of our citizens to use these challenging times to draw closer, one with another, by dropping barriers that serve to divide and disenfranchise by showing just a bit more care and concern, love and respect for those in our pathway of life.

Above all, may it be said, when this economic storm dissipates – as it will – that our actions were never driven by fear, but rather always with an eye toward our future strength and the generations that will follow us.

This year will require the fighting spirit in all of us, our families, our businesses and as individuals. As Utahns we don't have to look too far for examples of that spirit. On and off the field, the young men of the University of Utah football team have demonstrated service, teamwork and perseverance.

They were told they couldn't compete, they couldn't win. They represented Utah well and, guess what? They did win.

I welcome with us here tonight Quarterback and Sugar Bowl MVP Brian Johnson and Place-kicker King Louie Sakoda. I told Louie it is cool to be Governor, but it is truly awesome to be king.

Though we have not been immune to the world—wide economic downturn, it is this very fighting spirit that sets us apart as a state. We are here in the west, where our future is always more important than our past. And when these challenges are over we will be even better poised to move forward.

Utah has been repeatedly recognized by respected organizations for our business acumen, quality of life and management abilities. In what is perhaps the most tremendous distinction in these tumultuous times, Utah was named the Best Managed State in America! I thank the members of the Legislature and our great state employees for their part in this honor!

We are facing difficult decisions that have real impacts on the lives of Utah families. We are sensitive to this and must be ever vigilant in our realignment of

state programs and resources. Let us be mindful of the children we are impacting, the jobs we are eliminating and the critical road and building projects we are delaying. We are in this together, and together we will find creative solutions to critical problems. After working with legislative leaders on nearing a solution for the current budget, tonight I am directing the Utah Department of Transportation to reinstate major road projects that were delayed in November.

We are one. We must acknowledge it is all of us, our kids, our communities and our businesses that are being impacted by our decisions. And none of these decisions is more important than education.

The amazing gains we have made in education have enhanced opportunities for everyone, improving our state's ability to provide companies with a skilled workforce. In turn, businesses are providing more and better–paying jobs to our children. This keeps our kids and our grandkids, our brain power, here at home.

Early childhood learning is critical for their long-term success, quality of life and our state's competitive edge in attracting world-class jobs. Early results indicate kindergarten students are six times better prepared for a successful first grade experience if they attended full-day kindergarten. On behalf of my daughter Gracie and so many others: Legislators, thank you for making this available to our kids.

We are leading the nation in educating our kids in 21st century languages like Chinese and Arabic. So, to the thousands of students studying Mandarin Chinese I say: Gongxi gongxi "Congratulations!"

Yet, our kids' literacy in these critical foreign languages must be matched by their mastery of numbers, an area that is in need of strengthening. We must keep pace. Through additional emphasis and reprioritizing, I have asked both public and higher ed to make this year the "Year of Math."

Workforce demands in quantitative skills continue to increase; yet, our workforce preparation is inadequate. We can and must do better in embracing our knowledge-based economy. Every child ought to have the opportunity to prepare for post-secondary training. This will be our economic development engine and our strongest tool in attracting companies to Utah.

The Utah College of Applied Technology was created to be responsive to industry and meet the demands of a growing technical workforce. As employment demands change, we must assure that this system is dynamic in fulfilling the needs of the 21st Century. I want to thank the legislative task force that worked to put

together HB 15. While there are still issues to be ironed out, I think it is safe to say we all agree on the goal: a UCAT system that is more responsive to real-time business needs and is more accessible to Utah's students.

Of course, the biggest influence in the classroom is the person leading, molding and mentoring the students. My grandfather called them educators. We have embarked upon a journey to offer our teachers a more competitive wage. While in these times we may not be able to further that investment, we must not lose ground.

If you want a glimpse into the future our teachers are cultivating, in the Capitol tonight stands a display from schools across the state, showing "Utah as One." These projects have pictures, poems, collages and drawings depicting the wonderful scenes of our state and the unity sought after by our diverse youth. This week I invite all to come visit this colorful gallery. Be inspired by it as I was, and be reminded of the power of youth.

By the way, our youth would like me to point out that Utah is rapidly becoming one of the hottest movie-making destinations between New York and Los Angeles. And if SB 14, sponsored by Senator Lyle Hillyard, is successful the entire cast of High School Musical may need to become permanent residents of our state. Please welcome one of HSM's biggest stars Lucas Grabeel.

It is easy in difficult economic times like these to forget that we must plan and prepare for the economy of tomorrow. As we reduce spending to hit short–term targets, we must not lose sight of our long–term goals. We must be judicious. Medical procedures today use lasers for a reason; let's remember the less invasive the procedure, the stronger the recovery.

Speaking of medical procedures, nowhere is major surgery needed more than in accessing affordable healthcare. I'm sorry to have to say it again this year, but skyrocketing healthcare costs are bankrupting businesses and leaving too many Utahns with no options at all. In a state as compassionate as ours, certainly we can find a better way to cover the uninsured.

I recently visited a public health clinic in St. George. Due to the goodness of volunteer doctors and staff, 10,000 people were seen last year, this in a city of 70,000. Why? One out of every seven people in Dixie must go to a volunteer clinic to receive adequate health care? These people have been completely left out of the healthcare equation; they don't qualify for existing programs, and they can't afford a basic healthcare plan.

So, to Dr. Doxey – who started this volunteer clinic – and the staff there, I say thank you for your humanitarianism. I assure you and those you serve, we will fix

this problem. We are going to find policies that are affordable, the political will to enact them and, through perseverance, provide a pathway to coverage for everyone.

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Therefore, I am asking all involved: doctors, insurance companies, consumers and we in this chamber to close the gap on the uninsured by 2012.

Let's begin this session by passing the task force legislation shepherded by Speaker David Clark and Senator Sheldon Killpack to develop a truly affordable insurance policy. But this is not enough. We must connect all people to the healthcare they need. A truly affordable policy and the means by which to connect all people will be done in this state, this year!

Though we are one in community, we are many in number. Utah is now the fastest–growing state in America. People are flocking here for the unmatched quality of life, high–paying jobs and the essence of everything we love about America. We also continue our trend of being the youngest state in the union. These are tremendous attributes, but if unplanned for, they can carry a significant burden.

We hold dear the things that give us a sense of humanity – our land, our air and our water – and recognize the role they play in our peace of mind and spirit, as well as our economy.

If we are going to take air quality seriously, which we must for the sake of the next generation, we must be bold; we must be visionary. Our aspirations should be nothing short of extraordinary. And there are two goals that we should immediately set our sights on.

First, just as Wall Street is known for finance and Silicone Valley for technology, by 2012, I believe Utah can become the premier destination in America for renewable energy!

And don't tell me it can't be done! In just this past year alone, we have witnessed in Utah the opening of a solar farm, a hydroelectric plant, a wind farm and a geothermal plant. To support this energy development, innovation at our higher education campuses is running at an all—time high, like technologies that will ensure the long—term viability of our abundant natural resources. The University of Utah is now second only to MIT in commercialization of cutting—edge research.

But this is just the beginning!

We will be the epicenter for energy development – but we must have the land, transmission, and regulatory framework to make it a reality. We must look beyond

20th century mentalities and bet on 21st century realities. We must pass legislation this year to incentivize, rather than penalize, innovative technologies where the risk is real, but the reward is great.

Our second goal will be to designate Interstate 15 from Idaho to Arizona as a natural gas corridor! It makes sense – working with Questar, a great local company – to encourage the use of natural gas which emits almost no pollution, is more affordable and most importantly, is a domestic fuel found right here in our own backyard; getting Utah, and the nation, one step closer to breaking our addiction to foreign oil.

This will require adding infrastructure, looking differently at our regulatory approach and demanding that we look beyond the here and now.

As a state, we are leading with innovative solutions to ensure better access and services to our citizens, 24 hours a day, 365 days a year. Some Utahns may be surprised to know that more than 850 government services now can be found online – which is why we have been recognized as the Number 1 state in the country for Digital Government!

But as we have moved into the digital age, I am concerned that some of our time-tested values have been left behind. In the past year, we've seen our nation's financial pillars crumble, and not because we have a deficit of talented people.

I would suggest there is one common thread: a deficit of ethics.

There is a complete disconnect with our nation's best and brightest. They have been taught to be brilliant on Wall Street without concern for their impact on Main Street. Whether in business, politics or community affairs, correcting this deficit of ethics is just as important as overcoming our economic struggles.

Closer to home, there is a deficit of another kind, and no less disturbing. Unfortunately, in Utah we are seeing a weakening in our own pillars of democracy. We've long been recognized as a community known for its patriotism and public spiritedness, yet as the nation has seen an upswing in voter turnout, we are seeing just the opposite.

This apathy is corrosive to a stable and functioning democracy. We must restore trust. We must restore confidence. We must reach out, particularly to our youth, to reinvigorate the democracy they will inherit.

This is the purpose of the newly-announced Commission on Strengthening Utah's Democracy, because without public support and participation we have no democracy.

One of our most passionate and respected community leaders has taken our call to action. And you know this guy – I want to thank Larry H. Miller for his willingness to lead this effort! Our prayers are with him tonight as he recovers from recent surgery.

When times are good economically, as we have seen in recent years, we sometimes become preoccupied with our own selfish interests. But when times get tough, we are reminded of the power of our community, of people reaching across boundaries to help others, reawakening the need to improve the human condition.

Though it is warmer tonight in this chamber than it was three weeks ago on the front steps of the Capitol when I was sworn in, outside there are single moms without homes, children without dinner, and many without work.

I reiterate my call to all who can hear me: find someone in need and help them – whether it be a neighbor, a friend or a perfect stranger. We all have something to give, even if it is just a hand to hold, and there are so many in need right now.

It is through the spirit of service that a community is born. It is this same sense of service that is displayed by so many, like our men and women in uniform serving overseas; pastors and preachers, many of whom I've worshipped with; those looking out for our most vulnerable – people like Pamela Atkinson, a true community advocate, Jim Pugh at the Utah Food Bank, and Matt Minkevitch at the Road Home.

It is because of community leaders like these that I know we will prevail! And we will continue to occupy our rightful and well–earned position as the greatest state in America. The journey is up to us and the decisions made by this very body will lead us there. This is the time to unite with one purpose and one mind.

Because together we can succeed. Together we will thrive. Together we will overcome. Together we are one.

May God bless you and the great State of Utah!

At the conclusion of Governor Huntsman's address, President Waddoups thanked the governor and asked that the Joint Committee escort him back to his office.

Representative Kevin Garn made a motion that the complete text of the Governor's State-of-the-State address be spread upon the pages of the Senate and House Journals, that the Joint Convention and Committee of the Whole be dissolved, and that the Senate and House adjourn until 10:00 a.m., Wednesday, January 28, 2009.

THIRD DAY

JANUARY 28, 2009

The Senate was called to order at 10:00 a.m., with President Michael Waddoups presiding.

Prayer – Jerry Washburn, Mayor of Orem City **Pledge of Allegiance** – Senator Dennis Stowell **Roll Call** – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

January 27, 2009

The House passed, as amended, **H.B. 12**, COUNTY SHERIFF QUALIFICATION AMENDMENTS, by Representative R. Greenwood, and it is transmitted for consideration; and

The House passed **H.B. 27**, PROTECTIONS FOR AGRICULTURAL PRACTICES, by Representative M. Morley, and it is transmitted for consideration; and

The House passed **H.B. 30**, COMMERCIAL MOTOR VEHICLE AMENDMENTS, by Representative T. Kiser, and it is transmitted for consideration; and

The House passed **H.B. 39**, UTAH INJURED WORKER REEMPLOYMENT ACT, by Representative M. Morley, and it is transmitted for consideration; and

The House passed **H.B. 40**, MOTORCYCLE RIDER EDUCATION PROGRAM AMENDMENTS, by Representative B. Daw, and it is transmitted for consideration; and

The House passed **H.B. 45**, PER DIEM AND TRAVEL EXPENSES FOR STATE BOARDS AND COMMISSIONS, by Representative D. Aagard, and it is transmitted for consideration; and

The House passed **H.B. 46**, DESIGNATION OF STATE HIGHWAYS AMENDMENTS, by Representative T. Kiser, and it is transmitted for consideration; and

The House passed **H.B. 47**, CRIMINAL PROCEDURE – INVESTIGATION AMENDMENTS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed **H.B. 53**, DRIVER LICENSE AMENDMENTS – MOTOR DRIVEN CYCLES, by Representative T. Kiser, and it is transmitted for consideration; and

The House passed **H.J.R. 1**, RESOLUTION URGING THE WITHDRAWAL OF UNITED STATES' WORLD TRADE ORGANIZATION COMMITMENT ON GAMBLING, by Representative S. Allen, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 12, H.B. 27, H.B. 30, H.B. 39, H.B. 40, H.B. 45, H.B. 46, H.B. 47, H.B. 53, and H.J.R. 1 were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate:

January 27, 2009

The Rules Committee recommends assignment of the following bills to standing committees:

Education Committee

S.B. 109 Local School Funding Legislative Task Force

(Sen. D. C. Buttars)

Government Operations and Political Subdivisions Committee

S.B. 115 Payment of Mobile Home Park Relocation Expenses

(Sen. W. Niederhauser)

S.R. 1 Ecumenical Patriarch Senate Resolution (Sen. P. Jones)

Health and Human Services Committee

S.B. 43 Insurance Coverage for Autism Spectrum Disorders –

Clay's Law (Sen. H. Stephenson)

S.B. 87 Preferred Drug List Revisions (Sen. A. Christensen)

S.B. 111 Health Care Workforce Financial Assistance Program

Amendments (Sen. G. Davis)

S.B. 117 Advance Health Care Directive Act Amendments

(Sen. A. Christensen)

S.B. 119 Hospital Emergency Room Task Force

(Sen. D. C. Buttars)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 45 Concealed Firearm Permit for Retired Peace Officer

(Sen. B. Goodfellow)

S.B. 85	Homicide Amendments (Sen. S. Urquhart)
S.B. 107	Communications Fraud Penalty Amendments
	(Sen. D. Hinkins)
S.B. 112	Obstruction of Justice Amendment (Sen. R. Okerlund)
S.B. 116	Criminal Penalty and Prosecution Amendments
	(Sen. D. Liljenquist)
S.B. 118	Parental Responsibility for Juvenile Criminal Gang
	Offense Costs (Sen. J. Greiner)
Natural Resources,	Agriculture and Environment Committee
S.B. 110	Oil and Gas Limitation of Actions Amendments
	(Sen. K. Van Tassell)
S.R. 2	Senate Resolution Supporting the Narrows Water Project
	in Central Utah (Sen. R. Okerlund)
Revenue and Taxat	ion Committee

S.B. 47 Grant in Lieu of Property Taxes Act (Sen. G. Davis)
S.B. 108 Tax Commission Administration, Collection, and
Enforcement Amendments (Sen. W. Niederhauser)

Transportation, Public Utilities and Technology Committee S.B. 102 Share the Road Special Group License Plate

(Sen. W. Niederhauser)

Margaret Dayton Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

RULES COMMITTEE REPORTS

To the Members of the Senate:

January 27, 2009

The Rules Committee recommends that the following bills be placed at the bottom of the Second Reading Calendar:

S.B. 28	Prohibited Activities of Gang Offenders (Sen. J. Greiner)
S.B. 33	Utility Transmission Corridor Siting Task Force
	(Sen. S. Jenkins)
S.B. 34	Amendments to Sales and Use Tax Exemption for Certain
	Machinery, Equipment, or Parts (Sen. W. Niederhauser)
S.B. 36	Sales and Use Tax Amendments (Sen. C. Bramble)
S.B. 37	Utah Substance Abuse and Anti-violence Coordinating
	Council Amendments (Sen. K. Van Tassell)
S.B. 38	Severance Tax Amendments (Sen. J. Valentine)
S.B. 39	Immigration Amendments (Sen. S. Jenkins)

S.C.R. 1 Concurrent Resolution Requesting a Federal Waiver to

Establish an Employer-sponsored Work Program

(Sen. S. Jenkins)

S.B. 40 Lawful Presence Verification for Issuance of a Driver

License or Identification Card (Sen. C. Bramble)

Margaret Dayton

Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

STANDING COMMITTEE REPORTS

Mr. President: January 27, 2009

The Business and Labor Committee recommends **S.B. 15**, WORKERS' COMPENSATION PREMIUM ASSESSMENT AND WORKPLACE SAFETY FUNDING, by Senator K. Mayne, be replaced and favorably recommends **1st Sub. S.B. 15**, WORKERS' COMPENSATION PREMIUM ASSESSMENT AND RELATED FUNDING with the following amendments:

- 1. Page 8, Lines 238 through 240:
 - 238 (ii) the activities of the Division of Adjudication described in Section 34A–1–202.
 - 239 (b) The monies deposited in the account may not be used for a purpose other than a
 - 240 purpose described in this Subsection (4), including an administrative cost or another activity of; and

The Business and Labor Committee recommends **S.B. 31**, UTAH RESIDENTIAL MORTGAGE PRACTICES AND LICENSING ACT, by Senator W. Niederhauser, be replaced and favorably recommends **1st Sub. S.B. 31**, UTAH RESIDENTIAL MORTGAGE PRACTICES AND LICENSING ACT; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 103**, UNIFORM LAWS – UNIFORM PRINCIPAL AND INCOME ACT AMENDMENTS, by Senator L. Hillyard.

John L. Valentine, Chair

Mr. President: January 27, 2009

The Health and Human Services Committee reports a favorable recommendation on **S.B. 20**, LOCAL PUBLIC HEALTH EMERGENCY FUNDING, by Senator D. Stowell.

D. Chris Buttars, Chair

Mr. President:

January 27, 2009

The Education Committee reports a favorable recommendation on **S.B. 105**, ENGINEERING AND COMPUTER SCIENCE INITIATIVE AMENDMENTS, by Senator L. Hillyard; and

The Education Committee reports a favorable recommendation on **S.B. 104**, HIGHER EDUCATION SCHOLARSHIP PROGRAM AMENDMENTS, by Senator L. Hillyard.

Curtis S. Bramble, Chair

On motion of Senator Killpack, the committee reports were adopted. **1st Sub. S.B. 15**, as amended, **1st Sub. S.B. 31**, **S.B. 103**, **S.B. 20**, **S.B. 105**, and **S.B. 104** were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

- **S.B. 48**, **Teacher Licensing by Competency Amendments** (D. C. Buttars), read the first time by short title and referred to the Rules Committee.
- **S.B. 49**, **Small Business Access to Justice Act** (R. Romero), read the first time by short title and referred to the Rules Committee.
- **S.B. 50**, **Restricting the Movement of a Motor Vehicle** (B. Goodfellow), read the first time by short title and referred to the Rules Committee.
- **S.B. 51, Restitution Fund Account** (D. Liljenquist), read the first time by short title and referred to the Rules Committee.
- **S.B. 122**, **Uniform State Law Uniform Unsworn Foreign Declarations Act** (L. Hillyard), read the first time by short title and referred to the Rules Committee.
- **S.B. 123**, **School District Division Process** (L. Hillyard), read the first time by short title and referred to the Rules Committee.
- **S.B. 124, Indemnification for Design Professional Services** (G. Bell), read the first time by short title and referred to the Rules Committee.
- **S.B. 125**, **Interest on Personal Injury Judgments** (R. Okerlund), read the first time by short title and referred to the Rules Committee.

- **S.B. 126**, **State Personnel Management Act Amendments** (D. Liljenquist), read the first time by short title and referred to the Rules Committee.
- **S.B. 127**, **Retirement Amendments** (D. Liljenquist), read the first time by short title and referred to the Rules Committee.
- **S.B. 128**, **Rainwater Harvesting** (S. Jenkins), read the first time by short title and referred to the Rules Committee.
- **S.B. 129**, **Mental Health Therapist Grant and Scholarship Act Repeal** (D. Liljenquist), read the first time by short title and referred to the Rules Committee.
- S.B. 130, Income Tax Credit Contributions for Which Federal Matching Monies Are Offered (S. McCoy), read the first time by short title and referred to the Rules Committee.
- **S.B. 131**, Law Enforcement Service in Local Districts and Interlocal Entities (S. Jenkins), read the first time by short title and referred to the Rules Committee.
- S.B. 132, Individual Income Tax Contribution for Methamphetamine Housing Reconstruction and Rehabilitation Fund (K. Mayne), read the first time by short title and referred to the Rules Committee.
- **S.J.R.** 3, **Joint Resolution Approving Appointment of Legislative General Counsel** (S. Killpack), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

S.B. 10, DEPARTMENT OF COMMUNITY AND CULTURE – STATE–OWNED ART INVENTORY, was read the third time.

On motion of Senator Killpack, the bill was circled.

* * *

S.B. 13, ADMINISTERING SUBSTANCES TO WILDLIFE, was read the third time and explained by Senator Dayton. Senators Valentine and McCoy commented.

On motion of Senator Dayton, the bill was circled.

* * *

On motion of Senator Madsen, the circle was removed from **S.B. 10**, DEPARTMENT OF COMMUNITY AND CULTURE – STATE–OWNED ART INVENTORY, and it was before the Senate. Senator Madsen explained the bill. Senators Buttars, Davis, Knudson, Goodfellow, and Robles commented. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Hillyard Knudson

S.B. 10 was transmitted to the House for consideration.

* * *

On motion of Senator Dayton, the circle was removed from **S.B. 13**, ADMINISTERING SUBSTANCES TO WILDLIFE, and it was before the Senate.

Senator Valentine proposed the following amendment:

- 1. Page 2, Line 57 through Page 3, Line 63
 - 57 (4) { <u>An agricultural producer</u> } <u>A person</u> is not liable under this section for administering a
 - 58 <u>substance</u>, <u>notwithstanding</u> the <u>substance</u> has an effect described in Subsection (1)(d) on
 - 59 <u>protected wildlife, if</u> {<u>-the</u>} <u>:</u> <u>(a) an</u> <u>agricultural producer administers the substance:</u>
 - $60 \quad \{-\frac{\text{(a)}}{\text{(a)}}\} \quad \underline{\text{(i)}} \quad \text{for the sole purpose of producing an agricultural product and not for the purpose of}$

- 61 <u>affecting protected wildlife in a manner described in Subsection</u> (1)(d):
- 62 {—(b) } (ii) consistent with generally accepted agricultural practices; and
- 63 $\{-\underline{(c)}\}$ $\underline{(iii)}$ in compliance with applicable local, state, and federal law $\{-\underline{\cdot}\}$; or
- (b) the protected wildlife presents an immediate threat of death or serious bodily injury to a person.

Senator Valentine's motion to amend passed on a voice vote. Senator Dayton explained the bill. The bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Christensen Hillyard Hinkins

S.B. 13, as amended, was transmitted to the House for consideration.

* * *

S.B. 16, PROHIBITED GANG ACTIVITY, was read the third time, explained by Senator Greiner, and passed on the following roll call:

Yeas, 25; Nays, 2; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Robles Romero

Absent or not voting were: Senators

Christensen Hillyard

S.B. 16 was transmitted to the House for consideration.

* * *

S.B. 17, SURFACE COAL MINING AMENDMENTS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Christensen Hillyard

S.B. 17 was transmitted to the House for consideration.

* * *

On motion of Senator Greiner, **S.B. 19**, CRIMINAL OFFENSE PENALTIES AMENDMENT, was read the third time and circled.

* * *

S.B. 22, STREET LEGAL ALL-TERRAIN VEHICLE AMENDMENTS, was read the third time and explained by Senator Jenkins.

Senator Jenkins proposed the following amendment:

- 1. Page 14, Line 405
 - 405 privileges for nonresident users granted under Subsection (5)(a).
 - (6) Nothing in this chapter shall restrict the operation of an off-highway vehicle in accordance with Section 41–22–10.5.

Senator Jenkins' motion to amend passed on a voice vote and the bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Van Tassell Waddoups

Absent or not voting were: Senators

Greiner Hillyard Madsen

S.B. 22, as amended, was transmitted to the House for consideration.

* * *

S.B. 24, EARLY VOTING AMENDMENTS, was read the third time and explained by Senator Knudson. Senator Bell commented and the bill passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups	-		

S.B. 24 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Killpack, the circle was removed from **S.B. 12**, DUI AMENDMENTS, and it was before the Senate. Senator Killpack explained the bill. Senator Davis commented. The bill, under suspension of the rules, passed second reading on the following roll call:

			_		
Yeas,	25;	Nays,	O;	Absent,	4.

Voting in the affirm	native were: Senators
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Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Woddowns			

Waddoups

Absent or not voting were: Senators

Buttars Hillyard Stephenson Van Tassell

* * *

S.B. 25, ONLINE VOTER REGISTRATION, was read the second time. Senator Knudson explained the bill.

Senator Knudson proposed the following amendment:

- 1. Page 2, Line 55
 - 55 <u>form.</u>
 - (4) A system created and maintained under this section shall provide the notices concerning a voter's presentation of identification contained in Subsection 20A–2–104(1).
- 2. Page 2, Line 56 through Page 3, Line 61:
 - 56 $\{-\underbrace{(4)}\}$ $\underline{(5)}$ The lieutenant governor shall obtain a digital copy of the applicant's driver license
 - 57 <u>or identification card</u> <u>signature</u> <u>from the Driver License</u> <u>Division.</u>

 - 59 the lieutenant governor shall send the information to the county clerk for the county in which
 - 60 the applicant's principle place of residence is found for further action as required by Section 20A-2-304.
 - 61 $\{-\underbrace{(6)}\}$ $\underbrace{(7)}$ The lieutenant governor may use additional security measures to ensure the

3. Page 4, Lines 109 through 110:

(14) upon request by the lieutenant governor, provide the lieutenant governor with a

110 digital copy of the driver license or identification card <u>signature</u> of a person who is an applicant {-<u>record</u> }

Senator Knudson's motion to amend passed on a voice vote. Senator Madsen commented. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 2; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

waaaoups

Voting in the negative were: Senators

Madsen Stephenson

Absent or not voting were: Senators

Davis Hillyard

* * *

S.B. 26, OPEN AND PUBLIC MEETINGS ACT - MEETING RECORD, was read the second time. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
XX7 11			

Waddoups

Absent or not voting were: Senators

Buttars Hillyard Stephenson Van Tassell

* * *

S.B. 27, ELECTION LAW CHANGES, was read the second time.

On motion of Senator Knudson, the following substitute bill replaced the original bill.

1st Sub. S.B. 27, Election Law Changes, (P. Knudson)

Senator Knudson explained the bill. Senators Valentine and McCoy commented.

On motion of Senator Knudson, the bill was circled.

COMMUNICATION FROM THE HOUSE

Mr. President: January 28, 2009

The House passed **H.B. 14**, MATERIAL HARMFUL TO MINORS AMENDMENTS, by Representative S. Allen, and it is transmitted for consideration; and

The House passed **H.B. 31**, UTAH SUDDEN CARDIAC ARREST SURVIVAL ACT, by Representative C. Wimmer, and it is transmitted for consideration; and

The House passed **H.B. 56**, DECLARATION OF CANDIDACY AMENDMENTS, by Representative D. Aagard, and it is transmitted for consideration; and

The House passed **H.B. 58**, SALES AND USE TAX – DETERMINING THE LOCATION OF CERTAIN TRANSACTIONS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 232**, CAMPAIGN AND FINANCIAL REPORTING REQUIREMENTS REVISIONS, by Representative D. Aagard, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 14, H.B. 31, H.B. 56, H.B. 58, and 1st Sub. H.B. 232 were read the first time and referred to the Rules Committee.

* * *

On motion of Senator Killpack and at 11:50 p.m., the Senate adjourned until 10:00 a.m., Thursday, January 29, 2009.

FOURTH DAY

January 29, 2009

The Senate was called to order at 10:10 a.m., with President Michael Waddoups presiding.

Prayer – Father Michael Kouremetis, Prophet Elias Greek Orthodox Church
 Pledge of Allegiance – Senator Jon Greiner
 Roll Call – All Senators present, except Senator Van Tassell, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE GOVERNOR

ADVISE AND CONSENT

Mr. President:

December 3, 2008

In accordance with Utah Code 67–1–1 and 67–1–2 (2008), I propose and transmit the following appointment:

SECOND DISTRICT JUVENILE COURT

Janice L. Frost is appointed as a Judge of the Second District Juvenile Court. See Utah const. ant. VIII, 8; Utah Code 78A–10–101.

Thank you for your timely consideration and confirmation of the above appointment.

Jon M. Huntsman, Jr. Governor

Mr. President:

January 22, 2009

The Senate Judicial Confirmation Committee met on January 22, 2009, and reports a favorable recommendation for Ms. Janice L. Frost to be confirmed to the position of Judge in the Second District Juvenile Court.

Greg Bell, Chair

Senator Buttars moved to consent to the appointment. The motion passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Waddoups			

Absent or not voting were: Senators

Hillyard Madsen Stephenson Van Tassell

* * *

Mr. President:

December 9, 2008

In accordance with Utah Code 67–1–1 and 67–1–2 (2008), I propose and transmit the following appointment:

SECOND DISTRICT COURT

Michael D. DiReda is appointed as a Judge of the Second District Court. See Utah const. ant. VIII, 8; Utah Code 78A–10–101.

Thank you for your timely consideration and confirmation of the above appointment.

Jon M. Huntsman, Jr.

Governor

Mr. President:

January 22, 2009

The Senate Judicial Confirmation Committee met on January 22, 2009, and reports a favorable recommendation for Mr. Michael D. DiReda to be confirmed to the position of Judge in the Second District Court.

Greg Bell, Chair

Senator Buttars moved to consent to the appointment. The motion passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan

Niederhauser Okerlund Robles Romero Stephenson Stowell Urquhart Valentine

Waddoups

Absent or not voting were: Senators

Davis Hillyard Madsen Van Tassell

COMMITTEE OF THE WHOLE

On motion of Senator Buttars, Judge Janice L Frost and Judge Michael D. DiReda spoke in Committee of the Whole.

On motion of Senator Buttars, the Committee of the Whole was dissolved.

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 28, 2009

The House passed **H.B. 18**, WATER RIGHT APPLICATIONS AND RECORDS, by Representative P. Painter, and it is transmitted for consideration; and

The House passed **H.B. 21**, AMENDMENTS TO DRIVER LICENSE SANCTION REQUIREMENTS, by Representative R. Greenwood, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 43**, COORDINATING MUNICIPAL AND SPECIAL DISTRICT ELECTIONS, by Representative K. Grover, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 44**, LOCAL AND SPECIAL SERVICE DISTRICT ELECTION AMENDMENTS, by Representative K. Grover, and it is transmitted for consideration; and

The House passed **H.B. 48**, BALLOT QUESTION AMENDMENTS, by Representative K. Grover, and it is transmitted for consideration; and

The House passed **H.B. 51**, EXEMPTION FOR ALCOHOLIC BEVERAGE MANUFACTURING LICENSE, by Representative C. Johnson, and it is transmitted for consideration; and

The House passed **H.B. 54**, AMENDMENTS TO VEHICLE REGISTRATION REQUIREMENTS, by Representative F. Gibson, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 18, H.B. 21, H.B. 43, 1st Sub. H.B. 44, H.B. 48, H.B. 51,** and **H.B. 54** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate:

January 28, 2009

The Rules Committee recommends assignment of the following bills to standing committees:

Business and Labor Committee

S.B. 120 Workers' Compensation Act – Medical Reports

(Sen. K. Mayne)

S.B. 121 Workers' Compensation – Attorney Fees (Sen. K. Mayne)

Education Committee

S.B. 123 School District Division Process (Sen. L. Hillyard)

Government Operations and Political Subdivisions Committee

S.B. 122 Uniform State Law – Uniform Unsworn Foreign

Declarations Act (Sen. L. Hillyard)

S.B. 124 Indemnification for Design Professional Services

(Sen. G. Bell)

H.B. 16 Assessment Area Amendments (Rep. F. Hunsaker)

(Sen. D. Stowell)

Health and Human Services Committee

S.B. 86 Amendments to Preferred Drug List (Sen. A. Christensen)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 125 Interest on Personal Injury Judgments (Sen. R. Okerlund)

H.B. 22 Harboring a Runaway (Rep. L. Fowlke) (Sen. C.

Bramble)

H.B. 25 Gun Dealer Penalty Amendments (Rep. C. Oda)

(Sen. M. Madsen)

Natural Resources, Agriculture and Environment Committee

H.B. 19 Water Rights – Informal Adjudications (Rep. K. McIff)

(Sen. R. Okerlund)

Margaret Dayton

Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

RULES COMMITTEE REPORTS

To the Members of the Senate:

January 28, 2009

The Rules Committee recommends, that under suspension of the rules, the following bills be placed at the bottom of the Second Reading Calendar:

S.J.R. 3 Joint Resolution Approving Appointment of Legislative

General Counsel (Sen. S. Killpack)

H.B. 250 Revisor's Statute (Rep. K. Garn) (Sen. S. Killpack)

Margaret Dayton Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

STANDING COMMITTEE REPORTS

Mr. President:

January 28, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 88**, ADMINISTRATIVE RULEMAKING ACT AMENDMENTS, by Senator H. Stephenson.

Peter C. Knudson, Chair

Mr. President:

January 27, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 97**, GOOD SAMARITAN ACT FOR ENGINEERS, by Senator M. Waddoups; and

The Natural Resources, Agriculture, and Environment Committee recommends **S.J.R. 1**, JOINT RESOLUTION – RENEWABLE ENERGY SYSTEM, by Senator P. Jones, be replaced and favorably recommends **1st Sub. S.J.R. 1**, JOINT RESOLUTION – RENEWABLE ENERGY SYSTEM.

Dennis E. Stowell, Chair

On motion of Senator Killpack, the committee reports were adopted. **S.B. 88**, **S.B. 97**, and **S.J.R. 1** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President:

January 28, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 93**, BUILDING AUTHORITIES, by Senator

D. Stowell, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.J.R. 2**, TOPAZ MUSEUM AND CIVIL LIBERTIES LEARNING CENTER JOINT RESOLUTION, by Senator D. Stowell, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

On motion of Senator Killpack, the committee reports were adopted. **S.B. 93** and **S.J.R. 2** were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

- **S.B. 52**, **New Motor Vehicle Franchise Amendments** (S. Killpack), read the first time by short title and referred to the Rules Committee.
- **S.B. 53**, **Awarding of Attorney Fees** (S. Urquhart), read the first time by short title and referred to the Rules Committee.
- **S.B. 133**, **Abuse or Neglect of a Disabled Child** (J. Valentine), read the first time by short title and referred to the Rules Committee.
- **S.B. 134**, **Transportation Funding Amendments** (S. Urquhart), read the first time by short title and referred to the Rules Committee.
- **S.B. 135**, **Local District Taxing Authority** (C. Bramble), read the first time by short title and referred to the Rules Committee.
- **S.B. 136**, **Diesel–powered Motor Vehicle Emissions Inspection Program Amendments** (G. Bell), read the first time by short title and referred to the Rules Committee.
- **S.B. 137**, **Physical Therapy Practice Act** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.
- **S.J.R. 4**, **Recycling of Electronic Waste Joint Resolution** (S. McCoy), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

S.B. 12, DUI AMENDMENTS, was read the third time, explained by Senator Killpack, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urguhart	Valentine	Waddoups	

Urquhart Valentine Waddoups

Absent or not voting were: Senators

Jones Van Tassell

S.B. 12 was transmitted to the House for consideration.

* * *

S.B. 25, ONLINE VOTER REGISTRATION, was read the third time, explained by Senator Knudson, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Waddoups	

Absent or not voting were: Senators

Bel1 Van Tassell

S.B. 25 was transmitted to the House for consideration.

* * *

S.B. 26, OPEN AND PUBLIC MEETINGS ACT - MEETING RECORD, was read the third time, explained by Senator Knudson, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

128

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Waddoups	

Absent or not voting were: Senators

Killpack Van Tassell

S.B. 26 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Niederhauser, the circle was removed from **S.B. 18**, UTAH TRANSPARENCY ADVISORY BOARD AMENDMENTS, and it was before the Senate.

On motion of Senator Niederhauser, the following substitute bill replaced the original bill:

1st Sub. S.B. 18, Utah Transparency Advisory Board Amendments (W. Niederhauser)

Senator Niederhauser explained the bill.

On motion of Senator Niederhauser, the bill was circled.

* * *

On motion of Senator Knudson, the circle was removed from **1st Sub. S.B. 27**, ELECTION LAW CHANGES, and it was before the Senate.

Senator Knudson proposed the following amendment:

1. Page 20, Lines 603 through 606

603 (2) Voters desiring to vote in favor of [enacting] { halting } preventing the law that is the subject of the referendum from taking effect { -the law proposed by the } 604 referendum petition -} shall mark the square [following] adjacent to the word "For," and those

605 desiring to vote against {-enacting the law proposed by-} preventing the law that is the subject of the referendum petition from taking effect shall mark the

606 square [following] adjacent to the word "Against."

2. Page 22, Lines 654 through 657:

- 654 (3) Voters desiring to vote in favor of {-enacting-} repealing the law proposed by the referendum
- 655 petition shall mark the square [following] adjacent to the word "For," and those desiring to vote
- 656 against {-enacting-} repealing the law proposed by the referendum petition shall mark the square following
- 657 the word "Against."

Senator Knudson's motion to amend passed on a voice vote. Senator Knudson explained the bill. Senators Valentine and Romero commented. The bill passed second reading on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Waddoups

Absent or not voting was: Senator

Van Tassell

* * *

S.B. 28, PROHIBITED ACTIVITIES OF GANG OFFENDERS, was read the second time. Senator Greiner explained the bill. Senators Romero and Madsen commented. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner

Hinkins	Jenkins	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Waddoups

Voting in the negative was: Senator

Madsen

Absent or not voting were: Senators

Hillyard Jones Niederhauser Van Tassell

* * *

S.B. 33, UTILITY TRANSMISSION CORRIDOR SITING TASK FORCE, was read the second time. Senator Jenkins explained the bill. Senators Knudson, Urguhart, and Killpack commented. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Killpack	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Waddoupe			

Waddoups

Voting in the negative was: Senator

McCoy

Absent or not voting were: Senators

Hillyard Jones Van Tassell

* * *

S.B. 34, AMENDMENTS TO SALES AND USE TAX EXEMPTION FOR CERTAIN MACHINERY, EQUIPMENT, OR PARTS, was read the second time.

On motion of Senator Niederhauser, the bill was circled.

* * *

S.B. 36, SALES AND USE TAX AMENDMENTS, was read the second time.

On motion of Senator Bramble, the bill was circled.

* * *

S.B. 37, UTAH SUBSTANCE ABUSE AND ANTI-VIOLENCE COORDINATING COUNCIL AMENDMENTS, was read the second time.

On motion of Senator Bell, the bill was circled.

* * *

S.B. 38, SEVERANCE TAX AMENDMENTS, was read the second time.

Senator Valentine proposed the following amendment:

- 1. Page 1, Lines 19 through 20
 - 19 increases the amount of revenue to be deposited into the permanent state trust fund
 - 20 over a six-year period <u>beginning with fiscal year 2011-12</u>;
- 2. Page 2, Lines 40 through 52:
 - 40 (2) "Mining base amount" means: 41 (a) \$27,600,000 for fiscal $\{-\underline{\text{year}}\}$ <u>2008–09</u> , years 2009–10, and 2010–11 ; 42 (b) \$22,600,000 for fiscal $\{-2009-10\}$ 2011-12 : 43 (c) \$17,600,000 for fiscal {-<u>2010-11</u> } <u>2012–13</u> : 44 (d) \$12,600,000 for fiscal year {-<u>2011-12</u> } <u>2013–14</u> ; (e) \$7,600,000 for fiscal year 45 $\{-2012-13\}$ 2014-15; and 46 (f) \$2,600,000 for fiscal year $\{-2013-14\}$ <u>2015–16</u> . 47 (3) "Oil and gas base amount" means: 48 (a) \$71,000,000 for fiscal {-year } 2008-09 vears 2009–10, and 2010–11 ; 49 (b) \$56,000,000 for fiscal year $\{-2009-10\}$ <u>2011–12</u> :

50	(c)	\$41,000,000	for	fiscal	year
{	2010–11 }	<u>2012–13</u> :			
51	<u>(d)</u>	\$26,000,000	for	fiscal	year
{	2011–12 }	<u>2013–14</u> ; and			
52	<u>(e)</u>	\$11,000,000	for	fiscal	year
{2	2012–13 }	<u>2014–15</u> <u>.</u>			

- 3. Page 3, Lines 82 through 86:
 - 82 (2) [Beginning] (a) For fiscal years beginning with fiscal year 2008–09[, if authorized
 - 83 by law] and ending with fiscal year $\{-\frac{2012-13}{2}\}$ $\frac{2014-15}{2}$, the Division of Finance shall credit to the
 - 84 permanent state trust fund all revenue collected in a fiscal year from severance taxes on oil and
 - 85 gas imposed under Title 59, Chapter 5, Severance Tax on Oil, Gas, and Mining, that exceed
 - 86 [\$71,000,000.] the oil and gas base amount.
- 4. Page 3, Line 87 through Page 4, Line 95:
 - 87 <u>(b) For fiscal years beginning on or after fiscal year</u> { <u>2013–14</u> } <u>2015–16</u> , the Division of Finance
 - 88 <u>shall credit all revenue collected in a fiscal year from severance</u> taxes on oil and gas imposed
 - 89 <u>under Title 59, Chapter 5, Severance Tax on Oil, Gas, and Mining to the permanent state trust</u>
 - 90 fund.
 - 91 (3) [Beginning] (a) For fiscal years beginning with fiscal year 2008–09[, if authorized
 - 92 by law] and ending with fiscal year $\{-2013-14\}$ 2015-16, the Division of Finance shall credit to the
 - 93 permanent state trust fund all revenue collected in a fiscal year from severance taxes on mining
 - 94 imposed under Title 59, Chapter 5, Severance Tax on Oil, Gas, and Mining, that exceed

- 95 [\$27,600,000.] the mining base amount.
- 5. Page 4, Lines 96 through 98:
 - 96 (b) For fiscal years beginning on or after fiscal year $\{-2014-15\}$ 2016-17, the Division of Finance
 - 97 <u>shall credit all revenue collected in a fiscal year from severance taxes on mining imposed under</u>
 - 98 <u>Title 59, Chapter 5, Severance Tax on Oil, Gas, and Mining to the permanent state trust fund.</u>

Senator Valentine's motion to amend passed on a voice vote. Senator Valentine explained the bill. Senators Buttars and Romero commented. The bill, as amended, passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Killpack	Knudson
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Urquhart	Valentine	Waddoups

Absent or not voting were: Senators

Hillyard Jones Liljenquist Stephenson

Van Tassell

* * *

S.B. 39, IMMIGRATION AMENDMENTS, was read the second time.

On motion of Senator Jenkins, the bill was circled.

* * *

S.C.R. 1, CONCURRENT RESOLUTION REQUESTING A FEDERAL WAIVER TO ESTABLISH AN EMPLOYER–SPONSORED WORK PROGRAM, was read the second time. Senator Jenkins explained the bill. Senator Bell commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 3; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Killpack	Knudson	Madsen
McCoy	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Woddowns		

Valentine Waddoups

Voting in the negative were: Senators

Davis Mayne Morgan

Absent or not voting were: Senators

Hillyard Jones Liljenquist Van Tassell

* * *

S.B. 40, LAWFUL PRESENCE VERIFICATION FOR ISSUANCE OF A DRIVER LICENSE OR IDENTIFICATION CARD, was read the second time. Senator Bramble explained the bill. Senators Jenkins and Robles commented. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Waddoups		

Absent or not voting were: Senators

Hillyard Jones Van Tassell

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 29, 2009

The House passed **H.B. 11**, RECODIFICATION OF NATURAL RESOURCES PROVISIONS, by Representative J. Mathis, and it is transmitted for consideration; and

The House passed **H.B. 33**, REFUND OF UNEARNED HEALTH INSURANCE PREMIUMS AND MEDICARE SUPPLEMENT INSURANCE

PREMIUMS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed **H.B. 38**, REFUGEE SERVICES FUND AMENDMENTS, by Representative C. Herrod, and it is transmitted for consideration; and

The House passed **H.B. 75**, UTAH COMMUNICATIONS AGENCY NETWORK AMENDMENTS, by Representative F. Hunsaker, and it is transmitted for consideration; and

The House passed **H.B. 87**, IDENTITY THEFT AMENDMENT, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 106**, CONTROLLED SUBSTANCE DATABASE AMENDMENTS, by Representative B. Daw, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 231**, UTAH COMMISSION ON VOLUNTEERS AMENDMENTS, by Representative D. Aagard, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 11, H.B. 33, H.B. 38, H.B. 75, H.B. 87, H.B. 106, and H.B. 231 were read the first time and referred to the Rules Committee.

* * *

On motion of Senator Killpack and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Friday, January 30, 2009.

FIFTH DAY

January 30, 2009

The Senate was called to order at 10:00 a.m., with President Michael Waddoups presiding.

Prayer – Mr. Larry Love

Pledge of Allegiance – Senator Margaret Dayton

Roll Call – All Senators present except Senator Bramble, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

January 29, 2009

The House passed, as amended, **H.B. 17**, EXPEDITED PARTNER THERAPY TREATMENT, by Representative J. Seelig, et al, and it is transmitted for consideration; and

The House passed **H.B. 34**, PENALTIES FOR DESTRUCTION OF BALD EAGLE, by Representative R. Barrus, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 52**, INSURANCE CODE AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 86**, DIVISION OF REAL ESTATE RELATED AMENDMENTS, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed **H.B. 216**, TELECOMMUNICATION PRICING FLEXIBILITY AMENDMENTS, by Representative F. Hunsaker, and it is transmitted for consideration; and

The House passed **H.B. 238**, EXEMPTION OF UNIVERSITY HOUSING FROM EVICTION LAWS, by Representative K. Holdaway, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 17, H.B. 34, H.B. 52, 1st Sub. H.B. 86, H.B. 216, and H.B. 238 were read the first time and referred to the Rules Committee.

* * *

On motion of Senator Killpack, and at 10:10 a.m., the Senate recessed.

The Senate was called to order at 10.50 a.m., with President Waddoups presiding.

RULES COMMITTEE REPORTS

To the Members of the Senate:

January 29, 2009

The Rules Committee recommends assignment of the following bills to standing committees:

Business and Labor Committee

S.B. 49	Small Business Access to) Justice Act (Sen. R. Romero)
2121	Simula Business i recess to	, , , , , , , , , , , , , , , , , , , ,	00111 111 110111010)

H.B. 39 Utah Injured Worker Reemployment Act

(Rep. M. Morley) (Sen. K. Mayne)

Education Committee

S.B. 48 Teacher Licensing by Competency Amendments

(Sen. D. C. Buttars)

Government Operations and Political Subdivisions Committee

State Personnel Management Act Amendments
(Sen. D. Liljenquist)
Law Enforcement Service in Local Districts and
Interlocal Entities (Sen. S. Jenkins)
Per Diem and Travel Expenses for State Boards and
Commissions (Rep. D. Aagard) (Sen. P. Knudson)
Declaration of Candidacy Amendments (Rep. D. Aagard)
(Sen. P. Knudson)

1Sub. H.B. 232 Campaign and Financial Reporting Requirements Revisions (Rep. D. Aagard) (Sen. P. Knudson)

Health and Human Services Committee

S.B. 129	Mental Health Therapist Grant and Scholarship Act
	Repeal (Sen. D. Liljenquist)

H.B. 31 Utah Sudden Cardiac Arrest Survival Act (Rep. C. Wimmer) (Sen. D. C. Buttars)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 51	Restitution Fund Account (Sen. D. Liljenquist)
H.B. 12	County Sheriff Qualification Amendments
	(Rep. R. Greenwood) (Sen. S. Jenkins)

H.B. 47	Criminal Procedure - Investigation Amendments
	(Rep. P. Ray) (Sen. D. Liljenquist)

Natural Resources, Agriculture and Environment Committee

S.B. 128 Rainwater Harvesting (Sen. S. Jenkins)

H.B. 27 Protections for Agricultural Practices (Rep. M. Morley)

(Sen. M. Dayton)

Retirement and Independent Entities Committee

S.B. 127 Retirement Amendments (Sen. D. Liljenquist)

Revenue and Taxation Committee

ite enue una lum	tion committee
S.B. 114	Tobacco Tax Amendments (Sen. A. Christensen)
S.B. 130	Income Tax Credit – Contributions for Which Federal
	Matching Monies Are Offered (Sen. S. McCoy)
S.B. 132	Individual Income Tax Contribution for
	Methamphetamine Housing Reconstruction and
	Rehabilitation Fund (Sen. K. Mayne)
H.B. 58	Sales and Use Tax – Determining the Location of Certain
	Transactions (Rep. W. Harper) (Sen. C. Bramble)

Transportation, Public Utilities and Technology Committee

S.B. 50	Restricting the Movement of a Motor Vehicle
	(Sen. B. Goodfellow)
H.B. 30	Commercial Motor Vehicle Amendments (Rep. T. Kiser)
	(Sen. K. Van Tassell)
H.B. 40	Motorcycle Rider Education Program Amendments
	(Rep. B. Daw) (Sen. S. Jenkins)
H.B. 46	Designation of State Highways Amendments
	(Rep. T. Kiser) (Sen. K. Van Tassell)
H.B. 53	Driver License Amendments - Motor Driven Cycles
	(Rep. T. Kiser) (Sen. K. Van Tassell)

Margaret Dayton Rules Committee Chair

Report filed. On motion of Senator Buttars, the committee report was adopted.

STANDING COMMITTEE REPORTS

Mr. President: January 29, 2009

The Health and Human Services Committee reports a favorable recommendation on **S.B. 111**, HEALTH CARE WORKFORCE FINANCIAL ASSISTANCE PROGRAM AMENDMENTS, by Senator G. Davis, with the following amendments:

- 1. Page 3, Lines 60 through 66:
 - 60 26–46–102. Creation of program Duties of department.
 - 61 (1) There is created within the department the Utah Health Care Workforce Financial
 - 62 Assistance Program to provide, within funding appropriated by the Legislature for this purpose:
 - 63 (a) professional education scholarships and loan repayment assistance to health care
 - 64 professionals who locate or continue to practice in underserved areas[-]: and
 - 65 (b) loan repayment assistance to geriatric professionals {-<u>·</u> regardless of whether the
 - 66 <u>geriatric professionals provide services in underserved areas</u> } <u>.</u>; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 117**, ADVANCE HEALTH CARE DIRECTIVE ACT AMENDMENTS, by Senator A. Christensen, with the following amendments:

- 1. Page 1, Line 16:
 - 16 \blacktriangleright authorizes a physician assistant $\{-, -\}$ or a psychologist $\{-, \text{ or a clinical social worker}\}$ to
- 2. Page 3, Line 77 through Page 6, Line 164:
 - 77 {-<u>(7) "Clinical social worker" means a person licensed as a</u> elinical social worker under
 - 78 <u>Title 58, Chapter 60, Mental Health Professional Practice Act.</u> }
 - 79 $\{--\}$ (7) $\{--\}$ $\{--(8)\}$ "Declarant" means an adult who has completed and signed or directed the

80 signing of an advance health care directive.

81 {–[–] (8) {–]–} {— <u>(9)</u> } "Default surrogate" means the adult who may make decisions for an individual
82 when either:
83 (a) an agent or guardian has not been appointed; or
84 (b) an agent is not able, available, or willing to make decisions for an adult.
85 {–[–] (9) {–]–} {—(10) } "Emergency medical services provider" means a person who is licensed,
86 designated, or certified under Title 26, Chapter 8a, Utah Emergency Medical Services System
87 Act.
88 {-[} (10) {]} {(11)} "Generally accepted health care standards":
89 (a) is defined only for the purpose of:
90 $$ (i) this chapter and does not define the standard of care for any other purpose under
91 Utah law; and
92 (ii) enabling health care providers to interpret the statutory form set forth in Section
93 75–2a–117; and
94 (b) means the standard of care that justifies a provider in declining to provide life
95 sustaining care because the proposed life sustaining care:
96 (i) will not prevent or reduce the deterioration in the health or functional status of a
97 person;
98 (ii) will not prevent the impending death of a person; or
99 (iii) will impose more burden on the person than any expected benefit to the person.
100 $\{\}$ (11) $\{\}$ $\{\frac{(12)}{}\}$ "Health care" means

any care, treatment, service, or procedure to improve,

 $\{-\frac{1}{2}\}$ (12) $\{-\frac{1}{2}\}$ $\{-\frac{13}{2}\}$

101 maintain, diagnose, or otherwise affect a person's physical or

(a) means a decision about an adult's health care made by, or on

mental condition.

102

103

decision":

care

"Health

behalf of, an adult, that
104 is communicated to a health care provider;
105 (b) includes:
106 (i) selection and discharge of a health care provider and a health care facility;
107 (ii) approval or disapproval of diagnostic tests, procedures, programs of medication,
108 and orders not to resuscitate; and
109 (iii) directions to provide, withhold, or withdraw artificial nutrition and hydration and
110 all other forms of health care; and
111 (c) does not include decisions about an adult's financial affairs or social interactions
112 other than as indirectly affected by the health care decision.
113 $\{\}$ (13) $\{\}$ $\{\}$ "Health care decision making capacity" means an adult's ability to make an
114 informed decision about receiving or refusing health care, including:
115 (a) the ability to understand the nature, extent, or probable consequences of health
116 status and health care alternatives;
117 (b) the ability to make a rational evaluation of the burdens, risks, benefits, and
118 alternatives of accepting or rejecting health care; and
119 (c) the ability to communicate a decision.
120 $\{\}$ (14) $\{\}$ $\{(15)\}$ "Health care facility" means:
121 (a) a health care facility as defined in Title 26, Chapter 21, Health Care Facility

122 Licensing and Inspection Act; and
123 (b) private offices of physicians, dentists, and other health care providers licensed to
124 provide health care under Title 58, Occupations and Professions.
125 {—[—] (15) {—]—} {——(16)—} "Health care provider" is as defined in Section 78B—3–403, except that it
126 does not include an emergency medical services provider.
127 { $-$ [$-$] (16) { $-$] $-$] { $-$ (17) } (a) "Life sustaining care" means any medical intervention, including
128 procedures, administration of medication, or use of a medical device, that maintains life by
129 sustaining, restoring, or supplanting a vital function.
130 (b) "Life sustaining care" does not include care provided for the purpose of keeping a
131 person comfortable.
132 $\{\}$ (17) $\{\}$ $\{(18)\}$ "Life with dignity order" means an order, designated by the Department of
133 Health under Section 75–2a–106(5)(a), that gives direction to health care providers, health care
134 facilities, and emergency medical services providers regarding the specific health care
135 decisions of the person to whom the order relates.
136 {—[-} (18) {—]-} $\{-\underline{(19)}\}$ "Minor" means a person who:
(a) is under 18 years of age; and
138 (b) is not an emancipated minor.
139 {—[} (19) {—]} {—(20)} } "Physician" means a physician and surgeon or osteopathic surgeon licensed
140 under Title 58, Chapter 67, Utah Medical Practice Act or Chapter 68, Utah Osteopathic
141 Medical Practice Act.
142 {-(21) } (20) "Physician assistant" means a person

licensed as a physician assistant under Title

- 143 <u>58, Chapter 70a, Physician Assistant Act.</u>
- 144 {-(22) } (21) "Psychologist" means a person licensed as a psychologist under Title 58, Chapter
- 145 61, Psychologist Licensing Act.
- 146 $\left[\frac{(20)}{(23)}\right] \left\{\frac{(22)}{(22)}\right\}$ "Reasonably available" means:
- (a) readily able to be contacted without undue effort; and
- (b) willing and able to act in a timely manner considering the urgency of the
- 149 circumstances.
- 150 [(21)] $\{-(24)\}$ (23) "Substituted judgment" means the standard to be applied by a surrogate
- 151 when making a health care decision for an adult who previously had the capacity to make
- 152 health care decisions, which requires the surrogate to consider:
- 153 (a) specific preferences expressed by the adult:
- 154 (i) when the adult had the capacity to make health care decisions; and
- (ii) at the time the decision is being made;
- 156 (b) the surrogate's understanding of the adult's health care preferences;
- 157 (c) the surrogate's understanding of what the adult would have wanted under the
- 158 circumstances; and
- 159 (d) to the extent that the preferences described in Subsections [(21)] (24)(a) through (c)
- 160 are unknown, the best interest of the adult.
- 161 [(22)] $\{-(25)\}$ (24) "Surrogate" means a health care decision maker who is:
- (a) an appointed agent;
- 163 (b) a default surrogate under the provisions of Section 75–2a–108; or
- (c) a guardian.

- 3. Page 6, Lines 171 through 181:
 - 171 (2) To overcome the presumption of capacity, a physician, physician assistant,
 - 172 <u>psychologist.</u> {-<u>clinical social worker.</u>} or an APRN who has personally examined the adult and
 - 173 assessed the adult's health care decision making capacity must:
 - 174 (a) find that the adult lacks health care decision making capacity;
 - 175 (b) record the finding in the adult's medical chart including an indication of whether
 - 176 the adult is likely to regain health care decision making capacity; and
 - 177 (c) make a reasonable effort to communicate the determination to:
 - 178 (i) the adult;
 - 179 (ii) other health care providers or health care facilities that the [physician or APRN]
 - 180 person who makes the finding would routinely inform of such a finding; and
 - (iii) if the adult has a surrogate, any known surrogate.; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 119**, HOSPITAL EMERGENCY ROOM TASK FORCE, by Senator D. C. Buttars.

D. Chris Buttars, Chair

Mr. President:

January 29, 2009

The Education Committee reports a favorable recommendation on **S.B. 92**, LOCAL GOVERNMENTAL COOPERATION IN EDUCATION MATTERS, by Senator P. Jones, with the following amendments:

- 1. Page 1, Lines 15 through 19:
 - 15 with one another in matters affecting the education of their residents; and
 - 16 { <u>allows a local governmental entity to specify:</u>

- 17 the purpose for which public funds are disbursed to a school district; and
- 18 that public funds disbursed to a school district shall be used within the
- 19 boundaries of the local governmental entity; and }
- 2. Page 2, Lines 38 through 44:
 - 38 (2) $\{-\frac{(a)}{a}\}$ A local governmental entity may disburse public funds in aid of a school district
 - located wholly or partially within the limits of its jurisdiction.
 - 40 {-(b) A local governmental entity may specify:
 - 41 <u>(i) the purpose for which the public funds disbursed to a school district shall be used;</u>
 - 42 and
 - 43 (ii) that public funds disbursed to a school district shall be used within the boundaries
 - 44 of the local governmental entity.
- 3. Page 2, Line 54:
 - 54 <u>designee</u>, of a county with unincorporated area within the school district's boundaries.
 - (c) The notice required under Subsection (3)(b) shall be provided by:

(i) mail;

(ii) e-mail; or

(iii) other effective means agreed to by the person to whom notice is given. ; and

The Education Committee reports a favorable recommendation on **S.B. 100**, FINANCIAL AND ECONOMIC LITERACY EDUCATION AMENDMENTS, by Senator P. Jones, with the following amendments:

- 1. Page 1, Line 17:
 - 17 information about <u>higher education savings options,</u> including information about account; and <u>higher education savings options,</u> opening a Utah Educational Savings Plan
- 2. Page 4, Lines 90 through 91:

- 90 <u>(iv) encourage parents and students to establish higher education savings, including</u> <u>a Utah Educational Savings Plan</u>
- 91 account; and
- 3. Page 4, Lines 95 through 98:
 - 95 (3) A public school shall provide the following to the parents or guardian of a
 - 96 <u>kindergarten student during kindergarten enrollment:</u>
 - 97 (a) a financial and economic literacy passport; and
 - 98 (b) information about <u>higher education savings options</u>, including information about opening a Utah Educational Savings Plan account.

Curtis S. Bramble, Chair

On motion of Senator Killpack, the committee reports were adopted. **S.B. 111,** as amended, **S.B. 117,** as amended, **S.B. 119, S.B. 92,** as amended, and **S.B. 100** were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

- **S.B. 54**, **Uniform Law Uniform Assignment of Rents Act** (R. Romero), read the first time by short title and referred to the Rules Committee.
- S.B. 55, Governor's Interagency Coordinating Council on Health Disparities and Economic Self-sufficiency (L. Robles), read the first time by short title and referred to the Rules Committee.
- **S.B. 84, Impact Fees Revisions** (G. Bell), read the first time by short title and referred to the Rules Committee.
- **S.B. 138**, **Internal Service Fund Rate Committee Amendments** (J. Valentine), read the first time by short title and referred to the Rules Committee.
- **S.B. 139**, **Employer Election Retirement Amendments** (C. Bramble), read the first time by short title and referred to the Rules Committee.
- **S.B. 140**, **Financial Institutions Disclosure of Records** (M. Dayton), read the first time by short title and referred to the Rules Committee.

- **S.B. 141**, **Aviation Fuel Tax Amendments** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.
- **S.B. 142**, **Disposition of a Dead Body** (A. Christensen), read the first time by short title and referred to the Rules Committee.
- **S.B. 143**, **Sunset Act and Repealers Reauthorizations** (S. Killpack), read the first time by short title and referred to the Rules Committee.
- **S.C.R. 3**, Concurrent Resolution Urging the Creation of a Utah Council on Financial Education (P. Jones), read the first time by short title and referred to the Rules Committee.
- S.R. 3, Resolution Designating September 2009 as Hydrocephalus Awareness Month (G. Bell), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

1st Sub. S.B. 27, ELECTION LAW CHANGES, was read the third time.

On motion of Senator Knudson, the bill was circled.

* * *

S.B. 28, PROHIBITED ACTIVITIES OF GANG OFFENDERS, was read the third time and explained by Senator Greiner.

Senator Madsen proposed the following amendment:

- 1. Page 1, Line 18:
 Delete "or a facsimile of a firearm"
- 2. Page 2, Line 37:
 Delete "or a facsimile of a firearm"

Senator Madsen's motion to amend failed on a voice vote. The bill passed on the following roll call:

Yeas, 19; Nays, 6; Absent, 4.

Bell	Christensen	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Stowell
Urquhart	Valentine	Van Tassell	

Voting in the negative were: Senators

Buttars Dayton Madsen Robles

Romero Stephenson

Absent or not voting were: Senators

Bramble Davis Killpack Waddoups

S.B. 28 was transmitted to the House for consideration.

* * *

S.B. 33, UTILITY TRANSMISSION CORRIDOR SITING TASK FORCE, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell

Voting in the negative was: Senator

McCoy

Absent or not voting were: Senators

Bramble Killpack Robles Waddoups

S.B. 33 was transmitted to the House for consideration.

* * *

On motion of Senator Knudson, the circle was removed from **1st Sub. S.B. 27**, ELECTION LAW CHANGES, and it was before the Senate. Senator Knudson explained the bill. The bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard

Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
X 7 1 .*	X 7 (TD 11		

Valentine Van Tassell

Absent or not voting were: Senators

Bramble Killpack Waddoups

1st Sub. S.B. 27 was transmitted to the House for consideration.

* * *

S.B. 38, SEVERANCE TAX AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell		_	

Absent or not voting were: Senators

Bramble Christensen Killpack Waddoups

S.B. 38 was transmitted to the House for consideration.

* * *

S.C.R. 1, CONCURRENT RESOLUTION REQUESTING A FEDERAL WAIVER TO ESTABLISH AN EMPLOYER-SPONSORED WORK PROGRAM, was read the third time and explained by Senator Jenkins. Senators Romero, Davis, Stephenson, and Robles commented and the bill passed on the following roll call:

Yeas, 23; Nays, 2; Absent, 4.

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard

Hinkins	Jenkins	Killpack	Knudson
Liljenquist	Madsen	McCoy	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Van Tassell	

Voting in the negative were: Senators

Mayne Morgan

Absent or not voting were: Senators

Bramble Jones Valentine Waddoups

S.C.R. 1 was transmitted to the House for consideration.

* * *

On motion of Senator Jenkins, **S.B. 40**, LAWFUL PRESENCE VERIFICATION FOR ISSUANCE OF A DRIVER LICENSE OR IDENTIFICATION CARD, was read the third time and circled.

SECOND READING CALENDAR

On motion of Senator Niederhauser, the circle was removed from **1st Sub. S.B. 18**, UTAH TRANSPARENCY ADVISORY BOARD AMENDMENTS, and it was before the Senate. Senator Niederhauser explained the bill. Senators Stephenson and Jenkins commented. Senator Killpack declared a conflict of interest. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

0			
Bell	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Waddoups		

Absent or not voting were: Senators

Bramble Buttars Van Tassell

* * *

On motion of Senator Killpack and at 11:45 a.m., the Senate adjourned until 10:00 a.m., Monday, February 2, 2009.

EIGHTH DAY

February 2, 2009

The Senate was called to order at 10:00 a.m., with President Michael Waddoups presiding.

Prayer – Janis Christensen, wife of Senator Allen Christensen
 Pledge of Allegiance – Senator Wayne Niederhauser
 Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 30, 2009

The House passed **H.B. 20**, REPEAL OF CERTAIN INCOME TAX CREDITS AND CONTRIBUTIONS, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed **H.B. 26**, CHILD AND VULNERABLE ADULT ENDANGERMENT PROVISIONS, by Representative M. Morley, and it is transmitted for consideration; and

The House passed **H.B. 28**, PERSONAL PROPERTY TAX AMENDMENTS, by Representative C. Frank, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 50**, FIREFIGHTER SPECIAL GROUP LICENSE PLATE AMENDMENTS, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed **H.B. 55**, AMENDMENTS TO TOURISM, RECREATION, CULTURAL, CONVENTION, AND AIRPORT FACILITIES TAX ACT, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 81**, HEALTH CARE PATIENT IDENTITY PROTECTION, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed **H.B. 85**, MUTUAL BENEFIT CORPORATION – JUDICIAL LIENS, by Representative P. Painter, and it is transmitted for consideration; and

The House passed **H.B. 226**, DISASTER RECOVERY AND EMERGENCY MANAGEMENT AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed **H.B. 234**, CONSUMER CREDIT PROTECTION ACT MODIFICATION, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 244**, DISRUPTION OF SCHOOL ACTIVITIES, by Representative C. Moss, and it is transmitted for consideration; and

The House passed **H.B. 247**, AMENDMENTS TO EMAIL INFORMATION REQUIRED OF REGISTERED SEX OFFENDERS, by Representative J. Bird, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 252**, EMERGENCY MANAGEMENT ADMINISTRATION COUNCIL AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed **H.B. 257**, POLITICAL SUBDIVISION CLERK AMENDMENTS, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed **H.C.R. 1**, CONCURRENT RESOLUTION ON CERTIFICATION OF COMPRESSED NATURAL GAS VEHICLES, by Representative J. Draxler, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 20, H.B. 26, H.B. 28, H.B. 50, H.B. 55, 1st Sub. H.B. 81, H.B. 85, H.B. 226, H.B. 234, H.B. 244, H.B. 247, H.B. 252, H.B. 257, and H.C.R. 1 were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate:

January 30, 2009

The Rules Committee recommends assignment of the following bills to standing committees:

Business and Labor Committee

S.B. 140 Financial Institutions Disclosure of Records

(Sen. M. Dayton)

H.B. 51 Exemption for Alcoholic Beverage Manufacturing

License (Rep. C. Johnson) (Sen. D. Stowell)

H.B. 18

H.B. 52	Insurance Code Amendments (Rep. J. Dunnigan)
40 1 77 0 00	(Sen. J. Valentine)
1Sub. H.B. 86	Division of Real Estate Related Amendments
	(Rep. G. Froerer) (Sen. S. Killpack)
Government Opera	ations and Political Subdivisions Committee
S.B. 135	Local District Taxing Authority (Sen. C. Bramble)
H.B. 43	Coordinating Municipal and Special District Elections
	(Rep. K. Grover) (Sen. M. Dayton)
1Sub. H.B. 44	Local and Special Service District Election Amendments
	(Rep. K. Grover) (Sen. M. Dayton)
H.B. 48	Ballot Question Amendments (Rep. K. Grover)
11121 10	(Sen. M. Dayton)
H.B. 75	Utah Communications Agency Network Amendments
11.15. 75	(Rep. F. Hunsaker) (Sen. P. Knudson)
H.B. 231	Utah Commission on Volunteers Amendments
11.D. 231	(Rep. D. Aagard) (Sen. R. Okerlund)
	(Nep. D. Aagard) (Sen. R. Okchund)
Health and Humar	Services Committee
S.B. 137	Physical Therapy Practice Act (Sen. W. Niederhauser)
S.B. 142	Disposition of a Dead Body (Sen. A. Christensen)
H.B. 33	Refund of Unearned Health Insurance Premiums and
	Medicare Supplement Insurance Premiums
	(Rep. P. Ray) (Sen. D. Liljenquist)
	J- 1/
Judiciary, Law En	forcement, and Criminal Justice Committee
S.B. 53	Awarding of Attorney Fees (Sen. S. Urquhart)
S.B. 133	Abuse or Neglect of a Disabled Child (Sen. J. Valentine)
H.B. 87	Identity Theft Amendment (Rep. Julie Fisher)
	(Sen. J. Greiner)
H.B. 106	Controlled Substance Database Amendments
	(Rep. B. Daw) (Sen. C. Bramble)
Natural Pacaureas	Agriculture and Environment Committee
S.J.R. 4	Recycling of Electronic Waste Joint Resolution
D•J•IX• T	(Sen. S. McCoy)
H.B. 11	Recodification of Natural Resources Provisions
11.D. 11	(Rep. J. Mathis) (Sen. D. Stowell)
II D 10	(Nep. J. Mauris) (Sell. D. Stuwell)

Water Right Applications and Records (Rep. P. Painter)

(Sen. D. Stowell)

H.B. 34 Penalties for Destruction of Bald Eagle (Rep. R. Barrus) (Sen. M. Dayton)

Revenue and Taxation Committee

S.B. 141	Aviation Fuel Tax Amendments (Sen. W. Niederhauser)
H.B. 54	Amendments to Vehicle Registration Requirements
	(Rep. F. Gibson) (Sen. D. Hinkins)

Retirement and Independent Entities

S.B. 139	Employer Election Retirement Amendments
	(Sen. C. Bramble)

Transportation, Public Utilities and Technology Committee

S.B. 52	New Motor Vehicle Franchise Amendments
	(Sen. S. Killpack)
S.B. 134	Transportation Funding Amendments (Sen. S. Urquhart)
S.B. 136	Diesel-powered Motor Vehicle Emissions Inspection
	Program Amendments (Sen. G. Bell)
H.B. 21	Amendments to Driver License Sanction Requirements
	(Rep. R. Greenwood) (Sen. J. Greiner)
H.B. 216	Telecommunication Pricing Flexibility Amendments
	(Rep. F. Hunsaker) (Sen. P. Knudson)

Workforce Services and Community & Economic Development Committee

H.B. 38 Refugee Services Fund Amendments (Rep. C. Herrod)

(Sen. G. Bell)

Margaret Dayton Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

On motion of Senator Dayton, **S.B. 135** was lifted from the Government Operations and Political Subdivisions Committee standing committee and referred to the Revenue and Taxation standing committee.

STANDING COMMITTEE REPORTS

Mr. President: January 30, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 115**, PAYMENT OF MOBILE HOME PARK RELOCATION EXPENSES, by Senator W. Niederhauser; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 122**, UNIFORM STATE LAW – UNIFORM UNSWORN FOREIGN DECLARATIONS ACT, by Senator L. Hillyard; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.R. 1**, ECUMENICAL PATRIARCH SENATE RESOLUTION, by Senator P. Jones; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 16**, ASSESSMENT AREA AMENDMENTS, by Representative F. Hunsaker.

Peter C. Knudson, Chair

Mr. President:

January 30, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.R. 2**, SENATE RESOLUTION SUPPORTING THE NARROWS WATER PROJECT IN CENTRAL UTAH, by Senator R. Okerlund; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 19**, WATER RIGHTS – INFORMAL ADJUDICATIONS, by Representative K. McIff.

Dennis E. Stowell, Chair

Mr. President:

January 30, 2009

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 94**, UNDERGROUND SEWER UTILITIES FACILITIES AMENDMENTS, by Senator J. Greiner; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 95**, MOBILE HOME PARK AMENDMENTS, by Senator S. Jenkins, with the following amendments:

- 1. Page 1, Line 15:
 - 15 mobile home park; {-and-}
 - requires a mobile home park owner to include a full disclosure on a resident's utility bill of the resident's utility charges if the mobile home park uses a single-service meter; and
- 2. Page 4, Lines 104 through 105:

104 purposes of the meeting to [all residents] each resident.

(11) If a mobile home park uses a single–service meter, the mobile home park owner shall include a full disclosure on a resident's utility bill of the resident's utility charges.

105 [(10) A] $\{-(11)\}$ $\{12)$ The mobile home park shall have a copy of this chapter [shall be] posted; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 99**, RENEWABLE ENERGY CERTIFICATE REVISIONS, by Senator C. Bramble.

Stephen H. Urguhart, Chair

Mr. President:

January 30, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 85**, HOMICIDE AMENDMENTS, by Senator S. Urquhart; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 91**, ELECTRONIC COMMUNICATION HARASSMENT AMENDMENT, by Senator J. Greiner, with the following amendments:

- 1. Page 4, Lines 93 through 96:
 - 93 (2) A person is guilty of electronic communication harassment and subject to
 - 94 prosecution in the jurisdiction where the communication originated or was received if with
 - 95 intent to annoy, alarm, intimidate, offend, abuse, threaten, harass, frighten, {—<u>cause substantial</u>
 - $96~\underline{\text{emotional distress.}}$) or disrupt the electronic communications of another, the person: ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends S.B. 107, COMMUNICATIONS FRAUD PENALTY AMENDMENTS, by Senator D. Hinkins, be replaced and favorably recommends 1st Sub. S.B. 107, COMMUNICATIONS AND MORTGAGE FRAUD PENALTY AMENDMENTS, and recommends that it be read for the first and second time; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 112**, OBSTRUCTION OF JUSTICE AMENDMENT, by Senator R. Okerlund, with the following amendments:

- 1. Page 3, Line 69:
 - 69 first degree felony and the actor violates Subsection (1)(a); $\{-or-\}$
- 2. Page 3, Line 70:
 - 70 (iii) the obstruction of justice is presented or committed before a court of law; or

(iv) a violation of Subsection (1)(h).

D. Chris Buttars, Chair

On motion of Senator Killpack, the committee reports were adopted. S.B. 115, S.B. 122, S.R. 1, H.B. 16, S.R. 2, H.B. 19, S.B. 94, S.B. 95, as amended, S.B. 99, S.B. 85, S.B. 91, as amended, 1st Sub. S.B. 107, and S.B. 112, as amended were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President:

January 30, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 110**, OIL AND GAS LIMITATION OF ACTIONS AMENDMENTS, by Senator K. Van Tassell, and recommends it be considered read for the second time and placed on the Consent Calendar.

Dennis E. Stowell, Chair

On motion of Senator Jones, the committee reports were adopted. **S.B. 110** was considered read for the second time and placed on Consent Calendar.

* * *

On motion of Senator Jones, **H.C.R. 4**, UNIVERSITY OF UTAH CHAMPIONSHIP FOOTBALL TEAM CONCURRENT RESOLUTION, will be considered Thursday, February 5, 2009 at 11:30 a.m.

On motion of Senator Killpack, **S.J.R.** 3, JOINT RESOLUTION APPROVING APPOINTMENT OF LEGISLATIVE GENERAL COUNSEL, will be considered Tuesday, February 3, 2009 at 11:00 a.m.

INTRODUCTION OF BILLS

S.B. 4, Current School Year Supplemental Minimum School Program Budget Adjustments (H. Stephenson), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

On motion of Senator Bramble, the circle was removed from **S.B. 40**, LAWFUL PRESENCE VERIFICATION FOR ISSUANCE OF A DRIVER LICENSE OR IDENTIFICATION CARD, and it was before the Senate. Senator Bramble explained the bill. The bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Stephenson

S.B. 40 was transmitted to the House for consideration.

* * *

On motion of Senator Greiner, the circle was removed from **S.B. 19**, CRIMINAL OFFENSE PENALTIES AMENDMENT, and it was before the Senate. Senator Greiner explained the bill. The bill passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

S.B. 19 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 18, UTAH TRANSPARENCY ADVISORY BOARD AMENDMENTS, was read the third time and explained by Senator Niederhauser.

Senator Niederhauser proposed the following amendment:

1. Page 7, Lines 181 through 182

181 (4) (a) [Each] Except for a member appointed under Subsections (1)(c) $\{-, (h), and (i)\}$ and (h)

182 <u>each</u> member shall serve a two_year term.

Senator Niederhauser's motion to amend passed on a voice vote. Senators Bell, Hillyard, and Madsen commented and the bill passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

1st Sub. S.B. 18, as amended, was transmitted to the House for consideration.

SECOND READING CALENDAR

1st Sub. S.B. 15, WORKERS' COMPENSATION PREMIUM ASSESSMENT AND RELATED FUNDING, was read the second time. Senator Mayne explained the bill. Senator Urquhart commented. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack

Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars Okerlund

* * *

On motion of Senator Van Tassell, the circle was removed from **S.B. 37**, UTAH SUBSTANCE ABUSE AND ANTI-VIOLENCE COORDINATING COUNCIL AMENDMENTS, and it was before the Senate. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Robles
Romero	Stowell	Urquhart	Valentine
Van Tassell	Waddoups	-	

Absent or not voting were: Senators

Buttars Okerlund Stephenson

* * *

1st Sub. S.B. 31, UTAH RESIDENTIAL MORTGAGE PRACTICES AND LICENSING ACT, was read the second time. Senator Niederhauser explained the bill.

Senator Niederhauser proposed the following amendment:

1. Page 14, Line 416

416 (b) after the review required by Subsection {- (5) } (7) (a):

2. Page 36, Lines 1097 through 1101:

1097 (b) to suspend a requirement for holding a license under this chapter that is related to

- 1098 <u>the nationwide database</u> <u>if</u> :
- 1099 (i) {-if} } the suspension is related to changes made to Secure and Fair Enforcement for
- 1100 Mortgage Licensing, 12 U.S.C. Sec. 5105, et seq., on or after January 1, 2009; and
- (ii) the suspension ends on or before December 31, 2011.
- 3. Page 41, Lines 1242 through 1244:
 - 1242 (u) $\{-\frac{to}{2}\}$ represent to the public that the person can or will perform any act of a loan
 - 1243 <u>originator if that person is not licensed under this chapter</u> because the person is exempt under
 - Subsection 61–2c–102(1)(f)(ii)(A), including through:

Senator Niederhauser's motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Stephenson

* * *

S.B. 103, UNIFORM LAWS – UNIFORM PRINCIPAL AND INCOME ACT AMENDMENTS, was read the second time. Senator Hillyard explained the bill.

Senator Valentine proposed the following amendment:

Page 4, Line 113:
 Delete "2004" and insert "2009"

2. Page 4, Line 115: Delete "2004" and insert "2009"

Senator Valentine's motion to amend passed on a voice vote. Senator Hinkins commented. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Valentine	Van Tassell	

Absent or not voting were: Senators

Bramble	Buttars	Knudson	Stephenson
Urquhart	Waddoups		

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S.B. 20, LOCAL PUBLIC HEALTH EMERGENCY FUNDING, was read the second time.

On motion of Senator Stowell, the bill was circled.

* * *

S.B. 105, ENGINEERING AND COMPUTER SCIENCE INITIATIVE AMENDMENTS, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Van Tassell			

Absent or not voting were: Senators

Bramble Knudson Stephenson Waddoups

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S.B. 104, HIGHER EDUCATION SCHOLARSHIP PROGRAM AMENDMENTS, was read the second time. Senator Hillyard explained the bill. Senator Greiner commented. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble Davis Knudson Urquhart

Valentine

* * *

S.B. 88, ADMINISTRATIVE RULEMAKING ACT AMENDMENTS, was read the second time. Senator Stephenson explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
XX7 11			

Waddoups

Absent or not voting were: Senators

Bramble Davis Killpack Knudson

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S.B. 97, GOOD SAMARITAN ACT FOR ENGINEERS, was read the second time.

On motion of Senator Hillyard, the bill was circled.

* * *

1st Sub. S.J.R. 1, JOINT RESOLUTION – RENEWABLE ENERGY SYSTEM, was read the second time. Senator Jones explained the bill.

Senator Valentine proposed the following amendment:

- 1. Page 2, Line 36: Delete "and peak power"
- 2. Page 2, Line 44:
 After "promoted by" delete "this ordinance" and insert "these ordinances"

Senator Valentine's motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative was: Senator

Dayton

Mr. President:

Absent or not voting was: Senator

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COMMUNICATIONS FROM THE HOUSE

February 2, 2009

The House passed, as amended, **H.B. 3**, CURRENT FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 60**, FAMILY PRESERVATION SERVICES AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 62**, STATE WATER DEVELOPMENT COMMISSION AMENDMENTS, by Representative K. Gibson, and it is transmitted for consideration; and

The House passed **H.B. 300**, CAPITAL IMPROVEMENT APPROPRIATION MODIFICATION, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 301**, STATE DISASTER RECOVERY RESTRICTED ACCOUNT AMENDMENTS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed **H.J.R. 7**, EQUINE RESOURCES JOINT RESOLUTION, by Representative B. Winn, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 3, 1st Sub. H.B. 60, 1st Sub. H.B. 62, H.B. 300, H.B. 301,** and **H.J.R. 7** were read the first time and referred to the Rules Committee.

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On motion of Senator Hillyard, under suspension of rules, the Senate voted to lift **H.B. 3**, CURRENT FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS, **H.B. 300**, CAPITAL IMPROVEMENT APPROPRIATION MODIFICATION, and **H.B. 301**, CAPITAL IMPROVEMENT APPROPRIATION MODIFICATION, from Rules and place them at the top of the Second Reading Calendar.

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to lift **S.B. 4**, CURRENT SCHOOL YEAR SUPPLEMENTAL MINIMUM SCHOOL PROGRAM BUDGET ADJUSTMENTS, from rules and place it at the top of the Second Reading Calendar.

SECOND READING CALENDAR

S.B. 4, CURRENT SCHOOL YEAR SUPPLEMENTAL MINIMUM SCHOOL PROGRAM BUDGET ADJUSTMENTS, was read the second time.

Senator Stephenson proposed the following amendment:

1. Page 6, Line 180

180 and comment.

- <u>(iv)(A)</u> <u>Due to the reduction in funds available for performance—based compensation, the State Board of Education shall limit the number of school districts or charter schools that may receive funds under this section so that the enrollment of the school districts or charter schools that receive funds is approximately 25% of the total public school enrollment of the state.</u>
- (B) The State Board of Education shall award funds for performance—based compensation to school districts and charter schools that meet the requirements of Subsections (5)(b)(i) and (ii) and other criteria established by the board.

Senator Stephenson's motion to amend passed on a voice vote. Senator Stephenson explained the bill. Senators Jones, Romero, and Okerlund commented.

On motion of Senator Stephenson, under suspension of the rules, **S.B. 4**, CURRENT SCHOOL YEAR SUPPLEMENTAL MINIMUM SCHOOL PROGRAM BUDGET ADJUSTMENTS, was considered read the second and third times. Senator Killpack declared a conflict of interest. The bill passed on the following roll call:

Yeas, 24; Nays, 5; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
Niederhauser	Okerlund	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

Goodfellow McCoy Morgan Robles Romero

S.B. 4, as amended, was transmitted to the House.

* * *

On motion of Senator Hillyard, under suspension of the rules, **H.B. 300**, CAPITAL IMPROVEMENT APPROPRIATION MODIFICATION, was

considered read the second and third times. Senators Niederhauser and Goodfellow commented and the bill passed on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Okerlund
Robles	Romero	Stowell	Urquhart
Valentine	Waddoups		

Voting in the negative was: Senator

Niederhauser

Absent or not voting were: Senators

Stephenson Van Tassell

H.B. 300 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Hillyard, under suspension of the rules, **H.B. 301**, STATE DISASTER RECOVERY RESTRICTED ACCOUNT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Stowell	Urquhart	Valentine
Waddoups			

Voting in the negative was: Senator

Romero

Absent or not voting were: Senators

Dayton Stephenson Van Tassell

H.B. 301 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Hillyard, under suspension of the rules, **H.B. 3**, CURRENT FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS, was considered read the second and third times and passed on the following roll call:

Yeas, 27; Nays, 2; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	•

Voting in the negative were: Senators

Goodfellow McCov

H.B. 3 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Killpack and at 12:20 p.m., the Senate adjourned until 10:00 a.m., Tuesday, February 3, 2009.

NINTH DAY

February 3, 2009

The Senate was called to order at 10:15 a.m., with President Michael Waddoups presiding.

Prayer – Pastor Marty Young, Vernal Christian Church
 Pledge of Allegiance – Senator Kevin Van Tassell
 Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 2, 2009

The House passed, **S.B. 4**, CURRENT SCHOOL YEAR SUPPLEMENTAL MINIMUM SCHOOL PROGRAM BUDGET ADJUSTMENTS, by Senator H. Stephenson, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 4 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President:

February 2, 2009

The House passed, as amended, **H.B. 67**, PUBLIC HEARINGS ON PROPERTY TAX INCREASES, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed **H.B. 80**, STUDY ON TAXPAYER ADVOCATE PROGRAM, by Representative K. Grover, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 67** and **H.B. 80** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 2, 2009

The Rules Committee recommends assignment of the following bills to standing committees:

Rucinocc	hne	Lahor	Committee
DIDLINESS	211111	1 2111011	· ommunee

S.B. 138

Internal Service Fund Rate Committee Amendments
(Sen. J. Valentine)

S.C.R. 2

Concurrent Resolution – a Call to Civility
(Sen. J. Valentine)

H.B. 85

H.B. 85 Mutual Benefit Corporation – Judicial Liens

(Rep. P. Painter) (Sen. D. Hinkins)

H.B. 234 Consumer Credit Protection Act Modification

(Rep. Julie Fisher) (Sen. G. Bell)

Education Committee

H.B. 238 Exemption of University Housing from Eviction Laws

(Rep. K. Holdaway) (Sen. J. Valentine)

H.B. 244 Disruption of School Activities (Rep. C. Moss)

(Sen. J. Greiner)

Government Operations and Political Subdivisions Committee

H.B. 226 Disaster Recovery and Emergency Management Amendments (Rep. C. Oda) (Sen. D. Liljenquist)
H.B. 252 Emergency Management Administration Council Amendments (Rep. C. Oda) (Sen. D. Liljenquist)
H.B. 257 Political Subdivision Clerk Amendments (Rep. M. Newbold) (Sen. D. C. Buttars)

Health and Human Services Committee

S.R. 3 Resolution Designating September 2009 as

Hydrocephalus Awareness Month (Sen. G. Bell)

1Sub. H.B. 81 Health Care Patient Identity Protection

(Rep. S. Sandstrom) (Sen. S. Urquhart)

Judiciary, Law Enforcement, and Criminal Justice Committee

H.B. 26 Child and Vulnerable Adult Endangerment Provisions

(Rep. M. Morley) (Sen. M. Madsen)

H.B. 247 Amendments to Email Information Required of

Registered Sex Offenders (Rep. J. Bird)

(Sen. S. Jenkins)

Revenue and Taxation Committee

H.B. 20 Repeal of Certain Income Tax Credits and Contributions

(Rep. Julie Fisher) (Sen. W. Niederhauser)

H.B. 28 Personal Property Tax Amendments (Rep. C. Frank) (Sen. W. Niederhauser)

Transportation, Public Utilities and Technology Committee

H.C.R. 1 Concurrent Resolution on Certification of Compressed Natural Gas Vehicles (Rep. J. Draxler) (Sen. P. Knudson)

Workforce Services and Community and Economic Development Committee

H.B. 55 Amendments to Tourism, Recreation, Cultural, Convention, and Airport Facilities Tax Act (Rep. W. Harper) (Sen. W. Niederhauser)

Margaret Dayton Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

STANDING COMMITTEE REPORTS

Mr. President:

January 30, 2009

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 23**, INCOME TAXATION OF PASS-THROUGH ENTITIES AND PASS-THROUGH ENTITY TAXPAYERS, by Senator W. Niederhauser; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 108**, TAX COMMISSION ADMINISTRATION, COLLECTION, AND ENFORCEMENT AMENDMENTS, by Senator W. Niederhauser, with the following amendments:

- 1. Page 35, Lines 1077 through 1078:
 - 1077 (7) A person who has not previously filed a timely request for agency action in
 - 1078 <u>accordance with Subsection</u> $\{-(1)\}$ <u>(3)</u> <u>may object to</u> a final assessment issued by the commission by:
- 2. Page 60, Lines 1842 through 1848:
 - 1842 [(3) If the] (1) (a) Subject to Subsection (1)(b), a claim for credit or refund [relates to]
 - 1843 <u>of</u> an overpayment <u>that is</u> attributable to a <u>Utah</u> net {<u>operating</u>} loss [<u>carryback adjustment as provided</u>

1844 in Section 59-7-110, in lieu of the three-year period provided for in Subsection (2)(a), the

period shall be that period which ends with the expiration of the 15th day of the 40th month

following the end of the taxable year of the net loss which results in the carryback.] carry back

1847 or carry forward shall be filed within three years from the due date of the return for the taxable

1848 year of the <u>Utah</u> <u>net</u> {<u>operating</u>} <u>loss.</u>

Wayne L. Niederhauser, Chair

Mr. President:

February 2, 2009

The Business and Labor Committee reports a favorable recommendation on S.B. 49, SMALL BUSINESS ACCESS TO JUSTICE ACT, by Senator R. Romero; and

The Business and Labor Committee reports a favorable recommendation on S.B. 120, WORKERS' COMPENSATION ACT - MEDICAL REPORTS, by Senator K. Mayne; and

The Business and Labor Committee reports a favorable recommendation on S.B. 121, WORKERS' COMPENSATION – ATTORNEY FEES, by Senator K. Mayne; and

The Business and Labor Committee reports a favorable recommendation on H.B. 39, UTAH INJURED WORKER REEMPLOYMENT ACT, by Representative M. Morley.

John L. Valentine, Chair

Mr. President:

February 2, 2009

The Health and Human Services Committee reports a favorable recommendation on S.B. 87, PREFERRED DRUG LIST REVISIONS, by Senator A. Christensen, with the following amendments:

- Page 2, Lines 30 through 33:
 - 30 (b) may include therapeutic categories of drugs that may be exempted from the drug

- 31 program; $\{-and\}$
- 32 (c) may include placing some drugs, except the drugs described in Subsection [(3)] (2),
- 33 on a preferred drug list to the extent determined appropriate by the department $\{---\}$; and $\{----\}$
- (d) notwithstanding the requirements of Part 2, Drug Utilization Review Board, shall immediately implement the prior authorization requirements for a non-preferred drug that is in the same therapeutic class as a drug that is:
- (i) on the preferred drug list on the date that this act takes effect; or (ii) added to the preferred drug list after this act takes effect. .; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 31**, UTAH SUDDEN CARDIAC ARREST SURVIVAL ACT, by Representative C. Wimmer.

Allen M. Christensen, Acting Chair

Mr. President:

February 2, 2009

The Education Committee reports a favorable recommendation on **S.B. 48**, TEACHER LICENSING BY COMPETENCY AMENDMENTS, by Senator D. C. Buttars.

Curtis S. Bramble, Chair

On motion of Senator Jenkins, the committee reports were adopted. S.B. 23, S.B. 108, as amended, S.B. 49, S.B. 120, S.B. 121, H.B. 39, S.B. 87, as amended, H.B. 31, and S.B. 48 were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President:

February 2, 2009

The Health and Human Services Committee reports a favorable recommendation on **S.B. 129**, MENTAL HEALTH THERAPIST GRANT AND SCHOLARSHIP ACT REPEAL, by Senator D. Liljenquist, and recommends it be considered read for the second time and placed on the Consent Calendar.

Allen M. Christensen, Acting Chair

On motion of Senator Killpack, the committee report was adopted. **S.B. 129** was considered read for the second time and placed on Consent Calendar.

INTRODUCTION OF BILLS

- **S.B. 56**, **Military Installation Development Authority Amendments** (S. Killpack), read the first time by short title and referred to the Rules Committee.
- **S.B. 57**, Local Option Transportation Corridor Preservation Fund Amendments (R. Okerlund), read the first time by short title and referred to the Rules Committee.
- **S.B. 144**, **Pete Suazo Memorial Highway** (L. Robles), read the first time by short title and referred to the Rules Committee.
- **S.B. 145**, **Public Safety Retirees Death Benefit Revisions** (J. Greiner), read the first time by short title and referred to the Rules Committee.
- **S.B. 146**, **Home Schooling Amendments** (M. Madsen), read the first time by short title and referred to the Rules Committee.
- **S.B. 147**, **Driver License Revisions** (L. Hillyard), read the first time by short title and referred to the Rules Committee.
- **S.B. 148**, Low-profit Limited Liability Company Act (L. Hillyard), read the first time by short title and referred to the Rules Committee.
- S.B. 149, Prohibition of Text Messaging or Electronic Mail Communication While Driving (L. Hillyard), read the first time by short title and referred to the Rules Committee.
- **S.B. 150, State Armory Amendments** (S. Jenkins), read the first time by short title and referred to the Rules Committee.
- **S.B. 151**, **Driver License Defensive Driving Course Amendments** (K. Van Tassell), read the first time by short title and referred to the Rules Committee.
- **S.B. 152**, **Legislative Management Powers** (M. Waddoups), read the first time by short title and referred to the Rules Committee.
- **S.B. 153**, County and Municipal Land Use Amendments (M. Madsen), read the first time by short title and referred to the Rules Committee.
- **S.B. 154**, **Juvenile Court Judge Fifth District** (S. Urquhart), read the first time by short title and referred to the Rules Committee.

- S.B. 155, Adoption Exception to Custody and Visitation for Persons Other than Parents (L. Hillyard), read the first time by short title and referred to the Rules Committee.
- **S.B. 156**, **Gifts and Meal Provisions for Public Officials** (G. Bell), read the first time by short title and referred to the Rules Committee.
- **S.B. 157**, **Property Taxation of Aircraft** (M. Madsen), read the first time by short title and referred to the Rules Committee.
- **S.J.R.** 6, Legislator Communications with Judiciary and Executive Branch Joint Rules Resolution (J. Valentine), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

S.B. 93, BUILDING AUTHORITIES, was read the third time, explained by Senator Stowell, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bell Urguhart Valentine

S.B. 93 was transmitted to the House for consideration.

* * *

S.J.R. 2, TOPAZ MUSEUM AND CIVIL LIBERTIES LEARNING CENTER JOINT RESOLUTION, was read the third time, explained by Senator Stowell, and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Bramble	Christensen	Dayton	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins

Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Romero	Stephenson
C. 11	X7 7D 11	XX7 11	

Stowell Van Tassell Waddoups

Absent or not voting were: Senators

Bell Buttars Davis Robles

Urquhart Valentine

S.J.R. 2 was transmitted to the House for consideration.

THIRD READING CALENDAR

1st S.B. 15, WORKERS' COMPENSATION PREMIUM ASSESSMENT AND RELATED FUNDING, was read the third time, explained by Senator Mayne, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Buttars

1st Sub. S.B. 15 was transmitted to the House for consideration.

* * *

S.B. 37, UTAH SUBSTANCE ABUSE AND ANTI-VIOLENCE COORDINATING COUNCIL AMENDMENTS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard

Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Buttars

S.B. 37 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 31, UTAH RESIDENTIAL MORTGAGE PRACTICES AND LICENSING ACT, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Knudson

1st Sub. S.B. 31 was transmitted to the House for consideration.

* * *

S.B. 103, UNIFORM LAWS – UNIFORM PRINCIPAL AND INCOME ACT AMENDMENTS, was read the third time and explained by Senator Hillyard,

Senator Hillyard proposed the following amendment:

1. Page 4, Line 113:
Delete "May 3" and insert "May 12"

Senator Hillyard's motion to amend passed on a voice vote. Senator Valentine commented and the bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Robles

S.B. 103 was transmitted to the House for consideration.

* * *

S.B. 105, ENGINEERING AND COMPUTER SCIENCE INITIATIVE AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

0			
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups	_		

S.B. 105 was transmitted to the House for consideration.

* * *

S.B. 104, HIGHER EDUCATION SCHOLARSHIP PROGRAM AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

McCoy

S.B. 104 was transmitted to the House for consideration.

* * *

S.B. 88, ADMINISTRATIVE RULEMAKING ACT AMENDMENTS, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

O			
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

S.B. 88 was transmitted to the House for consideration.

* * *

1st Sub. S.J.R. 1, JOINT RESOLUTION – RENEWABLE ENERGY SYSTEM, was read the third time and explained by Senator Jones.

Senator Buttars proposed the following amendment:

- 1. Page 1, Lines 13 through 14
 - directs the State Energy Program to assess the need for model wind, solar, {−and−}

- 14 geothermal <u>, and nuclear</u> ordinances at the local government level and to report to the Legislature
- 2. Page 2, Line 33
 Senate 2nd Reading Amendments
 2-2-2009:
 - WHEREAS, the state finds that wind, geothermal, {-and-} solar ... and nuclear energy are abundant,
- 3. Page 2, Line 35
 Senate 2nd Reading Amendments
 2-2-2009:
 - 35 WHEREAS, wind, geothermal, {—and—} solar <u>, and</u> nuclear energy systems can help to offset growing
- 4. Page 2, Line 37
 Senate 2nd Reading Amendments
 2–2–2009:
 - WHEREAS, the state wishes to advance the use of wind, geothermal, {-and-} solar <u>, and nuclear</u> energy
- 5. Page 2, Lines 40 through 41 Senate 2nd Reading Amendments 2–2–2009:
 - 40 communities facilitate greater access to wind, geothermal, {-and-} solar <u>and nuclear</u> energy;
 - WHEREAS, it is the goal of the state to develop wind, geothermal, {-and-} solar .and nuclear power,

Senator Buttars' motion to amend failed on a voice vote. Senators Bramble, Madsen, McCoy, Romero, Davis, Hillyard, Hinkins, and Niederhauser commented and the bill passed on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.

Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Van Tassell	Waddoups	

Voting in the negative was: Senator

Dayton

Absent or not voting was: Senator

Valentine

1st Sub. S.J.R. 1 was transmitted to the House for consideration.

TIME CERTAIN CALENDAR

On motion of Senator Killpack, under suspension of the rules, **S.J.R. 3**, JOINT RESOLUTION APPROVING APPOINTMENT OF LEGISLATIVE GENERAL COUNSEL, was considered read the second and third times. Senator Killpack explained the bill. The bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting was: Senator

Valentine

S.I.R. 3 was transmitted to the House.

COMMITTEE OF THE WHOLE

On motion of Senator Killpack, John Fellows, Legislative General Counsel, spoke in Committee of the Whole. Senator Dayton commented.

On motion of Senator Killpack, the Committee of the Whole was dissolved.

SECOND READING CALENDAR

S.B. 111, HEALTH CARE WORKFORCE FINANCIAL ASSISTANCE PROGRAM AMENDMENTS, was read the second time. Senator Davis explained the bill. Senators Hillyard, Knudson, Valentine, and Hinkins commented. The bill failed second reading on the following roll call:

Yeas, 10; Nays, 16; Absent, 3.

Voting in the affirmative were: Senators

Davis	Goodfellow	Hillyard	Jones
Mayne	McCoy	Morgan	Robles

Romero Van Tassell

Voting in the negative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Hinkins	Jenkins	Knudson
Liljenquist	Madsen	Niederhauser	Okerlund
Stephenson	Stowell	Valentine	Waddoups

Absent or not voting were: Senators

Greiner Killpack Urquhart

The bill was filed.

* * *

On motion of Senator Waddoups, the circle was removed from **S.B. 97**, GOOD SAMARITAN ACT FOR ENGINEERS, and it was before the Senate. Senator Waddoups explained the bill. Senator Stowell declared a conflict of interest. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine

Van Tassell Waddoups

Absent or not voting were: Senators

Dayton Greiner Killpack

* * *

S.B. 117, ADVANCE HEALTH CARE DIRECTIVE ACT AMENDMENTS, was read the second time.

On motion of Senator Christensen, the following substitute bill replaced the original bill:

1st Sub. S.B. 117, Advance Health Care Directive Act Amendments (A. Christensen)

Senator Christensen explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Greiner Killpack

* * *

S.B. 119, HOSPITAL EMERGENCY ROOM TASK FORCE, was read the second time.

On motion of Senator Buttars, the bill was circled.

* * *

S.B. 92, LOCAL GOVERNMENTAL COOPERATION IN EDUCATION MATTERS, was read the second time. Senator Jones explained the bill. The bill passed second reading on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser

Okerlund Robles Romero Stephenson Stowell Urquhart Valentine Van Tassell Waddoups

* * *

On motion of Senator Killpack and at 11:45 a.m., the Senate adjourned until 10:00 a.m., Wednesday, February 4, 2009.

TENTH DAY

February 4, 2009

The Senate was called to order at 10:10 a.m., with President Michael Waddoups presiding.

Prayer – Lt. Brent R. Taylor, recently returned from serving in Iraq
 Pledge of Allegiance – Senator Ralph Okerlund
 Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE GOVERNOR

ADVISE AND CONSENT

Mr. President:

February 4, 2009

In accordance with Utah Code Ann. 67–1–1 and 67–1–2, I propose and transmit the following appointments:

State Engineer/Director of the Division of Water Rights:

Kent L. Jones is appointed to replace Jerry Olds as the State Engineer, See Utah Code Ann. 73–2–1.

Utah Science Technology and Research Governing Authority

Dr. Cynthia J. Burrows is appointed to replace Cathy A. Petti as a member of the Utah Science Technology and Research Governing Authority, a term to expire on July 1, 2010. See Utah Code Ann. 63–38g–301.

State Records Committee

Scott Daniels is appointed to replace Carl R. Albrecht as a member of the State Records Committee, a term to expire on July 1, 2012. See Utah Code Ann. 63–2–501.

Thank you for your timely consideration and confirmation of the above appointments.

Jon M. Huntsman, Jr., Governor

Mr. President:

January 29, 2009

The Senate Natural Resources, Agriculture, and Environment Confirmation Committee met on January 29, 2009 and reports a favorable recommendation for Mr. Kent L. Jones to be confirmed to the position of State Engineer.

Dennis E. Stowell, Chair

Senator Hillyard moved to consent to the appointment as read by Leslie McLean. Senator Stowell commented. The motion passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Goodfellow	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Bell Buttars Greiner Madsen

Stephenson

COMMITTEE OF THE WHOLE

On motion of Senator Killpack, Kent L. Jones, newly appointed state engineer, spoke in Committee of the Whole. Senators Valentine and Davis commented.

On motion of Senator Killpack, the Committee of the Whole was dissolved.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 3, 2009

The House passed, **S.J.R. 3**, JOINT RESOLUTION APPROVING APPOINTMENT OF LEGISLATIVE GENERAL COUNSEL, by Senator

S. Killpack, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.J.R. 3 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President:

February 3, 2009

The House passed, as substituted and amended, **1st Sub. H.B. 23**, CERTIFIED TAX RATE AMENDMENTS, by Representative F. Hunsaker, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 63**, AMENDMENTS TO CHILD WELFARE, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 69**, GUARDIAN AD LITEM AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.B. 78**, UTAH UNIFORM SECURITIES ACT MODIFICATIONS, by Representative J. Bird, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 90**, ABORTION LAW AMENDMENTS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 243**, RENTAL RESTRICTIONS ON CONDOMINIUMS AND COMMON INTEREST COMMUNITIES, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed **H.B. 258**, AMENDMENTS TO NOTICE PROVISIONS FOR SUBDIVISION CHANGES, by Representative K. Powell, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 266**, WRONGFUL LIEN AMENDMENTS, by Representative G. Froerer, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 23, H.B. 63, H.B. 69, H.B. 78, 1st Sub. H.B. 90, H.B. 243, H.B. 258,** and **H.B. 266** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 3, 2009

The Rules Committee recommends assignment of the following bills to standing committees:

Business and Labor Committee

S.B. 148 Low–profit Limited Liability Company Act

(Sen. L. Hillyard)

Education Committee

S.B. 146 Home Schooling Amendments (Sen. M. Madsen)

Government Operations and Political Subdivisions Committee

S.B. 54	Uniform Law – Uniform Assignment of Rents Act
	(Sen. R. Romero)
S.B. 56	Military Installation Development Authority
	Amendments (Sen. S. Killpack)
S.B. 150	State Armory Amendments (Sen. S. Jenkins)
S.B. 152	Legislative Management Powers (Sen. M. Waddoups)
S.B. 153	County and Municipal Land Use Amendments

153 County and Municipal Land Use Amendments

(Sen. M. Madsen)

S.J.R. 6 Legislator Communications with Judiciary and Executive

Branch Joint Rules Resolution (Sen. J. Valentine)

Health and Human Services Committee

1st Sub. H.B. 60 Family Preservation Services Amendments (Rep. W. Harper) (Sen. A. Christensen)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 154 Juvenile Court Judge – Fifth District (Sen. S. Urquhart)

Natural Resources, Agriculture and Environment Committee

1st Sub. H.B. 62 State Water Development Commission Amendments

(Rep. K. Gibson) (Sen. G. Davis)

H.J.R. 7 Equine Resources Joint Resolution (Rep. B. Winn)

(Sen. D. Stowell)

Retirement and Independent Entities Committee

S.B. 145 Public Safety Retirees Death Benefit Revisions

(Sen. J. Greiner)

Revenue	and	Tavation	Committee

S.B. 157	Property Taxation of Aircraft (Sen. M. Madsen)
H.B. 67	Public Hearings on Property Tax Increases
	(Rep. G. Froerer) (Sen. W. Niederhauser)
H.B. 80	Study on Taxpayer Advocate Program (Rep. K. Grover)
	(Sen. M. Dayton)

Transportation, Public Utilities and Technology Committee

	and comments with recipions, commented
S.B. 57	Local Option Transportation Corridor Preservation Fund
	Amendments (Sen. R. Okerlund)
S.B. 147	Driver License Revisions (Sen. L. Hillyard)
S.B. 149	Prohibition of Text Messaging or Electronic Mail
	Communication While Driving (Sen. L. Hillyard)
S.B. 151	Driver License Defensive Driving Course Amendments
	(Sen. K. Van Tassell)

Margaret Dayton Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 3, 2009

The Rules Committee recommends that the following bills be placed at the bottom of the Second Reading Calendar:

S.B. 143 Sunset Act and Repealers Reauthorizations

(Sen. S. Killpack)

Margaret Dayton

Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

STANDING COMMITTEE REPORTS

Mr. President:

February 3, 2009

The Business and Labor Committee reports a favorable recommendation on **S.B. 140**, FINANCIAL INSTITUTIONS DISCLOSURE OF RECORDS, by Senator M. Dayton; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 52**, INSURANCE CODE AMENDMENTS, by Representative J. Dunnigan; and

The Business and Labor Committee reports a favorable recommendation on **1st Sub. H.B. 86**, DIVISION OF REAL ESTATE RELATED AMENDMENTS, by Representative G. Froerer.

John L. Valentine, Chair

Mr. President:

February 3, 2009

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 135**, LOCAL DISTRICT TAXING AUTHORITY, by Senator C. Bramble; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 141**, AVIATION FUEL TAX AMENDMENTS, by Senator W. Niederhauser.

Wayne L. Niederhauser, Chair

Mr. President:

February 3, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 11**, RECODIFICATION OF NATURAL RESOURCES PROVISIONS, by Representative J. Mathis; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 18**, WATER RIGHT APPLICATIONS AND RECORDS, by Representative P. Painter; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 34**, PENALTIES FOR DESTRUCTION OF BALD EAGLE, by Representative R. Barrus.

Dennis E. Stowell, Chair

Mr. President:

February 3, 2009

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 50**, RESTRICTING THE MOVEMENT OF A MOTOR VEHICLE, by Senator B. Goodfellow; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 102**, SHARE THE ROAD SPECIAL GROUP LICENSE PLATE, by Senator W. Niederhauser; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 30**, COMMERCIAL MOTOR VEHICLE AMENDMENTS, by Representative T. Kiser, with the following amendments:

- 1. Page 1, Lines 10 through 11:
 - 10 General Description:
 - 11 This bill modifies the <u>Public Safety Code</u> <u>and</u> Transportation Code by amending provisions relating to
- 2. Page 1, Lines 15 through 16:
 - 15 ▶ provides definitions;
 - provides that a commercial motor vehicle with a gross vehicle weight rating over 26,000 pounds is exempt from a safety inspection if the vehicle has an apportioned registration and a valid annual federal inspection;
 - <u>provides that a trailer, semitrailer, or trailering equipment</u> <u>attached to a certain commercial motor vehicle is exempt from a safety inspection if the vehicle has a valid annual federal inspection;</u>
 - provides that a commercial motor vehicle with a gross vehicle weight rating of 10,001 pounds or more is required to pass an annual safety inspection;
 - 16 requires a motor carrier to have lettered on both sides of a vehicle the location of
- 3. Page 2, Line 39:
 - 39 AMENDS:
 - 53–8–205, as last amended by Laws of Utah 2008, Chapters 36 and 210
- 4. Page, Lines 46 through 47:
 - 46 Be it enacted by the Legislature of the state of Utah:

Section 1. Section 53–8–205 is amended to read:

- 53-8-205. Safety inspection required Frequency of safety inspection Safety inspection certificate required Out-of-state permits.
- (1) (a) Except as provided in Subsection (1)(b), a person may not operate on a highway a motor vehicle required to be registered in this state unless the motor vehicle has passed a safety inspection.
 - (b) Subsection (1)(a) does not apply to:
- (i) a vehicle that is exempt from registration under Section 41-1a-205;
- (ii) an off-highway vehicle, unless the off-highway vehicle is being registered as a street-legal all-terrain vehicle in accordance with

- Section 41–6a–1509; {**-and**-}
- (iii) a vintage vehicle as defined in Section 41–21–1 $\{---\}$
- (iv) a commercial vehicle with a gross vehicle weight rating over 26,000 pounds that:
- (A) is operating with an apportioned registration under Section 41–1a–301; and
- (B) has a valid annual federal inspection that complies with the requirements of 49 C.F.R. 396.17; and
- (v) a trailer, semitrailer, or trailering equipment attached to a commercial motor vehicle described in Subsection (1)(a)(iv) that has a valid annual federal inspection that complies with the requirements of 49 C.F.R. 396.17.
- (2) Except as provided in Subsection (3), the frequency of the safety inspection shall be determined based on the age of the vehicle determined by model year and shall:
- (a) be required each year for a vehicle that is eight or more years old on January 1; or
- (b) every two years for each vehicle that is less than eight years old on January 1 as follows:
- (i) in odd-numbered years for a vehicle with an odd-numbered model year; and
- (ii) in even-numbered years for a vehicle with an even-numbered model year;
- (c) be made by a safety inspector certified by the division at a safety inspection station authorized by the division;
- (d) cover an inspection of the motor vehicle mechanism, brakes, and equipment to ensure proper adjustment and condition as required by department rules; and
- (e) include an inspection for the display of license plates in accordance with Section 41-1a-404.
- (3) (a) (i) A salvage vehicle as defined in Section 41-1a-1001 is required to pass a safety inspection when an application is made for initial registration as a salvage vehicle.
- {-(b)-} (ii) After initial registration as a salvage vehicle, the frequency of the safety inspection shall correspond with the model year, as provided in Subsection (2).
- (b) A commercial motor vehicle with a gross vehicle weight rating of 10.001 pounds or more is required to pass a safety inspection annually.

- (4) A safety inspection station shall issue a safety inspection certificate to the owner of:
- (a) each motor vehicle that passes a safety inspection under this section; and
- (b) a street-legal all-terrain vehicle that meets all the equipment requirements in Section 41-6a-1509.
 - (5) The division may:
- (a) authorize the acceptance in this state of a safety inspection certificate issued in another state having a safety inspection law similar to this state; and
- (b) extend the time within which a safety inspection certificate must be obtained by the resident owner of a vehicle that was not in this state during the time a safety inspection was required.

Renumber remaining sections accordingly.; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 40**, MOTORCYCLE RIDER EDUCATION PROGRAM AMENDMENTS, by Representative B. Daw; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 46**, DESIGNATION OF STATE HIGHWAYS AMENDMENTS, by Representative T. Kiser; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 53**, DRIVER LICENSE AMENDMENTS – MOTOR DRIVEN CYCLES, by Representative T. Kiser.

Kevin T. Van Tassell, Chair

Mr. President:

February 3, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 51**, RESTITUTION FUND ACCOUNT, by Senator D. Liljenquist; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 98**, MOTOR FUEL THEFT PENALTIES, by Senator J. Greiner, with the following amendments:

- 1. Page 1, Lines 17 through 20:
 - 17 driver license shall be suspended for a conviction of theft of motor vehicle fuel $\{ \div \}$
 - 18 60 days for a first offense;

- 19 six months for a second offense; and
- 20 one year for a third or subsequent offense } $\underline{\text{for } 90}$ days ; and
- 2. Page 4, Lines 106 through 109:
 - 106 (ii) A suspension under this section is 90 days for each $\underline{\text{offense}}$ $\{-\frac{1}{2}\}$
 - 107 (A) 60 days for a first offense;
 - 108 (B) six months for a second offense; and
 - 109 (C) one year for a third or subsequent offense \ .; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 12**, COUNTY SHERIFF QUALIFICATION AMENDMENTS, by Representative R. Greenwood, with the following amendments:

1. Page 3, Line 78a House Floor Amendments 1–27–2009:

78a $\hat{H} \rightarrow$ (3) If a sheriff resigns , retires, dies, or otherwise does not complete { before the expiration of } the term of office, the person appointed to; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 22**, HARBORING A RUNAWAY, by Representative L. Fowlke, with the following amendments:

- 1. Page 1, Lines 16 through 18:
 - 16 provides that a person who harbors a minor who is a runaway must provide notice
 - 17 to the parent or legal guardian of the minor, <u>a youth services</u> center, the Division of Child and Family
 - 18 Services, or, under certain circumstances, a peace officer or a detention center.
- 2. Page 3, Lines 77 through 80:

- 77 (c) except as provided in Subsection (3), fails to promptly notify one of the following.
- 78 by telephone or other reasonable means, of the location of the minor:
- 79 (i) the parent or legal guardian of the minor; $\{-\text{or}\}$
- 80 (ii) the division {- } ; or (iii) a youth services center.

3. Page 4, Lines 93 through 101:

- 93 [(3)] (5) Upon receipt of a report that a [minor] runaway is being harbored by a person
- 94 {-the division-} : (a) a youth services center shall:
- 95 $\{-(a)\}$ $\underline{(i)}$ notify the parent or legal guardian that a report has been made; and
- 96 $\{-\underline{(b)}\ \}$ $\underline{(ii)}$ inform the parent or legal guardian of assistance available from the $\{-\text{division.}-\}$ $\underline{\text{youth services center:}}$ or
 - (b) the division shall:
- (i) determine whether the runaway is abused, neglected, or dependent; and
 - (ii) if appropriate, make a referral for services for the runaway.
- 97 [(4)] (6) A parent or legal guardian of a runaway who is aware that [his minor] the
- 98 <u>runaway</u> is being harbored may notify {<u>-the division or</u>} a law enforcement agency and request
- 99 assistance in retrieving the [minor from the place of shelter] runaway. The {-division or-} local
- 100 law enforcement agency may assist the parent or legal guardian in retrieving the [minor]
- 101 runaway.

D. Chris Buttars, Chair

On motion of Senator Jones, the committee reports were adopted. S.B. 140, H.B. 52, 1st Sub. H.B. 86, S.B. 135, S.B. 141, H.B. 11, H.B. 18, H.B. 34, S.B. 50,

S.B. 102, H.B. 30, as amended, H.B. 40, H.B. 46, H.B. 53, S.B. 51, S.B. 98, as amended, H.B. 12, as amended, and H.B. 22 were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President:

February 3, 2009

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 35**, SALES AND USE TAX DEFINITIONS RELATING TO PROPERTY, by Senator W. Niederhauser, and recommends it be considered read for the second time and placed on the Consent Calendar.

Wayne L. Niederhauser, Chair

Mr. President:

February 3, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.J.R. 4**, RECYCLING OF ELECTRONIC WASTE JOINT RESOLUTION, by Senator S. McCoy, and recommends it be considered read for the second time and placed on the Consent Calendar.

Dennis E. Stowell, Chair

Mr. President:

February 3, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 25**, GUN DEALER PENALTY AMENDMENTS, by Representative C. Oda, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B.** 47, CRIMINAL PROCEDURE – INVESTIGATION AMENDMENTS, by Representative P. Ray, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

On motion of Senator Killpack, the committee reports were adopted. **S.B. 35**, **S.J.R. 4**, **H.B. 25**, and **H.B. 47** were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 158, **Child Support – Cash Medical Support** (G. Bell), read the first time by short title and referred to the Rules Committee.

- **S.B. 159**, **Math Education Initiative** (H. Stephenson), read the first time by short title and referred to the Rules Committee.
- **S.B.** 160, Utah Venture Capital Enhancement Act Amendments (S. Jenkins), read the first time by short title and referred to the Rules Committee.
- **S.B. 161, Repeal of Maximum Charge to Publish Legal Notice** (K. Van Tassell), read the first time by short title and referred to the Rules Committee.
- **S.B. 162**, **Use of Campaign Funds Amendments** (J. Valentine), read the first time by short title and referred to the Rules Committee.
- **S.J.R. 7**, **Joint Resolution Designating May 2009 as Utah Lions Club Eyesight Preservation Month** (K. Mayne), read the first time by short title and referred to the Rules Committee.
- **S.J.R. 8**, **Joint Resolution Regarding Eligibility for Legislative Office** (S. McCoy), read the first time by short title and referred to the Rules Committee.
- **S.J.R. 9**, **Resolution Honoring the Utah Law Enforcement Memorial Foundation** (J. Greiner), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

S.B. 97, GOOD SAMARITAN ACT FOR ENGINEERS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble Christensen Dayton McCoy

Senator Stowell declared a conflict of interest.

S.B. 97 was transmitted to the House for consideration.

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On motion of Senator Jenkins, **1st Sub. S.B. 117**, ADVANCE HEALTH CARE DIRECTIVE ACT AMENDMENTS, was read the third time and circled.

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S.B. 92, LOCAL GOVERNMENTAL COOPERATION IN EDUCATION MATTERS, was read the third time, explained by Senator Jones, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble Christensen

S.B. 92 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Buttars, the circle was removed from **S.B. 119**, HOSPITAL EMERGENCY ROOM TASK FORCE, and it was before the Senate. Senator Buttars explained the bill. Senator Jones commented. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Bell Bramble

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On motion of Senator Christensen, the Senate voted to reconsider its action on **S.B. 111**, HEALTH CARE WORKFORCE FINANCIAL ASSISTANCE PROGRAM AMENDMENTS. Senators Davis and Valentine commented.

S.B. 111, HEALTH CARE WORKFORCE FINANCIAL ASSISTANCE PROGRAM AMENDMENTS, was before the Senate.

On motion of Senator Davis, the bill was circled.

* * *

H.B. 250, REVISOR'S STATUTE, was read the second time. Senator Killpack explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Goodfellow	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble Buttars Greiner Stephenson

* * *

H.B. 16, ASSESSMENT AREA AMENDMENTS, was read the second time.

On motion of Senator Stowell, the bill was circled.

* * *

H.B. 19, WATER RIGHTS – INFORMAL ADJUDICATIONS, was read the second time. Senator Okerlund explained the bill. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Urquhart	Valentine	Waddoups	

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Absent or not voting were: Senators

Bramble Christensen Greiner Stephenson

Stowell Van Tassell

* * *

H.B. 39, UTAH INJURED WORKER REEMPLOYMENT ACT, was read the second time. Senator Mayne explained the bill. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	Morgan	Niederhauser
Okerlund	Robles	Romero	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	Christensen	Greiner	McCoy

Stephenson Stowell

* * *

H.B. 31, UTAH SUDDEN CARDIAC ARREST SURVIVAL ACT, was read the second time.

On motion of Senator Buttars, the bill was circled.

On motion of Senator Killpack, under suspension of the rules, the Senate voted to consider Senate bills on a House day.

S.B. 100, FINANCIAL AND ECONOMIC LITERACY EDUCATION AMENDMENTS, was read the second time. Senator Jones explained the bill. Senator Stephenson commented. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Christensen	Davis	Dayton	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Valentine	Van Tassell	Waddoups	

Valentine Van Tassell Waddoups

Absent or not voting were: Senators

Bell	Bramble	Buttars	McCoy
Stowell	Urquhart		

S.B. 115, PAYMENT OF MOBILE HOME PARK RELOCATION EXPENSES, was read the second time. Senator Niederhauser explained the bill. Senators Greiner, Jenkins, Mayne, Madsen, Liljenquist, Dayton, and McCoy commented.

On motion of Senator Niederhauser, the bill was circled.

* * *

S.B. 122, UNIFORM STATE LAW – UNIFORM UNSWORN FOREIGN DECLARATIONS ACT, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser

Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

S.R. 1, ECUMENICAL PATRIARCH SENATE RESOLUTION, was read the second time. Senator Jones explained the bill. Senators Knudson and McCoy commented. The bill passed second reading on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

addoups

* * *

S.R. 2, SENATE RESOLUTION SUPPORTING THE NARROWS WATER PROJECT IN CENTRAL UTAH, was read the second time. Senator Okerlund explained the bill. Senators Christensen and Hinkins commented. Senator Valentine declared a conflict of interest. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 8; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Greiner	Hillyard	Jenkins
Killpack	Knudson	Liljenquist	Madsen
Morgan	Niederhauser	Okerlund	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Davis	Goodfellow	Hinkins	Jones
Mayne	McCoy	Robles	Romero

On motion of Senator Bramble, the circle was removed from **S.B. 36**, SALES AND USE TAX AMENDMENTS, and it was before the Senate.

On motion of Senator Bramble, the following substitute bill replaced the original bill:

1st Sub. S.B. 36 Sales and Use Tax Amendments (C. Bramble)

On motion of Senator Bramble, the bill was circled.

* * *

On motion of Senator Christensen, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Christensen, the circle was removed from **1st Sub. S.B. 117**, ADVANCE HEALTH CARE DIRECTIVE ACT AMENDMENTS, and it was before the Senate. Senator Christensen explained the bill. The bill passed on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Waddoups	

Voting in the negative was: Senator

Dayton

Absent or not voting was: Senator

Van Tassell

1st Sub. S.B. 117 was transmitted to the House for consideration.

* * *

On motion of Senator Killpack and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Thursday, February 5, 2009.

ELEVENTH DAY

February 5, 2009

The Senate was called to order at 10:00 a.m., with President Michael Waddoups presiding.

Prayer – The Reverend Handi Jo Dolloff–Holt **Pledge of Allegiance** – Senator Steve Urquhart **Roll Call** – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 4, 2009

The House passed, **S.B. 13**, ADMINISTERING SUBSTANCES TO WILDLIFE, by Senator M. Dayton, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 13 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President:

February 4, 2009

The House passed, as amended, **H.B. 15**, CAREER AND TECHNICAL EDUCATION AMENDMENTS, by Representative R. Bigelow, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 24**, TRAFFIC ACCIDENT CLEARANCE AMENDMENTS, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 32**, AMENDMENTS TO AGENCY RULEMAKING REGARDING CRIMINAL PENALTIES, by Representative B. Ferry, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 236**, DEPARTMENT OF COMMUNITY AND CULTURE GRANTS, by Representative S. Allen, et al, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 15, H.B. 24, H.B. 32,** and **H.B. 236** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 4, 2009

The Rules Committee recommends assignment of the following bills to standing committees:

Business and Labor Committee

S.B. 29 Safe Drinking Water Act Amendments (Sen. D. Stowell)
H.B. 243 Rental Restrictions on Condominiums and Common

Interest Communities (Rep. G. Froerer)

(Sen. S. Urquhart)

H.B. 266 Wrongful Lien Amendments (Rep. G. Froerer)

(Sen. S. Urquhart)

Education Committee

S.B. 159 Math Education Initiative (Sen. H. Stephenson)

Government Operations and Political Subdivisions Committee

S.J.R. 8 Joint Resolution Regarding Eligibility for Legislative

Office (Sen. S. McCoy)

H.B. 258 Amendments to Notice Provisions for Subdivision

Changes (Rep. K. Powell) (Sen. G. Bell)

Health and Human Services Committee

S.B. 158 Child Support – Cash Medical Support (Sen. G. Bell)
S.J.R. 7 Joint Resolution Designating May 2009 as Utah Lions
Club Eyesight Preservation Month (Sen. K. Mayne)

1Sub. H.B. 90 Abortion Law Amendments (Rep. P. Ray)

(Sen. C. Bramble)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 161	Repeal of Maximum Charge to Publish Legal Notice
	(Sen. K. Van Tassell)
S.J.R. 9	Resolution Honoring the Utah Law Enforcement
	Memorial Foundation (Sen. J. Greiner)
H.B. 63	Amendments to Child Welfare (Rep. W. Harper)
	(Sen. M. Dayton)
H.B. 69	Guardian Ad Litem Amendments (Rep. W. Harper)

(Sen. J. Valentine)

Revenue and Taxation Committee

S.B. 46 School Property Tax Equalization Amendments

(Sen. K. Morgan)

1Sub. H.B. 23 Certified Tax Rate Amendments (Rep. F. Hunsaker)

(Sen. W. Niederhauser)

Workforce Services and Community and Economic Development Committee

S.B. 160 Utah Venture Capital Enhancement Act Amendments

(Sen. S. Jenkins)

Margaret Dayton Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

STANDING COMMITTEE REPORTS

Mr. President: February 4, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 128**, RAINWATER HARVESTING, by Senator S. Jenkins.

Dennis E. Stowell, Chair

Mr. President: February 4, 2009

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 134**, TRANSPORTATION FUNDING AMENDMENTS, by Senator S. Urquhart; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 216**, TELECOMMUNICATION PRICING FLEXIBILITY AMENDMENTS, by Representative F. Hunsaker.

Stephen H. Urquhart, Chair

On motion of Senator Knudson, the committee reports were adopted. **S.B. 128, S.B. 134,** and **H.B. 216** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 4, 2009

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.B. 136, DIESEL-POWERED MOTOR

VEHICLE EMISSIONS INSPECTION PROGRAM AMENDMENTS, by Senator G. Bell, and recommends it be considered read for the second time and placed on the Consent Calendar.

Stephen H. Urquhart, Chair

On motion of Senator Urquhart, the committee report was adopted. **S.B. 136** was considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

- **S.B. 58**, Collection and Use of Precipitation (S. McCoy), read the first time by short title and referred to the Rules Committee.
- **S.B. 81**, **Concurrent Enrollment Program Amendments** (M. Dayton), read the first time by short title and referred to the Rules Committee.
- **S.B. 82**, **Local Health Authority Funding Amendments** (D. Stowell), read the first time by short title and referred to the Rules Committee.
- **S.B. 83**, **Condemnation Amendments** (D. Stowell), read the first time by short title and referred to the Rules Committee.
- **S.B. 163**, **Construction Trade Exemption** (S. Urquhart), read the first time by short title and referred to the Rules Committee.
- **S.B. 164, In Person Voter Registration** (S. McCoy), read the first time by short title and referred to the Rules Committee.
- **S.B. 165**, **Statute of Limitation Revisions** (M. Madsen), read the first time by short title and referred to the Rules Committee.
- **S.B. 166**, **Alcoholic Beverage Control Act Days of Sale** (S. McCoy), read the first time by short title and referred to the Rules Committee.
- **S.B. 167**, **Amendments to Uniform Debt–management Services Act** (L. Hillyard), read the first time by short title and referred to the Rules Committee.
- **S.B. 168**, **Alcoholic Beverage Control Act Hours Restrictions** (S. McCoy), read the first time by short title and referred to the Rules Committee.
- **S.B. 169**, **Gambling Amendments** (D. Liljenquist), read the first time by short title and referred to the Rules Committee.

S.B. 170, **Judiciary Amendments** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

Day 11

- **S.B. 171**, **Municipal Annexation Amendments** (S. Jenkins), read the first time by short title and referred to the Rules Committee.
- **S.J.R. 10**, **Alternative Training Center Joint Resolution** (D. Stowell), read the first time by short title and referred to the Rules Committee.
- **S.J.R. 11**, **Joint Resolution Urging Football Playoff** (S. Jenkins), read the first time by short title and referred to the Rules Committee.
- **S.J.R. 12**, **Joint Resolution Supporting Expansion of Correctional Facilities in San Juan County** (D. Hinkins), read the first time by short title and referred to the Rules Committee.
- **S.R. 4**, **Senate Rules Resolution Ethics Revisions** (G. Davis), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

S.B. 110, OIL AND GAS LIMITATION OF ACTIONS AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

0			
Bramble	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Waddoups		

Absent or not voting were: Senators

Bell Buttars Van Tassell

S.B. 110 was transmitted to the House for consideration.

* * *

On motion of Senator Jones, **H.C.R. 4**, UNIVERSITY OF UTAH CHAMPIONSHIP FOOTBALL TEAM CONCURRENT RESOLUTION, will be considered Monday, February 9, 2009 at 11:30 a.m.

THIRD READING CALENDAR

On motion of Senator Valentine, S.B. 119, HOSPITAL EMERGENCY ROOM TASK FORCE, was read the third time and circled.

* * *

H.B. 250, REVISOR'S STATUTE, was read the third time, explained by Senator Killpack, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Waddoups			

Absent or not voting were: Senators

Bell Greiner Van Tassell Hillyard

H.B. 250 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 19, WATER RIGHTS - INFORMAL ADJUDICATION, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Waddouns			

waaaoups

Absent or not voting were: Senators

Bell Greiner Hillyard Van Tassell **H.B. 19** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 39, UTAH INJURED WORKER REEMPLOYMENT ACT, was read the third time, explained by Senator Mayne, and passed on the following roll call:

Yeas, 23; Nays, 2; Absent, 4.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Stephenson	Stowell
Urquhart	Valentine	Waddoups	

Voting in the negative were: Senators

Robles Romero

Absent or not voting were: Senators

Bell Greiner Hillyard Van Tassell

H.B. 39 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Buttars, the circle was removed from **S.B. 119**, HOSPITAL EMERGENCY ROOM TASK FORCE, and it was before the Senate. Senator Buttars explained the bill. Senator Jones commented. The bill passed on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Buttars	Christensen	Davis
Goodfellow	Hinkins	Jenkins
Killpack	Knudson	Liljenquist
Mayne	Morgan	Niederhauser
Robles	Romero	Stephenson
Urquhart	Valentine	Waddoups
	Goodfellow Killpack Mayne Robles	Goodfellow Hinkins Killpack Knudson Mayne Morgan Robles Romero

Voting in the negative was: Senator

McCoy

Absent or not voting were: Senators

Bell Greiner Hillyard Van Tassell

S.B. 119 was transmitted to the House for consideration.

* * *

S.B. 100, FINANCIAL AND ECONOMIC LITERACY EDUCATION AMENDMENTS, was read the third time, explained by Senator Jones, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
	*** **		

Valentine Waddoups

Absent or not voting were: Senators

Greiner Hillyard Van Tassell

S.B. 100 was transmitted to the House for consideration.

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S.B. 122, UNIFORM STATE LAW – UNIFORM UNSWORN FOREIGN DECLARATIONS ACT, was read the third time, explained by Senator Valentine, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Greiner Hillyard

S.B. 122 was transmitted to the House for consideration.

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S.R. 1, ECUMENICAL PATRIARCH SENATE RESOLUTION, was read the third time, explained by Senator Jones, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
X 7 7D 11	XX7 11		

Van Tassell Waddoups

Absent or not voting were: Senators

Bell Greiner Hillyard

S.R. 1 was referred to the staff for enrolling.

SECOND READING CALENDAR

S.R. 2, SENATE RESOLUTION SUPPORTING THE NARROWS WATER PROJECT IN CENTRAL UTAH, was read the third time and explained by Senator Okerlund. Senators Hinkins, Waddoups, and Romero commented and the bill passed on the following roll call:

Yeas, 19; Nays, 8; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Jenkins	Killpack	Knudson
Liljenquist	Madsen	Morgan	Niederhauser
Okerlund	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	_

Voting in the negative were: Senators

Davis	Goodfellow	Hinkins	Jones
Mayne	McCoy	Robles	Romero

Greiner Hillyard

Senator Valentine declared a conflict of interest.

S.R. 2 was referred to the staff for enrolling.

* * *

On motion of Senator Stowell, the circle was removed from **H.B. 16**, ASSESSMENT AREA AMENDMENTS, and it was before the Senate. Senator Stowell explained the bill. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Hinkins	Jenkins
Jones	Knudson	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Christensen Greiner Hillyard Killpack

Liljenguist Urguhart

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On motion of Senator Buttars, the circle was removed from **H.B. 31**, UTAH SUDDEN CARDIAC ARREST SURVIVAL ACT, and it was before the Senate. Senator Buttars explained the bill. Senator Valentine commented. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	•

Greiner Hillyard

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H.B. 52, INSURANCE CODE AMENDMENTS, was read the second time. Senator Valentine explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Greiner Hillyard Madsen

* * *

1st Sub. H.B. 86, DIVISION OF REAL ESTATE RELATED AMENDMENTS, was read the second time.

On motion of Senator Killpack, the bill was circled.

* * *

H.B. 11, RECODIFICATION OF NATURAL RESOURCES PROVISIONS, was read the second time. Senator Stowell explained the bill. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Van Tassell	Waddoups	

Hillyard Valentine

* * *

H.B. 18, WATER RIGHT APPLICATIONS AND RECORDS, was read the second time. Senator Stowell explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Killpack	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble Jones McCoy Stephenson

* * *

H.B. 34, PENALTIES FOR DESTRUCTION OF BALD EAGLE, was read the second time. Senator Dayton explained the bill. The bill passed second reading on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting was: Senator

Valentine

H.B. 30, COMMERCIAL MOTOR VEHICLE AMENDMENTS, was read the second time. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Okerlund	Robles
Romero	Stephenson	Stowell	Van Tassell
Waddoups			

Absent or not voting were: Senators

Buttars Niederhauser Urguhart Valentine

* * *

H.B. 40, MOTORCYCLE RIDER EDUCATION PROGRAM AMENDMENTS, was read the second time. Senator Jenkins explained the bill. Senator Greiner commented. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars Urguhart

* * *

On motion of Senator Killpack, the circle was removed from **1st Sub. H.B. 86**, DIVISION OF REAL ESTATE RELATED AMENDMENTS, and it was

before the Senate. Senator Killpack explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

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H.B. 46, DESIGNATION OF STATE HIGHWAY AMENDMENTS, was read the second time. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Urquhart
Valentine	Van Tassell	Waddouns	

Van Tassell Waddoups

Absent or not voting were: Senators

Bramble Stephenson

* * *

H.B. 53, DRIVER LICENSE AMENDMENTS - MOTOR DRIVEN CYCLES, was read the second time. Senator Van Tassell explained the bill. Senators Buttars and Dayton commented.

On motion of Senator Van Tassell, the bill was circled.

TIME CERTAIN CALENDAR

A citation was read commending UDOT for the Legacy Parkway. Senators Bell, Jones, Killpack, Valentine, Buttars, and Jenkins commented.

SECOND READING CALENDAR

H.B. 12, COUNTY SHERIFF QUALIFICATION AMENDMENTS, was read the second time. Senator Jenkins explained the bill. Senators Van Tassell, Buttars, Madsen, and Greiner commented. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 5; Absent, 1.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Goodfellow	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Urquhart	Valentine	Waddoups	

Voting in the negative were: Senators

Dayton Greiner Hillyard Stowell

Van Tassell

Absent or not voting was: Senator

Bramble

* * *

On motion of Senator Killpack and at 11:55 a.m., the Senate adjourned until 10:00 a.m., Friday, February 6, 2009.

TWELFTH DAY

February 6, 2009

The Senate was called to order at 10:00 a.m., with President Michael Waddoups presiding.

Prayer – The Reverend France Davis, Calvary Baptist Church
 Pledge of Allegiance – Senator Dan Liljenquist
 Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 5, 2009

The House passed, **S.B. 12**, DUI AMENDMENTS, by Senator S. Killpack, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 16**, PROHIBITED GANG ACTIVITY, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 17**, SURFACE COAL MINING AMENDMENTS, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 26**, OPEN AND PUBLIC MEETINGS ACT – MEETING RECORD, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 12, S.B. 16, S.B. 17, and **S.B. 26** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

February 5, 2009

The House passed, as amended, **H.B. 91**, INDIVIDUAL DEVELOPMENT ACCOUNT AMENDMENTS, by Representative F.J. Seegmiller, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 222**, UNBORN CHILD PAIN PREVENTION ACT, by Representative C. Wimmer, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 91** and **H.B. 222** were read the first time and referred to the Rules Committee.

* * *

Mr. President:

February 5, 2009

Day 12

The House passed, as amended, **S.B. 24**, EARLY VOTING AMENDMENTS, by Senator P. Knudson, and it is transmitted for further consideration; and

The House passed, as amended, **S.B.** 25, ONLINE VOTER REGISTRATION, by Senator P. Knudson, and it is transmitted for further consideration; and

The House passed, as amended, **S.C.R. 1**, CONCURRENT RESOLUTION REQUESTING A FEDERAL WAIVER TO ESTABLISH AN EMPLOYER–SPONSORED WORK PROGRAM, by Senator S. Jenkins, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 5, 2009

The Rules Committee recommends assignment of the following bills to standing committees:

Business and Labor Committee

S.B. 163 Construction Trade Exemption (Sen. S. Urquhart)

S.B. 167 Amendments to Uniform Debt–management Services Act

(Sen. L. Hillyard)

Education Committee

S.B. 81 Concurrent Enrollment Program Amendments

(Sen. M. Dayton)

S.J.R. 11 Joint Resolution Urging Football Playoff (Sen. S. Jenkins)

H.B. 15 Career and Technical Education Amendments

(Rep. R. Bigelow) (Sen. M. Dayton)

Government C	Operations and Political Subdivisions Committee
S.B. 83	Condemnation Amendments (Sen. D. Stowell)

S.B. 164 In Person Voter Registration (Sen. S. McCoy)

S.B. 171 Municipal Annexation Amendments (Sen. S. Jenkins)

Health and Human Services Committee

S.B. 82 Local Health Authority Funding Amendments

(Sen. D. Stowell)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 165	Statute of Limitation Revisions (Sen. M. Madsen)
S.B. 169	Gambling Amendments (Sen. D. Liljenquist)
S.B. 170	Judiciary Amendments (Sen. L. Hillyard)
C T D 12	

S.J.R. 12 Joint Resolution Supporting Expansion of Correctional

Facilities in San Juan County (Sen. D. Hinkins)

H.B. 32 Amendments to Agency Rulemaking Regarding Criminal

Penalties (Rep. B. Ferry) (Sen. H. Stephenson)

Natural Resources, Agriculture and Environment Committee

S.B. 58 Collection and Use of Precipitation (Sen. S. McCoy)

Transportation, Public Utilities and Technology Committee

H.B. 24 Traffic Accident Clearance Amendments (Rep. E. Hutchings) (Sen. J. Greiner)

Workforce Services and Community and Economic Development Committee

S.J.R. 10 Alternative Training Center Joint Resolution

(Sen. D. Stowell)

H.B. 236 Department of Community and Culture Grants

(Rep. S. Allen) (Sen. R. Okerlund)

Margaret Dayton Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

STANDING COMMITTEE REPORTS

Mr. President: February 5, 2009

The Government Operations and Political Subdivisions Committee recommends S.B. 131, LAW ENFORCEMENT SERVICE IN LOCAL

DISTRICTS AND INTERLOCAL ENTITIES, by Senator S. Jenkins, be replaced and favorably recommends **1st Sub. S.B. 131,** LAW ENFORCEMENT SERVICE IN LOCAL DISTRICTS AND INTERLOCAL ENTITIES with the following amendments:

- 1. Page 1, Line 24:
 - 24 apply to all counties;
 - <u>requires interlocal agreements between a county and one or more</u> <u>municipalities for law enforcement service to require the service to be</u> provided by or under the direction of the county sheriff;
- 2. Page 2, Lines 37 through 38:
 - 37 AMENDS:
 - 11–13–220, as renumbered and amended by Laws of Utah 2002, Chapter 286
 - 38 17–22–2, as last amended by Laws of Utah 2008, Chapter 117
- 3. Page 2, Line 50:
 - Be it enacted by the Legislature of the state of Utah:

Section 1. Section 11–13–202 is amended to read:

- 11–13–202. Agreements for joint or cooperative action, for providing or exchanging services, or for law enforcement services Effective date of agreement Public agencies may restrict their authority or exempt each other regarding permits and fees.
- (1) Any two or more public agencies may enter into an agreement with one another under this chapter:
 - (a) for joint or cooperative action;
- (b) to provide services that they are each authorized by statute to provide;
- (c) to exchange services that they are each authorized by statute to provide;
- (d) for a public agency to provide law enforcement services to one or more other public agencies, if the public agency providing law enforcement services under the interlocal agreement is authorized by law to provide those services, or to provide joint or cooperative law enforcement services between or among public agencies that are each authorized by law to provide those services; or
- (e) to do anything else that they are each authorized by statute to do.
 - (2) An agreement under Subsection (1) does not take effect until

it has been approved, as provided in Section 11–13–202.5, by each public agency that is a party to it.

- (3) (a) In an agreement under Subsection (1), a public agency that is a party to the agreement may agree:
- (i) to restrict its authority to issue permits to or assess fees from another public agency that is a party to the agreement; and
- (ii) to exempt another public agency that is a party to the agreement from permit or fee requirements.
- (b) A provision in an agreement under Subsection (1) whereby the parties agree as provided in Subsection (3)(a) is subject to all remedies provided by law and in the agreement, including injunction, mandamus, abatement, or other remedy to prevent, enjoin, abate, or enforce the provision.
- (4) An interlocal agreement between a county and one or more municipalities for law enforcement service within an area that includes some or all of the unincorporated area of the county shall require the law enforcement service provided under the agreement to be provided by or under the direction of the county sheriff. ; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **1st Sub. H.B. 232**, CAMPAIGN AND FINANCIAL REPORTING REQUIREMENTS REVISIONS, by Representative D. Aagard.

Peter C. Knudson, Chair

Mr. President:

February 5, 2009

The Revenue and Taxation Committee recommends **S.B. 132**, INDIVIDUAL INCOME TAX CONTRIBUTION FOR METHAMPHETAMINE HOUSING RECONSTRUCTION AND REHABILITATION FUND, by Senator K. Mayne, be replaced and favorably recommends **1st Sub. S.B. 132**, INDIVIDUAL INCOME TAX CONTRIBUTION FOR METHAMPHETAMINE HOUSING RECONSTRUCTION AND REHABILITATION FUND; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 54**, AMENDMENTS TO VEHICLE REGISTRATION REQUIREMENTS, by Representative F. Gibson; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 67**, PUBLIC HEARINGS ON PROPERTY TAX INCREASES, by Representative G. Froerer; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 80**, STUDY ON TAXPAYER ADVOCATE PROGRAM, by Representative K. Grover, with the following amendments:

1. Page 2, Line 41:
Delete "shall" and insert "may"

Wayne L. Niederhauser, Chair

On motion of Senator Killpack, the committee reports were adopted. S.B. 131, as amended, 1st Sub. H.B. 232, 1st Sub. S.B. 132, H.B. 54, H.B. 67, and H.B. 80, as amended, were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President:

February 5, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 56**, DECLARATION OF CANDIDACY AMENDMENTS, by Representative D. Aagard, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 45**, PER DIEM AND TRAVEL EXPENSES FOR STATE BOARDS AND COMMISSIONS, by Representative D. Aagard, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 226**, DISASTER RECOVERY AND EMERGENCY MANAGEMENT AMENDMENTS, by Representative C. Oda, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

Mr. President:

February 5, 2009

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 58**, SALES AND USE TAX – DETERMINING THE LOCATION OF CERTAIN TRANSACTIONS, by Representative W. Harper, and recommends it be considered read for the second time and placed on the Consent Calendar.

Wayne L. Niederhauser, Chair

Mr. President:

February 5, 2009

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 38**, REFUGEE SERVICES FUND AMENDMENTS, by Representative C. Herrod, et al, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 55**, AMENDMENTS TO TOURISM, RECREATION, CULTURAL, CONVENTION, AND AIRPORT FACILITIES TAX ACT, by Representative W. Harper, and recommends it be considered read for the second time and placed on the Consent Calendar.

Mark B. Madsen, Chair

On motion of Senator Killpack, the committee reports were adopted. **H.B. 56**, **H.B. 45**, **H.B. 226**, **H.B. 58**, **H.B. 38**, and **H.B. 55** were considered read the second time and placed on the Consent Calendar.

STANDING COMMITTEE REPORTS

Mr. President:

February 4, 2009

The Natural Resources, Agriculture, and Environment Committee has tabled **S.B. 44**, COAL MINING AND RECLAMATION AMENDMENTS, by Senator G. Davis, and has returned it to the Rules Committee for filing.

Dennis E. Stowell, Chair

S.B. 44 was returned to the Rules Committee for filing.

INTRODUCTION OF BILLS

- **S.B. 59**, Allocation and Apportionment of Income and Deduction of a Net Loss (H. Stephenson), read the first time by short title and referred to the Rules Committee.
- **S.B. 60**, **Districts Providing Service to Taxed Property** (M. Waddoups), read the first time by short title and referred to the Rules Committee.
- S.B. 61, Home School and Private School Students' Participation in Extracurricular Activities (M. Madsen), read the first time by short title and referred to the Rules Committee.
- S.B. 62, Insurance Coverage for Essential Medical Services (M. Waddoups), read the first time by short title and referred to the Rules Committee.

- **S.B. 63**, **Modifications to Recording Requirements Subdivisions** (R. Okerlund), read the first time by short title and referred to the Rules Committee.
- **S.B. 64**, **Administrative Rules Review Committee** (H. Stephenson), read the first time by short title and referred to the Rules Committee.
- **S.B. 76**, **Energy Amendments** (C. Bramble), read the first time by short title and referred to the Rules Committee.
- **S.B. 77**, **Grants for Licensed Teachers Amendments** (M. Madsen), read the first time by short title and referred to the Rules Committee.
- S.B. 78, Protection of Constitutionally Guaranteed Activities in Certain Private Venues (M. Madsen), read the first time by short title and referred to the Rules Committee.
- **S.B.** 79, Health Reform Medical Malpractice Amendments (P. Knudson), read the first time by short title and referred to the Rules Committee.
- **S.B. 80**, **Fire Liability Modifications** (M. Dayton), read the first time by short title and referred to the Rules Committee.
- **S.B. 172**, **Underinsured Motorist Coverage Amendments** (S. Urquhart), read the first time by short title and referred to the Rules Committee.
- **S.B. 173**, **Emotional Support Animals and Psychiatric Therapy Animals** (M. Dayton), read the first time by short title and referred to the Rules Committee.
- **S.B. 174**, **Redistricting Commission** (R. Romero), read the first time by short title and referred to the Rules Committee.
- S.B. 175, Signage Requirements Relating to Children and Animals in Parked Cars (K. Mayne), read the first time by short title and referred to the Rules Committee.
- **S.B. 176**, **Civil Fees in Courts of Record Amendments** (J. Greiner), read the first time by short title and referred to the Rules Committee.
- **S.B. 177**, **New School District Amendments** (D. C. Buttars), read the first time by short title and referred to the Rules Committee.
- **S.B. 178**, **Class B and C Roads Amendments** (K. Van Tassell), read the first time by short title and referred to the Rules Committee.

- **S.B. 179**, **Safety Belt Enforcement Amendments** (C. Bramble), read the first time by short title and referred to the Rules Committee.
- **S.B. 180**, **Expungement of Division of Child and Family Services Records** (L. Hillyard), read the first time by short title and referred to the Rules Committee.
- S.J.R. 5, Joint Resolution Urging Presidential Support of Taiwan's Participation in Specialized Agencies of the United Nations (M. Waddoups), read the first time by short title and referred to the Rules Committee.
- **S.J.R. 13**, **Resolution Amending Legislative Rules to Allow Abstaining from Voting** (C. Bramble), read the first time by short title and referred to the Rules Committee.
- **S.J.R. 14**, **Joint Resolution Challenging the Legality of a Conviction or Sentence** (C. Bramble), read the first time by short title and referred to the Rules Committee.
- **S.R.** 5, Senate Rules Resolution Allowing Abstaining from Voting (C. Bramble), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

S.B. 129, MENTAL HEALTH THERAPIST GRANT AND SCHOLARSHIP ACT REPEAL, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

Yeas, 21; Nays, 0; Absent, 8.

Voting in the affirmative were: Senators

Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Romero
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bell	Bramble	Buttars	Christensen
Madsen	Okerlund	Robles	Stephenson

S.B. 129 was transmitted to the House for consideration.

THIRD READING CALENDAR

H.B. 16, ASSESSMENT AREA AMENDMENTS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bramble	Buttars	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Romero
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bell Christensen Robles Stephenson

H.B. 16 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Buttars, **H.B. 31**, UTAH SUDDEN CARDIAC ARREST SURVIVAL ACT, was read the third time and circled.

* * *

On motion of Senator Valentine, **H.B. 52**, INSURANCE CODE AMENDMENTS, was read the third time and circled.

* * *

H.B. 11, RECODIFICATION OF NATURAL RESOURCES PROVISIONS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Christensen Madsen Robles

H.B. 11 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 18, WATER RIGHT APPLICATIONS AND RECORDS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Madsen Robles

H.B. 18 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 34, PENALTIES FOR DESTRUCTION OF BALK EAGLES, was read the third time, explained by Senator Dayton, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Killpack Madsen Robles

H.B. 34 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 30, COMMERCIAL MOTOR VEHICLE AMENDMENTS, was read the third time and explained by Senator Van Tassell.

Senator Van Tassell proposed the following amendment:

- 1. Page 1, Line 15g: Delete "commercial"
- 2. Page 2a, Line 46aj: Delete "commercial"

Senator Van Tassell's motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Van Tassell
Waddoups			

Waddoups

Absent or not voting were: Senators

Bramble Jones Niederhauser Valentine

H.B. 30, as amended, was returned to the House for further consideration.

* * *

H.B. 40, MOTORCYCLE RIDER EDUCATION PROGRAM AMENDMENTS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Romero
Stephenson	Stowell	Urquhart	Valentine
V T 11	W. 11		

Van Tassell Waddoups

Absent or not voting were: Senators

Bramble Jones Robles

H.B. 40 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Valentine, the circle was removed from **H.B. 52**, INSURANCE CODE AMENDMENTS, and it was before the Senate.

Senator Valentine proposed the following amendment:

- 1. Page 78, Line 2401 through Page 79, Line 2420
 - 2401 (3) (a) In the case of an employer who has received the premium by deducting all or
 - part of it from the wages or salaries of the certificate holders, the insurer may terminate its
 - 2403 liability by giving notice of coverage termination to:
 - 2404 (i) the certificate holders [reasonable notice of coverage termination.];
 - 2405 (ii) the policyholder; and
 - 2406 (iii) the producer, if any, for the policy.
 - (b) The insurer may not send the notice required by Subsection (3)(a) to a certificate

holder before 20 days after the day on which premium is due and unpaid.

2407 $\{-\underline{(b)}\}$ $\underline{(c)}$ The liability of the insurer for the losses covered by the insurance terminates at the

- 2408 later of:
- 2409 [(a)] (i) the last day of the coverage period for which premium has been withheld by
- the employer; [or]
- 2411 [(b) 15] (ii) ten days after the date the insurer mails [actual] notice to the certificate
- 2412 holder that coverage has terminated[, but in the event]; or
- 2413 (iii) if the insurer fails to provide [actual] notice as required by this Subsection (3),
- 2414 [then the liability of the insurer for losses described in Subsection (1) shall terminate] 45 days
- from the last date for which premium [was] is received. [While the insurer shall be liable for
- 2416 losses as herein provided, the provisions of this section apply only to apportion the liability for
- 2417 those losses described and do not operate to extend any insurance contract policy or coverage
- 2418 beyond its date of termination nor alter or amend provisions thereof.]
- 2419 (c) The insurer may not send the notice required by Subsection (3)(a) to a certificate
- 2420 <u>holder before 20 days after the day on which premium is due and unpaid.</u>

Senator Valentine's motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Okerlund	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Hillyard Bramble Niederhauser Robles

H.B. 52, as amended, was returned to the House for further consideration.

* * *

1st Sub. H.B. 86. DIVISION OF REAL ESTATE RELATED AMENDMENTS, was read the third time, explained by Senator Killpack, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Davis Bramble Niederhauser

Senators Waddoups and McCoy declared conflicts of interest.

1st Sub. H.B. 86 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 46, DESIGNATION OF STATE HIGHWAYS AMENDMENTS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser

Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

H.B. 46 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 12, COUNTY SHERIFF QUALIFICATION AMENDMENTS, was read the third time and explained by Senator Jenkins.

Senator Greiner proposed the following amendment:

1. Page 3, Line 78b:
Delete "30 days" and insert "60 days"

Senator Greiner's motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 22; Nays, 6; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Hillyard	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Romero	Stephenson
Urquhart	Valentine		

Voting in the negative were: Senators

Dayton Greiner Hinkins Stowell

Van Tassell Waddoups

Absent or not voting was: Senator

Robles

H.B. 12, as amended, was returned to the House for further consideration.

SECOND READING CALENDAR

On motion of Senator Stowell, the circle was removed from **S.B. 20**, LOCAL PUBLIC HEALTH EMERGENCY FUNDING, and it was before the Senate. Senator Stowell explained the bill.

Senator Stowell proposed the following amendment:

- 1. Page 2, Line 40
 - 40 <u>for use in the program</u> <u>and other money otherwise made available</u> <u>for use in the program</u> <u>.</u>
- 2. Page 3, Lines 65 through 66:
 - 65 (5) (a) {—The } (i) Subject to Subsection (5)(a)(ii), the department shall use money in the program fund exclusively for purposes
 - 66 of the program.
 - (ii) The department may use money in the program fund to cover its costs of administering the program.

Senator Stowell's motion to amend passed on a voice vote. Senators Waddoups, Hillyard, and Okerlund commented. The bill passed second reading on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Dayton

* * *

On motion of Senator Bramble, the circle was removed from **1st Sub. S.B. 36**, SALES AND USE TAX AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill. Senator Niederhauser commented. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hillyard

Hinkins	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Waddoups		_

Absent or not voting were: Senators

Dayton Liljenquist Van Tassell

SPECIAL ORDER OF BUSINESS

Senator Jones presented citations to the National Board Certified Teachers from Utah.

SECOND READING CALENDAR

S.B. 94, UNDERGROUND SEWER UTILITIES FACILITIES AMENDMENTS, was read the second time. Senator Greiner explained the bill. Senator Mayne commented. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Valentine	Van Tassell
Waddouns			

Waddoups

Absent or not voting were: Senators

Bramble Knudson Liljenquist Urquhart

* * *

On motion of Senator Niederhauser, the circle was removed from **S.B. 115**, PAYMENT OF MOBILE HOME PARK RELOCATION EXPENSES, and it was before the Senate. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 5; Absent, 0.

Voting	in	the	affirmative	were:	Senators
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Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Urquhart	Van Tassell	Waddoups

Voting in the negative were: Senators

Jenkins Killpack Madsen Stephenson

Valentine

* * *

On motion of Senator Buttars, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Buttars, the circle was removed from **H.B. 31**, UTAH SUDDEN CARDIAC ARREST SURVIVAL ACT, and it was before the Senate.

Senator Buttars proposed the following amendment:

- 1. Page 1, Line 19
 - 19 {-public safety answering points-} emergency medical dispatch centers ;
- 2. Page 2, Lines 32 through 34:
 - 32 including the location of, or removal of, the AED, to the {-public safety answering}
 - 33 point—} emergency medical dispatch center that provides emergency dispatch services for that area;
- 3. Page 2, Lines 36 through 38:
 - 36 ▶ describes the duties of the Bureau of Emergency Medical Services and a person who owns or leases an AED in relation to

- 37 providing education and training on the administration of CPR and the use of an
- 38 AED; and
- 4. Page 4, Lines 103 through 106:
 - 103 (5) On or before August 1, 2009, the department shall provide to each {-public safety
 - 104 <u>answering point, as defined in Section</u>
 63C-7-103-} <u>emergency medical dispatch center, as defined in Section 26-8b-102</u>, all information contained in the statewide
 - 105 database that pertains to the area for which the {-public safety answering point} } emergency medical dispatch center provides 106 emergency dispatch services.
- 5. Page 4, Lines 109 through 110:
 - 109 provide any additional information that it receives for the statewide database to the {-public}
 - 110 <u>safety answering points</u> } <u>emergency medical dispatch</u> <u>centers</u> <u>described in Subsection (5).</u>
- 6. Page 9, Line 256:
 - 256 {-(4) "Public safety answering point" is as defined in Section 63C-7-103. }
 - (4) "Emergency medical dispatch center" means a public safety answering point, as defined in Section 63C-7-103, that is designated as an emergency medical dispatch center by the bureau.
- 7. Page 10, Line 290:
 - 290 <u>a CPR or AED program;</u> {-<u>or</u> }
- 8. Page 10, Line 293:

<u>or</u>

- 293 3, AED Databases $\{-, \}$; or
 - (j) a physician who gratuitously and in good faith:
 - (i) provides medical oversight for a public AED program;
- (ii) issues a prescription for a person to acquire or use an AED.
- 9. Page 10, Lines 304 through 305:

- 304 <u>telephone number, and the exact location of the AED, in writing, to the {-public safety answering</u>
- 305 point } emergency medical dispatch center that provides emergency dispatch services for the location where the AED is installed, if
- 10. Page 11, Line 312:
 - 312 <u>from which the AED is removed, in writing, to the safety answering point</u> } emergency medical dispatch center that provides
- 11. Page 11, Line 323:
 - 323 removal of, the AED to the {-public safety answering point} } emergency medical dispatch center that provides emergency dispatch
- 12. Page 11, Lines 333 through 336:
 - 333 <u>26–8b–303.</u> Duties of {-public safety answering points-} emergency medical dispatch centers .
 - 334 <u>Beginning on September 1, 2009,</u> {-<u>a public safety</u> <u>answering point</u>} <u>an emergency medical dispatch center</u> <u>shall:</u>
 - 335 (1) implement a system to receive and manage the information reported to the {- public}
 - 336 <u>safety answering point</u> } <u>emergency medical dispatch</u> center <u>under Section 26–8a–209 or 26–8b–301;</u>
- 13. Page 12, Lines 341 through 342:
 - 341 <u>(b) if the information is received under Subsection</u> 26–8a–209(6) or Section 26–8b–301.
 - 342 <u>within</u> {-three } <u>fourteen</u> <u>days after the day on which the information is received;</u>
- 14. Page 12, Lines 347 through 348:
 - 347 (a) the {-department} } bureau : or
 - 348 (b) another { public safety answering point } emergency medical dispatch center •
- 15. Page 12, Lines 351 through 354:

- 351 <u>26–8b–401.</u> Education and training.
- 352 (1) The bureau shall work in cooperation with federal, state, and local agencies and
- 353 schools, to encourage individuals to complete courses on the administration of CPR and the use
- 354 of an AED.
- (2) A person who owns or leases an AED shall encourage each person who is likely to use the AED to complete courses on the administration of CPR and the use of an AED.

Senator Buttars' motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

McCoy

H.B. 31, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Killpack and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Monday, February 9, 2009.

FIFTEENTH DAY

February 9, 2009

The Senate was called to order at 10:05 a.m., with President Michael Waddoups presiding.

Prayer – President Michael Baker, Counselor in the Westland Stake
 Presidency, Westland Stake, The Church of Jesus Christ of Latter–day Saints
 Pledge of Allegiance – Senator David Hinkins
 Roll Call – All Senators present except Senator Knudson, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 73)

SPECIAL MUSICAL PRESENTATION

The Snow College Flute Choir, under the direction of Dr. Elaine Jorgensen, performed "Danse des Mirlitons" by Tchaikovsky and "The Magic Flute" by Mozart.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 6, 2009
The House passed **H.B. 41**, SEX OFFENDER REGISTRATION
AMENDMENTS, by Representative K. Sumsion, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 59**, SUBPOENAS FOR RECORDS IN CERTAIN CRIMINAL INVESTIGATIONS, by Representative B. Daw, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 68**, DEVELOPMENT EXACTIONS, by Representative P. Painter, and it is transmitted for consideration; and

The House passed **H.B. 72**, CHILDREN'S JUSTICE CENTER AMENDMENTS, by Representative L. Fowlke, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 113**, SALVAGE VEHICLE TITLE AMENDMENTS, by Representative T. Kiser, and it is transmitted for consideration; and

The House passed, as substituted and amended, **2nd Sub. H.B. 121**, RETIRED VOLUNTEER HEALTH CARE PRACTITIONER ACT, by Representative M. Brown, et al, and it is transmitted for consideration; and

The House passed **H.B. 149**, FOREST RESERVE FUND REVISIONS, by Representative M. Noel, and it is transmitted for consideration; and

The House passed **H.B. 223**, STATUTE OF LIMITATIONS AMENDMENTS, by Representative C. Wimmer, and it is transmitted for consideration; and

The House passed **H.B. 233**, AGGRAVATED SEXUAL ASSAULT AMENDMENTS, by Representative C. Wimmer, and it is transmitted for consideration; and

The House passed **H.C.R. 2**, HEALTHY FAMILY PARTNERSHIP CONCURRENT RESOLUTION, by Representative C. Oda, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 41, 2nd Sub. H.B. 59, 1st Sub. H.B. 68, H.B. 72, H.B. 113, 2nd Sub. H.B. 121, H.B. 149, H.B. 223, H.B. 233, and H.C.R. 2 were read the first time and referred to the Rules Committee.

* * *

Mr. President:

February 6, 2009

The House substituted and passed, **1st Sub. S.B. 22**, VEHICLE AMENDMENTS, by Senator S. Jenkins, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 6, 2009

The Rules Committee recommends assignment of the following bills to standing committees:

Business and Labor Committee

S.B. 78 Protection of Constitutionally Guaranteed Activities in Certain Private Venues (Sen. M. Madsen)

H.B. 78 Utah Uniform Securities Act Modifications (Rep. J. Bird) (Sen. L. Hillyard)

Education Committee

S.B. 61 Home School and Private School Students' Participation

in Extracurricular Activities (Sen. M. Madsen)

S.B. 77 Grants for Licensed Teachers Amendments

(Sen. M. Madsen)

S.B. 177 New School District Amendments (Sen. D. C. Buttars)

Government Operations and Political Subdivisions Committee

S.B. 60 Districts Providing Service to Taxed Property

(Sen. M. Waddoups)

S.B. 63 Modifications to Recording Requirements – Subdivisions

(Sen. R. Okerlund)

S.B. 64 Administrative Rules Review Committee

(Sen. H. Stephenson)

S.J.R. 5 Joint Resolution Urging Presidential Support of Taiwan's

Participation in Specialized Agencies of the United

Nations (Sen. M. Waddoups)

Health and Human Services Committee

S.B. 173 Emotional Support Animals and Psychiatric Therapy

Animals (Sen. M. Dayton)

S.B. 175 Signage Requirements Relating to Children and Animals

in Parked Cars (Sen. K. Mayne)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 79 Health Reform – Medical Malpractice Amendments

(Sen. P. Knudson)

S.B. 176 Civil Fees in Courts of Record Amendments

(Sen. J. Greiner)

S.B. 180 Expungement of Division of Child and Family Services

Records (Sen. L. Hillyard)

S.J.R. 14 Joint Resolution – Challenging the Legality of a

Conviction or Sentence (Sen. C. Bramble)

Natural Resources, Agriculture and Environment Committee

S.B. 80 Fire Liability Modifications (Sen. M. Dayton)

Revenue and Taxation Committee

S.B. 59 Allocation and Apportionment of Income and Deduction

of a Net Loss (Sen. H. Stephenson)

Transportation, Public Utilities and Technology Committee

S.B. 76	Energy Amendments (Sen. C. Bramble)	
S.B. 172	Underinsured Motorist Coverage Amendments	

(Sen. S. Urquhart)

S.B. 178 Class B and C Roads Amendments (Sen. K. Van Tassell)S.B. 179 Safety Belt Enforcement Amendments (Sen. C. Bramble)

Workforce Services and Community and Economic Development Committee

H.B. 91 Individual Development Account Amendments

(Rep. F.J. Seegmiller) (Sen. K. Morgan)

Margaret Dayton Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

STANDING COMMITTEE REPORTS

Mr. President:

February 6, 2009

The Business and Labor Committee reports a favorable recommendation on **S.B. 148**, LOW-PROFIT LIMITED LIABILITY COMPANY ACT, by Senator L. Hillyard, with the following amendments:

- 1. Page 11, Lines 314 through 317:
 - 314 (c) If a low–profit limited liability company ceases to be a low–profit limited liability
 - 315 company in accordance with Subsection (2)(a), the company shall:
 - 316 (i) change its name to conform with Section 48–2c–106; and
 - 317 (ii) amend its articles of organization in accordance with Section $\{-48-2c-403-\}$ 48-2c-405-; and

The Business and Labor Committee reports a favorable recommendation on **S.C.R. 2**, CONCURRENT RESOLUTION – A CALL TO CIVILITY, by Senator J. Valentine.

John L. Valentine, Chair

Mr. President:

February 6, 2009

The Health and Human Services Committee reports a favorable recommendation on **S.B. 137**, PHYSICAL THERAPY PRACTICE ACT, by Senator W. Niederhauser, with the following amendments:

- 1. Page 13, Line 394 through Page 14, Line 411:
 - 394 (11) (a) "Physical therapy" or "physiotherapy" means:
 - 395 <u>(i) examining, evaluating, and testing { , and diagnosing } an individual who has a physical</u>
 - 396 impairment or injury:
 - (ii) identifying or labeling a physical impairment or injury:
 - 397 {<u>(iii)</u>} <u>(iii)</u> <u>formulating a therapeutic intervention</u> <u>plan for the treatment of a physical</u>
 - 398 impairment, injury, or pain;
 - 399 $\{-\frac{\text{(iii)}}{\text{)}}$ $\}$ $\underline{\text{(iv)}}$ assessing the ongoing effects of therapeutic intervention for the treatment of a
 - 400 physical impairment or injury;
 - 401 {—(iv) } (v) treating or alleviating a physical impairment by designing, modifying, or
 - 402 implementing a therapeutic intervention:
 - $\{-(v)\}$ (vi) reducing the risk of an injury or physical impairment:
 - 404 {-(vi) } (vii) providing instruction on the use of physical measures, activities, or devices for
 - 405 preventative and therapeutic purposes:
 - 406 {-(vii)} } (viii) promoting and maintaining health and fitness:
 - $407 \quad \{-\underline{\text{(viii)}}\} \quad \underline{\text{(ix)}} \quad \text{the administration of a prescription}$ drug pursuant to Section 58-24b-403;

- 408 $\{-\frac{(ix)}{2}\}$ $\underline{(x)}$ subject to Subsection 58–28–307(12)(b), engaging in the functions described in Subsections (11)(a)(i) through $\{-\frac{(viii)}{2}\}$ $\underline{(ix)}$ in
- 409 relation to an animal, in accordance with the requirements of Section 58–24b–405; and
- 410 $\{-\frac{(x)}{x}\}$ <u>(xi)</u> engaging in administration, consultation, education, and research relating to the
- 411 practices described in this Subsection (11)(a).
- 2. Page 16, Line 471:
 - 471 (n) correction of posture, body mechanics, or gait.
 - (15) (a) "Wound debridement" means:
 - (i) cleaning a wound; or
 - (ii) removing dead tissue from a wound.
 - (b) "Wound debridement" does not include surgery of any kind.
- 3. Page 20, Line 590:
 - 590 (C) providing consultation by telecommunication to a physical therapist: {-or }
- 4. Page 20, Line 601:
 - $601 \ (1)(c)(ii) \ \{-\frac{1}{2}\} \ ; or$
 - (e) the person:
 - (i) is a physician, licensed under Title 58, Chapter 67, Utah Medical Practice Act:
 - (ii) is a physician, licensed under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
 - (iii) is a chiropractic physician, licensed under Title 58, Chapter 73, Chiropractic Physician Practice Act.
- 5. Page 22, Line 676 through Page 23, Line 683:
 - 676 (2) A physical therapist assistant or a physical therapy aide may not:
 - 677 (a) perform a physical therapy evaluation, assessment {—, or diagnoses} } :
 - (b) identify or label a physical impairment or injury;
 - $\{-(b)\}$ (c) design a plan of care for a patient:
 - 679 $\{-\underline{(c)}\}$ $\underline{(d)}$ perform the joint mobilization component of manual therapy; or

- 680 {—(d) } (e) perform the sharp selective debridement component of wound management.
- 681 (3) Subsection (2) $\{-(c)\}$ (d) does not apply to:
- (a) simple joint distraction techniques or stretching; or
- 683 (b) a stretch or mobilization that can be given as part of a home exercise program.
- 6. Page 23, Lines 706 through 708:
 - 706 (1) {—A } Subject to Subsection 58–28–307(12)(b), a licensed physical therapist may practice animal physical therapy if the licensed
 - 707 physical therapist completes at least 100 hours of animal physical therapy training and
 - 708 education, which shall include:
- 7. Page 24, Lines 712 through 714:
 - 712 (2) {-A } Subject to Subsection 58–28–307(12)(b), a licensed physical therapist assistant may practice animal physical therapy, within
 - 713 the scope of the licensed physical therapist assistant's practice, if the licensed physical therapist
 - 714 assistant:
- 8. Page 26, Lines 774 through 775:
 - 774 (3) It is unlawful for a person who is not a licensed physical therapist $\{-\frac{or}{a}\}$ a licensed
 - 775 <u>physical therapist assistant</u> <u>, or a person described in Subsection</u> <u>58–24b–304(1)(e)</u> <u>to:</u>
- 9. Page 26, Line 782:
 - 782 (b) {- except as provided in Subsection (6), } offer, provide, or bill a person for:
- 10. Page 27, Lines 812 through 815:
 - 812 { <u>(6) A person who is licensed under this title to provide a service that constitutes the</u>

- 813 practice of physical therapy may offer, provide, or bill a person for that service, but may not
- 814 <u>characterize that service as a physical therapy service or a physiotherapy service, unless the</u>
- 815 <u>person is a licensed physical therapist or a licensed physical therapist assistant.</u> } ; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 142**, DISPOSITION OF A DEAD BODY, by Senator A. Christensen; and

The Health and Human Services Committee reports a favorable recommendation on **1st Sub. H.B. 60**, FAMILY PRESERVATION SERVICES AMENDMENTS, by Representative W. Harper; and

The Health and Human Services Committee reports a favorable recommendation on **1st Sub. H.B. 90**, ABORTION LAW AMENDMENTS, by Representative P. Ray.

D. Chris Buttars, Chair

Mr. President:

February 6, 2009

The Education Committee reports a favorable recommendation on **S.B. 146**, HOME SCHOOLING AMENDMENTS, by Senator M. Madsen; and

The Education Committee reports a favorable recommendation on **S.B. 159**, MATH EDUCATION INITIATIVE, by Senator H. Stephenson, with the following amendments:

- 1. Page 2, Lines 32 through 33:

 - 33 Education Initiative; -}
- 2. Page 2, Line 54:
 - 54 {-53A-13-406, Utah Code Annotated 1953-}
- 3. Page 5, Lines 133 through 146:
 - 133 { Section 6. Section 53A–13–406 is enacted to read:

- 134 53A-13-406. Math curriculum standards.
- 135 <u>(1) The State Board of Education shall adopt math curriculum standards for students</u>
- 136 who participate in the Math Education Initiative.
- 137 (2) The standards adopted pursuant to Subsection (1) shall include:
- (a) the Singapore 2001 elementary mathematics standards; and
- 139 <u>(b) the standards for the quick recall of arithmetic facts contained in the Curriculum</u>
- 140 Focal Points of the National Council of Teachers of Mathematics.
- 141 (3) (a) A school district or charter school shall deliver instruction to students who
- 142 participate in the Math Education Initiative in accordance with the math curriculum standards
- 143 adopted under this section.
- 144 <u>(b) A school district or charter school may deliver instruction to students who do not</u>
- 145 participate in the Math Education Initiative in accordance with the math curriculum standards
- 146 <u>adopted under this section in lieu of other math curriculum standards prescribed by the board.</u>

-}

Renumber remaining sections accordingly

Curtis S. Bramble, Chair

Mr. President:

February 6, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 58**, COLLECTION AND USE OF PRECIPITATION, by Senator S. McCoy; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 27**, PROTECTIONS FOR AGRICULTURAL PRACTICES, by Representative M. Morley, with the following amendments:

1. Page 2, Line 48:

- 48 {-do-} not constitute a public nuisance under Subsection (1) [unless the agricultural operation has a
- 2. Page 4, Line 90:
 - 90 practices are presumed to be reasonable and $\{-do-\}$ not constitute a nuisance [unless the ; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **1st Sub. H.B. 62**, STATE WATER DEVELOPMENT COMMISSION AMENDMENTS, by Representative K. Gibson, with the following amendments:

- 1. Page 2, Line 34:
 - 34 <u>may appoint</u> {-<u>more than two</u> } <u>up to three</u> <u>senators from</u> the same party if the appointment is necessary to; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.J.R. 7**, EQUINE RESOURCES JOINT RESOLUTION, by Representative B. Winn.

Dennis E. Stowell, Chair

On motion of Senator Dayton, the committee reports were adopted. S.B. 148, as amended, S.C.R. 2, S.B. 137, as amended, S.B. 142, 1st Sub. H.B. 60, 1st Sub. H.B. 90, S.B. 146, S.B. 159, as amended, S.B. 58, H.B. 27, as amended, 1st Sub. H.B. 62, as amended, and H.J.R. 7 were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President:

February 6, 2009

The Business and Labor Committee reports a favorable recommendation on **S.B. 138**, INTERNAL SERVICE FUND RATE COMMITTEE AMENDMENTS, by Senator J. Valentine, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

- 1. Page 1, Lines 14 through 19:
 - specifies that the chair of the rate committee within the Department of
 - 15 Administrative Services may not be from an agency that {-pays-} receives payment of a rate set by the
 - 16 committee:

- 17 ▶ specifies that the chair of the rate committee within the Department of Human
- 18 Resource Management may not be from an agency that {-pays-} receives payment of a rate set by the
- 19 committee; and
- 2. Page 2, Lines 41 through 42:
 - 41 (b) (i) The committee shall elect a chair from its members, except that the chair may
 - 42 <u>not be from an agency that</u> { <u>pays</u> } <u>receives payment of</u> a rate set by the committee.
- 3. Page 4, Lines 94 through 95:
 - 94 (b) (i) The committee shall elect a chair from its members, except that the chair may
 - 95 <u>not be from an agency that</u> {-pays } <u>receives payment of a rate set by the committee.</u>; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 234**, CONSUMER CREDIT PROTECTION ACT MODIFICATION, by Representative Julie Fisher, and recommends it be considered read for the second time and placed on the Consent Calendar.

John L. Valentine, Chair

Mr. President:

February 6, 2009

The Health and Human Services Committee reports a favorable recommendation on **S.B. 158**, CHILD SUPPORT – CASH MEDICAL SUPPORT, by Senator G. Bell, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Health and Human Services Committee reports a favorable recommendation on **S.J.R. 7**, JOINT RESOLUTION DESIGNATING MAY 2009 AS UTAH LIONS CLUB EYESIGHT PRESERVATION MONTH, by Senator K. Mayne, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Health and Human Services Committee recommends **S.R. 3**, RESOLUTION DESIGNATING SEPTEMBER 2009 AS HYDROCEPHALUS AWARENESS MONTH, by Senator G. Bell, be replaced and favorably recommends **1st Sub. S.R. 3**, RESOLUTION DESIGNATING SEPTEMBER

2009 AS HYDROCEPHALUS AWARENESS MONTH AND URGING NATIONAL REGISTRY and that it be amended as follows, considered read for the first and second time, and placed on the Consent Calendar.

- 1. Page 1, Lines 10 through 13:
 - This resolution of the Senate designates September 2009 as Hydrocephalus Awareness
 - 11 Month, and urges the Federal government to create a national registry for collecting
 - 12 comprehensive statistics and {-date-} data regarding Hydrocephalus.
 - 13 Highlighted Provisions: ; and

The Health and Human Services Committee reports a favorable recommendation on **1st Sub. H.B. 81**, HEALTH CARE PATIENT IDENTITY PROTECTION, by Representative S. Sandstrom, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

Mr. President:

February 6, 2009

The Retirement and Independent Entities Committee reports a favorable recommendation on **S.B. 127**, RETIREMENT AMENDMENTS, by Senator D. Liljenquist, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Retirement and Independent Entities Committee reports a favorable recommendation on **S.B. 139**, EMPLOYER ELECTION RETIREMENT AMENDMENTS, by Senator C. Bramble, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Retirement and Independent Entities Committee reports a favorable recommendation on **S.B. 145**, PUBLIC SAFETY RETIREES DEATH BENEFIT REVISIONS, by Senator J. Greiner, and recommends it be considered read for the second time and placed on the Consent Calendar.

Daniel R. Liljenquist, Chair

On motion of Senator Dayton, the committee reports were adopted. S.B. 138, as amended, H.B. 234, S.B. 158, S.J.R. 7, 1st Sub. S.R. 3, as amended, 1st Sub. H.B. 81, S.B. 127, S.B. 139, and S.B. 145 were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

- **S.B. 181, Criminal Prosecution Amendments** (D. Liljenquist), read the first time by short title and referred to the Rules Committee.
- **S.B. 182**, **Criminal Restitution Amendments** (C. Bramble), read the first time by short title and referred to the Rules Committee.
- **S.B. 183, Violation of Protective Order** (S. McCoy), read the first time by short title and referred to the Rules Committee.
- **S.B. 184**, **Civil Filing Fees** (G. Bell), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Bramble, **S.J.R. 5**, JOINT RESOLUTION URGING PRESIDENTIAL SUPPORT OF TAIWAN'S PARTICIPATION IN SPECIALIZED AGENCIES OF THE UNITED NATIONS, will be considered Thursday, February 19, 2009 at 10:30 a.m.

On motion of Senator Jenkins, **S.J.R. 11**, JOINT RESOLUTION URGING FOOTBALL PLAYOFF, will be considered today at 11:30 a.m.

On motion of Senator Romero, **H.J.R. 10**, JOINT RESOLUTION HONORING THE LIVES AND ACCOMPLISHMENTS OF FATHER FRANCISCO ATANASCIO DOMINGUEZ AND FATHER SILVESTRE VELEZ DE ESCALANTE, will be considered Wednesday, February 18, 2009 at 11:00 a.m.

CONSENT CALENDAR.

S.B. 35, SALES AND USE TAX DEFINITIONS RELATING TO PROPERTY, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Van Tassell	Waddoups	-	

Absent or not voting were: Senators

Hillyard Knudson Stephenson

S.B. 35 was transmitted to the House for consideration.

* * *

S.J.R. 4, RECYCLING OF ELECTRONIC WASTE JOINT RESOLUTION, was read the third time, explained by Senator McCoy, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Knudson Stephenson

S.J.R. 4 was transmitted to the House for consideration.

* * *

H.B. 25, GUN DEALER PENALTY AMENDMENTS, was read the third time, explained by Senator Madsen, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Knudson Stephenson

H.B. 25 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 47, CRIMINAL PROCEDURE – INVESTIGATION AMENDMENTS, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones
Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund
Romero	Stowell	Urquhart
Van Tassell	Waddoups	
	Dayton Hinkins Liljenquist Morgan Romero	Dayton Goodfellow Hinkins Jenkins Liljenquist Madsen Morgan Niederhauser Romero Stowell

Absent or not voting were: Senators

Knudson Stephenson

H.B. 47 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Valentine, legislative staff was authorized to draft a bill regarding ethics.

CONCURRENCE CALENDAR

S.B. 24, EARLY VOTING AMENDMENTS, was before the Senate.

On motion of Senator Christensen, the bill was circled.

* * *

S.B. 25, ONLINE VOTER REGISTRATION, was before the Senate.

On motion of Senator Jenkins, the bill was circled.

* * *

On motion of Senator Jenkins, the Senate voted to concur in the House amendments to S.C.R. 1, CONCURRENT RESOLUTION REQUESTING A

FEDERAL WAIVER TO ESTABLISH AN EMPLOYER-SPONSORED WORK PROGRAM. Senators McCoy and Dayton commented. The bill, as amended, failed on the following roll call:

Yeas, 9; Nays, 19; Absent, 1.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Jenkins
Killpack	Liljenquist	Okerlund	Stephenson
Van Tassell			

Voting in the negative were: Senators

Bramble	Davis	Dayton	Goodfellow
Greiner	Hillyard	Hinkins	Jones
Madsen	Mayne	McCoy	Morgan
Niederhauser	Robles	Romero	Stowell
Urquhart	Valentine	Waddoups	

Absent or not voting was: Senator

Knudson

S.C.R. 1 was returned to the staff for filing.

THIRD READING CALENDAR

S.B. 20, LOCAL PUBLIC HEALTH EMERGENCY FUNDING, was read the third time, explained by Senator Stowell, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Hillyard Knudson Stephenson

S.B. 20 was transmitted to the House for consideration.

* * *

On motion of Senator Bramble, **1st Sub. S.B. 36**, SALES AND USE TAX AMENDMENTS, was read the third time and circled.

* * *

S.B. 94, UNDERGROUND SEWER UTILITIES FACILITIES AMENDMENTS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Hillyard Knudson

S.B. 94 was transmitted to the House for consideration.

* * *

S.B. 115, PAYMENT OF MOBILE HOME PARK RELOCATION EXPENSES, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

Yeas, 22; Nays, 5; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hinkins
Jones	Killpack	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Urquhart
Van Tassell	Waddoups		

Voting in the negative were: Senators

Greiner	Jenkins	Madsen	Stephenson

Valentine

Absent or not voting were: Senators

Hillyard Knudson

S.B. 115 was transmitted to the House for consideration.

* * *

On motion of Senator Valentine, the Senate voted to reconsider its action on S.C.R. 1, CONCURRENT RESOLUTION REQUESTING A FEDERAL TO ESTABLISH AN EMPLOYER-SPONSORED WORK PROGRAM, on the motion to concur with the amendments from the House.

On motion of Senator Killpack, the Senate refused to concur in the House amendments. S.C.R. 1 was returned to the House with the request that they recede from their amendments.

SECOND READING CALENDAR

S.B. 95, MOBILE HOME PARK AMENDMENTS, was read the second time. Senator Jenkins explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
DCII	Diamble	Duttais	Christensen
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Waddoups		

Absent or not voting were: Senators

Davis Knudson Van Tassell

* * *

S.B. 99, RENEWABLE ENERGY CERTIFICATE REVISIONS, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Christensen Knudson

* * *

S.B. 85, HOMICIDE AMENDMENTS, was read the second time. Senator Urquhart explained the bill. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Christensen Knudson

* * *

S.B. 91, ELECTRONIC COMMUNICATION HARASSMENT AMENDMENT, was read the second time. Senator Greiner explained the bill. Senators Hillyard, Stephenson, and Bell commented.

On motion of Senator Greiner, the bill was circled.

* * *

1st Sub. S.B. 107, COMMUNICATIONS AND MORTGAGE FRAUD PENALTY AMENDMENTS, was read the second time. Senator Hinkins explained the bill. The bill passed second reading on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Knudson

TIME CERTAIN CALENDAR

On motion of Senator Jenkins, under suspension of the rules, **S.J.R. 11**, JOINT RESOLUTION URGING FOOTBALL PLAYOFF, was considered read the second and third times. Senator Jenkins explained the bill. Senators Davis, Hillyard, and McCoy commented.

Senator Davis proposed the following amendment:

- 1. Page 2, Line 52: Delete "and"
- Page 2, Line 53:
 Insert ", and President Barack Obama."

Senator Davis' motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Knudson Madsen

S.J.R. 11 was transmitted to the House.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 9, 2009

The House passed **H.C.R. 4**, UNIVERSITY OF UTAH CHAMPIONSHIP FOOTBALL TEAM CONCURRENT RESOLUTION, by Representative J. Bird, et al, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.C.R. 4** was read the first time and referred to the Rules Committee.

On motion of Senator Jones, **H.C.R. 4** was lifted from the Rules Committee and placed at the top of the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Jones, under suspension of the rules, **H.C.R. 4**, UNIVERSITY OF UTAH CHAMPIONSHIP FOOTBALL TEAM CONCURRENT RESOLUTION, was considered read the second and third times. Senators Bramble, Valentine, and Romero commented and the bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Knudson Madsen

H.C.R. 4 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

COMMITTEE OF THE WHOLE

On motion of Senator Hillyard, University of Utah football coach, Kyle Whittingham spoke in Committee of the Whole.

On motion of Senator Hillyard, the Committee of the Whole was dissolved.

* * *

On motion of Senator Jenkins and at 11:55 a.m., the Senate adjourned until 10:00 a.m., Tuesday, February 10, 2009.

SIXTEENTH DAY

MORNING SESSION

February 10, 2009

The Senate was called to order at 10:15 a.m., with President Michael Waddoups presiding.

Prayer – Former Senator Patrice Arent
Pledge of Allegiance – Senator Allen Christensen
Roll Call – All Senators present except Senator Knudson, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 9, 2009

The House concurred in the Senate amendments and passed **H.B. 12**, COUNTY SHERIFF QUALIFICATION AMENDMENTS, by Representative R. Greenwood, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 52**, INSURANCE CODE AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 12** and **H.B. 52**, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President:

February 9, 2009

The House passed **H.B. 70**, CIGARETTE TAX EXEMPTION AMENDMENTS, by Representative E. Vickers, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 92**, REQUIREMENT TO WEAR HUNTER ORANGE AMENDMENTS, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed **H.B. 123**, RETAIL AND LIBRARY THEFT AMENDMENTS, by Representative F. Gibson, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 70, 1st Sub. H.B. 92,** and **H.B. 123** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 9, 2009

The Rules Committee recommends assignment of the following bills to standing committees:

Government Operations and Political Subdivisions

1Sub. H.B. 68 Development Exactions (Rep. P. Painter) (Sen. G. Bell)

Health and Human Services Committee

2Sub. H.B. 121 Retired Volunteer Health Care Practitioner Act (Rep. M. Brown) (Sen. K. Van Tassell)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 181	Criminal Prosecution Amendments (Sen. D. Liljenquist)
S.B. 182	Criminal Restitution Amendments (Sen. C. Bramble)
S.B. 183	Violation of Protective Order (Sen. S. McCoy)
S.B. 184	Civil Filing Fees (Sen. G. Bell)
H.B. 41	Sex Offender Registration Amendments
	(Rep. K. Sumsion) (Sen. J. Greiner)
2Sub. H.B. 59	Subpoenas for Records in Certain Criminal Investigations
	(Rep. B. Daw) (Sen. J. Valentine)
H.B. 223	Statute of Limitations Amendments (Rep. C. Wimmer)
	(Sen. M. Madsen)
H.B. 233	Aggravated Sexual Assault Amendments
	(Rep. C. Wimmer) (Sen. M. Madsen)

Natural Resources, Agriculture and Environment Committee

H.B. 149 Forest Reserve Fund Revisions (Rep. M. Noel)

(Sen. R. Okerlund)

Transportation, Public Utilities and Technology Committee

H.B. 113 Salvage Vehicle Title Amendments (Rep. T. Kiser) (Sen. D. C. Buttars)

Margaret Dayton Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

STANDING COMMITTEE REPORTS

Mr. President:

February, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 54**, UNIFORM LAW – UNIFORM ASSIGNMENT OF RENTS ACT, by Senator R. Romero; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 56**, MILITARY INSTALLATION DEVELOPMENT AUTHORITY AMENDMENTS, by Senator S. Killpack, with the following amendments:

1. Page 30, Line 921:

921 (ii) outside military land for publicly owned infrastructure and improvements , if the board considers the purchase, option, or other interest; and

The Government Operations and Political Subdivisions Committee recommends **S.B.** 126, STATE PERSONNEL MANAGEMENT ACT AMENDMENTS, by Senator D. Liljenquist, be replaced and favorably recommends 1st Sub. S.B. 126, STATE PERSONNEL MANAGEMENT ACT AMENDMENTS; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 150**, STATE ARMORY AMENDMENTS, by Senator S. Jenkins; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 231**, UTAH COMMISSION ON VOLUNTEERS AMENDMENTS, by Representative D. Aagard.

Jon Greiner, Acting Chair

Mr. President:

February 9, 2009

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 20**, REPEAL OF CERTAIN INCOME TAX CREDITS AND CONTRIBUTIONS, by Representative Julie Fisher; and

The Revenue and Taxation Committee reports a favorable recommendation on **1st Sub. H.B. 23**, CERTIFIED TAX RATE AMENDMENTS, by Representative F. Hunsaker; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 28**, PERSONAL PROPERTY TAX AMENDMENTS, by Representative C. Frank.

Wayne L. Niederhauser, Chair

Mr. President:

February 9, 2009

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 14**, FINANCIAL INCENTIVES FOR MOTION PICTURE PRODUCTIONS, by Senator L. Hillyard, et al; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 160**, UTAH VENTURE CAPITAL ENHANCEMENT ACT AMENDMENTS, by Senator S. Jenkins; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.J.R. 10**, ALTERNATIVE TRAINING CENTER JOINT RESOLUTION, by Senator D. Stowell, with the following amendments:

- 1. Page 2, Lines 40 through 41:
 - 40 WHEREAS, the Southwest {—Area Technical—} Applied Technology College in Cedar City is offering classes
 - 41 related to renewable energy in Milford;

- 2. Page 2, Line 57 through Page 3, Line 61:
 - 57 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Beaver
 - 58 County Commission, the Milford High School Technology Department, Utah's Energy
 - 59 Advisor, the State Energy Program, the Southwest {—Area Technical—} Applied Technology College, Rocky Mountain
 - 60 Power, First Wind, Raser Technologies, and to the members of Utah's congressional
 - 61 delegation; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 236**, DEPARTMENT OF COMMUNITY AND CULTURE GRANTS, by Representative S. Allen, et al.

Mark B. Madsen, Chair

Mr. President:

February 6, 2009

The Transportation and Public Utilities and Technology Committee recommends **S.B. 147**, DRIVER LICENSE REVISIONS, by Senator L. Hillyard, be replaced and favorably recommends **1st Sub. S.B. 147**, DRIVER LICENSE REVISIONS; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 149**, PROHIBITION OF TEXT MESSAGING OR ELECTRONIC MAIL COMMUNICATION WHILE DRIVING, by Senator L. Hillyard, with the following amendments:

- 1. Page 2, Lines 29 through 32:
 - 29 ▶ provides that a judge or justice may {—recommend—} order that a person's driver license be
 - 30 suspended for three months upon conviction of the prohibition on using a wireless
 - 31 communication device for text messaging or electronic mail communication while
 - 32 operating a motor vehicle;
- 2. Page 3, Lines 81 through 83:

- 81 (a) the person has also inflicted serious bodily injury upon another as a proximate
- 82 <u>result of using a wireless communication device for text messaging</u> or electronic mail
- 83 communication while operating a motor vehicle on a highway in this state; {-and}}
- 3. Page 5, Lines 129 through 132:
 - 129 (5) Upon a conviction of the prohibition on using a wireless communication device for
 - 130 <u>text messaging or electronic mail communication while operating a motor vehicle under</u>
 - 131 <u>Section 41–6a–1716, a judge or justice may</u> {
 <u>recommend</u> } <u>order</u> <u>a suspension of the convicted person's</u>
 - 132 <u>license for a period of three months.</u>
- 4. Page 9, Lines 248 through 251:
 - 248 (b) Criminal homicide is automobile homicide, a third degree felony, if the person
 - 249 <u>operates a motor vehicle in a negligent manner</u> {<u>-causing the death of another and was</u>} <u>while</u> <u>using a</u>
 - 250 <u>wireless communication device for text messaging or electronic</u> mail communication at the
 - 251 <u>time of operation</u> <u>causing the death of another</u> .
- 5. Page 9, Lines 254 through 257:
 - 254 (b) Criminal homicide is automobile homicide, a second degree felony, if the person
 - 255 operates a motor vehicle in a criminally negligent manner {
 -causing the death of another and was } while
 - 256 <u>using a wireless communication device for text messaging or</u> electronic mail communication at
 - 257 the time of operation causing the death of another :; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 21**, AMENDMENTS TO DRIVER LICENSE SANCTION REQUIREMENTS, by Representative R. Greenwood.

Stephen H. Urquhart, Chair

Mr. President:

February 6, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 116**, CRIMINAL PENALTY AND PROSECUTION AMENDMENTS, by Senator D. Liljenquist, be replaced and favorably recommends **1st Sub. S.B. 116**, CRIMINAL PENALTY AMENDMENTS and recommends the bill be considered read for the first time; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 118**, PARENTAL RESPONSIBILITY FOR JUVENILE CRIMINAL GANG OFFENSE COSTS, by Senator J. Greiner, with the following amendments:

- 1. Page 2, Lines 56 through 57:
 - 56 [(3)] (4) A court may waive part or all of the liability for damages $\{-\frac{\text{described in}}{}\}$
 - 57 <u>Subsection (1)</u> } <u>under this section</u> by the parent or legal guardian if the offender is adjudicated in the juvenile court; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 133**, ABUSE OR NEGLECT OF A DISABLED CHILD, by Senator J. Valentine, with the following amendments:

- 1. Page 1, Lines 14 through 15:
 - provides that a caretaker who intentionally, knowingly, recklessly {—, or with criminal
 - 15 <u>negligence</u>—} abuses or neglects a disabled child is guilty of a third degree felony.
- 2. Page 2, Line 45:
 - 45 (2) Any caretaker who <u>intentionally, knowingly,</u> recklessly { <u>. or with criminal negligence</u> } ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 154**, JUVENILE COURT JUDGE – FIFTH DISTRICT, by Senator S. Urquhart; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 161**, REPEAL OF MAXIMUM CHARGE TO PUBLISH LEGAL NOTICE, by Senator K. Van Tassell, with the following amendments:

- 1. Page 2, Line 31:
 - 31 <u>may not be greater than the {- lowest }</u> <u>open net rate charged for a similar notice, advertisement, or }</u>

D. Chris Buttars, Chair

On motion of Senator Killpack, the committee reports were adopted. S.B. 54, S.B. 56, as amended, 1st Sub. S.B. 126, S.B. 150, H.B. 231, H.B. 20, 1st Sub. H.B. 23, H.B. 28, S.B. 14, S.B. 160, S.J.R. 10, as amended, H.B. 236, 1st Sub. S.B. 147, S.B. 149, as amended, H.B. 21, 1st Sub. S.B. 116, S.B. 118, as amended, S.B. 133, as amended, S.B. 154, and S.B. 161 were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 9, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 43**, COORDINATING MUNICIPAL AND SPECIAL DISTRICT ELECTIONS, by Representative K. Grover, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **1st Sub. H.B. 44**, LOCAL AND SPECIAL SERVICE DISTRICT ELECTION AMENDMENTS, by Representative K. Grover, and recommends it be considered read for the second time and placed on the Consent Calendar.

Jon J. Greiner, Chair

Mr. President: February 6, 2009

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 57**, LOCAL OPTION TRANSPORTATION CORRIDOR PRESERVATION FUND AMENDMENTS, by Senator R. Okerlund, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

- 1. Page 1, Lines 18 through 20:
 - 18 ▶ requires the department to <u>annually</u> allocate the interest earned on fund monies to each
 - 19 county based on the proportionate amount of interest earned on each county's
 - 20 allocation of funds on an average monthly balance basis; and
- 2. Page 3, Lines 67 through 69:
 - 67 <u>(e) The department shall annually allocate the interest earned on fund monies to each county</u>
 - 68 <u>based on the proportionate amount of interest earned on each county's allocation of funds under</u>
 - 69 Subsection (4)(d) on an average monthly balance basis.; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.C.R. 1**, CONCURRENT RESOLUTION ON CERTIFICATION OF COMPRESSED NATURAL GAS VEHICLES, by Representative J. Draxler, et al, and recommends it be considered read for the second time and placed on the Consent Calendar.

Stephen H. Urquhart, Chair

Mr. President:

February 6, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.J.R. 9**, RESOLUTION HONORING THE UTAH LAW ENFORCEMENT MEMORIAL FOUNDATION, by Senator J. Greiner, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 87**, IDENTITY THEFT AMENDMENT, by Representative Julie Fisher, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 106**, CONTROLLED SUBSTANCE

DATABASE AMENDMENTS, by Representative B. Daw, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

On motion of Senator Killpack, the committee reports were adopted. **H.B. 43**, **1st Sub. H.B. 44**, **S.B. 57**, as amended, **H.C.R. 1**, **S.J.R. 9**, **H.B. 87**, and **H.B. 106** were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

- **S.B. 69**, **Proof of Citizenship Required to Vote** (M. Madsen), read the first time by short title and referred to the Rules Committee.
- **S.B. 194**, **Nondiscrimination Amendments** (S. McCoy), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

S.B. 136, DIESEL-POWERED MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM AMENDMENTS, was read the third time, explained by Senator Bell, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Davis Knudson Stephenson

S.B. 136 was transmitted to the House for consideration.

CONCURRENCE CALENDAR

On motion of Senator Jenkins, the Senate voted to concur in the House amendments to **1st Sub. S.B. 22**, VEHICLE AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
X7 7D 11	XX7 1.1		

Van Tassell Waddoups

Absent or not voting were: Senators

Christensen Knudson McCoy

1st Sub. S.B. 22 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

On motion of Senator Bramble, the circle was removed from **1st Sub. S.B. 36**, SALES AND USE TAX AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill. The bill passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	Morgan	Niederhauser
Okerlund	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Christensen	Hillyard	Knudson	McCoy

Robles

1st Sub. S.B. 36 was transmitted to the House for consideration.

* * *

On motion of Senator Killpack, the Senate voted to lift **1st Sub. S.B. 126**, STATE PERSONNEL MANAGEMENT ACT AMENDMENTS, to the top of the Second Reading Calendar

* * *

S.B. 95, MOBILE HOME PARK AMENDMENTS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Waddoups

Absent or not voting were: Senators

Christensen Jones Knudson Robles

S.B. 95 was transmitted to the House for consideration.

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S.B. 99, RENEWABLE ENERGY CERTIFICATE REVISIONS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Jones Killpack Knudson

S.B. 99 was transmitted to the House for consideration.

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S.B. 85, HOMICIDE AMENDMENTS, was read the third time and explained by Senator Urguhart. Senator Buttars commented and the bill passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Killpack	Liljenquist
Madsen	Mayne	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

waaaoups

Absent or not voting were: Senators

Jenkins Jones Knudson McCoy

S.B. 85 was transmitted to the House for consideration.

* * *

Sub. S.B. **107**, COMMUNICATIONS FRAUD **PENALTY** AMENDMENTS, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Killpack	Liljenquist
Madsen	Mayne	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddouns			

Absent or not voting were: Senators

Jenkins Jones Knudson McCov

1st Sub. S.B. 107 was transmitted to the House for consideration.

SECOND READING CALENDAR

1st Sub. S.B. 126, STATE PERSONNEL MANAGEMENT ACT AMENDMENTS, was read the second time.

On motion of Senator Liljenquist, the bill was circled.

* * *

S.B. 112, OBSTRUCTION OF JUSTICE AMENDMENT, was read the second time. Senator Okerlund explained the bill.

Senator Okerlund proposed the following amendment:

Page 3, Line 70a
 Senate Committee Amendments
 2-2-2009

70a $\hat{S} \rightarrow \underline{\text{(iv) a violation of Subsection (1)(h)}} \left\{ -\underline{\text{ }} \right\} \qquad \underline{\text{; or}} \qquad \boldsymbol{\leftarrow} \hat{S}$

Senator Okerlund's motion to amend passed on a voice vote. Senator Greiner commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jones	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Valentine
Von Toccoll	Woddowns		

Van Tassell Waddoups

Absent or not voting were: Senators

Buttars	Davis	Jenkins	Killpack
Knudson	Liljenquist	Urquhart	

* * *

S.B. 23, INCOME TAXATION OF PASS–THROUGH ENTITIES AND PASS–THROUGH ENTITY TAXPAYERS, was read the second time.

On motion of Senator Niederhauser, the following substitute bill replaced the original bill:

1st Sub. S.B. 23 Income Taxation of Pass-through Entities and Pass-through Entity Taxpayers (W. Niederhauser)

Senator Niederhauser explained the bill. Senators Greiner and Valentine commented. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 0; Absent, 8.

Voting in the affirmative were: Senators

Bell	Davis	Dayton	Goodfellow
Greiner	Hinkins	Jenkins	Jones
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Romero
Stephenson	Stowell	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Buttars	Christensen	Hillyard
Killpack	Knudson	Robles	Urquhart

* * *

S.B. 108, TAX COMMISSION ADMINISTRATION, COLLECTION, AND ENFORCEMENT AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Killpack	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell

Absent or not voting were: Senators

Buttars Christensen Hillyard Knudson

Waddoups

* * *

S.B. 49, SMALL BUSINESS ACCESS TO JUSTICE ACT, was read the second time. Senator Romero explained the bill. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins

Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Okerlund	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Buttars Hillyard Knudson Niederhauser

Robles

* * *

S.B. 120, WORKERS' COMPENSATION ACT – MEDICAL REPORTS, was read the second time. Senator Mayne explained the bill. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Waddoups

Absent or not voting were: Senators

Hillyard Knudson Morgan Niederhauser

Van Tassell

* * *

S.B. 121, WORKERS' COMPENSATION ACT – ATTORNEY FEES, was read the second time. Senator Mayne explained the bill. Senator Valentine declared a conflict of interest. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Knudson Hillyard Niederhauser

* * *

On motion of Senator Bramble, under suspension of the rules, the Senate voted to read S.B. 66, HIGHWAY DESIGNATION AMENDMENTS, for the first time place it at the top of the Second Reading Calendar.

* * *

On motion of Senator Hinkins, under suspension of the rules, S.B. 66, HIGHWAY DESIGNATION AMENDMENTS, was considered read the second and third times. Senator Hinkins explained the bill. Senators McCoy, Davis, Bramble, Valentine, Goodfellow, Stowell, Dayton, and Jones commented. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Hillyard Knudson

S.B. 66 was transmitted to the House.

COMMITTEE OF THE WHOLE

On motion of Senator Hinkins, former Senator Mike Dmitrich spoke in Committee of the Whole.

On motion of Senator Hinkins, the Committee of the Whole was dissolved.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 10, 2009

The House refuses to recede from its amendments to S.C.R. 1, CONCURRENT RESOLUTION REQUESTING A FEDERAL WAIVER TO ESTABLISH AN EMPLOYER-SPONSORED WORK PROGRAM, by Senator S. Jenkins, and has appointed a Conference Committee consisting of Representatives B. Dee, C. Herrod, and T. Cosgrove to meet with a like committee from the Senate on this bill.

Sandy D. Tenney, Chief Clerk

On motion of Senator Jenkins, the Senate voted to refuse to recede from its amendments to **S.C.R. 1**. President Waddoups appointed a conference committee consisting of Senators Jenkins, Madsen, and Romero to meet with a like committee from the House.

* * *

Mr. President:

February 10, 2009

The House passed **H.J.R. 15**, JOINT RESOLUTION APPROVING COMPENSATION OF IN–SESSION EMPLOYEES, by Representative K. Garn, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.J.R. 15** was read the first time and referred to the Rules Committee.

On motion of Senator Killpack, the Senate voted to lift **H.J.R. 15**, JOINT RESOLUTION APPROVING COMPENSATION OF IN–SESSION EMPLOYEES, from the Rules Committee and place it at the top of the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Killpack, under suspension of the rules, **H.J.R. 15**, JOINT RESOLUTION APPROVING COMPENSATION OF IN-SESSION EMPLOYEES, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups	_	

Absent or not voting were: Senators

Bramble Hinkins Knudson

H.J.R. 15 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Killpack, and at 11:45 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:15 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 10, 2009

The House concurred in the Senate amendments and passed **H.B. 31**, UTAH SUDDEN CARDIAC ARREST SURVIVAL ACT, by Representative C. Wimmer, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 31, was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President:

February 10, 2009

The House passed, as amended, **H.B. 97**, SEXUAL EXPLOITATION OF A MINOR, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed **H.B. 127**, PERSONAL INJURY PROTECTION COVERAGE AMENDMENTS, by Representative T. Kiser, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 97** and **H.B. 127** were read the first time and referred to the Rules Committee.

* * *

Mr. President:

February 10, 2009

The House refused to concur with the Senate Amendments to **H.B. 30**, COMMERCIAL MOTOR VEHICLE AMENDMENTS, by Representative T. Kiser, and requests the Senate recede from its amendments.

Sandy D. Tenney, Chief Clerk

On motion of Senator Van Tassell, the Senate voted to recede from its amendments.

H.B. 30, COMMERCIAL MOTOR VEHICLE AMENDMENTS, was before the Senate.

On motion of Senator Van Tassell, the following substitute bill replaced the original bill:

1st Sub. H.B. 30 Commercial Motor Vehicle Amendments (T. Kiser)

Senator Van Tassell proposed the following amendment:

- Page 1, Line 20: Delete "commercial"
- 2. Page 8, Line 226:
 Delete "October" and insert "July"

Senator Van Tassell's motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Mayne	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble Knudson Madsen McCoy

1st Sub. H.B. 30, as amended, was returned to the House.

INTRODUCTION OF BILLS

S.B. 199, **Equal Recognition of School Parent Groups** (C. Bramble), read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

On motion of Senator Liljenquist, the circle was removed from **1st Sub. S.B. 126**, STATE PERSONNEL MANAGEMENT ACT AMENDMENTS, and it was before the Senate. Senator Liljenquist explained the bill.

Senator Killpack proposed the following amendment:

- 1. Page 1, Line 25 through Page 2, Line 26
 - 25 Other Special Clauses:
 - 26 {None} This bill provides an immediate effective date.
- 1. Page 4, Line 117:
 - Section 67–19–17, Reappointment of employees not retained in exempt position.

Section 4. Effective Date.

<u>If approved by two-thirds of all the members elected to each house, this bill takes effect upon</u>

approval by the Governor, or the day following the constitutional time limit of Utah Constitution

Article VII, Section 8 without the Governor's signature, or in the case of a veto, the date of override.

Senator Killpack's motion to amend passed on a voice vote. Senators Mayne, Jones, Killpack, and Robles commented.

On motion of Senator Liljenquist, under suspension of the rules, **1st Sub. S.B. 126**, STATE PERSONNEL MANAGEMENT ACT AMENDMENTS, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner

Hillyard	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Knudson Madsen

1st Sub. S.B. 126 was transmitted to the House.

* * *

S.B. 87. PREFERRED DRUG LIST REVISIONS, was read the second time. Senator Christensen explained the bill.

Senator Christensen proposed the following amendment:

1. Page 3, Line 68

- drugs without the written or oral consent of the health care provider and the patient.
- (3) The department shall report to the Health and Human Services Interim Committee and to the Health and Human Services Appropriations Subcommittee prior to November 1, 2010 regarding the savings to the Medicaid program resulting from the use of the preferred drug list permitted by Subsection (1).

Senator Christensen's motion to amend passed on a voice vote. Senators Jones, Davis, Valentine, Killpack, Liljenquist, Dayton, and Bramble commented. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 6; Absent, 2.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Dayton
Greiner	Hillyard	Hinkins	Jenkins
Jones	Liljenquist	Madsen	McCoy
Morgan	Niederhauser	Okerlund	Robles
Stowell	Urquhart	Valentine	Van Tassell
XX7 1.1			

Waddoups

Mayne

Voting in the negative were: Senators

Bramble	Davis	Goodfellow	Killpack
Mayne	Romero		

Absent or not voting were: Senators Knudson Stephenson

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 10, 2009

The Speaker of the House has signed **1st Sub. S.B. 22**, VEHICLE AMENDMENTS, by Senator S. Jenkins, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 22 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President:

February 10, 2009

The House passed, as substituted, **1st Sub. H.B. 49**, VOTER CHALLENGE AMENDMENTS, by Representative N. Hansen, and it is transmitted for consideration; and

The House passed, as substituted and amended, **2nd Sub. H.B. 61**, LOCAL GOVERNMENT ENTITY CHANGES, by Representative K. Holdaway, and it is transmitted for consideration; and

The House passed **H.B. 65**, REPORTING OF CERTAIN TRANSACTIONS EXEMPT FROM SALES AND USE TAXES, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 76**, INCOME TAX CREDIT FOR MILITARY RETIRED PAY, by Representative S. Mascaro, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 102**, FALSE VEHICLE TITLE AND REGISTRATION PENALTIES, by Representative P. Ray, and it is transmitted for consideration; and

The House passed **H.B. 104**, DRIVER LICENSE HEARING AMENDMENTS, by Representative R. Greenwood, and it is transmitted for consideration; and

The House passed **H.B. 116**, UNIFORM FEES ON CANOES, by Representative M. Wheatley, and it is transmitted for consideration; and

The House passed **H.B. 235**, DAM SAFETY AMENDMENTS, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed **H.B. 253**, MOTOR CARRIER PERMIT FEE AMENDMENTS, by Representative T. Kiser, et al, and it is transmitted for consideration; and

The House passed **H.B. 275**, DOMESTIC VIOLENCE IN PRESENCE OF A CHILD AMENDMENTS, by Representative K. Gibson, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 49, 2nd Sub. H.B. 61, H.B. 65, H.B. 76, H.B. 102, H.B. 104, H.B. 116, H.B. 235, H.B. 253,** and **H.B. 275** were read the first time and referred to the Rules Committee.

* * *

On motion of Senator Killpack and at 3:00 p.m., the Senate adjourned until 10:00 a.m., Wednesday, February 11, 2009.

SEVENTEENTH DAY

February 11. 2009

The Senate was called to order at 10:10 a.m., with President Michael Waddoups presiding.

Prayer – Iman Muhammed Mehtar

Pledge of Allegiance – Senator Chris Buttars

Roll Call – All Senators present except Senator Knudson, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 73)

SPECIAL MUSICAL PRESENTATION

Allison Hopson played a violin solo entitled "Gigue" by Vericini

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 10, 2009

The House passed **H.B. 29**, SEX OFFENDERS' CONTACT WITH CHILDREN, by Representative R. Greenwood, and it is transmitted for consideration; and

The House passed **H.B. 83**, PROPERTY TAX RELIEF PROGRAMS, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 105**, DEPARTMENT OF AGRICULTURE AND FOOD AMENDMENTS, by Representative J. Mathis, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 108**, HORMONE RESTORATION AMENDMENTS, by Representative D. Aagard, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 278**, B AND C ROADS FUND AMENDMENTS, by Representative M. Noel, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 29**, **H.B. 83**, **H.B. 105**, **H.B. 108**, and **H.B. 278** were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: February 10, 2009

The Business and Labor Committee reports a favorable recommendation on **S.B. 167**, AMENDMENTS TO UNIFORM DEBT–MANAGEMENT SERVICES ACT, by Senator L. Hillyard; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 85**, MUTUAL BENEFIT CORPORATION – JUDICIAL LIENS, by Representative P. Painter; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 266**, WRONGFUL LIEN AMENDMENTS, by Representative G. Froerer.

John L. Valentine, Chair

Mr. President:

February 10, 2009

The Health and Human Services Committee reports a favorable recommendation on **S.B. 21**, STATE AND LOCAL HEALTH AUTHORITIES AMENDMENTS, by Senator D. Stowell, with the following amendments:

- 1. Page 1, Line 23:
 - 23 goals and budget; {-and-}
 - <u>▶ allows the Department of Health to use federal grant money to pay certain administrative costs; and</u>
- 2. Page 3, Line 69:
 - 69 government before the grant application is submitted . if the grant could provide funds for local health departments to help them fulfill their duties and responsibilities : and
- 3. Page 3, Line 77:
 - 77 (ii) make a binding decision on the goals and budget for the grant.
 - (d) The department may use money from grants from the federal government referred to in this Subsection (3) to pay the administrative costs incurred in implementing this Subsection (3). ; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 173**, EMOTIONAL SUPPORT ANIMALS AND PSYCHIATRIC THERAPY ANIMALS, by Senator M. Dayton; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 33**, REFUND OF UNEARNED HEALTH INSURANCE PREMIUMS AND MEDICARE SUPPLEMENT INSURANCE PREMIUMS, by Representative P. Ray.

D. Chris Buttars, Chair

Mr. President:

February 10, 2009

The Education Committee reports a favorable recommendation on **S.B. 77**, GRANTS FOR LICENSED TEACHERS AMENDMENTS, by Senator M. Madsen; and

The Education Committee reports a favorable recommendation on **S.B. 81**, CONCURRENT ENROLLMENT PROGRAM AMENDMENTS, by Senator M. Dayton, with the following amendments:

- 1. Page 3, Lines 59 through 61:
 - 59 following conditions:
 - 60 <u>(i)</u> {-<u>an appropriate assessment is given to high school</u> <u>students prior to participation in</u>
 - 61 <u>concurrent enrollment</u> } <u>to ensure that students are prepared for college level work</u> <u>, an appropriate assessment is given:</u>
 - (A) prior to participation in mathematics and English courses; and
 (B) in meeting prerequisites established for a campus—based course
 by the sponsoring institution
- 2. Page 6, Line 153:
 - 153 program.
 - (5) The scholarship program described under Subsection (4) shall be funded from existing appropriations for concurrent enrollment

that are allocated to the State Board of Regents.

Curtis S. Bramble, Chair

Mr. President:

February 10, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 149**, FOREST RESERVE FUND REVISIONS, by Representative M. Noel.

Dennis E. Stowell, Chair

On motion of Senator Dayton, the committee reports were adopted. S.B. 167, H.B. 85, H.B. 266, S.B. 21, as amended, S.B. 173, H.B. 33, S.B. 77, S.B. 81, as amended, and H.B. 149 were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

- **S.B. 73**, **Unincorporated Areas Amendments** (K. Mayne), read the first time by short title and referred to the Rules Committee.
- **S.B. 220, Cohabitant Abuse Procedures Act Amendments** (B. Goodfellow), read the first time by short title and referred to the Rules Committee.
- **S.C.R. 4**, **Resolution Supporting Obesity Awareness** (D. C. Buttars), read the first time by short title and referred to the Rules Committee.
- **S.J.R. 16**, **Joint Resolution Supporting Nuclear Power** (D. Hinkins), read the first time by short title and referred to the Rules Committee.
- **S.J.R. 17**, **Hydraulic Fracturing Joint Resolution** (D. Hinkins), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

On motion of Senator Dayton, **H.B. 56**, DECLARATION OF CANDIDACY AMENDMENTS, was read the third time and circled.

* * *

On motion of Senator Dayton, **H.B. 45**, PER DIEM AND TRAVEL EXPENSES FOR STATE BOARDS AND COMMISSIONS, was read the third time and circled.

* * *

H.B. 226, DISASTER RECOVERY AND EMERGENCY MANAGEMENT AMENDMENTS, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

Yeas, 21; Nays, 0; Absent, 8.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Valentine
Waddoups			

Absent or not voting were: Senators

Bramble	Christensen	Killpack	Knudson
McCoy	Stephenson	Urquhart	Van Tassell

H.B. 226 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 58, SALES AND USE TAX – DETERMINING THE LOCATION OF CERTAIN TRANSACTIONS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Waddoups			

Absent or not voting were: Senators

Killpack Knudson Stephenson Van Tassell

H.B. 58 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bell, **H.B. 38**, REFUGEE SERVICES FUND AMENDMENTS, was read the third time and circled.

* * *

H.B. 55, AMENDMENTS TO TOURISM, RECREATION, CULTURAL, CONVENTION, AND AIRPORT FACILITIES TAX ACT, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Christensen Knudson Stephenson

H.B. 55 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

S.B. 112, OBSTRUCTION OF JUSTICE AMENDMENTS, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Knudson

S.B. 112 was transmitted to the House for consideration.

* * *

On motion of Senator Niederhauser, **1st Sub. S.B. 23**, INCOME TAXATION OF PASS-THROUGH ENTITIES AND PASS-THROUGH ENTITY TAXPAYERS, was read the third time and circled.

* * *

On motion of Senator Niederhauser, **S.B. 108**, TAX COMMISSION ADMINISTRATION, COLLECTION, AND ENFORCEMENT, was read the third time and circled.

* * *

S.B. 49, SMALL BUSINESS ACCESS TO JUSTICE ACT, was read the third time, explained by Senator Romero, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Knudson

S.B. 49 was transmitted to the House for consideration.

* * *

S.B. 120, WORKERS' COMPENSATION ACT – MEDICAL REPORTS, was read the third time and explained by Senator Mayne.

Senator Mayne proposed the following amendment:

Page 3, Lines 82 through 84

- (ii) Within 20 days after the report described {-15--} in Subsection (2)(d)(i) is deposited in the
- United States post office, the following may file with the administrative law judge a written
- 84 [objections] objection to the report:

Senator Mayne's motion to amend passed on a voice vote. Senator Madsen commented and the bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups	_	

Absent or not voting were: Senators

Bramble Knudson Dayton

S.B. 120, as amended, was transmitted to the House for consideration.

* * *

S.B. 121, WORKERS' COMPENSATION – ATTORNEY FEES, was read the third time, explained by Senator Mayne, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hillyard
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Urquhart	Valentine	Van Tassell
Waddouns			

Waddoups

Absent or not voting were: Senators

Greiner Knudson Madsen Stephenson

S.B. 121 was transmitted to the House for consideration.

* * *

On motion of Senator Christensen, **S.B. 87**, PREFERRED DRUG LIST REVISIONS, was read the third time and circled.

* * *

On motion of Senator Bell, the Senate voted to move to Consent Calendar.

CONSENT CALENDAR

On motion of Senator Bell, the circle was removed from **H.B. 38**, REFUGEE SERVICES FUND AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen
Goodfellow	Hillyard	Hinkins
Jones	Killpack	Liljenquist
McCoy	Morgan	Niederhauser
Robles	Romero	Stowell
Valentine	Van Tassell	Waddoups
	Goodfellow Jones McCoy Robles	Goodfellow Hillyard Jones Killpack McCoy Morgan Robles Romero

Absent or not voting were: Senators

Davis Greiner Knudson Madsen

Stephenson

H.B. 38 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Killpack, the Senate voted to lift **H.B. 149**, FOREST RESERVE FUND REVISIONS, to the top of the Second Reading Calendar.

* * *

H.B. 149, FOREST RESERVE FUND REVISIONS, was read the second time. Senator Okerlund explained the bill. Senators Hillyard and Valentine commented.

On motion of Senator Okerlund, the bill was circled.

* * *

S.B. 48, TEACHER LICENSING BY COMPETENCY AMENDMENTS, was read the second time.

On motion of Senator Buttars, the bill was circled.

* * *

H.B. 22, HARBORING A RUNAWAY, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Valentine
Van Tassell			

Absent or not voting were: Senators

Davis Knudson Urquhart Waddoups

* * *

On motion of Senator Killpack, **H.B. 216**, TELECOMMUNICATION PRICING FLEXIBILITY AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Okerlund, the Senate voted to move **H.B. 231**, UTAH COMMISSION OF VOLUNTEERS AMENDMENTS, to the top of the Second Reading Calendar.

H.B. 231, UTAH COMMISSION OF VOLUNTEERS AMENDMENTS, was read the second time. Senator Okerlund explained the bill. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Hillyard	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Valentine	Van Tassell

Absent or not voting were: Senators

Davis Greiner Knudson Urquhart

Waddoups

* * *

On motion of Senator Jenkins, **1st Sub. H.B. 232**, CAMPAIGN AND FINANCIAL REPORTING REQUIREMENTS REVISIONS, was read the second time and circled.

* * *

H.B. 54, AMENDMENTS TO VEHICLE REGISTRATION REQUIREMENTS, was read the second time. Senator Hinkins explained the bill. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Dayton
Goodfellow	Hillyard	Hinkins	Jenkins
Jones	Killpack	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Buttars Davis Greiner Knudson

Urquhart

* * *

On motion of Senator Jenkins, **H.B. 67**, PUBLIC HEARINGS ON PROPERTY TAX INCREASES, was read the second time and circled.

* * *

H.B. 80, STUDY ON TAXPAYER ADVOCATE PROGRAM, was read the second time. Senator Dayton explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Valentine	Van Tassell
Waddoups			

Voting in the negative was: Senator

Jones

Absent or not voting were: Senators

Buttars Knudson Urguhart

* * *

1st Sub. H.B. 60, FAMILY PRESERVATION SERVICES AMENDMENTS, was read the second time. Senator Christensen explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

0			
Bell	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble Buttars Knudson

* * *

On motion of Senator Jenkins, **1st Sub. H.B. 90**, ABORTION LAW AMENDMENTS, was read the second time and circled.

* * *

H.B. 27, PROTECTIONS FOR AGRICULTURAL PRACTICES, was read the second time. Senator Dayton explained the bill. Senators McCoy and Valentine commented.

On motion of Senator Dayton, the bill was circled.

* * *

1st Sub. H.B. 62, STATE WATER DEVELOPMENT COMMISSION AMENDMENTS, was read the second time. Senator Davis explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 2; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

van rassen waddoups

Voting in the negative were: Senators

Hinkins McCoy

Absent or not voting was: Senator

Knudson

* * *

H.J.R. 7, EQUINE RESOURCES JOINT RESOLUTION, was read the second time. Senator Stowell explained the bill.

Senator McCoy proposed the following amendment:

- 1. Page 2, Line 36: After "regulations" delete "and"
- 2. Page 2, Line 36:
 After "inspection" insert ", and enforcement"

Senator McCoy's motion to amend failed on a voice vote. Senators McCoy, Christensen, and Jenkins commented. Senator Stephenson declared a conflict of interest. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 7; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Greiner	Hillyard
Hinkins	Jenkins	Killpack	Liljenquist
Madsen	Niederhauser	Okerlund	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Waddoups

Voting in the negative were: Senators

Goodfellow	Jones	Mayne	McCoy
Morgan	Robles	Romero	

Absent or not voting was: Senator

Knudson

* * *

On motion of Senator Christensen, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Christensen, the circle was removed from **S.B. 87**, PREFERRED DRUG LIST REVISIONS, and it was before the Senate. Senator Christensen explained the bill.

Senator Davis made a motion to substitute the bill. The motion failed on a voice vote.

Senator Killpack proposed the following amendment:

 Page 2, Line 33e
 Senate Committee Amendments 2–3–2009

33e (ii) added to the preferred drug list after this act takes effect. (e) except as prohibited by Subsections 58–17b–606(4) and(5), the prior authorization requirements established under Subsections (1)(c) and (d) shall permit a health care provider or the health care provider's agent to obtain a prior authorization override of the preferred drug list through the department's pharmacy prior authorization review process, which shall:

- (i) provide either telephone or fax approval or denial of the request within 24 hours of the receipt of a request that is submitted during normal business hours of Monday through Friday from 8 am to 5 pm:
- (ii) provide for the dispensing of a limited supply of a requested drug as determined appropriate by the department in an emergency situation, if the request for an override is received outside of the department's normal business hours; and
- (iii) require the health care provider to provide the department with documentation of the medical need for the preferred drug list override in accordance with criteria established by the department in consultation with the Pharmacy and Therapeutics Committee,

•

Senator Killpack's motion to amend passed on a voice vote. Senators Liljenquist and McCoy commented and the bill passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Van Tassell
Waddoups		1	

Absent or not voting were: Senators

Bell Buttars Knudson Valentine

S.B. 87 was transmitted to the House for consideration.

* * *

On motion of Senator Killpack and at 11:55 a.m., the Senate adjourned until 9:30 a.m., Thursday, February 12, 2009.

EIGHTEENTH DAY

February 12, 2009

The Senate was called to order at 9:45 a.m., with President Michael Waddoups presiding.

Prayer – Deacon Robb Benns, Calvary Baptist Church Pledge of Allegiance – Senator Curtis Bramble Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 73)

SPECIAL MUSICAL PRESENTATION

Alexis Hill, a student from Emerson Elementary School in Salt Lake School District played a flute solo of "The Star Spangled Banner"

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 11, 2009

The House passed, **1st Sub. S.B. 27**, ELECTION LAW CHANGES, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 40**, LAWFUL PRESENCE VERIFICATION FOR ISSUANCE OF A DRIVER LICENSE OR IDENTIFICATION CARD, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 88**, ADMINISTRATIVE RULEMAKING ACT AMENDMENTS, by Senator H. Stephenson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 93**, BUILDING AUTHORITIES, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 105**, ENGINEERING AND COMPUTER SCIENCE INITIATIVE AMENDMENTS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 27, S.B. 40, S.B. 88, S.B. 93, and **S.B. 105** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

February 11, 2009

The House passed **H.B. 71**, WITHHOLDING TAX AMENDMENTS, by Representative E. Vickers, and it is transmitted for consideration; and

The House passed **H.B. 118**, ARCHIVES AND GRAMA REVISIONS, by Representative D. Aagard, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 218**, FAMILY EMPLOYMENT PROGRAM AMENDMENTS, by Representative Janice Fisher, and it is transmitted for consideration; and

The House passed **H.B. 279**, UNIFORM PRUDENT MANAGEMENT OF INSTITUTIONAL FUNDS ACT, by Representative B. Last, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 71, H.B. 118, H.B. 218,** and **H.B. 279** were read the first time and referred to the Rules Committee.

* * *

Mr. President:

February 11, 2009

The House passed, as amended, **S.B. 104**, HIGHER EDUCATION SCHOLARSHIP PROGRAM AMENDMENTS, by Senator L. Hillyard, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 11, 2009

The Rules Committee recommends assignment of the following bills to standing committees:

Education Committee

S.B. 199

Equal Recognition of School Parent Groups

(Sen. C. Bramble)

Government Operations and Political Subdivisions Committee

S.B. 73

Unincorporated Areas Amendments (Sen. K. Mayne)

2nd Sub. H.B. 61 Local Government Entity Changes (Rep. K. Holdaway) (Sen. L. Hillyard)

Health and Human Services Committee

S.C.R. 4 Resolution Supporting Obesity Awareness (Sen. D. C. Buttars)

Judiciary, Law Enforcement, and Criminal Justice Committee

Judicial y, Law 1	indicement, and Crimmar Justice Committee
S.B. 155	Adoption Exception to Custody and Visitation for Persons
	Other than Parents (Sen. L. Hillyard)
S.B. 220	Cohabitant Abuse Procedures Act Amendments
	(Sen. B. Goodfellow)
H.B. 29	Sex Offenders' Contact with Children
	(Rep. R. Greenwood) (Sen. R. Okerlund)
H.B. 97	Sexual Exploitation of a Minor (Rep. R. Bigelow) (Sen.
	D. C. Buttars)
H.B. 127	Personal Injury Protection Coverage Amendments
	(Rep. T. Kiser) (Sen. D. C. Buttars)
H.B. 275	Domestic Violence in Presence of a Child Amendments

Natural Resources, Agriculture and Environment Committee

S.J.R. 17	Hydraulic Fracturing Joint Resolution (Sen. D. Hinkins)		
1st Sub. H.B. 92	Requirement to Wear Hunter Orange Amendments		
	(Rep. S. Sandstrom) (Sen. A. Christensen)		
H.B. 105	Department of Agriculture and Food Amendments		
	(Rep. J. Mathis) (Sen. D. Stowell)		
H.B. 235	Dam Safety Amendments (Rep. S. Sandstrom)		
	(Sen. D. Stowell)		

(Rep. K. Gibson) (Sen. M. Dayton)

Revenue and Taxation Committee

H.B. 65	Reporting of	f Certain	Transactions	Exempt 1	from	Sales and

Use Taxes (Rep. Julie Fisher) (Sen. C. Bramble)

H.B. 83 Property Tax Relief Programs (Rep. G. Froerer)

(Sen. W. Niederhauser)

Transportation, Public Utilities and Technology Committee

S.J.R. 16 Joint Resolution Supporting Nuclear Power

(Sen. D. Hinkins)

H.B. 102 False Vehicle Title and Registration Penalties

(Rep. P. Ray) (Sen. D. Liljenquist)

H.B. 104 Driver License Hearing Amendments (Rep. R. Greenwood) (Sen. D. Hinkins)

H.B. 253 Motor Carrier Permit Fee Amendments (Rep. T. Kiser)

(Sen. K. Van Tassell)

H.B. 278 B and C Roads Fund Amendments (Rep. M. Noel)

(Sen. D. Stowell)

Margaret Dayton Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

STANDING COMMITTEE REPORTS

Mr. President:

February 10, 2009

The Education Committee reports a favorable recommendation on **H.B. 15**, CAREER AND TECHNICAL EDUCATION AMENDMENTS, by Representative R. Bigelow, and that it be considered read for the first time.

Curtis S. Bramble, Chair

Mr. President:

February 11, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 152**, LEGISLATIVE MANAGEMENT POWERS, by Senator M. Waddoups; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 153**, COUNTY AND MUNICIPAL LAND USE AMENDMENTS, by Senator M. Madsen; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 171**, MUNICIPAL ANNEXATION AMENDMENTS, by Senator S. Jenkins, with the following amendments:

1. Page 6, Lines 168-170:

Delete lines 168 -170 and renumber accordingly; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.J.R. 6**, LEGISLATOR COMMUNICATIONS WITH JUDICIARY AND EXECUTIVE BRANCH JOINT RULES RESOLUTION, by Senator J. Valentine, with the following amendments:

1. Page 2, Line 52:

After "matter" insert "if that communication will unduly influence the case or proceeding"

2. Page 3. Line 70:

After "judge," delete

"executive branch employee or executive branch" and insert "or an administrative law judge"

3. Page 3, Line 78:

After "of this" delete "chapter" and insert "joint rule"

4. Page 4. Line 92:

After "in this" delete "chapter" and insert "joint rule"; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.J.R. 8**, JOINT RESOLUTION REGARDING ELIGIBILITY FOR LEGISLATIVE OFFICE, by Senator S. McCoy; and

Gregory S. Bell, Acting Chair

Mr. President:

February 11, 2009

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 59**, ALLOCATION AND APPORTIONMENT OF INCOME AND DEDUCTION OF A NET LOSS, by Senator H. Stephenson.

Wayne L. Niederhauser, Chair

Mr. President:

February 10, 2009

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 52**, NEW MOTOR VEHICLE FRANCHISE AMENDMENTS, by Senator S. Killpack; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 172**, UNDERINSURED MOTORIST COVERAGE AMENDMENTS, by Senator S. Urquhart; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 179**, SAFETY BELT ENFORCEMENT AMENDMENTS, by Senator C. Bramble.

Stephen H. Urquhart, Chair

Mr. President:

February 10, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 53**, AWARDING OF ATTORNEY FEES, by Senator S. Urquhart, be replaced and favorably recommends **1st Sub. S.B. 53**, AWARDING OF ATTORNEY FEES with the following amendments:

- 1. Page 1, Line 25 through Page 2, Line 26:
 - 25 <u>A court may not award attorney fees under the private attorney general doctrine</u> {- as
 - 26 <u>stated in Stewart v. Utah Public Service Commission, 885 P.2d 759</u> (1994), and its progeny } .; and

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 165**, STATUTE OF LIMITATION REVISIONS, by Senator M. Madsen, be replaced and favorably recommends **1st Sub. S.B. 165**, STATUTE OF LIMITATION REVISIONS; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 170**, JUDICIARY AMENDMENTS, by Senator L. Hillyard, with the following amendments:

- 1. Page 2, Line 40:
 - 40 78B-2-211, as renumbered and amended by Laws of Utah 2008, Chapter 3

78B-3-106, as renumbered and amended by Laws of Utah 2008. Chapter 3

- 2. Page 13, Line 387:
 - 387 as the part improved and cultivated.

Section 10. Section 78B-3-106 is amended to read:

78B-3-106. Death of adult — Suit by heir or personal representative.

- (1) Except as provided in Title 34A, Chapter 2, Workers' Compensation Act, when the death of a person who is not a minor is caused by the wrongful act or neglect of another, his heirs, or his personal representatives for the benefit of his heirs, may maintain an action for damages against the person causing the death, or, if the person is employed by another person who is responsible for his conduct, then against the other person.
- (2) If the adult person has a guardian at the time of his death, only one action may be maintained for the person's injury or death.
- (3) The action may be brought by either the personal representatives of the adult deceased person, for the benefit of the person's heirs, or by the guardian for the benefit of the heirs, as defined in Section 78B-3-105.
 - (4) In every action under this section and Section 78B-3-105

damages may be given as under all the circumstances of the case may be just.

Renumber remaining sections accordingly.

- 3. Page 15, Lines 441 through 450:
 - 78B–6–138. Birth parent's rights and duties dissolved.
 - [A] (1) Except as provided in Subsection (2), a birth parent of an adopted child is
 - 443 released from all parental duties toward and all responsibilities for the adopted child, and has
 - 444 no further rights with regard to that child at the earlier of:
 - 445 [(1)] (a) the time the parent's parental rights are terminated; or
 - 446 [(2)] (b) the time the final decree of adoption is entered.
 - 447 (2) { At the time the final decree of adoption is entered, a birth parent who is the spouse
 - 448 of the adopting parent, is not released from any parental duties or responsibilities for the
 - 449 <u>adopted child, nor does the decree of adoption terminate any of that birth parent's rights with</u>
 - 450 <u>regard to the child.</u> <u>Subsection (1) may not apply to a biological parent who is a party to the adoption petition, unless the petition expressly seeks termination of that biological parent's rights.</u>
 - (3) Nothing in this section may be construed to permit any adoptions that are prohibited by Subsection 78B–6–117(3).
- 4. Page 12, Lines 356 through 357:
 - 356 (1) The term of a justice court judge is six years beginning the first Monday in January
 - $\{-2010-\}$ [. (2) Judges] following the date of election.; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 176**, CIVIL FEES IN COURTS OF RECORD AMENDMENTS, by Senator J. Greiner; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 182**, CRIMINAL RESTITUTION AMENDMENTS, by Senator C. Bramble; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.J.R. 12**, JOINT RESOLUTION SUPPORTING EXPANSION OF CORRECTIONAL FACILITIES IN SAN JUAN COUNTY, by Senator D. Hinkins; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.J.R. 14**, JOINT RESOLUTION – CHALLENGING THE LEGALITY OF A CONVICTION OR SENTENCE, by Senator C. Bramble, with the following amendments:

- 1. Page 2, Lines 34 through 35:
 - 34 (2) (a) A person , including a person sentenced to death, may not be barred from obtaining relief from a conviction or sentence if $\{-\frac{1}{2}\}$
 - 35 (a) } the person can prove by clear and convincing evidence that the person did not:
- 2. Page 2, Line 40:
 - 40 (b) $\{\frac{\text{in the case of a}}{\text{may not be barred from obtaining relief from a}}\}$ $\frac{A}{\text{may not be barred from obtaining relief from a}}$ conviction or sentence if the person can prove with newly

D. Chris Buttars, Chair

On motion of Senator Hillyard, the committee reports were adopted. H.B. 15, S.B. 152, S.B. 153, S.B. 171, as amended, S.J.R. 6, as amended, S.J.R. 8, S.B. 59, S.B. 52, S.B. 172, S.B. 179, 1st Sub. S.B. 53,as amended, 1st Sub. S.B. 165, S.B. 179, as amended, S.B. 176, S.B. 182, S.J.R. 12, and S.J.R. 14, as amended, were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President:

February 11, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 75**, UTAH COMMUNICATIONS AGENCY NETWORK AMENDMENTS, by Representative F. Hunsaker, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 252**, EMERGENCY MANAGEMENT ADMINISTRATION COUNCIL AMENDMENTS, by Representative C. Oda,

and recommends it be considered read for the second time and placed on the Consent Calendar.

Gregory S. Bell, Acting Chair

On motion of Senator Hillyard, the committee reports were adopted. **H.B. 75** and **H.B. 252** were considered read the second time and placed on the Consent Calendar.

* * *

Mr. President:

February 11, 2009

The Revenue and Taxation Committee has deleted **S.B. 114**, TOBACCO TAX AMENDMENTS, by Senator A. Christensen, and replaced it with **2nd Sub. S.B. 114**, TOBACCO TAX AMENDMENTS, and has tabled and returned it to the Rules Committee for filing.

Wayne L. Niederhauser, Chair

On motion of Senator Hillyard, the committee reports were adopted. **2nd Sub. S.B. 114** was returned to the Rules Committee for filing.

* * *

On motion of Senator Hillyard, the Senate voted to recall **1st Sub. S.B. 22**, VEHICLE AMENDMENTS, from enrolling and place it at to top of the Third Reading Calendar. Senator Jenkins commented.

INTRODUCTION OF BILLS

- **S.B. 67**, **Miners' Safety and Training** (L. Robles), read the first time by short title and referred to the Rules Committee.
- **S.B. 192, Corporation Related Amendments** (L. Hillyard), read the first time by short title and referred to the Rules Committee.
- **S.B. 213**, **Restaurant Nutrition Labeling** (H. Stephenson), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

S.B. 138, INTERNAL SERVICE FUND RATE COMMITTEE AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Valentine
XX7 11			

Waddoups

Absent or not voting were: Senators

Christensen Jenkins Urquhart Van Tassell

S.B. 138 was transmitted to the House for consideration.

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On motion of Senator Knudson, the circle was removed from **H.B. 56**, DECLARATION OF CANDIDACY AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	Morgan
Okerlund	Robles	Romero	Stowell

Valentine Waddoups

Absent or not voting were: Senators

Buttars	Jenkins	McCoy	Niederhauser
Stephenson	Urquhart	Van Tassell	

H.B. 56 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Knudson, the circle was removed from **H.B. 45**, PER DIEM AND TRAVEL EXPENSES FOR STATE BOARDS AND COMMISSIONS, and it was before the Senate. The bill passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	Morgan
Okerlund	Robles	Romero	Stowell
Urquhart	Valentine	Waddoups	

Absent or not voting were: Senators

Buttars Jenkins McCoy Niederhauser

Stephenson Van Tassell

H.B. 45 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 234, CONSUMER CREDIT PROTECTION ACT MODIFICATION, was read the third time, explained by Senator Bell, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Volentine	Weddowns		

Valentine Waddoups

Absent or not voting were: Senators

Buttars Niederhauser Van Tassell

H.B. 234 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

S.B. 158, CHILD SUPPORT – CASH MEDICAL SUPPORT, was read the third time, explained by Senator Bell, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Waddoups

Absent or not voting were: Senators

Buttars Dayton Jenkins Niederhauser

Van Tassell

S.B. 158 was transmitted to the House for consideration.

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S.J.R. 7, JOINT RESOLUTION DESIGNATING MAY 2009 AS UTAH LIONS CLUB EYESIGHT PRESERVATION MONTH, was read the third time, explained by Senator Mayne, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Waddoups

Absent or not voting were: Senators

Buttars Christensen Jenkins Niederhauser

Van Tassell

S.J.R. 7 was transmitted to the House for consideration.

* * *

1st Sub. S.R. 3, RESOLUTION DESIGNATING SEPTEMBER 2009 AS HYDROCEPHALUS AWARENESS MONTH, was read the third time, explained by Senator Bell, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Waddoups			

Absent or not voting were: Senators

Buttars Christensen Niederhauser Van Tassell

1st Sub. S.R. 3 was transmitted to the staff for enrolling.

* * *

1st Sub. H.B. 81, HEALTH CARE PATIENT IDENTITY PROTECTION, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bramble	Davis	Dayton	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	McCoy	Morgan	Okerlund
Robles	Romero	Stowell	Urquhart
Valentine	Waddoups		

Absent or not voting were: Senators

Bell	Buttars	Christensen	Mayne
Niederhauser	Stephenson	Van Tassell	

1st Sub. H.B. 81 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

S.B. 127, RETIREMENT AMENDMENTS, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bramble	Davis	Dayton	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Okerlund	Robles	Romero	Stowell
Urquhart	Valentine	Waddoups	

Absent or not voting were: Senators

Bell Buttars Christensen Niederhauser

Stephenson Van Tassell

S.B. 127 was transmitted to the House for consideration.

* * *

S.B. 139, EMPLOYER ELECTION RETIREMENT AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bramble	Buttars	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Okerlund	Robles	Romero
Stowell	Urquhart	Valentine	Waddoups

Absent or not voting were: Senators

Bell Christensen Niederhauser Stephenson

Van Tassell

S.B. 139 was transmitted to the House for consideration.

* * *

S.B. 145, PUBLIC SAFETY RETIREES DEATH BENEFIT REVISIONS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Waddanna		

Valentine Waddoups

Absent or not voting were: Senators

Bramble Christensen Van Tassell

S.B. 145 was transmitted to the House for consideration.

CONCURRENCE CALENDAR

On motion of Senator Knudson, the circle was removed from **S.B. 24**, EARLY VOTING AMENDMENTS, and it was before the Senate.

On motion of Senator Knudson, the Senate voted to concur in the House amendments to **S.B. 24**, EARLY VOTING AMENDMENTS. Senator Romero commented and the bill, as amended, passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Waddoups			

Absent or not voting were: Senators

Bramble Christensen Hillyard Van Tassell

S.B. 24 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Knudson, the circle was removed from **S.B. 25**, ONLINE VOTER REGISTRATION, and it was before the Senate.

On motion of Senator Knudson, the Senate voted to concur in the House amendments to **S.B. 25**, ONLINE VOTER REGISTRATION. The bill, as amended, passed on the following roll call:

Yeas, 22; Nays, 2; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Killpack	Knudson	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Urquhart
Valentine	Waddoups		

Voting in the negative were: Senators

Madsen Stephenson

Absent or not voting were: Senators

Buttars Christensen Hillyard Liljenquist

Van Tassell

S.B. 25 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

H.B. 22, HARBORING A RUNAWAY, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Waddoups	

Absent or not voting were: Senators

Christensen Van Tassell

H.B. 22, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Niederhauser, the circle was removed from **S.B. 108**, TAX COMMISSION ADMINISTRATION, COLLECTION, AND ENFORCEMENT AMENDMENTS, and it was before the Senate. Senator Niederhauser explained the bill.

Senator Niederhauser proposed the following amendment:

1. Page 58, Lines 1767 through 1772

1767 <u>59–1–1419.</u> Venue <u>— Section does not affect right to seek judicial review.</u> .

1768 (1) If the commission commences a proceeding relating to the following, the venue is the

1769 Third District Court in Salt Lake City:

1770 $\left\{ -\frac{(1)}{2} \right\}$ <u>(a)</u> <u>failure to pay a liability;</u>

1771 $\left\{ -\frac{(2)}{2} \right\}$ <u>(b)</u> <u>failure to file a return; or</u>

1772 $\{-(3)\}$ $\underline{(c)}$ failure to supply information.

(2) Nothing in this section affects a right to seek judicial review in accordance with Part 6, Judicial Review.

Senator Niederhauser's motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Waddoups	

Absent or not voting were: Senators

Christensen Van Tassell

S.B. 108 was transmitted to the House for consideration.

* * *

H.B. 231, UTAH COMMISSION ON VOLUNTEERS AMENDMENTS, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Waddoups		

Absent or not voting were: Senators

Bramble Christensen Van Tassell

H.B. 231 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Christensen, **H.B. 54**, AMENDMENTS TO VEHICLE REGISTRATION REQUIREMENTS, was read the third time and circled.

* * *

H.B. 80, STUDY ON TAXPAYER ADVOCATE PROGRAM, was read the third time, explained by Senator Dayton, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

DavisDaytonGoodfellowGreinerHillyardHinkinsJenkinsJonesKillpackKnudsonLiljenquistMadsenMayneMcCoyMorganNiederhause
Killpack Knudson Liljenquist Madsen
• • •
Mayne McCoy Morgan Niederhause
Okerlund Robles Romero Stephenson
Stowell Urquhart Valentine Waddoups

Absent or not voting was: Senator

Van Tassell

H.B. 80, as amended, was returned to the House for further consideration.

* * *

1st Sub. H.B. 60, FAMILY PRESERVATION SERVICES AMENDMENTS, was read the third time, explained by Senator Christensen, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Waddoups

Absent or not voting was: Senator

Van Tassell

1st Sub. H.B. 60 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.B. 62, STATE WATER DEVELOPMENT COMMISSION AMENDMENTS, was read the third time, explained by Senator Davis, and passed on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Waddoups			

Voting in the negative was: Senator

McCoy

Absent or not voting were: Senators

Bramble Christensen Van Tassell

1st Sub. H.B. 62, as amended, was returned to the House for further consideration.

* * *

1st Sub. S.B. 22, VEHICLE AMENDMENTS, was before the Senate.

On motion of Senator Hillyard, the bill was circled.

* * *

H.J.R. 7, EQUINE RESOURCES JOINT RESOLUTION, was read the third time, explained by Senator Stowell, and passed on the following roll call:

Yeas, 19; Nays, 8; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Greiner	Hinkins	Jenkins
Killpack	Knudson	Liljenquist	Madsen
Okerlund	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Goodfellow	Jones	Mayne	McCoy
Morgan	Niederhauser	Robles	Romero

Absent or not voting were: Senators

Davis Hillyard

Senator Stephenson declared a conflict of interest.

H.J.R. 7 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Jenkins, the circle was removed from **1st Sub. S.B. 22**, VEHICLE AMENDMENTS, and it was before the Senate.

On motion of Senator Jenkins, the Senate refused to concur in the House amendments. **1st Sub. S.B. 22** was returned to the House. The House was asked to recede from its amendments.

SECOND READING CALENDAR

On motion of Senator Buttars, the circle was removed from **S.B. 48**, TEACHER LICENSING BY COMPETENCY AMENDMENTS, and it was before the Senate. Senator Buttars explained the bill.

Senator Valentine proposed the following amendment:

1. Page 2, Line 35:

Reinstate the stricken language and have it read:

"A local school board, a charter school or a person may request, and the"

2. Page 2, Line 45:

Reinstate the stricken language and have it read:

Senator Valentine's motion to amend passed on a voice vote. Senators Bell, Niederhauser, Madsen, Hillyard, Romero, Goodfellow, Morgan, Liljenquist, Robles, Jones, and McCoy commented. On motion of Senator Buttars, the Senate voted to suspend the rules and consider the bill on a House day. The bill passed second reading on the following roll call:

Yeas, 17; Nays, 11; Absent, 1.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Dayton
Greiner	Hillyard	Hinkins	Jenkins
Killpack	Knudson	Liljenquist	Madsen
Okerlund	Stephenson	Urquhart	Valentine
Waddoups			

Voting in the negative were: Senators

Bell	Davis	Goodfellow	Jones
Mayne	McCoy	Morgan	Robles
Romero	Stowell	Van Taccell	

Absent or not voting was: Senator

Niederhauser

Mr. President:

COMMUNICATIONS FROM THE HOUSE

The House passed, as substituted, **1st Sub. H.C.R. 3**, CONCURRENT RESOLUTION HONORING THE 200TH ANNIVERSARY OF THE BIRTH OF ABRAHAM LINCOLN, by Representative Julie Fisher, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

February 12, 2009

Communications filed. **1st Sub. H.C.R. 3** was read the first time and referred to the Rules Committee.

[&]quot;A local school board, charter school or a person"

SECOND READING CALENDAR

On motion of Senator Dayton, under suspension of the rules, **1st Sub. H.C.R. 3**, CONCURRENT RESOLUTION HONORING THE 200TH ANNIVERSARY OF THE BIRTH OF ABRAHAM LINCOLN, was lifted from Rules and placed at the top of the Second Reading Calendar.

On motion of Senator Dayton, under suspension of the rules, **1st Sub. H.C.R. 3**, CONCURRENT RESOLUTION HONORING THE 200TH ANNIVERSARY OF THE BIRTH OF ABRAHAM LINCOLN, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Okerlund
Romero	Stowell	Urquhart	Valentine
Van Tassell	Waddoups	_	

Absent or not voting were: Senators

Niederhauser Robles Stephenson

1st Sub. H.C.R. 3 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

COMMITTEE OF THE WHOLE

On motion of Senator Valentine, 5th Grade students from Foothill Elementary School in Orem, Utah, recited the Gettysburg Address in Committee of the Whole.

On motion of Senator Valentine, the Committee of the Whole was dissolved.

* * *

On motion of Senator Dayton, the Senate voted to move **S.B. 79,** HEALTH REFORM – MEDICAL MALPRACTICE AMENDMENTS, from the Judiciary, Law Enforcement and Criminal Justice Standing Committee and assign it to the Health and Human Services Standing Committee.

On motion of Senator Killpack and at 12:00 noon, the Senate adjourned until 10:00 a.m., Friday, February 13, 2009.

NINETEENTH DAY

February 13, 2009

The Senate was called to order at 10:10 a.m., with President Michael Waddoups presiding.

Prayer – Rabbi Tracee Rosen, Congregation Kol Ami Pledge of Allegiance – Senator John Valentine Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 73)

Mr. President: February 12, 2009

The Speaker of the House has signed **S.B. 24**, EARLY VOTING AMENDMENTS, by Senator P. Knudson, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 25**, ONLINE VOTER REGISTRATION, by Senator P. Knudson, and it is transmitted for the signature of the President; and

The House passed, **S.B. 37**, UTAH SUBSTANCE ABUSE AND ANTI-VIOLENCE COORDINATING COUNCIL AMENDMENTS, by Senator K. Van Tassell, et al, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 110**, OIL AND GAS LIMITATION OF ACTIONS AMENDMENTS, by Senator K. Van Tassell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 122**, UNIFORM STATE LAW – UNIFORM UNSWORN FOREIGN DECLARATIONS ACT, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 2**, TOPAZ MUSEUM AND CIVIL LIBERTIES LEARNING CENTER JOINT RESOLUTION, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 24, **S.B. 25**, **S.B. 37**, **S.B. 110**, **S.B. 122**, and **S.J.R. 2** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

February 12, 2009

The House concurred in the Senate amendments and passed **1st Sub. H.B. 30**, COMMERCIAL MOTOR VEHICLE AMENDMENTS, by Representative T. Kiser, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. H.B. 30, was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President:

February 12, 2009

The House passed **H.B. 119**, POWERSPORT VEHICLE FRANCHISE ACT REVISIONS, by Representative J. Gowans, and it is transmitted for consideration; and

The House passed **H.B. 241**, PRIORITY OF WATER RIGHTS, by Representative K. Gibson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 265**, POSTMORTEM PROCEDURES AMENDMENTS, by Representative B. Daw, and it is transmitted for consideration; and

The House passed **H.B. 271**, WORKERS' COMPENSATION – UNINSURED EMPLOYERS' FUND, by Representative M. Morley, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 119, H.B. 241, H.B. 265,** and **H.B. 271** were read the first time and referred to the Rules Committee.

* * *

Mr. President:

February 12, 2009

The House adopted the Joint Conference Committee Report dated February 12, 2009, and passed **S.C.R. 1**, CONCURRENT RESOLUTION REQUESTING A FEDERAL WAIVER TO ESTABLISH AN EMPLOYER–SPONSORED WORK PROGRAM, by Senator S. Jenkins, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

Mr. President:

February 10, 2009

The Joint Conference Committee comprised of Sens. Jenkins, Madsen, and Romero, and Reps. Dee, Herrod, and Cosgrove, recommends S.C.R. 1,

CONCURRENT RESOLUTION REQUESTING A FEDERAL WAIVER TO ESTABLISH AN EMPLOYER-SPONSORED WORK PROGRAM, by Senator S. Jenkins, with the following amendments:

- 1. Page 2, Lines 36 through 46a House Floor Amendments 2–5–2009:
 - WHEREAS, a federal waiver would be required for Utah to institute an
 - 37 employer–sponsored work program providing a two-year, renewable guest worker authorization
 - 38 for foreign workers $\hat{H} \rightarrow$ [and undocumented immigrants currently residing in the state] $\leftarrow \hat{H}$;
 - 39 WHEREAS, a second waiver is needed to withhold {-federal-} FICA and Medicare revenue
 - 40 and apply it toward the { health insurance and other administrative } costs of the program;
 - 41 $\hat{H} \rightarrow \{-\{-\}\}$ WHEREAS, the proposed employer–sponsored work program will allow for Utah to
 - 42 deal with its current undocumented population in a fair manner $\{-]-\}$ \vdots [by giving each undocumented]
 - 43 immigrant an opportunity to be classified as a guest worker and receive a two-year immigration
 - 44 benefit that has the possibility of being renewed;] \(\bigsim \text{\text{H}}\)
 - WHEREAS, the employer-sponsored work program would also address Utah's need for
 - 46 both unskilled and skilled laborers $\hat{H} \rightarrow$ while ensuring that all available local workers are given
 - 46a ample opportunity to meet that need $\leftarrow \hat{H}$;

Sen. Scott Jenkins, and Rep. Brad Dee, Chairs

On motion of Senator Jenkins, the Senate voted to adopt the Joint Conference Committee report to **S.C.R. 1**, CONCURRENT RESOLUTION REQUESTING A FEDERAL WAIVER TO ESTABLISH AN EMPLOYER-SPONSORED WORK PROGRAM. Senators Waddoups, Niederhauser, Madsen, and Mayne commented and the bill passed on the following roll call:

Yeas, 16; Nays, 13; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Hillyard	Jenkins	Jones	Killpack
Knudson	Liljenquist	Okerlund	Romero
Stephenson	Stowell	Valentine	Van Tassell

Voting in the negative were: Senators

Davis	Dayton	Goodfellow	Greiner
Hinkins	Madsen	Mayne	McCoy
Morgan	Niederhauser	Robles	Urquhart

Waddoups

S.C.R. 1 was returned to the House for the signature of the Speaker.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 12, 2009

The Rules Committee recommends assignment of the following bills to standing committees:

Business and Labor Committee

H.B. 279 Uniform Prudent Management of Institutional Funds Act

(Rep. B. Last) (Sen. S. Urguhart)

Government Operations and Political Subdivisions Committee

S.B. 69 Proof of Citizenship Required to Vote (Sen. M. Madsen)

S.B. 84 Impact Fees Revisions (Sen. G. Bell)

H.B. 118 Archives and Grama Revisions (Rep. D. Aagard)

(Sen. B. Goodfellow)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 11 Incest Amendments (Sen. D. Stowell)

Workforce Services and Community and Economic Development Committee

H.B. 218

328

Family Employment Program Amendments (Rep. Janice Fisher) (Sen. K. Mayne)

Margaret Dayton Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

STANDING COMMITTEE REPORTS

Mr. President:

February 12, 2009

Day 19

The Business and Labor Committee reports a favorable recommendation on **S.B. 163**, CONSTRUCTION TRADE EXEMPTION, by Senator S. Urquhart, with the following amendments:

- 1. Page 1, Lines 14 through 19:
 - provides that electrical and plumbing work done within a six month period on a building project with a value
 - 15 of less than \$3,000 must be done by a licensed electrical or plumbing contractor if
 - 16 the project involves an electrical or plumbing system; and
 - 17 ▶ provides that the electrical or plumbing work may be done by a licensed
 - 18 journeyman electrician or plumber if the project involves a {-single_item-} component of an electrical or plumbing system such as a
 - 19 faucet, toilet, fixture, {-plug, } <u>device</u>, <u>outlet</u>, or electrical switch.
- 2. Page 3, Lines 80 through 88:
 - 80 (ii) notwithstanding Subsection (1)(h)(i) and except as otherwise provided in this
 - 81 section:
 - 82 (A) work in the plumbing and electrical trades on a Subsection (1)(h)(i) project within any six month period of time:
 - (I) must

- 83 be performed by [a licensed journeyman electrician or journeyman plumber except as
- 84 otherwise provided in this section;]:
- 85 $\{-(1)\}$ a licensed electrical or plumbing contractor, if the project involves an electrical or
- 86 plumbing system; and
- 87 (II) may be performed by a licensed journeyman electrician or plumber, if the project involves a {-single item } component of the system
- 88 <u>such as a faucet, toilet, fixture,</u> {<u>-plug</u>} <u>device, outlet</u> <u>, or electrical switch;</u> ; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 51**, EXEMPTION FOR ALCOHOLIC BEVERAGE MANUFACTURING LICENSE, by Representative C. Johnson; and

The Business and Labor Committee recommends **H.B. 243**, RENTAL RESTRICTIONS ON CONDOMINIUMS AND COMMON INTEREST COMMUNITIES, by Representative G. Froerer, be replaced and favorably recommends **1st Sub. H.B. 243**, RENTAL RESTRICTIONS ON CONDOMINIUMS AND COMMON INTEREST COMMUNITIES.

John L. Valentine, Chair

Mr. President:

February 12, 2009

The Health and Human Services Committee reports a favorable recommendation on **S.B. 43**, INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDERS – CLAY'S LAW, by Senator H. Stephenson, with the following amendments:

- 1. Page 1, Lines 15 through 16:
 - 15 ▶ requires that {—an accident or health insurance policy that provides a health insurance
 - 16 benefit—} <u>a health benefit plan</u> shall provide coverage for treatment of autism spectrum disorders;
- 2. Page 3, Line 59:
 - 59 (2) {-An accident or health insurance policy that provides a health insurance benefit } A health benefit plan shall

- 3. Page 3, Lines 65 through 71:
 - 65 (4) Subject to Subsection (5), the rules described in Subsection (3) shall {-establish}
 - 66 <u>durational limits, amount limits, deductibles, and coinsurance for</u> the treatment of autism
 - 67 spectrum disorders that are similar to, or identical to, the coverage provided for other illnesses
 - 68 or diseases } provide that all cost sharing provisions for the coverage described in Subsection (2), including dollar limits, deductibles, and coinsurance, are not less favorable to the insured than the cost sharing provisions that apply to physical illness generally.
 - 69 <u>(5) Subject to Subsection (6).</u> {-<u>an accident or health insurance policy that provides a</u>
 - 70 <u>health insurance benefit</u> } <u>a health benefit plan</u> <u>shall</u> provide coverage for the provision of early intensive behavior
 - 71 therapy for a person with an autism spectrum disorder of at least:

D. Chris Buttars, Chair

On motion of Senator Hillyard, the committee reports were adopted. **S.B. 163,** as amended, **H.B. 51, 1st Sub. H.B. 243,** and **S.B. 43,** as amended, were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

- **S.B. 68**, **Mining Protection Amendments** (S. Killpack), read the first time by short title and referred to the Rules Committee.
- **S.B. 186, Amendments to State Tax Commission Penalty Provisions** (H. Stephenson), read the first time by short title and referred to the Rules Committee.
- **S.B. 217**, **Drugs Amendments** (P. Knudson), read the first time by short title and referred to the Rules Committee.
- **S.B. 227**, Concealed Firearm Permit Fees Amendments (S. McCoy), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Valentine, legislative staff was authorized to draft a bill regarding escrow fees. Senator Romero commented.

On motion of Senator Bell, legislative staff was authorized to draft a bill regarding priority of utility easements.

CONSENT CALENDAR

H.B. 43, COORDINATING MUNICIPAL AND SPECIAL DISTRICT ELECTIONS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Killpack
Knudson	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Waddoups			

Absent or not voting were: Senators

Jenkins Madsen Valentine Van Tassell

H.B. 43 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.B. 44, LOCAL AND SPECIAL SERVICE DISTRICT ELECTION AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Killpack
Knudson	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Von Toccoll	Waddoups		_

Van Tassell Waddoups

Absent or not voting were: Senators

Jenkins Madsen Valentine

1st Sub. H.B. 44 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

OPTION TRANSPORTATION S.B. 57. LOCAL **CORRIDOR** PRESERVATION FUND AMENDMENTS, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Killpack
Knudson	Liljenquist	Madsen	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Van Tassell	Waddoups		

Absent or not voting were: Senators

Jenkins Mayne Valentine

S.B. 57 was transmitted to the House for consideration.

* * *

H.C.R. 1, CONCURRENT RESOLUTION ON CERTIFICATION OF COMPRESSED NATURAL GAS VEHICLES, was read the third time, explained by Senator Knudson, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Killpack
Knudson	Liljenquist	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Van Tassell
Waddoups			

waaaoups

Absent or not voting were: Senators

Jenkins Madsen Mayne Valentine **H.C.R.** 1 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

S.J.R. 9, RESOLUTION HONORING THE UTAH LAW ENFORCEMENT MEMORIAL FOUNDATION, was read the third time, explained by Senator Greiner, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Killpack
Knudson	Liljenquist	Madsen	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Van Tassell	Waddoups		_

Absent or not voting were: Senators

Jenkins Mayne Valentine

S.J.R. 9 was transmitted to the House for consideration.

* * *

H.B. 87, IDENTITY THEFT AMENDMENT, was read the third time, explained by Senator Greiner, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Killpack
Knudson	Liljenquist	Madsen	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Von Toccoll	Waddoups		_

Van Tassell Waddoups

Absent or not voting were: Senators

Jenkins Mayne Valentine

H.B. 87 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 106, CONTROLLED SUBSTANCE DATABASE AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jones	Killpack	Knudson
Liljenquist	Madsen	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Van Tassell
Waddoups			

Absent or not voting were: Senators

Buttars Jenkins Mayne Valentine

H.B. 106 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

CONCURRENCE CALENDAR

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to **S.B. 104**, HIGHER EDUCATION SCHOLARSHIP PROGRAM AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassall	Waddoups	_	

Van Tassell Waddoups

Absent or not voting were: Senators

Bramble Madsen Mayne

S.B. 104 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

On motion of Senator Buttars, **S.B. 48**, TEACHER LICENSING BY COMPETENCY AMENDMENTS, was read the third time and circled.

SECOND READING CALENDAR

On motion of Senator Greiner, the circle was removed from **S.B. 91**, ELECTRONIC COMMUNICATION HARASSMENT AMENDMENT, and it was before the Senate. Senator Greiner explained the bill. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble Buttars Hillyard Mayne

Valentine

* * *

On motion of Senator Knudson, the circle was removed from **H.B. 216**, TELECOMMUNICATION PRICING FLEXIBILITY AMENDMENTS, and it was before the Senate. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Valentine
Van Tassell	Waddoups		

Bramble Mayne Urquhart

* * *

On motion of Senator Knudson, the circle was removed from **1st Sub. H.B. 232**, CAMPAIGN AND FINANCIAL REPORTING REQUIREMENTS REVISIONS, and it was before the Senate. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble Mayne

* * *

On motion of Senator Valentine, the circle was removed from **H.B. 149**, FOREST RESERVE FUND REVISIONS, and it was before the Senate. Senator Valentine explained the bill. Senators Okerlund commented.

On motion of Senator Okerlund, under suspension of the rules, **H.B. 149**, FOREST RESERVE FUND REVISIONS, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	McCoy
Morgan	Niederhauser	Okerlund	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups	-	

Bramble Mayne Robles

H.B. 149 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Davis, the circle was removed from **S.B.111**, HEALTH CARE WORKFORCE FINANCIAL ASSISTANCE PROGRAM AMENDMENTS, and it was before the Senate. Senator Davis explained the bill.

Senator Davis proposed the following amendment:

- 1. Page 1, Line 11:
 - 11 Utah Health Code to include loan repayment assistance to geriatric professionals who practice in an underserved area.
- 2. Page 1, Lines 18 through 19:
 - provides for loan repayment assistance, within funds appropriated by the Legislature
 - 19 for this purpose, to geriatric professionals who practice in an underserved area ;
- 3. Page 3, Lines 65 through 66 Senate Committee Amendments 1–30–2009:
 - 65 (b) loan repayment assistance to geriatric professionals who locate or continue to practice in underserved areas \$→ [, regardless of whether the]
 - 66 geriatric professionals provide services in underserved areas] \(\mathbb{c}\hat{\hat{s}}\).
- 4. Page 3, Lines 73 through 77 Senate Committee Amendments 1–30–2009:
 - 73 (d) service conditions, which at a minimum shall include $\{\pm i\}$
 - 74 <u>(i) except for a geriatric professional,</u> } professional service in an underserved area for a
 - 75 minimum period of time by any person receiving a scholarship or loan repayment assistance; $\{-\frac{\text{OF}}{\text{OF}}\}$

- 76 <u>(ii) for a geriatric professional, service in geriatrics for a minimum period of time by</u>
- 77 <u>any person receiving a scholarship or loan repayment assistance;</u> }
- 5. Page 4, Lines 102 through 108:
 - 102 (1) There is created the Utah Health Care Workforce Financial Assistance Program
 - 103 Advisory Committee consisting of the following [41] $\underline{13}$ members appointed by the executive
 - 104 director, {-seven-} eight of whom shall be residents of rural communities:
 - 105 (a) one rural representative of Utah Hospitals and Health Systems, nominated by the

106 association:

108 association:

- 6. Page 5, Lines 124 through 132:
 - 124 (k) one nursing administrator, nominated by the Utah Nurses Association[-]; and
 - 125 {-(1) one geriatrician, nominated by the association; and }

127 is:

- 128 <u>(i) determined by the department to have adequate advanced training in geriatrics to</u>
- 129 prepare the person to provide specialized geriatric care within the scope of the person's
- 130 profession; and
- 131 (ii) nominated by a professional association for the profession of which the person is a

132 member.

Senator Davis' motion to amend passed on a voice vote. Senators Knudson and Valentine commented. The bill passed on the following roll call:

Yeas, 19; Nays, 8; Absent, 2.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Goodfellow
Hillyard	Hinkins	Jones	Killpack
Knudson	Liljenquist	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Urquhart	Valentine	

Voting in the negative were: Senators

Buttars	Dayton	Greiner	Jenkins
Madsen	Stephenson	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble Mayne

* * *

On motion of Senator Buttars, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Buttars, the circle was removed from **S.B. 48**, TEACHER LICENSING BY COMPETENCY AMENDMENTS, and it was before the Senate. Senator Buttars explained the bill.

Senator Goodfellow proposed the following amendment:

- 1. Page 2, Line 45–53:
 Delete lines 45–53 and renumber line 54 to 3a
- Page 3, Line 67:
 Delete "an elementary" and insert "a"

Senator Goodfellow's motion to amend passed on a voice vote. Senators Okerlund, Stowell, and Hillyard commented. The bill passed on the following roll call:

Yeas, 18; Nays, 10; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Dayton
Hillyard	Jenkins	Killpack	Knudson
Liljenquist	Madsen	Niederhauser	Okerlund
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoupe		

Van Tassell Waddoups

Voting in the negative were: Senators

Davis	Goodfellow	Greiner	Hinkins
Jones	Mayne	McCoy	Morgan
	_		

Robles Romero

Absent or not voting was: Senator

Christensen

S.B. 48 was transmitted to the House for consideration.

SECOND READING CALENDAR

S.B. 143, SUNSET ACT AND REPEALERS REAUTHORIZATION, was read the second time. Senator Killpack explained the bill.

Senator Killpack proposed the following amendment:

1. Page 1, Line 20:

Delete "None" and insert "This bill coordinates with H.B. 60, Family Preservation Services Amendments, by providing superseding amendments."

2. Page 5, Line 148:

After Line 148 insert:

"Section 9. Coordinating S.B. 143 with H.B. 60 — Superseding amendments.

If this S.B. 143 and H.B. 60, Family Preservation Services Amendments both pass, it is the intent of the Legislature that the amendments to Subsection 63I–1–262(2) in H.B. 60 supersede the amendments to Subsection 63I–1–262(2) in this bill, when the Office of Legislative Research and General Counsel prepares the Utah Code database for publication."

Senator Killpack's motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 4; Absent, 1.

Voting	in	the	affirmative	were:	Senators
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Bell	Bramble	Davis	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

Buttars Dayton Goodfellow Madsen

Absent or not voting was: Senator

Christensen

* * *

On motion of Senator Bramble, the circle was removed from **1st Sub. H.B. 90**, ABORTION LAW AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill.

Senator Bramble proposed the following amendment:

1. Page 2, Lines 46a through 46d House Committee Amendments 1–30–2009

46a $\hat{H} \rightarrow \underline{\text{(1)}}$ As used in this section, "viable" means that the unborn child has reached a

46b <u>stage of fetal development when the unborn child is potentially able to live outside the womb</u>

46c { $\frac{\text{by natural or artificial life-supportive systems}}{\text{determined by the attending physician to a}}$ } , as

46d reasonable degree of medical certainty.

Senator Bramble's motion to amend passed on a voice vote.

###

Senator McCoy proposed the following substitute amendment:

1. Page 2, Lines 46a through 46d House Committee Amendments 1–30–2009 46a $\hat{H} \rightarrow \underline{\text{(1)}}$ As used in this section, "viable" means that the unborn child has reached a

46b stage of fetal development when the unborn child is potentially able to live outside the womb

46c {-by natural or artificial life-supportive systems}, as determined by the attending physician.

Senator McCoy's motion to amend failed on a voice vote.

On motion of Senator Bramble, the bill was circled.

* * *

On motion of Senator Stephenson, **S.B. 43**, INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDERS – CLAY'S LAW, will be considered Wednesday, February 18, 2009 at 2:10 p.m.

* * *

On motion of Senator Killpack and at 12:00 noon, the Senate adjourned until 10:00 a.m., Tuesday, February 17, 2009.

TWENTY-SECOND DAY

February 17, 2009

The Senate was called to order at 10:00 a.m., with President Michael Waddoups presiding.

Prayer – Kepi Heimuli, Counselor in the Payson 18th Ward Bishopric, The Church of Jesus Christ of Latter–day Saints

Pledge of Allegiance – Senator Lyle Hillyard **Roll Call** – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 13, 2009

The House passed, **S.B. 92**, LOCAL GOVERNMENTAL COOPERATION IN EDUCATION MATTERS, by Senator P. Jones, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 103**, UNIFORM LAWS – UNIFORM PRINCIPAL AND INCOME ACT AMENDMENTS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 104**, HIGHER EDUCATION SCHOLARSHIP PROGRAM AMENDMENTS, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.C.R. 1**, CONCURRENT RESOLUTION REQUESTING A FEDERAL WAIVER TO ESTABLISH AN EMPLOYER–SPONSORED WORK PROGRAM, by Senator S. Jenkins, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 92, S.B. 103, S.B. 104, and **S.C.R. 1** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

February 13, 2009

The House concurred in the Senate amendments and passed **H.B. 31**, UTAH SUDDEN CARDIAC ARREST SURVIVAL ACT, by Representative C. Wimmer, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 31, was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President:

February 13, 2009

The House passed, as substituted and amended, **1st Sub. H.B. 35**, HIGHER EDUCATION TAX CREDIT AND CONTRIBUTION, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 42**, ADOPTION REVISIONS, by Representative S. Allen, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 114**, ABORTION LITIGATION TRUST ACCOUNT AMENDMENTS, by Representative K. Sumsion, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 128**, ELECTRONIC PRESCRIBING ACT, by Representative R. Menlove, et al, and it is transmitted for consideration; and

The House passed **H.B. 239**, UTAH MEDICAL EXAMINER ACT – INVESTIGATION AND AUTOPSIES AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed **H.B. 270**, PARENT-TIME HOLIDAY AND NOTIFICATION AMENDMENTS, by Representative L. Fowlke, and it is transmitted for consideration; and

The House passed **H.B. 289**, BACKGROUND CHECKS FOR QUALIFYING ENTITIES, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed **H.B. 291**, COUNTY PERSONNEL AMENDMENTS, by Representative B. King, and it is transmitted for consideration; and

The House passed **H.B. 295**, MONEY LAUNDERING AMENDMENTS, by Representative R. Wilcox, and it is transmitted for consideration; and

The House passed **H.J.R. 11**, JOINT RESOLUTION EXPRESSING SUPPORT FOR AND RECOGNIZING THE VALUE OF LOCALLY ELECTED OFFICIALS, by Representative M. Brown, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. HB. 35, H.B. 42, H.B. 114, H.B. 128, H.B. 239, H.B. 270, H.B. 289, H.B. 291, H.B. 295,** and **H.J.R. 11** were read the first time and referred to the Rules Committee.

* * *

Mr. President:

February 13, 2009

The House refuses to recede from its amendments to **1st Sub. S.B. 22**, VEHICLE AMENDMENTS, by Senator S. Jenkins, and has appointed a Conference Committee consisting of Representatives M. Noel, W. Harper, and J. Gowans to meet with a like committee from the Senate on this bill.

Sandy D. Tenney, Chief Clerk

On motion of Senator Jenkins, the Senate voted to refuse to recede from its amendments to **1st Sub. S.B. 22**. President Waddoups appointed a conference committee consisting of Senators Jenkins, Greiner, and Romero to meet with a like committee from the House.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 13, 2009

The Rules Committee recommends assignment of the following bills to standing committees:

Business and Labor Committee

S.B. 192 Corporation Related Amendments (Sen. L. Hillyard)

H.B. 119 Powersport Vehicle Franchise Act Revisions

(Rep. J. Gowans) (Sen. C. Bramble)

H.B. 271 Workers' Compensation – Uninsured Employers' Fund

(Rep. M. Morley) (Sen. K. Morgan)

Education Committee

S.C.R. 3 Concurrent Resolution Urging the Creation of a Utah

Council on Financial Education (Sen. P. Jones)

Health and Human Services Committee

S.B. 213 Restaurant Nutrition Labeling (Sen. H. Stephenson)

S.B. 217 Drugs Amendments (Sen. P. Knudson)

H.B. 265 Postmortem Procedures Amendments (Rep. B. Daw)

(Sen. L. Robles)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 227 Concealed Firearm Permit Fees Amendments

(Sen. S. McCoy)

Natural Resources, Agriculture and Environment Committee

S.B. 67 Miners' Safety and Training (Sen. L. Robles)S.B. 68 Mining Protection Amendments (Sen. S. Killpack)

H.B. 241 Priority of Water Rights (Rep. K. Gibson)

(Sen. R. Okerlund)

Revenue and Taxation Committee

S.B. 186 Amendments to State Tax Commission Penalty Provisions

(Sen. H. Stephenson)

H.B. 71 Withholding Tax Amendments (Rep. E. Vickers)

(Sen. D. Stowell)

Margaret Dayton

Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

STANDING COMMITTEE REPORTS

Mr. President: February 13, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 64**, ADMINISTRATIVE RULES REVIEW COMMITTEE, by Senator H. Stephenson; and

The Government Operations and Political Subdivisions Committee recommends **S.B. 124**, INDEMNIFICATION FOR DESIGN PROFESSIONAL SERVICES, by Senator G. Bell, be replaced and favorably recommends **2nd Sub. S.B. 124**, INDEMNIFICATION FOR DESIGN PROFESSIONAL SERVICES; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 164**, IN PERSON VOTER REGISTRATION, by Senator S. McCoy.

Peter C. Knudson, Chair

Mr. President:

February 13, 2009

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 157**, PROPERTY TAXATION OF AIRCRAFT, by Senator M. Madsen, with the following amendments, and recommends that it be considered to have been read for the first time:

1. Page 1, Lines 1 through 5:

1 AIRCR	_	TAXATION	AND	REGISTRATION	OF
2	2009 GENER	AL SESSION			
3	STATE OF U	TAH			
4	Chief Sponso	r: Mark B. Mad	sen		
5	House Sponso	or:	_		

Wayne L. Niederhauser, Chair

Mr. President:

February 13, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **1st Sub. H.B. 92**, REQUIREMENT TO WEAR HUNTER ORANGE AMENDMENTS, by Representative S. Sandstrom; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 235**, DAM SAFETY AMENDMENTS, by Representative S. Sandstrom.

Dennis E. Stowell, Chair

Mr. President:

February 13, 2009

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 113**, SALVAGE VEHICLE TITLE AMENDMENTS, by Representative T. Kiser.

Stephen H. Urquhart, Chair

Mr. President:

February 13, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 169**, GAMBLING AMENDMENTS, by Senator D. Liljenguist; and

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 180**, EXPUNGEMENT OF DIVISION OF CHILD AND FAMILY SERVICES RECORDS, by Senator L. Hillyard, be replaced and favorably recommends **1st Sub. S.B. 180**, EXPUNGEMENT OF DIVISION OF CHILD AND FAMILY SERVICES RECORDS; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 183**, VIOLATION OF PROTECTIVE ORDER, by Senator S. McCoy, with the following amendments:

- 1. Page 4, Lines 91 through 92:
 - 91 (c) Each protective order issued in accordance with this part including protective orders issued ex parte, shall
 - 92 <u>include the following language:</u>
- 2. Page 4, Lines 112 through 113:
 - 112 (2) The court may amend or dismiss a protective order in accordance with this part that has been in effect for at
 - 113 least one year if it finds that:
- 3. Page 4, Line 119 through Page 5, Line 121:
 - 119 (d) the respondent has not been convicted $\{-for\}$ of a protective order violation or any crime

120 of violence subsequent to the issuance of the protective order, and there are no unresolved

121 charges involving violent conduct still on file with the court.; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 184**, CIVIL FILING FEES, by Senator G. Bell; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 233**, AGGRAVATED SEXUAL ASSAULT AMENDMENTS, by Representative C. Wimmer; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 247**, AMENDMENTS TO EMAIL INFORMATION REQUIRED OF REGISTERED SEX OFFENDERS, by Representative J. Bird.

D. Chris Buttars, Chair

On motion of Senator Killpack, the committee reports were adopted. S.B. 64, 2nd Sub. S.B. 124, S.B. 164, S.B. 157, as amended, 1st Sub. H.B. 92, H.B. 235, H.B. 113, S.B. 169, 1st Sub. S.B. 180, S.B. 183, as amended, S.B. 184, H.B. 233, and H.B. 247 were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President:

February 13, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 257**, POLITICAL SUBDIVISION CLERK AMENDMENTS, by Representative M. Newbold, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 258**, AMENDMENTS TO NOTICE PROVISIONS FOR SUBDIVISION CHANGES, by Representative K. Powell, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

Mr. President:

February 13, 2009

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 65**, REPORTING OF CERTAIN TRANSACTIONS EXEMPT FROM

SALES AND USE TAXES, by Representative Julie Fisher, and recommends it be considered read for the second time and placed on the Consent Calendar.

Wayne L. Niederhauser, Chair

Mr. President:

February 13, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.J.R. 17**, HYDRAULIC FRACTURING JOINT RESOLUTION, by Senator D. Hinkins, and recommends it be considered read for the second time and placed on the Consent Calendar.

Dennis E. Stowell, Chair

Mr. President:

February 13, 2009

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 24**, TRAFFIC ACCIDENT CLEARANCE AMENDMENTS, by Representative E. Hutchings, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar:

- 1. Page 2, Lines 52 through 53 House Committee Amendments 1–28–2009:
 - 52 (1) (a) The operator of a vehicle involved in an accident resulting only in damage to
 - 53 another vehicle or other property [shall] $\{-\frac{may}{}\}$:
- 2. Page 2, Lines 56 through 57a House Committee Amendments 1–28–2009:
 - 56 (i) may move the vehicle as soon as possible off the roadway or freeway main lines,
 - 57 shoulders, medians, or adjacent areas to $\hat{H} \rightarrow [\underline{a}]$ the nearest safe $\leftarrow \hat{H}$ location on an exit ramp
 - 57a shoulder, a frontage road,
- 3. Page 3, Lines 59 through 60:
 - 59 [(b)] (ii) shall remain at the $\{-\{-\}\}$ scene of the accident $\{-\}$ or the location described in Subsection (1)(a)(i)

60 until the operator has fulfilled the requirements of this section.

Stephen H, Urquhart, Chair

On motion of Senator Killpack, the committee reports were adopted. **H.B. 257, H.B. 258, H.B. 65, S.J.R. 17,** and **H.B. 24,** as amended, were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

- **S.B.** 70, Department of Environmental Quality Amendments (M. Dayton), read the first time by short title and referred to the Rules Committee.
- **S.B. 209**, Land Use, Development, and Management Act Amendments (G. Bell), read the first time by short title and referred to the Rules Committee.
- S.R. 6, Senate Resolution Recognizing the Work Done by the League of United Latin American Citizens (L. Robles), read the first time by short title and referred to the Rules Committee.
- **S.J.R. 19**, **Joint Resolution Regarding Legislative Ethics** (G. Davis), read the first time by short title and referred to the Rules Committee.

COMMITTEE OF THE WHOLE

On motion of Senator Killpack, U.S. Representative Jason Chaffetz spoke in Committee of the Whole. Senators McCoy, Romero, Stephenson, Valentine, Okerlund, Buttars, Jones, and Mayne commented.

On motion of Senator Killpack, the Committee of the Whole was dissolved.

CONSENT CALENDAR

H.B. 75, UTAH COMMUNICATIONS AGENCY NETWORK AMENDMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne

McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell

Van Tassell Waddoups

Absent or not voting were: Senators

Buttars Urquhart Valentine

H.B. 75 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 252, EMERGENCY MANAGEMENT ADMINISTRATION COUNCIL AMENDMENTS, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Buttars Christensen Mayne McCoy

Urquhart

H.B. 252 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

On motion of Senator Greiner, **S.B. 91**, ELECTRONIC COMMUNICATION HARASSMENT AMENDMENT, was read the third time and circled.

* * *

S.B. 111, HEALTH CARE WORKFORCE FINANCIAL ASSISTANCE PROGRAM AMENDMENTS, was read the third time, explained by Senator Davis, and passed on the following roll call:

Yeas, 22; Nays, 5; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Davis	Goodfellow
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Urquhart
Valentine	Waddoups		

Voting in the negative were: Senators

Dayton Greiner Madsen Stephenson

Van Tassell

Absent or not voting were: Senators Buttars Christensen

S.B. 111 was transmitted to the House for consideration.

* * *

On motion of Senator Niederhauser, the circle was removed from **1st Sub. S.B. 23**, INCOME TAXATION OF PASS-THROUGH ENTITIES AND PASS-THROUGH ENTITY TAXPAYERS, and it was before the Senate.

Senator Niederhauser proposed the following amendment:

- 1. Page 32, Lines 972 through 976
 - 972 (b) A pass—through entity is not required to pay or withhold a tax under Subsection

973 (1)(a):

- 974 (i) on behalf of a pass–through entity taxpayer who is a resident individual; {-or }
- 975 (ii) if the pass-through entity is an organization exempt from taxation under Subsection
- 976 $\underline{59-7-102(1)(a)} \{-\frac{1}{2}\} : or$

(iii) if the pass–through entity is a publicly traded partnership:

(A) as defined in Section 7704(b), Internal Revenue Code;

(B) that is classified as a partnership for federal income tax purposes; and

(C) that files an annual information return reporting the following

with respect to each partner of the publicly traded partnership with income derived from or connected with Utah sources that exceeds \$500 in a taxable year:

(I) the partner's name:

(II) the partner's address;

(III) the partner's taxpayer identification number; and

(IV) other information required by the commission.

Senator Niederhauser's motion to amend passed on a voice vote. Senator Niederhauser explained the bill. Senator Valentine commented. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

354

Voting in the affirmative were: Senators

Bell	Bramble	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars Christensen

1st Sub. S.B. 23 was transmitted to the House for consideration.

* * *

On motion of Senator Greiner, the circle was removed from **S.B. 91**, ELECTRONIC COMMUNICATION HARASSMENT AMENDMENT, and it was before the Senate. Senator Greiner explained the bill. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

0			
Bell	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Bramble Buttars

S.B. 91 was transmitted to the House for consideration.

* * *

H.B. 216, TELECOMMUNICATION PRICING FLEXIBILITY AMENDMENTS, was read the third time and explained by Senator Knudson. Senators Jenkins and Mayne commented and the bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble Liljenquist Robles

H.B. 216 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.B. 232, CAMPAIGN AND FINANCIAL REPORTING REQUIREMENTS REVISIONS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Bramble Hillyard Mayne

* * *

1st Sub. H.B. 232 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

S.B. 143, SUNSET ACT AND REPEALERS REAUTHORIZATIONS, was read the third time, explained by Senator Killpack, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Hillyard

S.B. 143was transmitted to the House for consideration.

SECOND READING CALENDAR

S.B. 140, FINANCIAL INSTITUTIONS DISCLOSURE OF RECORDS, was read the second time. Senator Dayton explained the bill. Senator Greiner commented. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	•

Davis Hillyard

* * *

S.B. 135, LOCAL DISTRICT TAXING AUTHORITY, was read the second time. Senator Bramble explained the bill.

On motion of Senator Bramble, the following substitute bill replaced the original bill:

1st Sub. S.B. 135 Local District Taxing Authority (C. Bramble)

Senator Niederhauser commented. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Christensen Killpack Madsen

* * *

S.B. 141, AVIATION FUEL TAX AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Robles	Romero
Stephenson	Stowell	Valentine	Van Tassell
XX7 1.1			

Waddoups

Christensen Madsen Okerlund Urquhart

* * *

S.B. 50, RESTRICTING THE MOVEMENT OF A MOTOR VEHICLE, was read the second time. Senator Goodfellow explained the bill. Senators Greiner and Waddoups commented. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Valentine	Van Tassell
Waddayna			

Waddoups

Absent or not voting were: Senators

Christensen Hillyard Madsen Urquhart

COMMITTEE OF THE WHOLE

On motion of Senator Killpack, U.S. Senator Orrin Hatch spoke in Committee of the Whole. Senators Van Tassell, Jones, and Urquhart commented.

On motion of Senator Killpack, the Committee of the Whole was dissolved.

* * *

On motion of Senator Killpack and at 12:00 noon, the Senate adjourned until 10:00 a.m., Wednesday, February 18, 2009.

TWENTY-THIRD DAY

MORNING SESSION

February 18, 2009

The Senate was called to order at 10:10 a.m., with President Michael Waddoups presiding.

Prayer – Daniel K. Judd, Second Counselor in the Sunday School General Presidency of the Church of Jesus Christ of Latter–day Saints

Pledge of Allegiance – Senator Peter Knudson

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 17, 2009

The House concurred in the Senate amendments and passed **H.B. 22**, HARBORING A RUNAWAY, by Representative L. Fowlke, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 62**, STATE WATER DEVELOPMENT COMMISSION AMENDMENTS, by Representative K. Gibson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 80**, STUDY ON TAXPAYER ADVOCATE PROGRAM, by Representative K. Grover, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 22, 1st Sub. H.B. 62, and **H.B. 80**, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President:

February 17, 2009

The House passed **H.B. 228**, ASSAULT ON SERVICE MEMBER IN UNIFORM, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 240, WANTON DESTRUCTION OF LIVESTOCK, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 261**, AVIATION AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 264**, EDUCATOR EVALUATION AMENDMENTS, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 154**, STATE CONSTRUCTION REGISTRY AMENDMENTS, by Representative M. Morley, and it is transmitted for consideration; and

The House passed **H.C.R. 5**, CONCURRENT RESOLUTION URGING THE REALIGNMENT OF AIR QUALITY REQUIREMENTS BY THE EPA, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed **H.C.R. 6**, CONCURRENT RESOLUTION EXPRESSING OPPOSITION TO CONGRESSIONAL EFFORTS TO EXPAND THE JURISDICTION OF THE CLEAN WATER ACT, by Representative M. Brown, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 228, 1st Sub. H.B. 240, H.B. 261, 1st Sub. H.B. 264, H.B. 154, H.C.R. 5, and H.C.R. 6 were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 17, 2009

The Rules Committee recommends assignment of the following bills to standing committees:

Education Committee

1st Sub. H.B. 35 Higher Education Tax Credit and Contribution (Rep. J. Dougall) (Sen. W. Niederhauser)

Government Operations and Political Subdivisions Committee

Government Op	crations and routical Subarvisions Committee
S.B. 156	Gifts and Meal Provisions for Public Officials
	(Sen. G. Bell)
S.B. 162	Use of Campaign Funds Amendments (Sen. J. Valentine)
S.B. 209	Land Use, Development, and Management Act
	Amendments (Sen. G. Bell)

H.B. 291	County Personnel Amendments (Rep. B. King)
	(Sen. R. Romero)
H.J.R. 11	Joint Resolution Expressing Support for and Recognizing
	the Value of Locally Elected Officials (Rep. M. Brown)

(Sen. R. Okerlund)

Health and Human Services Committee

	Services Committee
H.B. 42	Adoption Revisions (Rep. S. Allen) (Sen. D. Liljenquist)
H.B. 239	Utah Medical Examiner Act – Investigation and
	Autopsies Amendments (Rep. C. Oda) (Sen. G. Bell)
H.B. 289	Background Checks for Qualifying Entities
	(Rep. S. Sandstrom) (Sen. L. Robles)

Judiciary, Law Enforcement, and Criminal Justice Committee

H.B. 114	Abortion Litigation Trust Account Amendments	
	(Rep. K. Sumsion) (Sen. M. Madsen)	
H.B. 123	Retail and Library Theft Amendments (Rep. F. Gibson)	
	(Sen. D. Hinkins)	
H.B. 295	Money Laundering Amendments (Rep. R. Wilcox)	
	(Sen. D. Liljenquist)	

Natural Resources, Agriculture and Environment Committee

S.B. 70 Department of Environmental Quality Amendments (Sen. M. Dayton)

Transportation, Public Utilities and Technology Committee

H.B. 50 Firefighter Special Group License Plate Amendments

(Rep. R. Menlove) (Sen. P. Knudson)

Workforce Services and Community and Economic Development Committee

S.R. 6 Senate Resolution Recognizing the Work Done by the

League of United Latin American Citizens

(Sen. L. Robles)

Margaret Dayton Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

STANDING COMMITTEE REPORTS

Mr. President:

February 17, 2009

The Business and Labor Committee reports a favorable recommendation on **S.B. 29**, SAFE DRINKING WATER ACT AMENDMENTS, by Senator D. Stowell, with the following amendments:

- 1. Page 2, Line 33:
 - 33 (a) "Corporate public water system" means a public water system that is owned by a corporation.; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 78**, PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES, by Senator M. Madsen, with the following amendments:

- 1. Page 5, Lines 131 through 133:
 - 131 (2) Upon entry of final judgment for a cause of action brought under this section, the
 - 132 {-<u>attorney general shall</u>} <u>court may</u> <u>award restitution,</u> when appropriate, to any individual suffering loss
 - 133 <u>because of a violation of this chapter if proof of loss is submitted to the satisfaction of the</u>; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 78**, UTAH UNIFORM SECURITIES ACT MODIFICATIONS, by Representative J. Bird.

John L. Valentine, Chair

Mr. President:

February 17, 2009

The Health and Human Services Committee reports a favorable recommendation on **S.C.R. 4**, RESOLUTION SUPPORTING OBESITY AWARENESS, by Senator D. C. Buttars; and

The Health and Human Services Committee reports a favorable recommendation on **2nd Sub. H.B. 121**, RETIRED VOLUNTEER HEALTH CARE PRACTITIONER ACT, by Representative M. Brown.

D. Chris Buttars, Chair

Mr. President:

February 17, 2009

The Education Committee reports a favorable recommendation on **S.B. 199**, EQUAL RECOGNITION OF SCHOOL PARENT GROUPS, by Senator C. Bramble, with the following amendments:

- 1. Page 2, Line 58:
 - 58 <u>leadership positions</u>, or the ability to vote.
 - (6) The provisions under Subsection (5)(c) do not apply to a parent group that waives the required payment of dues for a person upon the request of that person.

Curtis S. Bramble, Chair

On motion of Senator Dayton, the committee reports were adopted. **S.B. 29**, as amended, **S.B. 78**, as amended, **H.B. 78**, **S.C.R. 4**, **2nd Sub. H.B. 121**, and **S.B. 199**, as amended, were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President:

February 17, 2009

The Business and Labor Committee reports a favorable recommendation on **H.B. 279**, UNIFORM PRUDENT MANAGEMENT OF INSTITUTIONAL FUNDS ACT, by Representative B. Last, and recommends it be considered read for the second time and placed on the Consent Calendar.

John L. Valentine, Chair

Mr. President:

February 13, 2009

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 91**, INDIVIDUAL DEVELOPMENT ACCOUNT AMENDMENTS, by Representative

F.J. Seegmiller, and recommends it be considered read for the second time and placed on the Consent Calendar.

Mark B. Madsen, Chair

On motion of Senator Dayton, the committee reports were adopted. **H.B. 279** and **H.B. 91** were considered read the second time and placed on the Consent Calendar.

* * *

Mr. President:

February 17, 2009

The Health and Human Services Committee has tabled **S.B. 175**, SIGNAGE REQUIREMENTS RELATING TO CHILDREN AND ANIMALS IN PARKED CARS, by Senator K. Mayne, and has returned it to the Rules Committee for filing.

D. Chris Buttars, Chair

On motion of Senator Dayton, the committee reports were adopted.

S.B. 175 was returned to the Rules Committee.

INTRODUCTION OF BILLS

- **S.B. 75**, **Utility Amendments** (S. Urquhart), read the first time by short title and referred to the Rules Committee.
- **S.B. 205**, Community Development and Renewal Agency Amendments (C. Bramble), read the first time by short title and referred to the Rules Committee.
- **S.B. 211, Building Code Amendments** (C. Bramble), read the first time by short title and referred to the Rules Committee.
- **S.B. 228**, **Prohibition on Internet or Mail-order Sales of Tobacco Products** (M. Dayton), read the first time by short title and referred to the Rules Committee.
- **S.B. 243**, **Judicial Performance Evaluation Commission Modifications** (D. C. Buttars), read the first time by short title and referred to the Rules Committee.
- **S.B. 244**, **Long Arm Jurisdiction Amendments** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 268, **Title and Escrow Commission Related Amendments** (J. Valentine), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

S.B. 140, FINANCIAL INSTITUTIONS DISCLOSURE OF RECORDS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble McCoy Stephenson

S.B. 140 was transmitted to the House for consideration.

* * *

On motion of Senator Christensen, **1st Sub. S.B. 135**, LOCAL DISTRICT TAXING AUTHORITY, was read the third time and circled.

* * *

S.B. 141, AVIATION FUEL TAX AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble McCoy

S.B. 141 was transmitted to the House for consideration.

* * *

S.B. 50, RESTRICTING THE MOVEMENT OF A MOTOR VEHICLE, was read the third time, explained by Senator Goodfellow, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
Morgan	Okerlund	Robles	Romero
Stowell	Urquhart	Valentine	Van Tassell
XX7 11			

Waddoups

Absent or not voting were: Senators

Bramble McCoy Niederhauser Stephenson

S.B. 50 was transmitted to the House for consideration.

* * *

On motion of Senator Bramble, the circle was removed from **1st Sub. S.B. 135**, LOCAL DISTRICT TAXING AUTHORITY, and it was before the Senate. Senator Bramble explained the bill. The bill passed on the following roll call:

Yeas, 23; Nays, 1; Absent, 5.

Voting in the affirmative were: Senators

Bramble	Buttars	Davis	Dayton
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	Morgan	Okerlund
Robles	Romero	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	•

Voting in the negative was: Senator

Hinkins

Absent or not voting were: Senators

Bell Christensen McCoy Niederhauser

Stephenson

1st Sub. S.B. 135 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Dayton, the circle was removed from **H.B. 27**, PROTECTIONS FOR AGRICULTURAL PRACTICES, and it was before the Senate. Senator Dayton explained the bill.

Senator Valentine proposed the following amendment:

1. Page 2, Line 46:

After "Subsection 78B-6-1101(7)" delete ".or"

Senator Valentine's motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 5; Absent, 2.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	Niederhauser	Okerlund
Stephenson	Stowell	Urquhart	Valentine

Van Tassell Waddoups

Voting in the negative were: Senators

Hinkins McCoy Morgan Robles

Romero

Absent or not voting were: Senators

Bell Hillyard

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 18, 2009

The House passed **H.C.R. 8**, CONCURRENT RESOLUTION SUPPORTING CURRENT BUREAU OF LAND MANAGEMENT RESOURCE

MANAGEMENT PLANS, by Representative J. Mathis, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.C.R. 8** was read the first time and referred to the Rules Committee.

On motion of Senator Killpack, the Senate voted to lift **H.C.R. 8**, CONCURRENT RESOLUTION SUPPORTING CURRENT BUREAU OF LAND MANAGEMENT RESOURCE MANAGEMENT PLANS, from Rules and place it at the top of the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Van Tassell, under suspension of the rules, **H.C.R. 8**, CONCURRENT RESOLUTION SUPPORTING CURRENT BUREAU OF LAND MANAGEMENT RESOURCE MANAGEMENT PLANS, was considered read the second and third times and passed on the following roll call:

Yeas, 23; Nays, 4; Absent, 2.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	Niederhauser
Okerlund	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

McCoy Morgan Robles Romero

Absent or not voting were: Senators

Bell Goodfellow

H.C.R. 8 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 20, REPEAL OF CERTAIN INCOME TAX CREDITS AND CONTRIBUTIONS, was read the second time. Senator Niederhauser explained the bill. Senator Hillyard commented. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell Goodfellow

On motion of Senator Hillyard, **H.B. 20** was placed on Third Reading Table due to fiscal impact.

* * *

On motion of Senator Van Tassell, the circle was removed from **H.B. 53**, DRIVER LICENSE AMENDMENTS – MOTOR DRIVEN CYCLES, and it was before the Senate. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bramble	Buttars	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddouns		

Van Tassell Waddoups

Absent or not voting were: Senators

Bell Christensen McCoy

* * *

On motion of Senator Bramble, the circle was removed from **1st Sub. H.B. 90**, ABORTION LAW AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill. Senator Hillyard commented. The bill passed second reading on the following roll call:

Yeas, 18; Nays, 3; Absent, 8.

Voting in the affirmative were: Senators

Bramble	Dayton	Goodfellow	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Stephenson	Stowell
T.T.,	X7-14:	_	

Urquhart Valentine

Voting in the negative were: Senators

Davis Robles Romero

Absent or not voting were: Senators

Bell Buttars Christensen Greiner Killpack McCoy Van Tassell Waddoups

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 18, 2009

The House passed, as amended, **H.J.R. 10**, JOINT RESOLUTION HONORING THE LIVES AND ACCOMPLISHMENTS OF FATHER FRANCISCO ATANASCIO DOMINGUEZ AND FATHER SILVESTRE VELEZ DE E, by Representative M. Wheatley, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.J.R. 10** was read the first time and referred to the Rules Committee.

On motion of Senator Romero, the Senate voted to have **H.J.R. 10**, JOINT RESOLUTION HONORING THE LIVES AND ACCOMPLISHMENTS OF FATHER FRANCISCO ATANASCIO DOMINGUEZ AND FATHER SILVESTRE VELEZ DE ESCALANTE, lifted from the Rules Committee and placed at the top of the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Romero, under suspension of the rules, **H.J.R. 10**, JOINT RESOLUTION HONORING THE LIVES AND ACCOMPLISHMENTS OF FATHER FRANCISCO ATANASCIO DOMINGUEZ AND FATHER SILVESTRE VELEZ DE ESCALANTE, was considered read the second and third times. Senators Dayton, Stowell, Van Tassell, Robles, and Bramble commented and the bill passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell			

Absent or not voting were: Senators

Bell Jones Killpack Waddoups

H.J.R. 10 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.B. 23, CERTIFIED TAX RATE AMENDMENTS, was read the second time. Senator Niederhauser explained the bill.

On motion of Senator Bramble, the following substitute bill replaced the original bill:

2nd Sub. H.B. 23 Certified Tax Rate Amendments (F. Hunsaker)

On motion of Senator Valentine the bill was amended, reconsidered and the amendment was withdrawn.

Senators Bramble, Valentine, and Stephenson commented. The bill passed second reading on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Killpack

* * *

H.B. 28, PERSONAL PROPERTY TAX AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting were: Senators

Christensen Killpack McCoy Morgan

Valentine

* * *

On motion of Senator Niederhauser, the circle was removed from **H.B. 67**, PUBLIC HEARINGS ON PROPERTY TAX INCREASES, and it was before the Senate. Senator Niederhauser explained the bill.

Senator Niederhauser proposed the following amendment:

- 1. Page 10, Lines 286 through 290 House Committee Amendments 1–29–2009
 - 286 (b) A taxing entity shall pay the county auditor the amount charged under Subsection

287 (5)(a).

- 288 (6) The publication of the list under this section does not remove or change the
- 289 requirements for advertisements by a taxing entity under Section 59–2–918 or 59–2–919.

- (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules:
- (i) relating to the publication of a consolidated advertisement which includes the information described in Subsection (2) for a taxing entity that overlaps two or more counties;
 - (ii) relating to the payment required in Subsection (5)(b); and
- (iii) to oversee the administration of this section and provide for uniform implementation.
- 290 Section 4. Effective date.

Senator Niederhauser's motion to amend passed on a voice vote. Senators Okerlund and Valentine commented. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Davis	Dayton
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative was: Senator

Hinkins

Absent or not voting were: Senators

Buttars Christensen Killpack Knudson

* * *

H.B. 236, DEPARTMENT OF COMMUNITY AND CULTURE GRANTS, was read the second time. Senator Okerlund explained the bill.

Senator Hillyard proposed the following amendment:

- 1. Page 1, Line 22–24: Delete lines 22–24
- 2. Page 2, Line 58–61: Delete lines 58–61
- 3. Page 3, Line 81–84: Delete lines 81–84

- 4. Page 5, Line 131–134: Delete lines 131–134
- 5. Page 6, Line 161–164: Delete lines 161–164

Senator Hillyard's motion to amend passed on a voice vote. Senator Robles commented. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Greiner	Hillyard	Hinkins
Jenkins	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Dayton Goodfellow Jones Killpack McCoy

* * *

H.B. 21, AMENDMENTS TO DRIVER LICENSE SANCTION REQUIREMENTS, was read the second time. Senator Greiner explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Jones Killpack McCoy

* * *

On motion of Senator Niederhauser, legislative staff was authorized to draft a bill regarding technicalities in gift cards.

* * *

On motion of Senator Jenkins, and at 12:00 noon, the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:20 p.m., with President Waddoups presiding.

TIME CERTAIN CALENDAR

COMMITTEE OF THE WHOLE

On motion of Senator Stephenson, Clay Wiffen, Andrew King and Dr. Paul Carbone spoke in Committee of the Whole. Senators Christensen, Jenkins, Romero commented.

On motion of Senator Stephenson, the Committee of the Whole was dissolved.

S.B. 43, INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDERS – CLAY'S LAW, was read the second time. Senator Stephenson explained the bill. Senators Christensen, Liljenquist, Jones, Bramble, Robles, Killpack, Urquhart, Romero, Knudson, Hinkins, Niederhauser, Hillyard, Valentine, Mayne, McCoy, Okerlund, Van Tassell, and Madsen commented. The bill passed second reading on the following roll call:

Yeas, 17; Nays, 11; Absent, 1.

Voting in the affirmative were: Senators

Bell	Davis	Goodfellow	Greiner
Hinkins	Jones	Knudson	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Stephenson	Stowell	Valentine
Van Tassell			

Voting in the negative were: Senators

Bramble	Christensen	Dayton	Hillyard
Jenkins	Killpack	Liljenquist	Madsen
Romero	Urquhart	Waddoups	

Absent or not voting was: Senator

Buttars

* * *

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 18, 2009

The House passed, **S.B. 97**, GOOD SAMARITAN ACT FOR ENGINEERS, by Senator M. Waddoups, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 129**, MENTAL HEALTH THERAPIST GRANT AND SCHOLARSHIP ACT REPEAL, by Senator D. Liljenquist, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 4**, RECYCLING OF ELECTRONIC WASTE JOINT RESOLUTION, by Senator S. McCoy, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 11**, JOINT RESOLUTION URGING FOOTBALL PLAYOFF, by Senator S. Jenkins, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 97, S.B. 129, S.J.R. 4, and **S.J.R. 11** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

February 18, 2009

The House passed, as amended, **1st Sub. S.B. 31**, UTAH RESIDENTIAL MORTGAGE PRACTICES AND LICENSING ACT, by Senator W. Niederhauser, and it is transmitted for further consideration; and

The House passed, as amended, **1st Sub. S.B. 117**, ADVANCE HEALTH CARE DIRECTIVE ACT AMENDMENTS, by Senator A. Christensen, and it is transmitted for further consideration; and

The House passed, as amended, **2nd Sub. S.J.R. 1**, JOINT RESOLUTION – RENEWABLE ENERGY SYSTEM, by Senator P. Jones, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

* * *

Mr. President:

February 18, 2009

The House passed **H.B. 130**, ASSET PRESERVATION AMENDMENTS, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 287**, UTAH EDUCATION NETWORK AMENDMENTS, by Representative K. Holdaway, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 319**, DISASTER RECOVERY FUNDING AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 130, H.B. 287,** and **H.B. 319** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 18, 2009

The Rules Committee recommends assignment of the following bills to standing committees:

Business and Labor Committee

S.B. 211	Building Code Amendments (Sen. C. Bramble)
S.B. 268	Title and Escrow Commission Related Amendments
	(Sen. J. Valentine)
H.B. 154	State Construction Registry Amendments
	(Rep. M. Morley) (Sen. W. Niederhauser)

Education Committee

1st Sub. H.B. 264 Educator Evaluation Amendments (Rep. R. Menlove) (Sen. M. Dayton)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 228	Prohibition on Internet or Mail-order Sales of Tobacco
	Products (Sen. M. Dayton)
S.B. 243	Judicial Performance Evaluation Commission
	Modifications (Sen. D. C. Buttars)
S.B. 244	Long Arm Jurisdiction Amendments
	(Sen. W. Niederhauser)
H.B. 228	Assault on Service Member in Uniform
	(Rep. E. Hutchings) (Sen. P. Knudson)

Natural Resources, Agriculture and Environment Committee

1st Sub. H.B. 240 Wanton Destruction of Livestock (Rep. R. Menlove)

(Sen. R. Okerlund)

H.C.R. 5 Concurrent Resolution Urging the Realignment of Air

Quality Requirements by the EPA (Rep. R. Menlove)

(Sen. P. Knudson)

H.C.R. 6 Concurrent Resolution Expressing Opposition to

Congressional Efforts to Expand the Jurisdiction of the Clean Water Act (Rep. M. Brown) (Sen. R. Okerlund)

Revenue and Taxation Committee

S.B. 205 Community Development and Renewal Agency

Amendments (Sen. C. Bramble)

H.B. 116 Uniform Fees on Canoes (Rep. M. Wheatley)

(Sen. G. Davis)

Transportation, Public Utilities and Technology Committee

S.B. 75 Utility Amendments (Sen. S. Urquhart)
H.B. 261 Aviation Amendments (Rep. W. Harper)

(Sen. W. Niederhauser)

Margaret Dayton Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 18, 2009

The Senate Rules Committee recommends, at the request of the sponsor, that **S.B. 106**, Alcoholic Beverage Control Act Restrictions (Sen. S. McCoy), be replaced with **1st Sub. S.B. 106**, Alcoholic Beverage Control Act Restrictions (Sen. S. McCoy), and further recommends it be assigned to Government Operations and Political Subdivisions Standing Committee.

Margaret Dayton Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

STANDING COMMITTEE REPORTS

Mr. President:

February 18, 2009

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 186**, AMENDMENTS TO STATE TAX COMMISSION PENALTY PROVISIONS, by Senator H. Stephenson; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 83**, PROPERTY TAX RELIEF PROGRAMS, by Representative G. Froerer.

Wayne L. Niederhauser, Chair

Mr. President:

February 17, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 67**, MINERS' SAFETY AND TRAINING, by Senator L. Robles; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 68**, MINING PROTECTION AMENDMENTS, by Senator S. Killpack; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 105**, DEPARTMENT OF AGRICULTURE AND FOOD AMENDMENTS, by Representative J. Mathis.

Dennis E. Stowell, Chair

Mr. President:

February 17, 2009

The Transportation and Public Utilities and Technology Committee recommends **S.J.R. 16**, JOINT RESOLUTION SUPPORTING NUCLEAR POWER, by Senator D. Hinkins, be replaced and favorably recommends **1st Sub. S.J.R. 16**, JOINT RESOLUTION SUPPORTING NUCLEAR POWER; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 253**, MOTOR CARRIER PERMIT FEE AMENDMENTS, by Representative T. Kiser; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 278**, B AND C ROADS FUND AMENDMENTS, by Representative M. Noel.

Stephen H. Urquhart, Chair

On motion of Senator Dayton, the committee reports were adopted. S.B. 186, H.B. 83, S.B. 67, S.B. 68, H.B. 105, 1st Sub. S.J.R. 16, H.B. 253, and H.B. 278 were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 18, 2009

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 71**, WITHHOLDING TAX AMENDMENTS, by Representative E. Vickers, and recommends it be considered read for the second time and placed on the Consent Calendar.

Wayne L. Niederhauser, Chair

Mr. President: February 17, 2009

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 102**, FALSE VEHICLE TITLE AND REGISTRATION PENALTIES, by Representative P. Ray, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar:

1. Page 1, Lines 14 through 15 House Floor Amendments 2–10–2009:

14	•	provides that it is a \hat{H}		{—{}} third degree
felony	{-}}	{- <u>class A misdemeanor</u>	}	←Ĥ, rather than a

14a second degree felony, for

- 15 providing false evidences for certain motor vehicle title or registration information.
- 2. Page 1, Lines 27 through 27a House Floor Amendments 2–10–2009:

27	It	is	a	[second]	Ĥ →	{——}	<u>third</u>	degree
felony	{ -]	-}	{-	class A mi	sdemeanor_}}	← Ĥ:	for a per	son with

27a respect to a motor vehicle, trailer,; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 104**, DRIVER LICENSE HEARING AMENDMENTS, by Representative R. Greenwood, and recommends it be considered read for the second time and placed on the Consent Calendar.

Stephen H. Urquhart, Chair

On motion of Senator Dayton, the committee reports were adopted. **H.B. 71, H.B. 102,** as amended, and **H.B. 104** were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

- **S.B. 74**, **At–risk Student Provisions** (L. Robles), read the first time by short title and referred to the Rules Committee.
- **S.B. 185**, **Federal Education Agreement Requirements Amendments** (M. Dayton), read the first time by short title and referred to the Rules Committee.
- **S.B. 269**, **Public Utility Easement Amendments** (G. Bell), read the first time by short title and referred to the Rules Committee.
- **S.J.R. 21**, **Joint Resolution on Combating and Reducing Gang Activity** (L. Robles), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Killpack and at 4:00 p.m., the Senate adjourned until 10:00 a.m., Thursday, February 19, 2009.

TWENTY-FOURTH DAY

MORNING SESSION

February 19, 2009

The Senate was called to order at 10:30 a.m., with President Pro Tem Sheldon Killpack presiding.

Prayer – Ryan Lambert, Student Body President, Logan High School
 Pledge of Allegiance – Senator Gene Davis
 Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 18, 2009

The House passed, **S.B. 136**, DIESEL-POWERED MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM AMENDMENTS, by Senator G. Bell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 138**, INTERNAL SERVICE FUND RATE COMMITTEE AMENDMENTS, by Senator J. Valentine, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 136 and **S.B. 138** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

February 18, 2009

The House passed, as amended, **H.B. 37**, VIOLENT OFFENSES AMENDMENTS, by Representative J. Seelig, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 122**, GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT AMENDMENTS, by Representative D. Aagard, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 129**, ALCOHOLIC BEVERAGE AMENDMENTS RELATED TO MINORS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 136**, SEX OFFENDER DEFINITION AMENDMENTS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 138**, EXPUNGEMENT OF RECORDS AMENDMENTS, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed **H.B. 144**, MEDICAL LANGUAGE INTERPRETER ACT, by Representative R. Chavez–Houck, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 251**, JOINT CUSTODY AMENDMENTS, by Representative L. Fowlke, and it is transmitted for consideration; and

The House passed **H.B. 298**, JUVENILE TRANSFERS FROM JUSTICE COURT, by Representative K. McIff, and it is transmitted for consideration; and

The House passed **H.B. 320**, COLLECTION AGENCY AMENDMENTS, by Representative R. C. Webb, and it is transmitted for consideration; and

The House passed **H.J.R. 3**, JOINT RESOLUTION SUPPORTING EFFORTS TO INCREASE AND IMPROVE CANCER TREATMENT, SCREENING, AND RESEARCH PROGRAMS, by Representative S. Duckworth, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 37, H.B. 122, H.B. 129, H.B. 136, H.B. 138, H.B. 144, H.B. 251, H.B. 298, H.B. 320, and H.J.R. 3 were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 18, 2009

The Rules Committee recommends assignment of the following bills to standing committees:

Education Committee

S.B. 185 Federal Education Agreement Requirements

Amendments (Sen. M. Dayton)

H.B. 287 Utah Education Network Amendments (Rep. K. Holdaway) (Sen. J. Valentine)

Government Operations and Political Subdivisions Committee

H.B. 319 Disaster Recovery Funding Amendments (Rep. C. Oda) (Sen. D. Liljenquist)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.J.R. 21 Joint Resolution on Combating and Reducing Gang

Activity (Sen. L. Robles)

H.B. 130 Asset Preservation Amendments (Rep. G. Hughes)

(Sen. M. Dayton)

H.B. 222 Unborn Child Pain Prevention Act (Rep. C. Wimmer)

(Sen. D. C. Buttars)

Transportation, Public Utilities and Technology Committee

S.B. 269 Public Utility Easement Amendments (Sen. G. Bell)

Margaret Dayton Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

STANDING COMMITTEE REPORTS

Mr. President:

February 18, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 69**, PROOF OF CITIZENSHIP REQUIRED TO VOTE, by Senator M. Madsen; and

The Government Operations and Political Subdivisions Committee recommends **S.B. 83**, CONDEMNATION AMENDMENTS, by Senator D. Stowell, be replaced and favorably recommends **3rd Sub. S.B. 83**, CONDEMNATION AMENDMENTS; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **2nd Sub. H.B. 61**, LOCAL GOVERNMENT ENTITY CHANGES, by Representative K. Holdaway; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **1st Sub. H.B. 68**, DEVELOPMENT EXACTIONS, by Representative P. Painter, with the following amendments:

1. Page 1, Line 17:

17 projected water {-right-} interest requirements.

2. Page 10, Line 275
House Floor Amendments
2-6-2009:

275 <u>water authority's established calculations of projected water</u> {
-right } interest requirements.

3. Page 10, Line 280 House Floor Amendments 2–6–2009:

280 <u>authority's existing</u> Ĥ→ <u>available</u> ←Ĥ <u>water</u> {

-<u>rights</u> } <u>interests</u> <u>exceed the water</u>
{

-<u>rights</u> } interests needed to meet the

4. Page 19, Line 558
House Floor Amendments
2-6-2009:

558 <u>projected water</u> {-<u>right</u>} <u>interest</u> <u>requirements.</u>

5. Page 19, Lines 563 through 563a House Floor Amendments 2–6–2009:

563 <u>interest if the culinary water authority's existing</u> Ĥ→ <u>available</u>

←Ĥ <u>water</u> {<u>rights</u>} <u>interests</u> <u>exceed the water</u>

563a {<u>-rights</u>} <u>interests</u> <u>needed to</u>

Peter C. Knudson, Chair

Mr. President:

February 17, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 11**, INCEST AMENDMENTS, by Senator D. Stowell, with the following amendments:

1. Page 3, Line 69:

69 (ii) provides a human egg or seminal fluid under Subsection {-(1)} (2) (b)(v).

2. Page 3, Line 77:

77 sexual intercourse; {-or}; and

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 155**, ADOPTION EXCEPTION TO CUSTODY AND VISITATION FOR PERSONS OTHER THAN PARENTS, by Senator L. Hillyard, be replaced and favorably recommends **1st Sub. S.B. 155**, ADOPTION EXCEPTION TO CUSTODY AND VISITATION FOR PERSONS OTHER THAN PARENTS; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 26**, CHILD AND VULNERABLE ADULT ENDANGERMENT PROVISIONS, by Representative M. Morley, with the following amendments:

- 1. Page 1, Line 26 through Page 2, Line 28:
 - 26 ▶ provides an affirmative defense to the crime described above, if the controlled
 - 27 substance is obtained by lawful prescription {-and is used or possessed in accordance
 - 28 with the prescription instructions ;
- 2. Page 6, Line 182 through Page 7, Line 185:
 - 182 (e) "Exposed to" means that the child or vulnerable adult is able to:
 - 183 <u>(i) access or view</u> {-<u>a</u> } <u>an unlawfully possessed:</u>
 - (\underline{A}) controlled substance $\{-\underline{\ }\}$
 - (B) chemical substance $\{-, \}$ $\underline{:}$ or
 - (C) drug paraphernalia; or
 - 184 (ii) smell an odor produced during, or as a result of, the manufacture or production of a
 - 185 controlled substance.
- 3. Page 7, Lines 202 through 206:
 - 202 (3) It is an affirmative defense to a violation of this section that the controlled
 - 203 <u>substance</u>:

- 204 (a) was obtained by lawful prescription; and
- 205 (b) is used or possessed by the person to whom it was lawfully prescribed $\{-in\}$
- 206 <u>accordance with the prescription instructions provided with the controlled substance</u> } <u>.</u>; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 29**, SEX OFFENDERS' CONTACT WITH CHILDREN, by Representative R. Greenwood; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 41**, SEX OFFENDER REGISTRATION AMENDMENTS, by Representative K. Sumsion; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **2nd Sub. H.B. 59**, SUBPOENAS FOR RECORDS IN CERTAIN CRIMINAL INVESTIGATIONS, by Representative B. Daw; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 63**, AMENDMENTS TO CHILD WELFARE, by Representative W. Harper; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 97**, SEXUAL EXPLOITATION OF A MINOR, by Representative R. Bigelow.

D Chris Buttars, Chair

On motion of Senator Jenkins, the committee reports were adopted. S.B. 69, 3rd Sub. S.B. 83, 2nd Sub. H.B. 61, 1st Sub. H.B. 68, as amended, S.B. 11, as amended, 1st Sub. S.B. 155, H.B. 26, as amended, H.B. 29, H.B. 41, 2nd Sub. H.B. 59, H.B. 63, and H.B. 97were placed on Second Reading Calendar.

TIME CERTAIN CALENDAR

On motion of Senator Waddoups, under suspension of the rules, **S.J.R. 5**, JOINT RESOLUTION URGING PRESIDENTIAL SUPPORT OF TAIWAN'S PARTICIPATION IN SPECIALIZED AGENCIES OF THE UNITED NATIONS, was considered read the second and third times. Senator Waddoups explained the bill.

Senator Waddoups proposed the following amendment:

1. Page 3, Lines 66 through 68

- BE IT FURTHER RESOLVED that the Legislature urges that United States policy
- 67 include the pursuit of an initiative in the specialized agencies of the United {-States--} Nations system, such
- 68 as the World Health Organization, which would give Taiwan meaningful participation in a

Senator Waddoups' motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars Goodfellow

S.J.R. 5 was transmitted to the House.

COMMITTEE OF THE WHOLE

On motion of Senator Waddoups, Thomas J.C. Chen, Director General, Taipei Economic and Cultural Office in San Francisco spoke in Committee of the Whole. Senators Davis, Valentine, and McCoy commented.

On motion of Senator Waddoups, the Committee of the Whole was dissolved.

CONCURRENCE CALENDAR

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to **1st Sub. S.B. 31**, UTAH RESIDENTIAL MORTGAGE PRACTICES AND LICENSING ACT. The bill, as amended, passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Van Tassall	Waddana		

Van Tassell Waddoups

Absent or not voting were: Senators

Buttars Madsen Valentine

1st Sub. S.B. 31 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Christensen, the Senate voted to concur in the House amendments to **1st Sub. S.B. 117**, ADVANCE HEALTH CARE DIRECTIVE ACT AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Mayne	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Van Tassell

Absent or not voting were: Senators

Buttars	Madsen	McCoy	Valentine
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Waddoups

1st Sub. S.B. 117 was returned to the House for the signature of the Speaker.

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On motion of Senator Jones, the Senate voted to concur in the House amendments to **2nd Sub. S.J.R. 1**, JOINT RESOLUTION – RENEWABLE ENERGY SYSTEM. The bill, as amended, passed on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jones	Killpack	Knudson	Liljenquist
Mayne	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative was: Senator

Dayton

Absent or not voting were: Senators

Buttars Jenkins Madsen McCoy

2nd Sub. S.J.R. 1 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

H.B. 27, PROTECTIONS FOR AGRICULTURE PRACTICES, was read the third time and explained by Senator Dayton. Senator Bell commented and the bill passed on the following roll call:

Yeas, 23; Nays, 3; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Killpack
Knudson	Liljenquist	Mayne	Niederhauser
Okerlund	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Morgan Robles Romero

Absent or not voting were: Senators

Jones Madsen McCoy

H.B. 27, as amended, was returned to the House for further consideration.

* * *

H.B. 53, DRIVER LICENSE AMENDMENTS – MOTOR DRIVEN CYCLES, was read the third time and explained by Senator Van Tassell.

Senator Jenkins proposed the following amendment:

- 1. Page 3, Line 70:
 After "license" insert "; or"
- 2. Page 3, Line 71: Delete line 71

Senator Jenkins' motion to amend passed on a voice vote and the bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell		

Absent or not voting were: Senators

Goodfellow Madsen Waddoups

H.B. 53, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Valentine, the Senate voted to reconsider its action on **H.B. 27**.

H.B. 27, PROTECTIONS FOR AGRICULTURAL PRACTICES, was before the Senate, explained by Senator Valentine.

Senator Valentine proposed the following amendment:

1. Page 2, Line 46:
After "Subsection 78B-6-1101(7)" insert ", and"

Senator Valentine's motion to amend passed on a voice vote and the bill passed on the following roll call:

Yeas, 20; Nays, 6; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Killpack	Knudson	Liljenquist
Mayne	Niederhauser	Okerlund	Stephenson
Stowell	Urquhart	Valentine	Van Tassell

Voting in the negative were: Senators

Davis Jones McCoy Morgan

Robles Romero

Absent or not voting were: Senators

Goodfellow Madsen Waddoups

H.B. 27, as amended, was returned to the House for further consideration.

* * *

1st Sub. H.B. 90, ABORTION LAW AMENDMENTS, was read the third time and explained by Senator Bramble. Senators McCoy, Robles and Davis commented and the bill passed on the following roll call:

Yeas, 21; Nays, 4; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Dayton
Greiner	Hillyard	Hinkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Stephenson	Stowell	Urquhart	Valentine

Van Tassell

Voting in the negative were: Senators

Davis McCoy Robles Romero

Absent or not voting were: Senators

Buttars Goodfellow Jenkins Waddoups

1st Sub. H.B. 90, as amended, was returned to the House for further consideration.

COMMITTEE OF THE WHOLE

On motion of Senator Bell, U. S. Representative Rob Bishop spoke in Committee of the Whole. Senators Romero and Bell commented.

On motion of Senator Bell, the Committee of the Whole was dissolved.

* * *

On motion of Senator Bell, and at 11:45 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:20 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 19, 2009

The House passed, **S.B. 100**, FINANCIAL AND ECONOMIC LITERACY EDUCATION AMENDMENTS, by Senator P. Jones, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 100 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President:

February 19, 2009

The House passed, as substituted, **1st Sub. H.B. 165**, HEALTH REFORM – ADMINISTRATIVE SIMPLIFICATION, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 188**, HEALTH SYSTEM REFORM – INSURANCE MARKET, by Representative D. Clark, et al, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 331**, HEALTH REFORM – HEALTH INSURANCE COVERAGE IN STATE CONTRACTS, by Representative J. Dunnigan, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 165, 1st Sub. H.B. 188,** and **2nd Sub. H.B. 331** were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: February 19, 2009

The Business and Labor Committee reports a favorable recommendation on **H.B. 119**, POWERSPORT VEHICLE FRANCHISE ACT REVISIONS, by Representative J. Gowans.

John L. Valentine, Chair

Mr. President:

February 19, 2009

The Health and Human Services Committee reports a favorable recommendation on **S.B. 79**, HEALTH REFORM – MEDICAL MALPRACTICE AMENDMENTS, by Senator P. Knudson, with the following amendments:

- 1. Page 2, Line 40:
 - 40 <u>(1) A person</u> {-<u>licensed under Title 58, Occupations and Professions.</u>} who is a health care
- 2. Page 4, Line 106:
 - 106 (e) to testify as an expert witness regarding the practice of medicine in an action for injury or death against a physician
- 3. Page 5, Lines 123 through 124:
 - 123 {—<u>A</u>} <u>Notwithstanding Subsection 58–67–305(8) and Section 58–1–307 a person who is licensed to practice medicine in another state and who testifies as an</u>
 - 124 expert witness regarding the practice of medicine in any action for injury or death against a physician licensed in this state arising
- 4. Page 5, Lines 141 through 142:
 - 141 (ii) without a physical examination of the claimant where appropriate or convenient; {-or }
 - 142 <u>(iii) without foundation in accepted science-based medical research</u> : or
 - (iv) not based on current standards of care for Utah .
- 5. Page 7, Line 197:
 - 197 (e) to testify as an expert witness regarding the practice of medicine in this state in an action for injury or death against a

- 6. Page 8, Lines 214 through 215:
 - 214 {—<u>A</u>} <u>Notwithstanding Subsection 58–68–305(8) and Section 58–1–307, a person who is licensed to practice osteopathic medicine in another state and who</u>
 - 215 <u>testifies as an expert witness in this state</u> <u>regarding the practice of medicine</u> <u>in any action for injury or death against a physician or</u>
- 7. Page 8, Lines 234 through 235:
 - 234 (ii) without a physical examination of the claimant where appropriate or convenient; {-or }
 - 235 (iii) without foundation in accepted science-based medical research ; or

(iv) not based on current standards of care for Utah :; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 82**, LOCAL HEALTH AUTHORITY FUNDING AMENDMENTS, by Senator D. Stowell, with the following amendments:

- 1. Page 1, Lines 20 through 21:
 - 20 Other Special Clauses:
 - 21 {-None-} This bill takes effect January 1, 2010.
- 2. Page 2, Line 30:
 - 30 (1) $\{-\underline{A}\}$ In order to enable the local health department to fulfill its duties and responsibilities under this part, a county may fund its local health department from:
- 3. Page 2, Line 44:
 - 44 (3) {—A } Except in the case of an emergency or for a capital project, a county may not allocate money from its general fund to the local health
- 4. Page 2, Line 45:
 - 45 <u>department unless the county imposes the maximum levy allowed</u> under Subsection (2).

Section 2. Effective date.

This bill takes effect January 1, 2010.; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 213**, RESTAURANT NUTRITION LABELING, by Senator H. Stephenson.

D. Chris Buttars, Chair

Mr. President:

February 19, 2009

The Education Committee reports a favorable recommendation on **S.B. 61**, HOME SCHOOL AND PRIVATE SCHOOL STUDENTS' PARTICIPATION IN EXTRACURRICULAR ACTIVITIES, by Senator M. Madsen, et al; and

The Education Committee reports a favorable recommendation on **1st Sub. H.B. 35**, HIGHER EDUCATION TAX CREDIT AND CONTRIBUTION, by Representative J. Dougall, with the following amendments:

- 1. Page 1, Lines 14 through 16:
 - 14

 allows a claimant to claim a nonrefundable tax credit for tuition and mandatory fees
 - 15 for the claimant's enrollment in an <u>eligible</u> institution {
 within the state system of higher
 - 16 education ;
- 2. Page 7, Lines 205 through 206:
 - 205 (a) "Eligible institution" means :
 - (i) an institution within the state system of higher
 - 206 education specified in Section 53B-1-102 {-; or
 - (ii) a private, degree granting college or university in the state accredited by the:
 - (A) Accrediting Council for Independent Colleges and Schools:
 - (B) North Central Association of Colleges and Schools The Higher Learning Commission; or
 - (C) Northwest Commission on Colleges and Universities.

Curtis S. Bramble, Chair

On motion of Senator Killpack, the committee reports were adopted. **H.B. 119, S.B. 79,** as amended, **S.B. 82,** as amended, **S.B. 213, S.B. 61,** and **1st Sub. H.B. 35** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President:

February 19, 2009

The Business and Labor Committee recommends **S.B. 192**, CORPORATION RELATED AMENDMENTS, by Senator L. Hillyard, be replaced and favorably recommends **1st Sub. S.B. 192**, CORPORATION AND BUSINESS ENTITY RELATED AMENDMENTS and that it be considered read for the first and second time and placed on the Consent Calendar.

John L. Valentine, Chair

Mr. President:

February 19, 2009

The Education Committee recommends **S.C.R. 3**, CONCURRENT RESOLUTION URGING THE CREATION OF A UTAH COUNCIL ON FINANCIAL EDUCATION, by Senator P. Jones, be replaced and favorably recommends **1st Sub. S.C.R. 3**, CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR THE WORK OF THE UTAH COUNCIL ON FINANCIAL AND ECONOMIC EDUCATION and that it be considered read for the second time and placed on the Consent Calendar.

Curtis S. Bramble, Chair

Mr. President:

February 13, 2009

The Judiciary, Law Enforcement and Criminal Justice Committee reports a favorable recommendation on **H.B. 223,** STATUTE OF LIMITATIONS AMENDMENTS, by Representative C. Wimmer, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

On motion of Senator Killpack, the committee reports were adopted. **1st Sub. S.B. 192, 1st Sub. S.C.R. 3,** and **H.B. 223** were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

- S.B. 65, Amendments to Property Tax Notice, Public Hearing, and Resolution Provisions (D. Stowell), read the first time by short title and referred to the Rules Committee.
- **S.B. 189**, **Amendments to Sales and Use Tax** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

- **S.B.** 190, Acquisition of a Billboard by Eminent Domain (W. Niederhauser), read the first time by short title and referred to the Rules Committee.
- **S.B. 221**, **Dedication and Abandonment of a Highway** (M. Madsen), read the first time by short title and referred to the Rules Committee.
- **S.B. 225**, **Health Amendments for Legal Immigrant Children** (L. Robles), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

2nd Sub. H.B. 23, CERTIFIED TAX RATE AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

Yeas, 20; Nays, 1; Absent, 8.

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Greiner
Hillyard	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Romero
Stephenson	Urquhart	Van Tassell	Waddoups

Voting in the negative was: Senator

Hinkins

398

Absent or not voting were: Senators

Bell	Buttars	Dayton	Goodfellow
McCoy	Robles	Stowell	Valentine

2nd Sub. H.B. 23, as amended, was returned to the House for further consideration.

* * *

H.B. 28, PERSONAL PROPERTY TAX AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins

Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Romero
Stephenson	Stowell	Urquhart	Van Tassell

Waddoups

Absent or not voting were: Senators

Bell Buttars Robles Valentine

H.B. 28 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 67, PUBLIC HEARINGS ON PROPERTY TAX INCREASES, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

Yeas, 23; Nays, 2; Absent, 4.

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Romero	Stephenson	Stowell
Urquhart	Van Tassell	Waddoups	

Voting in the negative were: Senators

Hinkins Okerlund

Absent or not voting were: Senators

Bell Buttars Robles Valentine

H.B. 67, as amended, was returned to the House for further consideration.

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H.B. 236, DEPARTMENT OF COMMUNITY AND CULTURE GRANTS, was read the third time and explained by Senator Okerlund.

On motion of Senator Hillyard, the following substitute bill replaced the original bill:

1st Sub. H.B. 236 Department of Community and Culture Grants (S. Allen)

The bill passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting were: Senators

Bell Buttars Dayton Robles

Valentine

1st Sub. H.B. 236, as amended, was returned to the House for further consideration.

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H.B. 21, AMENDMENTS TO DRIVER LICENSE SANCTION REQUIREMENTS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting were: Senators

Bell Buttars McCoy Robles

Valentine

H.B. 21 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

On motion of Senator Stephenson, **S.B. 43**, INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDERS – CLAY'S LAW, was read the third time and circled.

SECOND READING CALENDAR

H.B. 85, MUTUAL BENEFIT CORPORATION – JUDICIAL LIENS, was read the second time. Senator Hinkins explained the bill. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Killpack	Knudson	Liljenquist
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Romero	Stephenson	Stowell
Urquhart	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell Buttars Jones Madsen

Robles Valentine

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H.B. 266, WRONGFUL LIEN AMENDMENTS, was read the second time. Senator Urquhart explained the bill. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Romero	Stephenson	Stowell
Urquhart	Van Tassell	Waddoups	

Absent or not voting were: Senators

Jones	Killpack
	Jones

Robles Valentine

H.B. 33, REFUND OF UNEARNED HEALTH INSURANCE PREMIUMS AND MEDICARE SUPPLEMENT INSURANCE PREMIUMS, was read the second time. Senator Liljenquist explained the bill. The bill passed second reading on the following roll call:

Yeas, 19; Nays, 0; Absent, 10.

Voting in the affirmative were: Senators

Christensen	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Okerlund	Romero
Stowell	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell	Bramble	Buttars	Davis
Killpack	Niederhauser	Robles	Stephenson
Urquhart	Valentine		

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H.B. 15, CAREER AND TECHNICAL EDUCATION AMENDMENTS, was read the second time. Senator Dayton explained the bill. Senators Bramble, Greiner, Mayne, and Van Tassell commented. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Romero
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting were: Senators

Buttars	Killpack	Robles	Stephenson
Valentine			

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H.B. 51, EXEMPTION FOR ALCOHOLIC BEVERAGE MANUFACTURING LICENSE, was read the second time. Senator Stowell

explained the bill. Senators Hillyard, Greiner, McCoy, and Van Tassell commented. The bill passed second reading on the following roll call:

Yeas, 19; Nays, 5; Absent, 5.

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Goodfellow
Hinkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Romero
Stowell .	Uranhart	Van Tassell	

Stowell Urquhart Van Tassell

Voting in the negative were: Senators

Dayton Greiner Hillyard Jenkins

Waddoups

Absent or not voting were: Senators

Bell Buttars Robles Stephenson

Valentine

* * *

1st Sub. H.B. 243, RENTAL RESTRICTIONS ON CONDOMINIUMS AND COMMON INTEREST COMMUNITIES, was read the second time.

On motion of Senator Urquhart, the following substitute bill replaced the original bill:

2nd Sub. H.B. 243 Rental Restrictions on Condominiums and Common Interest Communities (G. Froerer)

On motion of Senator Urguhart, the bill was circled.

* * *

1st Sub. H.B. 92, REQUIREMENT TO WEAR HUNTER ORANGE AMENDMENTS, was read the second time. Senator Christensen explained the bill. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 0; Absent, 8.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard

Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	Morgan	Niederhauser
Okerlund	Romero	Stowell	Van Tassell
Waddoups			

Absent or not voting were: Senators

Buttars Killpack Liljenquist McCoy Robles Stephenson Urquhart Valentine

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H.B. 235, DAM SAFETY AMENDMENTS, was read the second time. Senator Stowell explained the bill. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 0; Absent, 9.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Hillyard	Hinkins
Jenkins	Jones	Knudson	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Romero	Stowell	Van Tassell	Waddoups

Absent or not voting were: Senators

Buttars Greiner Killpack Liljenquist McCoy Robles Stephenson Urquhart

Valentine

* * *

On motion of Senator Jenkins, **H.B. 113**, SALVAGE VEHICLE TITLE AMENDMENTS, was read the second time and circled.

* * *

H.B. 233, AGGRAVATED SEXUAL ASSAULT AMENDMENTS, was read the second time. Senator Madsen explained the bill. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bell Bramble Christensen Davis
Dayton Goodfellow Greiner Hillyard

Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	Morgan	Niederhauser
Okerlund	Romero	Stowell	Urquhart
X 7 770 11	XX7 1.1		

Van Tassell Waddoups

Absent or not voting were: Senators

Buttars	Killpack	Liljenquist	McCoy
Doblos	Ctanhanaan	Volentine	

Robles Stephenson Valentine

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H.B. 247, AMENDMENTS TO EMAIL INFORMATION REQUIRED OF REGISTERED SEX OFFENDERS, was read the second time. Senator Jenkins explained the bill. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 0; Absent, 8.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Greiner	Hillyard	Hinkins	Jenkins
Jones	Knudson	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Romero	Stowell	Urquhart	Van Tassell
Waddana			

Waddoups

Absent or not voting were: Senators

Bramble	Buttars	Goodfellow	Killpack	
Liljenquist	Robles	Stephenson	Valentine	

* * *

H.B. 78, UTAH UNIFORM SECURITIES ACT MODIFICATIONS, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 0; Absent, 9.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Greiner	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Morgan	Okerlund
Romero	Stowell	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble Buttars Goodfellow Liljenquist Niederhauser Robles Stephenson Urquhart

Valentine

* * *

2nd Sub. H.B. 121, RETIRED VOLUNTEER HEALTH CARE PRACTITIONER ACT, was read the second time. Senator Van Tassell explained the bill. Senators Greiner and Dayton commented. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 1; Absent, 8.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Greiner
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Romero
Stephenson	Stowell	Van Tassell	Waddoups

Voting in the negative was: Senator

Dayton

Absent or not voting were: Senators

Bramble Buttars Goodfellow Hillyard Knudson Robles Urquhart Valentine

* * *

H.B. 83, PROPERTY TAX RELIEF PROGRAMS, was read the second time. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 0; Absent, 9.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Greiner	Hinkins	Jenkins	Jones
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Romero
Stephenson	Stowell	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble	Buttars	Goodfellow	Hillyard
Killpack	Knudson	Robles	Urquhart

Valentine

H.B. 105, DEPARTMENT OF AGRICULTURE AND FOOD AMENDMENTS, was read the second time. Senator Stowell explained the bill. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 0; Absent, 9.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Greiner	Hinkins	Jenkins
Jones	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Romero	Stephenson	Stowell	Van Tassell

Absent or not voting were: Senators

Buttars	Goodfellow	Hillyard	Killpack
Knudson	Robles	Urquhart	Valentine
Waddoups			

* * *

H.B. 253, MOTOR CARRIER PERMIT FEE AMENDMENTS, was read the second time. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

Yeas, 19; Nays, 0; Absent, 10.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Hinkins	Jenkins	Jones
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Romero
Stephenson	Stowell	Van Tassell	

Absent or not voting were: Senators

Buttars	Goodfellow	Greiner	Hillyard
Killpack	Knudson	Robles	Urquhart
Valentine	Waddoups		

* * *

On motion of Senator Van Tassell, **H.B. 278**, B AND C ROADS FUND AMENDMENTS, was read the second time and circled.

On motion of Senator Jenkins, the circle was removed from S.B. 39, IMMIGRATION AMENDMENTS, and it was before the Senate.

Senator Jenkins proposed the following amendment:

- 1. Page 2, Lines 34 through 38
 - 34 (1) As used in this section:
 - 35 (a) "Contract" means an agreement for the procurement of goods or services that is
 - 36 <u>awarded through a request for proposals process with a public employer</u> <u>and includes a sole source contract</u> <u>.</u>
 - 37 [(a)] (b) "Contractor" means a subcontractor, contract employee, staffing agency, {-trade
 - 38 union, or any contractor regardless of its tier.
- 2. Page 2, Lines 47 through 49:
 - 47 (A) the electronic verification of the work authorization program of the Illegal
 - 48 Immigration Reform and Immigration Responsibility Act of 1996, 8 U.S.C., Sec. 1324a,
 - 49 known as the {-Basic Pilot-} <u>E-verify</u> Program;
- 3. Page 5, Lines 134 through 138:
 - 134 Securities through the Central Registration Depository[$\frac{1}{2}$]:
 - (h) a state public benefit to be given to an individual under Title 49, Utah State
 - 136 Retirement and Insurance Benefit Act {—; }
 - (i) a home loan that will be insured, guaranteed, or purchased by:
 - <u>(i) the Federal Housing Administration, the Veterans</u> <u>Administration, or any other federal agency; or</u>
 - (ii) an enterprise as defined in 12 U.S.C., Sec. 4502; and
 - (j) a subordinate loan or a grant that will be made to an applicant in connection with a home loan that does not require verification under Subsection (3)(i).

- 137 (4) An agency or political subdivision required to verify the lawful presence in the
- 138 United States of an applicant under this section shall require the applicant to certify under

Senator Jenkins' motion to amend passed on a voice vote. Senator Jenkins explained the bill. The bill passed second reading on the following roll call:

Yeas, 19; Nays, 1; Absent, 9.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Greiner	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Romero
Stephenson	Stowell	Van Tassell	

Voting in the negative was: Senator

Hinkins

Absent or not voting were: Senators

Bramble	Buttars	Goodfellow	Hillyard
Knudson	Robles	Urquhart	Valentine
Waddouns			

* * *

On motion of Senator Killpack and at 3:55 p.m., the Senate adjourned until 10:00 a.m., Friday, February 20, 2009.

TWENTY-FIFTH DAY

February 20, 2009

The Senate was called to order at 10:05 a.m., with President Michael Waddoups presiding.

Prayer – President Kyle Andersen, Branch President (Singles Branch), North
 Ogden Coldwater Stake, The Church of Jesus Christ of Latter–day Saints
 Pledge of Allegiance – Senator Brent Goodfellow
 National Anthem – Barbara Newman, Ms. Utah Senior America 2008
 Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 19, 2009

The Speaker of the House has signed **1st Sub. S.B. 31**, UTAH RESIDENTIAL MORTGAGE PRACTICES AND LICENSING ACT, by Senator W. Niederhauser, and it is transmitted for the signature of the President; and

The House passed, **S.B. 85**, HOMICIDE AMENDMENTS, by Senator S. Urquhart, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 117**, ADVANCE HEALTH CARE DIRECTIVE ACT AMENDMENTS, by Senator A. Christensen, and it is transmitted for the signature of the President; and

The House passed, **S.B. 145**, PUBLIC SAFETY RETIRES DEATH BENEFIT REVISIONS, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.J.R. 1**, JOINT RESOLUTION – RENEWABLE ENERGY SYSTEM, by Senator P. Jones, and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 5**, JOINT RESOLUTION URGING PRESIDENTIAL SUPPORT OF TAIWAN'S PARTICIPATION IN SPECIALIZED AGENCIES OF THE UNITED NATIONS, by Senator

M. Waddoups, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 31, S.B. 85, 1st Sub. S.B. 117, S.B. 145, 2nd Sub. S.J.R. 1, and S.J.R. 5 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

February 19, 2009

The House passed **H.B. 112**, VEHICLE TOWING AMENDMENTS, by Representative T. Kiser, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 210**, POSTING OF COLLECTIVE BARGAINING AGREEMENTS BY SCHOOL DISTRICTS AND CHARTER SCHOOLS, by Representative K. Sumsion, and it is transmitted for consideration; and

The House passed **H.B. 286**, REGULATION OF LENDING BY THE DEPARTMENT OF FINANCIAL INSTITUTIONS, by Representative K. Garn, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.J.R. 12**, JOINT RESOLUTION SUPPORTING HYDROGEN POWER FROM ADVANCED COAL AND CARBON CAPTURE AND SEQUESTRATION TECHNOLOGY, by Representative P. Painter, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 112, 1st Sub. H.B. 210, H.B. 286, and 1st Sub. H.J.R. 12 were read the first time and referred to the Rules Committee.

* * *

Mr. President:

February 19, 2009

The House adopted the Joint Conference Committee Report dated February 19, 2009, and passed **1st Sub. S.B. 22**, VEHICLE AMENDMENTS, by Senator S. Jenkins, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

Mr. President:

February 18, 2009

The Joint Conference Committee comprised of Sens. Jenkins, Greiner, and Romero, and Reps. Noel, Harper, and Gowans, recommends 1st Sub. S.B. 22,

VEHICLE AMENDMENTS, by Senator S. Jenkins, et al, be replaced and favorably recommends **2nd Sub. S.B. 22**, VEHICLE AMENDMENTS.

Sen. Scott Jenkins and Rep. Mike Noel, Chairs

On motion of Senator Greiner, the Senate voted to adopt the Joint Conference Committee report to **2nd Sub. S.B. 22**, VEHICLE AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 20; Nays, 0; Absent, 9.

Voting in the affirmative were: Senators

Buttars	Davis	Dayton	Goodfellow
Greiner	Hinkins	Killpack	Liljenquist
Mayne	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Bell	Bramble	Christensen	Hillyard
Jenkins	Jones	Knudson	Madsen
McCoy			

2nd Sub. S.B. 22 was returned to the House for the signature of the Speaker.

INTRODUCTION OF BILLS

S.B. 208, **Utah Public Notice Website Amendments** (S. Urquhart), read the first time by short title and referred to the Rules Committee.

COMMITTEE OF THE WHOLE

On motion of Senator Killpack, U. S. Senator Robert Bennett, spoke in Committee of the Whole. Senators Romero, Valentine, Buttars, Greiner, Stowell, and Liljenquist commented.

On motion of Senator Killpack, the Committee of the Whole was dissolved.

* * *

On motion of Senator Killpack, and at 10:50 a.m. the Senate recessed.

The Senate was called to order at 11:35 a.m., with President Waddoups presiding.

CONSENT CALENDAR

On motion of Senator Van Tassell, **H.B. 257**, POLITICAL SUBDIVISION CLERK AMENDMENTS, was read the third time and circled.

* * *

On motion of Senator Bell, **H.B. 258**, AMENDMENTS TO NOTICE PROVISIONS FOR SUBDIVISION CHANGES, was read the third time and circled.

* * *

H.B. 65, REPORTING OF CERTAIN TRANSACTIONS EXEMPT FROM SALES AND USE TAXES, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups	-		

H.B. 65 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

S.J.R. 17, HYDRAULIC FRACTURING JOINT RESOLUTION, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen

Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

S.J.R. 17 was transmitted to the House for consideration.

* * *

On motion of Senator Bell, the circle was removed from **H.B. 258**, AMENDMENTS TO NOTICE PROVISIONS FOR SUBDIVISION CHANGES, and it was before the Senate. The bill passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

H.B. 258 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 24, TRAFFIC ACCIDENT CLEARANCE AMENDMENTS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups	_		

H.B. 24, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Buttars, the circle was removed from **H.B. 257**, POLITICAL SUBDIVISION CLERK AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

H.B. 257 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

H.B. 85, MUTUAL BENEFIT CORPORATION – JUDICIAL LIENS, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Stephenson

H.B. 85 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

On motion of Senator Hinkins, the circle was removed from **H.B. 54**, AMENDMENTS TO VEHICLE REGISTRATION REQUIREMENTS, and it was before the Senate. The bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Stephenson

H.B. 54 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 266, WRONGFUL LIEN AMENDMENTS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell Stephenson

H.B. 266 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

H.B. 33, REFUND OF UNEARNED HEALTH INSURANCE PREMIUMS AND MEDICARE SUPPLEMENT INSURANCE PREMIUMS, was read the third time, explained by Senator Lilienquist, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell Stephenson

H.B. 33 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 15, CAREER AND TECHNICAL EDUCATION AMENDMENTS, was read the third time and explained by Senator Dayton. Senator Knudson commented and the bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell Stephenson

H.B. 15 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

On motion of Senator Killpack and at 12:00 noon, the Senate adjourned until 10:00 a.m., Monday, February 23, 2009.

TWENTY-EIGHTH DAY

February 23, 2009

The Senate was called to order at 10:15 a.m., with President Michael Waddoups presiding.

Prayer – Mrs. Christina Thomas, wife of Lt. Kevin Thomas who is currently serving his 3rd deployment in Iraq

Pledge of Allegiance – Senator Karen Morgan **Roll Call** – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 20, 2009

The Speaker of the House has signed **2nd Sub. S.B. 22**, VEHICLE AMENDMENTS, by Senator S. Jenkins, and it is transmitted for the signature of the President; and

The House passed, **S.B. 112**, OBSTRUCTION OF JUSTICE AMENDMENT, by Senator R. Okerlund, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 126**, STATE PERSONNEL MANAGEMENT ACT AMENDMENTS, by Senator D. Liljenquist, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 7**, JOINT RESOLUTION DESIGNATING MAY 2009 AS UTAH LIONS CLUB EYESIGHT PRESERVATION MONTH, by Senator K. Mayne, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

2nd Sub. S.B. 22, S.B. 112, 1st Sub. S.B. 126, and **S.J.R. 7** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

Mr. President:

February 20, 2009

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 23**, CERTIFIED TAX RATE AMENDMENTS, by Representative F. Hunsaker, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 27**, PROTECTIONS FOR AGRICULTURAL PRACTICES, by Representative M. Morley, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 53**, DRIVER LICENSE AMENDMENTS – MOTOR DRIVEN CYCLES, by Representative T. Kiser, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 67**, PUBLIC HEARINGS ON PROPERTY TAX INCREASES, by Representative G. Froerer, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 90**, ABORTION LAW AMENDMENTS, by Representative P. Ray, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 236**, DEPARTMENT OF COMMUNITY AND CULTURE GRANTS, by Representative S. Allen, et al, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

2nd Sub. H.B. 23, H.B. 27, H.B. 53, H.B. 67, 1st Sub. H.B. 90, and 1st Sub. H.B. 236 were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President:

February 20, 2009

The House passed, as amended, **H.B. 125**, IMPACT FEE AMENDMENTS, by Representative K. Powell, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 140**, MOTOR VEHICLE REGISTRATION FEE AMENDMENTS, by Representative C. Frank, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 297**, BUDGETARY PROCEDURES ACT RECODIFICATION, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed **H.B. 324**, MOTOR VEHICLE BUSINESS REGULATION ACT AMENDMENTS, by Representative F. Gibson, and it is transmitted for consideration; and

The House passed **H.B. 329**, WRONGFUL DEATH CLAIMS, by Representative L. Fowlke, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.J.R. 5**, JOINT RESOLUTION SUPPORTING NEEDED IMPROVEMENTS IN THE NAVAJO NATION'S ABILITY TO COLLECT AND TRACK CHILD SUPPORT PAYMENTS, by Representative C. Watkins, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 125, H.B. 140, H.B. 297, H.B. 324, H.B. 329, and 1st Sub. H.J.R. 5 were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 20, 2009

The Rules Committee recommends assignment of the following bills to standing committees:

Business and Labor Committee

S.B. 208	Utah Public Notice Website Amendments
	(Sen. S. Urquhart)
H.B. 129	Alcoholic Beverage Amendments Related to Minors
	(Rep. C. Oda) (Sen. G. Davis)
H.B. 286	Regulation of Lending by the Department of Financial
	Institutions (Rep. K. Garn) (Sen. L. Hillyard)
H.B. 320	Collection Agency Amendments (Rep. R. C. Webb)
	(Sen. S. Jenkins)

Education Committee

1st Sub. H.B. 210 Posting of Collective Bargaining Agreements by School Districts and Charter Schools (Rep. K. Sumsion) (Sen. M. Dayton)

Government Operations and Political Subdivisions Committee

H.B. 122 Government Records Access and Management Act Amendments (Rep. D. Aagard) (Sen. C. Bramble)

Health and Human Services Committee

S.B. 225 Health Amendments for Legal Immigrant Children (Sen. L. Robles)

H.B. 144 Medical Language Interpreter Act

(Rep. R. Chavez-Houck) (Sen. A. Christensen)

1st Sub. H.B. 165 Health Reform – Administrative Simplification

(Rep. M. Newbold) (Sen. G. Bell)

1st Sub. H.B. 188 Health System Reform – Insurance Market

(Rep. D. Clark) (Sen. G. Bell)

2nd Sub. H.B. 331 Health Reform – Health Insurance Coverage in State

Contracts (Rep. J. Dunnigan) (Sen. G. Davis)

H.J.R. 3 Joint Resolution Supporting Efforts to Increase and

Improve Cancer Treatment, Screening, and Research Programs (Rep. S. Duckworth) (Sen. K. Mayne)

Judiciary, Law Enforcement, and Criminal Justice Committee

H.B. 136 Sex Offender Definition Amendments (Rep. P. Ray)

(Sen. D. C. Buttars)

H.B. 138 Expungement of Records Amendments

(Rep. Julie Fisher) (Sen. G. Bell)

Natural Resources, Agriculture and Environment Committee

1st Sub. H.J.R. 12 Joint Resolution Supporting Hydrogen Power from

Advanced Coal and Carbon Capture and Sequestration

Technology (Rep. P. Painter) (Sen. D. Hinkins)

Revenue and Taxation Committee

S.B. 65 Amendments to Property Tax Notice, Public Hearing, and

Resolution Provisions (Sen. D. Stowell)

S.B. 189 Amendments to Sales and Use Tax

(Sen. W. Niederhauser)

S.B. 190 Acquisition of a Billboard by Eminent Domain

(Sen. W. Niederhauser)

Transportation, Public Utilities and Technology Committee

S.B. 221 Dedication and Abandonment of a Highway

(Sen. M. Madsen)

H.B. 112 Vehicle Towing Amendments (Rep. T. Kiser)

(Sen. J. Greiner)

Margaret Dayton

Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

STANDING COMMITTEE REPORTS

Mr. President:

February 20, 2009

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 205**, COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AMENDMENTS, by Senator C. Bramble; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 116**, UNIFORM FEES ON CANOES, by Representative M. Wheatley.

Wayne L. Niederhauser, Chair

Mr. President:

February 20, 2009

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.R. 6**, SENATE RESOLUTION RECOGNIZING THE WORK DONE BY THE LEAGUE OF UNITED LATIN AMERICAN CITIZENS, by Senator L. Robles; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 218**, FAMILY EMPLOYMENT PROGRAM AMENDMENTS, by Representative Janice Fisher, with the following amendments:

- 1. Page 2, Lines 53i through 53k House Floor Amendments 2–11–2009:
 - 53i (ii) an explanation of why the department is proposing the change;
 - 53j (iii) the effect of an increase or decrease in cash benefits on families; and
 - 53k (iv) the fiscal impact of the proposed change. $\leftarrow \hat{H}$
 - (c) The department may use the Notice of Proposed Rule Amendment form filed with the Division of Administrative Rules as its report so long as the notice contains all the information required under Subsection (8)(b).

Mark B. Madsen, Chair

Mr. President:

February 20, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 70**, DEPARTMENT OF ENVIRONMENTAL QUALITY AMENDMENTS, by Senator M. Dayton; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 241**, PRIORITY OF WATER RIGHTS, by Representative K. Gibson, with the following amendments:

- 1. Page 1, Lines 15 through 16:
 - 15 Other Special Clauses:
 - 16 {None} This bill takes effect on May 11, 2010.
- 2. Page 1, Line 24:
 - Section 73–3–21, Priorities between appropriators.
 Section 2. Effective Date.
 This bill takes effect on May 11, 2010.

Dennis E. Stowell, Chair

Mr. President:

February 20, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 228**, PROHIBITION ON INTERNET OR MAIL—ORDER SALES OF TOBACCO PRODUCTS, by Senator M. Dayton, be replaced and favorably recommends **1st Sub. S.B. 228**, PROHIBITION ON INTERNET OR MAIL—ORDER SALES OF TOBACCO PRODUCTS with the following amendments:

- 1. Page 2, Lines 45 through 50:
 - 45 (2) A person, distributor, manufacturer, or retailer shall not:
 - 46 (a) cause tobacco products or cigarettes as defined in Section 59–22–202 to be ordered or purchased by anyone other than a licensed
 - 47 person; or
 - 48 (b) knowingly provide substantial assistance to a person who violates this section.
 - 49 (3) (a) Each order or purchase of a tobacco product or cigarettes as defined in Section 59–22–202 in violation of Subsection (2) shall
 - 50 constitute a separate violation under this section.; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 69**, GUARDIAN AD LITEM AMENDMENTS, by Representative W. Harper, with the following amendments:

- 1. Page 20, Lines 604 through 607:
 - 604 (2) (a) A court may not appoint an attorney guardian ad litem in a criminal case.
 - 605 (b) Subsection (2)(a) does not prohibit the appointment of an attorney guardian ad
 - 606 <u>litem in a case where a court is determining whether to adjudicate a minor for committing an</u>
 - 607 act that would be a crime if committed by an adult.
 - (c) <u>Subsection (2)(a) does not prohibit an attorney guardian</u> ad litem from entering an appearance, filing motions, or taking other action in a criminal case on behalf of a minor, if:
 - (i) the attorney guardian ad litem is appointed to represent the minor in a case that is not a criminal case; and
 - (ii) the interests of the minor may be impacted by:
 - $\underline{(A)}$ an order that has been, or may be, issued in the criminal case; or

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 114**, ABORTION LITIGATION TRUST ACCOUNT AMENDMENTS, by Representative K. Sumsion; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 32**, AMENDMENTS TO AGENCY RULEMAKING REGARDING CRIMINAL PENALTIES, by Representative B. Ferry.

D. Chris Buttars, Chair

On motion of Senator Killpack, the committee reports were adopted. S.B. 205, H.B. 116, S.R. 6, H.B. 218, as amended, S.B. 70, H.B. 241, as amended, 1st Sub. S.B. 228, as amended, H.B. 69, as amended, H.B. 114, and H.B. 32 were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 20, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on 1st Sub. H.B. 240, WANTON DESTRUCTION

OF LIVESTOCK, by Representative R. Menlove, and recommends it be considered read for the second time and placed on the Consent Calendar.

Dennis E. Stowell, Chair

Mr. President:

February 20, 2009

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 75**, UTILITY AMENDMENTS, by Senator S. Urquhart, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 50**, FIREFIGHTER SPECIAL GROUP LICENSE PLATE AMENDMENTS, by Representative R. Menlove, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 261**, AVIATION AMENDMENTS, by Representative W. Harper, et al, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar:

- 1. Page 1, Lines 24 through 25 House Floor Amendments 2–17–2009:
 - 24 \blacktriangleright provides that $\hat{H} \rightarrow$ <u>until July 1, 2014</u> $\leftarrow \hat{H}$ the Department of Transportation may
 - 24a $\hat{H} \rightarrow \underline{\text{not}} \leftarrow \hat{H}$ use funds in the Aeronautics
 - 25 Restricted Account to purchase Ĥ→ [and operate] ←Ĥ aircraft for {

 -statewide aviation } certain purposes;
- 2. Page 6, Lines 169 through 169b House Floor Amendments 2–17–2009:
 - 169 the duty of regulating and supervising aeronautics in this state : and

(f) the support of aerial search and rescue operations .

169a $\hat{H} \rightarrow \underline{(5)}$ (a) Until July 1, 2014, monies in the account may not be used by the department for

169b the purchase [or operation] of aircraft for {-statewide purposes} } purposes other than those described in Subsections

(4)(a) through (f) . $\leftarrow \hat{H}$

(b) Until July 1, 2014, monies in the account may not be used to provide or subsidize direct operating costs of travel for purposes other than those described in Subsections (4)(a) through (f).

Stephen H. Urquhart, Chair

Mr. President:

February 20, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 220**, COHABITANT ABUSE PROCEDURES ACT AMENDMENTS, by Senator B. Goodfellow, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

- 1. Page 1, Lines 14 through 16:
 - 14 permits a court to issue an order to a person awaiting trial on a crime of domestic
 - 15 violence {-at the time that the charge is filed-} during any court hearing where the defendant is present, instead of at the time that the person is
 - 16 released from custody; and
- 2. Page 2, Lines 50 through 53:
 - 50 (3) (a) Because of the likelihood of repeated violence directed at those who have been
 - 51 victims of domestic violence in the past, when any defendant $\underline{\mathbf{is}}$ charged with a crime involving
 - 52 domestic violence [is released from custody before trial], the court [authorizing the release]
 - 53 may <u>during any court hearing where the defendant is present</u>, issue an order, <u>pending trial</u>:; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 243**, JUDICIAL PERFORMANCE EVALUATION COMMISSION MODIFICATIONS, by Senator D. C. Buttars, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

On motion of Senator Killpack, the committee reports were adopted. **1st Sub. H.B. 240, S.B. 75, H.B. 50, H.B. 261,** as amended, **S.B. 220,** as amended, and

S.B. 243 were considered read the second time and placed on the Consent Calendar.

* * *

Mr. President:

February 20, 2009

The Revenue and Taxation Committee has tabled **S.B. 46**, SCHOOL PROPERTY TAX EQUALIZATION AMENDMENTS, by Senator K. Morgan, and has returned it to the Rules Committee for filing.

Wayne L. Niederhauser, Chair

S.B. 46 was returned to the Rules Committee for filing.

INTRODUCTION OF BILLS

- **S.B. 188**, **Improvement District Providing Electric Service** (D. Stowell), read the first time by short title and referred to the Rules Committee.
- **S.B. 214**, **Office of Consumer Services Act** (J. Valentine), read the first time by short title and referred to the Rules Committee.
- S.B. 235, Redistribution of Sales and Use Tax Revenues and Property Tax Adjustment (J. Valentine), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Killpack, and at 10:35 a.m., the Senate recessed.

The Senate was called to order at 2:10 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 23, 2009

The House passed, **S.B. 94**, UNDERGROUND SEWER UTILITIES FACILITIES AMENDMENTS, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 95**, MOBILE HOME PARK AMENDMENTS, by Senator S. Jenkins, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 99**, RENEWABLE ENERGY CERTIFICATE REVISIONS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 94, S.B. 95, and **S.B. 99** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

February 23, 2009

The House passed, as substituted and amended, **2nd Sub. H.B. 100**, DEPARTMENT OF CORRECTIONS – TRACKING AND REIMBURSEMENT OF INDIVIDUAL PRISONER COSTS, by Representative C. Wimmer, et al, and it is transmitted for consideration; and

The House passed **H.B. 205**, WATER SOURCE PROTECTION AMENDMENTS, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 207**, CONCURRENT ENROLLMENT AMENDMENTS, by Representative K. Holdaway, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 220**, STATE PAYMENT AND REIMBURSEMENT TO COUNTY CORRECTIONAL FACILITIES, by Representative M. Noel, and it is transmitted for consideration; and

The House passed **H.B. 254**, HEALTH PROFESSIONAL AUTHORITY – DEATH CERTIFICATES, by Representative B. Last, and it is transmitted for consideration; and

The House passed **H.J.R. 13**, JOINT RESOLUTION – TEACHER PERFORMANCE PAY, by Representative M. Poulson, et al, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **2nd Sub. H.B. 100, H.B. 205, 1st Sub. H.B. 207, 2nd Sub. H.B. 220, H.B. 254,** and **H.J.R. 13** were read the first time and referred to the Rules Committee.

CONSENT CALENDAR

H.B. 279, UNIFORM PRUDENT MANAGEMENT OF INSTITUTIONAL FUNDS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bell Buttars Hillyard Stephenson

H.B. 279 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 91, INDIVIDUAL DEVELOPMENT ACCOUNT AMENDMENTS, was read the third time, explained by Senator Morgan, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Urquhart	Valentine	Van Tassell
Waddoups	-		

Absent or not voting were: Senators

Bell Buttars Hillyard Stephenson

H.B. 91 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 71, WITHHOLDING TAX AMENDMENTS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bell Buttars Hillyard Stephenson

H.B. 71 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 102, FALSE VEHICLE TITLE AND REGISTRATION PENALTIES, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bell Buttars Hillyard

H.B. 102 was returned to the House for further consideration.

* * *

H.B. 104, DRIVER LICENSE HEARING AMENDMENTS, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassall	Waddoups		

Van Tassell Waddoups

Absent or not voting were: Senators

Bell Buttars Hillyard

H.B. 104 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

H.B. 51, EXEMPTION FOR ALCOHOLIC BEVERAGE MANUFACTURING LICENSE, was read the third time.

On motion of Senator Valentine, the bill was circled.

* * *

1st Sub. H.B. 92, REQUIREMENT TO WEAR HUNTER ORANGE AMENDMENTS, was read the third time, explained by Senator Christensen, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble Hillyard Robles

1st Sub. H.B. 92 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Stowell, the circle was removed from **H.B. 51**, EXEMPTION FOR ALCOHOLIC BEVERAGE MANUFACTURING LICENSE, and it was before the Senate.

Senator Valentine proposed the following amendment:

- 1. Page 4, Lines 92 through 106
 - 92 (iii) the fermented alcoholic beverage is manufactured and used for $\{ \div \}$
 - 93 $\underline{(A)}$ } personal or family use and consumption $\{-; or\}$
 - 94 (B) ; including use at an organized event where fermented alcoholic beverages are judged as to taste and
 - 95 quality; and
 - 96 (iv) the fermented alcoholic beverage is not for:
 - 97 (A) sale or offering for sale; or
 - 98 (B) consumption on a premise licensed by the commission.
 - 99 <u>(c) An individual may store a fermented alcoholic beverage</u> manufactured as provided
 - 100 in Subsection (6)(b) in the individual's personal residence.
 - 101 (d) A fermented alcoholic beverage manufactured in accordance with Subsection (6)(b)
 - 102 may be removed from the premises where it is manufactured:
 - 103 (i) for personal or family use, including use at an organized event where fermented
 - 104 <u>alcoholic beverages are judged as to taste and quality;</u> {-<u>and</u> }
 - 105 (ii) if the fermented alcoholic beverage is transported in compliance with Section
 - 106 <u>41-6a-526</u> ; and
 - (iii) if the fermented alcoholic beverage is removed only in the following

quantities:

(A) during a calendar year for personal and family use unrelated to an organized event where fermented alcoholic beverages are judged as to taste and quality:

- (I) one liter of wine for each individual who is 21 years of age or older residing in the household;
- (II) 72 ounces of heavy beer for each individual who is 21 years of age or older residing in the household; or
- (III) 72 ounces of beer for each individual who is 21 years of age or older residing in the household; and
- (B) for on–premise consumption at an organized event where fermented alcoholic beverages are judged as to taste and quality, for each individual who will act as a judge at the event:
- (I) one ounce of wine by volume:
- (II) two ounces of heavy beer; or
- (III) two ounces of beer.
- (e) A partnership, corporation, or association may not manufacture a fermented alcoholic beverage under this Subsection (6) for personal or family use and consumption without obtaining a license under this chapter, except that an individual who operates a brewery under this chapter as an individual owner or in partnership with others, may remove beer from the brewery for personal or family use in the amounts described in Subsection (6)(b)(ii)

Senator Valentine's motion to amend passed on a voice vote. Senators Davis and Goodfellow commented and the bill passed on the following roll call:

Yeas, 25; Nays, 2; Absent, 2.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Taggall		_	

Van Tassell

Voting in the negative were: Senators

Dayton Waddoups

Absent or not voting were: Senators

Bell Hillyard

H.B. 51 was returned to the House for further consideration.

* * *

H.B. 235, DAM SAFETY AMENDMENTS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bell Hillyard Liljenquist

H.B. 235 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 233, AGGRAVATED SEXUAL ASSAULT AMENDMENTS, was read the third time, explained by Senator Madsen, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	_

Absent or not voting were: Senators

Bell Hillyard

H.B. 233 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 247, AMENDMENTS TO EMAIL INFORMATION REQUIRED OF REGISTERED SEX OFFENDERS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddouns		

Van Tassell Waddoups

Absent or not voting were: Senators

Bell Bramble Hillyard

H.B. 247 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 78, UTAH UNIFORM SECURITIES ACT MODIFICATIONS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassall	Waddoups		

Van Tassell Waddoups

Absent or not voting were: Senators

Bell Bramble Hillyard

H.B. 78 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

2nd Sub. H.B. 121, RETIRED VOLUNTEER HEALTH CARE PRACTITIONER, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Hillyard

2nd Sub. H.B. 121 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 83, PROPERTY TAX RELIEF PROGRAMS, was read the third time.

On motion of Senator Knudson, **H.B. 83** was placed on Third Reading Table due to fiscal impact.

* * *

H.B. 105, DEPARTMENT OF AGRICULTURE AND FOOD AMENDMENTS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Hillyard Stephenson

H.B. 105 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 253, MOTOR CARRIER PERMIT FEE AMENDMENTS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Urquhart	Valentine
X 7 775 11	XX7 1.1		

Van Tassell Waddoups

Absent or not voting were: Senators

Hillyard Stephenson Stowell

H.B. 253 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

S.B. 39, IMMIGRATION AMENDMENTS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Davis

S.B. 39 was transmitted to the House for consideration.

SECOND READING CALENDAR

S.B. 102, SHARE THE ROAD SPECIAL GROUP LICENSE PLATE, was read the second time. Senator Niederhauser explained the bill.

Senator Niederhauser proposed the following amendment:

- 1. Page 7, Lines 197 through 206
 - 197 (5) The department shall distribute contributions in the account to one or more
 - 198 charitable organizations that:
 - 199 (a) are exempt from federal income taxation under Section 501(c)(3) of the Internal
 - 200 Revenue Code:
 - 201 (b) have as part of their primary mission the promotion and education of :
 - (i) safe bicycle
 - 202 operation {-statewide} }
 - (ii) safe motor vehicle operation around bicycles ; and
 - (iii) healthy lifestyles; and
 - 203 {-(c) do not receive funding from government sources; and
 - 204 (d) } (c) contribute to the start-up fee for the production and administrative costs for
 - 205 providing a Share the Road Bicycle Support special group license plate in accordance with
 - 206 <u>Subsection 41–1a–418(2)(a).</u>
- 2. Page 7, Line 209 through Page 8, Line 216:
 - 209 (b) An organization that receives a distribution from the department in accordance with
 - 210 Subsection (5) shall expend the distribution only to:
 - 211 (i) pay the costs of reordering Share the Road Bicycle Support special group license

- 212 plate decals;
- 213 {-(ii) produce and distribute educational and promotional materials on safe bicycle
- 214 operation in Utah;
- 215 <u>(iii) conduct educational courses on bicycle operation and safety awareness; and</u>
- 216 (ii) produce and distribute materials to educate:
- (A) bicyclists and motorists about safe bicycling, sharing the road, and obeying the law in Utah; and
 - (B) the public on healthy lifestyles:
- <u>(iii) participate in transportation planning that provides accommodations for safe bicycling:</u>
- (iv) promote a network of safe bicycling routes throughout the state; and
 - (v) provide other programs that promote bicycle safety.

Senator Niederhauser's motion to amend passed on a voice vote. Senators Jones and Stephenson commented. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McCoy	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Killpack Morgan

* * *

S.B. 51, RESTITUTION FUND ACCOUNT, was read the second time. Senator Liljenquist explained the bill.

Senator Liljenquist proposed the following amendment:

1. Page 2, Line 45 through Page 3, Line 59

- 45 (4) (a) The attorney general, county attorney, municipal attorney, or district attorney
- 46 may be authorized by the appropriate public treasurer to deposit restitution collected on behalf of crime victims into an interest bearing account in accordance with title 51, Chapter 7, State Money Management Act
- 47 pending distribution of the funds.
- 48 (b) In the event restitution funds are deposited in an interest bearing account as
- 49 <u>provided under Subsection (4)(a), the attorney general, county attorney, municipal attorney, or</u>
- 50 district attorney shall:
- 51 (i) distribute any interest that accrues in the account to each crime victim on a pro rata
- 52 basis; and
- 53 (ii) if all crime victims have been made whole and funds remain, distribute any
- 54 <u>remaining funds to the state Division of Finance for deposit to the Office of Crime Victims</u>
- 55 Reparations.
- 56 (c) { Any interest bearing accounts used under this section must be non-speculative, fully
- 57 <u>insured, simple interest bearing accounts.</u>
- 58 (d) This section does not prevent an independent judicial authority from collecting.
- 59 holding, and distributing restitution.

Senator Liljenquist's motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones

Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Killpack

* * *

S.B. 98, MOTOR FUEL THEFT PENALTIES, was read the second time. Senator Greiner explained the bill.

Senator Greiner proposed the following amendment:

- 1. Page 1, Lines 17 through 20
 - 17 driver license shall be suspended for a conviction of theft of motor vehicle fuel {→
 - 18 60 days for a first offense;
 - 19 six months for a second offense; and
 - 20 one year for a third or subsequent offense } $\underline{\text{for } 90}$ days ; and
- 2. Page 4, Lines 106 through 109:
 - 106 (ii) A suspension under this section is 90 days for each offense {-\(\frac{\cdot}{2}\)}

 107 (A) 60 days for a first offense;
 - 108 (B) six months for a second offense; and
 - 109 (C) one year for a third or subsequent offense }

Senator Greiner's motion to amend passed on a voice vote. Senators Hillyard and Stephenson commented. Senator Hinkins declared a conflict of interest. The bill passed second reading on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones

Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Killpack

* * *

Due to the request of a number of Senators, **H.B. 261**, AVIATION AMENDMENTS, was removed from the Consent Calendar and placed at the bottom of the Second Reading Calendar.

* * *

S.B. 128, RAINWATER HARVESTING, was read the second time. Senator Jenkins explained the bill. Senators Greiner, Valentine, and McCoy commented. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 3; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Hinkins McCoy Robles

Absent or not voting was: Senator

Killpack

* * *

1st Sub. S.B. 131, LAW ENFORCEMENT SERVICE IN LOCAL DISTRICTS AND INTERLOCAL ENTITIES, was read the second time.

On motion of Senator Jenkins, the following substitute bill replaced the original bill:

2nd Sub. S.B. 131 Law Enforcement Service in Local Districts and Interlocal Entities (S. Jenkins)

Senator Jenkins explained the bill.

Senator Jenkins proposed the following amendment:

- 1. Page 2, Line 29
 - 29 direction of the county sheriff;
 - ▶ specifies that if a police interlocal entity or police local district enter an interlocal agreement for law enforcement service, the sheriff is not the chief executive officer of any entity created under that agreement, unless the agreement so provides, and that the sheriff provides law enforcement service under that agreement as provided in the agreement;
- 2. Page 10, Line 291:
 - 291 sheriff.
 - (c) If a police interlocal entity or police local district enters an interlocal agreement with a public agency, as defined in Section 11–13–103, for the provision of law enforcement service, the sheriff:
 - (i) does not serve as the chief executive officer of any interlocal entity created under that interlocal agreement, unless the agreement provides for the sheriff to serve as the chief executive officer; and
 - (ii) shall provide law enforcement service under that interlocal agreement as provided in the agreement.
- 3. Page 21, Lines 625 through 628:
 - 625 property tax revenue necessary : to cover all of the costs associated with providing {-{-}} fire
 - 626 protection, paramedic, and emergency services {—]—} {—public safety service} } :
 - 627 $\{-(I)-\}$ (Aa) for a participating county, in the unincorporated area of the county; and
 - 628 {-(II)-} (Bb) for a participating municipality, in the municipality; {-and-} or

(II) in the case of a police district, to cover all the costs:

(Aa) associated with providing law enforcement service:

(Ii) for a participating county, in the unincorporated area of the county; and

(IIii) for a participating municipality, in the municipality; and

(Bb) that the police district board designates as the costs to be funded by a property tax; and

Senator Jenkins' motion to amend passed on a voice vote. Senator Bramble commented. The bill passed second reading on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Niederhauser

* * *

S.B. 134, TRANSPORTATION FUNDING AMENDMENTS, was read the second time. Senator Urquhart explained the bill.

Senator Urquhart proposed the following amendment:

- 1. Page 1, Lines 13 through 16
 - prohibits the state, counties, and municipalities from spending project–specific
 - 14 funds allocated through a congressional authorization act for a transportation project
 - 15 that is eligible for funds apportioned to the state in support of the statewide
 - 16 transportation improvement program <u>unless the specified project</u> is included on the statewide transportation improvement program .
- 2. Page 2, Lines 37 through 39:

- 37 (2) A municipality may not spend project–specific funds that are allocated through an
- 38 <u>authorization act for a transportation-related project that is eligible</u> for funds apportioned to the
- 39 <u>state in support of the statewide transportation improvement program unless the specified project is included on the statewide transportation improvement program .</u>
- 3. Page 2, Lines 48 through 50:
 - 48 (2) A county may not spend project–specific funds that are allocated through an
 - 49 <u>authorization act for a transportation-related project that is eligible</u> for funds apportioned to the
 - 50 <u>state in support of the statewide transportation improvement program unless the specified project is included on the statewide transportation improvement program .</u>
- 4. Page 3, Lines 64 through 67:
 - 64 (b) The state, including any agency, department, or division of the state, may not spend
 - 65 project–specific funds that are allocated through an authorization act for a transportation–related
 - 66 project that is eligible for funds apportioned to the state in support of the statewide
 - 67 <u>transportation improvement program</u> <u>unless the specified project</u> is included on the statewide transportation improvement program .

Senator Urquhart's motion to amend passed on a voice vote. Senator Okerlund commented. Senator Dayton declared a conflict of interest. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars Killpack

* * *

1st Sub. S.B. 132, INDIVIDUAL INCOME TAX CONTRIBUTION FOR METHAMPHETAMINE HOUSING RECONSTRUCTION AND REHABILITATION FUND, was read the second time. Senator Mayne explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

waddoups

Voting in the negative was: Senator

Jenkins

Absent or not voting were: Senators

Bell Buttars Killpack

* * *

S.B. 148, LOW–PROFIT LIMITED LIABILITY COMPANY ACT, was read the second time. Senator Hillyard explained the bill. Senator Jenkins commented. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

0			
Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bell Killpack Mayne Urquhart

* * *

S.C.R. 2, CONCURRENT RESOLUTION – A CALL TO CIVILITY, was read the second time. Senator Valentine explained the bill. Senators Bramble and Romero commented. The bill passed second reading on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups	-		

INTRODUCTION OF BILLS

- **S.B. 210**, **Amendments to Property Tax** (C. Bramble), read the first time by short title and referred to the Rules Committee.
- **S.B. 238**, **Coal Severance Tax** (G. Davis), read the first time by short title and referred to the Rules Committee.
- **S.B. 240**, **Utah Science Technology and Research Initiative Amendments** (S. Killpack), read the first time by short title and referred to the Rules Committee.
- **S.B. 267**, **Landlord Disclosure Requirements** (R. Romero), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Killpack and at 4:05 p.m., the Senate adjourned until 10:00 a.m., Tuesday, February 24, 2009.

TWENTY-NINTH DAY

MORNING SESSION

February 24, 2009

The Senate was called to order at 10:10 a.m., with President Michael Waddoups presiding.

Prayer – Bishop Sam Ware, Monroe 2nd Ward, The Church of Jesus Christ of Latter–day Saints

Pledge of Allegiance – Senator Scott McCoy

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 23, 2009

The House passed, as substituted and amended, **1st Sub. H.B. 126**, VOTER IDENTIFICATION FOR ELECTIONS, by Representative B. Daw, et al, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 150**, STATE BOARD OF EDUCATION MEMBER ELECTION PROCESS AMENDMENTS, by Representative C. Moss, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 280**, INSURANCE CODE – CONTINUING EDUCATION, by Representative J. Bird, and it is transmitted for consideration; and

The House passed **H.B. 310**, AUTHORITY OF LIEUTENANT GOVERNOR TO PERFORM MARRIAGE, by Representative C. Wimmer, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. 1st Sub. H.B. 126, 1st Sub. H.B. 150, 1st Sub. H.B. 280, and H.B. 310 were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 23, 2009

The Rules Committee recommends assignment of the following bills to standing committees:

Education Committee

S.B. 240 Utah Science Technology and Research Initiative

Amendments (Sen. S. Killpack)

Government Operations and Political Subdivisions Committee

S.B. 188 Improvement District – Providing Electric Service

(Sen. D. Stowell)

H.B. 125 Impact Fee Amendments (Rep. K. Powell)

(Sen. D. Liljenquist)

H.B. 297 Budgetary Procedures Act Recodification

(Rep. R. Bigelow) (Sen. L. Hillyard)

Health and Human Services Committee

1st Sub. H.J.R. 5 Joint Resolution Supporting Needed Improvements in the

Navajo Nation's Ability to Collect and Track Child Support Payments (Rep. C. Watkins) (Sen. D. Hinkins)

Judiciary, Law Enforcement, and Criminal Justice Committee

H.B. 329 Wrongful Death Claims (Rep. L. Fowlke)

(Sen. C. Bramble)

Revenue and Taxation Committee

S.B. 235 Redistribution of Sales and Use Tax Revenues and

Property Tax Adjustment (Sen. J. Valentine)

H.B. 140 Motor Vehicle Registration Fee Amendments

(Rep. C. Frank)

S.B. 210 Amendments to Property Tax (Sen. C. Bramble)

Transportation, Public Utilities and Technology Committee

S.B. 214 Office of Consumer Services Act (Sen. J. Valentine)
H.B. 324 Motor Vehicle Business Regulation Act Amendments

(Rep. F. Gibson) (Sen. K. Van Tassell)

Margaret Dayton Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

STANDING COMMITTEE REPORTS

Mr. President:

February 23, 2009

The Business and Labor Committee reports a favorable recommendation on **S.B. 211**, BUILDING CODE AMENDMENTS, by Senator C. Bramble, with the following amendments:

- 1. Page 11, Lines 326 through 328:
 - 326 (o) in accordance with Section 58–56–4, make a report to the Business and Labor
 - 327 <u>Interim Committee by</u>
 - <u>(i)</u> no later than November 30 of each year recommending <u>any</u> amendments to the currently adopted fire code; and
 - (ii) no later than November 30 in a year of a regularly scheduled update cycle of a nationally promulgated fire code recommending the adoption of,
 - 328 amendment to, or repeal of $\{-\frac{a}{a}\}$ the updated nationally promulgated fire code.
- 2. Page 17, Lines 519 through 520:
 - 519 (d) {-An } If not formally adopted by the Legislature at its next annual general session,
 - <u>an</u> <u>adopted code adopted under this Subsection (4) is repealed effective at midnight</u>
 - 520 on the last day that the Legislature adjourns sine die at its next annual general session.
- 3. Page 18, Lines 526 through 535:
 - 526 <u>(b)</u> {- <u>If the board adopts a fire code under Subsection (5)(a), the board shall file with the</u>
 - 527 division:
 - 528 (i) the text of the adopted fire code; and
 - 529 <u>(ii) an analysis that includes the specific reasons and justifications for its findings.</u>
 - 530 (c) -} The board shall $\{-, \text{ in accordance with Subsection } (5)(b) \}$:
 - (i) publish the adopted fire code; and

- 532 (ii) notify the Business and Labor Interim Committee of the adoption, including a copy
- 533 { of the board's analysis described in Subsection (5)(b) } of an analysis by the board identifying specific reasons and justifications for its findings .
- 534 (d) {—A } If not formally adopted by the Legislature at its next annual general session,
- <u>a</u> <u>fire code adopted under this Subsection (5) is repealed effective at midnight on</u>
- 535 the last day that the Legislature adjourns sine die at its next annual general session.; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 268**, TITLE AND ESCROW COMMISSION RELATED AMENDMENTS, by Senator J. Valentine; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 154**, STATE CONSTRUCTION REGISTRY AMENDMENTS, by Representative M. Morley, with the following amendments:

- 1. Page 8, Lines 216 through 219:
 - 216 (B) A preliminary notice attached to an untimely { ... but otherwise valid., } notice of
 - 217 commencement is valid if there is also a valid and timely notice of commencement for the
 - 218 project [to which the preliminary notice may attach] filed by a party authorized in Section
 - 219 38-1-31.
- 2. Page 9, Lines 268 through 269:
 - 268 (c) Subject to Subsection $\{-(1)-\}$ (d), a person required by this section to give preliminary
 - 269 notice is only required to give one notice for each project.; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 271**, WORKERS' COMPENSATION – UNINSURED EMPLOYERS' FUND, by Representative M. Morley, with the following amendments:

1. Page 1, Lines 23 through 25:

23 Other Special Clauses:

This bill takes effect July 1, 2010.

- This bill coordinates with H.B. 39, Utah Injured Worker Reemployment Act, to merge
- 25 substantive amendments.
- 2. Page 25, Lines 750 through 752:
 - 750 <u>If this H.B. 271 and H.B. 39, Utah Injured Worker</u> Reemployment Act, both pass, it is
 - 751 the intent of the Legislature that the Office of Legislative Research and General Counsel, in
 - 752 preparing for publication the Utah Code database {-for publication } that takes effect on July 1, 2010 :
- 3. Page 25, Lines 766 through 767:
 - 766 (C) Title 34A, Chapter 3, Occupational Disease Act; or
 - 767 (D) Title 34A, Chapter 8a, Utah Injured Worker Reemployment Act."

Section 11. Effective date.

This bill takes effect July 1, 2010.

John L. Valentine, Chair

Mr. President:

February 23, 2009

The Health and Human Services Committee reports a favorable recommendation on **S.B. 217**, DRUGS AMENDMENTS, by Senator P. Knudson, with the following amendments:

- 1. Page 3, Lines 67 through 72:
 - 67 (6) For any accident and health insurance policy that takes effect or is renewed after
 - 68 <u>July 1, 2009, coverage for orally administered cancer</u> chemotherapy treatments under a policy
 - 69 of accident and health insurance may not be subject to dollar limits, copayments, or deductibles
 - 70 that are less favorable to the insured than the dollar limits, copayments, or deductibles that

- 71 <u>apply to coverage for similar cancer chemotherapy treatments</u> that are administered intravenously or by
- 72 <u>injection under the policy of accident or health insurance.</u>; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 42**, ADOPTION REVISIONS, by Representative S. Allen; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 265**, POSTMORTEM PROCEDURES AMENDMENTS, by Representative B. Daw.

D. Chris Buttars, Chair

Mr. President:

February 23, 2009

The Education Committee reports a favorable recommendation on **H.B. 244**, DISRUPTION OF SCHOOL ACTIVITIES, by Representative C. Moss, with the following amendments:

- 1. Page 1, Line 29
 House Committee Amendments
 1–28–2009:
 - 29 (1) As used in this section {-<u>·</u>} } <u>:</u>
 (a) {-"school" | "School" | means any public or private kindergarten.
- 2. Page 2, Line 31:
 - 31 school.

(b) "School property" means real property owned or occupied by a public or private school, including real property temporarily occupied by students for a school activity or program.

- 3. Page 2, Line 33:
 - 33 <u>school property, if the person enters</u> { <u>-at any time</u> } <u>onto</u> { <u>-the</u> } <u>school property</u> { <u>-of any school</u> } <u>when :</u> <u>(a) students are attending the school or students are participating in any school-related activity or program on school property; and</u>
 - (b) the; and

The Education Committee reports a favorable recommendation on **H.B. 287**, UTAH EDUCATION NETWORK AMENDMENTS, by Representative K. Holdaway.

Curtis S. Bramble, Chair

Mr. President:

February 20, 2009

The Government Operations and Political Subdivisions Committee recommends S.B. 84, IMPACT FEES REVISIONS, by Senator G. Bell, be replaced and favorably recommends 1st Sub. S.B. 84, IMPACT FEES REVISIONS: and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on 1st Sub. S.B. 106, ALCOHOLIC BEVERAGE CONTROL ACT RESTRICTIONS, by Senator S. McCoy; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 156, GIFTS AND MEAL PROVISIONS FOR PUBLIC OFFICIALS, by Senator G. Bell, with the following amendments:

- 1. Page 7, Lines 201 through 203:
 - (C) an expenditure made for food or beverage {-including 201 the public official's name } , if
 - 202 the aggregate daily expenditures benefitting the public official are greater than [\$50; and] \$25
 - 203 unless the food or beverage is provided in connection with an event to which:
- 2. Page 9, Lines 273 through 274:
 - (b) Notwithstanding Subsection (1)(a), "gift" includes : 273 admission to a sporting, (i)
 - 274 recreational, or artistic event whether as a spectator or a participant : and

(ii) cash .; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 162, USE OF CAMPAIGN FUNDS AMENDMENTS, by Senator J. Valentine, with the following amendments:

Page 2, Lines 42 through 44:

- 42 (4) {—A } (a) Except as provided in Subsection (4)(b) and Section 20A–11–402, a person who is no longer a state office candidate may not expend or transfer the
- 43 monies in a campaign account in a manner that would cause the former state office candidate to
- 44 recognize the monies as taxable income under federal tax law.
- (b) A person who is no longer a state office candidate may transfer the monies in a campaign account in a manner that would cause the former state office candidate to recognize the monies as taxable income under federal tax law if the transfer is made to a campaign account for federal office.
- 2. Page 2, Line 58 through Page 3, Line 60:

456

- 58 (5) {-A } (a) Except as provided in Subsection (5)(b) and Section 20A-11-402, a person who is no longer a legislative office candidate may not expend or transfer
- 59 the monies in a campaign account in a manner that would cause the former legislative office
- 60 candidate to recognize the monies as taxable income under federal tax law.
- (b) A person who is no longer a legislative office candidate may transfer the monies in a campaign account in a manner that would cause the former legislative office candidate to recognize the monies as taxable income under federal tax law if the transfer is made to a campaign account for federal office.
- 3. Page 3, Lines 76 through 78:
 - 76 (4) (a) Except as provided in Subsection (4)(b), a $\{-A\}$ person who is no longer an officeholder may not expend or transfer the monies in
 - 77 <u>a campaign account in a manner that would cause the former officeholder to recognize the</u>
 - 78 monies as taxable income under federal tax law.
 - (b) A person who is no longer an officeholder may transfer the monies in a campaign account in a manner that would cause the former officeholder to recognize the monies as taxable income under federal tax law if the transfer is made to a campaign account for federal office.
- 4. Page 4, Lines 94 through 96:

- 94 (5) {—A } (a) Except as provided in Subsection (5)(a) and Section 20A–11–402, a person who is no longer a school board candidate may not expend or transfer the
- 95 monies in a campaign account in a manner that would cause the former school board candidate
- 96 to recognize the monies as taxable income under federal tax law.

 (b) A person who is no longer a school board candidate may transfer the monies in a campaign account in a manner that would cause the former school board candidate to recognize the monies as taxable income under federal tax law if the transfer is made to a campaign account for federal office. ; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 209**, LAND USE, DEVELOPMENT, AND MANAGEMENT ACT AMENDMENTS, by Senator G. Bell; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 118**, ARCHIVES AND GRAMA REVISIONS, by Representative D. Aagard.

Peter C. Knudson, Chair

On motion of Senator Dayton, the committee reports were adopted. S.B. 211, as amended, S.B. 268, H.B. 154, as amended, H.B. 271, as amended, S.B. 217, as amended, H.B. 42, H.B. 265, H.B. 244, as amended, H.B. 287, 1st Sub. S.B. 84, 1st Sub. S.B. 106, S.B. 156, as amended, S.B. 162, as amended, S.B. 209, and H.B. 118 were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 23, 2009

The Health and Human Services Committee reports a favorable recommendation on **H.B. 239**, UTAH MEDICAL EXAMINER ACT – INVESTIGATION AND AUTOPSIES AMENDMENTS, by Representative C. Oda, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Health and Human Services Committee reports a favorable recommendation on H.B. 289, BACKGROUND CHECKS FOR QUALIFYING

ENTITIES, by Representative S. Sandstrom, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

Mr. President:

February 23, 2009

The Education Committee reports a favorable recommendation on **S.B. 185**, FEDERAL EDUCATION AGREEMENT REQUIREMENTS AMENDMENTS, by Senator M. Dayton, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

- 1. Page 1, Lines 19 through 20:
 - 19 Other Special Clauses:
 - 20 {None } This bill provides an immediate effective date.
- 2. Page 5, Line 128:
 - 128 authorizations established by this part are necessary.

Section 6. Effective date.

If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override. ; and

The Education Committee reports a favorable recommendation on **1st Sub. H.B. 264**, EDUCATOR EVALUATION AMENDMENTS, by Representative R. Menlove, and recommends it be considered read for the second time and placed on the Consent Calendar.

Curtis S. Bramble, Chair

On motion of Senator Killpack, the committee reports were adopted. **H.B. 239, H.B. 289, S.B. 185,** as amended, and **1st Sub. H.B. 264** were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

- **S.B. 187**, **Alcohol Amendments** (J. Valentine), read the first time by short title and referred to the Rules Committee.
- **S.B. 215**, **Justice for All Special Group License Plate** (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 241, Instructional Expenses Requirements (M. Madsen), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

1st Sub. S.B. 192, CORPORATION AND BUSINESS ENTITY RELATED AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bell	Christensen	Dayton	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Mayne	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Buttars	Davis	Madsen
McCoy	Stephenson	Urquhart	

1st Sub. S.B. 192 was transmitted to the House for consideration.

* * *

1st Sub. S.C.R. 3, CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR THE WORK OF THE UTAH COUNCIL ON FINANCIAL AND ECONOMIC EDUCATION, was read the first, second and third time, explained by Senator Jones, and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Mayne	Morgan	Niederhauser
Okerlund	Robles	Romero	Stowell
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	Buttars	Madsen	McCoy
Stephenson	Urquhart		

1st Sub. S.C.R. 3 was transmitted to the House for consideration.

* * *

On motion of Senator Valentine, H.B. 223, STATUTE OF LIMITATIONS AMENDMENTS, was read the third time and circled.

THIRD READING CALENDAR

S.B. 102, SHARE THE ROAD SPECIAL GROUP LICENSE PLATE, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Davis	Dayton	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble Buttars Christensen

S.B. 102 was transmitted to the House for consideration.

* * *

S.B. 51, RESTITUTION FUND ACCOUNT, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Bell	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	Morgan
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble Buttars McCoy Niederhauser

S.B. 51 was transmitted to the House for consideration.

* * *

On motion of Senator Greiner, **S.B. 98**, MOTOR FUEL THEFT PENALTIES, was read the third time and circled.

* * *

S.B. 128, RAINWATER HARVESTING, was read the third time and explained by Senator Jenkins.

Senator Jenkins proposed the following amendment:

- 1. Page 2, Lines 46 through 48
 - 46 (7) Notwithstanding the requirements of Section 73–3–2, a person may:
 - 47 (a) directly capture and store precipitation in $\{-\frac{a}{a}\}$ an underground storage container :
 - (i) with a maximum
 - 48 capacity of 2,500 gallons; and
 - (ii) installed in accordance with relevant building codes adopted under Chapter 56, Title 58, Uniform Building Standards Act; and

Senator Jenkins' motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 24; Nays, 2; Absent, 3.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Waddoups

Voting in the negative were: Senators

Hinkins McCoy

Absent or not voting were: Senators

Bramble Buttars Van Tassell

S.B. 128 was transmitted to the House for consideration.

* * *

On motion of Senator Jenkins, **2nd Sub. S.B. 131**, LAW ENFORCEMENT SERVICE IN LOCAL DISTRICTS AND INTERLOCAL ENTITIES, was read the third time and circled.

* * *

S.B. 134, TRANSPORTATION FUNDING AMENDMENTS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Waddouns		

Valentine Waddoups

Absent or not voting were: Senators

Bramble Buttars Van Tassell

S.B. 134 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 132, INDIVIDUAL INCOME TAX CONTRIBUTION FOR METHAMPHETAMINE HOUSING RECONSTRUCTION AND REHABILITATION FUND, was read the third time, explained by Senator Mayne, and passed on the following roll call:

Yeas, 25; Nays, 2; Absent, 2.

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard

Hinkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Waddoupe			

Waddoups

Voting in the negative were: Senators

Jenkins Stephenson

Absent or not voting were: Senators

Buttars Van Tassell

1st Sub. S.B. 132 was transmitted to the House for consideration.

* * *

S.B. 148, LOW-PROFIT LIMITED LIABILITY COMPANY ACT, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Jenkins Killpack

S.B. 148 was transmitted to the House for consideration.

* * *

S.C.R. 2, CONCURRENT RESOLUTION – A CALL TO CIVILITY, was read the third time, explained by Senator Valentine, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

464

Voting	in	the	affirmative	were:	Senators
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Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hillyard
Hinkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Von Toosall	Waddana		

Van Tassell Waddoups

Absent or not voting were: Senators

Dayton Jenkins Killpack

S.C.R. 2 was transmitted to the House for consideration.

SECOND READING CALENDAR

S.B. 137, PHYSICAL THERAPY PRACTICE ACT, was read the second time. Senator Niederhauser explained the bill.

Senator Niederhauser proposed the following amendment:

- 1. Page 2, Lines 47 through 48
 - 47 Other Special Clauses:
 - 48 {-None-} This bill takes effect on July 1, 2009.
- 2. Page 16, Lines 480 through 481 Senate Committee Amendments 2–9–2009:
 - 480 (3) The duties and responsibilities of the board are described in Subsection (4) and
 - 481 Sections 58- $\{-21b\}$ $\underline{1}$ -201 through 58- $\{-21b\}$ $\underline{1}$ -203.
- 3. Page 19, Line 556:
 - 556 <u>58–24b–303.</u> Term of license Renewal <u>— Temporary</u> license for physical therapist assistant .
- 4. Page 19, Lines 566 through 575:
 - 566 (4) A license issued under this chapter expires on the expiration date indicated on the

- 567 <u>license</u>, unless the license is renewed under this section.
- (5) Notwithstanding any other provision of this chapter, the division may, by rule, grant a temporary license, that expires on July 1, 2011, as a physical therapist assistant to an individual who:
- (a) was working as a physical therapist assistant in Utah before July 1, 2009; and
- (b) complies with the requirements described in Subsections 58–24b–302(2)(a), (b), (c), (f), and (g).
- Section 10. Section 58–24b–304 is enacted to read:
- 569 <u>58–24b–304.</u> Exemptions from licensure.
- 570 (1) In addition to the exemptions from licensure described in Section 58–1–307, as
- 571 modified by Subsection 58–24b–302(5), a person may engage in acts that constitute the practice
- 572 of physical therapy without a license issued under this chapter if:
- 573 (a) the person is licensed under another law of the state to engage in acts that constitute
- 574 the practice of physical therapy if that person does not :

 (i) claim to be a physical therapist {- or };
 - (ii) claim to be a physical therapist (ii) claim to be a
- 575 <u>provider of any type of physical therapy that is outside of the scope of practice of the license that is issued to the person;</u>; or
- (iii) engage in any acts that constitute the practice of physical therapy that are outside of the scope of practice of the license that is issued to the person:
- 5. Page 22, Line 677
 Senate Committee Amendments
 2–9–2009:
 - 677 (a) perform a physical therapy evaluation $\{-\frac{1}{2}\}$ or assessment $\hat{S} \rightarrow [\frac{1}{2}]$ (c) $\frac{1}{2}$
- 6. Page 26, Line 778
 Senate Committee Amendments
 2–9–2009:
 - 778 (i) physical therapy , except to the extent that the word is used to describe conduct that a person is licensed to engage in under another law of the state :

7. Page 34, Lines 1026 through 1028:

1026 [(36)] (37) "Unanticipated outcome" means the outcome of a medical treatment or

1027 procedure that differs from an expected result.

Section 24. Effective date.

This bill takes effect on July 1, 2009.

1028 25 . Repealer. Section $\{-24-\}$

Senator Niederhauser's motion to amend passed on a voice vote. Senator Robles commented. The bill passed second reading, under suspension of the rules, on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Killpack

* * *

On motion of Senator Jenkins, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Jenkins, the circle was removed from 2nd Sub. S.B. 131, LAW ENFORCEMENT SERVICE IN LOCAL DISTRICTS AND INTERLOCAL ENTITIES, and it was before the Senate. Senator Jenkins explained the bill.

Senator Bramble proposed the following amendment:

1. Page 1, Line 17

- 17 their approval if the local district is created to provide law enforcement service;
- requires county and municipal legislative body approval of a property tax imposed by a police local district;
- 2. Page 1, Line 20:
 - 20 modifies who appoints one member of a merit system commission for a <u>first class</u> county in
- 3. Page 2, Line 29a Senate 2nd Reading Amendments 2–23–2009:
 - 29a Ŝ→ specifies that if a police interlocal entity or police local district {-enter} enters an interlocal
- 4. Page 2, Line 33
 Senate 2nd Reading Amendments
 2–23–2009:
 - 33 by agreement;
 - <u>▶ limits application of some provisions to districts in counties of the first class:</u>
- 5. Page 2, Line 54
 Senate 2nd Reading Amendments
 2–23–2009:
 - 17B-1-505, as renumbered and amended by Laws of Utah 2007, Chapter 329

17B-2a-903, as enacted by Laws of Utah 2007, Chapter 329

- 6. Page 11, Line 312:
 - 312 county of the first class is a party; and
- 7. Page 11, Line 317:
 - 317 <u>17B-1-203</u> by the legislative body of a county of the first class , alone or with one or more other legislative
- 8. Page 18, Line 535:
 - 535 17B-1-512(2)(a).

Section 12. Section 17B–2A–903 is amended to read: 17B–2a–903. Additional service area powers.

- (1) In addition to the powers conferred on a service area under Section 17B–1–103, a service area:
- $\{-(1)-\}$ (a) may issue bonds as provided in and subject to Chapter 1, Part 11, Local District Bonds, to carry out the purposes of the district;
- {-(2)-} (b) that, until April 30, 2007, was a regional service area, may provide park, recreation, or parkway services, or any combination of those services; and
- $\{-(3)-\}$ <u>(c)</u> may, with the consent of the county in which the service area is located, provide planning and zoning service.
- (2) A service area that provides law enforcement service may not levy a property tax or increase its certified tax rate, as defined in Section 59–2–924, without the prior approval of:
- (a)(i) the legislative body of each municipality that is partly or entirely within the boundary of the service area; and
- (ii) the legislative body of the county with an unincorporated area within the boundary of the service area; or
- (b)(i) a majority of the legislative bodies of all municipalities that are partly or entirely within the boundary of the service area; and
- (ii) two-thirds of the legislative body of the county with an unincorporated area within the boundary of the service area.
- 9. Page 21, Line 645
 Senate 2nd Reading Amendments
 2–23–2009:

645 Area Act , within a county of the first class :

Renumber remaining sections accordingly.

Senator Bramble's motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser

Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

2nd Sub. S.B. 131 was transmitted to the House for consideration.

SECOND READING CALENDAR

S.B. 142, DISPOSITION OF A DEAD BODY, was read the second time. Senator Christensen explained the bill. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stowell
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Stephenson Urquhart

* * *

S.B. 146, HOME SCHOOLING AMENDMENTS, was read the second time. Senator Madsen explained the bill. Senator Hinkins commented. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Valentine
Waddoups			

Waddoups

Absent or not voting were: Senators

Christensen Stephenson Urguhart Van Tassell

* * *

On motion of Senator Jenkins, **S.B. 159**, MATH EDUCATION INITIATIVE, was read the second time and circled.

* * *

S.B. 58, COLLECTION AND USE OF PRECIPITATION, was read the second time. Senator McCoy explained the bill. Senators Jenkins, Hinkins, Madsen, and Valentine commented. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 6; Absent, 2.

Voting in the affirmative were: Senators

Bell	Davis	Goodfellow	Hillyard
Hinkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Buttars Christensen Dayton Greiner

Jenkins Killpack

Absent or not voting were: Senators

Bramble Stephenson

* * *

S.B. 54, UNIFORM LAW – UNIFORM ASSIGNMENT OF RENTS ACT, was read the second time. Senator Romero explained the bill.

Senator Romero proposed the following amendment:

- . Page 12, Line 363 through Page 13, Line 376
 - 363 57–26–111. Effect of enforcement.
 - The enforcement of an assignment of rents by one or more of the methods identified in
 - 365 Sections 57–26–107, 57–26–108, and 57–26–109, the application of proceeds by the assignee

- 366 <u>under Section 57–26–112 after enforcement, the payment of expenses under Section 57–26–113,</u>
- 367 or an action under Subsection 57–26–114(4) does not:
- 368 (1) make the assignee a purchaser in possession of the real property;
- 369 (2) make the assignee an agent of the assignor:
- 370 (3) constitute an election of remedies that precludes a later action to enforce the
- 371 secured obligation;
- 372 (4) make the secured obligation unenforceable:
- 373 (5) limit any right available to the assignee with respect to the secured obligation;
- 374 (6) <u>limit, waive, or bar any foreclosure or power of sale</u> remedy under the security instrument;
 - (7) violate Section 78B-6-901; or
- 375 {-(7) } (8) bar a deficiency judgment pursuant to any law of this state governing or relating to
- 376 <u>deficiency judgments following the enforcement of any encumbrance, lien, or security interest.</u>
- 2. Page 15, Lines 441 through 460:
 - 441 <u>57–26–115.</u> Perfection and priority of assignee's security interest in proceeds.
 - * * * Some lines not shown * * *
 - 455 (3) Except as otherwise provided in Subsection (4), priority between an assignee's
 - 456 <u>security interest in identifiable proceeds and a conflicting interest is governed by the priority</u>
 - 457 rules in Article 9.
 - 458 (4) An assignee's perfected security interest in identifiable cash proceeds is subordinate
 - 459 to a conflicting interest that is perfected by control under Article 9 but has priority over a
 - 460 conflicting interest that is perfected other than by control.
 - (5) An assignee's perfected security interest in identifiable cash

proceeds is subordinate to a conflicting interest arising under a right of recoupment or setoff.

Senator Romero's motion to amend passed on a voice vote. Senator Valentine commented. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble Buttars Stephenson

* * *

S.B. 56, MILITARY INSTALLATION DEVELOPMENT AUTHORITY AMENDMENT, was read the second time. Senator Killpack explained the bill.

On motion of Senator Killpack, the following substitute bill replaced the original bill:

1st Sub. S.B. 56 Military Installation Development Authority Amendments (S. Killpack)

On motion of Senator Killpack, the bill was circled.

* * *

On motion of Senator Killpack, and at 12:00 noon, the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:20 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 24, 2009

The House passed, **S.B. 108**, TAX COMMISSION ADMINISTRATION, COLLECTION, AND ENFORCEMENT AMENDMENTS, by Senator

W. Niederhauser, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 108 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President:

February 24, 2009

The House concurred in the Senate amendments and passed **H.B. 24**, TRAFFIC ACCIDENT CLEARANCE AMENDMENTS, by Representative E. Hutchings, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 102**, FALSE VEHICLE TITLE AND REGISTRATION PENALTIES, by Representative P. Ray, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 24 and **H.B. 102**, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President:

February 24, 2009

The House passed **H.B. 152**, APPRAISAL MANAGEMENT COMPANY REGULATION, by Representative M. Morley, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 294**, SURVIVAL ACTION UPON INJURY OR DEATH, by Representative K. McIff, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 352**, ALCOHOLIC BEVERAGE RELATED AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed **H.B. 375**, LOCAL GOVERNMENT RECORDS AMENDMENTS, by Representative R. Wilcox, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 152, 1st Sub. H.B. 294, 1st Sub. H.B. 352,** and **H.B. 375** were read the first time and referred to the Rules Committee.

* * *

Mr. President: February 24, 2009

The House refused to concur with the Senate Amendments to **H.B. 51**, EXEMPTION FOR ALCOHOLIC BEVERAGE MANUFACTURING LICENSE, by Representative C. Johnson, and requests the Senate recede from its amendments.

Sandy D. Tenney, Chief Clerk

RULES COMMITTEE REPORTS

To the Members of the Senate: February 24, 2009

The Rules Committee recommends assignment of the following bills to standing committees:

Business and Labor Committee

S.B. 187 Alcohol Amendments (Sen. J. Valentine)

S.B. 267 Landlord Disclosure Requirements (Sen. R. Romero)
H.B. 72 Children's Justice Center Amendments (Rep. L. Fowlke)

(Sen. C. Bramble)

1st Sub. H.B. 280 Insurance Code – Continuing Education (Rep. J. Bird)

(Sen. K. Van Tassell)

Education Committee

S.B. 241 Instructional Expenses Requirements (Sen. M. Madsen)
1st Sub. H.B. 150 State Board of Education Member Election Process

Amendments (Rep. C. Moss) (Sen. P. Jones)

1st Sub. H.B. 207 Concurrent Enrollment Amendments (Rep. K. Holdaway)

(Sen. M. Dayton)

H.J.R. 13 Joint Resolution – Teacher Performance Pay

(Rep. M. Poulson) (Sen. K. Morgan)

Government Operations and Political Subdivisions Committee

H.B. 17 Expedited Partner Therapy Treatment (Rep. J. Seelig)

(Sen. S. Urquhart)

H.B. 108 Hormone Restoration Amendments (Rep. D. Aagard)

(Sen. D. Stowell)

1st Sub. H.B. 126 Voter Identification for Elections (Rep. B. Daw)

(Sen. M. Madsen)

H.B. 310 Authority of Lieutenant Governor to Perform Marriage

(Rep. C. Wimmer) (Sen. R. Okerlund)

Health and Human Services Committee

H.B. 254 Health Professional Authority – Death Certificates

(Rep. B. Last) (Sen. S. Killpack)

Judiciary, Law Enforcement, and Criminal Justice Committee

H.B. 37 Violent Offenses Amendments (Rep. J. Seelig)

(Sen. J. Greiner)

2nd Sub. H.B. 100 Department of Corrections - Tracking and

Reimbursement of Individual Prisoner Costs

(Rep. C. Wimmer) (Sen. C. Bramble)

2nd Sub. H.B. 220 State Payment and Reimbursement to County

Correctional Facilities (Rep. M. Noel) (Sen. J. Greiner)

Natural Resources, Agriculture and Environment Committee

H.B. 205 Water Source Protection Amendments (Rep. M. Noel)

(Sen. S. Urquhart)

Revenue and Taxation Committee

S.B. 238 Coal Severance Tax (Sen. G. Davis)

Transportation, Public Utilities and Technology Committee

S.B. 215 Justice for All Special Group License Plate (Sen. G. Bell)

Margaret Dayton Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

STANDING COMMITTEE REPORTS

Mr. President:

February 24, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 73**, UNINCORPORATED AREAS AMENDMENTS, by Senator K. Mayne; and

The Government Operations and Political Subdivisions Committee recommends **S.B. 63**, MODIFICATIONS TO RECORDING REQUIREMENTS – SUBDIVISIONS, by Senator R. Okerlund, be replaced and favorably recommends **1st Sub. S.B. 63**, MODIFICATIONS TO RECORDING REQUIREMENTS with the following amendments:

1. Page 1, Lines 24 through 25:

- 24 { provides that the absence of a certificate of written approval does not prohibit the
- 25 county recorder from recording the document; }
- 2. Page 2, Line 47:
 - 47 {-10-9a-605, as last amended by Laws of Utah 2006, Chapter 240-}
- 3. Page 3, Line 57, Senate Committee Amendments, 2–18–09:
 - 57 { 17-27a-605, as last amended by Laws of Utah 2006, Chapter 240-}
- 4. Page 6, Line 156 through Page 7, Line 189: Delete lines 156–189
- 5. Page 18, Line 537,Senate Committee Amendments,2–18–09, through Page 19, Line 571:Delete lines 537–571

Renumber remaining sections accordingly; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 122**, GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT AMENDMENTS, by Representative D. Aagard.

Peter C. Knudson, Chair

Mr. President:

February 24, 2009

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 65**, AMENDMENTS TO PROPERTY TAX NOTICE, PUBLIC HEARING, AND RESOLUTION PROVISIONS, by Senator D. Stowell; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 189**, AMENDMENTS TO SALES AND USE TAX, by Senator W. Niederhauser; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 190**, ACQUISITION OF A BILLBOARD BY EMINENT DOMAIN, by Senator W. Niederhauser.

Wayne L. Niederhauser, Chair

Mr. President:

February 23, 2009

The Natural Resources, Agriculture, and Environment Committee recommends **S.B. 80**, FIRE LIABILITY MODIFICATIONS, by Senator M. Dayton, be replaced and favorably recommends **1st Sub. S.B. 80**, FIRE LIABILITY MODIFICATIONS.

Dennis E. Stowell, Chair

Mr. President:

February 23, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 244**, LONG ARM JURISDICTION AMENDMENTS, by Senator W. Niederhauser; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.J.R. 21**, JOINT RESOLUTION ON COMBATING AND REDUCING GANG ACTIVITY, by Senator L. Robles, with the following amendments:

1. Page 3, Line 64:

64 { academic } academics , targeted counseling, and employment programs as a means to enhance the future of ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 222**, UNBORN CHILD PAIN PREVENTION ACT, by Representative C. Wimmer; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 275**, DOMESTIC VIOLENCE IN PRESENCE OF A CHILD AMENDMENTS, by Representative K. Gibson.

Michael G. Waddoups, President of the Senate

On motion of Senator Jenkins, the committee reports were adopted. S.B. 73, 1st Sub. S.B. 63, as amended, H.B. 122, S.B. 65, S.B. 189, S.B. 190, 1st Sub. S.B. 80, S.B. 244, S.J.R. 21, as amended, H.B. 222, and H.B. 275 were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 24, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 291**, COUNTY PERSONNEL AMENDMENTS, by Representative B. King, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 319**, DISASTER RECOVERY FUNDING AMENDMENTS, by Representative C. Oda, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

Mr. President:

February 23, 2009

The Natural Resources, Agriculture, and Environment Committee recommends **H.C.R. 5**, CONCURRENT RESOLUTION URGING THE REALIGNMENT OF AIR QUALITY REQUIREMENTS BY THE EPA, by Representative R. Menlove, be replaced and favorably recommends **1st Sub. H.C.R. 5**, CONCURRENT RESOLUTION URGING THE REALIGNMENT OF AIR QUALITY REQUIREMENTS BY THE EPA and that it be considered read for the second time and placed on the Consent Calendar; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.C.R. 6**, CONCURRENT RESOLUTION EXPRESSING OPPOSITION TO CONGRESSIONAL EFFORTS TO EXPAND THE JURISDICTION OF THE CLEAN WATER ACT, by Representative M. Brown, and recommends it be considered read for the second time and placed on the Consent Calendar.

Dennis E. Stowell, Chair

Mr. President:

February 23, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 123**, RETAIL AND LIBRARY THEFT AMENDMENTS, by Representative F. Gibson, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 127**, PERSONAL INJURY PROTECTION COVERAGE AMENDMENTS, by Representative T. Kiser, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 228**, ASSAULT ON SERVICE MEMBER IN UNIFORM, by Representative E. Hutchings, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 295**, MONEY LAUNDERING AMENDMENTS, by Representative R. Wilcox, and recommends it be considered read for the second time and placed on the Consent Calendar.

Michael G. Waddoups, President of the Senate

On motion of Senator Greiner, the committee reports were adopted. H.B. 291, H.B. 319, 1st Sub. H.C.R. 5, H.C.R. 6, H.B. 123, H.B. 127, H.B. 228, and H.B. 295 were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

- **S.B. 193**, **Salvage Vehicles Amendments** (S. Urquhart), read the first time by short title and referred to the Rules Committee.
- S.B. 218, Community Animal Shelter and Adoption Support Special Group License Plate (P. Knudson), read the first time by short title and referred to the Rules Committee.
- **S.B. 270**, **Gift Card Amendments** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

* * *

H.B. 51, EXEMPTION FOR ALCOHOLIC BEVERAGE MANUFACTURING LICENSE, was before the Senate.

On motion of Senator Stowell, the Senate voted to refuse to recede from its amendments to **H.B. 51**. President Waddoups appointed a conference committee consisting of Senators Stowell, Valentine, and Morgan to meet with a like committee from the House.

THIRD READING CALENDAR

On motion of Senator Greiner, the circle was removed from **S.B. 98**, MOTOR FUEL THEFT PENALTIES, and it was before the Senate.

On motion of Senator Greiner, the bill was circled.

SECOND READING CALENDAR

S.B. 150, STATE ARMORY AMENDMENTS, was read the second time. Senator Jenkins explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

480

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bell Davis Knudson

* * *

S.B. 14, FINANCIAL INCENTIVES FOR MOTION PICTURE PRODUCTIONS, was read the second time. Senator Hillyard explained the bill.

Senator Hillyard proposed the following amendment:9, Lines 261 through 262

- 261 (1) A motion picture company that claims a tax credit under Subsection (2)(k) shall
- 262 retain the tax certificate in accordance with Subsection 63M-1-1804(5)(d).
 - (3) The office may issue up to:
- (a) \$7,793,700 in tax credit certificates in a fiscal year under this part; and
- (b) \$2,206,300 in motion picture cash rebates in a fiscal year under this part.

Senator Hillyard's motion to amend passed on a voice vote. Senators Greiner, Morgan, Jones, Jenkins, and Madsen commented. The bill passed second reading, under suspension of the rules, on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
X 7 700 11	XX7 1 1		

Van Tassell Waddoups

Absent or not voting were: Senators

Christensen Knudson Valentine

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S.B. 160, UTAH VENTURE CAPITAL ENHANCEMENT ACT AMENDMENTS, was read the second time. Senator Jenkins explained the bill. Senator Christensen commented. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
			=

Van Tassell Waddoups

Absent or not voting were: Senators

Bramble Knudson Valentine

* * *

On motion of Senator Killpack, the circle was removed from **1st Sub. S.B. 56**, MILITARY INSTALLATION DEVELOPMENT AUTHORITY AMENDMENTS, and it was before the Senate. Senator Killpack explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 2; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Urquhart
X 7			

Van Tassell

Voting in the negative were: Senators

Stephenson Waddoups

Absent or not voting were: Senators

Knudson Valentine

* * *

S.J.R. 10, ALTERNATIVE TRAINING CENTER JOINT RESOLUTION, was read the second time. Senator Stowell explained the bill. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Knudson Mayne

* * *

On motion of Senator Davis, legislative staff was authorized to draft a bill regarding Judicial Conduct Commission.

* * *

1st Sub. S.B. 147, DRIVER LICENSE REVISIONS, was read the second time. Senator Hillyard explained the bill.

Senator Hillyard proposed the following amendment:

- 1. Page 1, Lines 19 through 22
 - 19 the Driver License Division receives written verification from the person's
 - 20 primary care physician that to the physician's knowledge the person has not used
 - 21 any narcotic drug or other controlled substance except as prescribed by a
 - 22 licensed medical practitioner within the last three years and that the physician is not aware of any physical, emotional, or mental impairment that would affect the person's ability to operate a motor vehicle safely; and
- 2. Page 5, Lines 139 through 142:
 - 139 (B) the division receives written verification from the person's primary care physician
 - 140 that :
 - (I) to the physician's knowledge the person has not used any narcotic drug or other controlled
 - 141 <u>substance except as prescribed by a licensed medical practitioner</u> <u>within the last three years;</u>
 - 142 and

(II) the physician is not aware of any physical, emotional, or mental impairment that would affect the person's ability to operate a motor vehicle safely.

Senator Hillyard's motion to amend passed on a voice vote. Senators Buttars, Goodfellow, and Mayne commented. The bill passed second reading on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Knudson

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S.B. 149, PROHIBITION OF TEXT MESSAGING OR ELECTRONIC MAIL COMMUNICATION WHILE DRIVING, was read the second time. Senator Hillyard explained the bill.

On motion of Senator Hillyard, the following substitute bill replaced the original bill:

1st Sub. S.B. 149 Prohibition of Text Messaging or Electronic Mail Communication While Driving (L. Hillyard)

Senator Hillyard proposed the following amendment:

- 1. Page 2, Lines 29 through 32
 - provides that a judge { or justice } may order that a person's driver license be suspended } may order that
 - 30 for three months upon conviction of the prohibition on using a handheld wireless
 - 31 communication device for text messaging or electronic mail communication while
 - 32 operating a moving motor vehicle;
- 2. Page 5, Lines 130 through 133:
 - 130 (5) Upon a conviction of the prohibition on using a handheld wireless communication
 - 131 <u>device for text messaging or electronic mail communication while</u> <u>operating a moving motor</u>
 - 132 <u>vehicle under Section 41–6a–1716, a judge</u> {-<u>or justice</u> } may order a suspension of the convicted
 - 133 person's license for a period of three months.

Senator Hillyard's motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 2; Absent, 1.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen
Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack
Madsen	Mayne	McCoy
Niederhauser	Okerlund	Robles
Stowell	Urquhart	Valentine
	Goodfellow Jenkins Madsen Niederhauser	Goodfellow Greiner Jenkins Jones Madsen Mayne Niederhauser Okerlund

Van Tassell Waddoups

Voting in the negative were: Senators

Dayton Stephenson

Absent or not voting was: Senator

Knudson

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On motion of Senator Killpack, and at 3:30 p.m., the Senate sauntered.

The Senate was called to order at 3:45 p.m., with President Waddoups presiding.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 24, 2009

The Rules Committee recommends assignment of the following bills to standing committees:

Business and Labor Committee

S.B. 270	Gift Card Amendments (Sen. W. Niederhauser)
H.B. 152	Appraisal Management Company Regulation

(Rep. M. Morley) (Sen. J. Valentine)

1st Sub. H.B. 352 Alcoholic Beverage Related Amendments

(Rep. J. Dunnigan) (Sen. J. Valentine)

Government Operations and Political Subdivisions Committee

H.B. 375 Local Government Records Amendments

(Rep. R. Wilcox) (Sen. A. Christensen)

Judiciary, Law Enforcement, and Criminal Justice Committee

1st Sub. H.B. 294 Survival Action upon Injury or Death (Rep. K. McIff)

(Sen. M. Waddoups)

Transportation, Public Utilities and Technology Committee

S.B. 193 Salvage Vehicles Amendments (Sen. S. Urquhart) S.B. 218 Community Animal Shelter and Adoption Support Special Group License Plate (Sen. P. Knudson)

Margaret Dayton Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

SECOND READING CALENDAR

1st Sub. S.B. 116, CRIMINAL PENALTY AND PROSECUTION AMENDMENTS, was read the second time. Senator Liljenguist explained the bill. Senator McCoy commented. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Dayton
Greiner	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble Davis Goodfellow Hillyard

Knudson Stowell

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S.B. 118. PARENTAL RESPONSIBILITY FOR JUVENILE CRIMINAL GANG OFFENSE COSTS, was read the second time. Senator Greiner explained the bill. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Liljenquist	Madsen	Mayne

McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Davis Hillyard Jones Killpack

Knudson

* * *

On motion of Senator Greiner, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Greiner, the circle was removed from **S.B. 98**, MOTOR FUEL THEFT PENALTIES, and it was before the Senate. Senator Greiner explained the bill.

Senator Greiner proposed the following amendment:

- Page 1, Line 17
 Senate Committee Amendments 2-4-2009
 - 17 driver license $\{-\text{shall} \}$ $\underline{\text{may}}$ be suspended for a conviction of theft of motor vehicle fuel $\hat{S} \rightarrow$ [÷
- 2. Page 1, Line 20 Senate Committee Amendments 2–4–2009:
 - 20 one year for a third or subsequent offense] for $\underline{\text{mot}}$ more than $\underline{90 \text{ days}} \leftarrow \hat{S}$; and
- 3. Page 4, Lines 104 through 106 Senate Committee Amendments 2–4–2009:
 - 104 (d) (i) The division shall immediately suspend a person's driver license {- upon receiving}

(A) an order from the sentencing court requiring that the person's driver license be suspended; and

(B) a record of the conviction .

106 (ii) $\{-A\}$ An order of suspension under this section is $\hat{S} \rightarrow [\dot{z}]$

- 4. Page 4, Line 109
 Senate Committee Amendments
 - 2–4–2009:

109 (<u>C</u>) one year for a third or subsequent offense] at the discretion of the sentencing court, and may not be for more than days for each offense \(\bilde{\mathbb{C}}\).

- 5. Page 6, Lines 156 through 157:
 - 156 (3) In addition to the penalties for theft under Section 76–6–412, the sentencing court may order the suspension of the driver license of a
 - 157 <u>person convicted of theft of motor vehicle fuel</u> {<u>-shall be suspended</u>} . <u>The suspension may not be for more than 90 days</u> as provided in Section

Senator Greiner's motion to amend passed on a voice vote. Senator Hinkins declared a conflict of interest. The bill passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	-

Absent or not voting were: Senators

Davis Hillyard Jones Killpack Knudson Madsen

S.B. 98, as amended, was transmitted to the House for consideration.

* * *

On motion of Senator Bramble, the Senate voted to lift **2nd Sub. H.B. 100** from the Judiciary Standing Committee and assigning it to the Education Standing Committee.

SECOND READING CALENDAR

S.B. 133, ABUSE OR NEGLECT OF A DISABLED CHILD, was read the second time. Senator Valentine explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Hillyard Jenkins Knudson

On motion of Senator Waddoups, the following corrected committee report was requested to be placed in the Senate Journal.

Mr. President: February 6, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 133**, ABUSE OR NEGLECT OF A DISABLED CHILD, by Senator J. Valentine, with the following amendments:

- 1. Page 1, Lines 14 through 15:
 - provides that a caretaker who intentionally, knowingly, or recklessly {−, or with criminal
 - 15 <u>negligence</u>-} abuses or neglects a disabled child is guilty of a third degree felony.
- 2. Page 2, Line 45:

45 (2) Any caretaker who <u>intentionally, knowingly, or recklessly</u> { <u>. or with criminal negligence</u> }

D. Chris Buttars, Chair

* * *

S.B. 154, JUVENILE COURT JUDGE – FIFTH DISTRICT, was read the second time. Senator Urquhart explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

490

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hinkins
Jones	Killpack	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Davis Hillyard Jenkins Knudson

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S.B. 161, REPEAL OF MAXIMUM CHARGE TO PUBLISH LEGAL NOTICE, was read the second time. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddouns	-	

van Tassell Waddoups

Absent or not voting were: Senators

Davis Hillyard Knudson

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On motion of Senator Stephenson, the circle was removed from **S.B. 159**, MATH EDUCATION INITIATIVE, and it was before the Senate. Senator Stephenson explained the bill.

On motion of Senator Stephenson, the following substitute bill replaced the original bill:

1st Sub. S.B. 159 Math Education Initiative (H. Stephenson)

The bill passed second reading on the following roll call:

Yeas, 23; Nays, 3; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Liljenquist
Madsen	Mayne	Morgan	Niederhauser
Okerlund	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

McCoy Robles Romero

Absent or not voting were: Senators

Hillyard Killpack Knudson

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On motion of Senator Bell, **S.B. 167**, AMENDMENTS TO UNIFORM DEBT–MANAGEMENT SERVICES ACT, was read the second time and circled.

* * *

S.B. 21, STATE AND LOCAL HEALTH AUTHORITIES AMENDMENTS, was read the second time.

On motion of Senator Stowell, the following substitute bill replaced the original bill:

1st Sub. S.B. 21 State and Local Health Authorities Amendments (D. Stowell)

Senator Stowell explained the bill. Senator Robles commented. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddouns			

waaaoups

Absent or not voting were: Senators

Bell Hillyard Killpack Knudson

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S.B. 173, EMOTIONAL SUPPORT ANIMALS AND PSYCHIATRIC THERAPY ANIMALS, was read the second time. Senator Dayton explained the bill. Senators McCoy and Bramble commented. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 7; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Killpack	Knudson	Liljenquist
Madsen	Mayne	Niederhauser	Okerlund
Stephenson	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Davis	Goodfellow	Jones	McCoy
		_	

Morgan Robles Romero

Absent or not voting was: Senator

Stowell

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S.B. 77, GRANTS FOR LICENSED TEACHERS AMENDMENTS, was read the second time. Senator Madsen explained the bill. The bill passed second reading on the following roll call:

Yeas, 17; Nays, 8; Absent, 4.

Voting in the affirmative were: Senators

Bell	Christensen	Dayton	Greiner
Hillyard	Hinkins	Jenkins	Killpack
Knudson	Liljenquist	Madsen	Niederhauser
Okerlund	Stephenson	Urquhart	Valentine
Waddoupe			

Waddoups

Voting in the negative were: Senators

Davis	Goodfellow	Jones	Mayne
McCoy	Morgan	Robles	Romero

Absent or not voting were: Senators

Bramble Buttars Stowell Van Tassell

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S.B. 81, CONCURRENT ENROLLMENT PROGRAM AMENDMENTS, was read the second time.

On motion of Senator Dayton, the following substitute bill replaced the original bill:

1st Sub. S.B. 81 Concurrent Enrollment Program Amendments (M. Dayton)

Senator Dayton explained the bill. Senators Hillyard, Jenkins, Valentine, Van Tassell, and Goodfellow commented. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Christensen	Davis	Dayton	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassall	Waddoups		

Van Tassell Waddoups

Absent or not voting were: Senators

Bell Bramble Buttars

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On motion of Senator Hillyard, the circle was removed from **S.B. 167**, AMENDMENTS TO UNIFORM DEBT–MANAGEMENT SERVICES, and it was before the Senate. Senator Hillyard explained the bill.

Senator Hillyard proposed the following amendment:

- 1. Page 3, Line 65
 - 65 Revenue Code, 26 U.S.C. Section 501.
 - (3) (a) The administrator may waive or reduce the insurance requirement in Subsection 13–42–105 (2)(d) if the provider does not:
 - (i) maintain control of a trust account or receive money paid by an individual pursuant to a plan for distribution to creditors;
 - (ii) make payments to creditors on behalf of individuals;
 - (iii) collect fees by means of automatic payment from individuals; and
 - (iv) execute any powers of attorney that may be utilized by the provider to collect fees from or expend funds on behalf of an individual.
 - (b) A waiver or reduction in insurance requirements allowed by the administrator under Subsection (3)(a) shall balance the reduction in risk posed by a provider meeting the stated requirements against any continued need for insurance against employee and director dishonesty.
- 2. Page 4, Lines 116 through 117:

116 control.

- (6) (a) The administrator may waive or reduce the insurance requirement in Subsection 13–42–111 (1)(e) if the provider does not:
- (i) maintain control of a trust account or receive money paid by an individual pursuant to a plan for distribution to creditors;
 - (ii) make payments to creditors on behalf of individuals:
- (iii) collect fees by means of automatic payment from individuals; and
- (iv) execute any powers of attorney that may be utilized by the provider to collect fees from or expend funds on behalf of an individual.
- (b) A waiver or reduction in insurance requirements allowed by the administrator under Subsection (6)(a) shall balance the reduction in risk posed by a provider meeting the stated requirements against any continued need for insurance against employee and director dishonesty.

- 117 Section 3. Section 13–42–114 is amended to read:
- 3. Page 6, Line 168:
 - 168 (c) if the individual is to make regular, periodic payments $\underline{\text{to a}}$ $\underline{\text{creditor or a provider}}$:
- 4. Page 12, Lines 340 through 341:
 - 340 (5) An agreement may confer on a provider a power of attorney to settle the
 - 341 individual's debt for no more than 50% of the $\{-\text{principal}-\}$ outstanding amount of the debt. An agreement may
- 5. Page 16, Lines 483 through 490:
 - 483 (6) (a) Except as otherwise provided in Subsections (3) and (4), if [a plan] an agreement
 - 484 contemplates that creditors will settle an individual's debts for less than the principal amount of
 - 485 the debt, compensation for services in connection with {-settling
 - a-} setting debt may not exceed {-, with
 - 486 respect to each debt, 30% of the excess of the principal amount of the debt over the amount
 - 487 paid the creditor pursuant to the [plan] agreement, less to the extent it has not been credited
 - 488 against an earlier settlement fee:
 - 489 (a) the fee charged pursuant to Subsection (4)(b)(i); and
 - 490 (b) the aggregate of fees charged pursuant to Subsection (4)(b)(ii). } one of the following applicable settlement fee limits in Subsection (6)(b) or (c), the terms of which shall be clearly disclosed in the agreement.
 - (b)(i) With respect to agreements where a flat settlement fee is charged based on the overall amount of included debt, total aggregate fees charged may not exceed 15% of the principal amount of debt included in the agreement, including any fees charged under Subsections (4)(b)(i) and (ii).
 - (ii) The flat settlement fee authorized under this Subsection (6)(b) shall be assessed in equal monthly payments over no less than half of the

length of the plan, as estimated at the plan's inception, unless:

- (A) accelerated by the individual; or
- (B) until offers of settlement by creditors are obtained on at least half of the outstanding debt included in the agreement.
- (c)(i) With respect to agreements where fees are calculated as a percentage of the amount saved by an individual, a settlement fee may not exceed 30% of the excess of the outstanding amount of each debt over the amount actually paid to the creditor, as calculated at the time of settlement.
 - (ii) Settlement fees authorized under this Subsection (6)(c):
 - (A) shall become billable only as debts are settled; and
- (B) the total aggregate amount of fees charged to any individual under this chapter, including fees charged under Subsections (4)(b)(i) and (ii), may not exceed 18% of the principal amount of debt included in the agreement at the agreement's inception.
- (d) A provider may not impose or receive fees under both Subsections (6)(b) and (c).
- 6. Page 18, Lines 529 through 530:
 - 529 settlement of a debt to the creditor unless, at the time of settlement, the individual :
 - (i) receives a
 - 530 certification by the creditor that the payment is in full settlement of the debt : or
 - (ii) is part of a payment plan that, upon completion, will lead to full settlement of the debt ;
- 7. Page 20, Lines 598 through 599:
 - 598 an easily comprehensible manner $\{-,-\}$
 - (a) the information specified in Subsections 13-42-117(4)(c)
 - 599 and (d) ; and
 - (b) the provider's settlement fee structure, consistent with the limitations of Section 13–42–123 .

Senator Hillyard's motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell Christensen Davis Dayton Goodfellow Greiner Hillyard Hinkins

Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble Buttars

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On motion of Senator Killpack and at 5:15 p.m., the Senate adjourned until 10:00 a.m., Wednesday, February 25, 2009.

THIRTIETH DAY

MORNING SESSION

February 25, 2009

The Senate was called to order at 10:10 a.m., with President Michael Waddoups presiding.

Prayer – Lynette Erickson, Senate Docket Clerk
 Pledge of Allegiance – Annette Moore, Secretary of the Senate
 Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE GOVERNOR

ADVISE AND CONSENT

Mr. President:

February 9, 2009

In accordance with Utah Code Ann. 67–1–1 and 67–1–2, I propose and transmit the following appointments:

Utah Department of Public Safety:

Commissioner D. Lance Davenport is appointed to replace Commissioner Scott Duncan as Director of the Utah Department of Public Safety, See Utah Code Ann. 53–1–107.

Utah Commission on Criminal and Juvenile Justice:

Ronald B. Gordon, Jr. is appointed to replace Judge Robert S. Yeates as Director of the Utah Commission on Criminal and Juvenile Justice, See Utah Code Ann. 63M-7-101.

Utah Department of Financial Institutions:

Commissioner G. Edward Leary is reappointed as Commissioner of the Utah Department of Financial Institutions, a term to expire on January 6, 2013. See Utah Code Ann. 7–1–202.

Board of Pardons and Parole:

Robert S. Yeates is appointed to replace Cheryl Hansen as a member of the Board of Pardons and Parole, a term to expire on February 28, 2014. See Utah Code Ann. 77-27-2.

Board of Water Resources:

Blair R. Francis is reappointed as a member of the Board of Water Resources, a term to expire on January 1, 2013. See Utah Code Ann. 73–10–2.

Joseph Stewart Paulick is reappointed as a member of the Board of Water Resources, a term to expire on January 1, 2013. See Utah Code Ann. 73–10–2.

Neal Gawain Snow is appointed to replace D. Brad Hancock as a member of the Board of Water Resources, a term to expire on January 1, 2013. See Utah Code Ann. 73–10–2.

David Scott Humphreys is appointed to replace Ivan W. Flint as a member of the Board of Water Resources, a term to expire on January 1, 2013. See Utah Code Ann. 73–10–2.

Jordan Valley Water Conservancy District Board of Directors:

Ronald E. Sperry is appointed as a member of the Jordan Valley Water Conservancy District Board of Directors, a term to expire on January 31, 2013. See Utah Code Ann. 17A–2–1409.

Permanent Community Impact Fund Board:

Commissioner Bruce Adams is appointed to replace Commissioner Drew Cox Sitterud as a member of the Permanent Community Impact Fund Board, a term to expire on July 1, 2013. See Utah Code Ann. 9–4–304.

Mayor Kathleen L. Cooper is appointed to replace Commissioner William R. Harrison as a member of the Permanent Community Impact Fund Board, a term to expire on July 1, 2013. See Utah Code Ann. 9–4–304.

Commissioner Maloy D. Dodds is reappointed as a member of the Permanent Community Impact Fund Board, a term to expire on July 1, 2012. See Utah Code Ann. 9–4–304.

Health Data Committee:

Bill Crimm is appointed to replace Judy Ann Buffmire as a member of the Health Data Committee, a term to expire on June 30, 2012. See Utah Code Ann. 26–33a–103.

Board of Oil, Gas, and Mining:

James T. Jensen is appointed to replace Kent R. Peterson as a member of the Board of Oil, Gas, and Mining, a term to expire on March 1, 2013. See Utah Code Ann. 40–6–4.

Kelly Lynn Payne is appointed to replace Robert J. Bayer as a member of the Board of Oil, Gas, and Mining, a term to expire on March 1, 2013. See Utah Code Ann. 40–6–4.

Radiation Control Board:

Commissioner Colleen Johnson is appointed to replace Commissioner Joette E. Langianese as a member of the Radiation Control Board, a term to expire on July 1, 2010. See Utah Code Ann. 19–3–103.

Mr. President: February 18, 2009

The Senate Natural Resources, Agriculture, and Environment Confirmation Committee met on February 18, 2009 and reports a favorable recommendation for Commissioner Colleen Johnson to be confirmed as a member of the Radiation Control Board.

Dennis E. Stowell, Chair

Utah State Fair Corporation Board of Directors:

Steve Frischknecht is reappointed as a member of the Utah State Fair Corporation Board of Directors, a term to expire on December 1, 2012. See Utah Code Ann. 9–4–1104.

Board of the Utah Geological Survey:

Jack R. Hamilton is reappointed as a member of the Board of the Utah Geological Survey, a term to expire on March 1, 2013. See Utah Code Ann. 63–73–3.

William Dornan Loughlin is appointed to replace David B. Simon as a member of the Board of the Utah Geological Survey, a term to expire on March 1, 2013. See Utah Code Ann. 63–73–3.

Ellis Donald Harris, Jr. is appointed to replace Stephen B. Church as a member of the Board of the Utah Geological Survey, a term to expire on March 1, 2013. See Utah Code Ann. 63–73–3.

Tom Tripp is appointed to replace Geoffrey C. Bedell as a member of the Board of the Utah Geological Survey, a term to expire on March 1, 2013. See Utah Code Ann. 63–73–3.

Board of Substance Abuse and Mental Health:

Sabina T. Zunguze is appointed to replace Nora Thurgood Stephens as a member of the Board of Substance Abuse and Mental Health, a term to expire on September 1, 2012. See Utah Code Ann. 62A–15–106.

Board of Child and Family Services:

Savania Tsosie is appointed to replace Jan D. Watts as a member of the Board of Child and Family Services, a term to expire on July 1, 2012. See Utah Code Ann. 62A–1–107 & 62A–4a–102.

Robert Chet Loftis is appointed to replace Sterling Ray Church as a member of the Board of Child and Family Services, a term to expire on July 1, 2012. See Utah Code Ann. 62A–1–107 & 62A–4a–102.

Drinking Water Board:

Kenneth L. Bassett is reappointed as a member of the Drinking Water Board, a term to expire on May 8, 2013. See Utah Code Ann. 19–4–103.

Jay W. Franson is reappointed as a member of the Drinking Water Board, a term to expire on May 8, 2013. See Utah Code Ann. 19–4–103.

Helen Vara Graber is reappointed as a member of the Drinking Water Board, a term to expire on May 8, 2013. See Utah Code Ann. 19–4–103.

Paul G. Hansen is reappointed as a member of the Drinking Water Board, a term to expire on May 8, 2013. See Utah Code Ann. 19–4–103.

Betty G. Naylor is appointed to replace Anne N. Erickson as a member of the Drinking Water Board, a term to expire on May 8, 2013. See Utah Code Ann. 19–4–103.

Terry Gene Beebe is appointed to replace Myron Bateman as a member of the Drinking Water Board, a term to expire on May 8, 2013. See Utah Code Ann. 19–4–103.

State Records Committee:

Gary W. Ott is appointed to replace Robert D. Robertson as a member of the State Records Committee, a term to expire on July 1, 2010. See Utah Code Ann. 63–2–501.

Thank you for your timely consideration and confirmation of the above appointments.

Jon M. Huntsman, Jr., Governor

* * *

Senator Christensen moved to consent to the appointments as read by Leslie McLean. Senators Greiner and Okerlund commented. The motion passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner

Hinkins	Jenkins	Jones	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Urquhart	Waddoups	

Absent or not voting were: Senators

Hillyard Killpack Knudson Stephenson

Valentine Van Tassell

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 24, 2009

The House passed, as substituted and amended, **1st Sub. H.B. 151**, MOTOR VEHICLE FORFEITURE AMENDMENTS, by Representative C. Herrod, and it is transmitted for consideration; and

The House passed, as amended, **H.B.** 153, TRESPASS LAW AMENDMENTS, by Representative J. Mathis, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 157**, PROPERTY TAX ASSESSMENT AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.B. 202**, SCHOOL DISTRICT TRAFFIC VIOLATION COMPLAINT PROCEDURES, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.B. 209**, AMENDMENTS TO CRIMINAL APPEALS, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed **H.B. 221**, COUNTY CORRECTIONAL FACILITIES FUNDING AMENDMENTS, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as amended, **1st Sub. H.B. 237**, CRIMINAL PENALTIES AMENDMENTS – LEAVING THE SCENE OF AN ACCIDENT, by Representative C. Herrod, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 292**, TRAFFIC VIOLATION AND CITATION AMENDMENTS, by Representative D. Ipson, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 299**, UNLAWFUL DETAINER AMENDMENTS, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed **H.B. 317**, CAPITAL FELONY AMENDMENTS, by Representative C. Wimmer, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. 1st Sub. H.B. 151, H.B. 153, 1st Sub. H.B. 157, H.B. 202, H.B. 209, H.B. 221, 1st Sub. H.B. 237, H.B. 292, 1st Sub. H.B. 299, and H.B. 317 were read the first time and referred to the Rules Committee.

* * *

Mr. President:

February 24, 2009

The Speaker of the House has appointed a Conference Committee consisting of Representatives C. Johnson, G. Hughes, and C. Oda to meet with a like committee from the Senate to consider or amend **H.B. 51**, EXEMPTION FOR ALCOHOLIC BEVERAGE MANUFACTURING LICENSE, by Representative C. Johnson.

Sandy D. Tenney, Chief Clerk

INTRODUCTION OF BILLS

S.B. 234, **Motor Vehicle Registration Fees** (R. Okerlund), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

On motion of Senator Madsen, the circle was removed from **H.B. 223**, STATUTE OF LIMITATIONS AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

Yeas, 19; Nays, 0; Absent, 10.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Greiner	Hinkins	Jenkins	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Urquhart	Waddoups	

Absent or not voting were: Senators

Bramble	Buttars	Goodfellow	Hillyard
Jones	Killpack	Knudson	Stephenson
Valentine	Van Tassell		

H.B. 223 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

S.B. 137, PHYSICAL THERAPY PRACTICE ACT, was read the third time and explained by Senator Niederhauser.

Senator Niederhauser proposed the following amendment:

- 1. Page 17, Line 512
 - 512 (b) complete the application process, including payment of fees set by the division, in accordance with Section 63J–1–303, to recover the costs of administering the licensing requirements relating to physical therapist assistants ;
- 2. Page 19, Lines 567a through 567f Senate 2nd Reading Amendments 2–24–2009:
 - 567a Ŝ→ (5) Notwithstanding any other provision of this chapter, the division may, by rule,
 - 567b grant a temporary license, that expires on July 1, { 2011 } 2012 , as a physical therapist assistant to an

567c individual who:

- 567d (a) was working as a physical therapist assistant in Utah before July 1, 2009; and
- 567e (b) complies with the requirements described in Subsections 58–24b–302(2)(a), (b),

567f (c), (f), and (g). **←**Ŝ

Senator Niederhauser's motion to amend passed on a voice vote. Senators Bell, Stowell, and Robles commented and the bill passed on the following roll call:

Yeas, 21; Nays, 3; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Davis	Dayton
Greiner	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy

Morgan	Niederhauser	Okerlund	Romero
Stephenson	Stowell	Urquhart	Valentine

Waddoups

Voting in the negative were: Senators

Christensen Hinkins Robles

Absent or not voting were: Senators

Buttars Goodfellow Hillyard Knudson

Van Tassell

S.B. 137 was transmitted to the House for consideration.

* * *

S.B. 142, DISPOSITION OF A DEAD BODY, was read the third time, explained by Senator Christensen, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Greiner	Hinkins	Jenkins
Jones	Killpack	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Waddoups

Absent or not voting were: Senators

Buttars Goodfellow Hillyard Knudson

Van Tassell

S.B. 142 was transmitted to the House for consideration.

* * *

S.B. 146, HOME SCHOOLING AMENDMENTS, was read the third time, explained by Senator Madsen, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Bell	Bramble	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins

Jones	Killpack	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Waddoups

Absent or not voting were: Senators

Buttars Christensen Hillyard Knudson

Van Tassell

S.B. 146 was transmitted to the House for consideration.

* * *

S.B. 58, COLLECTION AND USE OF PRECIPITATION, was read the third time and explained by Senator McCoy. Senators Stowell, Jenkins, and Okerlund commented and the bill passed on the following roll call:

Yeas, 24; Nays, 2; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hinkins
Jones	Killpack	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Waddoups

Voting in the negative were: Senators

Dayton Jenkins

Absent or not voting were: Senators

Hillvard Knudson Van Tassell

S.B. 58 was transmitted to the House for consideration.

* * *

S.B. 54, UNIFORM LAW – UNIFORM ASSIGNMENT OF RENTS ACT, was read the third time, explained by Senator Romero, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner

Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
X 7 1	XX7 1.1		_

Valentine Waddoups

Absent or not voting were: Senators

Hillyard Knudson Van Tassell

S.B. 54 was transmitted to the House for consideration.

* * *

S.B. 150, STATE ARMORY AMENDMENTS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddouns		

Absent or not voting were: Senators

Davis Hillyard Knudson

S.B. 150 was transmitted to the House for consideration.

* * *

On motion of Senator Jenkins, **S.B. 14**, FINANCIAL INCENTIVES FOR MOTION PICTURE PRODUCTIONS, was read the third time and circled.

* * *

S.B. 160, UTAH VENTURE CAPITAL ENHANCEMENT ACT AMENDMENTS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Hillyard Knudson Madsen

S.B. 160 was transmitted to the House for consideration.

* * *

On motion of Senator Killpack, **1st Sub. S.B. 56**, MILITARY INSTALLATION DEVELOPMENT AUTHORITY AMENDMENTS, was read the third time and circled.

* * *

S.J.R. 10, ALTERNATIVE TRAINING CENTER JOINT RESOLUTION, was read the third time, explained by Senator Stowell, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble Hillyard Knudson Madsen

S.J.R. 10 was transmitted to the House for consideration.

* * *

On motion of Senator Valentine, **1st Sub. S.B. 147**, DRIVER LICENSE REVISIONS, was read the third time and circled.

* * *

On motion of Senator Valentine, **1st Sub. S.B. 149**, PROHIBITION OF TEXT MESSAGING OR ELECTRONIC MAIL COMMUNICATION WHILE DRIVING, was read the third time and circled.

* * *

1st Sub. S.B. 116, CRIMINAL PENALTY AMENDMENTS, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble Hillyard Knudson Mayne

1st Sub. S.B. 116 was transmitted to the House for consideration.

* * *

S.B. 118, PARENTAL RESPONSIBILITY FOR JUVENILE CRIMINAL GANG OFFENSE COSTS, was read the third time and explained by Senator Greiner.

Senator Greiner proposed the following amendment:

- 1. Page 1, Line 22
 - 22 street gang; and
 - exempts state agencies from liability if the minor is in the custody of the state at the time of the offense .
- 2. Page 3, Line 71:
 - 71 [(5)] (7) A parent or guardian is not liable under Subsection (1) or (2) if the parent or

3. Page 3, Line 74:

- 74 child, made a reasonable effort to restrain the child.
- (8) The state and its agencies are not liable under Subsection (1) or (2) if a state agency has legal or protective custody of the minor or has guardianship of the minor at the time of the minor's conduct in violation of Subsection (1) or (2).

Senator Greiner's motion to amend passed on a voice vote. Senator Romero commented and the bill passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddouns			

Absent or not voting were: Senators

Bramble Hillyard Knudson Morgan

S.B. 118 was transmitted to the House for consideration.

* * *

S.B. 133, ABUSE OR NEGLECT OF A DISABLED CHILD, was read the third time, explained by Senator Valentine, and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Killpack	Liljenquist	Mayne
McCoy	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell	Bramble	Hillyard	Knudson
Madsen	Morgan		

S.B. 133 was transmitted to the House for consideration.

* * *

S.B. 154, JUVENILE COURT JUDGE – FIFTH DISTRICT, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Killpack	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting were: Senators

Bell Bramble Hillyard Knudson

Valentine

S.B. 154 was transmitted to the House for consideration.

* * *

S.B. 161, REPEAL OF MAXIMUM CHARGE TO PUBLISH LEGAL NOTICE, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Killpack	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting were: Senators

Bell Bramble Hillyard Knudson

Valentine

S.B. 161 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 159, MATH EDUCATION INITIATIVE, was read the third time and explained by Senator Stephenson. Senators Romero and Buttars commented and the bill passed on the following roll call:

Yeas, 19; Nays, 2; Absent, 8.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Greiner	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Stephenson	Stowell	Waddoups	

Voting in the negative was: Senator

Romero Robles

Absent or not voting were: Senators

Bel1 Bramble Goodfellow Hillyard Knudson Van Tassell Urquhart Valentine

1st Sub. S.B. 159 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 21, STATE AND LOCAL HEALTH AUTHORITIES AMENDMENTS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Waddoups

Absent or not voting were: Senators

Bramble Jenkins Knudson Valentine

Van Tassell

1st Sub. S.B. 21 was transmitted to the House for consideration.

* * *

On motion of Senator Killpack, the circle was removed from **1st Sub. S.B. 56**, MILITARY INSTALLATION DEVELOPMENT AUTHORITY AMENDMENTS, and it was before the Senate.

On motion of Senator Killpack, the bill was circled.

* * *

S.B. 173, EMOTIONAL SUPPORT ANIMALS AND PSYCHIATRIC THERAPY ANIMALS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

Yeas, 20; Nays, 8; Absent, 1.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Dayton
Greiner	Hillyard	Hinkins	Jenkins
Killpack	Knudson	Liljenquist	Madsen
Niederhauser	Okerlund	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

Davis	Goodfellow	Jones	Mayne
McCoy	Morgan	Robles	Romero

Absent or not voting was: Senator

Bramble

S.B. 173 was transmitted to the House for consideration.

* * *

On motion of Senator Madsen, **S.B. 77**, GRANTS FOR LICENSED TEACHERS AMENDMENTS, was read the third time and circled.

* * *

On motion of Senator Hillyard, the circle was removed from **S.B. 14**, FINANCIAL INCENTIVES FOR MOTION PICTURE PRODUCTIONS, and it was before the Senate.

On motion of Senator Hillyard, the bill was circled.

* * *

On motion of Senator Hillyard, the circle was removed from **1st Sub. S.B. 147**, DRIVER LICENSE REVISIONS, and it was before the Senate. Senator Hillyard explained the bill. The bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Christensen

1st Sub. S.B. 147 was transmitted to the House for consideration.

* * *

On motion of Senator Hillyard, the circle was removed from **1st Sub. S.B. 149**, PROHIBITION OF TEXT MESSAGING OR ELECTRONIC MAIL COMMUNICATION WHILE DRIVING, and it was before the Senate. Senator Hillyard explained the bill.

Senator Madsen proposed the following amendment:

- Page 2, Lines 29 through 32
 Senate 2nd Reading Amendments 2-24-2009
 - 29 \blacktriangleright provides that a judge $\hat{S} \rightarrow$ [or justice] $\Leftarrow \hat{S}$ may order that a person's driver license be

29a suspended

30 for three months upon conviction <u>for a violation</u> of the prohibition on using a handheld wireless

- 31 communication device for text messaging or electronic mail communication while
- 32 operating a moving motor vehicle;
- 2. Page 5, Lines 130 through 133 Senate 2nd Reading Amendments 2–24–2009:
 - 130 (5) Upon a conviction for a violation of the prohibition on using a handheld wireless communication
 - 131 <u>device for text messaging or electronic mail communication while operating a moving motor</u>
 - 132 <u>vehicle under Section 41–6a–1716, a judge</u> $\hat{S} \rightarrow [\underline{\text{or justice}}] \leftarrow \hat{S}$ <u>may order a suspension of the</u>
 - 132a convicted
 - 133 person's license for a period of three months.

Senator Madsen's motion to amend passed on a voice vote. Senators Stephenson, Buttars, Dayton, and Greiner commented. The bill passed on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Urquhart	Valentine	Van Tassell
Waddouns			

Waddoups

Voting in the negative was: Senator

Dayton

Absent or not voting were: Senators

Bramble Madsen Stephenson

1st Sub. S.B. 149 was transmitted to the House for consideration.

* * *

On motion of Senator Killpack, under suspension of the rules, the Senate voted to move **S.B. 156**, GIFTS AND MEAL PROVISIONS FOR PUBLIC

OFFICIALS, and **S.B. 162**, USE OF CAMPAIGN FUNDS AMENDMENTS, to the top of the Second Reading Calendar.

JOINT CONFERENCE COMMITTEE REPORT

Mr. President: February 24, 2009

The Joint Conference Committee comprised of Sens. D. Stowell, J. Valentine, and K. Morgan, and Reps. C. Johnson, G. Hughes, and C. Oda, recommends **H.B. 51**, EXEMPTION FOR ALCOHOLIC BEVERAGE MANUFACTURING LICENSE, by Representative C. Johnson, with the following amendments:

- Page 4, Line 92 through Page 4a, Line 106s Senate 3rd Reading Amendments 2–23–2009:
 - 92 (iii) the fermented alcoholic beverage is manufactured and used for $\hat{S} \rightarrow$ [$\dot{\Xi}$
 - 93 (A)] $\leftarrow \hat{S}$ personal or family use and consumption $\hat{S} \rightarrow [; or]$
 - 94 (B)] _including use at ←Ŝ an organized event where fermented alcoholic beverages are
 - 94a judged as to taste and
 - 95 quality; and
 - 96 (iv) the fermented alcoholic beverage is not for:
 - 97 (A) sale or offering for sale; or
 - 98 (B) consumption on a premise licensed by the commission.
 - 99 <u>(c) An individual may store a fermented alcoholic beverage</u> manufactured as provided
 - 100 in Subsection (6)(b) in the individual's personal residence.
 - 101 (d) A fermented alcoholic beverage manufactured in accordance with Subsection (6)(b)
 - 102 may be removed from the premises where it is manufactured:
 - 103 (i) for personal or family use, including use at an organized event where fermented
 - 104 <u>alcoholic beverages are judged as to taste and quality;</u> Ŝ→ [and] ←Ŝ
 - 105 (ii) if the fermented alcoholic beverage is transported in compliance with Section

106 <u>41–6a–526</u> \hat{S} **→** ; and

106a (iii) if the fermented alcoholic beverage is removed only in the following quantities:

106b(A) {-during a calendar year } for personal and family use that is unrelated to an organized event where

106c <u>fermented alcoholic beverages are judged as to taste and quality</u> <u>the quantity that may be possessed at one time is</u> :

106d (I) one liter of wine for each individual who is 21 years of age or older residing in the

106e household;

106f (II) 72 ounces of heavy beer for each individual who is 21 years of age or older residing in the

106g household; or

106h (III) 72 ounces of beer for each individual who is 21 years of age or older residing in the

106i household; and

106j (B) for on-premise consumption at an organized event where fermented alcoholic beverages

106k are judged as to taste and quality. {- for each individual who will act as a judge at the event:

1061 (I) one ounce of wine by volume;

106m (II) two ounces of heavy beer; or

106n (III) two ounces of beer. } the quantity that may be removed for each organized event is:

(I) one liter of wine for each wine category in which the individual enters, except that the individual may not remove wine for more than three categories for the same organized event;

(II) 72 ounces of heavy beer for each heavy beer category in which the individual enters, except that the individual may not remove heavy beer for more than three categories for the same organized event; or

(III) 72 ounces of beer for each beer category in which the individual enters, except that the individual may not remove beer for more than three categories for the same organized event.

1060 (e) A partnership, corporation, or association may not manufacture a fermented alcoholic

106p beverage under this Subsection (6) for personal or family use and consumption without **←**Ŝ

106q Ŝ→ obtaining a license under this chapter, except that an individual who operates a brewery

106r <u>under this chapter as an individual owner or in partnership with others, may remove beer</u>

106s from the brewery for personal or family use in the amounts described in Subsection (6)(b)(ii) $\leftarrow \hat{S}$.

Sen. Dennis Stowell and Rep. Christine Johnson, Chairs

On motion of Senator Stowell, the Senate voted to adopt the committee report and the bill passed on the following roll call vote:

Yeas, 23; Nays, 3; Absent, 3.

518

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Goodfellow
Greiner	Hillyard	Hinkins	Jones
Killpack	Knudson	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	

Voting in the negative were: Senators

Bell Dayton Waddoups

Absent or not voting were: Senators

Bramble Jenkins Madsen

H.B. 51 was returned to the House for further consideration.

* * *

On motion of Senator Killpack, and at 12:00 noon, the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:35 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 25, 2009

The House passed, **S.B. 20**, LOCAL PUBLIC HEALTH EMERGENCY FUNDING, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 107**, COMMUNICATIONS AND MORTGAGE FRAUD PENALTY AMENDMENTS, by Senator D. Hinkins, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 111**, HEALTH CARE WORKFORCE FINANCIAL ASSISTANCE PROGRAM AMENDMENTS, by Senator G. Davis, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 143**, SUNSET ACT AND REPEALERS REAUTHORIZATIONS, by Senator S. Killpack, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 9**, RESOLUTION HONORING THE UTAH LAW ENFORCEMENT MEMORIAL FOUNDATION, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 20, 1st Sub. S.B. 107, S.B. 111, S.B. 143, and **S.J.R. 9** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

February 25, 2009

The House passed, as substituted, **1st Sub. H.B. 156**, SUBDIVISION APPROVAL AMENDMENTS, by Representative R. C. Webb, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 170**, INSURANCE AND LIFE SETTLEMENT AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed **H.B. 194**, EDUCATION POLICIES FOR MILITARY CHILDREN, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 204**, CONCEALED FIREARMS INSTRUCTORS AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 296, SCHOOLS FOR THE DEAF AND BLIND AMENDMENTS, by Representative K. Sumsion, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 322**, TIRE RECYCLING FEE MODIFICATIONS, by Representative N. Hendrickson, and it is transmitted for consideration; and

The House passed **H.B. 345**, ELECTED OFFICIALS – RESTRICTIONS ON LOBBYING, by Representative B. Dee, et al, and it is transmitted for consideration; and

The House passed **H.B. 346**, CAMPAIGN AND FINANCIAL REPORTING REQUIREMENTS AMENDMENTS, by Representative B. Dee, et al, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. 1st Sub. H.B. 156, H.B. 170, H.B. 194, 1st Sub. H.B. 204, 1st Sub. H.B. 296, H.B. 322, H.B. 345, and H.B. 346 were read the first time and referred to the Rules Committee.

* * *

Mr. President:

February 25, 2009

The House passed, as amended, **S.B. 50**, RESTRICTING THE MOVEMENT OF A MOTOR VEHICLE, by Senator B. Goodfellow, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 25, 2009

The Rules Committee recommends assignment of the following bills to standing committees:

Revenue and Taxation Committee

1st Sub. H.B. 157 Property Tax Assessment Amendments (Rep. W. Harper) (Sen. W. Niederhauser)

Transportation, Public Utilities and Technology Committee

S.B. 234 Motor Vehicle Registration Fees (Sen. R. Okerlund)
1st Sub. H.B. 151 Motor Vehicle Forfeiture Amendments (Rep. C. Herrod)

(Sen. S. Killpack)

H.B. 202 School District Traffic Violation Complaint Procedures

(Rep. W. Harper) (Sen. K. Van Tassell)

Workforce Services and Community and Economic Development Committee

H.B. 209 Amendments to Criminal Appeals (Rep. Julie Fisher)

(Sen. J. Valentine)

H.B. 221 County Correctional Facilities Funding Amendments

(Rep. M. Noel) (Sen. J. Greiner)

1st Sub. H.B. 237 Criminal Penalties Amendments – Leaving the Scene of

an Accident (Rep. C. Herrod) (Sen. D. Liljenquist)

H.B. 292 Traffic Violation and Citation Amendments

(Rep. D. Ipson) (Sen. S. Urquhart)

1st Sub. H.B. 299 Unlawful Detainer Amendments (Rep. G. Froerer)

(Sen. G. Bell)

H.B. 317 Capital Felony Amendments (Rep. C. Wimmer)

(Sen. M. Madsen)

Margaret Dayton Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

INTRODUCTION OF BILLS

S.B. 223, City and County Carbon Credits for Sequestration of Waste Stream Materials (R. Romero), read the first time by short title and referred to the Rules Committee.

S.B. 236, **Uninsured and Underinsured Motorist Coverage Amendments** (M. Madsen), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

1st Sub. S.B. 81, CONCURRENT ENROLLMENT PROGRAM AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bell Hillyard Madsen Valentine

1st Sub. S.B. 81 was transmitted to the House for consideration.

* * *

S.B. 167, AMENDMENTS TO UNIFORM DEBT-MANAGEMENT SERVICES ACT, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Van Tassell	Waddoups	

Absent or not voting were: Senators

Greiner Valentine

S.B. 167 was transmitted to the House for consideration.

* * *

On motion of Senator Killpack, the circle was removed from **1st Sub. S.B. 56**, MILITARY INSTALLATION DEVELOPMENT AUTHORITY AMENDMENTS, and it was before the Senate. Senator Killpack explained the bill.

On motion of Senator Killpack, the following substitute bill replaced the original bill:

2nd Sub. S.B. 56 Military Installation Development Authority Amendments (S. Killpack)

The bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Bel1

2nd Sub. S.B. 56 was transmitted to the House for consideration.

* * *

On motion of Senator Madsen, the circle was removed from **S.B. 77**, GRANTS FOR LICENSED TEACHERS AMENDMENTS, and it was before the Senate. Senator Madsen explained the bill. Senators Okerlund and Morgan commented. The bill passed on the following roll call:

Yeas, 15; Nays, 12; Absent, 2.

Bell	Bramble	Buttars	Christensen
Dayton	Hillyard	Jenkins	Killpack
Knudson	Liljenquist	Madsen	Niederhauser
Stephenson	Urquhart	Waddoups	

Voting in the negative were: Senators

Davis	Goodfellow	Hinkins	Jones
Mayne	McCoy	Morgan	Okerlund
Robles	Romero	Stowell	Van Tassell

Absent or not voting were: Senators

Greiner Valentine

S.B. 77 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Bramble, the Senate voted to lift **S.B. 199**, EQUAL RECOGNITION OF SCHOOL PARENT GROUPS, to the top of the Second Reading Calendar.

S.B. 199, EQUAL RECOGNITION OF SCHOOL PARENT GROUPS, under suspension of the rules, was read the second time.

On motion of Senator Bramble, the following substitute bill replaced the original bill:

1st Sub. S.B. 199 Equal Recognition of School Parent Groups (C. Bramble)

Senator Bramble explained the bill. Senator Goodfellow commented.

On motion of Senator Bramble, the bill was circled.

* * *

On motion of Senator Buttars, the circle was removed from **H.B. 113**, SALVAGE VEHICLE TITLE AMENDMENTS, and it was before the Senate. Senator Buttars explained the bill. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	_

Absent or not voting were: Senators

McCoy Stephenson

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S.B. 156, GIFTS AND MEAL PROVISIONS FOR PUBLIC OFFICIALS, under suspension of the rules, was read the second time. Senator Bell explained the bill.

Senator Bell proposed the following amendment:

- 1. Page 7, Lines 204 through 205
 - 204 <u>(I) all of the members of a standing or interim committee or official legislative task</u>
 - 205 <u>force</u>, <u>or</u> <u>a party caucus</u> { <u>, or other official body</u> } <u>are invited; or</u>
- 2. Page 7, Line 213 through Page 8, Line 214:
 - 213 (I) all of the members of a standing or interim committee or official legislative task
 - 214 <u>force</u>, <u>or</u> <u>a party caucus</u> $\{-, \text{ or other official body }\}$ <u>are invited; or</u>

Senator Bell's motion to amend passed on a voice vote. Senators Jones, Hillyard, Valentine, and Goodfellow commented.

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Senator Bell proposed the following amendment:

- 1. Page 7, Line 204:
 After "all of the members of" insert "the legislature,"
- 2. Page 7, Line 213:
 After "all of the members of" insert "the legislature,"

Senator Bell's motion to amend passed on a voice vote.

Senator McCoy made a motion to substitute the bill. The motion failed on the following roll call vote:

Yeas, 8; Nays, 20; Absent, 1.

Voting in the affirmative were: Senators

Hillyard	Jones	Mayne	McCoy
Morgan	Robles	Romero	Stephenson

Voting in the negative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Killpack	Knudson	Liljenquist
Madsen	Niederhauser	Okerlund	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Bramble

On motion of Senator Bell, under suspension of the rules, **S.B. 156**, GIFTS AND MEAL PROVISIONS FOR PUBLIC OFFICIALS, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 27; Nays, 2; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Buttars Dayton

S.B. 156 was transmitted to the House.

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On motion of Senator Valentine, under suspension of the rules, **S.B. 162**, USE OF CAMPAIGN FUNDS AMENDMENTS, was considered read the second and third times. Senator Valentine explained the bill. The bill passed on the following roll call:

Yeas, 28; Nays, 1; Absent, 0.

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard

Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urguhart	Valentine	Van Tassell	Waddoups

Voting in the negative was: Senator

Buttars

S.B. 162 was transmitted to the House.

* * *

On motion of Senator Urquhart, the circle was removed from **2nd Sub. H.B. 243**, RENTAL RESTRICTIONS ON CONDOMINIUMS AND COMMON INTEREST COMMUNITIES, and it was before the Senate. Senator Urquhart explained the bill.

Senator Urquhart proposed the following amendment:

- 1. Page 9, Lines 264 through 265
 - 264 (f) This section does not apply to:
 - 265 (i) a condominium project containing a time period unit as defined in Section $\{-57-8-1\}$ 57-8-3;
- 2. Page 11, Lines 311 through 312:
 - 311 (6) This section does not apply to:
 - 312 (a) an association containing a time period unit as defined in Section $\{-57-8-1\}$ 57-8-3;

Senator Urquhart's motion to amend passed on a voice vote. Senators Christensen and Mayne commented. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble Killpack Robles

* * *

2nd Sub. H.B. 61, LOCAL GOVERNMENT ENTITY CHANGES, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble Killpack

* * *

On motion of Senator Urquhart, the circle was removed from **H.B. 278**, B AND C ROADS FUND AMENDMENTS, and it was before the Senate. Senator Urquhart explained the bill. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 7; Absent, 2.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Dayton
Greiner	Hillyard	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
Niederhauser	Okerlund	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

inkins McCoy

Morgan Robles Romero

Absent or not voting were: Senators

Bramble Killpack

* * *

1st Sub. H.B. 68, DEVELOPMENT EXACTIONS, was read the second time.

On motion of Senator Bell, the bill was circled.

* * *

H.B. 26, CHILD AND VULNERABLE ADULT ENDANGERMENT PROVISIONS, was read the second time. Senator Madsen explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 2; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Robles	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

McCoy Romero

Absent or not voting were: Senators

Davis Hillyard

* * *

On motion of Senator Bell, the circle was removed from **1st Sub. H.B. 68**, DEVELOPMENT EXACTIONS, and it was before the Senator Bell explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Bell	Buttars	Christensen	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble Davis Hillyard

* * *

On motion of Senator Killpack and at 4:00 p.m., the Senate adjourned until 10:00 a.m., Thursday, February 26, 2009.

THIRTY-FIRST DAY

MORNING SESSION

February 26, 2009

The Senate was called to order at 10:10 a.m., with President Michael Waddoups presiding.

Prayer – The Most Reverend John C. Wester, Bishop, Roman Catholic Diocese of Salt Lake City

Pledge of Allegiance – Senator Greg Bell **Roll Call** – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 73)

SPECIAL MUSICAL PRESENTATION

Sunset Junior High Choir, under the direction of Linda Zeeman, sang "The Star Spangled Banner," "Let the Whole Creation Cry," and "America the Beautiful."

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 25, 2009

The House passed, as substituted, **2nd Sub. H.B. 107**, ECONOMIC IMPACT OF ILLEGAL ALIENS, by Representative S. Clark, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 120**, SNAKE VALLEY AQUIFER RESEARCH TEAM AND ADVISORY COUNCIL, by Representative B. Winn, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 195**, UTAH UNIFORM PROBATE CODE – TRUST AMENDMENTS, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 206**, EMPLOYMENT SELECTION PROCEDURES, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 246**, PROPERTY TAX – RESIDENTIAL EXEMPTION, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 283**, ILLEGAL USE OF MOTOR VEHICLES, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 309**, COUNTY FISCAL PROCEDURES AMENDMENTS, by Representative C. Herrod, and it is transmitted for consideration; and

The House passed **H.B. 312**, AMENDED CAMPAIGN FINANCE FILINGS, by Representative S. Allen, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 323**, AMENDMENTS REGARDING NOTICE ON UTAH PUBLIC NOTICE WEBSITE, by Representative B. Winn, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 328**, TEACHER QUALITY AMENDMENTS, by Representative G. Hughes, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. 2nd Sub. H.B. 107, 2nd Sub. H.B. 120, H.B. 195, H.B. 206, 2nd Sub. H.B. 246, 1st Sub. H.B. 283, H.B. 309, H.B. 312, H.B. 323, and H.B. 328 were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President:

February 25, 2009

The Business and Labor Committee recommends **S.B. 208**, UTAH PUBLIC NOTICE WEBSITE AMENDMENTS, by Senator S. Urquhart, be replaced and favorably recommends **1st Sub. S.B. 208**, UTAH PUBLIC NOTICE WEBSITE AMENDMENTS; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 129**, ALCOHOLIC BEVERAGE AMENDMENTS RELATED TO MINORS, by Representative C. Oda; and

John L. Valentine, Chair

Mr. President:

February 25, 2009

The Health and Human Services Committee reports a favorable recommendation on **S.B. 225**, HEALTH AMENDMENTS FOR LEGAL IMMIGRANT CHILDREN, by Senator L. Robles, with the following amendments:

- 1. Page 1, Lines 18 through 21:

 - 19 Medicaid coverage, and coverage under } and the Utah Children's Health Insurance
 - 20 Program $\{-,-\}$ to <u>provide coverage to</u> an eligible legal immigrant child, regardless of the length of time that
 - 21 the child has been in the United States.
- 2. Page 2, Line 45:
 - 45 <u>federal law and rule, the department shall</u> { <u>amend the state</u> <u>Medicaid plan to</u> } <u>provide coverage</u> ; and

The Health and Human Services Committee reports a favorable recommendation on **1st Sub. H.B. 165**, HEALTH REFORM – ADMINISTRATIVE SIMPLIFICATION, by Representative M. Newbold; and

The Health and Human Services Committee reports a favorable recommendation on **1st Sub. H.B. 188**, HEALTH SYSTEM REFORM – INSURANCE MARKET, by Representative D. Clark, et al; and

The Health and Human Services Committee reports a favorable recommendation on **2nd Sub. H.B. 331**, HEALTH REFORM – HEALTH INSURANCE COVERAGE IN STATE CONTRACTS, by Representative J. Dunnigan.

D. Chris Buttars, Chair

Mr. President:

February 25, 2009

The Education Committee reports a favorable recommendation on **S.B. 240**, UTAH SCIENCE TECHNOLOGY AND RESEARCH INITIATIVE AMENDMENTS, by Senator S. Killpack.

Curtis S. Bramble, Chair

Mr. President:

February 25, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 205**, WATER SOURCE PROTECTION AMENDMENTS, by Representative M. Noel; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **1st Sub. H.J.R. 12**, JOINT RESOLUTION

SUPPORTING HYDROGEN POWER FROM ADVANCED COAL AND CARBON CAPTURE AND SEQUESTRATION TECHNOLOGY, by Representative P. Painter.

Dennis E. Stowell, Chair

On motion of Senator Jenkins, the committee reports were adopted. **1st Sub. S.B. 208**, **H.B. 129**, **S.B. 225**, as amended, **1st Sub. H.B. 165**, **1st Sub. H.B. 188**, **2nd Sub. H.B. 331**, **S.B. 240**, **H.B. 205**, and **1st Sub. H.J.R. 12** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President:

February 25, 2009

The Business and Labor Committee reports a favorable recommendation on **H.B. 286**, REGULATION OF LENDING BY THE DEPARTMENT OF FINANCIAL INSTITUTIONS, by Representative K. Garn, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 320**, COLLECTION AGENCY AMENDMENTS, by Representative R. C. Webb, and recommends it be considered read for the second time and placed on the Consent Calendar.

John L. Valentine, Chair

Mr. President:

February 25, 2009

The Education Committee reports a favorable recommendation on **1st Sub. H.B. 210**, POSTING OF COLLECTIVE BARGAINING AGREEMENTS BY SCHOOL DISTRICTS AND CHARTER SCHOOLS, by Representative K. Sumsion, and recommends it be considered read for the second time and placed on the Consent Calendar.

Curtis S. Bramble, Chair

On motion of Senator Jenkins, the committee reports were adopted. **H.B. 286**, **H.B. 320**, and **1st Sub. H.B. 210** were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 195, Public Employee Defined Contribution Amendments (D. Liljenquist), read the first time by short title and referred to the Rules Committee.

- **S.B. 216**, Revisions to Military Installation Development Authority Act (M. Madsen), read the first time by short title and referred to the Rules Committee.
- **S.B. 224**, **Reuse of Industrial Byproduct** (C. Bramble), read the first time by short title and referred to the Rules Committee.
- **S.B. 230**, Construction Payment Amendments (C. Bramble), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

1st Sub. H.B. 240, WANTON DISTRUCTION OF LIVESTOCK, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell Liljenquist

1st Sub. H.B. 240 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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S.B. 75, UTILITY AMENDMENTS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy

Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
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Valentine Van Tassell Waddoups

Absent or not voting were: Senators

Bell Liljenquist

S.B. 75 was transmitted to the House for consideration.

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H.B. 50, FIREFIGHTER SPECIAL GROUP LICENSE PLATE AMENDMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine

Van Tassell Waddoups

Absent or not voting were: Senators

Bell Liljenquist Stephenson

H.B. 50 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

S.B. 220, COHABITANT ABUSE PROCEDURES ACT AMENDMENTS, was read the third time, explained by Senator Goodfellow, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack

Knudson	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell Liljenquist

S.B. 220 was transmitted to the House for consideration.

* * *

S.B. 243, JUDICIAL PERFORMANCE EVALUATION COMMISSION MODIFICATIONS, was read the third time, explained by Senator Buttars, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell Liljenquist

S.B. 243 was transmitted to the House for consideration.

CONCURRENCE CALENDAR

On motion of Senator Goodfellow, the Senate voted to concur in the House amendments to **S.B. 50**, RESTRICTING THE MOVEMENT OF A MOTOR VEHICLE. The bill, as amended, passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones

Killpack	Knudson	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Madsen

538

S.B. 50 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

H.B. 113, SALVAGE VEHICLE TITLE AMENDMENTS, was read the third time, explained by Senator Buttars, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Madsen

H.B. 113 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Killpack, **2nd Sub. H.B. 243**, RENTAL RESTRICTIONS ON CONDOMINIUMS AND COMMON INTEREST COMMUNITIES, was read the third time and circled.

* * *

2nd Sub. H.B. 61, LOCAL GOVERNMENT ENTITY CHANGES, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne
Morgan	Niederhauser	Okerlund
Romero	Stephenson	Stowell
Valentine	Van Tassell	Waddoups
	Dayton Hinkins Knudson Morgan Romero	Dayton Goodfellow Hinkins Jenkins Knudson Liljenquist Morgan Niederhauser Romero Stephenson

Absent or not voting was: Senator

Madsen

2nd Sub. H.B. 61 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Hillyard, the circle was removed from **S.B. 14**, FINANCIAL INCENTIVES FOR MOTION PICTURE PRODUCTIONS, and it was before the Senate. Senator Hillyard explained the bill. The bill passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

S.B. 14 was transmitted to the House for consideration.

* * *

H.B. 278, B AND C ROADS FUNDS AMENDMENTS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

Yeas, 21; Nays, 7; Absent, 1.

Voting	in	the	affirmative	were:	Senators
--------	----	-----	-------------	-------	----------

Bell	Bramble	Buttars	Christensen
Dayton	Greiner	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Niederhauser	Okerlund	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Davis Goodfellow Mayne McCoy

Morgan Robles Romero

Absent or not voting was: Senator

Hillyard

H.B. 278 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 26, CHILD AND VULNERABLE ADULT ENDANGERMENT PROVISIONS, was read the third time and explained by Senator Madsen.

Senator McCoy proposed the following amendment:

1. Page 6, Line 182 through Page 7, Line 185

182 (e) "Exposed to" means that the child or vulnerable adult $\{-\frac{is}{s}\}$

183 (i) is able to access or view $\hat{S} \rightarrow [a]$ an unlawfully possessed:

183a (A) $\leftarrow \hat{S}$ controlled substance $\hat{S} \rightarrow [\bar{s}]$: or

183b (B) $\leftarrow \hat{S}$ chemical substance $\hat{S} \rightarrow [\underline{-or}]$; $\{-\underline{or}\}$

183c $\{-(C)\}$ \Leftrightarrow \hat{S} (ii) has the reasonable capacity to access drug paraphernalia; or

184 {—(iii) <u>is able to</u> <u>smell an odor produced during</u>, <u>or as a result of, the manufacture or production of a</u>

185 controlled substance.

Senator McCoy's motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Hillyard

H.B. 26, as amended, was returned to the House for further consideration.

* * *

1st Sub. H.B. 68, DEVELOPMENT EXACTIONS, was read the third time and explained by Senator Bell. Senator Madsen commented and the bill passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups	-		

1st Sub. H.B. 68, as amended, was returned to the House for further consideration.

SECOND READING CALENDAR

H.B. 29, SEX OFFENDERS' CONTACT WITH CHILDREN, was read the second time. Senator Okerlund explained the bill.

Senator Okerlund proposed the following amendment:

- 21 the sex offender:
- has advised the parent or guardian that the sex offender is on the state sex offender registry and is required by law to have the written permission; and
- \bullet {-the sex offender-} has in possession written permission from the child's parent or
- 2. Page 14, Lines 420 through 425:
 - 420 <u>76–5–301.1, child kidnapping, unless:</u>
 - 421 (a) (i) the sex offender, prior to accompanying the child:
 - (A) verbally advises the child's parent or legal guardian that the sex offender is on the state sex offender registry and is required by state law to obtain written permission in order for the sex offender to accompany the child; and
 - (B) requests that the child's parent or legal guardian provide written authorization for the sex offender to accompany the child, including the specific dates and locations;
 - $\underline{\text{(ii)}}$ the child's parent or $\underline{\text{legal}}$ guardian has provided to the sex offender written
 - 422 <u>authorization, including the specific dates and locations, for the sex offender to accompany the</u>
 - 423 child; and
 - 424 {—(iii) } (iii) the sex offender has possession of the written authorization and is accompanying
 - 425 the child only at the dates and locations specified in the authorization;

Senator Okerlund's motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	Mayne

McCoy Morgan Niederhauser Okerlund Robles Romero Stephenson Stowell

Valentine Waddoups

Absent or not voting were: Senators

Knudson Urquhart Van Tassell

* * *

H.B. 41, SEX OFFENDER REGISTRATION AMENDMENTS, was read the second time. Senator Greiner explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Valentine	Waddoups		

Absent or not voting were: Senators

Knudson Urquhart Van Tassell

* * *

2nd Sub. H.B. 59, SUBPOENAS FOR RECORDS IN CERTAIN CRIMINAL INVESTIGATIONS, was read the second time.

Senator Valentine proposed the following amendment:

1. Page 2, Line 51 through Page 3, Line 59

51 (a) $\{-\frac{\text{name}}{}\}$ names : 52 $\{-\frac{\text{address}}{}\}$ addresses : (b) (c) local and long distance telephone connections: records of session times and durations: 53 $\left\{ -\frac{(c)}{c} \right\}$ (d) 54 $\left\{ -\frac{(\mathbf{d})}{\mathbf{d}} \right\}$ (e) length of service, including the start date and types of service utilized;

- 56 any temporarily assigned network address; and
- 57 $\{-\underbrace{\text{(f)}}\}$ $\underline{\text{(g)}}$ means and sources of payment for the service $\{-\frac{\text{described under this Subsection (2)}}{}\}$.
- 58 <u>including any credit card or bank account numbers</u> {- of a subscriber to or a customer of the
- 59 <u>service</u> } .
- 2. Page 3, Line 62:
 - 62 of $\{-\frac{a}{a}\}$ the suspected sexual offense against a minor as described in the subpoena.
- 3. Page 3, Line 74:
 - 74 <u>may have regarding</u> <u>how to locate</u> <u>the Internet service provider</u> <u>that does own or control the Internet protocol</u>

Senator Valentine's motion to amend passed on a voice vote. Senator Valentine explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Valentine	Waddoups	_	

Absent or not voting were: Senators

Knudson Urquhart Van Tassell

* * *

H.B. 63, AMENDMENTS TO CHILD WELFARE, was read the second time. Senator Dayton explained the bill. The bill passed second reading on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Killpack

* * *

H.B. 97, SEXUAL EXPLOITATION OF A MINOR, was read the second time. Senator Buttars explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Waddoups			

Absent or not voting were: Senators

Davis Jenkins Killpack Van Tassell

* * *

H.B. 119, POWERSPORT VEHICLE FRANCHISE ACT REVISIONS, was read the second time. Senator Bramble explained the bill. Senator Hillyard commented. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard

Hinkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
X 7	*** 11		

Van Tassell Waddoups

Absent or not voting were: Senators

Buttars Jenkins Killpack

* * *

1st Sub. H.B. 35, HIGHER EDUCATION TAX CREDIT AND CONTRIBUTIONS, was read the second time. Senator Niederhauser explained the bill. Senator Goodfellow commented. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bell Buttars Killpack

On motion of Senator Knudson, **1st Sub. H.B. 35** was placed on Third Reading Table due to fiscal impact.

On motion of Senator Knudson, **H.B.29** was placed on Third Reading Table due to fiscal impact.

On motion of Senator Knudson, **H.B. 97** was placed on Third Reading Table due to fiscal impact.

* * *

H.B. 116, UNIFORM FEES ON CANOES, was read the second time. Senator Davis explained the bill. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 2; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jones	Knudson	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Urquhart
Valentine	Van Tassell	Waddouns	

Valentine Van Tassell Waddoups

Voting in the negative were: Senators

Dayton Jenkins

Absent or not voting were: Senators

Buttars Killpack Madsen Stephenson

* * *

H.B. 218, FAMILY EMPLOYMENT PROGRAM AMENDMENTS, was read the second time. Senator Hinkins explained the bill. Senator Robles commented. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 8; Absent, 0.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Goodfellow
Hillyard	Hinkins	Jones	Killpack
Knudson	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Van Tassell
Waddoups			

Voting in the negative were: Senators

Bramble	Buttars	Dayton	Greiner
Jenkins	Madsen	Stephenson	Valentine

* * *

H.B. 241, PRIORITY OF WATER RIGHTS, was read the second time. Senator Okerlund explained the bill. Senators Hillyard, Davis, Stowell, Christensen, Urquhart, and Hinkins commented. The bill passed second reading on the following roll call:

Yeas, 18; Nays, 10; Absent, 1.

Voting in the affirmative were: Senators

Buttars	Christensen	Greiner	Hinkins
Jenkins	Killpack	Knudson	Liljenquist
Madsen	Niederhauser	Okerlund	Romero
Stephenson	Stowell	Urquhart	Valentine
X 7 700 11	XX7 1.1		

Van Tassell Waddoups

Voting in the negative were: Senators

Bell	Davis	Dayton	Goodfellow
Hillyard	Jones	Mayne	McCoy

Morgan Robles

Absent or not voting was: Senator

Bramble

STANDING COMMITTEE REPORTS

Mr. President:

February 26, 2009

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 235**, REDISTRIBUTION OF SALES AND USE TAX REVENUES AND PROPERTY TAX ADJUSTMENT, by Senator J. Valentine, with the following amendments:

- 1. Page 1, Lines 16 through 17:

 - 17 redistributions:
- 2. Page 6, Lines 164 through 179:
 - 164 (9) (a) Beginning on January 1, 2009, and ending on December 31, 2009, a county's
 - 165 <u>certified tax rate</u> {-<u>shall</u> } <u>may</u> <u>be increased</u> <u>at the request of the county legislative body</u> <u>by the amount necessary to offset up to the total amount of</u>
 - 166 sales and use taxes:
 - (i) collected within the boundaries of the county:
 - 168 (A) including the sales and use taxes collected within the cities and towns within the
 - 169 county; and

- 170 (B) under Chapter 12, Part 2, Local Sales and Use Tax Act; and
- 171 (ii) that the commission redistributes:
- 172 (A) from an original recipient political subdivision as defined in Section 59–12–210.1
- 173 to a secondary recipient political subdivision as defined in Section 59–12–210.1;
- 174 (B) as a result of the review, recalculations, and corrected distribution of taxes due
- 175 <u>from telecommunications providers initiated by the commission; and</u>
- 176 (C) <u>if the redistribution to the secondary recipient political subdivision occurs</u> on or after July 1, 2008, but on or before June 15, 2009.
- 177 (b) Beginning on January 1, 2010, and ending on December 31, 2010, a county's
- 178 certified tax rate shall be decreased by the amount necessary to offset {-the } an increase {-described } made in accordance with
- 179 Subsection (9)(a).
- 3. Page 11, Lines 315 through 319:
 - 315 (2) Subject to Subsection (3), the commission may make a redistribution to a secondary
 - 316 <u>recipient political subdivision in an amount equal to the eligible portion of qualifying sales and</u>
 - 317 use tax revenues if:
 - 318 (a) the commission provides written notice to the following {-at least 30} } within 15 days {-before} } after the
 - 319 <u>commission</u> { <u>makes</u> } <u>determines to make</u> <u>the</u> redistribution:

Wayne L. Niederhauser, Chair

On motion of Senator Dayton, the committee report was adopted. **S.B. 235**, as amended, was placed on Second Reading Calendar.

* * *

On motion of Senator Killpack, and at 12:00 noon, the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:45 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 26, 2009

The House passed, **1st Sub. S.B. 36**, SALES AND USE TAX AMENDMENTS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 127**, RETIREMENT AMENDMENTS, by Senator D. Liljenquist, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 135**, LOCAL DISTRICT TAXING AUTHORITY, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 158**, CHILD SUPPORT – CASH MEDICAL SUPPORT, by Senator G. Bell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 36, S.B. 127, 1st Sub. S.B. 135, and **S.B. 158** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

February 26, 2009

The House adopted the Joint Conference Committee Report dated February 26, 2009, and passed **H.B. 51**, EXEMPTION FOR ALCOHOLIC BEVERAGE MANUFACTURING LICENSE, by Representative C. Johnson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 102**, FALSE VEHICLE TITLE AND REGISTRATION PENALTIES, by Representative P. Ray, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 51 and **H.B. 102** were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President:

February 26, 2009

The House passed, as substituted, **1st Sub. H.B. 110**, FINANCIAL TRANSACTION CARD OFFENSES, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 141**, BILLBOARD AMENDMENTS, by Representative C. Frank, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 142**, REPORTING ABUSE OR NEGLECT OF THE ELDERLY OR DISABLED, by Representative L. Hemingway, and it is transmitted for consideration; and

The House passed **H.B. 184**, INCOME TAX CREDIT FOR A DISABLED DEPENDENT, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed **H.B. 351**, COURT FEES AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed **H.B. 387**, MOTORCYCLE HELMET AMENDMENTS, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed **H.B. 390**, ABSENTEE BALLOT AMENDMENTS, by Representative J. Mathis, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. 1st Sub. H.B. 110, 2nd Sub. H.B. 141, H.B. 142, H.B. 184, H.B. 351, H.B. 387, and H.B. 390 were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 26, 2009

The Rules Committee recommends assignment of the following bills to standing committees:

Business and Labor Committee

S.B. 166	Alcoholic Beverage Control Act – Days of Sale
	(Sen. S. McCoy)
S.B. 230	Construction Payment Amendments (Sen. C. Bramble)
H.B. 170	Insurance and Life Settlement Amendments
	(Rep. J. Dunnigan) (Sen. W. Niederhauser)

Education Committee

H.B. 194 Education Policies for Military Children

(Rep. R. Menlove) (Sen. M. Dayton)

H.B. 328 Teacher Quality Amendments (Rep. G. Hughes)

(Sen. H. Stephenson)

Government Operations and Political Subdivisions Committee

S.B. 223 City and County Carbon Credits for Sequestration of

Waste Stream Materials (Sen. R. Romero)

1st Sub. H.B. 156 Subdivision Approval Amendments (Rep. R. C. Webb)

(Sen. S. Urquhart)

H.B. 309 County Fiscal Procedures Amendments (Rep. C. Herrod)

(Sen. C. Bramble)

H.B. 323 Amendments Regarding Notice on Utah Public Notice

Website (Rep. B. Winn) (Sen. S. Killpack)

Health and Human Services Committee

1st Sub. H.B. 296 Schools for the Deaf and Blind Amendments

(Rep. K. Sumsion) (Sen. D. Liljenquist)

Natural Resources, Agriculture and Environment Committee

2nd Sub. H.B. 120 Snake Valley Aquifer Research Team and Advisory

Council (Rep. B. Winn) (Sen. D. Stowell)

H.B. 322 Tire Recycling Fee Modifications (Rep. N. Hendrickson)

(Sen. K. Van Tassell)

Retirement and Independent Entities Committee

S.B. 195 Public Employee Defined Contribution Amendments

(Sen. D. Liljenguist)

Revenue and Taxation Committee

S.B. 224 Reuse of Industrial Byproduct (Sen. C. Bramble)

2nd Sub. H.B. 246 Property Tax – Residential Exemption (Rep. G. Froerer)

(Sen. D. Stowell)

Transportation, Public Utilities and Technology Committee

S.B. 236 Uninsured and Underinsured Motorist Coverage

Amendments (Sen. M. Madsen)

Workforce Services and Community and Economic Development Committee

S.B. 216 Revisions to Military Installation Development Authority

Act (Sen. M. Madsen)

H.B. 195 Utah Uniform Probate Code – Trust Amendments

(Rep. R. Lockhart) (Sen. W. Niederhauser)

1st Sub. H.B. 204 Concealed Firearms Instructors Amendments

(Rep. C. Oda) (Sen. D. Hinkins)

H.B. 206 Employment Selection Procedures (Rep. W. Harper)

(Sen. K. Mayne)

1st Sub. H.B. 283 Illegal Use of Motor Vehicles (Rep. M. Noel)

(Sen. S. Urquhart)

Margaret Dayton Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

STANDING COMMITTEE REPORTS

Mr. President:

February 24, 2009

The Government Operations and Political Subdivisions Committee recommends **S.B. 63**, MODIFICATIONS TO RECORDING REQUIREMENTS – SUBDIVISIONS, by Senator R. Okerlund, be replaced and favorably recommends **1st Sub. S.B. 63**, MODIFICATIONS TO RECORDING REQUIREMENTS with the following amendments:

- 1. Page 1, Lines 10 through 11:
 - This bill modifies county and municipal related provisions {-relating to the recording of relating to the recording and relating to the recording of relat
 - 11 subdivision plats .
- 2. Page 1, Lines 24 through 25:
 - 24 { provides that the absence of a certificate of written approval does not prohibit the
 - 25 county recorder from recording the document; }
- 3. Page 2, Line 47:
 - 47 { 10–9a–605, as last amended by Laws of Utah 2006, Chapter 240–}

4. Page 3, Line 57,

Senate Committee

Amendments, 2–18–09:

- 57 { 17–27a–605, as last amended by Laws of Utah 2006, Chapter 240–}
- 5. Page 3, Line 65:
 - 65 38–9–4, as last amended by Laws of Utah 2008, Chapter 223 REPEALS:

10-8-8.5, as last amended by Laws of Utah 1993, Chapter 4

- 6. Page 5, Line 143:
 - 143 <u>(i) the plat has been signed, dedicated , and acknowledged by each owner of record;</u>
- 7. Page 6, Line 156 through Page 7, Line 189: Delete lines 156–189
- 8. Page 18, Line 525:
 - 525 <u>(i) the plat has been signed, dedicated , and acknowledged</u> by each owner of record;
- 9. Page 18, Line 537,

Senate Committee Amendments,

2–18–09, through Page 19, Line 571:

Delete lines 537-571

Renumber remaining sections accordingly.

- 10. Page 26, Line 774:
 - (c) contains a material misstatement or false claim.

Section 22. Repealer.

This bill repeals:

<u>Section 10–8–8.5, Effect of vacation or narrowing of street or</u> alley. ; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 188**, IMPROVEMENT DISTRICT – PROVIDING ELECTRIC SERVICE, by Senator D. Stowell; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 125**, IMPACT FEE AMENDMENTS, by Representative K. Powell, with the following amendments:

1. Page 3, Line 74
House Floor Amendments
2–20–2009:

74 be located; and

2. Page 3a, Lines 82a through 82d House Floor Amendments 2–20–2009:

82a { $\ddot{H} \rightarrow$ (VI) sent to each owner of an undeveloped parcel of property that is:

82b (Aa) located within the boundary of the local political subdivision or within the

82c jurisdiction of the private entity, as the case may be; and

82d (Bb) larger than five acres in size; and \(\phi\hat{H}\)

3. Page 5, Line 121b House Floor Amendments 2–20–2009:

121b (A) {-(1)} placed on the Utah Public Notice Website created in Section 63F-1-701, if the

4. Page 5, Line 121d House Floor Amendments 2–20–2009:

121d {—(Aa) } (I) is required under Subsection 52–4–203(3) to use that website to provide public

5. Page 5, Line 121f
House Floor Amendments
2–20–2009:

121f {—(Bb) } (II) voluntarily chooses to place notice on that website despite not being required to do

6. Page 5, Line 121h House Floor Amendments 2–20–2009:

121h {—(II) } (B) if the local political subdivision does not provide notice on the Utah Public Notice

7. Page 5, Line 121j House Floor Amendments 2–20–2009:	
121j {-(Aa) } (I) the registered agent of the Utah 8. Page 5, Lines 1211 through 121m House Floor Amendments 2-20-2009:	
1211 {-(Bb) } (II) the registered agent of the Utilian Association of Realtors; 121m {-(Ce) } (III) the registered agent of the Utilian Association of Realtors;	
Chapter of the Associated General Contractors of 9. Page 5, Lines 1210 through 121s House Floor Amendments 2–20–2009:	
1210 {-(Dd) } (IV) the Utah office of AARP; and 121p {-(Ee) } (V) the registered agent of the Utah office of AARP; and 121p {-(Ee) } (v) the registered agent of the Utah office of AARP; and 121p {-(Dd) } (IV) the Utah office of AARP; and 121p {-(Ee) } (IV) the Utah office of AARP; and 121p {-(Ee) } (IV) the Utah office of AARP; and 121p {-(Ee) } (IV) the Utah office of AARP; and	tah
121q {- <u>(B) sent to each owner of an undeveloped parcel property that is:</u>	
121r (I) located within the boundary of the local politic subdivision; and	<u>cal</u>
121s (II) larger than five acres in size. } 10. Page 6, Line 161 House Floor Amendments 2–20–2009:	
161 (A) $\hat{H} \rightarrow$ (I) $\{-\frac{(Aa)}{(Aa)}\}$ on the Utah Public Notice Webs created in Section 63F-1-701, if the	ite
11. Page 6, Line 161b House Floor Amendments 2–20–2009:	
161b {-(Li) } (Aa) is required under Subsection 52-4-203(3) to use that website to provide public notice	on
12. Page 6, Line 161d House Floor Amendments 2–20–2009:	

161d {—(<u>IIii)</u> } (<u>Bb)</u> voluntarily chooses to provide written notice on that website despite not being
13. Page 6, Line 161f House Floor Amendments 2–20–2009:
161f {—(Bb) } (II) if the local political subdivision does not provide notice on the Utah Public Notice
14. Page 6, Lines 162 through 164 House Floor Amendments 2–20–2009:
162 $\hat{H} \rightarrow [(H)] \{ -\underline{(H)} \}$ (Aa) $\leftarrow \hat{H}$ the registered agent of the Utah Home Builders Association;
163 $\hat{H} \rightarrow [(H)] \{ -(Hii) \}$ (Bb) $\leftarrow \hat{H}$ the registered agent of the Utah Association of Realtors; [and]
164 $\hat{H} \rightarrow [(HH)] \{-(HHiii)\}$ (Cc)) $\leftarrow \hat{H}$ the registered agent of the Utah Chapter of the Associated General
15. Page 6, Line 167 House Floor Amendments 2–20–2009:
167 <u>(V)</u>] {— <u>(IViv)</u> } <u>(Dd)</u> ←Ĥ the Utah office of Ĥ→ [the American Association of Retired Persons]
16. Page 6, Lines 168 through 168d House Floor Amendments 2–20–2009:
168 $\hat{H} \rightarrow [\underline{(VV)}]$ {-(Vv)} \(\frac{(Ee)}{\hat{H}} \overline{\hat{H}} \text{ the registered agent}\) of the Utah Taxpayers Association; {\hat{H}} \overline{\hat{H}} \overline{\hat{And}}
168a (II) to each owner of an undeveloped parcel of property that is:
168b (Aa) located within the boundary of the local political subdivision or within the
168c jurisdiction of the private entity, as the case may be; and
168d (<u>Bb) larger than five acres in size;</u> ← Ĥ }
17. Page 7a, Lines 207 through 207c:
207 $\hat{H} \rightarrow [\underline{(g)}] (\underline{E}) \leftarrow \hat{H} \text{ the registered agent of the Utah Taxpayers}$ Association $\hat{H} \rightarrow \{\}$ $\{\}$ $\{\}$

207a (c) to each owner of an undeveloped parcel of property that is:

207b (i) located within the boundary of the local political subdivision; and

207c (ii) larger than five acres in size. ←Ĥ }

18. Page 8, Line 238

House Floor Amendments 2–20–2009:

- 238 (A) make a copy of the impact fee enactment available to the public; $\hat{H} \rightarrow \{-+\}$ and $\{-+\}$ $\leftarrow \hat{H}$
- 19. Page 9, Lines 246a through 246e House Floor Amendments 2–20–2009:
 - 246a $\{-\hat{H} \rightarrow \underline{(C) \text{ mail a written copy of the impact fee enactment to}}$ each owner of an
 - 246b undeveloped parcel of property that is:
 - 246c (I) located within the boundary of the local political subdivision or within the
 - 246d jurisdiction of the private entity, as the case may be; and
 - 246e <u>(II) larger than five acres in size; and</u> ←Ĥ }

Peter C. Knudson, Chair

Mr. President:

February 26, 2009

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 140**, MOTOR VEHICLE REGISTRATION FEE AMENDMENTS, by Representative C. Frank.

Wayne L. Niederhauser, Chair

Mr. President:

February 25, 2009

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 269**, PUBLIC UTILITY EASEMENT AMENDMENTS, by Senator G. Bell, with the following amendments:

- 1. Page 1, Lines 16 through 18:
 - provides that a gas corporation's <u>or electric</u> <u>corporation's</u> failure to possess, occupy, or use a protected utility

- 17 easement does not diminish or extinguish the gas corporation's or electric corporation's rights under the
- 18 easement.
- 2. Page 2, Lines 31 through 33:
 - 31 (a) "Protected utility easement" means a recorded easement or right-of-way:
 - 32 (i) for the use and installation of a utility facility; and
 - 33 (ii) the ownership of which a gas corporation or electric corporation acquires and holds by any lawful means.
- 3. Page 3, Lines 60 through 65:
 - 60 (6) A person may not acquire, whether by adverse possession, prescription, acquiescence, or
 - 61 <u>otherwise, any right, title, or interest in a public utility easement or protected utility easement</u>
 - 62 that is adverse to or interferes with a public utility's full use of the easement for the purposes
 - 63 for which the easement was created.
 - 64 (7) A gas corporation's or electric corporation's failure to possess, occupy, or use a protected utility easement
 - 65 <u>does not diminish or extinguish any right that the gas corporation</u> or electric corporation <u>has under the easement.</u>; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 214**, OFFICE OF CONSUMER SERVICES ACT, by Senator J. Valentine, with the following amendments:

- 1. Page 4, Lines 112 through 114:
 - 112 (b) The director shall serve for a term of $\{-\frac{\text{four}}{\text{four}}\}$ $\underline{\text{six}}$ years.
 - 113 (c) For purposes of the individual who is the director on May 12, 2009, that

114 <u>individual's</u> {-<u>four</u>} <u>six</u> <u>-year term is considered to begin on July 1, 2009.</u>

Stephen H. Urquhart, Chair

Mr. President:

February 25, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 136**, SEX OFFENDER DEFINITION AMENDMENTS, by Representative P. Ray; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **2nd Sub. H.B. 220**, STATE PAYMENT AND REIMBURSEMENT TO COUNTY CORRECTIONAL FACILITIES, by Representative M. Noel.

Michael G. Waddoups, President of the Senate

On motion of Senator Knudson, the committee reports were adopted. **1st Sub. S.B. 63**, as corrected and amended, **S.B. 188**, **H.B. 125**, as amended, **H.B. 140**, **S.B. 269**, as amended, **S.B. 214**, as amended, **H.B. 136**, and **2nd Sub. H.B. 220** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President:

February 26, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 297**, BUDGETARY PROCEDURES ACT RECODIFICATION, by Representative R. Bigelow, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.J.R. 11**, JOINT RESOLUTION EXPRESSING SUPPORT FOR AND RECOGNIZING THE VALUE OF LOCALLY ELECTED OFFICIALS, by Representative M. Brown, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

Mr. President:

February 26, 2009

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 210**, AMENDMENTS TO PROPERTY TAX, by Senator C. Bramble,

with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

- 1. Page 3, Lines 79 through 84:
 - 79 (6) {—For } (a) Except as provided in Subsection (6)(b), for calendar years beginning on or after January 1, 2009 and ending on or before
 - 80 <u>December 31, 2010</u>, the <u>method for determining the fair market value of an aircraft</u> <u>, aircraft type, or mobile flight equipment assessed under this part is equal to:</u>
 - 81 {—(a) } (i) the value referenced in the Used Price for Avg Acft Wholesale column of the
 - 82 <u>Airliner Price Guide by make, model, series, and year of manufacture; minus</u>
 - 83 $\left\{ \begin{array}{c} \underline{\text{(b)}} \end{array} \right\}$ $\underline{\text{(ii)}}$ 20% of the value described in Subsection (6)(a) $\underline{\text{(i)}}$.
 - (b) Notwithstanding Subsection (6)(a), for calendar years beginning on or after January 1, 2009 and ending on or before December 1, 2010, the method for determining the fair market value of an aircraft not listed in the Airliner Price Guide is equal to:
 - <u>(i) the value references in the Average Wholesale column of the Aircraft Bluebook Price Digest by make, model, series, and year of manufacture; minus</u>
 - (ii) 20% of the value described in Subsection (6)(b)(ii).
 - 84 Section 2. Retrospective operation.

Wayne L. Niederhauser. Chair

Mr. President:

February 25, 2009

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 193**, SALVAGE VEHICLES AMENDMENTS, by Senator S. Urquhart, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar:

- 1. Page 1, Lines 20 through 22:
 - 20 ▶ provides that {—a person—} an operator of a motor vehicle auction with provides that {—a person—} an operator of a motor vehicles with an operator of a motor vehicles with

- 22 purchaser that does not have a salvage vehicle buyer license;
- 2. Page 1, Lines 26 through 27:
 - 26 ▶ provides that {—a person—} an operator of a motor vehicle auction way not offer for sale, sell, or exchange additional vehicles
 - 27 with a salvage certificate to a purchaser if notified that the purchaser has not titled
- 3. Page 3, Lines 87 through 89:
 - 87 (d) {-A person } An operator of a motor vehicle auction may only offer for sale, sell, or exchange five vehicles with a salvage
 - 88 <u>certificate as defined in Section 41–1a–1001 at or through a motor vehicle auction</u> { <u>-annually</u> } <u>in any 12 month period</u> to
 - 89 <u>an in-state purchaser that does not have a salvage vehicle buyer license issued in accordance</u>
- 4. Page 4, Lines 91 through 94:
 - 91 (e) (i) An in–state purchaser of a vehicle with a salvage certificate as defined in Section
 - 92 <u>41–1a–1001 that is purchased at or through a motor vehicle auction</u> shall title the vehicle within
 - 93 <u>15 days of the purchase if the purchaser does not have a salvage vehicle buyer license</u>, <u>dealer license</u>, <u>body shop license</u>, or <u>dismantler</u> license issued in
 - 94 accordance with Subsection $41-3-202 \quad \{-(15)\}$.
- 5. Page 4, Lines 95 through 97:
 - 95 (ii) {-A person } An operator of a motor vehicle auction may not offer for sale, sell, or exchange additional vehicles with a salvage
 - 96 <u>certificate</u> <u>as defined in Section 41–1a–1001 at or through a</u> <u>motor vehicle auction</u> <u>to a purchaser if notified that the purchaser has not titled previously purchased</u>

- 97 <u>vehicles with a salvage certificate as required under Subsection</u> (3)(e)(i).
- 6. Page 7, Lines 191 through 195:
 - 191 (vii) special plate violation; $\{--\}$ and $\{--\}$
 - 192 (viii) failing to maintain a sign at \underline{a} principal place of business $\{\frac{\cdot}{\cdot}\}$ and
 - 193 (ix) failing to title a vehicle with a salvage certificate that is purchased at or through a
 - 194 motor vehicle auction within 15 days of the purchase as required under Subsection

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195 41-3-201(3)(e) } .
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- 7. Page 8, Line 215:
 - 215 purchasers : and
 - (xi) failing to title a vehicle with a salvage certificate that is purchased at or through a motor vehicle auction within 15 days of the purchase as required under Subsection 41–3–201(3)(e) :; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 112**, VEHICLE TOWING AMENDMENTS, by Representative T. Kiser, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar:

- 1. Page 1, Lines 22 through 23:
 - was done without the vehicle, vessel, or outboard motor owner's knowledge;
 - 23 {-and-}
 - grants the Department of Transportation rulemaking authority to set a maximum rate for an administrative fee that a tow truck motor carrier may charge for reporting the removal to the Motor Vehicle Division and providing notice of the removal to the registered owner and lienholder of the vehicle, vessel, or outboard motor; and
- 2. Page 8, Line 232:
 - 232 law, related to incident safety, clean-up, and hazardous material handling; {-and-}
- 3. Page 8, Line 234:

234 by a tow truck motor carrier or impound yard : and

(d) set a maximum rate for an administrative fee that a tow truck motor carrier may charge for reporting the removal as required under Subsection (1)(a)(i) and providing notice of the removal to the registered owner and lienholder of the vehicle, vessel, or outboard motor as required in Subsection (1)(b) .; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 324**, MOTOR VEHICLE BUSINESS REGULATION ACT AMENDMENTS, by Representative F. Gibson, and recommends it be considered read for the second time and placed on the Consent Calendar.

Stephen H. Urquhart, Chair

Mr. President:

February 25, 2009

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 90**, METAL THEFT AMENDMENTS AND PENALTIES, by Senator J. Greiner, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

- 1. Page 2, Lines 29 through 33:
 - 29 ENACTS:

76-6-402.5, Utah Code Annotated 1953

- 30 76–6–412.5, Utah Code Annotated 1953
- 31 { 76–10–907.5, Utah Code Annotated 1953 }

32

Be it enacted by the Legislature of the state of Utah: Section 1. Section 76–6–402.5 is enacted to read:

76–6–402.5. Defense regarding metal dealers.

It is a defense against a charge of theft under this part and a defense against a civil claim for conversion if any dealer as defined in Section 76–10–901 has acted in compliance with Title 76, Chapter 10, Part 9, Regulation of Metal Dealers.

- 2. Page 2, Lines 43 through 48:
 - 43 As used in this part:
 - (1) "Catalytic converter" means a motor vehicle exhaust system component that reduces vehicle emissions by breaking down harmful exhaust emissions.

44	{-(1)}	<u>(2)</u>	"Dealer"	means	any	scrap	metal
processor	or secondary	metals	dealer or re	ecycler,			

- 45 but does not include junk dealers or solid waste management facilities as defined in Section
- 46 19-6-502.
- 47 $\{-(2)-\}$ $\underline{(3)}$ "Ferrous metal" means a metal that contains significant quantities of iron or steel.
- 48 $\{-(3)-\}$ $\underline{(4)}$ "Identification" means a form of positive identification issued by a governmental
- 3. Page 2, Line 54:
 - 54 $\{-(4)-\}$ $\underline{(5)}$ "Junk dealer" means all persons, firms, or corporations engaged in the business of
- 4. Page 2, Line 57:
 - 57 $\{-(5)-\}$ <u>(6)</u> "Local law enforcement agency" means the law enforcement agency that has
- 5. Page, Line 59 through Page 3, Line 53:
 - 59 $\{-(6)-\}$ (7) "Nonferrous metal":
- 6. Page 3, Lines 62 through 63:
 - 62 $\{-(7)$ — $\}$ (8) (a) "Regulated metal" means any item composed primarily of nonferrous metal,
 - 63 except as provided in Subsection $\{-(7)-\}$ (8) (c).
- 7. Page 3, Line 66:
 - 66 except under Subsection $\{-(7)-\}$ (8) (c);
- 8. Page 3, Line 79:
 - 79 (i) ferrous metal, except as provided in Subsection $\{-(7)-\}$ (8) (b)(ii) or (iv);
- 9. Page 4, Lines 108 through 109:
 - 108 (iii) aluminum wire, siding, downspouts, or gutters[$\frac{1}{7}$]:

(k) catalytic converters; and

- $109 \quad \{-(k)\}$ $\underline{(1)}$ wire that has been burned or that has the appearance of having been burned.
- 10. Page 7, Lines 187 through 190:
 - 187 {-Section 5. Section 76–10–907.5 is enacted to read:
 - $\frac{76-10-907.5}{1}$ Transactions over \$100 may not be in cash.
 - 189 <u>A dealer making a purchase of more than \$100 worth of regulated metal in a single</u>
 - 190 <u>transaction shall pay for the metal by check or money order, and may not pay by cash.</u> }
- 11. Page 1, Lines 22 through 23:
 - 22 Other Special Clauses:
 - 23 {None } This bill provides an immediate effective date.
- 12. Page 7, Line 190:
 - 190 transaction shall pay for the metal by check or money order, and may not pay by cash.

Section 6. Effective date.

If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override. ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B.** 37, VIOLENT OFFENSES AMENDMENTS, by Representative J. Seelig, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B.** 130, ASSET PRESERVATION AMENDMENTS, by Representative G. Hughes, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 138**, EXPUNGEMENT OF RECORDS AMENDMENTS, by Representative Julie Fisher, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **H.B. 329**, WRONGFUL DEATH CLAIMS, by Representative L. Fowlke, be replaced and favorably recommends **1st Sub. H.B. 329**, WRONGFUL DEATH CLAIMS and that it be considered read for the second time and placed on the Consent Calendar.

Michael G. Waddoups, President of the Senate

On motion of Senator Killpack, the committee reports were adopted. H.B. 297, H.J.R. 11, S.B. 210, as amended, S.B. 193, as amended, H.B. 112, as amended, H.B. 324, S.B. 90, as amended, H.B. 37, H.B. 130, H.B. 138, and 1st Sub. H.B. 329 were considered read the second time and placed on the Consent Calendar.

SECOND READING CALENDAR

H.B. 69, GUARDIAN AD LITEM AMENDMENTS, was read the second time. Senator Valentine explained the bill. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

0			
Buttars	Davis	Dayton	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Okerlund	Robles	Romero	Stephenson
Stowell	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Bell Bramble Christensen Niederhauser Urquhart

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SPECIAL PRESENTATION

A citation was read honoring the Great Salt Lake Council of the Boy Scouts of America.

* * *

H.B. 114, ABORTION LITIGATION TRUST ACCOUNT AMENDMENTS, was read the second time.

On motion of Senator Jenkins, the bill was circled.

* * *

H.B. 32, AMENDMENTS TO AGENCY RULEMAKING REGARDING CRIMINAL PENALTIES, was read the second time. Senator Stephenson explained the bill. Senators Greiner, Dayton, and Buttars commented. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 2; Absent, 6.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Goodfellow	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Romero	Stephenson	Stowell
Waddoups			

Voting in the negative were: Senators

Dayton Greiner

Absent or not voting were: Senators

Bell Hillyard Robles Urquhart

Valentine Van Tassell

* * *

On motion of Senator Madsen, the circle was removed from **H.B. 114**, ABORTION LITIGATION TRUST ACCOUNT AMENDMENTS, and it was before the Senate. Senator Madsen explained the bill. Senator McCoy commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 3; Absent, 4.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	Morgan	Niederhauser
Okerlund	Stephenson	Stowell	Valentine

Van Tassell Waddoups

Voting in the negative were: Senators

McCoy Robles Romero

Absent or not voting were: Senators

Bell Davis Liljenquist Urquhart

* * *

H.B. 261, AVIATION AMENDMENTS, was read the second time. Senator Niederhauser explained the bill.

Senator Bramble proposed the following amendment:

1. Page 1, Line 24a:

House Floor Amendments

2-17-2009

Delete "until July 1, 2014"

2. Page 6, Line 169a:

House Floor Amendments

2-17-2009

Delete "until July 1, 2014"

Senator Bramble's motion to amend passed on a voice vote. Senator Greiner commented. The bill passed second reading on the following roll call:

Yeas, 18; Nays, 5; Absent, 6.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Goodfellow	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Niederhauser
Okerlund	Romero	Stephenson	Stowell
Volentine	Van Tassall		

Valentine Van Tassell

Voting in the negative were: Senators

Davton	Greiner	McCov	Morgan
Dayton	Gicilici	IVICCOV	wiorzan

Waddoups

Absent or not voting were: Senators

Bell L1	genquist	Madsen	Mayne
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Robles Urguhart

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On motion of Senator Stephenson, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Stephenson, the circle was removed from **S.B. 43**, INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDERS – CLAY'S LAW, and it was before the Senate. Senator Stephenson explained the bill.

Senator Stephenson proposed the following amendment:

- 1. Page 1, Lines 10 through 11 Senate Committee Amendments 2–13–2009
 - 10 This bill amends the Accident and Health Insurance part of the Insurance Code to
 - 11 { provide } require an insurer that provides a health benefit plan to offer coverage for treatment of autism spectrum disorders.
- 2. Page 1, Lines 15 through 16 Senate Committee Amendments 2–13–2009:
 - 15 \blacktriangleright requires that $\hat{S} \Rightarrow$ [an accident or health insurance policy that provides a health insurance
 - 16 benefit] an insurer that provides a health benefit plan $\leftarrow \hat{S}$ shall $\{-provide-\}$ offer coverage for treatment of autism spectrum disorders:
- 3. Page 1, Line 19
 Senate Committee Amendments 2–13–2009:
 - 19 required {-by-} to be offered under this bill; and
- 4. Page 1, Lines 24 through 25 Senate Committee Amendments 2–13–2009:
 - 24 Other Special Clauses:
 - 25 {—None—} This bill coordinates with H.B. 188 by providing substantive amendments.
- 5. Page 3, Lines 59 through 64:

- 59 (2) Ŝ→ [An accident or health insurance policy that provides a health insurance benefit] {-A } An insurer that provides a 59a health benefit plan ←Ŝ shall
- 60 {-provide } offer coverage for treatment of autism spectrum disorders in accordance with the
- 61 requirements of this section and rules made by the commissioner under this section.
- 62 (3) The commissioner shall make rules, in accordance with Title 63G, Chapter 3, Utah
- 64 <u>autism spectrum disorders.</u>
- 6. Page 3, Lines 69 through 71 Senate Committee Amendments 2–13–2009:
 - 69 (5) Subject to Subsection (6), \$\(\hat{S}\) [an accident or health insurance policy that provides a
 - 70 <u>health insurance benefit</u>] $\{-\underline{a}\}$ <u>an insurer that offers a health benefit plan</u> $\{-\underline{b}\}$ <u>shall</u> $\{-\underline{b}\}$ <u>offer coverage for the provision of early</u>

70a intensive behavior

- 71 therapy for a person with an autism spectrum disorder of at least:
- 7. Page 3, Lines 72 through 74
 Senate Committee Amendments
 2–13–2009:
 - 72 (a) $\{-\$50,000\}$ \$35,000 annually for a child who is less than nine years old; and
 - 73 (b) $\{-\$25,000\}$ $\}$ \$17,500 annually for a child who is at least nine years old, but less than 17 years
 - 74 **old.**
- 8. Page 3, Line 78:

After line 78 insert:

"Section 2. Coordinating S.B. 43 with H.B. 188 — Substantive

amendments.

If this S.B. 43 and H.B. 188, Health System Reform – Insurance Market, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel shall prepare the Utah Code database for publication by:

- (1) amending Subsection 31A-22-724(3)(b)(vi) to read as follows:
- "(vi) coverage mandates enacted after January 1, 2009, except:
- (A) coverage mandates that are required by federal law; and
- (B) the insurance mandate related to autism spectrum disorders, described in Section 31A-22-636."; and
- (2) amending Subsection 31A-30-109(1)(b)(ii) to read as follows:
- "(ii) excludes some or all of the mandates described in Subsection 31A-22-724(3), except for the mandate related to autism spectrum disorders, described in Section 31A-22-636."."

Senator Stephenson's motion to amend passed on a voice vote. Senators Jones, Christensen, Robles, and McCoy commented.

On motion of Senator Stephenson, the bill was circled.

SECOND READING CALENDAR

H.B. 154, STATE CONSTRUCTION REGISTRY AMENDMENTS, was read the second time. Senator Jenkins explained the bill. Senator Okerlund commented. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McCoy	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative was: Senator

Morgan

Absent or not voting were: Senators

Bramble Christensen Killpack

* * *

H.B. 271, WORKERS' COMPENSATION – UNINSURED EMPLOYERS' FUND, was read the second time. Senator Mayne explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Buttars	Davis	Dayton	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bell Bramble Christensen Killpack

* * *

On motion of Senator Killpack, the Senate voted to suspend the rules and consider Senate bills for the remainder of the day.

On motion of Senator Killpack, and at 4:00 p.m., the Senate sauntered.

The Senate was called to order at 4:25 p.m., with President Waddoups presiding.

SECOND READING CALENDAR

S.B. 152, LEGISLATIVE MANAGEMENT POWERS, was read the second time. Senator Killpack explained the bill. Senator Romero declared a conflict of interest. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Van Tassell	Waddoups	-	

Absent or not voting were: Senators

Bramble Niederhauser Stephenson

* * *

S.B. 153, COUNTY AND MUNICIPAL LAND USE AMENDMENTS, was read the second time. Senator Madsen explained the bill. Senators Stowell and Bell commented. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddouns			

Waddoups

Absent or not voting were: Senators

Bramble Christensen Knudson Niederhauser

* * *

S.B. 171, MUNICIPAL ANNEXATION AMENDMENTS, was read the second time.

On motion of Senator Jenkins, the bill was circled.

* * *

S.J.R. 6, LEGISLATOR COMMUNICATIONS WITH JUDICIARY AND EXECUTIVE BRANCH JOINT RULES RESOLUTION, was read the second time. Senator Valentine explained the bill. Senators Hillyard, Waddoups, Madsen, and Greiner commented. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy

Morgan Okerlund Robles Romero Stephenson Stowell Urquhart Valentine

Van Tassell Waddoups

Absent or not voting were: Senators

Bramble Liljenquist Niederhauser

* * *

S.J.R. 8, JOINT RESOLUTION REGARDING ELIGIBILITY FOR LEGISLATIVE OFFICE, was read the second time. Senator McCoy explained the bill.

Senator McCoy proposed the following amendment:

- Page 2, Line 44:
 After "appointed" insert "to fill a midterm vacancy"
- Page 2, Line 45:
 After "appointment" insert "." and delete "for a person appointed to a midterm vacancy."

Senator McCoy's motion to amend passed on a voice vote. Senator Okerlund declared a conflict of interest. The bill passed second reading on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Buttars

* * *

S.B. 59, ALLOCATION AND APPORTIONMENT OF INCOME AND DEDUCTION OF A NET LOSS, was read the second time. Senator Stephenson explained the bill.

Senator Stephenson proposed the following amendment:

- . Page 8, Lines 234 through 238
 - 234 17. {—Sales, other than sales of tangible personal property, are in this state if:
 - 235 (a) the income-producing activity is performed in this state; or
 - 236 (b) the income-producing activity is performed both in and outside this state and a
 - 237 greater proportion of the income-producing activity is performed in this state than in any other
 - 238 state, based on costs of performance. \ \text{Whether a receipt, rent, royalty, or sale in connection with other than tangible personal property is considered to be in this state is determined in accordance with Section 59–7–319.

Senator Stephenson's motion to amend passed on a voice vote. Senators Hillyard and Niederhauser commented. The bill passed second reading on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Buttars

* * *

S.B. 52, NEW MOTOR VEHICLE FRANCHISE AMENDMENTS, was read the second time.

On motion of Senator Killpack, the following substitute bill replaced the original bill:

2nd Sub. S.B. 52 New Motor Vehicle Franchise Amendments (S. Killpack)

Senator Killpack explained the bill. Senator Van Tassell commented. The bill passed second reading on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

McCoy

* * *

S.B. 172, UNDERINSURED MOTORIST COVERAGE AMENDMENTS, was read the second time. Senator Urquhart explained the bill. The bill passed second reading on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

McCoy

* * *

On motion of Senator Killpack and at 5:15 p.m., the Senate adjourned until 9:00 a.m., Friday, February 27, 2009.

THIRTY-SECOND DAY

MORNING SESSION

February 27, 2009

The Senate was called to order at 9:15 a.m., with President Michael Waddoups presiding.

Prayer – President Kevin Weaver, Kearns, Utah Stake Pledge of Allegiance – Senator Scott Jenkins Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 26, 2009

The Speaker of the House has signed **S.B. 50**, RESTRICTING THE MOVEMENT OF A MOTOR VEHICLE, by Senator B. Goodfellow, and it is transmitted for the signature of the President; and

The House passed, **S.B. 115**, PAYMENT OF MOBILE HOME PARK RELOCATION EXPENSES, by Senator W. Niederhauser, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 50 and **S.B. 115** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

February 26, 2009

The House passed, as substituted, **1st Sub. H.B. 164**, MIGRATORY BIRD PRODUCTION AREAS, by Representative C. Oda, et al, and it is transmitted for consideration: and

The House passed **H.B. 167**, COUNTY HOSPITAL RETIREMENT PROVISIONS, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 197**, REAUTHORIZATION OF ADMINISTRATIVE RULES, by Representative B. Ferry, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 290**, PROHIBITION OF WIRELESS COMMUNICATION DEVICE USE IN A MOTOR VEHICLE, by Representative S. Clark, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 313**, SOCIAL HOST LIABILITY ACT, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 314**, DNA SAMPLE FOR CRIMINAL OFFENSES – AMENDMENTS, by Representative R. Greenwood, and it is transmitted for consideration; and

The House passed **H.B. 325**, OPTING OUT OF THE REAL ID ACT, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 327**, BUILDING INSPECTOR AMENDMENTS, by Representative D. Aagard, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. 1st Sub. H.B. 164, H.B. 167, H.B. 197, 1st Sub. H.B. 290, 1st Sub. H.B. 313, H.B. 314, H.B. 325, and H.B. 327 were read the first time and referred to the Rules Committee.

INTRODUCTION OF BILLS

- **S.B. 245**, **Uniform Fees on Motorcycles** (B. Goodfellow), read the first time by short title and referred to the Rules Committee.
- **S.B. 248**, **Tax Amendments** (G. Bell), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

H.B. 239, UTAH MEDICAL EXAMINER ACT – INVESTIGATION AND AUTOPSIES AMENDMENTS, was read the third time, explained by Senator Bell, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner

Hillyard	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Knudson

H.B. 239 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 289, BACKGROUND CHECKS FOR QUALIFYING ENTITIES, was read the third time, explained by Senator Robles, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bell Jones Stephenson

H.B. 289 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

S.B. 185, FEDERAL EDUCATION AGREEMENT REQUIREMENTS AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Buttars	Christensen	Dayton	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins

Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Okerlund	Robles	Romero	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Bell Bramble Davis Niederhauser

Stephenson

S.B. 185 was transmitted to the House for consideration.

* * *

1st Sub. H.B. 264, EDUCATOR EVALUATION AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Okerlund	Robles	Romero
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bell Bramble Niederhauser Stephenson

1st Sub. H.B. 264 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 291, COUNTY PERSONNEL AMENDMENTS, was read the third time, explained by Senator Romero, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson

Liljenquist	Madsen	Mayne	McCoy
Morgan	Okerlund	Robles	Romero
Stowell	Urquhart	Valentine	Van Tassell
XX7 1.1			

Waddoups

Absent or not voting were: Senators

Bell Bramble Niederhauser Stephenson

H.B. 291 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 319, DISASTER RECOVERY FUNDING AMENDMENTS, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Okerlund	Robles	Romero	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Bell Bramble Jenkins Niederhauser

Stephenson

H.B. 319 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.C.R. 5, CONCURRENT RESOLUTION URGING THE REALIGNMENT OF AIR QUALITY NON-ATTAINMENT DESIGNATIONS BY THE EPA, was read the third time, explained by Senator Knudson, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard

Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
V Tr 11	XX7- 1.1		

Van Tassell Waddoups

Absent or not voting were: Senators

Bramble Niederhauser Stephenson

1st Sub. H.C.R. 5, was returned to the House for further consideration.

* * *

H.C.R. 6, CONCURRENT RESOLUTION EXPRESSING OPPOSITION TO CONGRESSIONAL EFFORTS TO EXPAND THE JURISDICTION OF THE CLEAN WATER ACT, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Niederhauser

H.C.R. 6 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 123, RETAIL AND LIBRARY THEFT AMENDMENTS, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner

Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Niederhauser

H.B. 123 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Buttars, **H.B. 127**, PERSONAL INJURY PROTECTION COVERAGE AMENDMENTS, was read the third time and circled.

* * *

H.B. 228, ASSAULT ON SERVICE MEMBER IN UNIFORM, was read the third time, explained by Senator Knudson, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups	_	

Absent or not voting were: Senators

Davis Niederhauser Okerlund

H.B. 228 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 295, MONEY LAUNDERING AMENDMENTS, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Taasall	Waddana		

Van Tassell Waddoups

Absent or not voting were: Senators

Davis Niederhauser Okerlund

H.B. 295 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

H.B. 41, SEX OFFENDER REGISTRATION AMENDMENTS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Dayton
DCII	Diamoic	Christinsch	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassall	Waddayna	_	

Van Tassell Waddoups

Absent or not voting were: Senators

Buttars Davis Niederhauser

H.B. 41 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Urquhart, the circle was removed from **2nd Sub. H.B. 243**, RENTAL RESTRICTIONS ON CONDOMINIUMS AND COMMON INTEREST COMMUNITIES, and it was before the Senate.

On motion of Senator Urquhart, the following substitute bill replaced the original bill:

3rd Sub. H.B. 243 Rental Restrictions on Condominiums and Common Interest Communities (G. Froerer)

Senators Bell and Waddoups commented and the bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Okerlund
Robles	Romero	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Niederhauser Stephenson

Senator Waddoups declared a conflict of interest.

3rd Sub. H.B. 243 was returned to the House for further consideration.

* * *

On motion of Senator Bell, the Senate voted to move to the Consent Calendar.

CONSENT CALENDAR

On motion of Senator Bell, the circle was removed from **H.B. 127**, PERSONAL INJURY PROTECTION COVERAGE AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Killpack
Knudson	Liljenquist	Madsen	Mayne

McCoy	Morgan	Okerlund	Robles
Romero	Stowell	Urquhart	Van Tassell
XX7 1.1			

Waddoups

Absent or not voting were: Senators

Jones Niederhauser Stephenson Valentine

H.B. 127 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

On motion of Senator Killpack, **2nd Sub. H.B. 59**, SUBPOENAS FOR RECORDS IN CERTAIN CRIMINAL INVESTIGATIONS, was read the third time and circled.

* * *

H.B. 63, AMENDMENTS TO CHILD WELFARE, was read the third time, explained by Senator Dayton, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Jones Niederhauser Stephenson

H.B. 63 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Valentine, the circle was removed from **2nd Sub. H.B. 59**, SUBPOENAS FOR RECORDS IN CERTAIN CRIMINAL INVESTIGATIONS, and it was before the Senate. The bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Van Tagaall	Woddowns		

Van Tassell Waddoups

Absent or not voting were: Senators

Jones Niederhauser Stephenson

2nd Sub. H.B. 59 was returned to the House for further consideration.

* * *

H.B. 119, POWERSPORT VEHICLE FRANCHISE ACT REVISIONS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
V T 11	XX7- 1.1		

Van Tassell Waddoups

Absent or not voting were: Senators

Jones Niederhauser Stephenson

H.B. 119 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 116, UNIFORM FEES ON CANOES, was read the third time and explained by Senator Davis. Senator Greiner commented and the bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Christensen Niederhauser

H.B. 116 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 218, FAMILY EMPLOYMENT PROGRAM AMENDMENTS, was read the third time and explained by Senator Hinkins. Senators Madsen and Mayne commented and the bill passed on the following roll call:

Yeas, 18; Nays, 9; Absent, 2.

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Goodfellow
Hillyard	Hinkins	Jones	Killpack
Knudson	Liljenquist	Mayne	McCoy
Morgan	Okerlund	Robles	Romero
Urquhart	Van Tassell		

Voting in the negative were: Senators

Bell	Buttars	Dayton	Greiner
Jenkins	Madsen	Stephenson	Stowell

Valentine

Absent or not voting were: Senators

Niederhauser Waddoups

H.B. 218, as amended, was returned to the House for further consideration.

* * *

H.B. 241, PRIORITY OF WATER RIGHTS, was read the third time and explained by Senator Okerlund. Senators Hillyard, Davis, and Stowell commented and the bill passed on the following roll call:

Yeas, 19; Nays, 7; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Goodfellow	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	Okerlund	Romero	Stephenson
Stowell	Uranhart	Van Taccell	

Stowell Urquhart Van Tassell

Voting in the negative were: Senators

Greiner	Hillyard	McCoy	Morgan

Robles Valentine Waddoups

Absent or not voting were: Senators

Bramble Dayton Niederhauser

H.B. 241, as amended, was returned to the House for further consideration.

SPECIAL PRESENTATION

A citation was read honoring residents of the Seville Living Center in Orem, Utah.

THIRD READING CALENDAR

H.B. 69, GUARDIAN AD LITEM AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Okerlund	Robles	Romero
Stephenson	Urquhart	Valentine	Van Tassell

Waddoups

Absent or not voting were: Senators

Bramble Jenkins Niederhauser Stowell

H.B. 69, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Stephenson, **H.B. 32**, AMENDMENTS TO AGENCY RULEMAKING REGARDING CRIMINAL PENALTIES, was read the third time and circled.

* * *

On motion of Senator Hillyard, **H.B. 114**, ABORTION LITIGATION TRUST ACCOUNT AMENDMENTS, was read the third time and circled.

* * *

On motion of Senator Bell, **H.B. 261**, AVIATION AMENDMENTS, was read the third time and circled.

* * *

On motion of Senator Bell, **H.B. 154**, STATE CONSTRUCTION REGISTRY AMENDMENTS, was read the third time and circled.

* * *

On motion of Senator Madsen, the circle was removed from **H.B. 114**, ABORTION LITIGATION TRUST ACCOUNT AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

Yeas, 23; Nays, 4; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	Morgan
Okerlund	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Davis McCoy Robles Romero

Absent or not voting were: Senators Jenkins Niederhauser

H.B. 114 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Killpack, and at 10:30 a.m., the Senate sauntered.

The Senate was called to order at 10:45 a.m., with President Waddoups presiding.

* * *

H.B. 271, WORKERS' COMPENSATION – UNINSURED EMPLOYERS' FUND, was read the third time, explained by Senator Mayne, and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Madsen	Mayne	McCoy	Morgan
Okerlund	Robles	Romero	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars Knudson Liljenquist Niederhauser Stephenson Stowell

H.B. 271, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Jenkins, the circle was removed from **H.B. 154**, STATE CONSTRUCTION REGISTRY AMENDMENTS, and it was before the Senate.

Senator Jenkins proposed the following amendment:

- 1. Page 2, Lines 35 through 43
 - 35 38–1–7. Notice of claim Contents Recording Service on owner of property.
 - 36 (1) (a) (i) Except as modified in Section 38–1–27, a person claiming benefits under this
 - 37 chapter shall file for record with the county recorder of the county in which the property, or

- 38 some part of the property, is situated, a written notice to hold and claim a lien [within] no later
- 39 than:
- 40 (A) 180 days after the day on which occurs final completion of the original contract if
- 41 no notice of completion is filed under Section 38–1–33; or
- 42 (B) 90 days after the day on which a notice of completion is filed under Section
- 43 38-1-33 <u>but not later than the time frame established in Subsection (1)(a)(i)(A)</u>.

Senator Jenkins' motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 23; Nays, 1; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Madsen	Mayne	McCoy
Okerlund	Robles	Romero	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative was: Senator

Morgan

Absent or not voting were: Senators

Killpack Liljenquist Niederhauser Stephenson Stowell

H.B. 154 was returned to the House for further consideration.

* * *

On motion of Senator Killpack, **S.B. 152**, LEGISLATIVE MANAGEMENT POWERS, was read the third time and circled.

* * *

S.B. 153, COUNTY AND MUNICIPAL LAND AND USE AMENDMENTS, was read the third time, explained by Senator Madsen, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Okerlund
Robles	Romero	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Niederhauser Stephenson

S.B. 153 was transmitted to the House for consideration.

* * *

S.J.R. 6, LEGISLATOR COMMUNICATIONS WITH JUDICIARY AND EXECUTIVE BRANCH JOINT RULES RESOLUTION, was read the third time, explained by Senator Valentine, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Niederhauser

S.J.R. 6 was transmitted to the House for consideration.

* * *

S.J.R. 8, JOINT RESOLUTION REGARDING ELIGIBILITY FOR LEGISLATIVE OFFICE, was read the third time, explained by Senator McCoy, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Niederhauser

S.J.R. 8 was transmitted to the House for consideration.

SPECIAL PRESENTATION

A citation was read honoring fallen soldiers from Utah.

THIRD READING CALENDAR

S.B. 59, ALLOCATION AND APPORTIONMENT OF INCOME AND DEDUCTION OF A NET LOSS, was read the third time and explained by Senator Stephenson. Senators Valentine, Hillyard, and Niederhauser commented and the bill passed on the following roll call:

Yeas, 26; Nays, 2; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Stephenson	Stowell	Urquhart
Van Tassell	Waddoups		_

Voting in the negative were: Senators

Romero Valentine

Absent or not voting was: Senator

Christensen

Senators Hinkins and Valentine declared conflicts of interest.

S.B. 59 was transmitted to the House for consideration.

* * *

Day 32

2nd Sub. S.B. 52, NEW MOTOR VEHICLE FRANCHISE AMENDMENTS, was read the third time, explained by Senator Killpack, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble Dayton

2nd Sub. S.B. 52 was transmitted to the House for consideration.

* * *

S.B. 172, UNDERINSURED MOTORIST COVERAGE AMENDMENTS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble Killpack

S.B. 172 was transmitted to the House for consideration.

* * *

On motion of Senator Niederhauser, the circle was removed from **H.B. 261**, AVIATION AMENDMENTS, and it was before the Senate.

Senator Bramble proposed the following amendment:

1. Page 6, Line 169d:

Senate Committee Amendments

2-23-2009

Delete "Until July 1, 2009" and insert "monies"

Senator Bramble's motion to amend passed on a voice vote. Senate Greiner commented and the bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell Morgan

H.B. 261 was returned to the House for further consideration.

* * *

On motion of Senator Killpack, the circle was removed from **S.B. 152**, LEGISLATIVE MANAGEMENT POWERS, and it was before the Senate. Senator Killpack explained the bill.

Senator Killpack proposed the following amendment:

- 1. Page 1, Lines 13 through 15
 - provides, in statute, that the Legislative Management Committee has the authority

- 14 to {-authorize the Legislature's initiation of, response to, intervention in, or
- 15 participation in certain proceedings that involve a core interest of the Legislature. } direct the legislative general counsel in matters involving the Legislature's participation in litigation.
- 1. Page 3, Lines 68 through 71:
 - 68 (4) The Legislature delegates to the Legislative Management Committee the authority.
 - 69 by means of a majority vote of the committee, to {-initiate, respond to, intervene in, or otherwise
 - 70 participate in any judicial, administrative, or other proceeding on behalf of and in the name of
 - 71 <u>the Legislature as a whole, in order to assert or defend an interest of the Legislature.</u> } direct the legislative general counsel in matters involving the Legislature's participation in litigation.

Senator Killpack's motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups	-	

Absent or not voting were: Senators

Hillyard Jenkins Morgan

S.B. 152 was transmitted to the House for consideration.

SECOND READING CALENDAR

S.B. 179, SAFETY BELT ENFORCEMENT AMENDMENTS, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 3; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hinkins
Jones	Killpack	Knudson	Liljenquist
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell

Voting in the negative were: Senators

Dayton Madsen Waddoups

Absent or not voting were: Senators

Hillyard Jenkins

* * *

1st Sub. S.B. 53, AWARDING OF ATTORNEY FEES, was read the second time. Senator Urquhart explained the bill.

Senator Liljenquist proposed the following amendment:

- Page 1, Line 24 through Page 2, Line 26 Senate Committee Amendments 2–12–2009
 - 24 <u>78B-5-825.5.</u> Attorney fees Private attorney general doctrine disavowed.
 - A court may not award attorney fees under the private attorney general doctrine $\hat{S} \rightarrow [\underline{as} \leftarrow \hat{S}]$
 - 26 Š→ stated in Stewart v. Utah Public Service Commission, 885 P.2d 759 (1994), and its progeny ←Ŝ in any action filed after May 12, 2009 .

Senator Liljenquist's motion to amend passed on a voice vote. Senators Bell, McCoy, and Okerlund commented. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 3; Absent, 0.

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner

Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	Niederhauser	Okerlund	Romero
Stephenson	Stowell	Urquhart	Valentine

Van Tassell Waddoups

Voting in the negative were: Senators

McCoy Morgan Robles

* * *

On motion of Senator Stephenson, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Stephenson, the circle was removed from **S.B. 43**, INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDERS – CLAY'S LAW, and it was before the Senate.

Senator Stephenson proposed the following amendment:

1. Page 1, Line 19
Senate Committee Amendments
2–13–2009

19 required by this bill; $\{-and-\}$

" prohibits discrimination against a person who has an autism spectrum disorder as it relates to coverage by an insurer that provides accident and health insurance; and

2. Page 3, Line 78
Senate Committee Amendments

2–13–2009:

- 78 for the preceding calendar year.
- (7) An insurer that provides accident and health insurance:
- (a) may not refuse to provide coverage to a person on the grounds that:
- (i) the person has an autism spectrum disorder; or
- (ii) the person is in need of medical care that results from an autism spectrum disorder; and
- (b) shall provide coverage to a person who has an autism spectrum disorder on the same terms, and at the same levels, as the insurer would provide to a similarly situated person who does not have an autism spectrum disorder.

Senator Stephenson's motion to amend passed on a voice vote.

On motion of Senator Stephenson, the bill was circled.

* * *

On motion of Senator Bramble, the Senate voted to lift **1st Sub. H.B. 296**, SCHOOLS FOR THE DEAF AND BLIND AMENDMENTS, from the Health and Human Services Committee and reassign it to the Education Committee.

* * *

On motion of Senator Killpack, and at 12:00 noon, the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:05 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 27, 2009

The House passed, **S.B. 139**, EMPLOYER ELECTION RETIREMENT AMENDMENTS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 139 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President:

February 27, 2009

The House concurred in the Senate amendments and passed **H.B. 26**, CHILD AND VULNERABLE ADULT ENDANGERMENT PROVISIONS, by Representative M. Morley, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 68**, DEVELOPMENT EXACTIONS, by Representative P. Painter, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 26 and **1st Sub. H.B. 68** were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President:

February 27, 2009

The House passed, as amended, **H.B. 245**, UTAH STATE 911 COMMITTEE AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed, as substituted and amended, **2nd Sub. H.B. 272**, UTAH SCENIC BYWAY DESIGNATION AMENDMENTS, by Representative C. Herrod, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 399**, CHARITABLE CARE AMENDMENTS, by Representative B. Last, and it is transmitted for consideration; and

The House passed **H.B. 402**, ENFORCEMENT OF CARBON MONOXIDE DETECTOR REQUIREMENTS, by Representative K. Garn, and it is transmitted for consideration; and

The House passed **H.C.R. 7**, CONCURRENT RESOLUTION EXPRESSING OPPOSITION TO THE CONGRESSIONAL ENACTMENT OF THE NATIONAL LANDSCAPE CONSERVATION SYSTEM, by Representative M. Brown, and it is transmitted for consideration; and

The House passed **H.J.R. 18**, JOINT RESOLUTION FOR LEGISLATIVE APPROPRIATION SUBCOMMITTEE NAME CHANGE, by Representative N. Hendrickson, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 245, 2nd Sub. H.B. 272, H.B. 399, H.B. 402, H.C.R. 7, and H.J.R. 18 were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 27, 2009

The Rules Committee recommends assignment of the following bills to standing committees:

Business and Labor Committee

1st Sub. H.B. 110 Financial Transaction Card Offenses (Rep. Julie Fisher) (Sen. G. Bell)

2nd Sub. H.B. 141 Billboard Amendments (Rep. C. Frank) (Sen. W. Niederhauser)

1st Sub. H.B. 313 Social Host Liability Act (Rep. E. Hutchings)

(Sen. K. Mayne)

H.B. 327 Building Inspector Amendments (Rep. D. Aagard)

(Sen. D. Liljenquist)

Education Committee

S.B. 74 At–risk Student Provisions (Sen. L. Robles)S.B. 113 Delayed Effective Date for Illegal Immigration

Legislation (Sen. P. Jones)

H.B. 312 Amended Campaign Finance Filings (Rep. S. Allen)

(Sen. S. McCoy)

Government Operations and Political Subdivisions Committee

S.B. 248 Tax Amendments (Sen. G. Bell)

H.B. 197 Reauthorization of Administrative Rules (Rep. B. Ferry)

(Sen. H. Stephenson)

H.B. 390 Absentee Ballot Amendments (Rep. J. Mathis)

(Sen. K. Van Tassell)

Health and Human Services Committee

H.B. 128 Electronic Prescribing Act (Rep. R. Menlove)

(Sen. P. Knudson)

H.B. 142 Reporting Abuse or Neglect of the Elderly or Disabled

(Rep. L. Hemingway) (Sen. G. Davis)

Judiciary, Law Enforcement, and Criminal Justice Committee

H.B. 314 Dna Sample for Criminal Offenses – Amendments

(Rep. R. Greenwood) (Sen. J. Greiner)

H.B. 351 Court Fees Amendments (Rep. C. Oda) (Sen. J. Greiner)

Natural Resources, Agriculture and Environment Committee

1st Sub. H.B. 164 Migratory Bird Production Areas (Rep. C. Oda)

(Sen. M. Dayton)

Retirement and Independent Entities Committee

H.B. 167 County Hospital Retirement Provisions (Rep. M. Noel)

(Sen. D. Stowell)

Revenue and Taxation Committee

S.B. 245 Uniform Fees on Motorcycles (Sen. B. Goodfellow)

H.B. 184	Income Tax Credit for a Disabled Dependent
	(Rep. J. Dougall) (Sep. W. Niederhauser)

Transportation, Public Utilities and Technology Committee

1st Sub. H.B. 290 Pr	rohibition of	Wireless	Communication	Device	Use in a
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Motor Vehicle (Rep. S. Clark) (Sen. L. Hillyard)

H.B. 325 Opting Out of the Real Id Act (Rep. S. Sandstrom)

(Sen. M. Madsen)

H.B. 387 Motorcycle Helmet Amendments (Rep. R. Menlove)

(Sen. S. Jenkins)

Margaret Dayton
Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

SECOND READING CALENDAR

On motion of Senator Bell, **1st Sub. S.B. 165**, STATUTE OF LIMITATION REVISIONS, was read the second time and circled.

* * *

On motion of Senator Bell, **S.B. 170**, JUDICIARY AMENDMENTS, was read the second time and circled.

* * *

S.B. 176, CIVIL FEES IN COURTS OF RECORD AMENDMENTS, was read the second time. Senator Greiner explained the bill. Senators Waddoups and McCoy commented. The bill passed second reading on the following roll call:

Yeas, 15; Nays, 11; Absent, 3.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Greiner	Jenkins	Jones	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Robles	Romero	

Voting in the negative were: Senators

Bramble	Buttars	Hinkins	Madsen
Okerlund	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Goodfellow Hillyard Killpack

* * *

On motion of Senator Bramble, the circle was removed from **1st Sub. S.B. 199**, EQUAL RECOGNITION OF SCHOOL PARENT GROUPS, and it was before the Senate. Senator Bramble explained the bill. Senators Jones and Stowell commented.

On motion of Senator Bramble, under suspension of the rules, **1st Sub. S.B. 199**, EQUAL RECOGNITION OF SCHOOL PARENT GROUPS, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 21; Nays, 7; Absent, 1.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Dayton
Goodfellow	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Okerlund	Robles	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
W/- 11			

Waddoups

Voting in the negative were: Senators

Bell Greiner Hillyard Hinkins

Liljenquist Morgan Romero

Absent or not voting was: Senator

Davis

1st Sub. S.B. 199 was transmitted to the House.

* * *

S.B. 182, CRIMINAL RESTITUTION AMENDMENTS, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner

Hinkins	Jenkins	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassall	Waddoups		

Van Tassell Waddoups

Voting in the negative was: Senator

Hillyard

Absent or not voting were: Senators

Jones Madsen

* * *

S.J.R. 12, JOINT RESOLUTION SUPPORTING EXPANSION OF CORRECTIONAL FACILITIES IN SAN JUAN COUNTY, was read the second time. Senator Hinkins explained the bill. Senators Van Tassell, Goodfellow, Okerlund, and Stowell commented. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Van Tassell	Waddoups	

Absent or not voting were: Senators

Jones Valentine

* * *

On motion of Senator Hillyard, the circle was removed from **S.B. 170**, JUDICIARY AMENDMENTS, and it was before the Senate. Senator Hillyard explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 2, Line 44: Delete line 44 2. Page 15, Line 440–450: Delete lines 440 to 450

Senator Hillyard's motion to amend passed on a voice vote.

###

Senator Hillyard proposed the following amendment:

- 1. Page 21, Lines 619 through 630
 - Section 17. Section 78B–7–205 is amended to read:
 - 620 78B-7-205. Service Income withholding Expiration.
 - 621 (1) If the court enters an ex parte child protective order or a child protective order, the
 - 622 court shall:
 - 623 (a) make reasonable efforts to ensure that the order is understood by the petitioner and
 - 624 the respondent, if present;
 - 625 (b) as soon as possible transmit the order to the county sheriff for service; $\{--\}$ and $\{--\}$
 - 626 (c) by the end of the next business day after the order is entered, transmit <u>electronically</u>
 - 627 a copy of the order to any law enforcement agency designated by the petitioner and to the
 - 628 statewide domestic violence network described in Section 78B-7-113 $\{-\frac{1}{2}\}$: and
 - 629 (d) transmit a copy of the order to the statewide domestic violence network described
 - 630 <u>in Section 78B-7-113.</u>

Senator Hillyard's motion to amend passed second reading on a voice vote. The bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner

Hillyard	Hinkins	Jenkins	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Jones

* * *

On motion of Senator Madsen, the circle was removed from **1st Sub. S.B. 165**, STATUTE OF LIMITATIONS REVISIONS, and it was before the Senate. Senator Madsen explained the bill. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars Jones

* * *

S.J.R. 14, JOINT RESOLUTION – CHALLENGING THE LEGALITY OF A CONVICTION OR SENTENCE, was read the second time. Senator Bramble explained the bill. Senators Greiner, Bell, Hillyard, Buttars, and Valentine commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 6; Absent, 1.

Bell	Bramble	Buttars	Christensen
Dayton	Greiner	Hinkins	Jenkins
Killpack	Knudson	Liljenquist	Madsen
Mayne	Niederhauser	Okerlund	Robles
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative were: Senators

Davis Goodfellow Hillyard McCoy

Morgan Romero

Absent or not voting was: Senator

Jones

* * *

S.B. 163, CONSTRUCTION TRADE EXEMPTION, was read the second time. Senator Urquhart explained the bill. Senator Mayne commented. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoune	_	

Van Tassell Waddoups

Absent or not voting were: Senators

Hillyard Jones Knudson

* * *

S.B. 64, ADMINISTRATIVE RULES REVIEW COMMITTEE, was read the second time. Senator Stephenson explained the bill.

Senator Stephenson proposed the following amendment:

- 1. Page 3, Line 89 through Page 4, Line 92
 - 89 <u>(8) (a) Independent of its power to review administrative rules, the committee may</u>
 - 90 review any appropriation made by the Legislature, whether in an appropriations bill or
 - 91 otherwise, to ensure that the entity to which the funds were appropriated complies with any

- 92 {-<u>expressed</u>} <u>legislative intent concerning the appropriation expressed in the legislation appropriating the funds</u>.
- 2. Page 4, Lines 93 through 95:
 - 93 (b) If the committee finds that an entity has not complied with any {-expressed }
 - 94 <u>legislative intent concerning an appropriation</u> <u>expressed in the legislation appropriating the funds</u>, the committee shall report the finding to the
 - 95 <u>Legislature's Executive Appropriations Committee.</u>

Senator Stephenson's motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Killpack	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urguhart	Van Tassell	_	

Absent or not voting were: Senators

Buttars	Hillyard	Jones	Knudson
Madsen	Valentine	Waddoups	

* * *

2nd Sub. S.B. 124, INDEMNIFICATION FOR DESIGN PROFESSIONAL SERVICES, was read the second time. Senator Bell explained the bill. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 1; Absent, 8.

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Killpack	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Van Tassell

Voting in the negative was: Senator

Stephenson

Absent or not voting were: Senators

Buttars Hillyard Jones Knudson Madsen Urquhart Valentine Waddoups

On motion of Senator Bell, the Senate voted to include the following intent language in the Senate Journal.

INTENT LANGUAGE for 2nd Sub. S.B. 124

It is the intent of the Legislature that any contract with a design professional subject to this bill's requirements should contain provisions identifying those persons or entities, whether by name or role, who are considered within the direct or indirect control or responsibility of the design professional.

* * *

S.B. 164, IN PERSON VOTER REGISTRATION, was read the second time. Senator McCoy explained the bill. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 1; Absent, 7.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Killpack	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson

Van Tassell

Voting in the negative was: Senator

Stowell

Absent or not voting were: Senators

Buttars Hillyard Jones Knudson

Urquhart Valentine Waddoups

* * *

On motion of Senator Stephenson, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Stephenson, the circle was removed from **S.B. 43**, INSURANCE COVERAGE FOR AUTISM SPECTRUM DISORDERS – CLAY'S LAW, and it was before the Senate. Senator Stephenson explained the bill. Senators Christensen, Romero, Robles, Liljenquist, Killpack, and Davis commented. The bill passed on the following roll call:

Yeas, 21; Nays, 4; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Hinkins	Jenkins
Killpack	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Valentine
Van Tassell			

Voting in the negative were: Senators

Dayton Greiner Madsen Waddoups

Absent or not voting were: Senators

Hillyard Jones Knudson Urquhart

S.B. 43 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Jenkins, the circle was removed from **S.B. 171**, MUNICIPAL ANNEXATION AMENDMENTS, and it was before the Senate.

On motion of Senator Jenkins, the following substitute bill replaced the original bill:

1st Sub. S.B. 171 Municipal Annexation Amendments (S. Jenkins)

On motion of Senator Jenkins, the bill was circled.

On motion of Senator Killpack and at 4:10 p.m., the Senate adjourned until 9:30 a.m., Monday, March 2, 2009.

THIRTY-FIFTH DAY

MORNING SESSION

March 2, 2009

The Senate was called to order at 9:50 a.m., with President Michael Waddoups presiding.

Prayer – Pastor Mike Sanders, Washington Heights Baptist Church Pledge of Allegiance – Senator Pat Jones Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 27, 2009

The House passed, as amended, **H.B. 89**, PROSTHETIC LIMB HEALTH INSURANCE PARITY, by Representative D. Litvack, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 211**, RETIREMENT INVESTMENT REPORTS, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 259, CHANGES TO IMPACT FEES, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 400**, PETE SUAZO UTAH ATHLETIC COMMISSION AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 418**, DELINQUENT PROPERTY TAX AMENDMENTS, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed **H.J.R. 22**, JOINT RESOLUTION – UTAH'S MEDICAID ASSET TEST, by Representative R. Chavez–Houck, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 89, 1st Sub. H.B. 211, 1st Sub. H.B. 259, 2nd Sub. H.B. 400, H.B. 418, and H.J.R. 22 were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President:

February 27, 2009

The Business and Labor Committee reports a favorable recommendation on **S.B. 187**, ALCOHOL AMENDMENTS, by Senator J. Valentine.

John L. Valentine, Chair

On motion of Senator Jenkins, the committee report was adopted. **S.B. 187** was placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President:

February 27, 2009

The Health and Human Services Committee reports a favorable recommendation on **H.B. 144**, MEDICAL LANGUAGE INTERPRETER ACT, by Representative R. Chavez–Houck, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 254**, HEALTH PROFESSIONAL AUTHORITY – DEATH CERTIFICATES, by Representative B. Last, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Health and Human Services Committee reports a favorable recommendation on **H.J.R. 3**, JOINT RESOLUTION SUPPORTING EFFORTS TO INCREASE AND IMPROVE CANCER TREATMENT, SCREENING, AND RESEARCH PROGRAMS, by Representative S. Duckworth, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Health and Human Services Committee reports a favorable recommendation on **1st Sub. H.J.R. 5**, JOINT RESOLUTION SUPPORTING NEEDED IMPROVEMENTS IN THE NAVAJO NATION'S ABILITY TO COLLECT AND TRACK CHILD SUPPORT PAYMENTS, by Representative

C. Watkins, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

On motion of Senator Jenkins, the committee reports were adopted. **H.B. 144**, **H.B. 254**, **H.J.R. 3**, and **H.J.R. 5** were considered read the second time and placed on the Consent Calendar.

THIRD READING CALENDAR

S.B. 179, SAFETY BELT ENFORCEMENT AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 20; Nays, 6; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jones	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Van Tassell

Voting in the negative were: Senators

Buttars Dayton Jenkins Madsen

Stephenson Waddoups

Absent or not voting were: Senators

Killpack Knudson Valentine

S.B. 179 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 53, AWARDING OF ATTORNEY FEES, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

Yeas, 20; Nays, 8; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Niederhauser	Okerlund
Stowell	Urquhart	Van Tassell	Waddoups

Voting in the negative were: Senators

Davis Goodfellow Mayne McCoy Morgan Robles Romero Stephenson

Absent or not voting was: Senator

Valentine

1st Sub. S.B. 53 was transmitted to the House for consideration.

* * *

On motion of Senator Greiner, **S.B. 176**, CIVIL FEES IN COURTS OF RECORD AMENDMENTS, was read the third time and circled.

* * *

S.B. 182, CRIMINAL RESTITUTION AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Van Tassall	Waddanna		-

Van Tassell Waddoups

Absent or not voting were: Senators

Christensen Davis Valentine

S.B. 182 was transmitted to the House for consideration.

* * *

S.J.R. 12, JOINT RESOLUTION SUPPORTING EXPANSION OF CORRECTIONAL FACILITIES IN SAN JUAN COUNTY, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Dayton
Goodfellow	Greiner	Hillyard	Hinkins

Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Van Tassall	Waddana		

Van Tassell Waddoups

Absent or not voting were: Senators

Christensen Davis Valentine

S.J.R. 12 was transmitted to the House for consideration.

* * *

S.B. 170, JUDICIARY AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting was: Senator

Valentine

S.B. 170 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 165, STATUTE OF LIMITATION REVISIONS, was read the third time and explained by Senator Madsen.

Senator Madsen proposed the following amendment:

1. Page 1, Line 13: After "again" delete "if"

Senator Madsen's motion to amend passed on a voice vote. Senator Hillyard commented and the bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

618

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urauhart	Van Tassell	Waddouns	

Urquhart Van Tassell Waddoups

Absent or not voting were: Senators

Killpack Valentine

1st Sub. S.B. 165 was transmitted to the House for consideration.

* * *

S.J.R. 14, JOINT RESOLUTION – CHALLENGING THE LEGALITY OF A CONVICTION OR SENTENCE, was read the third time and explained by Senator Bramble. Senators McCoy, Romero commented and the bill passed on the following roll call:

Yeas, 23; Nays, 6; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Greiner	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Morgan	Niederhauser	Okerlund
Robles	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Davis	Goodfellow	Hillyard	Mayne
McCoy	Romero		

S.J.R. 14 was transmitted to the House for consideration.

On motion of Senator Bramble, the Senate voted to include the following intent language in the Senate Journal.

INTENT LANGUAGE for S.J.R. 14

The Legislature intends that when S.J.R. 14 takes effect, all cases, including pending cases, in which a person challenges the legality of a conviction or sentence will be governed by the amendment under S.J.R. 14. This means that any person challenging the legality of a conviction or sentence, including a person with a case pending at the time S.J.R. 14 takes effect, may challenge the legality of a conviction or sentence only as and to the extent provided by statute, subject to the exceptions stated in Article I, Section 30, Subsection (2), as enacted under S.J.R. 14.

* * *

On motion of Senator Urquhart, **S.B. 163**, CONSTRUCTION TRADE EXEMPTION, was read the third time and circled.

* * *

S.B. 64, ADMINISTRATIVE RULES REVIEW COMMITTEE, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Okerlund	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Hillyard Niederhauser Robles

S.B. 64 was transmitted to the House for consideration.

* * *

2nd Sub. S.B. 124, INDEMNIFICATION FOR DESIGN PROFESSIONAL SERVICES, was read the third time, explained by Senator Bell, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins

Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble Hillyard

2nd Sub. S.B. 124 was transmitted to the House for consideration.

* * *

S.B. 164, IN PERSON VOTER REGISTRATION, was read the third time and explained by Senator McCoy. Senators Stephenson and Buttars commented.

On motion of Senator McCoy, the bill was circled.

* * *

On motion of Senator Stephenson, the circle was removed from **H.B. 32**, AMENDMENTS TO AGENCY RULEMAKING REGARDING CRIMINAL PENALTIES, and it was before the Senate. Senators Dayton and Jenkins commented. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Davis Killpack

H.B. 32 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Bell, the Senate voted to lift **S.B. 184**, CIVIL FILING FEES, to the top of the Second Reading Calendar.

S.B. 184, CIVIL FILING FEES, was read the second time.

On motion of Senator Bell, the following substitute bill replaced the original bill:

1st Sub. S.B. 184 Civil Filing Fees (G. Bell)

The bill was placed back on the Second Reading Calendar under S.B. 183.

* * *

On motion of Senator Jenkins, the circle was removed from **1st Sub. S.B. 171**, MUNICIPAL ANNEXATION AMENDMENTS, and it was before the Senate.

On motion of Senator Jenkins, the bill was circled.

* * *

On motion of Senator Madsen, the Senate voted to lift **H.J.R. 1**, RESOLUTION URGING THE WITHDRAWAL OF UNITED STATES' WORLD TRADE ORGANIZATION COMMITMENT ON GAMBLING, from Rules and place it at the top of the Second Reading Calendar. Senator Hillyard commented.

H.J.R. 1, RESOLUTION URGING THE WITHDRAWAL OF UNITED STATES' WORLD TRADE ORGANIZATION COMMITMENT ON GAMBLING, was read the second time.

On motion of Senator Madsen, the following substitute bill replaced the original bill:

1st Sub. H.J.R. 1 Resolution Urging The Withdrawal Of United States' World Trade Organization Commitment On Gambling (S. Allen)

On motion of Senator Madsen, the bill was circled.

* * *

S.B. 157, PROPERTY TAXATION AND REGISTRATION OF AIRCRAFT, was read the second time. Senator Madsen explained the bill.

Senator Madsen proposed the following amendment:

1. Page 2, Lines 54 through 58

- 54 (b) (i) For purposes of Subsection (1)(a)(iii), operating property of an air charter service
- 55 does not include an aircraft that is:
- $\{-\underbrace{(i)}\}$ $\underline{(A)}$ used by the air charter service for air charter; and
- $57 {-(ii)}$ owned by a person other than the air charter service.
 - (ii) For purposes of this Subsection (1)(b):
- (A) "person" means a natural person, individual, corporation, organization, or other legal entity; and
- (B) a person does not qualify as a person other than the air charter service as described in Subsection (1)(b)(i)(B) if the person is:
 - (I) a principal, owner, or member of the air charter service; or
- (II) a legal entity that has a principal, owner, or member of the air charter service as a principal, owner, or member of the legal entity.
- 58 (2) The commission shall assess and collect property tax on state-assessed commercial

Senator Madsen's motion to amend passed on a voice vote. Senator Greiner commented. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Waddoups		

Absent or not voting were: Senators

Buttars Killpack Van Tassell

* * *

On motion of Senator Jenkins, the circle was removed from **1st Sub. S.B. 171**, MUNICIPAL ANNEXATION AMENDMENTS, and it was before the Senate.

Senator Jenkins proposed the following amendment:

- 1. Page 1, Line 25
 - 25 annexation petition if the area is <u>an unincorporated island or peninsula of</u> 50 acres or less and the municipality and county
- 2. Page 10, Line 276:
 - 276 (iii) (A) the area consists of :

(I) an unincorporated island within or an unincorporated peninsula contiguous to the municipality; and

(II) no more than 50 acres; and

Senator Jenkins' motion to amend passed on a voice vote. Senator Jenkins explained the bill. Senator Bramble commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 4; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Jenkins	Jones	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Robles	Stephenson	Urquhart
Valentine	Waddoups	_	_

Voting in the negative were: Senators

Hinkins Okerlund Romero Stowell

Absent or not voting were: Senators

Killpack Madsen Van Tassell

* * *

S.B. 169, GAMBLING AMENDMENTS, was read the second time. Senator Liljenquist explained the bill.

Senator Liljenquist proposed the following amendment:

- 1. Page 1, Line 26 through Page 2, Line 28
 - 26 { <u>(1) "Anything of value" includes inconvenience, effort, time, cost of mailing, and</u>
 - 27 <u>transportation expenses.</u> }

28	$\{-(2)$	} <u>(1)</u>	<u>(a)</u>	"Fringe	gambling"	means	any
gambling,	lottery.	or video	gaming	device w	hich		

- 2. Page 2, Line 36:
 - 36 [(1)] $\{-(3)\}$ $\{2)$ (a) "Gambling" means risking anything of value for a return or risking
- 3. Page 2, Line 47:
 - 47 [(2)] $\{-(4)\}$ $\underline{(3)}$ "Gambling bet" means money, checks, credit, or any other representation of
- 4. Page 2, Line 49:
 - 49 [(3)] $\{-(5)\}$ (4) "Gambling device or record" means anything specifically designed for use in
- 5. Page 2, Lines 51 through 52:
 - 51 [(4)] $\{-(6)\}$ (5) "Gambling proceeds" means anything of value used in gambling.
 - 52 [(5)] $\{-(7)\}$ $\underline{(6)}$ "Lottery" means any scheme for the disposal or distribution of property by
- 6. Page 3, Lines 72 through 74:
 - 72 <u>{(9) Any gambling, lottery, video gaming device, or promotional game of chance which</u>
 - 73 <u>is made available to the public for a period of more than 90 days</u> <u>within a one-year period is</u>
 - 74 <u>fringe gambling.</u>}

Senator Liljenquist's motion to amend passed on a voice vote. Senator Romero commented. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Valentine
Waddoups			

Voting in the negative was: Senator

Urquhart

Absent or not voting were: Senators

Bramble Killpack Van Tassell

* * *

1st Sub. S.B. 180, EXPUNGEMENT OF DIVISION OF CHILD AND FAMILY SERVICES RECORDS, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jones	Knudson	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Waddoups

Absent or not voting were: Senators

Bramble Jenkins Liljenquist Killpack

Van Tassell

* * *

S.B. 183, VIOLATION OF A PROTECTIVE ORDER, was read the second time. Senator McCoy explained the bill. Senator Dayton commented. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups	_	

Voting in the negative was: Senator

Waddoups

Romero

Absent or not voting were: Senators

Buttars Killpack

* * *

1st Sub. S.B. 184, CIVIL FILING FEES, was before the Senate. Senator Bell explained the bill. Senators Buttars, Jones, and Bramble commented.

On motion of Senator Bramble, the bill was circled.

* * *

On motion of Senator Jenkins, and at 11:50 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:20 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 2, 2009

The House passed, **S.B. 141**, AVIATION FUEL TAX AMENDMENTS, by Senator W. Niederhauser, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 141 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 2, 2009

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 59**, SUBPOENAS FOR RECORDS IN CERTAIN CRIMINAL INVESTIGATIONS, by Representative B. Daw, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B.** 69, GUARDIAN AD LITEM AMENDMENTS, by Representative W. Harper, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 154**, STATE CONSTRUCTION REGISTRY AMENDMENTS, by Representative M. Morley, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 241**, PRIORITY OF WATER RIGHTS, by Representative K. Gibson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 243**, RENTAL RESTRICTIONS ON CONDOMINIUMS AND COMMON INTEREST COMMUNITIES, by Representative G. Froerer, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 261**, AVIATION AMENDMENTS, by Representative W. Harper, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 271**, WORKERS' COMPENSATION – UNINSURED EMPLOYERS' FUND, by Representative M. Morley, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.C.R. 5**, CONCURRENT RESOLUTION URGING THE REALIGNMENT OF AIR QUALITY NON-ATTAINMENT DESIGNATIONS BY THE EPA, by Representative R. Menlove, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

2nd Sub. H.B. 59, H.B. 69, H.B. 154, H.B. 241, 3rd Sub. H.B. 243, H.B. 261, H.B. 271, and 1st Sub. H.C.R. 5, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President:

March 2, 2009

The House passed, as substituted and amended, **1st Sub. H.B. 64**, DETERRING ILLEGAL IMMIGRATION, by Representative B. Dee, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 192**, PERSONAL INJURY JUDGMENT INTEREST, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed **H.B. 412**, ENERGY POLICY AMENDMENTS, by Representative R. Barrus, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 413**, COUNTY AUTHORITY AMENDMENTS, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed **H.J.R. 14**, JOINT RULES RESOLUTION – ETHICS TRAINING COURSE PROVISIONS, by Representative L. Fowlke, and it is transmitted for consideration; and

The House passed, as amended, **H.J.R. 25**, JOINT RESOLUTION URGING EMPLOYERS TO HIRE ONLY INDIVIDUALS WHO ARE AUTHORIZED TO WORK IN THE UNITED STATES, by Representative C. Herrod, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 64, H.B. 192, H.B. 412, 1st Sub. H.B. 413, H.J.R. 14,** and **H.J.R. 25** were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: March 2, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 223**, CITY AND COUNTY CARBON CREDITS FOR SEQUESTRATION OF WASTE STREAM MATERIALS, by Senator R. Romero, with the following amendments:

- 1. Page 2, Lines 31 through 33:
 - 31 <u>A municipality providing waste and garbage collection and disposal services that</u>
 - 32 <u>converts material to charcoal or biochar</u> <u>and sequesters the charcoal or biochar as fertilizer</u> <u>as part of the waste and garbage collection and</u>
 - 33 <u>disposal services may seek and sell or trade carbon credits on any market</u> <u>or exchange</u> <u>for carbon credits.</u>
- 2. Page 4, Lines 91 through 93:
 - 91 (6) A county providing waste and garbage collection and disposal services that
 - 92 <u>converts material to charcoal or biochar</u> <u>and sequesters the charcoal or biochar as fertilizer</u> <u>as part of the waste and garbage</u> collection and
 - 93 <u>disposal services may seek and sell or trade carbon credits on any market</u> <u>or exchange</u> <u>for carbon credits.</u>; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 248**, TAX AMENDMENTS, by Senator G. Bell; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 108**, HORMONE RESTORATION AMENDMENTS, by Representative D. Aagard; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **1st Sub. H.B. 126**, VOTER IDENTIFICATION FOR ELECTIONS, by Representative B. Daw.

Peter C. Knudson, Chair

Mr. President: March 2, 2009

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 216**, REVISIONS TO MILITARY INSTALLATION DEVELOPMENT AUTHORITY ACT, by Senator M. Madsen; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 317**, CAPITAL FELONY AMENDMENTS, by Representative C. Wimmer.

Mark B. Madsen, Chair

Mr. President:

February 27, 2009

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 234**, MOTOR VEHICLE REGISTRATION FEES, by Senator R. Okerlund; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **1st Sub. H.B. 151**, MOTOR VEHICLE FORFEITURE AMENDMENTS, by Representative C. Herrod; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 202**, SCHOOL DISTRICT TRAFFIC VIOLATION COMPLAINT PROCEDURES, by Representative W. Harper.

Kevin Van Tassell, Chair

On motion of Senator Killpack, the committee reports were adopted. S.B. 223, as amended, S.B. 248, H.B. 108, 1st Sub. H.B. 126, S.B. 216, H.B. 317,

S.B. 234, 1st Sub. H.B. 151, and H.B. 202 were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: March 2, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B.** 197, REAUTHORIZATION OF ADMINISTRATIVE RULES, by Representative B. Ferry, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 375**, LOCAL GOVERNMENT RECORDS AMENDMENTS, by Representative R. Wilcox, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

Mr. President: March 2, 2009

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 292**, TRAFFIC VIOLATION AND CITATION AMENDMENTS, by Representative D. Ipson, and recommends it be considered read for the second time and placed on the Consent Calendar.

Mark B. Madsen, Chair

Mr. President: February 27, 2009

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 215**, JUSTICE FOR ALL SPECIAL GROUP LICENSE PLATE, by Senator G. Bell, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 218**, COMMUNITY ANIMAL SHELTER AND ADOPTION SUPPORT SPECIAL GROUP LICENSE PLATE, by Senator P. Knudson, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar:

- 1. Page 3, Lines 60 through 61:
 - 60 <u>animal shelters and animal adoptions;</u> {-<u>and</u>} (c) have a humane animal welfare facility located in a county of the

first class that:

- (i) has the capacity to hold at least 400 animals; and
- (ii) has a low cost spay and neuter clinic located on the premises of the facility:
 - (d) employ:
- (i) at least one full–time veterinarian that administers a low cost spay and neuter program;
- (ii) at least one full–time animal cruelty investigator that assists in identifying animals for adoption;
 - (iii) at least one full–time animal adoption transfer coordinator; and (iv) at least one full–time foster care coordinator; and
- 61 {-(c) } (e) contribute to the start-up fee for the production and administrative costs for
- 2. Page 3, Lines 69 through 73:
 - 69 (ii) pay the costs $\{-\underline{of}\}$ associated with transferring animals to other animal adoption agencies shelters, or rescue groups throughout the state. $\{-\underline{\dot{s}}\}$
 - 70 <u>(iii) provide educational materials and publications on animal shelter and adoption</u>
 - 71 programs; and
 - 72 <u>(iv) establish or administer other programs that provide or support animal shelters or</u>
 - 73 <u>animal adoptions.</u> }

Kevin Van Tassell, Chair

On motion of Senator Dayton, the committee reports were adopted. **H.B. 197**, **H.B. 375**, **H.B. 292**, **S.B. 215**, and **S.B. 218**, as amended, were considered read the second time and placed on the Consent Calendar.

Mr. President:

February 27, 2009

The Transportation and Public Utilities and Technology Committee has returned **S.B. 221**, DEDICATION AND ABANDONMENT OF A HIGHWAY, by Senator M. Madsen, to the Rules Committee.

Kevin Van Tassell, Chair

INTRODUCTION OF BILLS

- **S.B. 271**, **Judicial Conduct Commission Amendments** (G. Davis), read the first time by short title and referred to the Rules Committee.
- **S.J.R. 18**, **Joint Resolution on Fiscal Note Process** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

S.B. 29, SAFE DRINKING WATER ACT AMENDMENTS, was read the second time. Senator Stowell explained the bill.

On motion of Senator Stowell, the following substitute bill replaced the original bill:

1st Sub. S.B. 29 Safe Drinking Water Act Amendments (D. Stowell)

Senators Jones, McCoy, Buttars, Christensen, Knudson, and Okerlund commented. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 8; Absent, 1.

Voting in the affirmative were: Senators

Bramble	Buttars	Davis	Goodfellow
Hillyard	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	Mayne
Okerlund	Robles	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

Bell	Christensen	Dayton	Greiner
Knudson	McCov	Morgan	Romero

Absent or not voting was: Senator

Niederhauser

INTRODUCTION OF BILLS

S.B. 5, Revenue Bond and Capital Facilities Authorizations (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

S.B. 78, PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES, was read the second time.

On motion of Senator Madsen, the following substitute bill replaced the original bill:

1st Sub. S.B. 78 Protection of Constitutionally Guaranteed Activities in **Certain Private Venues** (M. Madsen)

Senator Madsen explained the bill. Senators Valentine, Liljenquist, Stephenson, Jones, McCoy, and Romero commented. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 3; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Jones Robles Romero

Absent or not voting was: Senator

Davis

* * *

On motion of Senator Stephenson, the Senate voted to recall H.B. 32, AMENDMENTS TO AGENCY RULEMAKING REGARDING CRIMINAL PENALTIES, from the House for the purpose of an amendment.

On motion of Senator Stephenson, the Senate voted to reconsider its action on **H.B. 32**.

H.B. 32, AMENDMENTS TO AGENCY RULEMAKING REGARDING CRIMINAL PENALTIES, was before the Senate and explained by Senator Stephenson.

Senator Stephenson proposed the following amendment:

- 1. Page 1, Line 25 House Floor Amendments 2-4-2009
 - 25 {-None-} This bill coordinates with H.B. 11, Recodification of Natural Resources Provisions, by providing amendments.
- 2. Page 21b, Lines 632bk through 633 House Committee Amendments 1–27–2009:
 - 632bk legal and constitutional requirement s.

Section 14. Coordinating H.B. 32 and H.B. 11.

If this H.B. 32 and H.B. 11, Recodification of Natural Resources Provisions, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, shall change Section 63–11–17.3, which is repealed and reenacted in this bill, so that the reenacted section reads:

"79-4-502. Violations of rules.

Unless otherwise provided in this title, a violation of any rule of the Board of Parks and Recreation is an infraction." $\hat{\mathbf{H}}$ 633 Section $\hat{\mathbf{H}}$ [14] {-15} 16 $\hat{\mathbf{H}}$ Repealer.

633 Section $\ddot{H} \rightarrow [14] \{ -\underline{15} \}$ $\underline{16} \leftarrow \ddot{H}$. Repealer. Senator Stephenson's motion to amend passed on a voice vote. The bill

passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

BellBrambleButtarsChristensenDavisDaytonGoodfellowGreinerHinkinsJenkinsJonesKillpack

Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Hillyard

H.B. 32 was returned to the House for further consideration.

* * *

S.C.R. 4, RESOLUTION SUPPORTING OBESITY AWARENESS, was read the second time.

On motion of Senator Buttars, the following substitute bill replaced the original bill:

1st Sub. S.C.R. 4 Resolution Supporting Obesity Awareness (D.C. Buttars)

Senator Buttars explained the bill. Senator Romero commented. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 1; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Liljenquist	Madsen
Mayne	McCoy	Morgan	Okerlund
Robles	Romero	Stephenson	Stowell
Valentine	Van Tassell	Waddoups	

Voting in the negative was: Senator

Dayton

Absent or not voting were: Senators

Hillyard Killpack Knudson Niederhauser Urguhart

* * *

S.B. 186, AMENDMENTS TO STATE TAX COMMISSION PENALTY PROVISIONS, was read the second time. Senator Stephenson explained the bill.

Senator Stephenson proposed the following amendment:

1. Page 2, Line 28

636

This bill has retrospective operation to January 1, 2009.

<u>This bill coordinates with S.B. 108, Tax Commission</u>
<u>Administration, Collection, and Enforcement Amendments, by</u>
<u>providing substantive and technical amendments.</u>

- 2. Page 4, Lines 92 through 97:
 - 92 (D) Section 19–6–410.5; (E) Section 19-6-714; 93 $\{-(E)\}$ (F) Section 19-6-805; 94 (G) Section 40–6–14; {_(F) } 95 $\{-(G)\}$ (H) Section 69–2–5; 96 (I)Section 69-2-5.5; or {—<u>(H)</u> }

(J)

3. Page 20, Line 602:

{_} }

97

After Line 602 insert:

Section 4.

<u>Coordinating S.B. 186 with S.B. 108 — Substantive and technical amendments.</u>

Section 69-2-5.6; or

If this S.B. 186 and

- S.B. 108, Tax Commission Administration, Collection, and Enforcement Amendments, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel prepare the Utah Code database for publication as follows:
- (1) modify Subsection 59–1–401(3) as amended in this bill to read:
- <u>"</u> (3) (a) [If a] A person [fails to pay a tax, fee, or charge due, the person] is subject to a penalty [as provided in this Subsection (3).] for failure to pay a tax, fee, or charge if:
- [(b) (i) A penalty in the amount described in Subsection (3)(b)(ii) is imposed if:]
- [(A) a] (i) the person files a return [with respect to a nonqualifying obligation] on or before the due date for filing a return described in Subsection (2)(a), but fails to pay the [nonqualifying obligation] tax, fee, or charge due on the return on or before that due date;
- [(B) a] (ii) the person:
- [(1)] (A) is subject to a penalty under Subsection (2)(b); and

[(II)] (B) fails to pay [a nonqualifying obligation] the tax, fee, or charge due on a return within a 90–day period after the due date for filing a return described in Subsection (2)(a);

(iii) (A) the person is subject to a penalty under Subsection (2)(b); and

(B) the commission estimates an amount of tax due for that person in accordance with Subsection 59–1–1406(2);

 $[(C) a] \{ (iii) \}$ (iv) the person:

 $[\underbrace{(1)}]$ (A) is mailed a notice of deficiency; and

[(H)] (B) within a 30-day period after the day on which the notice of deficiency described in Subsection [(3)(b)(i)(C)(I)] (3)(a) $\{-(iii)\}$ (iv) (A) is mailed:

 $[\!\![(Aa) \!\!]]$ (\underline{I}) does not file a petition for redetermination or a request for agency action; and

[(Bb)] (II) fails to pay [a nonqualifying obligation] the tax, fee, or charge due on a return;

[(D)(I)] $\{-(iv)\}$ (v) (A) the commission:

[(Aa)] (I) issues an order constituting final agency action resulting from a timely filed petition for redetermination or a timely filed request for agency action; or

[(Bb)] (II) is considered to have denied a request for reconsideration under Subsection 63G-4-302(3)(b) resulting from a timely filed petition for redetermination or a timely filed request for agency action; and

[(H) a] (B) the person fails to pay [a nonqualifying obligation] the tax, fee, or charge due on a return within a 30-day period after the date the commission:

[(Aa)] (I) issues the order constituting final agency action described in Subsection [(3)(b)(i)(D)(I)(Aa)] (3)(a) $\{-(iv)\}$ (v) (A)(I); or [(Bb)] (II) is considered to have denied the request for reconsideration described in Subsection [(3)(b)(i)(D)(I)(Bb)] (3)(a) $\{-(iv)\}$ (v) (A)(II); or

[(E) a] $\{-(v)$ } (vi) the person fails to pay [a nonqualifying obligation] the tax, fee, or charge within a 30—day period after the date of a final judicial decision resulting from a timely filed petition for judicial review.

[(ii)] (b) For purposes of Subsection [(3)(b)(i)] (3)(a), the penalty is an amount equal to the greater of:

(i) if the failure to pay a tax, fee, or charge as described in Subsection (3)(a) is with respect to an unactivated tax, fee, or charge:

(A) \$20; or

- (B) 10% of the unpaid [nonqualifying obligation] unactivated tax, fee, or charge due on the return[-]; or
- [(c) (i) This Subsection (3)(c) applies to a penalty:]
- [(A) imposed on or after the phase I activation date with respect to a phase I obligation; or]
- [(B) imposed on or after the phase II activation date with respect to a phase II obligation.]
- [(ii) (A) The penalty described in Subsection (3)(c)(ii)(B) applies if a person:]
- [(I) with respect to a phase I obligation:]
- [(Aa) files a return on or before the due date for filing a return described in Subsection (2)(a); and]
- [(Bb) fails to pay the phase I obligation due on the return on or before the due date described in Subsection (2)(a); or]
- [(II) with respect to a phase II obligation:]
- [(Aa) files a return on or before the due date for filing a return described in Subsection (2)(a); and]
- [(Bb) fails to pay the phase II obligation due on the return on or before the due date described in Subsection (2)(a).]
- [(B) For purposes of Subsection (3)(c)(ii)(A), the penalty is an amount equal to the greater of:]
- (ii) if the failure to pay a tax, fee, or charge as described in Subsection (3)(a) is with respect to an activated tax, fee, or charge, beginning on the activation date:
- [(1)] (A) \$20; or
- [(H) (Aa)] (B) (I) 2% of the unpaid [phase I obligation or phase II obligation] activated tax, fee, or charge due on the return if the [phase I obligation or phase II obligation] activated tax, fee, or charge due on the return is paid no later than five days after the due date for filing a return described in Subsection (2)(a);
- [(Bb)] (III) 5% of the unpaid [phase I obligation or phase II obligation] activated tax, fee, or charge due on the return if the [phase I obligation or phase II obligation] activated tax, fee, or charge due on the return is paid more than five days after the due date for filing a return described in Subsection (2)(a) but no later than 15 days after that due date; or [(Cc)] (III) 10% of the unpaid [phase I obligation or phase II obligation] activated tax, fee, or charge due on the return if the [phase I obligation or phase II obligation] activated tax, fee, or charge due on the return is paid more than 15 days after the due date for filing a return described in Subsection (2)(a).
- [(iii) (A) A person is subject to a penalty as provided in Subsection

(3)(c)(iii)(B) if the person:

[(I) is subject to a penalty under Subsection (2)(c); and]

[(II) fails to pay a phase I obligation or phase II obligation due on a return within a 90-day period after the due date for filing a return described in Subsection (2)(a).]

[(B) For purposes of Subsection (3)(c)(iii)(A), the penalty is an amount equal to the greater of:]

[(I) \$20; or]

[(II) (Aa) 2% of the unpaid phase I obligation or phase II obligation due on the return if the phase I obligation or phase II obligation due on the return is paid no later than five days after the last day of the 90–day period described in Subsection (3)(c)(iii)(A)(II);]

[(Bb) 5% of the unpaid phase I obligation or phase II obligation due on the return if the phase I obligation or phase II obligation due on the return is paid more than five days after the last day of the 90 day period described in Subsection (3)(c)(iii)(A)(II) but no later than 15 days after the last day of the 90-day period described in Subsection (3)(c)(iii)(A)(II); or]

[(Cc) 10% of the unpaid phase I obligation or phase II obligation due on the return if the phase I obligation or phase II obligation due on the return is paid more than 15 days after the last day of the 90–day period described in Subsection (3)(c)(iii)(A)(II).]

[(iv) (A) A person is subject to a penalty as provided in Subsection (3)(c)(iv)(B) if the person:]

[(I) is mailed a notice of deficiency; and]

[(II) within a 30-day period after the day on which the notice of deficiency described in Subsection (3)(c)(iv)(A)(I) is mailed:]

[(Aa) does not file a petition for redetermination or a request for agency action; and]

[(Bb) fails to pay a phase I obligation or phase II obligation due on a return.]

[(B) For purposes of Subsection (3)(c)(iv)(A), the penalty is an amount equal to the greater of:]

[(I) \$20; or]

[(II) (Aa) 2% of the unpaid phase I obligation or phase II obligation due on the return if the phase I obligation or phase II obligation due on the return is paid no later than five days after the last day of the 30–day period described in Subsection (3)(c)(iv)(A)(II);]

[(Bb) 5% of the unpaid phase I obligation or phase II obligation due on the return if the phase I obligation or phase II obligation due on the return is paid more than five days after the last day of the 30-day period

described in Subsection (3)(c)(iv)(A)(II) but no later than 15 days after the last day of the 30-day period described in Subsection (3)(c)(iv)(A)(II); or]

[(Cc) 10% of the unpaid phase I obligation or phase II obligation due on the return if the phase I obligation or phase II obligation due on the return is paid more than 15 days after the last day of the 30–day period described in Subsection (3)(c)(iv)(A)(II).]

[(v) (A) A person is subject to a penalty as provided in Subsection (3)(c)(v)(B) if:]

[(I) the commission:]

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[(Aa) issues an order constituting final agency action resulting from a timely filed petition for redetermination or a timely filed request for agency action; or]

[(Bb) is considered to have denied a request for reconsideration under Subsection 63G-4-302(3)(b) resulting from a timely filed petition for redetermination or a timely filed request for agency action; and]

[(II) the person fails to pay a phase I obligation or phase II obligation due on a return within a 30–day period after the date the commission:] [(Aa) issues the order constituting final agency action described in Subsection (3)(c)(v)(A)(I)(Aa); or]

[(Bb) is considered to have denied the request for reconsideration described in Subsection (3)(c)(v)(A)(I)(Bb).]

[(B) For purposes of Subsection (3)(c)(v)(A), the penalty is an amount equal to the greater of:]

[(I) \$20; or]

[(II) (Aa) 2% of the unpaid phase I obligation or phase II obligation due on the return if the phase I obligation or phase II obligation due on the return is paid no later than five days after the last day of the 30-day period described in Subsection (3)(c)(v)(A)(II);

[(Bb) 5% of the unpaid phase I obligation or phase II obligation due on the return if the phase I obligation or phase II obligation due on the return is paid more than five days after the last day of the 30-day period described in Subsection (3)(c)(v)(A)(II) but no later than 15 days after the last day of the 30-day period described in Subsection (3)(c)(v)(A)(II); or]

[(Cc) 10% of the unpaid phase I obligation or phase II obligation due on the return if the phase I obligation or phase II obligation due on the return is paid more than 15 days after the last day of the 30–day period described in Subsection (3)(c)(v)(A)(II).]

[(vi) (A) A person is subject to a penalty as provided in Subsection (3)(c)(vi)(B) if within a 30-day period after the date of a final judicial

decision resulting from a timely filed petition for judicial review, the person fails to pay a phase I obligation or phase II obligation.]

[(B) For purposes of Subsection (3)(c)(vi)(A), the penalty is an amount equal to the greater of:]

[(I) \$20; or]

- [(II) (Aa) 2% of the unpaid phase I obligation or phase II obligation due on the return if the phase I obligation or phase II obligation due on the return is paid no later than five days after the last day of the 30-day period described in Subsection (3)(c)(vi)(A);]
- [(Bb) 5% of the unpaid phase I obligation or phase II obligation due on the return if the phase I obligation or phase II obligation due on the return is paid more than five days after the last day of the 30–day period described in Subsection (3)(c)(vi)(A) but no later than 15 days after the last day of the 30–day period described in Subsection (3)(c)(vi)(A); or] [(Cc) 10% of the unpaid phase I obligation or phase II obligation due on the return if the phase I obligation or phase II obligation due on the return is paid more than 15 days after the last day of the 30–day period described in Subsection (3)(c)(vi)(A).] ":
- (2) modify Subsection 59–1–401(5)(b) as amended in this bill to read:
- <u>"</u> (b) For purposes of Subsection (5)(a), the penalty per month during the period of the extension of time for filing the return is:
- (i) beginning on or after April 30, 2007, and ending on the last day of the taxable year beginning on or after January 1, 2008, but beginning on or before December 31, 2008, an amount equal to 2% of the {-unpaid-} tax due on the return[-] unpaid as of the day on which the return is due as provided by law; or
- (ii) for a taxable year beginning on or after January 1, 2009, an amount equal to .5% of the {-unpaid} } tax due on the return . unpaid as of the day on which the return is due as provided by law . "; and
- (3) modify Subsection 59–1–401(7)(a) as amended in this bill to read:
- " (7) (a) Additional penalties for [underpayments of tax] an underpayment of a tax, fee, or charge are as provided in this Subsection (7)(a).
- (i) Except as provided in Subsection (7)(c), if any <u>portion of an</u> underpayment of a tax, fee, or charge is due to negligence, the penalty is 10% of the <u>portion of the</u> underpayment <u>that is due to negligence</u>.
- (ii) Except as provided in Subsection (7)(d), if any <u>portion of an</u> underpayment of <u>a</u> tax, fee, or charge is due to intentional disregard of law or rule, the penalty is 15% of the <u>entire</u> underpayment.

Day 35

- (iii) {-For} If any portion of an underpayment is due to an intent to evade [the] a tax, fee, or charge, the penalty is the greater of \$500 per period or 50% of the {-tax, fee, or charge due } entire underpayment .
- (iv) If {-the-} any portion of an underpayment is due to fraud with intent to evade [the] a tax, fee, or charge, the penalty is the greater of \$500 per period or 100% of the entire underpayment."

Senator Stephenson's motion to amend passed on a voice vote. Senator Okerlund commented. The bill passed second reading on the following roll call:

Yeas, 16; Nays, 0; Absent, 13.

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Voting in the affirmative were: Senators

Bell	Christensen	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Mayne
Morgan	Okerlund	Robles	Romero
Stephenson	Stowell	Valentine	Waddoups

Absent or not voting were: Senators

Bramble	Buttars	Davis	Dayton
Hillyard	Killpack	Knudson	Liljenquist
Madsen	McCoy	Niederhauser	Urquhart
Van Tassell			

* * *

S.B. 67, MINERS' SAFETY AND TRAINING, was read the second time. Senator Robles explained the bill.

Senator Robles proposed the following amendment:

- 1. Page 2, Lines 46 through 47
 - 46 response and communication plans for major coal mine accidents in Utah; $\{---\}$ and $\{---\}$
 - 47 (e) implement the notification requirements established under Subsection (2)(b) $\{-\frac{1}{2}\}$ $\{-\frac{1}{2}\}$
- 2. Page 2, Lines 48 through 50:
 - 48 (4) The office shall: {-(f) } (a) receive a report from a recipient of an appropriation to promote mine training and

49 safety; and

 $\frac{(g)}{(g)}$ $\frac{(b)}{(g)}$ evaluate how effective an appropriation is in promoting mine training and safety.

Senator Robles' motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Buttars Hillyard Knudson Liljenquist

Urquhart

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S.B. 68, MINING PROTECTION AMENDMENTS, was read the second time.

On motion of Senator Killpack, the bill was circled.

RULES COMMITTEE REPORTS

To the Members of the Senate:

March 2, 2009

The Rules Committee recommends assignment of the following bills to standing committees:

Business and Labor Committee

H.B. 192 Personal Injury Judgment Interest (Rep. J. Dunnigan)

(Sen. R. Okerlund)

2nd Sub. H.B. 400 Pete Suazo Utah Athletic Commission Amendments

(Rep. C. Oda) (Sen. H. Stephenson)

H.B. 402 Enforcement of Carbon Monoxide Detector Requirements

(Rep. K. Garn) (Sen. S. Killpack)

Government Operations and Political Subdivisions Committee

S.J.R. 18 Joint Resolution on Fiscal Note Process

(Sen. W. Niederhauser)

H.B. 245 Utah State 911 Committee Amendments (Rep. C. Oda)

(Sen. J. Greiner)

1st Sub. H.B. 259 Changes to Impact Fees (Rep. S. Sandstrom)

(Sen. H. Stephenson)

1st Sub. H.B. 413 County Authority Amendments (Rep. R. Menlove)

(Sen. P. Knudson)

H.J.R. 18 Joint Resolution for Legislative Appropriation

Subcommittee Name Change (Rep. N. Hendrickson)

(Sen. P. Knudson)

Health and Human Services Committee

1st Sub. H.B. 64 Deterring Illegal Immigration (Rep. B. Dee)

(Sen. S. Jenkins)

H.B. 399 Charitable Care Amendments (Rep. B. Last)

(Sen. R. Okerlund)

H.J.R. 25 Joint Resolution Urging Employers to Hire Only

Individuals Who Are Authorized to Work in the United

States (Rep. C. Herrod) (Sen. G. Davis)

Retirement and Independent Entities Committee

1st Sub. H.B. 211 Retirement Investment Reports (Rep. Julie Fisher)

(Sen. C. Bramble)

Revenue and Taxation Committee

S.B. 5 Revenue Bond and Capital Facilities Authorizations

(Sen. W. Niederhauser)

H.B. 418 Delinquent Property Tax Amendments (Rep. G. Froerer)

(Sen. W. Niederhauser)

Workforce Services and Community and Economic Development

Committee

S.B. 271 Judicial Conduct Commission Amendments

(Sen. G. Davis)

H.B. 412 Energy Policy Amendments (Rep. R. Barrus)

(Sen. S. Jenkins)

H.C.R. 7 Concurrent Resolution Expressing Opposition to the Congressional Enactment of the National Landscape

Conservation System (Rep. M. Brown)

(Sen. R. Okerlund)

Margaret Dayton Rules Committee Chair

Report filed. On motion of Senator Dayton, the committee report was adopted.

* * *

On motion of Senator Killpack and at 4:00 p.m., the Senate adjourned until 9:00 a.m., Tuesday, March 3, 2009.

THIRTY-SIXTH DAY

MORNING SESSION

March 3, 2009

The Senate was called to order at 9:05 a.m., with President Michael Waddoups presiding.

Prayer – Elder Lance Wickman, Member of the First Quorum of Seventy, The Church of Jesus Christ of Latter–day Saints

Pledge of Allegiance – Senator Ross Romero

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 2, 2009

The House concurred in the Senate amendments and passed **H.B. 218**, FAMILY EMPLOYMENT PROGRAM AMENDMENTS, by Representative Janice Fisher, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 218 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President:

March 2, 2009

The House passed **H.B. 96**, STATE RETIREMENT SYSTEM PARTICIPATION FOR CHARTER SCHOOLS, by Representative C. Watkins, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 132**, SEXUAL ASSAULT VICTIM PROTOCOLS, by Representative J. Biskupski, and it is transmitted for consideration; and

The House passed **H.B.** 163, PROPERTY TRANSACTION AMENDMENTS, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 183**, NATIONAL ANIMAL IDENTIFICATION SYSTEM, by Representative M. Brown, and it is transmitted for consideration; and

The House passed **H.B. 355**, INDIGENT INMATE TRUST FUND AMENDMENTS, by Representative K. McIff, and it is transmitted for consideration; and

The House passed **H.B. 364**, BORDER AND NONRESIDENT STUDENT AMENDMENTS, by Representative D. Ipson, et al, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 401**, CUSTODY AND PARENT-TIME AMENDMENTS FOR SERVICE MEMBERS, by Representative T. Cosgrove, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 96, 1st Sub. H.B. 132, H.B. 163, H.B. 183, H.B. 355, H.B. 364, and 1st Sub. H.B. 401 were read the first time and referred to the Rules Committee.

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On motion of Senator Dayton, the Senate voted to lift **S.B. 236**, UNINSURED AND UNDERINSURED MOTORIST COVERAGE AMENDMENTS, from the Transportation, Public Utilities and Technology Committee and assign it to the Business and Labor Committee.

CONSENT CALENDAR

On motion of Senator Jenkins, **H.B. 286**, REGULATION OF LENDING BY THE DEPARTMENT OF FINANCIAL INSTITUTIONS, was read the third time and circled.

* * *

H.B. 320, COLLECTION AGENCY AMENDMENTS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell Bramble Buttars Christensen
Davis Dayton Goodfellow Greiner

Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Okerlund	Robles	Romero
Stephenson	Urquhart	Valentine	Van Tassell
*** 1 1			

Waddoups

Absent or not voting were: Senators

Hillyard Knudson Niederhauser Stowell

H.B. 320 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.B. 210, POSTING OF COLLECTIVE BARGAINING AGREEMENTS BY SCHOOL DISTRICTS AND CHARTER SCHOOLS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative was: Senator

Romero

Absent or not voting was: Senator

Knudson

1st Sub. H.B. 210 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 297, BUDGETARY PROCEDURES ACT RECODIFICATION, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

H.B. 297 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Hillyard, the circle was removed from **H.B. 286**, REGULATION OF LENDING BY THE DEPARTMENT OF FINANCIAL INSTITUTIONS, and it was before the Senate. The bill passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

H.B. 286 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.J.R. 11, JOINT RESOLUTION EXPRESSING SUPPORT FOR AND RECOGNIZING THE VALUE OF LOCALLY ELECTED OFFICIALS, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

H.J.R. 11 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

S.B. 210, AMENDMENTS TO PROPERTY TAX, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Okerlund
Robles	Romero	Stephenson	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Niederhauser Stowell

S.B. 210 was transmitted to the House for consideration.

* * *

S.B. 193, SALVAGE VEHICLES AMENDMENTS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

Yeas, 27; Nays, 2; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner

Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

McCoy Robles

S.B. 193 was transmitted to the House for consideration.

* * *

H.B. 112, VEHICLE TOWING AMENDMENTS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

H.B. 112, as amended, was returned to the House for further consideration.

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H.B. 324, MOTOR VEHICLE BUSINESS REGULATION ACT AMENDMENTS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Hillyard Madsen

H.B. 324 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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S.B. 90, METAL THEFT AMENDMENTS AND PENALTIES, was read the third time, explained by Senator Greiner, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Jenkins

S.B. 90 was transmitted to the House for consideration.

* * *

H.B. 37, VIOLENT OFFENSES AMENDMENTS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Jenkins

H.B. 37 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 130, ASSET PRESERVATION AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Greiner Stowell

H.B. 130 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 138, EXPUNGEMENT OF RECORDS AMENDMENTS, was read the third time, explained by Senator Bell, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars Greiner

H.B. 138 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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1st Sub. H.B. 329, WRONGFUL DEATH CLAIMS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Greiner

1st Sub. H.B. 329, as amended, was returned to the House for further consideration.

THIRD READING CALENDAR

On motion of Senator Urquhart, the circle was removed from **S.B. 163**, CONSTRUCTION TRADE EXEMPTION, and it was before the Senate. Senator Urquhart explained the bill.

Senator Davis proposed the following amendment:

- Page 3, Lines 82 through 86
 Senate Committee Amendments 2–13–2009
 - 82 (A) work in the plumbing and electrical trades on a Subsection (1)(h)(i) project $\hat{S} \rightarrow \underline{\text{within}}$
 - 82a any six month period of time:
 - 82b <u>(I)</u> **←**Ŝ must
 - 83 be performed by [a licensed journeyman electrician or journeyman plumber except as

- 84 otherwise provided in this section;]:
- 85 $\hat{S} \rightarrow [\underline{H}] \leftarrow \hat{S}$ a licensed electrical or plumbing contractor, if the project involves an electrical

85a or

86 <u>plumbing system</u> <u>or the installation of a radon mitigation system</u> <u>or a soil depressurization system</u> : and

Senator Davis' motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Greiner Hillyard

S.B. 163 was transmitted to the House for consideration.

* * *

On motion of Senator McCoy, the circle was removed from **S.B. 164**, IN PERSON VOTER REGISTRATION, and it was before the Senate. Senator McCoy explained the bill.

Senator McCoy proposed the following amendment:

- 1. Page 2, Lines 28 through 32
 - 28 (1) (a) Except as provided in Subsection (3), the county clerk shall register to vote all
 - 29 persons who [present themselves] apply for registration [at the county clerk's office during
 - 30 designated office hours] in person with the county clerk if those persons, on the date of the

- 31 election, will be legally eligible to vote in a voting precinct in the county in accordance with
- 32 Section 20A-2-101.

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(b) If a county clerk elects to register voters at locations other than the county clerk's office, the county clerk shall ensure that the locations are approximately proportionately distributed based on population within the county.

Senator McCoy's motion to amend passed on a voice vote. Senators Buttars, Bramble, and Madsen commented.

On motion of Senator McCoy, the bill was circled.

* * *

On motion of Senator Bramble, the Senate voted to lift **S.B. 76**, ENERGY AMENDMENTS, from the Transportation, Public Utilities and Technology Committee and reassign it to the Retirement and Independent Entities Committee.

* * *

S.B. 157, PROPERTY TAXATION AND REGISTRATION OF AIRCRAFT, was read the third time, explained by Senator Madsen, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	_

Absent or not voting were: Senators

Christensen Hillyard

S.B. 157 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 171, MUNICIPAL ANNEXATION AMENDMENTS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

Yeas, 25; Nays, 2; Absent, 2.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
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Waddoups

Voting in the negative were: Senators

Hinkins Okerlund

Absent or not voting were: Senators

Bramble Hillyard

1st Sub. S.B. 171 was transmitted to the House for consideration.

* * *

S.B. 169, GAMBLING AMENDMENTS, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble Hillyard

S.B. 169 was transmitted to the House for consideration.

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On motion of Senator Bell, **1st Sub. S.B. 180**, EXPUNGEMENT OF DIVISION OF CHILD AND FAMILY SERVICES RECORDS, was read the third time and circled.

* * *

S.B. 183, VIOLATION OF PROTECTIVE ORDER, was read the third time, explained by Senator McCoy, and passed on the following roll call:

Yeas, 24; Nays, 2; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

Robles Romero

Absent or not voting were: Senators

Bramble Hillyard Jones

S.B. 183 was transmitted to the House for consideration.

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1st Sub. S.B. 29, SAFE DRINKING WATER ACT AMENDMENTS, was read the third time and explained by Senator Stowell.

Senator Stowell proposed the following amendment:

1. Page 2, Line 33:

After "corporation" insert "engaged in distributing water only to its share holders"

Senator Stowell's motion to amend passed on a voice vote. Senators Christensen, Buttars, and Jenkins commented and the bill passed on the following roll call:

Yeas, 17; Nays, 11; Absent, 1.

Voting in the affirmative were: Senators

0			
Bramble	Buttars	Davis	Goodfellow
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	Niederhauser
Okerlund	Robles	Stowell	Urquhart
Van Tassell			

Voting in the negative were: Senators

Bell Christensen Dayton Greiner Hillyard Knudson McCoy Morgan

Romero Valentine Waddoups

Absent or not voting was: Senator

Stephenson

1st Sub. S.B. 29 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 78, PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES, was read the third time and explained by Senator Madsen.

Senator Liljenquist proposed the following amendment:

- 1. Page 6, Line 161
 - 161 a storage location poses and undue burden.
 - (6) A person who is subject to Section 550 of the United States Department of Homeland Security Appropriations Act of 2007, Pub. L. No. 109–295, or regulations enacted in accordance with that section, is not subject to this chapter.

Senator Liljenquist's motion to amend passed on the following roll call:

Yeas, 18; Nays, 10; Absent, 1.

Voting in the affirmative were: Senators

Goodfellow Bell Davis Greiner Hinkins Jones Knudson Hillyard Lilienquist Mayne McCov Morgan Okerlund Robles Romero Stephenson

Urquhart Van Tassell

Voting in the negative were: Senators

Buttars Christensen Dayton Jenkins Killpack Madsen Niederhauser Stowell

Valentine Waddoups

Absent or not voting was: Senator

Bramble

Senator Romero commented and the bill passed on the following roll call:

Yeas, 25; Nays, 4; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Killpack
Knudson	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddouns			

Waddoups

Voting in the negative were: Senators

Jones McCoy Robles Romero

1st Sub. S.B. 78 was transmitted to the House for consideration.

* * *

S.C.R. 4. RESOLUTION SUPPORTING 1st Sub. **OBESITY** AWARENESS, was read the third time, explained by Senator Buttars, and passed on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
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Waddoups

Voting in the negative was: Senator

Dayton

Absent or not voting were: Senators

Bramble Christensen Goodfellow

1st Sub. S.C.R. 4 was transmitted to the House for consideration.

* * *

On motion of Senator Hillyard, the circle was removed from 1st Sub. S.B. 180, EXPUNGEMENT OF DIVISION OF CHILD AND FAMILY SERVICES RECORDS, and it was before the Senate. Senator Hillyard explained the bill. Senator Buttars commented. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Christensen Goodfellow

1st Sub. S.B. 180 was transmitted to the House for consideration.

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S.B. 186, AMENDMENTS TO STATE TAX COMMISSION PENALTY PROVISIONS, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bramble	Davis	Dayton	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Waddouns			

Waddoups

Absent or not voting were: Senators

Bell Buttars Christensen Van Tassell

S.B. 186 was transmitted to the House for consideration.

* * *

S.B. 67, MINERS' SAFETY AND TRAINING, was read the third time, explained by Senator Robles, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bramble	Davis	Dayton	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Waddoups			

Waddoups

Absent or not voting were: Senators

Van Tassell Bel1 Buttars Christensen

S.B. 67 was transmitted to the House for consideration.

* * *

On motion of Senator Greiner, the circle was removed from S.B. 176, CIVIL FEES IN COURTS OF RECORD AMENDMENTS, and it was before the Senate.

On motion of Senator Greiner, the following substitute bill replaced the original bill:

2nd Sub. S.B. 176 Civil Fees in Small Claims Courts Amendments (J. Greiner)

2nd Sub. S.B. 176, CIVIL FEES IN SMALL CLAIMS COURTS AMENDMENTS, was considered read for the first, second, and third time. Senator Greiner explained the bill. Senators Hillyard and McCoy commented.

On motion of Senator Greiner, the bill was circled.

SECOND READING CALENDAR

On motion of Senator Bell, the circle was removed from 1st Sub. S.B. 184, CIVIL FILING FEES, and it was before the Senate. Senator Bell explained the bill. Senators Urquhart, Buttars, and Niederhauser commented. The bill passed second reading on the following roll call:

Yeas, 17; Nays, 8; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Greiner	Jenkins	Jones	Knudson

Liljenquist Madsen Mayne McCoy Okerlund Romero Stowell Urquhart

Van Tassell

Voting in the negative were: Senators

Bramble Goodfellow Hinkins Morgan Niederhauser Stephenson Valentine Waddoups

Absent or not voting were: Senators

Dayton Hillyard Killpack Robles

* * *

1st Sub. S.J.R. 16, JOINT RESOLUTION SUPPORTING NUCLEAR POWER, was read the second time. Senator Hinkins explained the bill. The bill passed second reading on the following roll call:

Yeas, 19; Nays, 6; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Knudson	Liljenquist	Madsen
McCoy	Niederhauser	Okerlund	Stowell
Urquhart	Valentine	Waddoups	

Voting in the negative were: Senators

Goodfellow Jones Mayne Morgan

Romero Van Tassell

Absent or not voting were: Senators

Christensen Killpack Robles Stephenson

* * *

On motion of Senator Madsen, the circle was removed from **1st Sub. H.J.R. 1**, RESOLUTION URGING THE WITHDRAWAL OF UNITED STATES' WORLD TRADE ORGANIZATION COMMITMENT ON GAMBLING, and it was before the Senate. Senator Madsen explained the bill.

On motion of Senator Madsen, under suspension of the rules, **1st Sub. H.J.R. 1**, RESOLUTION URGING THE WITHDRAWAL OF UNITED STATES' WORLD TRADE ORGANIZATION COMMITMENT ON GAMBLING, was considered read the second and third times and passed on the following roll call:

Yeas, 23; Nays, 3; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	Morgan	Niederhauser
Okerlund	Stephenson	Stowell	Urquhart
X 7-1	V T 11	XX7- 1.1	

Valentine Van Tassell Waddoups

Voting in the negative were: Senators

Hinkins McCoy Romero

Absent or not voting were: Senators

Christensen Killpack Robles

1st Sub. H.J.R. 1 was returned to the House for further consideration.

* * *

S.B. 69, PROOF OF CITIZENSHIP REQUIRED TO VOTE, was read the second time.

On motion of Senator Madsen, the following substitute bill replaced the original bill:

1st Sub. S.B. 69 Proof of Citizenship Required to Vote (M. Madsen)

On motion of Senator Madsen, the bill was circled.

* * *

3rd Sub. S.B. 83, CONDEMNATION AMENDMENTS, was read the second time.

On motion of Senator Stowell, the following substitute bill replaced the original bill:

4th Sub. S.B. 83 Condemnation Amendments (D. Stowell)

Senator Stowell explained the bill. Senator Greiner commented. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Knudson
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Waddoups

Absent or not voting were: Senators

Jenkins Killpack Liljenquist Stephenson

* * *

S.B .11, INCEST AMENDMENTS, was read the second time.

On motion of Senator Stowell, the bill was circled.

* * *

1st Sub. S.B. 155, ADOPTION EXCEPTION TO CUSTODY AND VISITATION FOR PERSONS OTHER THAN PARENTS, was read the second time. Senator Hillyard explained the bill. Senators Valentine, Mayne, and Buttars commented. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Stowell	Urquhart	Valentine
Van Tassell	Waddoups	_	

Voting in the negative was: Senator

Romero

Absent or not voting were: Senators Goodfellow Stephenson

* * *

On motion of Senator Killpack, and at 11:50 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 3:00 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 3, 2009

The House passed, **S.J.R. 17**, HYDRAULIC FRACTURING JOINT RESOLUTION, by Senator D. Hinkins, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.J.R. 17 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President:

March 3, 2009

The House concurred in the Senate amendments and passed **1st Sub. H.B. 68**, DEVELOPMENT EXACTIONS, by Representative P. Painter, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. H.B. 68 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President:

March 3, 2009

The House passed, as substituted and amended, **1st Sub. H.B. 274**, LOCAL GOVERNMENT FEES AND CHARGES, by Representative C. B. Wallis, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 308**, WORKERS' COMPENSATION – MOTOR CARRIERS, by Representative D. Ipson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 342**, DISPROPORTIONATE RENTAL FEE AMENDMENTS, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 353**, TRUTH IN ADVERTISING ACT AMENDMENTS, by Representative M. Morley, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 371**, TRANSPORTATION GOVERNANCE, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.B. 410**, LEGISLATOR SALARY AMENDMENTS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 456**, TOBACCO ACCESS RESTRICTIONS, by Representative B. Last, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. 1st Sub. H.B. 274, 1st Sub. H.B. 308, H.B. 342, H.B. 353, H.B. 371, H.B. 410, and 1st Sub. H.B. 456 were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: March 2, 2009

The Business and Labor Committee reports a favorable recommendation on **S.B. 166**, ALCOHOLIC BEVERAGE CONTROL ACT – DAYS OF SALE, by Senator S. McCoy; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 230**, CONSTRUCTION PAYMENT AMENDMENTS, by Senator C. Bramble; and

The Business and Labor Committee recommends **S.B. 270**, GIFT CARD AMENDMENTS, by Senator W. Niederhauser, be replaced and favorably recommends **1st Sub. S.B. 270**, GIFT CARD AMENDMENTS with the following amendments:

- 1. Page 7, Lines 199 through 201:
 - (b) a gift card that:
 - 200 (i) has attached to $\{-it\}$ more than \$25 $\{-when purchased\}$; and
 - 201 (ii) is not excluded from this chapter under Subsection (5); or
- 2. Page 8, Lines 214 through 215:
 - 214 (b) [the records of the issuer] do not show the address of the purchaser or recipient, but

- 215 do show that the <u>gift</u> certificate { <u>, gift card.</u> } or <u>credit</u> memo was issued in Utah;
- 3. Page 8, Lines 224 through 228:

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- 224 (5) This chapter does not apply to a gift card if the monies attached to the gift card:
- 225 (a) do not expire; and
- 226 (b) are not subject to a {- post-sale } monthly post sale :
- 227 (i) {-monthly } maintenance fee or charge; or
- 228 (ii) dormancy fee or charge.; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 152**, APPRAISAL MANAGEMENT COMPANY REGULATION, by Representative M. Morley, with the following amendments:

- 1. Page 14, Line 423 through Page 15, Line 434:
 - 423 (1) An appraisal management company required to be registered under this chapter, or a
 - 424 <u>controlling person, employee, or agent of the appraisal management company may not</u>
 - 425 <u>influence or attempt to influence the development, reporting, or review of an appraisal through:</u>
 - 426 (a) coercion;
 - 427 (b) extortion;
 - 428 (c) collusion;
 - 429 (d) compensation;
 - 430 (e) instruction:
 - 431 (f) inducement:
 - 432 (g) intimidation;
 - 433 (h) bribery; or
 - 434 <u>(i) any other manner that would constitute undue influence</u> <u>.</u>; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 170**, INSURANCE AND LIFE SETTLEMENT AMENDMENTS, by Representative J. Dunnigan, with the following amendments:

- 1. Page 10, Lines 296 through 304h House Floor Amendments 2–25–2009:
 - 296 [(d)] (iv) $\hat{H} \rightarrow [a \text{ [viatical] life}]$ settlement provider, a [viatical] life settlement purchaser, a
 - 297 financing entity, a related provider trust, or a special purpose entity from executing] the execution:
 - 297a (A) of $\leftarrow \hat{H}$ any of the
 - 298 following with respect to the death benefit or ownership of any portion of a [viaticated] settled
 - 299 policy as provided for in Section 31A-36-109:
 - 300 $[\underbrace{\text{(i)}}] \hat{H} \rightarrow [\underbrace{\text{(A)}}] (\underline{I}) \leftarrow \hat{H}$ an assignment;
 - 301 $\left[\frac{\text{(ii)}}{\text{H}}\right] \hat{H} \rightarrow \left[\frac{\text{(B)}}{\text{(II)}}\right] \left(\frac{\text{H}}{\text{H}}\right)$ a sale;
 - 302 $\left[\frac{\text{(iii)}}{\hat{\text{H}}}\right] \hat{\text{H}} \rightarrow \left[\frac{\text{(III)}}{\hat{\text{C}}}\right] \left(\frac{\text{III}}{\hat{\text{H}}}\right) \leftarrow \hat{\text{H}}$ a transfer;
 - 303 $[(iv)] \hat{H} \rightarrow [(D)] (IV) \leftarrow \hat{H}$ a devise; or
 - 304 $[\underbrace{(v)}] \hat{H} \rightarrow [\underbrace{(E)}] (V) \leftarrow \hat{H}$ a bequest $\hat{H} \rightarrow [-]$; and
 - 304a (B) by any of the following:
 - 304b (I) a life settlement provider;
 - 304c (II) a life settlement purchaser:
 - 304d (III) a financing entity;
 - 304e (IV) a related provider trust;
 - 304f (V) a special purpose entity: $\{-or\}$
 - 304g (VI) a qualified institutional buyer as defined in Rule 144A, 17 C.F.R.
 - 304h Sec. 230.144A {-- } ; or
 - (VII) an accredited investor as defined in Regulation D, Rule 501, 17 C.F.R. Sec. 230.501. \spadesuit \hat{H} ; and

The Business and Labor Committee reports a favorable recommendation on **1st Sub. H.B. 352**, ALCOHOLIC BEVERAGE RELATED AMENDMENTS, by Representative J. Dunnigan.

John L. Valentine, Chair

Mr. President:

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March 2, 2009

Day 36

The Health and Human Services Committee reports a favorable recommendation on **H.B. 128**, ELECTRONIC PRESCRIBING ACT, by Representative R. Menlove, with the following amendments:

- 1. Page 1, Lines 14 through 15 House Committee Amendments 2-4-2009:
 - 14 requires a practitioner to provide each existing patient of the practitioner with the
 - option to participate in electronic prescribing <u>. if the practitioner</u> prescribes a drug or device for the patient on or after July 1, 2012 ;
- 2. Page 4, Lines 107 through 109:
 - 107 (1) Subject to the provisions of this section, a practitioner shall provide each existing
 - 108 patient of the practitioner with the option of participating in electronic prescribing for
 - 109 prescriptions issued for the patient <u>. if the practitioner prescribes</u> a drug or device for the patient on or after July 1, 2012 .; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 142**, REPORTING ABUSE OR NEGLECT OF THE ELDERLY OR DISABLED, by Representative L. Hemingway.

D. Chris Buttars, Chair

Mr. President:

March 2, 2009

The Education Committee reports a favorable recommendation on **S.B. 74**, AT–RISK STUDENT PROVISIONS, by Senator L. Robles, with the following amendments:

- 1. Page 2, Lines 53 through 55:
 - 53 (1) In addition to {-participation} } the individual schools that participate in the gang prevention and intervention program

- 54 <u>established under Section 53A–15–601 for at–risk students, a local school board or governing</u>
- 55 <u>board of a charter school shall enact policies to ensure the following at all public schools</u>:
- 2. Page 2, Line 58 through Page 3, Line 59:
 - 58 <u>(b) a student who participates in gang activities</u> {-<u>shall</u> } <u>may</u> <u>be excluded from participation in</u>
 - 59 extracurricular activities, including interscholastic athletics, as determined by school
- 3. Page 3, Line 62:
 - 62 <u>notification and appropriate administrative and law enforcement actions.</u> { <u>including</u> } <u>which may include obtaining</u>
- 4. Page 3, Line 64:
 - 64 (d) if a serious gang—related incident , as determined by the school administrator in consultation with local law enforcement, occurs on school property, at school related
- 5. Page 3, Line 67:
 - 67 (i) informing them, in general terms, about the incident , but removing all personally identifiable information about students from the notice :
- 6. Page 4, Line 90:
 - 90 <u>through school websites, handbooks, letters to parents and guardians,</u> {-<u>and</u> } <u>or</u> <u>other reasonable</u>; and

The Education Committee reports a favorable recommendation on **S.B. 241**, INSTRUCTIONAL EXPENSES REQUIREMENTS, by Senator M. Madsen, with the following amendments:

- 1. Page 1, Line 17:
 - 17 Education; {-and-}
 - ▶ provides an exemption for small school districts; and
- 2. Page 2, Line 50:
 - 50 of receiving the request.
 - (4) The provisions under this section do not apply to a school district with an enrollment of less than 5,000 students. ; and

The Education Committee reports a favorable recommendation on **2nd Sub. H.B. 100**, DEPARTMENT OF CORRECTIONS – TRACKING AND REIMBURSEMENT OF INDIVIDUAL PRISONER COSTS, by Representative C. Wimmer, et al, with the following amendments:

- 1. Page 3, Line 77
 House Floor Amendments
 2–23–2009:
 - 77 (2) {-In order to-} (a) To fulfill {-this-} the responsibility under Subsection (1) , the [boards] State Board of Education and the
- 2. Page 3, Line 79
 House Floor Amendments
 2–23–2009:
 - 79 public agencies to provide educational and related administrative services . Contracts for postsecondary education and training shall be under Subsection (2)(b) .
 - (b)(i) The contract under Subsection (2)(a) to provide postsecondary education and training shall be with a community college if the correctional facility is located within the service region of a community college, except under Subsection (2)(b)(ii).
 - (ii) If the community college under Subsection (2)(b)(i) declines to provide the education and training or cannot meet reasonable contractual terms for providing the education and training as specified by the Utah Department of Corrections, postsecondary education and training under Subsection (2)(a) may be procured through other appropriate private or public agencies.
- 3. Page 7, Line 193
 House Floor Amendments
 2–23–2009:
 - 193 offenders and inmates as defined in Section 64–13–1.
 - (3) Funds appropriated from the Prison Telephone Surcharge Account may only be used by the Department purposes under Subsections 53A-1-403.5(3)(a)(i) and (iv). ; and

The Education Committee reports a favorable recommendation on **1st Sub. H.B. 296**, SCHOOLS FOR THE DEAF AND BLIND AMENDMENTS, by Representative K. Sumsion, et al; and

The Education Committee reports a favorable recommendation on **H.B. 328**, TEACHER QUALITY AMENDMENTS, by Representative G. Hughes.

Curtis S. Bramble, Chair

Mr. President:

March 2, 2009

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 224**, REUSE OF INDUSTRIAL BYPRODUCT, by Senator C. Bramble; and

The Revenue and Taxation Committee reports a favorable recommendation on **1st Sub. H.B. 157**, PROPERTY TAX ASSESSMENT AMENDMENTS, by Representative W. Harper; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 184**, INCOME TAX CREDIT FOR A DISABLED DEPENDENT, by Representative J. Dougall.

Wayne L. Niederhauser, Chair

Mr. President:

March 3, 2009

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **2nd Sub. H.B. 120**, SNAKE VALLEY AQUIFER RESEARCH TEAM AND ADVISORY COUNCIL, by Representative B. Winn; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **1st Sub. H.B. 164**, MIGRATORY BIRD PRODUCTION AREAS, by Representative C. Oda, with the following amendments:

- 1. Page 9, Lines 243 through 244:
 - 243 (a) remove land from a migratory bird production area { ___if removal of the land would
 - 244 <u>not result in a migratory bird production area of less than 300 contiguous acres</u> } ; or
- 2. Page 9, Lines 252 through 256:
 - 252 (c) if land is being added to the migratory bird production area, an affidavit signed by the owner or owners $\{ : \}$
 - 253 <u>(i) indicating that the land is removed from the migratory bird</u> production area; or

- 254 (ii) $indicating that the land <math>\{::$
- 255 (A) is added to the migratory bird production area; and
- 256 (B) | meets the description provided in Subsection 23–28–201(1)(b)(iii).
- 3. Page 9, Line 259:

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- 259 migratory bird production area is located.
- (4) If removing land from a migratory bird production area results in a migratory bird production area of less than 300 contiguous acres:
 - (a) the migratory bird production area ceases to exist; and
 - (b) the landowner shall:
- (i) notify each landowner within the former migratory bird production area; and
- (ii) file the revision notice required by this section for the entire migratory bird production area.
- 4. Page 11, Line 322:
 - Notwithstanding Title 78B, Chapter 6, Part 5, Eminent Domain and except as provided by Subsection (2), the state, a state
- 5. Page 11, Line 325:
 - 325 {-(1) } (a) the condemnation does not have an unreasonable adverse effect upon the migratory
- 6. Page 11, Line 327:
 - $\frac{(\underline{b})}{(\underline{b})}$ there is no reasonable and prudent alterative to the condemnation.
 - (2) Real property within a migratory bird production area may be condemned in accordance with Title 78B, Chapter 6, Part 5, Eminent Domain, for an international airport:
 - (a) located within a county of the first class; and
 - (b) that has a United States customs office on its premises. ; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 322**, TIRE RECYCLING FEE MODIFICATIONS, by Representative N. Hendrickson, with the following amendments:

1. Page 1, Lines 16 through 17
House Committee Amendments
2–17–2009:

- 16 Other Special Clauses:
- 17 {-None-} This bill takes effect on July 1, 2009.
- 2. Page 2, Line 34:
 - 34 (b) 22.5 inches to and including 24.5 inches is \$2. Section 2. Effective date. This bill takes effect on July 1, 2009.

Dennis E. Stowell, Chair

Mr. President:

March 3, 2009

The Transportation and Public Utilities and Technology Committee recommends **S.B. 41**, SITING OF HIGH VOLTAGE POWER LINE ACT, by Senator P. Knudson, be replaced and favorably recommends **2nd Sub. S.B. 41**, SITING OF HIGH VOLTAGE POWER LINE ACT.

Kevin Van Tassell, Chair

Mr. President:

March 3, 2009

The Retirement and Independent Entities Committee reports a favorable recommendation on **S.B. 195**, PUBLIC EMPLOYEE DEFINED CONTRIBUTION AMENDMENTS, by Senator D. Liljenquist, with the following amendments:

- 1. Page 1, Lines 15 through 17:
 - suspends, for the period of July 1, 2009 through June 30, 2010 only, one−half of the 1.5%
 - 16 employer defined contribution made on behalf of those employees in the Public
 - 17 Employees' Noncontributory Retirement System;
- 2. Page 3, Lines 74 through 78:
 - 74 (8) (a) Notwithstanding any other provision of this section, for the period that starts
 - 75 with the beginning of the pay period which starting date falls most closely to July 1, 2009 and
 - 76 ending at the end of the pay period which end date falls most closely to June 30, 2010. one-half of the

- 77 participating employer contribution to a qualified defined contribution plan under Subsections
- 78 (1)(a) and (b) is suspended for an active member, except for an active member:

Daniel R. Liljenquist, Chair

On motion of Senator Jenkins, the committee reports were adopted. S.B. 166, S.B. 230, 1st Sub. S.B. 270, as amended, H.B. 152, as amended, H.B. 170, as amended, 1st Sub. H.B. 352, H.B. 128, as amended, H.B. 142, S.B. 74, as amended, S.B. 241, as amended, 2nd Sub. H.B. 100, as amended, 1st Sub. H.B. 296, H.B. 328, S.B. 224, 1st Sub. H.B. 157, H.B. 184, 2nd Sub. H.B. 120, 1st Sub. H.B. 164, as amended, H.B. 322, as amended, 2nd Sub. S.B. 41, and S.B. 195 as amended, were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: March 2, 2009

The Business and Labor Committee reports a favorable recommendation on **H.B. 72**, CHILDREN'S JUSTICE CENTER AMENDMENTS, by Representative L. Fowlke, and recommends it be considered read for the second time and placed on the Consent Calendar.

John L. Valentine, Chair

Mr. President: March 2, 2009

The Education Committee reports a favorable recommendation on **H.B. 194**, EDUCATION POLICIES FOR MILITARY CHILDREN, by Representative R. Menlove, and recommends it be considered read for the second time and placed on the Consent Calendar.

Curtis S. Bramble, Chair

Mr. President: March 2, 2009

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 245**, UNIFORM FEES ON MOTORCYCLES, by Senator B. Goodfellow, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

- 1. Page 3, Lines 66 through 74:
 - 66 (g) "Other motorcycle" means a motor vehicle that:

67 (i) is: 68 (A) a motorcycle as defined in Section 41–1a–102; and 69 (B) designed primarily for use and operation over unimproved terrain; 70 (ii) is required to be registered in accordance with Title 41, Chapter 1a, Part 2, 71 Registration; and 72 (iii) has: 73 (A) an engine with {<u>more than 150</u>} 201 cubic centimeters displacement or more; or 74 (B) a motor that produces more than five horsepower. 2. Page 5, Lines 142 through 151: [(t)] (m) (i) "Small motor vehicle" means : a motor vehicle that: 143 $\{-(A)-\}$ is required to be registered in accordance (I) with Title 41, Motor Vehicles; and 144 $\{-(B)-\}$ (II)has: 145 $\{-(I)-\}$ (Aa) an engine with 150 or less cubic centimeters displacement; or 146 {-(II)-} (Bb) a motor that produces five or less horsepower: {**-and**-} or (B) a motorcycle as defined in Section 41–1a–102 that: (I) is required to be registered in accordance with Title 41, Motor Vehicles; and (II) has: (Aa) an engine with 200 or less cubic centimeters displacement; or (Bb) a motor that produces five or less horsepower; and

(ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

148 commission may by rule develop a process for an owner of a motor vehicle or motorcycle to certify whether :

149 (A) the motor vehicle has:

150 $\{-(A)-\}$ (I) an engine with 150 or less cubic centimeters displacement; or

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151
                                  a motor that produces five or less
              \{-(B)-\}
                           (II)
  horsepower
               {---}
                           ; or
       (B) the motorcycle has:
       (I) an engine with 200 or less cubic centimeters displacement; or
       (II) a motor that produces five or less horsepower.
   Page 6, Lines 152 through 164:
  152
           (n) "Small street motorcycle" means a motor vehicle that:
  153
           (i) is:
           (A) a motorcycle as defined in Section 41–1a–102; and
  154
  155
           (B) designed primarily for use and operation on highways:
  156
           (ii) is required to be registered in accordance with Title 41,
  Chapter 1a, Part 2,
  157 Registration; and
  158
           (iii) has {-:
  159
           (A) }
                    an engine with:
  160
              {<del>_</del>_}}
                                   {-<u>151</u> }
                                                 201
                                                        cubic centimeters
                          (A)
  displacement or more; and
  161
                                                 750
                                                        cubic centimeters
              {<del>-(II)</del> }
                           (B)
                                    \{-650\}
  displacement or less { -; or }
  162
              { <u>(B) a motor that produces:</u>
  163
           (I) more than five horsepower; and
  164
           (II) seven horsepower or less. }
4. Page 6, Lines 172 through 181:
  172
           [(v)] (p) "Street motorcycle" means a motor vehicle that:
           (i) is:
  173
  174
           (A) a motorcycle as defined in Section 41–1a–102; and
  175
           (B) designed primarily for use and operation on highways;
  176
           (ii) is required to be registered in accordance with Title 41,
  Chapter 1a, Part 2,
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177 Registration; and

(iii) has:

178

- 179 (A) an engine with [more than 150] $\{-651\}$ cubic centimeters displacement or more; or
- 180 (B) a motor that produces more than $\{-\frac{1}{2}\}$ five $\{-\frac{1}{2}\}$ horsepower.
- 181 [(w)] (q) "Tangible personal property owner" means a person that owns an item of

Wayne L. Niederhauser

Mr. President: March 3, 2009

The Retirement and Independent Entities Committee reports a favorable recommendation on **H.B. 167**, COUNTY HOSPITAL RETIREMENT PROVISIONS, by Representative M. Noel, and recommends it be considered read for the second time and placed on the Consent Calendar.

Daniel R. Liljenquist, Chair

On motion of Senator Jenkins, the committee reports were adopted. **H.B. 72**, **H.B. 194**, **S.B. 245**, as amended, and **H.B. 167** were considered read the second time and placed on the Consent Calendar.

SECOND READING CALENDAR

On motion of Senator Stowell, the circle was removed from **S.B. 11**, INCEST AMENDMENTS, and it was before the Senate.

Senator Stowell proposed the following amendment:

- 1. Page 1, Line 15
 - 15 ▶ increases the statute of limitations for prosecution from four to {-seven-} eight years , and requires the crime be reported within four years after it occurs .
- 2. Page 2, Line 35:
 - 35 (ii) incest shall be commenced within {-seven } eight years after the offense is committed if within four years after its commission the offense is reported to a law enforcement agency:

Senator Stowell's motion to amend passed on a voice vote. Senator Stowell explained the bill. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Van Tassell	Waddoups	

Absent or not voting were: Senators

Liljenquist Valentine

* * *

On motion of Senator Knudson, **S.B. 79**, HEALTH REFORM – MEDICAL MALPRACTICE AMENDMENTS, was read the second time and circled.

* * *

S.B. 82, LOCAL HEALTH AUTHORITY FUNDING AMENDMENTS, was read the second time. Senator Stowell explained the bill. Senator Okerlund commented. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Hillyard Liljenquist

* * *

S.B. 213, RESTAURANT NUTRITION LABELING, was read the second time. Senator Stephenson explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McCoy	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Woddowns			

Waddoups

Voting in the negative was: Senator

Morgan

Absent or not voting were: Senators

Bramble Killpack Liljenquist

* * *

S.B. 61, HOME SCHOOL AND PRIVATE SCHOOL STUDENTS' PARTICIPATION IN EXTRACURRICULAR ACTIVITIES, was read the second time. Senator Madsen explained the bill. Senators Waddoups, Morgan, and Buttars commented. The bill passed second reading on the following roll call:

Yeas, 17; Nays, 10; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Hinkins	Jenkins
Killpack	Knudson	Madsen	Niederhauser
Okerlund	Stephenson	Urquhart	Valentine
Waddoups	-	-	

Voting in the negative were: Senators

Goodfellow	Greiner	Hillyard	Jones
Mayne	McCoy	Morgan	Robles

Romero Stowell

Absent or not voting were: Senators

Liljenquist Van Tassell

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S.B. 205, COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AMENDMENTS, was read the second time. Senator Bramble explained the bill.

Senator Bramble proposed the following amendment:

- 1. Page 1, Line 13
 - modifies the definitions of "base taxable value," "inactive airport site," "inactive industrial site." and "project
- 2. Page 1, Line 26 through Page 2, Line 28:
 - 26 { ► extends the length of time that an agency may be authorized to be paid tax
 - 27 increment under an urban renewal project area budget for an inactive industrial site
 - 28 or an inactive airport site from 15 to 20 years; }
- 3. Page 2, Line 42:
 - 42 {-May 12, 2009-} the effective date of this bill; and
- 4. Page 2, Line 47:
 - 47 {-None-} This bill provides an immediate effective date.
- 5. Page 11, Lines 329 through 330:
 - 329 (ii) "Industrial property" means private real property {-that } :
 - 330 (A) over half of which is located within the boundary of a town, as defined in Section 10–1–104; and
- 6. Page 11, Lines 331 through 332:
 - (B) comprises some or all of an inactive industrial site.
 - <u>(iii) "Perimeter portion" means the portion of an inactive industrial site that is:</u>
 - (A) part of the inactive industrial site because it lies within the perimeter described in Subsection 17C-1-102(23)(b); and
 - (B) located within the boundary of a city, as defined in Section 10–1–104.
 - 332 (b) $\{-A\}$ (i) Subject to Subsection (4)(b)(ii), a county agency may undertake urban renewal, economic development, or
- 6. Page 11, Line 334:

- 334 property submits a written request to the county agency to do so.

 (ii) A county agency may not include a perimeter portion within a project area without the approval of the city in which the perimeter
- portion is located.
- 8. Page 19, Line 556:
 - 556 industrial site <u>or inactive airport site</u>, at least 60% of tax increment for at least $\{-\frac{1}{20}\}$ 15 $\{-\frac{1}{20}\}$ years; or
- 9. Page 19, Line 584:
 - 584 <u>on or after</u> { <u>May 11, 2009</u> } <u>the effective date of this bill</u> :
- 10. Page 22, Lines 651 through 653:
 - 651 (8) (a) An agency may not use tax increment to pay the debt service of or any other amount related to a bond issued or
 - 652 <u>other obligation incurred</u> <u>if the bond was issued or the obligation</u> <u>was incurred:</u>
 - (i) by an interlocal entity created under Title 11, Chapter 13, Interlocal Cooperation Act;
 - (ii) on or after { May 11, 2009 if the bond is issued or the obligation is incurred } the effective date of this bill; and
 - 653 (iii) to finance a telecommunication facility.
 - (b) Subsection (8)(a) may not be construed to prohibit the refinancing, restatement, or refunding of a bond issued before the effective date of this bill.
- 11. Page 25, Line 744:
 - 744 An agency that uses tax increment on or after { May 11. 2009 } the effective date of this bill to pay for communication
- 12. Page 25, Line 747:
 - 747 <u>provider of communication service</u> <u>with respect to the communication infrastructure or communication facility for which the tax increment is used : and</u>
- 13. Page 28, Line 856:
 - 856 <u>(b) An urban renewal project area budget adopted on after {-May 11, 2009}</u> } the effective date of this bill specify:

- 14. Page 31, Line 941:
 - 941 (b) An economic development project area budget adopted on or after { May 11, 2009 } the effective date of this bill shall
- 15. Page 32, Line 977:
 - 977 on or after May 1, 2000 but before { May 12, 2009 } the effective date of this bill .
- 16. Page 32, Line 979:
 - 979 project area budget adopted on or after May 1, 2000 <u>but before</u> {—<u>May 12, 2009</u> } <u>the effective date of this bill</u> that provides for
- 17. Page 32, Line 987:
 - 987 development project area budgets adopted on or after May 1, 2002 but before $\{-\frac{\text{May }12,2009}{\text{May }12,2009}\}$ the effective date of this bill , if
- 18. Page 34, Lines 1031 through 1032:
 - 1031 (3) A resolution adopted or interlocal agreement entered under Subsection (2) on or after
 - 1032 {—<u>May 11, 2009</u>} the effective date of this bill specify:
- 19. Page 37, Line 1116:
 - resolution approved or an interlocal agreement adopted under Section 17C-4-201.

Section 22. Effective date.

If approved by two—thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override.

Section 23. Revisor instructions.

It is the intent of the Legislature that, in preparing the Utah Code database for publication, the Office of Legislative Research and General Counsel shall replace the language "the effective date of this bill" with the bill's actual effective date.

Senator Bramble's motion to amend passed on a voice vote. Senator Davis commented. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 1; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Morgan	Okerlund	Robles	Stephenson
Stowell	Valentine	Waddoups	

Voting in the negative was: Senator

Romero

Absent or not voting were: Senators

Buttars Liljenquist Niederhauser Urquhart

Van Tassell

* * *

On motion of Senator Knudson, the circle was removed from **S.B. 79**, HEALTH REFORM – MEDICAL MALPRACTICE AMENDMENTS, and it was before the Senate. Senator Knudson explained the bill. Senators Valentine, McCoy, Dayton, Liljenquist, Buttars, Robles, Hillyard, Jones, Stephenson, Romero, Niederhauser, and Goodfellow commented. Senators Jones, Goodfellow, and Bramble declared conflicts of interest. The bill passed second reading on the following roll call:

Yeas, 16; Nays, 12; Absent, 1.

Voting in the affirmative were: Senators

Bramble	Buttars	Davis	Dayton
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Niederhauser
Okerlund	Stowell	Van Tassell	Waddoups

Voting in the negative were: Senators

Bell	Christensen	Goodfellow	Greiner
Mayne	McCoy	Morgan	Robles
Romero	Stephenson	Urquhart	Valentine

Absent or not voting was: Senator

Hillyard

* * *

On motion of Senator Killpack and at 4:45 p.m., the Senate adjourned until 9:00 a.m., Wednesday, March 4, 2009.

THIRTY-SEVENTH DAY

MORNING SESSION

March 4, 2009

The Senate was called to order at 9:15 a.m., with President Michael Waddoups presiding.

Prayer – Reverend Sean Parker Dennison, South Valley Unitarian Universalist Society

Pledge of Allegiance – Senator Karen Mayne **Roll Call** – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 3, 2009

The House passed, as substituted and amended, **4th Sub. H.B. 148**, VICTIM RIGHTS AMENDMENTS, by Representative R. C. Webb, and it is transmitted for consideration; and

The House passed **H.B. 334**, WRITING ASSESSMENT AND INSTRUCTION, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 349**, HEAVY BEER AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed **H.B.** 432, HIGHER EDUCATION BUDGET AUTHORITY AMENDMENTS, by Representative K. Holdaway, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **4th Sub. H.B. 148, H.B. 334, H.B. 349,** and **H.B. 432** were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: March 3, 2009

With committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee deleted **S.B. 32**, WRONGFUL DEATH AMENDMENTS, by

Senator S. McCoy, and replaced it with **1st Sub. S.B. 32**, WRONGFUL DEATH AMENDMENTS, and has returned it to the Rules Committee without recommendation; and

With committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **S.B. 45**, CONCEALED FIREARM PERMIT FOR RETIRED PEACE OFFICER, by Senator B. Goodfellow, to the Rules Committee without recommendation; and

With committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **S.B. 125**, INTEREST ON PERSONAL INJURY JUDGMENTS, by Senator R. Okerlund, to the Rules Committee without recommendation; and

With committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **S.B. 181**, CRIMINAL PROSECUTION AMENDMENTS, by Senator D. Liljenquist, to the Rules Committee without recommendation; and

With committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **S.B. 227**, CONCEALED FIREARM PERMIT FEES AMENDMENTS, by Senator S. McCoy, to the Rules Committee without recommendation; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **1st Sub. H.B. 294**, SURVIVAL ACTION UPON INJURY OR DEATH, by Representative K. McIff, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **H.B. 314**, DNA SAMPLE FOR CRIMINAL OFFENSES – AMENDMENTS, by Representative R. Greenwood, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **H.B. 351**, COURT FEES AMENDMENTS, by Representative C. Oda, to the Rules Committee.

Scott K. Jenkins, Chair

On motion of Senator Killpack, the committee reports were adopted. **1st Sub. S.B. 32**, **S.B. 45**, **S.B. 125**, **S.B. 181**, **S.B. 227**, **1st Sub. H.B. 294**, **H.B. 314**, and **H.B. 351** were returned to the Rules Committee.

* * *

Senator Dayton made the motion that any bills which have not been reported out of Senate Standing Committees after the conclusion of their last scheduled meeting be reported back to the Rules Committee. The motion passed.

THIRD READING CALENDAR

On motion of Senator Bell, **1st Sub. S.B. 184**, CIVIL FILING FEES, was read the third time and circled.

* * *

1st Sub. S.J.R. 16, JOINT RESOLUTION SUPPORTING NUCLEAR POWER, was read the third time and explained by Senator Hinkins. Senators Valentine, Romero, Van Tassell, Stowell, Buttars, and Jones commented and the bill passed on the following roll call:

Yeas, 22; Nays, 7; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Greiner	Hillyard
Hinkins	Jenkins	Killpack	Knudson
Liljenquist	Madsen	Niederhauser	Okerlund
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative were: Senators

Goodfellow	Jones	Mayne	McCoy
Morgan	Robles	Romero	

1st Sub. S.J.R. 16 was transmitted to the House for consideration.

* * *

4th Sub. S.B. 83, CONDEMNATION AMENDMENTS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner

Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Killpack

4th Sub. S.B. 83 was transmitted to the House for consideration.

* * *

On motion of Senator Greiner, the circle was removed from **2nd Sub. S.B. 176**, CIVIL FEES IN SMALL CLAIMS COURTS AMENDMENTS, and it was before the Senate.

Senator Greiner proposed the following amendment:

- 1. Page 1, Lines 12 through 17
 - This bill:
 - 13 ▶ increases the jurisdictional amount for small claims court to \$12,500;
 - 14 \blacktriangleright increases the filing fee for a small claims affidavit from \$45 to $\{-\$90-\}$ \$75 if the claim,
 - 15 exclusive of court costs, interest, and attorney fees is \$2,000 or less;
 - 16 \blacktriangleright increases the filing fee for a small claims affidavit from \$70 to $\{-\$140-\}$ $\underline{\$110}$ if the claim,
 - 17 exclusive of court costs, interest, and attorney fees is between \$2,000 and \$7,500;
- 2. Page 1, Line 22 through Page 2, Line 26:
 - increases the filling fee for a small claims counter affidavit from \$35 to $\{-\$70-\}$ \$65 if the
 - 23 claim, exclusive of court costs, interest, and attorney fees is \$2,000 or less;
 - increases the filing fee for a small claims counter affidavit from \$50 to $\{-\$100-\}$ \$90 if the

- 25 claim, exclusive of court costs, interest, and attorney fees is between \$2,000 and
- 26 \$7,500;
- 3. Page 2, Line 55 through Page 3, Line 59:
 - 55 (c) The fee for filing a small claims affidavit is:
 - 56 (i) [\$45] $\{-\$55\}$ $\}$ \$75 if the claim for damages or amount in interpleader exclusive of court
 - 57 costs, interest, and attorney fees is \$2,000 or less; [and]
 - 58 (ii) [\$70] $\{-\$90\}$ \frac{\\$110}{} if the claim for damages or amount in interpleader exclusive of court
 - 59 costs, interest, and attorney fees is greater than \$2,000[-], but less than \$7,500;
- 4. Page 3, Lines 75 through 79:
 - 75 (e) The fee for filing a small claims counter affidavit is:
 - 76 (i) [\$35] $\{-\$45\}$ $\}$ $\underline{\$65}$ if the claim for relief exclusive of court costs, interest, and attorney fees
 - 77 is \$2,000 or less; [and]

 - 79 is greater than \$2,000[-], but less than \$7,500;

Senator Greiner's motion to amend passed on a voice vote. Senator Greiner explained the bill. Senators Urquhart, Waddoups, and Mayne commented. The bill passed on the following roll call:

Yeas, 22; Nays, 5; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Urquhart	Van Tassell		

Voting in the negative were: Senators

Hillyard	Hinkins	Stephenson	Stowell
Waddoups			

Absent or not voting were: Senators

Killpack Valentine

2nd Sub. S.B. 176 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 155, ADOPTION EXCEPTION TO CUSTODY AND VISITATION FOR PERSONS OTHER THAN PARENTS, was read the third time and explained by Senator Hillyard. Senator Romero commented and the bill passed on the following roll call:

Yeas, 23; Nays, 3; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Robles	Stephenson
Stowell	Urquhart	Waddoups	

Voting in the negative were: Senators

Knudson McCoy Romero

Absent or not voting were: Senators

Killpack Valentine Van Tassell

1st Sub. S.B. 155 was transmitted to the House for consideration.

* * *

S.B. 11, INCEST AMENDMENTS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Van Tassell	Waddoups	

Absent or not voting were: Senators

Hillyard

Valentine

S.B. 11 was transmitted to the House for consideration.

* * *

S.B. 82, LOCAL HEALTH AUTHORITY FUNDING AMENDMENTS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Hillyard

S.B. 82 was transmitted to the House for consideration.

* * *

On motion of Senator Bell, the circle was removed from 1st Sub. S.B. 184, CIVIL FILING FEES, and it was before the Senate. Senator Bell explained the bill.

Senator Bell proposed the following amendment:

- 1. Page 5, Lines 127 through 141
 - 127 (aa) The Judicial Council shall by rule establish a schedule of fees for copies of
 - 128 documents and forms and for the search and retrieval of records under Title 63G, Chapter 2,
 - 129 Government Records Access and Management Act. Fees under this Subsection (1)(aa) shall be

- 130 credited to the court as a reimbursement of expenditures.
- (bb) Any motion or other written application to the court for an order that does not have a fee established by this section is \$10.
- 131 $\{-(bb)-\}$ <u>(cc)</u> There is no fee for services or the filing of documents not listed in this section or
- 132 otherwise provided by law.
- 133 $\{ (ce) \}$ <u>(dd)</u> Except as provided in this section, all fees collected under this section are paid to
- 134 the General Fund. Except as provided in this section, all fees shall be paid at the time the clerk
- 135 accepts the pleading for filing or performs the requested service.
- 136 $\{ (dd) \}$ <u>(ee)</u> The filing fees under this section may not be charged to the state, its agencies, or
- 137 political subdivisions filing or defending any action. In judgments awarded in favor of the
- 138 state, its agencies, or political subdivisions, except the Office of Recovery Services, the court
- 139 shall order the filing fees and collection costs to be paid by the judgment debtor. The sums
- 140 collected under this Subsection (1) $\{-(dd)-\}$ <u>(ee)</u> shall be applied to the fees after credit to the judgment,
- 141 order, fine, tax, lien, or other penalty and costs permitted by law.

Senator Bell's motion to amend passed on a voice vote. Senator Romero commented.

On motion of Senator Bell, the bill was circled.

* * *

S.B. 213, RESTAURANT NUTRITION LABELING, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell Bramble Buttars Christensen
Davis Dayton Greiner Hinkins

Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
X7 7D 11	XX7 11		

Van Tassell Waddoups

Absent or not voting were: Senators

Goodfellow Hillyard Knudson

S.B. 213 was transmitted to the House for consideration.

* * *

S.B. 61, HOME SCHOOL AND PRIVATE SCHOOL STUDENTS' PARTICIPATION IN EXTRACURRICULAR ACTIVITIES, was read the third time and explained by Senator Madsen. Senator Morgan commented and the bill failed on the following roll call:

Yeas, 13; Nays, 16; Absent, 0.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Dayton
Jenkins	Killpack	Knudson	Madsen
Niederhauser	Stephenson	Urquhart	Valentine
Waddoups			

Voting in the negative were: Senators

Bell	Davis	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Liljenquist
Mayne	McCoy	Morgan	Okerlund
Robles	Romero	Stowell	Van Tassell

S.B. 61 was filed.

* * *

S.B. 205, COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard

Hinkins	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Stephenson	Stowell	Valentine	Van Tassell
Waddoups			

Voting in the negative was: Senator

Romero

Absent or not voting were: Senators

Christensen Liljenquist Urquhart

S.B. 205 was transmitted to the House for consideration.

* * *

On motion of Senator Knudson, S.B. 79, HEALTH REFORM – MEDICAL MALPRACTICE AMENDMENTS, was read the third time and circled.

SECOND READING CALENDAR

H.B. 42, ADOPTION REVISIONS, was read the second time.

On motion of Senator Jenkins, the bill was circled.

* * *

H.B. 265, POSTMORTEM PROCEDURES AMENDMENTS, was read the second time. Senator Robles explained the bill. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Valentine	Van Tassell	Waddoups

Voting in the negative was: Senator

Dayton

Absent or not voting were: Senators

Christensen Liljenquist Madsen Urquhart

* * *

H.B. 244, DISRUPTION OF SCHOOL ACTIVITIES, was read the second time.

On motion of Senator Jenkins, the bill was circled.

* * *

H.B. 287, UTAH EDUCATION NETWORK AMENDMENTS, was read the second time. Senator Valentine explained the bill. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble Christensen Greiner Liljenquist

Madsen Urquhart

* * *

H.B. 118, ARCHIVES AND GRAMA REVISIONS, was read the second time. Senator Goodfellow explained the bill. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Goodfellow
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Valentine
X7 7D 11	XX7 1.1		

Van Tassell Waddoups

Absent or not voting were: Senators

Bramble Christensen Dayton Greiner Liljenguist Madsen Urguhart

* * *

On motion of Senator Jenkins, **H.B. 122**, GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT AMENDMENTS, was read the second time and circled.

* * *

H.B. 222, UNBORN CHILD PAIN PREVENTION ACT, was read the second time. Senator Buttars explained the bill.

Senator Buttars proposed the following amendment:

- 1. Page 1, Lines 14 through 19
 - 14 performed shall <u>, except when a medical emergency exists and there is not adequate time to comply with the requirements of this bill</u>, be informed {-of any-} <u>:</u>
 - that, upon the woman's request, an anesthetic or analgesic { that would } will be administered to the unborn child, either directly or through the woman, to eliminate or
 - 15 alleviate organic pain to the unborn child : and
 - $\underline{\bullet}$ of any medical risks to the woman associated with the
 - 16 anesthetic or analgesic {—, unless:
 - 17 <u>■ a medical emergency exists; or</u>
 - 18 • the abortion is being performed to save the life of the woman or to prevent grave
 - 19 damage to her medical health } ;
- 2. Page 1, Line 26:
 - 26 includes information $\{-, \text{ from both sides of the issue}, -\}$ relating to the ability of an
- 3. Page 2, Lines 32 through 36:
 - 32 anesthetic or analgesic, unless {→

	33 } a medical emergency exists; {-or-} and there is not adequate time to comply with the requirements of this bill:
	<u>and</u>
	34 { • the physician informs the woman that the physician, or the facility at which the
	35 abortion is to be performed, cannot or does not provide the service of
	36 administering an anesthetic or analgesic to an unborn child; and $\}$
4.	Page 2, Lines 40 through 41:
	40 Other Special Clauses:
	41 {—None—} This bill coordinates with H.B. 90 by providing substantive and technical amendments.
5.	Page 3, Lines 63 through 64 House Floor Amendments 2–5–2009:
	63 informs the woman $\{-of-\}$:
	64 (i) consistent with Subsection (3)(a), $\underline{\text{of}}$ the nature of the proposed abortion procedure or
6.	Page 3, Line 68 House Floor Amendments 2–5–2009:
	68 (ii) $\underline{\text{of}}$ the probable gestational age and a description of the development of the unborn
7.	Page 3, Line 70 House Floor Amendments 2–5–2009:
	70 (iii) $\underline{\text{of}}$ the medical risks associated with carrying her child to term; $\underline{\text{and}}$
8.	Page 3, Lines 73 through 75 House Floor Amendments 2–5–2009:
	73 (A) {-any } that, upon the woman's request, an

anesthetic or analgesic { that would } will be administered to the

- <u>unborn child, either directly or through the woman, to</u> <u>eliminate or</u> <u>alleviate organic pain to the</u>
- 74 <u>unborn child that may be caused by the particular method of abortion to be employed; and</u>
- 75 (B) of any medical risks $\hat{H} \rightarrow$ to the woman that are $\leftarrow \hat{H}$ associated with
- 9. Page 4, Line 119 through Page 5, Line 121:
 - 119 (b) The information described in Subsection (2)(a)(iv) may be omitted from the
 - 120 <u>information required to be provided to a pregnant woman under this section if</u> :
 - (i) the abortion is
 - 121 performed for a reason described in Subsection 76–7–302(2)(a) or (d) $\{-, \}$; and
 - (ii) due to a serious medical emergency, time does not permit compliance with the requirement to provide the information described in Subsection (2)(a)(iv).
- 10. Page 6, Lines 161 through 165:
 - 161 {-<u>(8) A physician is not guilty of violating this section for failure to furnish any of the</u>
 - 162 <u>information described in Subsections (2)(a)(i) through (iii) or (2)(b) through (f), if, in the</u>
 - 163 physician's professional judgment, the abortion was to prevent the birth of a child who would
 - 164 <u>have been born with grave defects.</u> }
 - 165 $\{---\}$ (8) $\{---\}$ $\{--(9)\}$ A physician who complies with the provisions of this section and Section
- 11. Page 8, Line 223
 House Floor Amendments
 2–5–2009:
 - 223 <u>brochure that contains truthful, nonmisleading information</u> {-on <u>both sides of the issue</u> } <u>regarding:</u>
- 12. Page 8, Lines 232 through 236 House Floor Amendments 2–5–2009:

- 232 (b) A person or facility is not required to provide the information described in
- 233 <u>Subsection</u> (2)(a) to a patient or potential patient, {—unless } <u>if</u> the abortion is to be performed:
- 234 <u>(i) on an unborn child who is</u> {-at least } <u>less than</u> 20 weeks gestational age at the time of the
- 235 <u>abortion</u>; $\{-and\}$ <u>or</u>
- (ii) on an unborn child who is at least 20 weeks gestational age at the time of the abortion, if:

(A)the abortion is being performed

- 236 { $-\frac{(ii)}{0}$ -} for a reason { $-\frac{0}{0}$ other than a reason} } described in Subsection 76–7–302(2)(a) or (d) { $-\frac{1}{0}$ }; and
- (B) due to a serious medical emergency, time does not permit compliance with the requirement to provide the information described in Subsection (2)(a).
- 13. Page 9, Line 274 through Page 10, Line 283:
 - 274 A physician who performs an abortion of an unborn child who is at least 20 weeks
 - 275 gestational age shall administer an anesthetic or analgesic to eliminate or alleviate organic pain
 - 276 to the unborn child that may be caused by the particular method of abortion to be employed, if
 - 277 the woman having the abortion consents to the administration of an anesthetic or analgesic to
 - 278 the unborn child, unless {\frac{1}{2}}
 - 279 (1) } the physician is prevented from administering the anesthetic or analgesic by a
 - 280 medical emergency { ; or }
 - 281 {-(2) prior to performing the abortion, the physician informs the woman that the
 - 282 physician, or the facility at which the abortion is to be performed, cannot or does not provide
 - 283 <u>the service of administering an anesthetic or analgesic to an unborn child.</u> }

14. Page 10, Line 288:

After line 288 insert:

"Section 5. Coordinating H.B. 222 with H.B. 90 — Substantive and technical amendments.

If this H.B. 222 and H.B. 90, Abortion Law Amendments, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel shall prepare the Utah Code database for publication by modifying:

- (1) Subsection 76-7-305(3)(b)(i) to read as follows:
- "(i) the abortion is performed for a reason described in Subsection 76–7–302(3)(b)(i); and"; and
- (2) Subsection 76–7–305.5(2)(b)(ii)(A) to read as follows:
- "(A) the abortion is being performed for a reason described in Subsection76–7–302(3)(b)(i); and"."

Senator Buttars' motion to amend passed on a voice vote.

On motion of Senator Buttars, the bill was circled.

* * *

H.B. 275, DOMESTIC VIOLENCE IN PRESENCE OF A CHILD AMENDMENTS, was read the second time.

On motion of Senator Greiner, the bill was circled.

* * *

On motion of Senator Greiner, the circle was removed from **H.B. 244**, DISRUPTION OF SCHOOL ACTIVITIES, and it was before the Senate. Senator Greiner explained the bill.

Senator Hillyard proposed the following amendment:

- 1. Page 1, Line 11
 House Committee Amendments
 1–28–2009
 - 11 This bill:
 - <u>▶ provides a definition of school property, which includes certain</u> areas where school programs or activities are being conducted:
- 2. Page 2, Lines 31a through 31b Senate Committee Amendments 2–24–2009:

- 31a Ŝ→ (b) "School property" means real property :
 - (i) that is owned or occupied by a public or private
- 31b school : or
- (ii)(A) that is temporarily occupied by students for a school–related activity or program; and
- (B) regarding which, during the time the activity or program is being conducted, the main use of the real property is allocated to participants in the activity or program.
- , including real property temporarily occupied by students for a school activity or

Senator Hillyard's motion to amend passed on a voice vote. Senator Jenkins commented. The bill passed on the following roll call:

Yeas, 23; Nays, 1; Absent, 5.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jones	Knudson	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	•

Voting in the negative was: Senator

Jenkins

Absent or not voting were: Senators

Bramble Christensen Killpack Liljenquist

Madsen

* * *

On motion of Senator Jenkins, and at 10:40 a.m., the Senate sauntered.

The Senate was called to order at 10:55 a.m., with President Waddoups presiding.

* * *

On motion of Senator Dayton, the circle was removed from **H.B. 275**, DOMESTIC VIOLENCE IN PRESENCE OF A CHILD AMENDMENTS, and it was before the Senate. Senator Dayton explained the bill. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 0; Absent, 9.

Voting in	ı the	affirmative	were:	Senators
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Bell	Christensen	Davis	Dayton
Greiner	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Okerlund	Robles
Romero	Urquhart	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble	Buttars	Goodfellow	Hillyard
Killpack	Niederhauser	Stephenson	Stowell
Valentine			

* * *

H.B. 129, ALCOHOLIC BEVERAGE AMENDMENTS RELATED TO MINORS, was read the second time. Senator Davis explained the bill.

Senator Davis proposed the following amendment:

- Page 7, Line 207 through Page 8, Line 216
 House Committee Amendments
 2–9–2009
 - 207 (1) $\{-A\}$ Subject to the other provisions of this section. a retail licensee to whom a minor is liable under Section 32A-14b-201 may bring
 - 208 <u>an action in a court of competent jurisdiction to collect the amount</u> described in Section
 - 209 <u>32A-14b-201</u>.
 - 210 (2) The action allowed under this section may be brought against:
 - 211 (a) the minor; or
 - 212 (b) if the minor is less than 18 years of age, a parent or guardian of the minor.
 - 213 (3) An action under this chapter may not be commenced more than two years after the
 - 214 day on which the applicable fine is imposed by the commission.
 - 215 (4) Nothing in this chapter precludes a cause of action or additional recovery against a

- 216 minor under law other than this chapter.
- (5) Notwithstanding the other provisions of this part:
- (a) the state or an agency of the state is not liable under this part when a state agency has legal or protective custody of, or has guardianship of a minor at the time:
- (i) the minor engages in conduct with regard to a violation related to a minor; or
- (ii) an applicable fine is imposed on the retail licensee by the commission; and
- (b) a retail liquor licensee may not bring an action against the state or an agency of the state under the circumstances described in Subsection (5)(a).

Senator Davis' motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Van Tassell
Waddouns			

Absent or not voting were: Senators

Bramble Killpack Stephenson Valentine

On motion of Senator Knudson, **H.B. 129** was placed on Third Reading Table due to fiscal impact.

* * *

On motion of Senator Buttars, the circle was removed from **H.B. 222**, UNBORN CHILD PAIN PREVENTION ACT, and it was before the Senate. Senator Buttars explained the bill. Senators McCoy, Romero, and Jenkins commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 4; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Greiner	Hillyard	Hinkins

Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	Morgan	Niederhauser
Okerlund	Stephenson	Stowell	Urquhart
X 7	*** 11		

Van Tassell Waddoups

Voting in the negative were: Senators

Davis McCoy Robles Romero

Absent or not voting were: Senators

Goodfellow Killpack Valentine

* * *

On motion of Senator Bramble, the circle was removed from **H.B. 122**, GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill.

Senator Bramble proposed the following amendment:

- 1. Page 1, Lines 21 through 23b House Floor Amendments 2–18–2009
 - 21 ▶ prohibits a governmental entity's chief administrative officer, the records
 - 22 committee, and a court from releasing certain protected records via means of a
 - 23 balancing test \hat{H} <u>unless it is determined</u>, <u>by a preponderance</u> of the evidence or <u>by clear and convincing evidence</u>, <u>as applicable</u>, that the <u>public</u>
 - 23a <u>interest favoring access to the record outweighs the interest favoring restriction of access to the</u>
 - 23b record $\leftarrow \hat{H}$; and
- 2. Page 18, Lines 546 through 550e House Floor Amendments 2–18–2009:
 - Section 5. Section 63G–2–406 is enacted to read:
 - 547 <u>63G-2-406.</u> {-Restrictions on-} <u>Evidentiary standards</u> for release of certain enforcement and litigation records.

- 548 \hat{H} [The provisions of Subsections 63G-2-401(6), 63G-2-403(11)(b), and 63G-2-404(8)(a)
- 549 <u>do not apply to records that are classified as protected under Subsection 63G-2-305(9), (10).</u>
- $550a \frac{63G-2-305(9)}{63G-2-305(9)}$, $\{-\frac{(10)}{6}, (16), (17), (18), (23), (24), or (33)\}$ may be ordered to be disclosed under the
- 550b provisions of Subsections 63G–2–401(6), 63G–2–403(11)(b), and 63G–2–404(8)(a) only if the
- 550c person or party seeking disclosure of the record has established, by a preponderance of the evidence, that the public interest favoring access outweighs the interest favoring restriction of access.
- (2) A record that is classified as protected under Subsection 65G–2–305(10) may be ordered to be disclosed under the provisions of Subsections 63G–2–401(6), 63G–2–403(11)(b), and 63G–2–404(8) only if the person or party seeking disclosure of the record has established, by clear and convincing
- 550d evidence, that the public interest favoring access outweighs the interest {-in } favoring restriction
- 550e of access. **←**Ĥ

Senator Bramble's motion to amend passed on a voice vote. Senators Bell and Niederhauser commented. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative was: Senator

Romero

Absent or not voting was: Senator Killpack

* * *

On motion of Senator Knudson, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Knudson, **H.B. 265** was placed on Third Reading Table due to fiscal impact.

SECOND READING CALENDAR

1st Sub. H.B. 165, HEALTH REFORM – ADMINISTRATIVE SIMPLIFICATION, was read the second time.

On motion of Senator Bell, the bill was circled.

* * *

On motion of Senator Jenkins, and at 11:40 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:45 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 4, 2009

The House passed, **1st Sub. S.B. 21**, STATE AND LOCAL HEALTH AUTHORITIES AMENDMENTS, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 116**, CRIMINAL PENALTY AMENDMENTS, by Senator D. Liljenquist, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 120**, WORKERS' COMPENSATION ACT – MEDICAL REPORTS, by Senator K. Mayne, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 133**, ABUSE OR NEGLECT OF A DISABLED CHILD, by Senator J. Valentine, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 152**, LEGISLATIVE MANAGEMENT POWERS, by Senator M. Waddoups, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 156**, GIFTS AND MEAL PROVISIONS FOR PUBLIC OFFICIALS, by Senator G. Bell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 162**, USE OF CAMPAIGN FUNDS AMENDMENTS, by Senator J. Valentine, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 165**, STATUTE OF LIMITATION REVISIONS, by Senator M. Madsen, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 173**, EMOTIONAL SUPPORT ANIMALS AND PSYCHIATRIC THERAPY ANIMALS, by Senator M. Dayton, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 21, 1st Sub. S.B. 116, S.B. 120, S.B. 133, S.B. 152, S.B. 156, S.B. 162, 1st Sub. S.B. 165, and S.B. 173 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

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Mr. President: March 4, 2009

The House concurred in the Senate amendments and passed **H.B. 32**, AMENDMENTS TO AGENCY RULEMAKING REGARDING CRIMINAL PENALTIES, by Representative B. Ferry, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 112**, VEHICLE TOWING AMENDMENTS, by Representative T. Kiser, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 329**, WRONGFUL DEATH CLAIMS, by Representative L. Fowlke, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.J.R. 1**, RESOLUTION URGING THE WITHDRAWAL OF UNITED STATES' WORLD TRADE ORGANIZATION COMMITMENT ON

GAMBLING, by Representative S. Allen, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 32, H.B. 112, 1st Sub. H.B. 329, and **1st Sub. H.J.R. 1**, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President:

March 4, 2009

The House passed **H.B. 449**, VETERANS NURSING HOME AMENDMENTS, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed **H.C.R. 9**, CONCURRENT RESOLUTION HONORING DON PEAY, by Representative B. Dee, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 449** and **H.C.R. 9** were read the first time and referred to the Rules Committee.

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Mr. President:

March 4, 2009

The House passed, as amended, **S.B. 39**, IMMIGRATION AMENDMENTS, by Senator S. Jenkins, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

STANDING COMMITTEE REPORTS

Mr. President: March 4, 2009

The Business and Labor Committee reports a favorable recommendation on **S.B. 236**, UNINSURED AND UNDERINSURED MOTORIST COVERAGE AMENDMENTS, by Senator M. Madsen; and

The Business and Labor Committee reports a favorable recommendation on **1st Sub. H.B. 110**, FINANCIAL TRANSACTION CARD OFFENSES, by Representative Julie Fisher; and

The Business and Labor Committee reports a favorable recommendation on **1st Sub. H.B. 280**, INSURANCE CODE – CONTINUING EDUCATION, by Representative J. Bird; and

The Business and Labor Committee reports a favorable recommendation on **1st Sub. H.B. 313**, SOCIAL HOST LIABILITY ACT, by Representative E. Hutchings.

John L. Valentine, Chair

Mr. President:

March 3, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **1st Sub. H.B. 156**, SUBDIVISION APPROVAL AMENDMENTS, by Representative R. C. Webb; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **1st Sub. H.B. 259**, CHANGES TO IMPACT FEES, by Representative S. Sandstrom, with the following amendments:

- 1. Page 15, Lines 443 through 445:
 - 443 (i) the school is intended to replace another school, whether on the same or a different
 - 444 parcel: $\{-and\}$
 - (ii) the new school creates no greater demand or need for public facilities than the school being replaced; and
 - $\{-\frac{(ii)}{2}\}$ $\underline{(iii)}$ the new school and the school being replaced are both within:

Peter C. Knudson, Chair

Mr. President:

March 3, 2009

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 5**, REVENUE BOND AND CAPITAL FACILITIES AUTHORIZATIONS, by Senator W. Niederhauser; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 418**, DELINQUENT PROPERTY TAX AMENDMENTS, by Representative G. Froerer.

Wayne L. Niederhauser, Chair

Mr. President:

March 3, 2009

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **1st Sub. H.B. 283**, ILLEGAL USE OF MOTOR VEHICLES, by Representative M. Noel, with the following amendments:

- 1. Page 5, Lines 145 through 146 House Floor Amendments 2–25–2009:
 - 145 (ii) require the person to pay restitution {-not to exceed \$500} } for any damage caused by
 - 146 the unlawful motor vehicle travel; and
- 2. Page 6, Lines 173 through 174:
 - 173 (b) require the person to pay restitution {-not to exceed \$500} } for damage caused by the
 - 174 unlawful motor vehicle use; and
- 3. Page 6, Lines 179 through 180:
 - 179 (a) impose a fine not to exceed {-\$500} } \$1,000 :

 180 (b) require the person to pay restitution {-not to exceed \$1,000} } for damage caused by the ; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 412**, ENERGY POLICY AMENDMENTS, by Representative R. Barrus, with the following amendments:

1. Page 3, Line 75:
After "long-term" insert "wholesale"; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.C.R. 7**, CONCURRENT RESOLUTION EXPRESSING OPPOSITION TO THE CONGRESSIONAL ENACTMENT OF THE NATIONAL LANDSCAPE CONSERVATION SYSTEM, by Representative M. Brown.

Mark B. Madsen, Chair

Mr. President: March 4, 2009

The Health and Human Services Committee reports a favorable recommendation on **1st Sub. H.B. 64**, DETERRING ILLEGAL IMMIGRATION, by Representative B. Dee; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 399**, CHARITABLE CARE AMENDMENTS, by Representative B. Last.

D. Chris Buttars, Chair

On motion of Senator Jenkins, the committee reports were adopted. S.B. 236, 1st Sub. H.B. 110, 1st Sub. H.B. 280, 1st Sub. H.B. 313, 1st Sub. H.B. 156, 1st Sub. H.B. 259, as amended, S.B. 5, H.B. 418, 1st Sub. H.B. 283, as amended, H.B. 412, H.C.R. 7, 1st Sub. H.B. 64, and H.B. 399 were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: March 4, 2009

The Business and Labor Committee reports a favorable recommendation on **H.B. 192**, PERSONAL INJURY JUDGMENT INTEREST, by Representative J. Dunnigan, and recommends it be considered read for the second time and placed on the Consent Calendar.

John L. Valentine, Chair

Mr. President: March 3, 2009

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.J.R. 18**, JOINT RESOLUTION ON FISCAL NOTE PROCESS, by Senator W. Niederhauser, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 245**, UTAH STATE 911 COMMITTEE AMENDMENTS, by Representative C. Oda, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 310**, AUTHORITY OF LIEUTENANT GOVERNOR TO PERFORM MARRIAGE, by Representative C. Wimmer, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 323**, AMENDMENTS REGARDING NOTICE ON UTAH PUBLIC NOTICE WEBSITE, by Representative B. Winn, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 390**, ABSENTEE BALLOT AMENDMENTS, by Representative J. Mathis, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **1st Sub. H.B. 413**, COUNTY AUTHORITY AMENDMENTS, by Representative R. Menlove, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.J.R. 18**, JOINT RESOLUTION FOR LEGISLATIVE APPROPRIATION SUBCOMMITTEE NAME CHANGE, by Representative N. Hendrickson, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

Mr. President: March 3, 2009

The Workforce Services and Community and Economic Development Committee recommends **S.B. 271**, JUDICIAL CONDUCT COMMISSION AMENDMENTS, by Senator G. Davis, be replaced and favorably recommends **1st Sub. S.B. 271**, JUDICIAL CONDUCT COMMISSION AMENDMENTS and that it be considered read for the second time and placed on the Consent Calendar.

Mark B. Madsen, Chair

On motion of Senator Davis, the committee reports were adopted. H.B. 192, S.J.R. 18, H.B. 245, H.B. 310, H.B. 323, H.B. 390, 1st Sub. H.B. 413, H.J.R. 18, and 1st Sub. S.B. 271 were considered read the second time and placed on the Consent Calendar.

On motion of Senator Davis, the Senate voted to lift **1st Sub. S.B. 271** from the Consent Calendar and placed it at the top of the Second Reading Calendar.

* * *

Mr. President: March 4, 2009

With committee review, the Business and Labor Committee has returned **S.B. 267**, LANDLORD DISCLOSURE REQUIREMENTS, by Senator R. Romero, to the Rules Committee without recommendation; and

The Business and Labor Committee has returned **2nd Sub. H.B. 141**, BILLBOARD AMENDMENTS, by Representative C. Frank, to the Rules Committee; and

Without committee review, the Business and Labor Committee has returned **H.B. 327**, BUILDING INSPECTOR AMENDMENTS, by Representative D. Aagard, to the Rules Committee; and

Without committee review, the Business and Labor Committee has returned **2nd Sub. H.B. 400**, PETE SUAZO UTAH ATHLETIC COMMISSION AMENDMENTS, by Representative C. Oda, to the Rules Committee; and

The Business and Labor Committee has returned **H.B. 402**, ENFORCEMENT OF CARBON MONOXIDE DETECTOR REQUIREMENTS, by Representative K. Garn, to the Rules Committee.

John L. Valentine, Chair

Mr. President: March 4, 2009

Without committee review, the Health and Human Services Committee has returned **S.B. 86**, AMENDMENTS TO PREFERRED DRUG LIST, by Senator A. Christensen, to the Rules Committee; and

Without committee review, the Health and Human Services Committee has returned **H.J.R. 25**, JOINT RESOLUTION URGING EMPLOYERS TO HIRE ONLY INDIVIDUALS WHO ARE AUTHORIZED TO WORK IN THE UNITED STATES, by Representative C. Herrod, to the Rules Committee.

D. Chris Buttars, Chair

Mr. President: March 3, 2009

With committee review, the Education Committee has returned **S.B. 109**, LOCAL SCHOOL FUNDING LEGISLATIVE TASK FORCE, by Senator D. C. Buttars, to the Rules Committee and recommends the bill be referred to interim study; and

With committee review, the Education Committee has returned **S.B. 113**, DELAYED EFFECTIVE DATE FOR ILLEGAL IMMIGRATION LEGISLATION, by Senator P. Jones, to the Rules Committee without recommendation; and

With committee review, the Education Committee has returned **S.B. 123**, SCHOOL DISTRICT DIVISION PROCESS, by Senator L. Hillyard, to the Rules Committee without recommendation with the following amendments:

1. Page 5, Lines 128 through 142:

128 (5) (a) If a proposal submitted under Subsection (2)(a)(iii) is certified under Subsection

- 129 (2)(f) or (g), the legislative body of each county in which part of the proposed new school
- 130 district is located shall submit the proposal to the respective clerk of each county to be voted
- 131 on:

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- 132 (i) (A) by the legal voters residing within the [proposed new] existing school district
- 133 boundaries <u>if the student enrollment in the proposed new school</u> <u>district is greater than or equal to 15,000 students or 25 percent of the student enrollment of the existing school district; and</u>
- (B) by the legal voters residing within the proposed new school district boundaries if the student enrollment in the proposed new school district is less than 15,000 students or 25 percent of the student enrollment of the existing district ;
- 134 (ii) in accordance with the procedures and requirements applicable to a regular general
- 135 election under Title 20A, Election Code; and
- 136 (iii) at the next regular general election or municipal general election, whichever is
- 137 first.
- 138 (b) (i) If a majority of the legal voters {-within the [proposed new] existing school
- 139 district boundaries—} voting on the proposal at an election under Subsection (5)(a) vote in favor
- 140 of the creation of the new district:
- 141 (A) each county legislative body shall, within 60 days after the canvass date, file with
- 142 the lieutenant governor the written notice, with the accompanying map or plat, required under; and

Without committee review, the Education Committee has returned **S.B. 177**, NEW SCHOOL DISTRICT AMENDMENTS, by Senator D. C. Buttars, to the Rules Committee; and

With committee review, the Education Committee has returned **1st Sub. H.B. 150**, STATE BOARD OF EDUCATION MEMBER ELECTION PROCESS AMENDMENTS, by Representative C. Moss, et al, to the Rules Committee without recommendation; and

Without committee review, the Education Committee has returned **1st Sub. H.B. 207**, CONCURRENT ENROLLMENT AMENDMENTS, by Representative K. Holdaway, to the Rules Committee; and

With committee review, the Education Committee has returned **H.B. 238**, EXEMPTION OF UNIVERSITY HOUSING FROM EVICTION LAWS, by Representative K. Holdaway, to the Rules Committee without recommendation; and

With committee review, the Education Committee has returned **H.B. 312**, AMENDED CAMPAIGN FINANCE FILINGS, by Representative S. Allen, to the Rules Committee without recommendation; and

Without committee review, the Education Committee has returned **H.J.R. 13**, JOINT RESOLUTION – TEACHER PERFORMANCE PAY, by Representative M. Poulson, et al, to the Rules Committee.

Curtis S. Bramble, Chair

Mr. President:

March 3, 2009

With committee review, the Revenue and Taxation Committee deleted **S.B. 47**, GRANT IN LIEU OF PROPERTY TAXES ACT, by Senator G. Davis, and replaced it with **1st Sub. S.B. 47**, COUNTY REGIONAL FACILITIES PROPERTY TAX, and has returned it to the Rules Committee without recommendation; and

With committee review, the Revenue and Taxation Committee has returned **S.B. 130**, INCOME TAX CREDIT – CONTRIBUTIONS FOR WHICH FEDERAL MATCHING MONIES ARE OFFERED, by Senator S. McCoy, to the Rules Committee with a recommendation that it be referred to interim study; and

Without committee review, the Revenue and Taxation Committee has returned **S.B. 238**, COAL SEVERANCE TAX, by Senator G. Davis, to the Rules Committee; and

With committee review, the Revenue and Taxation Committee has returned **2nd Sub. H.B. 246**, PROPERTY TAX – RESIDENTIAL EXEMPTION, by Representative G. Froerer, to the Rules Committee without recommendation.

Wayne L. Niederhauser, Chair

Mr. President:

March 4, 2009

Without committee review, the Workforce Services and Community and Economic Development Committee has returned H.B. 195, UTAH UNIFORM

PROBATE CODE – TRUST AMENDMENTS, by Representative R. Lockhart, to the Rules Committee; and

Without committee review, the Workforce Services and Community and Economic Development Committee has returned **1st Sub. H.B. 204**, CONCEALED FIREARMS INSTRUCTORS AMENDMENTS, by Representative C. Oda, to the Rules Committee; and

Without committee review, the Workforce Services and Community and Economic Development Committee has returned **H.B. 206**, EMPLOYMENT SELECTION PROCEDURES, by Representative W. Harper, to the Rules Committee; and

Without committee review, the Workforce Services and Community and Economic Development Committee has returned **H.B. 209**, AMENDMENTS TO CRIMINAL APPEALS, by Representative Julie Fisher, to the Rules Committee; and

Without committee review, the Workforce Services and Community and Economic Development Committee has returned **H.B. 221**, COUNTY CORRECTIONAL FACILITIES FUNDING AMENDMENTS, by Representative M. Noel, to the Rules Committee; and

Without committee review, the Workforce Services and Community and Economic Development Committee has returned **1st Sub. H.B. 237**, CRIMINAL PENALTIES AMENDMENTS – LEAVING THE SCENE OF AN ACCIDENT, by Representative C. Herrod, to the Rules Committee; and

Without committee review, the Workforce Services and Community and Economic Development Committee has returned **1st Sub. H.B. 299**, UNLAWFUL DETAINER AMENDMENTS, by Representative G. Froerer, to the Rules Committee.

Mark B. Madsen, Chair

Mr. President: March 3, 2009

Without committee review, the Transportation and Public Utilities and Technology Committee has returned **S.B. 151**, DRIVER LICENSE DEFENSIVE DRIVING COURSE AMENDMENTS, by Senator K. Van Tassell, to the Rules Committee; and

Without committee review, the Transportation and Public Utilities and Technology Committee has returned **S.B. 178**, CLASS B AND C ROADS AMENDMENTS, by Senator K. Van Tassell, to the Rules Committee; and

Without committee review, the Transportation and Public Utilities and Technology Committee has returned **1st Sub. H.B. 290**, PROHIBITION OF WIRELESS COMMUNICATION DEVICE USE IN A MOTOR VEHICLE, by Representative S. Clark, to the Rules Committee; and

Without committee review, the Transportation and Public Utilities and Technology Committee has returned **H.B. 325**, OPTING OUT OF THE REAL ID ACT, by Representative S. Sandstrom, to the Rules Committee; and

Without committee review, the Transportation and Public Utilities and Technology Committee has returned **H.B. 387**, MOTORCYCLE HELMET AMENDMENTS, by Representative R. Menlove, to the Rules Committee.

Stephen H. Urquhart, Chair

On motion of Senator Dayton, the committee reports were adopted. S.B. 267, 2nd Sub. H.B. 141, H.B. 327, H.B. 400, H.B. 402, S.B. 86, H.J.R. 25, S.B. 109, S.B. 113, S.B. 123, as amended, S.B. 177, 1st Sub. H.B. 150, 1st Sub. H.B. 207, H.B. 238, H.B. 312, H.J.R. 13, 1st Sub. S.B. 47, S.B. 130, S.B. 238, 2nd Sub. H.B. 246, H.B. 195, 1st Sub. H.B. 204, H.B. 206, H.B. 209, H.B. 221, 1st Sub. H.B. 237, 1st Sub. H.B. 299, S.B. 151, S.B. 178, 1st Sub. H.B. 290, H.B. 325, and H.B. 387 were returned to the Rules Committee without recommendation.

SECOND READING CALENDAR

On motion of Senator Bell, **1st Sub. H.B. 188**, HEALTH SYSTEM REFORM – INSURANCE MARKET, was read the second time and circled.

* * *

On motion of Senator Davis, **2nd Sub. H.B. 331**, HEALTH REFORM – HEALTH INSURANCE COVERAGE IN STATE CONTRACTS, was read the second time and circled.

* * *

On motion of Senator Urquhart, **H.B. 205**, WATER SOURCE PROTECTION AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Knudson, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

Day 37

On motion of Senator Knudson, the circle was removed from **S.B. 79**, HEALTH REFORM – MEDICAL MALPRACTICE AMENDMENTS, and it was before the Senate.

Senator Valentine made a motion to substitute the bill. The motion failed on the following roll call vote:

Yeas, 12; Nays, 15; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Goodfellow	Greiner	Mayne	McCoy
Morgan	Robles	Romero	Valentine

Voting in the negative were: Senators

Buttars	Dayton	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Niederhauser	Okerlund	Stephenson
Stowell	Urquhart	Waddoups	

Absent or not voting were: Senators

Hillyard Van Tassell

Senator Stephenson made a motion for the Senate to reconsider its action on the substitute bill. The motion passed on a voice vote.

On motion of Senator Valentine, the following substitute bill replaced the original bill:

2nd Sub. S.B. 79 Health Reform – Medical Malpractice Amendments (J. Valentine)

The motion passed on the following roll call vote:

Yeas, 16; Nays, 13; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hillyard
Mayne	McCoy	Morgan	Robles
Romero	Stephenson	Valentine	Van Tassell

Voting in the negative were: Senators

Dayton	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Niederhauser	Okerlund	Stowell	Urquhart
*** 11			

Waddoups

Senators Romero and Bell commented.

On motion of Senator Knudson, the bill was circled.

SPECIAL PRESENTATION

A citation was given to Utah's Mother of the Year and Young Mother of the Year, Danielle Kennington and Dixie Clifford.

STANDING COMMITTEE REPORTS

Mr. President: March 4, 2009

Without committee review, the Government Operations and Political Subdivisions Committee has returned **S.B. 60**, DISTRICTS PROVIDING SERVICE TO TAXED PROPERTY, by Senator M. Waddoups, to the Rules Committee; and

Without committee review, the Government Operations and Political Subdivisions Committee has returned **H.B. 17**, EXPEDITED PARTNER THERAPY TREATMENT, by Representative J. Seelig, to the Rules Committee; and

With committee review, the Government Operations and Political Subdivisions Committee has returned **H.B. 48**, BALLOT QUESTION AMENDMENTS, by Representative K. Grover, to the Rules Committee without recommendation; and

Without committee review, the Government Operations and Political Subdivisions Committee has returned **H.B. 309**, COUNTY FISCAL PROCEDURES AMENDMENTS, by Representative C. Herrod, to the Rules Committee.

Peter C. Knudson, Chair

On motion of Senator Killpack, the committee reports were adopted. **S.B. 60**, **H.B. 17**, **H.B. 48**, and **H.B. 309** were returned to the Rules Committee.

SECOND READING CALENDAR

On motion of Senator Liljenquist, the circle was removed from **H.B. 42**, ADOPTION REVISIONS, and it was before the Senate. Senator Liljenquist explained the bill. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 1; Absent, 6.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Liljenquist
Madsen	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
37.1	XX7 1.1		

Valentine Waddoups

Voting in the negative was: Senator

McCoy

Absent or not voting were: Senators

Buttars	Killpack	Knudson	Mayne
Urquhart	Van Tassell		

* * *

On motion of Senator Bell, the circle was removed from **1st Sub. H.B. 165**, HEALTH REFORM – ADMINISTRATIVE SIMPLIFICATION, and it was before the Senate.

On motion of Senator Bell, the following substitute bill replaced the original bill:

3rd Sub. H.B. 165 Health Reform – Administration Simplification (M. Newbold)

Senator Bell explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack

Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Valentine	Van Tassell

Waddoups

Absent or not voting were: Senators

Hillyard Knudson Liljenquist Urquhart

* * *

On motion of Senator Bell, the circle was removed from **1st Sub. H.B. 188**, HEALTH SYSTEM REFORM – INSURANCE MARKET, and it was before the Senate.

On motion of Senator Bell, the following substitute bill replaced the original bill:

2nd Sub. H.B. 188 Health System Reform – Insurance Market (D. Clark)

Senator Bell explained the bill. Senators Killpack, Stowell, Davis, Christensen, Buttars, Stephenson, and Niederhauser commented.

Senator Bell proposed the following amendment:

- 1. Page 18, Line 535
 - 535 <u>law</u> <u>, provided that the insurer offers one plan under Subsection</u> (2)(a) that covers the mandate enacted after January 1, 2009 ; and
- 2. Page 19, Lines 555 through 556:
 - 555 (c) beginning July 1, 2012 may offer products under Subsection (3)(a) that :
 - (i) are not
 - 556 <u>subject to Subsection 31A-22-617(2); and</u>
 (ii) are subject to the reimbursement requirements in Section 31A-8-501;
- 3. Page 19, Line 559:
 - 559 reimbursement level of at least 75% of tier one providers : and
 (e) are not subject to coverage mandates enacted after January 1,
 2009 that are not required by federal law, provided that an insurer offers
 one plan that covers a mandate enacted after January 1, 2009

Senator Bell's motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Goodfellow	Hinkins	Jenkins	Jones
Killpack	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble Dayton Greiner Hillyard

Knudson Liljenquist

On motion of Senator Jenkins, **2nd Sub. H.B. 188** was placed on Third Reading Table due to fiscal impact.

* * *

On motion of Senator Davis, the circle was removed from **2nd Sub. H.B. 331**, HEALTH REFORM – HEALTH INSURANCE COVERAGE IN STATE CONTRACTS, and it was before the Senate. Senator Davis explained the bill. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis
Hinkins	Jenkins	Jones
Madsen	Mayne	McCoy
Niederhauser	Okerlund	Robles
Stephenson	Stowell	Urquhart
	Hinkins Madsen Niederhauser	Hinkins Jenkins Madsen Mayne Niederhauser Okerlund

Van Tassell Waddoups

Absent or not voting were: Senators

Bramble	Dayton	Greiner	Hillyard
Knudson	Liljenquist	Valentine	

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On motion of Senator Urquhart, the circle was removed from H.B. 205, WATER SOURCE PROTECTION AMENDMENTS, and it was before the

Senate. Senator Urquhart explained the bill. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	Mayne
McCoy	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Van Tassall	Waddana		

Van Tassell Waddoups

Absent or not voting were: Senators

Bell	Bramble	Greiner	Hillyard
Knudson	Morgan	Valentine	

* * *

1st Sub. H.J.R. 12, JOINT RESOLUTION SUPPORTING HYDROGEN POWER FROM ADVANCED COAL AND CARBON CAPTURE AND SEQUESTRATION TECHNOLOGY, was read the second time. Senator Hinkins explained the bill. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell	Bramble	Greiner	Hillyard

Knudson Valentine

* * *

On motion of Senator Liljenquist, **H.B.** 125, IMPACT FEE AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Liljenquist, **H.B. 140**, MOTOR VEHICLE REGISTRATION FEE AMENDMENTS, was read the second time and circled.

* * *

H.B. 136, SEX OFFENDER DEFINITION AMENDMENTS, was read the second time. Senator Buttars explained the bill. Senator McCoy commented. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Van Tassell
Waddoups			

Waddoups

Absent or not voting were: Senators

Greiner	Hillyard	Knudson	Valentine

* * *

On motion of Senator Liljenquist, **2nd Sub. H.B. 220**, STATE PAYMENT AND REIMBURSEMENT TO COUNTY CORRECTIONAL FACILITIES, was read the second time and circled.

* * *

H.B. 108, HORMONE RESTORATION AMENDMENTS, was read the second time. Senator Stowell explained the bill. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Hinkins	Jenkins
Jones	Killpack	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Voting in the negative was: Senator

Dayton

Greiner Hillyard Knudson Valentine

* * *

1st Sub. H.B. 126, VOTER IDENTIFICATION FOR ELECTIONS, was read the second time.

On motion of Senator Madsen, the bill was circled.

* * *

H.B. 317, CAPITAL FELONY AMENDMENTS, was read the second time.

On motion of Senator Madsen, the bill was circled.

* * *

1st Sub. H.B. 151, MOTOR VEHICLE FORFEITURE AMENDMENTS, was read the second time. Senator Killpack explained the bill. Senators Waddoups, Jenkins, and Buttars commented. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative was: Senator

Hinkins

Absent or not voting were: Senators

Hillyard Knudson Robles

* * *

On motion of Senator Greiner, the circle was removed from **2nd Sub. H.B. 220**, STATE PAYMENT AND REIMBURSEMENT TO COUNTY

CORRECTIONAL FACILITIES, and it was before the Senate. Senator Greiner explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Van Tassell
Waddouns			

Waddoups

Absent or not voting were: Senators

Knudson Hillyard Niederhauser Valentine

On motion of Senator Greiner, 2nd Sub. H.B. 220 was placed on Third Reading Table due to fiscal impact.

* * *

On motion of Senator Killpack, the Senate voted to lift S.B. 73, UNINCORPORATED AREAS AMENDMENTS, to the top of the Second Reading Calendar.

* * *

On motion of Senator Killpack and at 5:10 p.m., the Senate adjourned until 9:00 a.m., Thursday, March 5, 2009.

THIRTY-EIGHTH DAY

MORNING SESSION

March 5, 2009

The Senate was called to order at 9:15 a.m., with President Michael Waddoups presiding.

Prayer – President David Jensen, Counselor in the Eagle Mountain Stake, The Church of Jesus Christ of Latter–day Saints

Pledge of Allegiance – Senator Luz Robles

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 73)

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 4, 2009

The House passed, **1st Sub. S.B. 29**, SAFE DRINKING WATER ACT AMENDMENTS, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 53**, AWARDING OF ATTORNEY FEES, by Senator S. Urquhart, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 90**, METAL THEFT AMENDMENTS AND PENALTIES, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 98**, MOTOR FUEL THEFT PENALTIES, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 102**, SHARE THE ROAD SPECIAL GROUP LICENSE PLATE, by Senator W. Niederhauser, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 121**, WORKERS' COMPENSATION – ATTORNEY FEES, by Senator K. Mayne, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **2nd Sub. S.B. 124**, INDEMNIFICATION FOR DESIGN PROFESSIONAL SERVICES, by Senator G. Bell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 160**, UTAH VENTURE CAPITAL ENHANCEMENT ACT AMENDMENTS, by Senator S. Jenkins, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 170**, JUDICIARY AMENDMENTS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 29, 1st Sub. S.B. 53, S.B. 90, S.B. 98, S.B. 102, S.B. 121, 2nd Sub. S.B. 124, S.B. 160, and S.B. 170 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 4, 2009

The House passed **H.B. 302**, DISTRIBUTION OF TOBACCO SETTLEMENT MONIES AMENDMENTS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 444**, BUDGET IMPLEMENTATION ADJUSTMENTS – TOBACCO SETTLEMENT FUNDS, by Representative R. Bigelow, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 302** and **H.B. 444** were read the first time and referred to the Rules Committee.

* * *

Mr. President: March 4, 2009

The House passed, as amended, **S.B. 35**, SALES AND USE TAX DEFINITIONS RELATING TO PROPERTY, by Senator W. Niederhauser, and it is transmitted for further consideration; and

The House passed, as amended, **2nd Sub. S.B. 56**, MILITARY INSTALLATION DEVELOPMENT AUTHORITY AMENDMENTS, by Senator S. Killpack, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 118**, PARENTAL RESPONSIBILITY FOR JUVENILE CRIMINAL GANG OFFENSE COSTS, by Senator J. Greiner, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

CONSENT CALENDAR

H.B. 144, MEDICAL LANGUAGE INTERPRETER ACT, was read the third time, explained by Senator Christensen, and passed on the following roll call:

Yeas, 20; Nays, 0; Absent, 9.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Madsen
Mayne	Morgan	Okerlund	Romero
Stephenson	Stowell	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble	Hillyard	Knudson	Liljenquist
McCoy	Niederhauser	Robles	Urquhart
Valentine			

H.B. 144 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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H.B. 254, HEALTH PROFESSIONAL AUTHORITY – DEATH CERTIFICATES, was read the third time, explained by Senator Killpack, and passed on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	Morgan	Niederhauser

Okerlund Robles Romero Stephenson Stowell Urquhart Valentine Van Tassell

Waddoups

Voting in the negative was: Senator

Dayton

Absent or not voting were: Senators

Hillyard Knudson McCoy

H.B. 254 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.J.R. 3, JOINT RESOLUTION SUPPORTING EFFORTS TO INCREASE AND IMPROVE CANCER TREATMENT, SCREENING, AND RESEARCH PROGRAMS, was read the third time, explained by Senator Mayne, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Urquhart	Van Tassell
Waddoupe			

Waddoups

Absent or not voting were: Senators

Liljenquist Madsen Stowell Valentine

H.J.R. 3 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.J.R. 5, JOINT RESOLUTION SUPPORTING NEEDED IMPROVEMENTS IN THE NAVAJO NATION'S ABILITY TO COLLECT AND TRACK CHILD SUPPORT PAYMENTS, was read the third time, explained by Senator , and passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jones	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Urquhart
Van Tassell	Waddoups		

Absent or not voting were: Senators

Hillyard	Jenkins	Killpack	Knudson
Madsen	Stowell	Valentine	

1st Sub. H.J.R. 5 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Stephenson, the Senate voted to lift H.B. 197, REAUTHORIZATION OF ADMINISTRATIVE RULES, from the Consent Calendar and place it at the top of the Second Reading Calendar.

* * *

H.B. 375, LOCAL GOVERNMENT RECORDS AMENDMENTS, was read the third time, explained by Senator Christensen, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

0			
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Killpack
Knudson	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Jenkins	Madsen	Stowell	Urquhart

H.B. 375 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 292, TRAFFIC VIOLATION AND CITATION AMENDMENTS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Jenkins Killpack Madsen Stephenson Stowell

H.B. 292 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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S.B. 215, JUSTICE FOR ALL SPECIAL GROUP LICENSE PLATE, was read the third time, explained by Senator Bell, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Killpack
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Urquhart	Valentine	Van Tassell
Waddouns			

waddoups

Absent or not voting were: Senators

Jenkins Knudson Madsen Stowell

S.B. 215 was transmitted to the House for consideration.

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S.B. 218, COMMUNITY ANIMAL SHELTER AND ADOPTION SUPPORT SPECIAL GROUP LICENSE PLATE, was read the third time, explained by Senator Knudson, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Jenkins Killpack Madsen Stephenson Stowell

S.B. 218 was transmitted to the House for consideration.

STANDING COMMITTEE REPORTS

Mr. President:

The Retirement and Independent Entities Committee recommends **S.B. 76**, ENERGY AMENDMENTS, by Senator C. Bramble, be replaced and favorably recommends **3rd Sub. S.B. 76**, ENERGY AMENDMENTS.

Daniel R. Liljenquist, Chair

March 5, 2009

On motion of Senator Bell, the committee report was adopted. **3rd Sub. S.B. 76** was placed on Second Reading Calendar.

Mr. President: March 5, 2009

The Retirement and Independent Entities Committee reports a favorable recommendation on **1st Sub. H.B. 211**, RETIREMENT INVESTMENT REPORTS, by Representative Julie Fisher, and recommends it be considered read for the second time and placed on the Consent Calendar.

Daniel R. Liljenguist, Chair

On motion of Senator Bell, the committee report was adopted. **1st Sub. H.B. 211** was considered read the second time and placed on the Consent Calendar.

THIRD READING CALENDAR

H.B. 287, UTAH EDUCATION NETWORK AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	Christensen	Killpack	Knudson
Liljenquist	Stephenson		

H.B. 287 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 118, ARCHIVES AND GRAMA REVISIONS, was read the third time, explained by Senator Goodfellow, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups	_		

Absent or not voting were: Senators

Bramble Christensen Killpack Knudson

H.B. 118 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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On motion of Senator Greiner, **H.B. 244**, DISRUPTION OF SCHOOL ACTIVITIES, was read the third time and circled.

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H.B. 275, DOMESTIC VIOLENCE IN PRESENCE OF A CHILD AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Greiner Hillyard Killpack

H.B. 275 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 222, UNBORN CHILD PAIN PREVENTION, was read the third time and explained by Senator Buttars.

Senator Buttars proposed the following amendment:

- Page 1, Lines 14b through 15
 Senate 2nd Reading Amendments 3–4–2009
 - 14b that, upon the woman's request, an $\leftarrow \hat{S}$ anesthetic or analgesic $\hat{S} \rightarrow \text{[that would]}$ will

14c be administered to the unborn child, $\{-\text{either directly or}-\}$ through the woman, to $\{-\text{either directly or}-\}$

- 15 alleviate organic pain to the unborn child $\hat{S} \rightarrow : \leftarrow \hat{S}$ and
- 2. Page 3, Lines 73 through 74 Senate 2nd Reading Amendments 3–4–2009:
 - 73 (A) $\hat{S} \rightarrow [any]$ that, upon the woman's request, an $\Leftrightarrow \hat{S}$ anesthetic or analgesic $\hat{S} \rightarrow [that]$
 - 73a would will be administered to the unborn child, {-either directly or } through the woman, to \(\bigsire \hat{S}\)
 - 73b eliminate or alleviate organic pain to the
 - 74 <u>unborn child that may be caused by the particular method of abortion to be employed; and</u>

Senator Buttars' motion to amend passed on a voice vote. Senator McCoy commented and the bill passed on the following roll call:

Yeas, 22; Nays, 4; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Greiner	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups	_	

Voting in the negative were: Senators

Davis McCoy Robles Romero

Absent or not voting were: Senators

Goodfellow Hillyard Killpack

H.B. 222, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Bramble, **H.B. 122**, GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT AMENDMENTS, was read the third time and circled.

* * *

On motion of Senator Jenkins, **H.B. 42**, ADOPTION REVISIONS, was read the third time and circled.

* * *

3rd Sub. H.B. 165, HEALTH REFORM – ADMINISTRATIVE SIMPLIFICATION, was read the third time, explained by Senator Bell, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Christensen Hillyard Killpack Mayne

McCoy

3rd Sub. H.B. 165, as amended, was returned to the House for further consideration.

* * *

2nd Sub. H.B. 331, HEALTH REFORM – HEALTH INSURANCE COVERAGE IN STATE CONTRACTS, was read the third time, explained by Senator Davis, and passed on the following roll call:

Yeas, 17; Nays, 6; Absent, 6.

Voting in the affirmative were: Senators

Bell	Davis	Goodfellow	Hinkins
Jones	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Van Tassell
XX7- 11			

Waddoups

Voting in the negative were: Senators

Bramble Buttars Dayton Jenkins

Stephenson Valentine

Absent or not voting were: Senators

Christensen Greiner Hillyard Killpack

Knudson McCoy

2nd Sub. H.B. 331 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Liljenquist, the circle was removed from **H.B. 42**, ADOPTION REVISIONS, and it was before the Senate. The bill passed on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Bramble	Buttars	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative was: Senator

McCoy

Absent or not voting were: Senators

Bell Christensen Hillyard Killpack

H.B. 42 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 205, WATER SOURCE PROTECTION AMENDMENTS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting were: Senators

Christensen Hillyard Killpack Knudson

Valentine

H.B. 205 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.J.R. 12, JOINT RESOLUTION SUPPORTING HYDROGEN POWER FROM ADVANCED COAL AND CARBON CAPTURE AND SEQUESTRATION TECHNOLOGY, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Liljenquist
Madsen	Mayne	McCoy	Morgan
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting were: Senators

Hillyard Killpack Knudson Niederhauser

Valentine

1st Sub. H.J.R. 12 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Greiner, the circle was removed from **H.B. 244**, DISRUPTION OF SCHOOL ACTIVITIES, and it was before the Senate.

Senator Jenkins proposed the following amendment:

- Page 1, Line 16
 Senate 2nd Reading Amendments 3-4-2009
 - 16 defendant's presence on school property Ĥ→;

 requires that school property be posted and that the signs advise
 the public that entering the property while evading law enforcement is
 against the law; and
- 2. Page 2, Lines 31e through 32 Senate 2nd Reading Amendments 3–4–2009:

- 31e of the real property is allocated to participants in the activity or program. {-
- 31f <u>including real property temporarily occupied by students for a school activity or</u>
- 31c program. } **←**Ŝ
- 32 (2) School property shall be posted by legible signs that provide notice to the public that:
 - (a) the posted property is school property; and
- (b) if a person enters the school property while evading a law enforcement officer, the person is in violation of state law.
- (3) A person is guilty of the class A misdemeanor of evading law enforcement while on
- 3. Page 2, Line 36 Senate 2nd Reading Amendments 3–4–2009:
 - $\{-\frac{(3)}{3}\}$ $\underline{(4)}$ It is not a defense that the person did not know that the person had entered onto
- 4. Page 2, Line 38
 Senate 2nd Reading Amendments
 3–4–2009:
 - $\{-(4)\}$ (5) As a part of the sentence for violation of this section, the court shall order the
- 5. Page 2, Line 40a Senate 2nd Reading Amendments 3–4–2009:
 - 40a $\hat{H} \rightarrow \{-\underbrace{(5)}\}$ $\underbrace{(6)}$ The offense under this section of evading law enforcement while on school property

Senator Jenkins' motion to amend failed on a voice vote. Senators Jones and Bramble commented and the bill passed on the following roll call:

Yeas, 21; Nays, 4; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jones	Knudson	Liljenquist	Mayne

McCoyMorganOkerlundRoblesRomeroStephensonStowellUrquhart

Valentine

Voting in the negative were: Senators

Buttars Jenkins Madsen Waddoups

Absent or not voting were: Senators

Hillyard Killpack Niederhauser Van Tassell

H.B. 244 was returned to the House for further consideration.

* * *

H.B. 136, SEX OFFENDER DEFINITION AMENDMENTS, was read the third time and explained by Senator Buttars.

On motion of Senator Buttars, the following substitute bill replaced the original bill:

1st Sub. H.B. 136 Sex Offender Definition Amendments (P. Ray)

Senator McCoy commented and the bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
V T 11	W. 11	*	

Van Tassell Waddoups

Absent or not voting were: Senators

Hillyard Killpack Niederhauser

1st Sub. H.B. 136 was returned to the House for further consideration.

* * *

H.B. 108, HORMONE RESTORATION AMENDMENTS, was read the third time and explained by Senator Stowell. Senators Dayton, Christensen, Mayne, and Robles commented and the bill passed on the following roll call:

Yeas, 19; Nays, 6; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Goodfellow
Hinkins	Jenkins	Jones	Liljenquist
Madsen	Mayne	McCoy	Morgan
Okerlund	Robles	Stephenson	Stowell
Uranhart	Von Toccoll	Woddowns	

Urquhart Van Tassell Waddoups

Voting in the negative were: Senators

Christensen Davis	Dayton	Hillyard
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Knudson Romero

Absent or not voting were: Senators

Greiner Killpack Niederhauser Valentine

H.B. 108 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Christensen, **1st Sub. H.B. 151**, MOTOR VEHICLE FORFEITURE AMENDMENTS, was read the third time and circled.

* * *

On motion of Senator Bramble, the Senate voted to lift **S.B. 224**, REUSE OF INDUSTRIAL BYPRODUCT, to the top of the Second Reading Calendar.

S.B. 224, REUSE OF INDUSTRIAL BYPRODUCT, was read the second time.

On motion of Senator Bramble, the following substitute bill replaced the original bill:

1st Sub. S.B. 224 Reuse of Industrial Byproduct (C. Bramble)

On motion of Senator Bramble, the bill was circled.

* * *

On motion of Senator Bramble, and at 10:50 a.m., the Senate sauntered.

The Senate was called to order at 11:10 a.m., with President Waddoups presiding.

SECOND READING CALENDAR

H.B. 197, REAUTHORIZATION OF ADMINISTRATIVE RULES, was read the second time.

On motion of Senator Jenkins, the bill was circled.

* * *

H.B. 202, SCHOOL DISTRICT TRAFFIC VIOLATION COMPLAINT PROCEDURES, was read the second time. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bramble	Christensen	Dayton	Goodfellow
Greiner	Hinkins	Jenkins	Jones
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bell Buttars Davis Hillyard

Killpack Knudson Stephenson

* * *

On motion of Senator Madsen, the circle was removed from **1st Sub. H.B. 126**, VOTER IDENTIFICATION FOR ELECTIONS, and it was before the Senate. Senator Madsen explained the bill. Senator McCoy commented. The bill passed second reading on the following roll call:

Yeas, 18; Nays, 8; Absent, 3.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Dayton
Greiner	Hinkins	Jenkins	Knudson
Liljenquist	Madsen	Niederhauser	Okerlund
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative were: Senators

Davis	Goodfellow	Jones	Mayne
McCoy	Morgan	Robles	Romero

Bell Hillyard Killpack

* * *

On motion of Senator Madsen, the circle was removed from H.B. 317, CAPITAL FELONY AMENDMENTS, and it was before the Senate. Senator Madsen explained the bill.

Senator Madsen proposed the following amendment:

- 1. Page 1, Line 20
 - 20 76–3–206, as last amended by Laws of Utah 2001, Chapter 209 76–3–207.7, as enacted by Laws of Utah 2007, Chapter 275
- 2. Page 2, Line 34:
 - 34 shall be heard in accordance with rules promulgated by the Utah State Supreme Court.

Section 2. Section 76–3–207.7 is amended to read:

76–3–207.7. First degree felony aggravated murder — Noncapital felony — Penalties — Sentenced by court.

- (1) A person who has pled guilty to or been convicted of first degree felony aggravated murder under Section 76–5–202 shall be sentenced by the court.
- (2) The sentence under this section shall be life in prison without parole or an indeterminate prison term of not less than $\{-20-\}$ 25 years and which may be for life.

Senator Madsen's motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups	-	

Bell Hillyard Killpack

* * *

H.B. 152, APPRAISAL MANAGEMENT COMPANY REGULATION, was read the second time.

On motion of Senator Valentine, the bill was circled.

* * *

H.B. 170, INSURANCE AND LIFE SETTLEMENT AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Waddoups			

waaaoups

Absent or not voting were: Senators

Bell Hillyard Killpack Van Tassell

* * *

1st Sub. H.B. 352, ALCOHOLIC BEVERAGE RELATED AMENDMENTS, was read the second time. Senator Valentine explained the bill. Senator Waddoups commented. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Christensen	Davis	Dayton	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Waddoups

Bell Bramble Buttars Killpack

Van Tassell

* * *

H.B. 128, ELECTRONIC PRESCRIBING ACT, was read the second time. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell Buttars Hillyard Killpack

Urquhart Valentine

* * *

H.B. 142, REPORTING ABUSE OR NEGLECT OF THE ELDERLY OR DISABLED, was read the second time. Senator Davis explained the bill. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Van Taccell	Waddoups	

Stowell Van Tassell Waddoups

Absent or not voting were: Senators

Bell	Buttars	Killpack	Liljenquist
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Urquhart Valentine

* * *

2nd Sub. H.B. 100, DEPARTMENT OF CORRECTIONS – TRACKING AND REIMBURSEMENT OF INDIVIDUAL PRISONER COSTS, was read the second time. Senator Bramble explained the bill. Senators Goodfellow. Jenkins, Romero, and Dayton commented. The bill passed second reading on the following roll call:

Yeas, 19; Nays, 8; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Dayton
Greiner	Hillyard	Hinkins	Knudson
Liljenquist	Madsen	Niederhauser	Okerlund
Robles	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Davis	Goodfellow	Jenkins	Jones
Mayne	McCoy	Morgan	Romero

Absent or not voting were: Senators

Christensen Killpack

* * *

On motion of Senator Knudson, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Knudson, the Senate voted to lift **2nd Sub. H.B. 188**, HEALTH SYSTEM REFORM – INSURANCE MARKET, from the Third Reading Table and place it at the top of the Third Reading Calendar.

On motion of Senator Jenkins, and at 12:00 noon, the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:50 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 5, 2009

The House passed, **1st Sub. S.B. 15**, WORKERS' COMPENSATION PREMIUM ASSESSMENT AND RELATED FUNDING, by Senator K. Mayne, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 54**, UNIFORM LAW – UNIFORM ASSIGNMENT OF RENTS ACT, by Senator R. Romero, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 150**, STATE ARMORY AMENDMENTS, by Senator S. Jenkins, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 153**, COUNTY AND MUNICIPAL LAND USE AMENDMENTS, by Senator M. Madsen, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 180**, EXPUNGEMENT OF DIVISION OF CHILD AND FAMILY SERVICES RECORDS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 10**, ALTERNATIVE TRAINING CENTER JOINT RESOLUTION, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 15, S.B. 54, S.B. 150, S.B. 153, 1st Sub. S.B. 180, and S.J.R. 10 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 5, 2009

The House passed, as amended, **H.B.** 185, TRANSPORTATION AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 383**, WATER RIGHTS ADJUDICATION AMENDMENTS, by Representative J. Gowans, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.J.R. 8**, JOINT RESOLUTION REGARDING SECRET BALLOT, by Representative C. Wimmer, et al, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 185, H.B. 383,** and **1st Sub. H.J.R. 8** were read the first time and referred to the Rules Committee.

* * *

Mr. President:

March 5, 2009

The House passed, as amended, **1st Sub. S.B. 81**, CONCURRENT ENROLLMENT PROGRAM AMENDMENTS, by Senator M. Dayton, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

SECOND READING CALENDAR

On motion of Senator Valentine, the circle was removed from **H.B. 152**, APPRAISAL MANAGEMENT COMPANY REGULATION, and it was before the Senate. Senator Valentine explained the bill. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jones	Killpack	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars	Hillyard	Jenkins	Knudson
Liljenquist	Stephenson		

* * *

1st. Sub. H.B. 296, SCHOOLS FOR THE DEAF AND BLIND AMENDMENTS, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen
McCoy	Morgan	Niederhauser
Robles	Romero	Stowell
Valentine	Van Tassell	Waddoups
	Dayton Hinkins Knudson McCoy Robles	Dayton Goodfellow Hinkins Jenkins Knudson Liljenquist McCoy Morgan Robles Romero

Absent or not voting was: Senator

Stephenson

On motion of Senator Bramble, **1st Sub. H.B. 296** was placed on Third Reading Table due to fiscal impact.

* * *

On motion of Senator Valentine, the circle was removed from **H.B. 140**, MOTOR VEHICLE AMENDMENTS, and it was before the Senate. Senator Valentine explained the bill. Senator Bramble commented. The bill passed second reading on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Bel1

On motion of Senator Valentine, **H.B. 140** was placed on Third Reading Table due to fiscal impact.

* * *

On motion of Senator Killpack, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Killpack, the circle was removed from **1st Sub. H.B. 151**, MOTOR VEHICLE FORFEITURE AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Van Tassell	Waddoups	

Absent or not voting were: Senators

Niederhauser Valentine

1st Sub. H.B. 151 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bell, the circle was removed from **1st Sub. S.B. 184**, CIVIL FILING FEES, and it was before the Senate. Senator Bell explained the bill.

Senator McCoy proposed the following amendment:

- 1. Page 1, Line 24 through Page 2, Line 26
 - 24 (1) (a) The fee for filing any civil complaint or petition invoking the jurisdiction of a
 - 25 court of record not governed by another subsection is [\$155] $\{-\$310\}$ \$360.

26

31

32

33

131

more;

3-4-2009:

(bb) court for an order that does

2. Page 2, Lines 31 through 34:

(iv) [\$155]

3. Page 5, Lines 131 through 136 Senate 3rd Reading Amendments

(iii) [\$155] {-\$310} }

under Title 30, Chapter 3, Divorce, or Title 30, Chapter 4, Separate Maintenance; and

amount in interpleader is \$10,000 or

(b) The fee for filing a complaint or petition is:

{-\$225}

\$360

\$310

{- \$\hat{S}\rightarrow Any motion or other written application to the

if the claim for damages or

if the petition is filed

1:	31a <u>n</u>	ot have a fee	establis	ned by tl	nis section i	<u>s \$10.</u>
		<u>ee)</u> ←Ŝ } s not listed ir			ee for servi	ces or the filing of
1	32 other	rwise provide	ed by lav	·.		
Е	33 Except as aid to					$\{\frac{(dd)}{\bullet} \hat{\bullet} \}$ under this section are
		General Fund the time the	-	as provi	ded in this s	section, all fees shall
1:	35 acce	pts the pleadi	ng for fi	ling or p	erforms the	e requested service.
T	36 The filing gencies,	fees under t				$\{-\frac{(ee)}{-} \in \hat{S}_{-}\}$ reged to the state, its
Senate the follow		•	amend p	assed on	a voice vot	e. The bill passed on
Yeas, 22;	Nays, 2;	Absent, 5.				
Voting in	the affir	mative were	: Senato	rs		
Bell		Bramble		Buttars		Christensen
Davis		Dayton		Hinkins		Jenkins
Jones		Knudson		Liljenqu	iist	Mayne

McCoy Morgan Niederhauser Okerlund Robles Romero Stephenson Stowell

Urquhart Van Tassell

Voting in the negative were: Senators

Goodfellow Waddoups

Absent or not voting were: Senators

Greiner Hillyard Killpack Madsen

Valentine

1st Sub. S.B. 184 was transmitted to the House for consideration.

* * *

2nd Sub. H.B. 188, HEALTH SYSTEM REFORM – INSURANCE MARKET, was read the third time and explained by Senator Bell.

Senator Bell proposed the following amendment:

1. Page 33, Lines 989 through 990

989 <u>administrator</u> <u>for the placement of { health care insurance } a health benefit plan, other than a hospital confinement indemnity policy, unless prior to the customer's purchase</u>

990 of {-health care insurance} } the health benefit plan the producer:

Senator Bell's motion to amend passed on a voice vote. Senators Romero, Van Tassell, Davis, Robles, Buttars, and Killpack commented and the bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell Buttars Christensen Davis Goodfellow Greiner Hillvard Hinkins **Jenkins** Jones Killpack Knudson Liljenquist Madsen Mayne McCov Morgan Niederhauser Okerlund Robles Romero Stowell Stephenson Urquhart Valentine Van Tassell Waddoups

Absent or not voting were: Senators

Bramble Dayton

2nd Sub. H.B. 188, as amended, was returned to the House for further consideration.

SECOND READING CALENDAR

H.B. 328, TEACHER QUALITY AMENDMENTS, was read the second time. Senator Stephenson explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Greiner	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative was: Senator

Goodfellow

Absent or not voting were: Senators

Bramble Hillyard Romero

On motion of Senator Stephenson, **H.B. 328** was placed on Third Reading Table due to fiscal impact.

* * *

1st Sub. H.B. 157, PROPERTY TAX ASSESSMENT AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. Senators Van Tassell and Okerlund commented. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Christensen	Davis	Dayton
Greiner	Hinkins	Jenkins
Knudson	Liljenquist	Madsen
McCoy	Morgan	Niederhauser
Robles	Romero	Stephenson
Van Tassell	Waddoups	•
	Greiner Knudson McCoy Robles	Greiner Hinkins Knudson Liljenquist McCoy Morgan Robles Romero

Absent or not voting were: Senators

Bell Buttars Hillyard Killpack

Urguhart Valentine

* * *

On motion of Senator Killpack, **S.B. 73**, UNINCORPORATED AREAS AMENDMENTS, will be considered Friday, March 6, 2009, at 10:00 a.m.

On motion of Senator Jenkins, under suspension of the rules, the Senate voted to consider Senate bills for the remainder of the day.

* * *

1st Sub. S.B. 271, JUDICIAL CONDUCT COMMISSION AMENDMENTS, was read the second time. Senator Davis explained the bill. Senator Buttars commented. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Valentine
Van Taggall	Woddowns		

Van Tassell Waddoups

Absent or not voting were: Senators

Bramble Hillyard Urquhart

* * *

S.R. 6, SENATE RESOLUTION RECOGNIZING THE WORK DONE BY THE LEAGUE OF UNITED LATIN AMERICAN CITIZENS, was read the second time. Senator Robles explained the bill. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins

Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble Christensen Killpack Urguhart

Valentine

* * *

S.B. 70, DEPARTMENT OF ENVIRONMENTAL QUALITY AMENDMENTS, was read the second time. Senator Dayton explained the bill. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Dayton	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative was: Senator

Davis

Absent or not voting were: Senators

Bramble Christensen Goodfellow Knudson

* * *

1st Sub. S.B. 228, PROHIBITION ON INTERNET OR MAIL-ORDER SALES OF TOBACCO PRODUCTS, was read the second time. Senator Dayton explained the bill. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 1; Absent, 5.

Voting in the affirmative were: Senators

Bell	Buttars	Dayton	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Waddoups	

Voting in the negative was: Senator

Davis

Absent or not voting were: Senators

Bramble Christensen Goodfellow Knudson

Van Tassell

* * *

On motion of Senator Killpack, the Senate voted to lift the following bills from the Second Reading Calendar and Consent Calendar and return them to the Rules Committee for prioritization:

H.B. 72, H.B. 194, H.B. 167, H.B. 192, H.B. 245, H.B. 310, H.B. 323, H.B. 390, 1st Sub. H.B. 413, H.J.R. 18, 1st Sub. H.B. 211, H.B. 197, H.B. 125, H.B. 184, 2nd Sub. H.B. 120, 1st Sub. H.B. 164, H.B. 322, 1st Sub. H.B. 110, 1st Sub. H.B. 280, 1st Sub. H.B. 313, 1st Sub. H.B. 156, 1st Sub. H.B. 259, H.B. 418, 1st Sub. H.B. 283, H.B. 412, H.C.R. 7, 1st Sub. H.B. 64, and H.B. 399.

* * *

Senator Liljenquist made a motion for the Senate to reconsider its action on **S.B. 61,** HOME SCHOOL AND PRIVATE SCHOOL STUDENTS' PARTICIPATION IN EXTRACURRICULAR ACTIVITIES. Senators Romero, Stowell, Buttars, Madsen, and Davis commented. The motion passed on the following roll call vote:

Yeas, 17; Nays, 12; Absent, 0.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Dayton
Hinkins	Jenkins	Killpack	Knudson
Liljenquist	Madsen	Niederhauser	Okerlund
Stephenson	Stowell	Urquhart	Valentine
Waddoups			

Voting in the negative were: Senators

Bell	Davis	Goodfellow	Greiner
Hillyard	Jones	Mayne	McCoy
Morgan	Robles	Romero	Van Tassell

S.B. 61, HOME SCHOOL AND PRIVATE SCHOOL STUDENTS' PARTICIPATION IN EXTRACURRICULAR ACTIVITIES, was returned to the Third Reading Calendar and circled.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 5, 2009

The House passed, as substituted, **1st Sub. H.B. 143**, VEHICLE TITLE, INSPECTION AND EMISSION TESTING EXEMPTIONS, by Representative K. Sumsion, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 145**, WORKPLACE DRUG TESTING PROGRAMS, by Representative T. Beck, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 169**, PUBLIC LANDS POLICY COORDINATION AMENDMENTS, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 174**, LICENSING OF VOCATIONAL REHABILITATION COUNSELORS, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 357**, FIREARMS AMENDMENTS, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 389**, APPLICATIONS FOR A SMALL AMOUNT OF WATER, by Representative P. Painter, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. 1st Sub. H.B. 143, 1st Sub. H.B. 145, 1st Sub. H.B. 169, H.B. 174, 1st Sub. H.B. 357, and H.B. 389 were read the first time and referred to the Rules Committee.

On motion of Senator Valentine and at 4:30 p.m., the Senate adjourned until 8:00 a.m., Friday, March 6, 2009.

THIRTY-NINTH DAY

MORNING SESSION

March 6, 2009

The Senate was called to order at 8:20 a.m., with President Michael Waddoups presiding.

Prayer – Lowell Lieshman

Pledge of Allegiance – Senator Mark Madsen

Roll Call - All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 73)

SPECIAL MUSICAL PRESENTATION

A quartet from Parawan, Utah called One Voice sang "The Star Spangled Banner" and "Utah, We Love Thee"

CONSENT CALENDAR

S.B. 245, UNIFORM FEES ON MOTORCYCLES, was read the third time, explained by Senator Goodfellow, and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Mayne	McCoy	Morgan
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	_

Absent or not voting were: Senators

Hillyard	Knudson	Madsen	Niederhauser
Okerlund	Robles		

S.B. 245 was transmitted to the House for consideration.

* * *

S.J.R. 18, JOINT RESOLUTION ON FISCAL NOTE PROCESS, was read the third time.

On motion of Senator Killpack, the bill was circled.

CONCURRENCE CALENDAR

On motion of Senator Jenkins, the Senate voted to concur in the House amendments to **S.B. 39**, IMMIGRATION AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Hillyard Knudson Robles

S.B. 39 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to **S.B. 35**, SALES AND USE TAX DEFINITIONS RELATING TO PROPERTY. The bill, as amended, passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting were: Senators

Bell Hillyard Knudson Robles

Valentine

S.B. 35 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Killpack, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 56**, MILITARY INSTALLATION DEVELOPMENT AUTHORITY AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting were: Senators

Bell Hillyard Knudson Robles

Valentine

2nd Sub. S.B. 56 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Greiner, the Senate voted to concur in the House amendments to **S.B. 118**, PARENTAL RESPONSIBILITY FOR JUVENILE CRIMINAL GANG OFFENSE COSTS. The bill, as amended, passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting were: Senators

Bell Hillyard Knudson Robles

Valentine

S.B. 118 was returned to the House for the signature of the Speaker.

* * *

1st Sub. S.B. 81, CONCURRENT ENROLLMENT PROGRAM AMENDMENTS, was before the Senate, explained by Senator Dayton.

On motion of Senator Dayton, the bill was circled.

CONSENT CALENDAR

On motion of Senator Niederhauser, the circle was removed from **S.J.R. 18**, JOINT RESOLUTION ON FISCAL NOT PROCESS, and it was before the Senate. Senator Niederhauser explained the bill. The bill passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Greiner	Hinkins	Jenkins
Jones	Killpack	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Romero	Stephenson	Stowell
Urquhart	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell Goodfellow	Hillyard	Knudson
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Robles Valentine

S.I.R. 18 was transmitted to the House for consideration.

CONCURRENCE CALENDAR

On motion of Senator Dayton, the circle was removed from **1st Sub. S.B. 81**, CONCURRENT ENROLLMENT PROGRAM AMENDMENTS, and it was before the Senate.

On motion of Senator Dayton, the Senate voted to concur in the House amendments to **1st Sub. S.B. 81**, CONCURRENT ENROLLMENT PROGRAM AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 21; Nays, 2; Absent, 6.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Greiner	Hinkins	Jenkins
Killpack	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Stephenson	Stowell	Urquhart	Van Tassell
W/- 11			

Waddoups

Voting in the negative were: Senators

Jones Romero

Absent or not voting were: Senators

Bell Goodfellow Hillyard Knudson

Robles Valentine

1st Sub. S.B. 81 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

On motion of Senator Madsen, the circle was removed from **S.B. 61**, HOME SCHOOL AND PRIVATE SCHOOL STUDENTS' PARTICIPATION IN EXTRACURRICULAR ACTIVITIES, and it was before the Senate.

Senator Madsen proposed the following amendment:

- 1. Page 4, Lines 96 through 98
 - 96 (g) To demonstrate a home school student's compliance with scholastic eligibility
 - 97 requirements, the individual providing the primary instruction of a home school student shall
 - 98 <u>submit an affidavit</u> <u>to the school principal</u> <u>that indicates:</u>
- 2. Page 4, Lines 101 through 105:
 - 101 (h) A public school student who has been declared to be academically ineligible to
 - 102 participate in an extracurricular activity and who subsequently enrolls in a home school shall
 - 103 <u>lose eligibility for participation in the extracurricular activity until</u> the student:
 - 104 <u>(i) demonstrates academic eligibility by providing test results or a portfolio of the</u>

105 <u>student's work</u> <u>to the school principal</u>, <u>provided that a student may not reestablish academic eligibility under this Subsection (6)(h)(i) during the same activity season in which the student was declared to be academically ineligible</u>:

Senator Madsen's motion to amend passed on a voice vote.

On motion of Senator Madsen, the bill was circled.

* * *

H.B. 202, SCHOOL DISTRICT TRAFFIC VIOLATION COMPLAINT PROCEDURES, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

Yeas, 23; Nays, 1; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Liljenquist	Madsen	Mayne
McCoy	Morgan	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative was: Senator

Dayton

Absent or not voting were: Senators

Davis Hillyard Killpack Knudson

Niederhauser

H.B. 202 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.B. 126, VOTER IDENTIFICATION FOR ELECTIONS, was read the third time and explained by Senator Madsen. Senator McCoy commented.

On motion of Senator Madsen, the bill was circled.

* * *

H.B. 317, CAPITAL FELONY AMENDMENTS, was read the third time, explained by Senator Madsen, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoupe		

Van Tassell Waddoups

Absent or not voting were: Senators

Hillyard Knudson Mayne

H.B. 317, as amended, was returned to the House for further consideration.

* * *

H.B. 170, INSURANCE AND LIFE SETTLEMENT AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bramble	Buttars	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Killpack	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bell Christensen Hillyard Knudson

H.B. 170, as amended, was returned to the House for further consideration.

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On motion of Senator Valentine, **1st Sub. H.B. 352**, ALCOHOLIC BEVERAGE RELATED AMENDMENTS, was read the third time and circled.

* * *

On motion of Senator Killpack, **H.B. 128**, ELECTRONIC PRESCRIBING ACT, was read the third time and circled.

H.B. 142, REPORTING ABUSE OR NEGLECT OF THE ELDERLY OR DISABLED, was read the third time, explained by Senator Davis, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Valentine
Van Tassell	Waddouns		

Van Tassell Waddoups

Absent or not voting were: Senators

Bell Hillyard Urquhart

H.B. 142 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

2nd Sub. H.B. 100, DEPARTMENT OF CORRECTIONS – TRACKING AND REIMBURSEMENT OF INDIVIDUAL PRISONER COSTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 22; Nays, 7; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christenser
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Niederhauser	Okerlund
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative were: Senators

Davis	Goodfellow	Mayne	McCoy
Morgan	Robles	Romero	

2nd Sub. H.B. 100, as amended, was returned to the House for further consideration.

On motion of Senator Knudson, the circle was removed from H.B. 128, ELECTRONIC PRESCRIBING ACT, and it was before the Senate. The bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Killpack

H.B. 128, as amended, was returned to the House for further consideration.

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H.B. 152, APPRAISAL MANAGEMENT COMPANY REGULATION, was read the third time, explained by Senator Valentine, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Van Tassell Waddoups

Absent or not voting were: Senators

Christensen Killpack

H.B. 152, as amended, was returned to the House for further consideration.

1st Sub. H.B. 157, PROPERTY TAX ASSESSMENT AMENDMENTS, was read the third time and explained by Senator Niederhauser. Senators Jenkins, Buttars, and Hillyard commented and the bill passed on the following roll call:

Yeas, 21; Nays, 2; Absent, 6.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Jones	Madsen	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Goodfellow Morgan

Absent or not voting were: Senators

Bell	Killpack	Knudson	Liljenquist
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Mayne McCoy

1st Sub. H.B. 157 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. S.B. 271, JUDICIAL CONDUCT COMMISSION AMENDMENTS, was read the third time, explained by Senator Davis, and passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Knudson	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bell	Bramble	Hillyard	Killpack
Liljenquist	McCoy	Urquhart	1

1st Sub. S.B. 271 was transmitted to the House for consideration.

* * *

S.R. 6, SENATE RESOLUTION RECOGNIZING THE WORK DONE BY THE LEAGUE OF UNITED LATIN AMERICAN CITIZENS, was read the third time, explained by Senator Robles, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Liljenquist Urquhart

S.R. 6 was transmitted to the House for consideration.

* * *

S.B. 70, DEPARTMENT OF ENVIRONMENTAL QUALITY AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Okerlund	Robles
Romero	Stowell	Valentine	Van Tassell
Waddoupe			

Waddoups

Absent or not voting were: Senators

Hillyard Niederhauser Stephenson Urquhart

S.B. 70 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 228, PROHIBITION ON INTERNET OR MAIL-ORDER SALES OF TOBACCO PRODUCTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Greiner	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Okerlund
Robles	Romero	Stephenson	Stowell
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell Bramble Goodfellow Hillyard

Niederhauser Urquhart

1st Sub. S.B. 228 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Killpack, **S.B. 211**, BUILDING CODE AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Valentine, **S.B. 268**, TITLE AND ESCROW COMMISSION RELATED AMENDMENTS, was read the second time and circled.

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On motion of Senator Knudson, **S.B. 217**, DRUGS AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Killpack, **1st Sub. S.B. 84**, IMPACT FEES REVISIONS, was read the second time and circled.

On motion of Senator Killpack, and at 9:45 a.m., the Senate sauntered.

The Senate was called to order at 10:00 a.m., with President Waddoups presiding.

TIME CERTAIN CALENDAR

S.B. 73, UNINCORPORATED AREAS AMENDMENTS, was read the second time. Senator Mayne explained the bill.

On motion of Senator Mayne, the following substitute bill replaced the original bill:

1st Sub. S.B. 73 Unincorporated Areas Amendments (K. Mayne)

Senators Jones, Niederhauser, Goodfellow and Buttars commented.

On motion of Senator Mayne, under suspension of the rules, **1st Sub. S.B. 73**, UNINCORPORATED AREAS AMENDMENTS, was considered read the second and third times. Senator Mayne explained the bill. The bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Christensen Hillyard Knudson

1st Sub. S.B. 73 was transmitted to the House.

SECOND READING CALENDAR

On motion of Senator Bell, the circle was removed from **1st Sub. S.B. 84**, IMPACT FEES REVISIONS, and it was before the Senate.

Senator Bell proposed the following amendment:

- 1. Page 1, Lines 12 through 13
 - 12 { modifies the definition of "development approval" for public entities that may
 - 13 develop without written authorization; }
- 2. Page 2, Lines 33 through 34:
 - 33 Other Special Clauses:
 - 34 {-None-} This bill coordinates with H.B. 259, Changes to Impact Fees, by technically superseding and merging amendments.

 This bill coordinates with H.B. 274, Local Government Fees and Charges, by technically superseding and merging amendments.
- 3. Page 4, Lines 88 through 92:
 - 88 (4) "Development approval" means {\frac{1}{2}}
 - 89 (a) except as provided in Subsection (4)(b). } any written authorization from a local
 - 90 political subdivision that authorizes the commencement of development activity $\{ + \}$. $\{ + \}$ $\{ + \}$
 - 91 <u>(b) development activity, for a public entity that may develop</u> <u>without written</u>
 - 92 <u>authorization from a local political subdivision.</u> }
- 4. Page 17, Line 511:
 - 511 in the district office.
 - <u>Section 9. Coordinating S.B. 84 with H.B. 259 Technically superseding and merging amendments.</u>
 - If this S.B. 84 and H.B. 259, Changes to Impact Fees, both pass, it is the intent of the Legislature that:
 - (1) the amendments to Subsections 11–36–201(1)(c) and (d) in this bill supersede the amendments to Subsections 11–36–201(1)(c) and (d) in H.B. 259, when the Office of Legislative Research and General Counsel prepares the Utah Code database for publication; and
 - (2) the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, modify Subsection 11–36–202(6) to read:

- "[(7)] (6) Notwithstanding any other provision of this chapter:
- (a) [a municipality imposing impact fees to fund fire trucks as of the effective date of this act may impose impact fees for fire trucks until July 1, 1997; and (b)] an impact fee to pay for a public safety facility that is a fire suppression vehicle may not be imposed [with respect to land that has a zoning designation other than commercial] on residential components of development[.];
- (b) an impact fee may not be imposed on a school district or charter school for a park, recreation facility, open space, or trail;
- (c) an impact fee may not be imposed on development activity that consists of the construction of a school, whether by a school district or a charter school, if:
- (i) the school is intended to replace another school, whether on the same or a different parcel; and
 - (ii) the new school and the school being replaced are both within:
 - (A) the boundary of the local political subdivision; or
 - (B) the jurisdiction of the private entity; and
- (d) an impact fee may not be imposed on a school district or charter school unless:
- (i) the development resulting from the school district or charter school's development activity directly results in a need for additional system improvements for which the impact fee is imposed; and
- (ii) the impact fee is calculated to cover only the school district or charter school's proportionate share of the cost of those additional system improvements.".
- <u>Section 10. Coordinating S.B. 84 with H.B. 274 Technically superseding and merging amendments.</u>
- <u>If this S.B. 84 and H.B. 274, Local Government Fees and Charges,</u> both pass, it is the intent of the Legislature that:
- (1) the amendments to Subsections 11–36–201(1)(c) and (d) in this bill supersede the amendments to Subsections 11–36–201(1)(c) and (d) in H.B. 274, when the Office of Legislative Research and General Counsel prepares the Utah Code database for publication; and
- (2) the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, modify Subsection 11–36–202(6) to read:
 - "[(7)] (6) Notwithstanding any other provision of this chapter:
- (a) [a municipality imposing impact fees to fund fire trucks as of the effective date of this act may impose impact fees for fire trucks until July 1, 1997; and (b)] an impact fee to pay for a public safety facility that is a

fire suppression vehicle may not be imposed [with respect to land that has a zoning designation other than commercial on residential components of development[-];

- (b) an impact fee for a road facility may be imposed on the state only if and to the extent that:
- (i) the state's development causes an impact on the road facility; and
- (ii) the portion of the road facility related to an impact fee is not funded by the state or by the federal government; and
- (c) to the extent that the impact fee includes a component for a law enforcement facility, the impact fee may not be imposed on development activity for:
 - (i) the Utah National Guard;
 - (ii) the Utah Highway Patrol; or
- (iii) a state institution of higher education that has its own police force."

Senator Bell's motion to amend passed on a voice vote. Senator Bell explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddouns			

Waddoups

Absent or not voting were: Senators

Bramble Niederhauser Hillyard Knudson

* * *

1st Sub. S.B. 106, ALCOHOLIC BEVERAGE CONTROL ACT RESTRICTIONS, was read the second time. Senator McCoy explained the bill. Senators Valentine and Jones commented. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting	in	the	affirmative	were:	Senators
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Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hinkins
Jones	Killpack	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Hillyard Jenkins Knudson Dayton

* * *

S.B. 209, LAND USE, DEVELOPMENT, AND MANAGEMENT ACT AMENDMENTS, was read the second time.

On motion of Senator Bell, the bill was circled.

* * *

1st Sub. S.B. 63, MODIFICATIONS TO RECORDING REQUIREMENTS, was read the second time. Senator Okerlund explained the bill.

Senator Okerlund proposed the following amendment:

- Page 1, Lines 13 through 21 Senate Committee Amendments 3-2-2009
 - 13 This bill:
 - { -> authorizes the county recorder to assign a different name to a subdivision on a plat
 - if the name duplicates one already assigned to a subdivision on a recorded plat; }
 - 16 requires landowners to sign and dedicate a plat;
 - { requires a surveyor making a plat to certify that the 17 surveyor has provided a
 - reference to the filing number of a record of survey map, rather than that the
 - surveyor has completed a survey; 19

	20 requires the filing of a surveyor's affidavit by a surveyor who sets monuments
	$21-$ during construction if that surveyor is not the same surveyor who made the plat; $\ \ \}$
2.	Page 3, Lines 72 through 73 Senate Committee Amendments 3–2–2009:
	72 (1) $\{-\frac{(a)}{a}\}$ Unless exempt under Section 10–9a–605 or excluded from the definition of
	73 subdivision under {-Subsection-} Section 10-9a-103 {-(44)-} , whenever any land is laid out and platted, the
3.	Page 3, Line 75 Senate Committee Amendments 3–2–2009:
	75 $\{\}$ (a) $\{\}$ $\{\}$ $\{\}$ a <u>subdivision</u> name [or <u>designation of the subdivision</u>] that is distinct from any
4.	Page 3, Line 77 Senate Committee Amendments 3–2–2009:
	77 $\{\}$ (b) $\{\}$ $\{-(ii)\}$ the boundaries, course, and dimensions of all of the parcels of ground divided,
5.	Page 3, Line 81 Senate Committee Amendments 3–2–2009:
	81 $\{\}$ (c) $\{\}$ $\{-(iii)\}$ the lot or unit reference, block or building reference, street or site address,
6.	Page 3, Line 84 through Page 4, Line 88 Senate Committee Amendments 3–2–2009:
	84 $\{\}$ (d) $\{\}$ $\{\frac{(iv)}{2}\}$ every existing right-of-way and easement grant of record for underground
	85 facilities, as defined in Section 54-8a-2, and for other utility

86 $\{-\underline{\text{(b)}}$ The county recorder may assign a different name to a subdivision on a plat

facilities.

87 <u>submitted for recording if necessary to make the plat comply with</u>
the requirement of
88 <u>Subsection (1)(a)(i).</u> }
7. Page 4, Lines 104 through 118:
104 (ii) has $\{-\{-\}\}$ completed a $\{-\}-\}$ $\{-\frac{\text{provided a}}{\text{reference to the filing number of a record of}}\}$ survey
105 $\{-\frac{map}{map}\}$ of the $\{-\frac{existing}{map}\}$ property $\{-\frac{boundary}{map}\}$ described on the plat $\{-\frac{and-filed}{map}\}$ in accordance with
106 Section 17–23–17 $\{\}$ and has verified all measurements; and $\{\}$ $\{$
107 (iii) has placed monuments as represented on the plat $\{\}$. $\{\}-$
108 (iv) has indicated monuments to be set during construction.
109 (c) If a monument is set during construction by a surveyor other than the surveyor who
110 <u>made the plat, the surveyor setting the monument shall record a surveyor's affidavit in the</u>
111 office of the county in which the property is located indicating:
112 <u>(i) that the surveyor setting the monument holds a license in accordance with Title 58.</u>
113 <u>Chapter 22</u> , <u>Professional Engineers and Professional Land Surveyors Licensing Act:</u>
114 (ii) that each monument is set in the location specified on the plat:
115 <u>(iii) that the surveyor setting the monument has verified all measurements:</u>
116 (iv) the location of each street and lot monument that varies

(v) the physical description of each monument set. }

from the monuments

8. Page 5, Line 119

118

117 specified on the plat; and

Corrected Senate Committee Amendments, 3–2–2009:

Reinstate "(c)" and delete "(d)"
9. Page 15, Lines 454 through 455:
454 (1) $\{-\frac{\text{(a)}}{\text{(a)}}\}$ Unless exempt under Section 17–27a–605 or excluded from the definition of
455 subdivision under $\{-Subsection -\}$ Section 17–27a–103 $\{-(48)-\}$, whenever any land is laid out and platted, the
10. Page 15, Line 457:
457 $\{-[-]\}$ (a) $\{-]-\}$ $\{-\underline{(i)}\}$ a <u>subdivision</u> name [or <u>designation of the subdivision</u>] that is distinct from any
11. Page 15, Line 459:
459 $\{-[-]\}$ (b) $\{-]-\}$ $\{-[ii]\}$ the boundaries, course, and dimensions of all of the parcels of ground divided,
12. Page 16, Line 463:
463 $\{-\{-\}\}$ (c) $\{-\}-\}$ $\{-\{iii\}\}$ the lot or unit reference, block or building reference, street or site address,
13. Page 16, Line 466:
466 {—[-} (d) {—]-} ${\text{-(iv)}}$ every existing right—of—way and easement grant of record for underground
14. Page 16, Lines 468 through 470:
468 { <u>(b) The county recorder may assign a different name to a subdivision on a plat</u>
469 <u>submitted for recording if necessary to make the plat comply with the requirement of</u>
470 <u>Subsection (1)(a)(i).</u> }
15. Page 16, Line 486 through Page 17, Line 501:
486 (ii) has $\{-\{-\}\}$ completed a $\{-\}-\}$ $\{-\frac{provided a}{a}\}$ survey
487 $\{-\frac{map}{boundary}\}$ of the $\{-\frac{existing}{boundary}\}$ property accordance with
488 Section 17–23–17 $\{\}$ and has verified all measurements; and $\{\}$ $\{\}$

- 489 (iii) has placed monuments as represented on the plat $\{--\}$. $\{--\}$ $\{--\}$ and
- 490 (iv) has indicated monuments to be set during construction.
- 491 (c) If a monument is set during construction by a surveyor other than the surveyor who
- 492 <u>made the plat, the surveyor setting the monument shall record a surveyor's affidavit in the</u>
- 493 office of the county in which the property is located indicating:
- 494 (i) that the surveyor setting the monument holds a license in accordance with Title 58.
- 495 <u>Chapter 22</u>, <u>Professional Engineers and Professional Land Surveyors Licensing Act:</u>
- 496 <u>(ii) that each monument is set in the location specified on the plat:</u>
- 497 <u>(iii) that the surveyor setting the monument has verified all measurements:</u>
- 498 <u>(iv) the location of each street and lot monument that varies from the monuments</u>
- 499 specified on the plat; and
- 500 (v) the physical description of each monument set. }
- 501 $\{---\}$ (c) $\{----\}$ $\{--(\underline{d})$ $\}$ (i) As applicable, the owner or operator of the underground and utility

Senator Okerlund's motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jones	Knudson	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Buttars Jenkins Killpack Liljenguist

On motion of Senator Bramble, the circle was removed from **1st Sub. S.B. 224**, REUSE OF INDUSTRIAL BYPRODUCT, and it was before the Senate. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Buttars Killpack Liljenquist

* * *

On motion of Senator Bramble, the circle was removed from **S.B. 211**, BUILDING CODE AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill. The bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
X7 7D 11	XX7 11		

Van Tassell Waddoups

Absent or not voting were: Senators

Buttars Hillyard Killpack

* * *

S.B. 65, AMENDMENTS TO PROPERTY TAX NOTICE, PUBLIC HEARING, AND RESOLUTION PROVISIONS, was read the second time. Senator Stowell explained the bill.

Senator Stowell proposed the following amendment:

- 1. Page 1, Line 23
 - 23 This bill provides revisor instructions.

<u>This bill coordinates with H.B. 67, Public Hearings on Property Tax Increases, and S.B. 208, Utah Public Notice Website Amendments, by providing substantive and technical amendments.</u>

<u>This bill coordinates with H.B. 23, Certified Tax Rate Amendments.</u> by providing substantive and technical amendments.

- 2. Page 11, Lines 322 through 325:
 - 322 year taxing entity's annual budget is adopted; and
 - (B) before the calendar year taxing entity levies a tax rate that exceeds the calendar year taxing entity's certified tax rate:
 - 323 {<u>(B)</u>} (I) provides notice by meeting the advertisement requirements of Subsections (6)
 - 324 and (7) { before the calendar year taxing entity levies a tax rate that exceeds the calendar year
 - 325 <u>taxing entity's certified tax rate</u> } ; or
- 3. Page 11, Line 331:
 - 331 (Bb) before the calendar year taxing entity conducts the public {-hearing} } meeting at which the
- 4. Page 11, Line 335:
 - 335 (A) on or before the calendar year taxing entity conducts the public {-hearing } meeting at which
- 5. Page 13, Line 376:
 - 376 (7) before the fiscal year taxing entity conducts the public {-hearing} } meeting at which the fiscal year
- 6. Page 15, Lines 436 through 438:
 - 436 (i) be run once each week for the two weeks [preceding the adoption of the final] :
 - 437 (A) before a taxing entity conducts a public hearing at which the taxing entity's annual budget is

- 438 discussed; and
- (B) if a calendar year taxing entity provides the notice described in Subsection (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar year taxing entity's certified tax rate; and
- 7. Page 15, Lines 445 through 446:
 - 445 (f) (i) For purposes of Subsection (3)(a)(i)(A) or (4)(a), the form and content of an
 - 446 <u>advertisement shall be <u>substantially</u> <u>as follows:</u></u>
- 8. Page 16, Lines 464 through 465:
 - 464 [(3) The] (ii) For purposes of Subsection (3)(a)(i)(B)(I), the form and content of [the
 - 465 notice] an advertisement shall be $\{-\frac{1}{-}\}$ substantially $\{-\frac{1}{-}\}$ as follows:
- 9. Page 18, Line 524:
 - 524 <u>shall announce at that public hearing the scheduled time and place</u> of the next public { <u>hearing</u> } <u>meeting</u> at
- 10. Page 18, Line 530:
 - 530 the next public {-hearing } meeting at which the taxing entity will consider adopting a resolution levying
- 11. Page 18, Line 535:
 - 535 meet the notice requirements of Subsection $(3)(a) \{-\frac{(ii)}{2}\}$ (i)(B)(I) .
- 12. Page 35, Line 1073:

After Line 1073 insert:

<u>Section 21. Coordinating S.B. 65 with H.B. 67 and S.B. 208 —</u> Substantive and technical amendments.

If this S.B. 65, H.B. 67, Public Hearings on Property Tax Increases, and S.B. 208, Utah Public Notice Website, all pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel prepare the Utah Code database for publication by:

(1) modifying Subsections 59–2–919(6) and (7) as amended in this bill in the version of the Utah Code database that takes effect on January 1, 2010

as follows:

- <u>"</u> (6) (a) Subject to Subsections (6)(d) and (7)(b), the advertisement described in this section shall be published <u>:</u>
- <u>(i)</u> in a newspaper or combination of newspapers of general circulation in the taxing entity <u>until January 1, 2011; and</u>
- (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F–1–701 .
- (b) The advertisement described in { this section } Subsection (6)(a)(i) shall:
- (i) be no less than 1/4 page in size;
- (ii) use type no smaller than 18 point; and
- (iii) be surrounded by a 1/4-inch border.
- (c) The advertisement described in $\{-\text{this section}-\}$ <u>Subsection</u> $\underline{(6)(a)(i)}$ may not be placed in that portion of the newspaper where legal notices and classified advertisements appear.
- (d) It is the intent of the Legislature that:
- (i) whenever possible, the advertisement described in {-this section-} Subsection (6)(a)(i) appear in a newspaper that is published at least one day per week; and
- (ii) the newspaper or combination of newspapers selected:
- (A) be of general interest and readership in the taxing entity; and
- (B) not be of limited subject matter.
- (e) (i) The advertisement $\{-\text{described in this section shall}\}$: $\{-(i)-\}$ (A) described in Subsection (6)(a)(i) shall:
- (I) except as provided in Subsection (6)(e)(ii), be run once each week for the two weeks [preceding the adoption of the final]:
- (Aa) before a taxing entity conducts a public hearing at which the taxing entity's annual budget is discussed; and
- (Bb) if a calendar year taxing entity provides the notice described in Subsection (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar year taxing entity's certified tax rate; and
- $\{-(ii)-\}$ (II) state that the taxing entity will meet on a certain day, time, and place fixed in the advertisement, which shall be not less than seven days after the day the first advertisement is published, for the purpose of hearing comments regarding any proposed increase and to explain the reasons for the proposed increase $\{-...\}$: or
- (B) described in Subsection (6)(a)(ii) shall:
- (I) be published two weeks:
- (Aa) before a taxing entity conducts a public hearing at which the taxing

entity's annual budget is discussed; and

- (Bb) if a calendar year taxing entity provides the notice described in Subsection (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar year taxing entity's certified tax rate: and
- (II) state that the taxing entity will meet on a certain day, time, and place fixed in the advertisement, which shall be not less than seven days after the day the first advertisement is published, for the purpose of hearing comments regarding any proposed increase and to explain the reasons for the proposed increase.
- (ii) If a taxing entity's public hearing information is published by the county auditor in accordance with Section 59–2–919.2, the taxing entity is not subject to the requirement to run the advertisement twice, as required by Subsection (6)(e)(i)(A), but shall run the advertisement once during the week:
- (A) before the taxing entity conducts a public hearing at which the taxing entity's annual budget is discussed; and
- (B) if a calendar year taxing entity provides the notice described in Subsection (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar year taxing entity's certified tax rate.
- [(f) The meeting on the proposed increase may coincide with the hearing on the proposed budget of the taxing entity.]
- (f) (i) For purposes of Subsection (3)(a)(i)(A) or (4)(a), the form and content of an advertisement shall be substantially as follows:

"NOTICE OF PROPOSED TAX INCREASE

(NAME OF TAXING ENTITY)

The (name of the taxing entity) is proposing to increase its property tax revenue.

- {• If the proposed budget is approved, this would be an increase of % above the (name of the taxing entity) property tax budgeted revenue for the prior year. }
- The (name of the taxing entity) tax on a (insert the average value of a residence in the taxing entity rounded to the nearest thousand dollars) residence would increase from \$ to \$, which is \$ per year.
- The (name of the taxing entity) tax on a (insert the value of a business having the same value as the average value of a residence in the taxing entity) business would increase from \$ to \$, which is
- \$ per year.
- If the proposed budget is approved, (name of the taxing entity) would

increase its property tax budgeted revenue by % above last year's
property tax budgeted revenue excluding new growth.
All concerned citizens are invited to a public hearing on the tax increase.
PUBLIC HEARING
<u>Date/Time:</u> (date) (time)
Location: (name of meeting place and address of meeting place)
To obtain more information regarding the tax increase, citizens may
contact the (name of the taxing entity) at (phone number of taxing
entity)."
[(3) The] (ii) For purposes of Subsection (3)(a)(i)(B)(I), the form and
content of [the notice] an advertisement shall be
$\{\}$ substantially $\{\}$ as follows:
"NOTICE OF PROPOSED TAX INCREASE
(NAME OF TAXING ENTITY)
The (name of the taxing entity) is proposing to increase its property tax
revenue.
{• If the proposed budget is approved, this would be an
increase of % above the (name of the taxing entity) property tax
budgeted revenue for the prior year.
• The (name of the taxing entity) tax on a (insert the average
value of a residence in the taxing entity rounded to the nearest thousand
dollars) residence would increase from \$ to \$, which is
\$ per year.
• The (name of the taxing entity) tax on a (insert the value of a business
having the same value as the average value of a residence in the taxing
entity) business would increase from \$ to \$, which is
\$ per year.
• If the proposed budget is approved, (name of the taxing entity) would
increase its property tax budgeted revenue by % above last year's
property tax budgeted revenue excluding new growth.
(Name of taxing entity) property tax revenue from new growth and other
sources will increase from \$ to \$
All concerned citizens are invited to a public hearing on the tax increase.
PUBLIC HEARING
Date/Time: (date) (time)
Location: (name of meeting place and address of meeting place)
To obtain more information regarding the tax increase, citizens may
contact the (name of the taxing entity) at (phone number of taxing entity).
[(4)] (7) The commission:
(a) shall adopt rules in accordance with Title 63G, Chapter 3, Utah

- Administrative Rulemaking Act, governing the joint use of one advertisement [under this section or Section 59–2–918] described in Subsection (6) by two or more taxing entities; and
- (b) may[, upon petition by any taxing entity,] authorize [either]:
- (i) <u>until January 1, 2011,</u> the use of <u>a</u> weekly [newspapers] newspaper:
- (A) in [counties] a county having both daily and weekly newspapers [where] if the weekly newspaper would provide equal or greater notice to the taxpayer; and
- (B) if the county petitions the commission for the use of the weekly newspaper; or
- (ii) the use by a taxing entity except for a calendar year taxing entity that provides the notice described in Subsection (3)(a)(i)(B)(II) of a commission[-]approved direct notice to each taxpayer if [the]:
- (A) the cost of the advertisement would cause undue hardship; [and]
- (B) the direct notice is different and separate from that provided for in Section 59–2–919.1[-]: and
- (C) the taxing entity petitions the commission for the use of a commission approved direct notice. : and
- (2) modifying Section 59–2–919.2 enacted in H.B. 67 in the version of the Utah Code database that takes effect on January 1, 2010 as follows:
- (a) in Subsection 59–2–919.2(1)(a), replace the references to "Subsection 59–2–919(7)" with "Subsection 59–2–919(8)(a)(i)";
- (b) in Subsection 59–2–919.2(1)(b), replace the reference to "advertisement" with "notice";
- (c) modify Subsection 59–2–919.2(2)(b)(ii) to read:
- "(ii) the date, time, and location of the public hearing described in Subsection 59–2–919(8)(a)(i);";
- (d) modify Subsection 59-2-919.2(4)(a) to read:
- "(a) who attends the public hearing described in Subsection 59–2–919(8)(a)(i) of the taxing entity; or"; and
 - (e) modify Subsection 59–2–919.2(6) to read:
- "(6) The publication of the list under this section does not remove or change the notice requirements of Section 59–2–919 for a taxing entity.".

<u>Section 22. Coordinating S.B. 65 with H.B. 67 — Substantive and technical amendments.</u>

If this S.B. 65 and H.B. 67, Public Hearings on Property Tax Increases, both pass, it is the intent of the Legislature that the Office of Legislative

Research and General Counsel prepare the Utah Code database for publication by:

- (1) modifying Subsection 59–2–919(6) as amended in this bill in the version of the Utah Code database that takes effect on January 1, 2010 as follows:
- <u>"</u> (6) (a) Subject to Subsections (6)(d) and (7)(b), the advertisement described in this section shall be published in a newspaper or combination of newspapers of general circulation in the taxing entity.
- (b) The advertisement described in this section shall:
- (i) be no less than 1/4 page in size;
- (ii) use type no smaller than 18 point; and
- (iii) be surrounded by a 1/4-inch border.
- (c) The advertisement described in this section may not be placed in that portion of the newspaper where legal notices and classified advertisements appear.
- (d) It is the intent of the Legislature that:
- (i) whenever possible, the advertisement described in this section appear in a newspaper that is published at least one day per week; and
- (ii) the newspaper or combination of newspapers selected:
- (A) be of general interest and readership in the taxing entity; and
- (B) not be of limited subject matter.
- (e) (i) The advertisement described in this section shall:
- $\{-(i)-\}$ (A) except as provided in Subsection (6)(e)(ii), be run once each week for the two weeks [preceding the adoption of the final]:
- (I) before a taxing entity conducts a public hearing at which the taxing entity's annual budget is discussed; and
- (II) if a calendar year taxing entity provides the notice described in Subsection (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar year taxing entity's certified tax rate; and
- {-(ii)-} (B) state that the taxing entity will meet on a certain day, time, and place fixed in the advertisement, which shall be not less than seven days after the day the first advertisement is published, for the purpose of hearing comments regarding any proposed increase and to explain the reasons for the proposed increase.
- (ii) If a taxing entity's public hearing information is published by the county auditor in accordance with Section 59–2–919.2, the taxing entity is not subject to the requirement to run the advertisement twice, as required by Subsection (6)(e)(i)(A), but shall run the advertisement once

during the week:

- (A) before the taxing entity conducts a public hearing at which the taxing entity's annual budget is discussed; and
- (B) if a calendar year taxing entity provides the notice described in Subsection (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar year taxing entity's certified tax rate.
- [(f) The meeting on the proposed increase may coincide with the hearing on the proposed budget of the taxing entity.]
- (f) (i) For purposes of Subsection (3)(a)(i)(A) or (4)(a), the form and content of an advertisement shall be substantially as follows:

"NOTICE OF PROPOSED TAX INCREASE

(NAME OF TAXING ENTITY)

The (name of the taxing entity) is proposing to increase its property tax revenue.

- { If the proposed budget is approved, this would be an increase of ______ % above the (name of the taxing entity) property tax budgeted revenue for the prior year...}
- The (name of the taxing entity) tax on a (insert the average value of a residence in the taxing entity rounded to the nearest thousand dollars) residence would increase from \$ to \$, which is \$ per year.
- _• The (name of the taxing entity) tax on a (insert the value of a business having the same value as the average value of a residence in the taxing entity) business would increase from \$ to \$, which is \$ per year.
- If the proposed budget is approved, (name of the taxing entity) would increase its property tax budgeted revenue by % above last year's property tax budgeted revenue excluding new growth.

All concerned citizens are invited to a public hearing on the tax increase.

PUBLIC HEARING

Date/Time: (date) (time)

<u>Location:</u> (name of meeting place and address of meeting place)

To obtain more information regarding the tax increase, citizens may contact the (name of the taxing entity) at (phone number of taxing entity)."

[(3) The] (ii) For purposes of Subsection (3)(a)(i)(B)(I), the form and content of [the notice] an advertisement shall be $\{--\}$ substantially $\{--\}$ as follows:

"NOTICE OF PROPOSED TAX INCREASE (NAME OF TAXING ENTITY)

The (name of the taxing entity) is proposing to increase its
property tax revenue.
{ • If the proposed budget is approved, this would be an
increase of% above the (name of the taxing entity) property tax
budgeted revenue for the prior year.
• The (name of the taxing entity) tax on a (insert the average value of a
residence in the taxing entity rounded to the nearest thousand dollars)
residence would increase from \$ to \$, which is
\$ per year.
• The (name of the taxing entity) tax on a (insert the value of a business
having the same value as the average value of a residence in the taxing
entity) business would increase from \$ to \$, which is
\$ per year.
• If the proposed budget is approved, (name of the taxing entity) would
increase its property
tax budgeted revenue by % above last year's property tax budgeted
revenue excluding new growth.
(Name of taxing entity) property tax revenue from new growth
and other sources will increase from \$ to
\$·
All concerned citizens are invited to a public hearing on the tax increase.
PUBLIC HEARING
Date/Time: (date) (time)
Location: (name of meeting place and address of meeting place)
To obtain more information regarding the tax increase, citizens may
contact the (name of the taxing entity) at (phone number of taxing
entity). : and
(2) modifying Section 59-2-919.2 enacted in H.B. 67 in the version of
the Utah Code database that takes effect on January 1, 2010 as follows:
(a) in Subsection 59-2-919.2(1)(a), replace the references to
"Subsection 59–2–919(7)" with "Subsection 59–2–919(8)(a)(i)";
(b) in Subsection 59-2-919.2(1)(b), replace the reference to
"advertisement" with "notice";
(c) modify Subsection 59–2–919.2(2)(b)(ii) to read:
"(ii) the date, time, and location of the public hearing described in
<u>Subsection 59–2–919(8)(a)(i);":</u>
(d) modify Subsection 59–2–919.2(4)(a) to read:
"(a) who attends the public hearing described in Subsection

59-2-919(8)(a)(i) of the taxing entity; or"; and

(e) modify Subsection 59–2–919.2(6) to read:

"(6) The publication of the list under this section does not remove or change the notice requirements of Section 59–2–919 for a taxing entity.".

<u>Section 23. Coordinating S.B. 65 with S.B. 208 — Substantive and technical amendments.</u>

If this S.B. 65 and S.B. 208, Utah Public Notice Website Amendments, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel prepare the Utah Code database for publication by modifying Subsections 59–2–919(6) and (7) as amended in this bill in the version of the Utah Code database that takes effect on May 12, 2009 as follows:

- <u>"</u> (6) (a) Subject to Subsections (6)(d) and (7)(b), the advertisement described in this section shall be published <u>:</u>
- <u>(i)</u> in a newspaper or combination of newspapers of general circulation in the taxing entity until January 1, 2011; and
- (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in Section 63F-1-701 .
- (b) The advertisement described in $\{-\text{this section}-\}$ <u>Subsection</u> (6)(a)(i) shall:
- (i) be no less than 1/4 page in size;
- (ii) use type no smaller than 18 point; and
- (iii) be surrounded by a 1/4-inch border.
- (c) The advertisement described in {-this section-} <u>Subsection</u> (6)(a)(i) may not be placed in that portion of the newspaper where legal notices and classified advertisements appear.
- (d) It is the intent of the Legislature that:
- (i) whenever possible, the advertisement described in {-this section-} Subsection (6)(a)(i) appear in a newspaper that is published at least one day per week; and
- (ii) the newspaper or combination of newspapers selected:
- (A) be of general interest and readership in the taxing entity; and
- (B) not be of limited subject matter.
- (e) The advertisement {-described in this section shall-} :
- (i) described in Subsection (6)(a)(i) shall:
- $\underline{(A)}$ be run once each week for the two weeks [preceding the adoption of the final]:
- (I) before a taxing entity conducts a public hearing at which the taxing

entity's annual budget is discussed; and

- (II) if a calendar year taxing entity provides the notice described in Subsection (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar year taxing entity's certified tax rate; and
- $\{-(ii)-\}$ (B) state that the taxing entity will meet on a certain day, time, and place fixed in the advertisement, which shall be not less than seven days after the day the first advertisement is published, for the purpose of hearing comments regarding any proposed increase and to explain the reasons for the proposed increase $\{---\}$: or
- (ii) described in Subsection (6)(a)(ii) shall:
- (A) be published two weeks:
- (I) before a taxing entity conducts a public hearing at which the taxing entity's annual budget is discussed; and
- (II) if a calendar year taxing entity provides the notice described in Subsection (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar year taxing entity's certified tax rate: and
- (B) state that the taxing entity will meet on a certain day, time, and place fixed in the advertisement, which shall be not less than seven days after the day the first advertisement is published, for the purpose of hearing comments regarding any proposed increase and to explain the reasons for the proposed increase.
- [(f) The meeting on the proposed increase may coincide with the hearing on the proposed budget of the taxing entity.]
- (f) (i) For purposes of Subsection (3)(a)(i)(A) or (4)(a), the form and content of an advertisement shall be <u>substantially</u> as follows:

"NOTICE OF PROPOSED TAX INCREASE (NAME OF TAXING ENTITY)

The (name of the taxing entity) is proposing to increase its

property tax revenue.

- If the proposed budget is approved, this would be an increase of ______ % above the (name of the taxing entity) property tax budgeted revenue for the prior year.
- The (name of the taxing entity) tax on a (insert the average value of a residence in the taxing entity rounded to the nearest thousand dollars) residence would increase from \$ to \$, which is \$ per year.
- The (name of the taxing entity) tax on a (insert the value of a business having the same value as the average value of a residence in the taxing

entity) business would increase from \$	to \$, which is
\$ per year.		
All concerned citizens are invited to	a public hearing	on the tax
increase.		
PUBLIC HEARING		
<u>Date/Time:</u> (date) (time)		
<u>Location:</u> <u>(name of meeting place a </u>		
To obtain more information regarding	-	
may contact the (name of the taxing entity) a	at (phone number	r of taxing
entity)."		
[(3) The] (ii) For purposes of Sub		
form and content of [the notice] an		shall be
$\{-\!\!\!-\!\!\!\!-\!\!\!\!-\}$ substantially $\{-\!\!\!\!-\!\!\!\!-\}$ as follows		
"NOTICE OF PROPOSED TA		
(NAME OF TAXING EN		
The (name of the taxing entity) is proposing	to increase its pr	operty tax
revenue.		
• If the proposed budget is approved, thi		
% above the (name of the taxing ent	ity) property tax	budgeted
revenue for the prior year.	4	1 C
• The (name of the taxing entity) tax on a (in	_	
residence in the taxing entity rounded to the		
residence would increase from \$	to \$,	which is
\$ per year.	(in 41	1 a.f. a
• The (name of the taxing entity) ta		
business having the same value as the average		
taxing entity) business would increase from	ι \$ ιο :	Þ,
which is \$ per year.	fuona morri amorrith	and other
(Name of taxing entity) property tax revenue sources will increase from \$	-	
All concerned citizens are invited to a public		
PUBLIC HEARING	nearing on the ta	x ilicicase.
Date/Time: (date) (time)	
Location: (name of meeting place and		ting place)
To obtain more information regarding		
may contact the (name of the taxing entity) a	_	
entity)."	it (phone number	or taxing
[(4)] (7) The commission:		
(a) shall adopt rules in accordance with T	itle 63G. Chapte	er 3. Utah
Administrative Rulemaking Act, governing		
	C J	

advertisement [under this section or Section 59–2–918] described in Subsection (6) by two or more taxing entities; and

- (b) may[, upon petition by any taxing entity,] authorize [either]:
- (i) <u>until January 1, 2011,</u> the use of <u>a</u> weekly [newspapers] newspaper:
- (A) in [counties] <u>a county</u> having both daily and weekly newspapers [where] <u>if</u> the weekly newspaper would provide equal or greater notice to the taxpayer; <u>and</u>
- (B) if the county petitions the commission for the use of the weekly newspaper; or
- (ii) the use by a taxing entity except for a calendar year taxing entity that provides the notice described in Subsection (3)(a)(i)(B)(II) of a commission[-]approved direct notice to each taxpayer if [the]:
- (A) the cost of the advertisement would cause undue hardship; [and]
- (B) the direct notice is different and separate from that provided for in Section 59–2–919.1[-]; and
- (C) the taxing entity petitions the commission for the use of a commission approved direct notice. "

<u>Section 24. Coordinating S.B. 65 with H.B. 23 — Substantive and technical amendments.</u>

If this S.B. 65 and H.B. 23, Certified Tax Rate Amendments, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel prepare the Utah Code database for publication by replacing the reference to "public notice and hearing requirements of Sections 59–2–918 and 59–2–919" in Subsection 59–2–924(3)(c)(viii)(B) as amended in H.B. 23 with "notice and public hearing provisions of Section 59–2–919".

Senator Stowell's motion to amend passed on a voice vote. Senator Stephenson commented. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy

Morgan Niederhauser Okerlund Robles Romero Stephenson Stowell Urquhart

Valentine Van Tassell Waddoups

Absent or not voting were: Senators

Hillyard Knudson

* * *

On motion of Senator Buttars, the Senate voted to recall **1st Sub. H.B. 136**, SEX OFFENDER DEFINITION AMENDMENTS, for the purpose of amending.

* * *

On motion of Senator Bell, the circle was removed from **S.B. 209**, LAND USE, DEVELOPMENT, AND MANAGEMENT ACT AMENDMENTS, and it was before the Senate. Senator Bell explained the bill.

Senator Bell proposed the following amendment:

- 1. Page 2, Line 40
 - 40 {None } This bill coordinates with S.B. 63. Modifications to Recording Requirements, by technically and substantively superseding and merging amendments.
- 2. Page 16, Line 475:
 - Section 10–8–8.5, Effect of vacation or narrowing of street or alley.
 - <u>Section 16. Coordinating S.B. 209 with S.B. 63 Technically and substantively superseding and merging amendments.</u>
 - If this S.B. 209 and S.B. 63, Modifications to Recording Requirements, both pass, it is the intent of the Legislature that:
 - (1) the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, modify:
 - (a) Subsection 10-9a-606(1)(b) to read:
 - "(b) the separate ownership or conveyance is approved by the owners of at least 75% of the lots, units, and parcels on the plat, after the municipality gives its approval.";
 - (b) Subsection 10-9a-608(1)(a) to read:
 - "(1)(a) A fee owner of land, as shown on the last county assessment roll, in a subdivision that has been laid out and platted as provided in this part may file a written petition with the land use authority to have some or

- all of the plat vacated or amended.";
 - (c) Subsection 10–9a–609(1)(a) to read:
 - "(a) there is good cause for the vacation or amendment; and" :
 - (d) Subsection 17–27a–606(1)(b) to read:
- "(b) the separate ownership or conveyance is approved by the owners of at least 75% of the lots, units, and parcels on the plat, after the county gives its approval." :
 - (e) Subsection 17–27a–608(1)(a) to read:
- "(1)(a) A fee owner of land, as shown on the last county assessment roll, in a subdivision that has been laid out and platted as provided in this part may file a written petition with the land use authority to have some or all of the plat vacated or amended." :
 - (f) Subsection 17–27a–609(1)(a) to read:
 - "(a) there is good cause for the vacation or amendment; and"
- (2)(a) the amendments to Section 10–9a–609.5 in this bill supersede the amendments to Section 10–9a–609.5 in S.B. 63, when the Office of Legislative Research and General Counsel prepares the Utah Code database for publication, except that Subsection 10–9a–609.5(3), as enacted in S.B. 63, shall be inserted as a new Subsection 10–9a–609.5(3) and modified to read:
- "(3) A legislative body may vacate some or all of a street, right-of-way, or easement by recording in the county recorder's office an ordinance containing a legal description of the vacated street, right-of-way, or easement or the vacated portion of the street, right-of-way, or easement, as the case may be." : and
- (b) the remaining subsections of Section 10–9a–609.5 shall be renumbered accordingly; and
- (3)(a) the amendments to Section 17–27a–609.5 in this bill supersede the amendments to Section 17–27a–609.5 in S.B. 63, when the Office of Legislative Research and General Counsel prepares the Utah Code database for publication, except that Subsection 17–27a–609.5(3), as enacted in S.B. 63, shall be inserted as a new Subsection 17–27a–609.5(3) and modified to read:
- "(3) A legislative body may vacate some or all of a street, right-of-way, or easement by recording in the county recorder's office an ordinance containing a legal description of the vacated street, right-of-way, or easement or the vacated portion of the street, right-of-way, or easement, as the case may be." and
- (b) the remaining subsections of Section 17–27a–609.5 shall be renumbered accordingly.

Senator Bell's motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

van Tassell waaaoups

Absent or not voting were: Senators

Bramble Hillyard Liljenquist

On motion of Senator Greiner, the Senate voted to recall H.B. 244, DISRUPTION OF SCHOOL ACTIVITIES, for the purpose of amending.

* * *

S.B. 189, AMENDMENTS TO SALES AND USE TAX, was read the second time.

Senator Niederhauser proposed the following amendment:

- 1. Page 1, Line 24
 - 24 This bill provides for retrospective operation. This bill coordinates with H.B. 403, Sales and Use Tax and Income Tax Amendments, by technically merging the amendments.
- 2. Page 26, Line 794:
 - 794 (b) have retrospective operation to July 1, 2008.

Section 4. Coordinating S.B. 189 with H.B. 403, Sales and Use Tax <u>and Income Tax Amendments — Technically merging the amendments.</u> If this S.B. 189 and H.B. 403, Sales and Use Tax and Income Tax Amendments, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel prepare the version of the Utah Code database that takes effect on July 1, 2009 for publication by

modifying Subsection 59–12–2003(4) to read:

<u>"(4) The state may not impose a tax under this part on the sales and uses described in Section 59–12–104 to the extent the sales and uses are exempt from taxation under Section 59–12–104."</u>

Senator Niederhauser's motion to amend passed on a voice vote. Senator Niederhauser explained the bill. The bill passed second reading, under suspension of the rules, on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble Liljenquist Stephenson

* * *

On motion of Senator Niederhauser, **S.B. 190**, ACQUISITION OF A BILLBOARD BY EMINENT DOMAIN, was read the second time and circled.

* * *

On motion of Senator Dayton, **1st Sub. S.B. 80**, FIRE LIABILITY MODIFICATIONS, was read the second time and circled.

* * *

S.B. 244, LONG ARM JURISDICTION AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. Senator Greiner commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins

Jones	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

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Absent or not voting were: Senators

Bell Bramble Hillyard Killpack

Knudson Madsen Stephenson

* * *

S.J.R. 21, JOINT RESOLUTION ON COMBATING AND REDUCING GANG ACTIVITY, was read the second time. Senator Robles explained the bill. Senators Mayne and Greiner commented. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble Hillyard Killpack Knudson

Stephenson

* * *

On motion of Senator Dayton, the circle was removed from 1st Sub. S.B. 80, FIRE LIABILITY MODIFICATIONS, and it was before the Senate.

On motion of Senator Dayton, the following substitute bill replaced the original bill:

4th Sub. S. B. 80 Fire Liability Modifications (M. Dayton)

Senator Dayton explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting	in	the	affirmative	were:	Senators
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Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

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Absent or not voting were: Senators

Bramble Hillyard Killpack Stephenson

* * *

On motion of Senator Niederhauser, the circle was removed from **S.B. 190**, ACQUISITION OF A BILLBOARD BY EMINENT DOMAIN, and it was before the Senate.

Senator Niederhauser proposed the following amendment:

- 1. Page 3, Lines 79 through 80
 - 79 the municipality shall pay just compensation {-for outdoor advertising and all associated property
 - 80 <u>rights pertaining to the outdoor advertising</u> } <u>to the billboard</u> <u>owner</u> <u>in an amount that is the greater of:</u>
- 2. Page 3, Lines 86 through 89:
 - 86 (A) the {- consideration of the } present value, at a fair market capitalization rate, of the greater of:
 - 87 <u>(I)</u> { past } actual annual revenue, less annual rent expense; and
 - 88 <u>(II) projected future annual revenue, less annual rent expense;</u>
 - 89 <u>(B) any {-property } other right associated with the billboard structure that is acquired;</u>
- 3. Page 4, Lines 91 through 94:
 - 91 (D) damage to the economic unit {-consisting of:
 - 92 (I) the billboard structure actually taken; and

- 93 <u>(II) remaining property, contiguous and not contiguous, to the outdoor advertising sign</u>
- 94 <u>company's interest</u> } <u>described in Subsection</u> 72–7–510(3)(b), of which the billboard owner's interest is a part .
- 4. Page 6, Lines 175 through 176:
 - 175 <u>shall pay just compensation</u> { <u>for outdoor advertising and all associated property rights pertaining</u>
 - 176 <u>to the outdoor advertising</u> } <u>to the billboard owner</u> <u>in an amount that is the greater of:</u>
- 5. Page 6, Line 182 through Page 7, Line 185:
 - 182 (A) the {-consideration of the } present value, at a fair market capitalization rate, of the greater of:
 - 183 <u>(I)</u> { <u>past</u> } <u>actual annual revenue, less</u> <u>annual rent expense; and</u>
 - 184 (II) projected future <u>annual</u> revenue, less <u>annual</u> rent expense;
 - 185 (B) any {-property } other right associated with the billboard structure that is acquired;
- 5. Page 7, Lines 187 through 190:
 - 187 (D) damage to the economic unit {-consisting of:
 - 188 (I) the billboard structure actually taken; and
 - 189 <u>(II) remaining property, contiguous and not contiguous, to the outdoor advertising sign</u>
 - 190 <u>company's interest</u> } <u>described in Subsection</u>
 72–7–510(3)(b), of which the billboard owner's interest is a part .

Senator Niederhauser's motion to amend passed on a voice vote. Senator Niederhauser explained the bill. Senators Jones and Buttars commented. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 1; Absent, 8.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins

Jenkins	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Romero	Stowell	Van Tassell	Waddoups

Voting in the negative was: Senator

Jones

Absent or not voting were: Senators

Bell	Hillyard	Killpack	Knudson
Robles	Stephenson	Urquhart	Valentine

* * *

On motion of Senator Jenkins, **S.B. 208**, UTAH PUBLIC NOTICE WEBSITE AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Jenkins, **S.B. 225**, HEALTH AMENDMENTS FOR LEGAL IMMIGRANT CHILDREN, was read the second time and circled.

* * *

On motion of Senator Jenkins, **S.B. 240**, UTAH SCIENCE TECHNOLOGY AND RESEARCH INITIATIVE AMENDMENTS, was read the second time and circled.

* * *

Senator Morgan made the motion to lift **S.B. 46**, SCHOOL PROPERTY TAX EQUALIZATION AMENDMENTS, from Rules and place it at the top of the Second Reading Calendar for the purpose of substitution. Senators Bramble, Jones, and Jenkins commented and the motion passed on the following roll call:

Yeas, 15; Nays, 11; Absent, 3.

Voting in the affirmative were: Senators

Davis	Dayton	Goodfellow	Greiner
Jones	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Robles
Romero	Stephenson	Waddoups	

Voting in the negative were: Senators

Bramble	Buttars	Christensen	Hillyard
Hinkins	Jenkins	Killpack	Okerlund
Stowell	Urquhart	Van Tassell	

Absent or not voting were: Senators

Bell Knudson Valentine

S.B. 46 was placed on the Second Reading Calendar.

* * *

On motion of Senator Jenkins, and at 12:00 noon, the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:45 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 6, 2009

The House requests the return of **H.B. 185**, TRANSPORTATION AMENDMENTS, by Representative W. Harper, for correction.

Sandy D. Tenney, Chief Clerk

H.B. 185, was returned to the House for correction.

* * *

Mr. President: March 6, 2009

The Speaker of the House has signed **S.B. 35**, SALES AND USE TAX DEFINITIONS RELATING TO PROPERTY, by Senator W. Niederhauser, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 39**, IMMIGRATION AMENDMENTS, by Senator S. Jenkins, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 56**, MILITARY INSTALLATION DEVELOPMENT AUTHORITY AMENDMENTS, by Senator S. Killpack, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 81**, CONCURRENT ENROLLMENT PROGRAM AMENDMENTS, by Senator M. Dayton, and it is transmitted for the signature of the President; and

The House passed, **S.B. 87**, PREFERRED DRUG LIST REVISIONS, by Senator A. Christensen, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B.** 118, PARENTAL RESPONSIBILITY FOR JUVENILE CRIMINAL GANG OFFENSE COSTS, by Senator J. Greiner, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 35, S.B. 39, 2nd Sub. S.B. 56, 1st Sub. S.B. 81, S.B. 87, and S.B. 118 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 6, 2009

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 165**, HEALTH REFORM – ADMINISTRATIVE SIMPLIFICATION, by Representative M. Newbold, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 222**, UNBORN CHILD PAIN PREVENTION ACT, by Representative C. Wimmer, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

3rd Sub. H.B. 165 and **H.B. 222** were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President:

March 6, 2009

The House passed, as amended, **H.B. 201**, MUNICIPAL DISINCORPORATION AMENDMENTS, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 311**, UTAH STATE RAILROAD MUSEUM AUTHORITY, by Representative N. Hansen, and it is transmitted for consideration; and

The House passed **H.B. 392**, NATURAL GAS FOR VEHICLES, by Representative D. Ipson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 430**, ECONOMIC DEVELOPMENT INCENTIVES FOR ALTERNATIVE ENERGY PROJECTS, by Representative K. Garn. and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 439, AMENDMENTS TO CITY OR TOWN SALES AND USE TAX FOR

BOTANICAL, CULTURAL, RECREATIONAL, AND ZOOLOGICAL ORGANIZATIONS OR FACILITIES, by Representative K. Holdaway, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 356**, BARBER, COSMETOLOGIST/BARBER, ESTHETICIAN, ELECTROLOGIST, AND NAIL TECHNICIAN LICENSING ACT AMENDMENTS, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed **H.B. 384**, PUBLIC LEWDNESS AMENDMENTS, by Representative D. Ipson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 179**, STATE-OWNED LAND AMENDMENTS, by Representative K. Gibson, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 179, H.B. 201, 1st Sub. H.B. 311, H.B. 392, H.B. 430, 1st Sub. H.B. 439, 1st Sub. H.B. 356, and H.B. 384 were read the first time and referred to the Rules Committee.

* * *

Mr. President:

March 6, 2009

The House passed, as amended, **1st Sub. S.B. 192**, CORPORATION AND BUSINESS ENTITY RELATED AMENDMENTS, by Senator L. Hillyard, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

* * *

Mr. President:

March 6, 2009

The House transmits **1st Sub. H.B. 136**, SEX OFFENDER DEFINITION AMENDMENTS, by Representative P. Ray, for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Third Reading Calendar.

Mr. President:

March 6, 2009

The House refused to concur with the Senate Amendments to **H.B. 244**, DISRUPTION OF SCHOOL ACTIVITIES, by Representative C. Moss, and requests the Senate recede from its amendments.

Sandy D. Tenney, Chief Clerk

On motion of Senator Greiner, the Senate voted to refuse to recede from its amendments to **H.B. 244**. President Waddoups appointed a conference committee consisting of Senators Greiner, Goodfellow, and Morgan to meet with a like committee from the House.

INTRODUCTION OF BILLS

S.B. 260, **Housing Relief Restricted Special Revenue Fund** (S. Jenkins), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Jenkins, legislative staff was authorized to draft a bill regarding housing stimulus money.

On motion of Senator Jenkins, legislative staff was authorized to draft a bill regarding youth driver license enforcement. Senator Jones commented.

On motion of Senator Dayton, legislative staff was authorized to draft a bill regarding adjusting the dates on the legislative calendar.

SECOND READING CALENDAR

S.B. 235, REDISTRIBUTION OF SALES AND USE TAX REVENUES AND PROPERTY TAX ADJUSTMENT, was read the second time.

On motion of Senator Valentine, the following substitute bill replaced the original bill:

1st Sub. S.B. 235 Redistribution of Sales and Use Tax Revenues and Property Tax Adjustment (J. Valentine)

Senator Valentine proposed the following amendment:

- 1. Page 6, Lines 170 through 174
 - 170 (2) Subject to Subsection (3), the commission may make a redistribution to a secondary

- 171 recipient political subdivision in an amount equal to the eligible portion of qualifying sales and
- 172 use tax revenues if:
- 173 (a) the commission provides written notice to the following {-at least 30} } within 15 days {-before } after the

 174 commission {-makes} } determines to make the

redistribution:

Senator Valentine's motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Liljenquist	Madsen	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bell Bramble Hillyard Killpack Knudson Mayne Stephenson

* * *

On motion of Senator Valentine, the Senate voted to lift **S.B. 214** to the top of the Second Reading Calendar.

S.B. 214, OFFICE OF CONSUMER SERVICES ACT, was read the second time. Senator Valentine explained the bill.

Senator Valentine proposed the following amendment:

- 1. Page 1, Lines 15 through 17
 - 15 establishes a director of the office, including:
 - addressing appointment; {-and-}
 - addressing terms; <u>and</u>
 - addressing removal;

- 1. Page 4, Lines 107 through 114 Senate Committee Amendments 2–26–2009:
 - 107 [(1)] (2) (a) The governor shall appoint, with the [concurrence of the Committee of
 - 108 Consumer Services] consent of the Senate, a qualified person in the field of public utilities
 - 109 [who may carry out the policies and directives of the Committee of Consumer Services.] to be
 - 110 the director of the office.
 - 111 [(2) This person shall:]
 - 112 (b) The director shall serve for a term of $\hat{S} \rightarrow [four] six \leftarrow \hat{S}$ years.
 - 113 (c) For purposes of the individual who is the director on May 12, 2009, that
 - 114 <u>individual's</u> $\hat{S} \rightarrow [four] \underline{six} \leftarrow \hat{S}$ -year <u>term is considered to begin on July 1, 2009.</u>
 - (d) The governor may remove the director for cause.

Senator Valentine's motion to amend passed on a voice vote. Senators Davis and McCoy commented. The bill passed second reading on the following roll call:

Yeas, 18; Nays, 5; Absent, 6.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Greiner	Hillyard	Hinkins	Jenkins
Killpack	Knudson	Madsen	Niederhauser
Okerlund	Stowell	Urquhart	Valentine
Van Tassell	Waddoups	_	

Voting in the negative were: Senators

Jones	McCoy	Morgan	Robles
-			

Romero

Absent or not voting were: Senators

Mayne Stephenson

On motion of Senator Urquhart, the circle was removed from **S.B. 208**, UTAH PUBLIC NOTICE WEBSITE AMENDMENTS, and it was before the Senate.

On motion of Senator Urquhart, the following substitute bill replaced the original bill:

2nd Sub. S.B. 208 Utah Public Notice Website Amendments (S. Urquhart)

Senator Urquhart explained the bill. Senators Hillyard, Jones, Davis, and Romero commented. The bill passed second reading on the following roll call:

Yeas, 18; Nays, 8; Absent, 3.

810

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Dayton
Hillyard	Hinkins	Jenkins	Killpack
Knudson	Liljenquist	Madsen	Niederhauser
Okerlund	Stephenson	Stowell	Urquhart
Van Tassell	Waddoups		

Voting in the negative were: Senators

Davis	Goodfellow	Jones	Mayne	
McCoy	Morgan	Robles	Romero	

Absent or not voting were: Senators

Bramble Greiner Valentine

* * *

On motion of Senator Killpack, the Senate voted to lift 1st Sub. H.J.R. 8, JOINT RESOLUTION REGARDING SECRET BALLOT, from Rules and place it at the top of the Second Reading Calendar.

* * *

On motion of Senator Knudson, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Knudson, the Senate voted to lift **H.B. 29**, **H.B. 97**, and **H.B. 265** from the Third Reading Table and place them on the Third Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Killpack, the Senate voted to consider a House bill on a Senate day.

* * *

1st Sub. H.J.R. 8, JOINT RESOLUTION REGARDING SECRET BALLOT, was read the second time. Senator Stephenson explained the bill. Senators Robles, McCoy, Goodfellow, Romero, Davis, and Mayne commented.

On motion of Senator Stephenson, under suspension of the rules, **1st Sub. H.J.R. 8**, JOINT RESOLUTION REGARDING SECRET BALLOT, was considered read the second and third times and passed on the following roll call:

Yeas, 21; Nays, 8; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Killpack	Knudson	Liljenquist
Madsen	Niederhauser	Okerlund	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Davis	Goodfellow	Jones	Mayne
McCov	Morgan	Robles	Romero

1st Sub. H.J.R. 8 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

COMMITTEE OF THE WHOLE

On motion of Senator Killpack, University of Utah President, Michael Young spoke in Committee of the Whole. An honorary degree was presented to Senator Peter Knudson.

On motion of Senator Killpack, the Committee of the Whole was dissolved.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 6, 2009

The House transmits, as amended, **H.B. 185**, TRANSPORTATION AMENDMENTS, by Representative W. Harper, after technical corrections.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 185 was referred to the Rules Committee.

Mr. President:

March 6, 2009

The House passed **H.B. 425**, CARSON SMITH SCHOLARSHIP PROGRAM AMENDMENTS, by Representative M. Newbold, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 425** was read the first time and referred to the Rules Committee.

Mr. President:

March 6, 2009

The Speaker of the House has appointed a Conference Committee consisting of Representatives C. Moss, G. Hughes, and K. Holdaway to meet with a like committee from the Senate to consider or amend **H.B. 244**, DISRUPTION OF SCHOOL ACTIVITIES, by Representative C. Moss.

Sandy D. Tenney, Chief Clerk

* * *

On motion of Senator Killpack and at 4:35 p.m., the Senate adjourned until 8:00 a.m., Monday, March 9, 2009.

FORTY-SECOND DAY

MORNING SESSION

March 9, 2009

The Senate was called to order at 8:20 a.m., with President Michael Waddoups presiding.

Prayer – Major General Brian L. Tarbet, Adjutant General, Utah National Guard

Pledge of Allegiance – Senator David Hinkins **Roll Call** – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 73)

INTRODUCTION OF BILLS

S.B. 2, **New Fiscal Year Supplemental Appropriations Act** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

H.B. 29, SEX OFFENDERS' CONTACT WITH CHILDREN, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Valentine
Van Taccell	Waddoups		

Van Tassell Waddoups

Absent or not voting were: Senators

Davis Stephenson Urquhart

H.B. 29, as amended, was returned to the House for further consideration.

CONCURRENCE CALENDAR

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to **1st Sub. S.B. 192**, CORPORATION AND BUSINESS ENTITY RELATED AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stowell
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Stephenson Urquhart

1st Sub. S.B. 192 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

H.B. 97, SEXUAL EXPLOITATION OF A MINOR, was read the third time, explained by Senator Buttars, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Okerlund
Robles	Romero	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Niederhauser Stephenson

H.B. 97 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

H.B. 265, POSTMORTEM PROCEDURES AMENDMENTS, was read the third time and explained by Senator Robles. Senators Greiner, Jenkins, Buttars, and Christensen commented and the bill passed on the following roll call:

Yeas, 22; Nays, 6; Absent, 1.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Goodfellow	Hinkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Von Toppell		

Valentine Van Tassell

Voting in the negative were: Senators

Bell	Dayton	Greiner	Jenkins
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Knudson Waddoups

Absent or not voting was: Senator

Hillyard

HB. 265 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.B. 136, SEX OFFENDER DEFINITION AMENDMENTS, was read the third time and explained by Senator Buttars.

Senator Buttars proposed the following amendment:

1. Page 7, Line 186:
Delete "three" and insert "four"

Senator Buttars' motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner

Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups	_		

1st Sub. H.B. 136, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Knudson, the circle was removed from **2nd Sub. S.B. 79**, HEALTH REFORM – MEDICAL MALPRACTICE AMENDMENTS, and it was before the Senate.

On motion of Senator Knudson, the following substitute bill replaced the original bill:

3rd Sub. S.B. 79 Health Reform – Medical Malpractice Amendments (P. Knudson)

Senator Knudson explained the bill. Senators Valentine, Romero, Christensen, and Jones commented. The bill passed on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative was: Senator

Dayton

Absent or not voting were: Senators

Hillyard Madsen

3rd Sub. S.B. 79 was transmitted to the House for consideration.

1st Sub. S.B. 84, IMPACT FEES REVISIONS, was read the third time, explained by Senator Bell, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Van Tassell Waddoups

Absent or not voting were: Senators

Greiner Hillyard

1st Sub. S.B. 84 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 106, ALCOHOLIC BEVERAGE CONTROL ACT RESTRICTIONS, was read the third time, explained by Senator McCoy, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	-

Absent or not voting were: Senators

Greiner Hillyard

1st Sub. S.B. 106 was transmitted to the House for consideration.

* * *

On motion of Senator Madsen, the circle was removed from 1st Sub. H.B. 126, VOTER IDENTIFICATION FOR ELECTIONS, and it was before the Senate.

On motion of Senator McCoy, the following substitute bill replaced the original bill:

2nd Sub. H.B. 126 Voter Identification for Elections (B. Daw)

The bill passed on the following roll call:

Yeas, 26; Nays, 3; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Van Tassell Waddoups

Voting in the negative were: Senators

McCoy Robles Romero

2nd Sub. H.B. 126 was returned to the House for further consideration.

* * *

On motion of Senator Greiner, the Senate voted to lift **S.B. 90**, METAL THEFT AMENDMENTS AND PENALTIES, from enrolling and place it at the top of the Third Reading Calendar.

S.B. 90, METAL THEFT AMENDMENTS AND PENALTIES, was before the Senate, explained by Senator Greiner, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
McCoy	Morgan	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Mayne Niederhauser

S.B. 90 was transmitted to the House.

* * *

1st Sub. S.B. 63, MODIFICATIONS TO RECORDING REQUIREMENTS, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Greiner Niederhauser

1st Sub. S.B. 63 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 224, REUSE OF INDUSTRIAL BYPRODUCT, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Greiner

1st Sub. S.B. 224 was transmitted to the House for consideration.

S.B. 211, BUILDING CODE AMENDMENTS, was read the third time and explained by Senator Bramble. Senator McCoy, Hillyard, and Jenkins commented and the bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Christensen Niederhauser

S.B. 211 was transmitted to the House for consideration.

* * *

S.B. 65, AMENDMENTS TO PROPERTY TAX NOTICE, PUBLIC HEARING, AND RESOLUTION PROVISIONS, was read the third time and explained by Senator Stowell.

On motion of Senator Stowell, the following substitute bill replaced the original bill:

1st Sub. S.B. 65 Amendments to Property Tax Notice, Public Hearing, and Resolution Provisions (S. Stowell)

Senator Stowell explained the bill and it passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble Christensen Greiner Niederhauser

1st Sub. S.B. 65 was transmitted to the House for consideration.

* * *

S.B. 209, LAND USE, DEVELOPMENT, AND MANAGEMENT ACT AMENDMENTS, was read the third time, explained by Senator Bell, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Waddoups		-	

Absent or not voting were: Senators

Bramble Christensen Hillyard Van Tassell

S.B. 209 was transmitted to the House for consideration.

* * *

S.B. 189, AMENDMENTS TO SALES AND USE TAX, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble Christensen Hillyard

S.B. 189 was transmitted to the House for consideration.

* * *

S.B. 244, LONG ARM JURISDICTION AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Killpack	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

waaaoups

Absent or not voting were: Senators

Bramble Christensen Hillyard Knudson

S.B. 244 was transmitted to the House for consideration.

* * *

S.J.R. 21, JOINT RESOLUTION ON COMBATING AND REDUCING GANG ACTIVITY, was read the third time, explained by Senator Robles, and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bell	Buttars	Dayton	Goodfellow
Greiner	Hillyard	Hinkins	Jones
Killpack	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble Christensen	Davis	Jenkins
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Knudson Valentine

S.J.R. 21 was transmitted to the House for consideration.

4th Sub. S.B. 80, FIRE LIABILITY MODIFICATIONS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Bramble

4th Sub. S.B. 80 was transmitted to the House for consideration.

* * *

On motion of Senator Niederhauser, **S.B. 190**, ACQUISITION OF A BILLBOARD BY EMINENT DOMAIN, was read the third time and circled.

* * *

1st Sub. S.B. 235, REDISTRIBUTION OF SALES AND USE TAX REVENUES, was read the third time, explained by Senator Valentine, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble Greiner Hillyard Niederhauser

1st Sub. S.B. 235 was transmitted to the House for consideration.

* * *

S.B. 214, OFFICE OF CONSUMER SERVICES ACT, was read the third time and explained by Senator Valentine. Senator Bell commented and the bill passed on the following roll call:

Yeas, 21; Nays, 8; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Killpack	Knudson	Liljenquist
Madsen	Niederhauser	Okerlund	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Davis	Goodfellow	Jones	Mayne
McCoy	Morgan	Robles	Romero

S.B. 214 was transmitted to the House for consideration.

* * *

2nd Sub. S.B. 208, UTAH PUBLIC NOTICE WEBSITE AMENDMENTS, was read the third time and explained by Senator Urquhart. Senator Bramble commented and the bill passed on the following roll call:

Yeas, 19; Nays, 10; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Killpack	Knudson	Liljenquist
Madsen	Niederhauser	Okerlund	Stephenson
Stowell	Urquhart	Waddoups	

Voting in the negative were: Senators

Davis	Goodfellow	Jones	Mayne
McCoy	Morgan	Robles	Romero
Valentine	Van Tassell		

2nd Sub. S.B. 208 was transmitted to the House for consideration.

* * *

On motion of Senator Hillyard, the Senate voted to lift **S.B. 2**, NEW FISCAL YEAR APPROPRIATIONS ACT, from Rules and place it at the top of the Second Reading Calendar.

* * *

On motion of Senator Killpack, and at 10:10 a.m., the Senate sauntered.

The Senate was called to order at 10:55 a.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 9, 2009

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 100**, DEPARTMENT OF CORRECTIONS – TRACKING AND REIMBURSEMENT OF INDIVIDUAL PRISONER COSTS, by Representative C. Wimmer, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 128**, ELECTRONIC PRESCRIBING ACT, by Representative R. Menlove, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 152**, APPRAISAL MANAGEMENT COMPANY REGULATION, by Representative M. Morley, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 170**, INSURANCE AND LIFE SETTLEMENT AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 188**, HEALTH SYSTEM REFORM – INSURANCE MARKET, by Representative D. Clark, et al, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 317**, CAPITAL FELONY AMENDMENTS, by Representative C. Wimmer, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

2nd Sub. H.B. 100, H.B. 128, H.B. 152, H.B. 170, 2nd Sub. H.B. 188, and **H.B. 317** were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

Mr. President: March 9, 2009

The House passed, as substituted, **1st Sub. H.B. 337**, CHOOSE LIFE SPECIAL GROUP LICENSE PLATE, by Representative C. Herrod, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 450**, TRADEMARK AMENDMENTS, by Representative B. Last, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.J.R. 9**, JOINT RESOLUTION ON COST-EFFECTIVE ENERGY EFFICIENCY AND UTILITY DEMAND—SIDE MANAGEMENT, by Representative R. Barrus, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 337, H.B. 450,** and **1st Sub. H.J.R. 9** were read the first time and referred to the Rules Committee.

THIRD READING CALENDAR

On motion of Senator Niederhauser, the circle was removed from **S.B. 190**, ACQUISITION OF A BILLBOARD BY EMINENT DOMAIN, and it was before the Senate. Senator Niederhauser explained the bill. The bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Killpack
Knudson	Liljenquist	Madsen	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Waddoups		

Absent or not voting were: Senators

Jenkins Mayne Van Tassell

S.B. 190 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Valentine, the Senate voted to lift **S.B. 187**, ALCOHOL AMENDMENTS, to the top of the Second Reading Calendar.

S.B. 187, ALCOHOL AMENDMENTS, was read the second time.

On motion of Senator Valentine, the following substitute bill replaced the original bill:

1st Sub. S.B. 187 Alcohol Amendments (J. Valentine)

On motion of Senator Valentine, the bill was circled.

* * *

S.B. 188, IMPROVEMENT DISTRICT – PROVIDING ELECTRIC SERVICE, was read the second time. Senator Stowell explained the bill. Senator Niederhauser commented. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	McCoy	Morgan
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble Greiner Mayne Niederhauser

* * *

S.B. 2, NEW FISCAL YEAR APPROPRIATIONS ACT, was read the second time.

On motion of Senator Hillyard, the bill was circled.

* * *

On motion of Senator Killpack, the circle was removed from **S.B. 68**, MINING PROTECTION AMENDMENTS, and it was before the Senate.

On motion of Senator Killpack, the following substitute bill replaced the original bill:

1st Sub. S.B. 68 Mining Protection Amendments (S. Killpack)

Senator Killpack proposed the following amendment:

- 1. Page 11, Line 317
 - 317 (b) may be changed to another mining use without losing its status as a vested mining use.
- 2. Page 11, Line 335:
 - 335 (i) is contiguous {-or } and related in mineralization to surface or subsurface land or a mineral
- 3. Page 12, Line 362:

362 { regularly scheduled } available meeting that is more than { five } ten days after receiving the notice under

Senator Killpack's motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 24; Nays, 2; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	Niederhauser
Okerlund	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

McCoy Morgan

Absent or not voting were: Senators

Goodfellow Knudson Robles

* * *

S.B. 223, CITY AND COUNTY CARBON CREDITS FOR SEQUESTRATION OF WASTE STREAM MATERIALS, was read the second time. Senator Romero explained the bill. Senators Jenkins, Niederhauser, Buttars, and Dayton commented. The bill failed second reading on the following roll call:

Yeas, 9; Nays, 17; Absent, 3.

Voting in the affirmative were: Senators

Davis	Goodfellow	Jones	Knudson
Mayne	McCoy	Morgan	Robles

Romero

Voting in the negative were: Senators

Bell	Buttars	Christensen	Dayton
Greiner	Hillyard	Hinkins	Jenkins
Killpack	Liljenquist	Madsen	Niederhauser
Okerlund	Stephenson	Stowell	Urquhart
Waddana			

Waddoups

Absent or not voting were: Senators

Bramble Valentine Van Tassell

The bill was filed.

SPECIAL PRESENTATION

A citation was read honoring the Utah Department of Transportation Dive Team, Grand County Sheriff's Office, Grand County Sheriff's Office Search and Rescue Team, Utah Department of Natural Resources, Moab Valley Police Department and the U.S. National Park Service.

SECOND READING CALENDAR

S.B. 269, PUBLIC UTILITY EASEMENT AMENDMENTS, was read the second time. Senator Bell explained the bill.

Senator Bell proposed the following amendment:

- Page 3, Lines 65 through 65a
 Senate Committee Amendments
 2-26-2009
 - does not diminish or extinguish any right that the gas corporation

ŝ→ or electric corporation ←Ŝ

65a has under the easement.

(8) Nothing in this section may be construed to affect the right of a condemnor to condemn a public utility easement as provided by law.

Senator Bell's motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting were: Senators

Buttars Hillyard Hinkins Niederhauser

Valentine

* * *

On motion of Senator Killpack, and at 11:50 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 3:00 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 9, 2009

The Speaker of the House has signed **1st Sub. S.B. 192**, CORPORATION AND BUSINESS ENTITY RELATED AMENDMENTS, by Senator L. Hillyard, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 192 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 9, 2009

The House passed **H.B. 101**, ASSERTIVE COMMUNITY MENTAL HEALTH TREATMENT PILOT PROGRAM, by Representative C. Moss, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 171**, LEGAL IMMIGRANT CHILDREN HEALTH CARE AMENDMENTS, by Representative K. Holdaway, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 276**, CUSTODIAL INTERFERENCE AMENDMENTS, by Representative C. Wimmer, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 340**, RESPITE CARE ASSISTANCE FUND, by Representative J. Draxler, and it is transmitted for consideration; and

The House passed **H.B. 362**, GOVERNMENT RECORDS AMENDMENTS, by Representative G. Hughes, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 101, H.B. 171, H.B. 276, 1st Sub. H.B. 340, and H.B. 362 were read the first time and referred to the Rules Committee.

INTRODUCTION OF BILLS

- **S.B. 257**, **Disaster Recovery Fund Funding Modifications** (L. Hillyard), read the first time by short title and referred to the Rules Committee.
- **S.B. 258**, **Medicaid Drug Program Amendments** (L. Hillyard), read the first time by short title and referred to the Rules Committee.
- **S.B. 259**, **Public Safety Restricted Account Amendments** (L. Hillyard), read the first time by short title and referred to the Rules Committee.
- **S.J.R. 22**, Resolution Approving Contract for Construction of Utah Science Technology and Research Initiative Centers (L. Hillyard), read the first time by short title and referred to the Rules Committee.
- **S.J.R. 23**, **Joint Rules Resolution Date Changes** (M. Dayton), read the first time by short title and referred to the Rules Committee.

JOINT CONFERENCE COMMITTEE REPORT

Mr. President: March 9, 2009

the Joint Conference Committee comprised of Sens. J. Greiner, B. Goodfellow, and K. Morgan, and Reps. C. Moss, G. Hughes, and K. Holdaway, recommends **H.B. 244**, DISRUPTION OF SCHOOL ACTIVITIES, by

Representative C. Moss, be replaced and favorably recommenda **1st Sub. H.B. 244,** DISRUPTION OF SCHOOL ACTIVITIES.

Sen. Jon Greiner and Rep. Carol Moss, Chairs

1st Sub. H.B. 244, DISRUPTION OF SCHOOL ACTIVITIES, was before the Senate, explained by Senator Greiner, and passed on the following roll call:

Yeas, 21; Nays, 3; Absent, 5.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Greiner
Hillyard	Hinkins	Jones	Killpack
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Urquhart	Valentine	Van Tassell
Waddayna			

Waddoups

Voting in the negative were: Senators

Dayton Jenkins Madsen

Absent or not voting were: Senators

Bell Bramble Goodfellow Knudson

Stowell

1st Sub. H.B. 244 was returned to the House.

* * *

On motion of Senator Killpack, under suspension of the rules, the Senate voted to consider bills on the Second Reading Calendar read for the second and third time.

* * *

On motion of Senator Bramble, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Bramble, the circle was removed from **H.B. 122**, GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

Yeas, 24; Nays, 2; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	Morgan	Okerlund	Robles
Stephenson	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

McCoy Romero

Absent or not voting were: Senators

Niederhauser Stowell Urquhart

H.B. 122 was returned to the House for further consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 9, 2009

The House passed **H.J.R. 28**, JOINT RESOLUTION HONORING THE BATTLESHIP USS UTAH ON ITS 100TH ANNIVERSARY, by Representative Julie Fisher, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.J.R. 28** was read the first time and referred to the Rules Committee.

On motion of Senator Knudson, under suspension of the rules, the Senate voted to lift **H.J.R. 28** from the Rules Committee and place it at the top of the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Knudson, under suspension of the rules, **H.J.R. 28**, JOINT RESOLUTION HONORING THE BATTLESHIP USS UTAH ON ITS 100TH ANNIVERSARY, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard

Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Okerlund	Robles
Romero	Stephenson	Stowell	Valentine
Van Taasall	Waddana		

Van Tassell Waddoups

Absent or not voting were: Senators

Bramble Niederhauser Urquhart

H.J.R. 28 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Robles, the circle was removed from **S.B. 225**, HEALTH AMENDMENTS FOR LEGAL IMMIGRANT CHILDREN, and it was before the Senate. Senator Robles explained the bill. Senators Knudson and Stowell commented. The bill passed second reading on the following roll call:

Yeas, 19; Nays, 6; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Goodfellow
Hillyard	Jenkins	Jones	Killpack
Knudson	Liljenquist	Mayne	McCoy
Morgan	Okerlund	Robles	Romero
Stowell	Valentine	Van Tassell	

Voting in the negative were: Senators

Dayton Greiner Hinkins Madsen

Stephenson Waddoups

Absent or not voting were: Senators

Bramble Christensen Niederhauser Urguhart

* * *

On motion of Senator Madsen, under suspension of the rules, **S.B. 216**, REVISIONS TO MILITARY INSTALLATION DEVELOPMENT AUTHORITY ACT, was considered read the second and third times. Senator Madsen explained the bill.

Senator Killpack proposed the following amendment:

- 1. Page 1, Line 21
 - 21 This bill {-provides an immediate effective date-} takes effect October 1, 2009 .
- 2. Page 6, Lines 159 through 162:
 - 159 { <u>If approved by two-thirds of all the members elected to each house, this bill takes effect</u>
 - 160 upon approval by the governor, or the day following the constitutional time limit of Utah
 - 161 <u>Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto.</u>
 - 162 <u>the date of veto override</u> } <u>This bill takes effect October 1.</u> <u>2009</u> .

Senator Killpack's motion to amend passed on a voice vote. Senators Jones and Romero commented. The bill passed on the following roll call:

Yeas, 19; Nays, 10; Absent, 0.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Dayton
Greiner	Hillyard	Hinkins	Killpack
Knudson	Liljenquist	Madsen	Morgan
Niederhauser	Okerlund	Stephenson	Stowell
Urquhart	Valentine	Waddoups	

Voting in the negative were: Senators

Bell	Davis	Goodfellow	Jenkins
Jones	Mayne	McCoy	Robles
Domero	Van Tassell		

Romero Van Tassell

S.B. 216 was transmitted to the House.

* * *

On motion of Senator Okerlund, **S.B. 234**, MOTOR VEHICLE REGISTRATION FEES, was read the second time and circled.

* * *

On motion of Senator McCoy, under suspension of the rules, S.B. 166, ALCOHOLIC BEVERAGE CONTROL ACT, was considered read the second

and third times. Senator McCoy explained the bill. The bill passed on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Taccell	Waddoups		

Van Tassell Waddoups

Voting in the negative was: Senator

Buttars

Absent or not voting were: Senators

Christensen Morgan

S.B. 166 was transmitted to the House.

* * *

On motion of Senator Valentine, the circle was removed from **1st Sub. S.B. 187**, ALCOHOL AMENDMENTS, and it was before the Senate. Senator Valentine explained the bill.

Senator Valentine proposed the following amendment:

1. Page 191, Lines 5894 through 5909

5894	(1) This bill takes effect on May 12, 2009 except:
5895 July 1,	(a) the amendments in this bill to the following take effect on 2009:
5896	(i) Section 32A-5-101;
5897 32A-5-	(ii) Section 32A–5–102, except for Subsection -102(1)(j):
5898	(iii) Section 32A-5-103 (Effective 07/01/09);
5899	(iv) Section 32A-5-104;
5900	(v) Section 32A-5-106; $\{-and\}$

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5901
        (vi) Section 32A-5-107;
  (vii) Section 11–10–1;
(viii) Section 26-38-2;
(ix) Section 26–38–3:
(x) Subsections 32A-1-105(12), (23), (35), and the existing (64) that
defines a "visitor";
(xi) Section 32A-1-304.5;
(xii) Section 32A-1-603;
(xiii) Section 32A-12-209.5; and
(xiv) Section 53–10–305;
5902
        (b) the amendments in this bill to the following take effect on
January 1, 2010:
5903
        (i) Section 32A-4-102;
5904
        (ii) Section 32A-4-202;
5905
        (iii) Section 32A-4-303;
        (iv) Section 32A-4-402;
5906
5907
        (v) Section 32A-10-202; and
        (vi) Section 32A-14a-102 and
5908
5909
        (c) Subsection 32A-5-102(1)(j) takes effect on July 1, 2010.
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Senator Valentine's motion to amend passed on a voice vote.

On motion of Senator Valentine, under suspension of the rules, **1st Sub. S.B. 187**, ALCOHOL AMENDMENTS, was considered read the second and third times. Senator Valentine explained the bill. Senators McCoy, Romero, and Van Tassell commented. The bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Bramble

1st Sub. S.B. 187 was transmitted to the House.

INTRODUCTION OF BILLS

- **S.B. 201**, **General Obligation Bond Authorization Amendments** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.
- **S.B. 272, Driver License Sanction Amendments** (S. Jenkins), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Dayton, the Senate voted to lift the following bills from the Rules Committee and place them at the top of the Second Reading Calendar:

S.B. 272, S.B. 201, S.B. 257, S.B. 258, S.B. 259, S.B. 260, S.J.R. 22, and S.J.R. 23

* * *

On motion of Senator Jenkins, under suspension of the rules, **S.B. 272**, DRIVER LICENSE SANCTIONS AMENDMENTS, was considered read the second and third times. Senator Jenkins explained the bill. Senators Greiner and Valentine commented. The bill passed on the following roll call:

Yeas, 28; Nays, 1; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative was: Senator

Greiner

S.B. 272 was transmitted to the House.

* * *

On motion of Senator Niederhauser, under suspension of the rules, **S.B. 201**, GENERAL OBLIGATION BOND AUTHORIZATION AMENDMENTS, was

considered read the second and third times. Senator Niederhauser explained the bill. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble Goodfellow

S.B. 201 was transmitted to the House.

* * *

On motion of Senator Hillyard, under suspension of the rules, **S.B. 257**, DISASTER RECOVERY FUND FUNDING MODIFICATIONS, was considered read the second and third times. Senator Hillyard explained the bill. Senator Romero commented. The bill passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble Goodfellow Madsen Niederhauser Valentine

S.B. 257 was transmitted to the House.

* * *

On motion of Senator Hillyard, under suspension of the rules, S.B. 258, MEDICAID DRUG PROGRAM AMENDMENTS, was considered read the

second and third times. Senator Hillyard explained the bill. The bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble Madsen Valentine

S.B. 258 was transmitted to the House.

* * *

On motion of Senator Hillyard, under suspension of the rules, **S.B. 259**, PUBLIC SAFETY RESTRICTED ACCOUNT AMENDMENTS, was considered read the second and third times. Senator Hillyard explained the bill. The bill passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Mayne	McCoy
Morgan	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble Madsen Niederhauser Valentine

S.B. 259 was transmitted to the House.

* * *

On motion of Senator Jenkins, under suspension of the rules, S.B. 260, HOUSING RELIEF RESTRICTED SPECIAL REVENUE FUND, was

considered read the second and third times. Senator Jenkins explained the bill. Senators Mayne and Greiner commented. The bill passed on the following roll call:

Yeas, 22; Nays, 5; Absent, 2.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Goodfellow
Greiner	Hillyard	Jenkins	Jones
Killpack	Knudson	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Urquhart
Van Tassell	Waddoups		

Voting in the negative were: Senators

Buttars	Dayton	Hinkins	Madsen
Stephenson			

Absent or not voting were: Senators

Bramble Valentine

S.B. 260 was transmitted to the House.

* * *

On motion of Senator Hillyard, under suspension of the rules, **S.J.R. 22**, RESOLUTION APPROVING CONTRACT FOR CONSTRUCTION OF UTAH SCIENCE TECHNOLOGY AND RESEARCH INITIATIVE CENTERS, was considered read the second and third times. Senator Hillyard explained the bill. The bill passed on the following roll call:

Yeas, 24; Nays, 2; Absent, 3.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Voting in the negative were: Senators

Buttars Dayton

Absent or not voting were: Senators

Bramble Madsen Valentine

S.J.R. 22 was transmitted to the House.

* * *

On motion of Senator Dayton, under suspension of the rules, **S.J.R. 23**, JOINT RULES RESOLUTION DATE CHANGES, was considered read the second and third times. Senator Dayton explained the bill. Senator Davis commented. The bill passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble Killpack Madsen Valentine

S.J.R. 23 was transmitted to the House.

* * *

On motion of Senator Hillyard, **S.B. 230**, CONSTRUCTION PAYMENT AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Hillyard, the circle was removed from **S.B. 2**, NEW FISCAL YEAR APPROPRIATIONS ACT, and it was before the Senate.

Senator Hillyard proposed the following amendment:

- Page 16, Line 570:
 Delete "GFR" and insert "General Fund Restricted"
- Page 24, Line 891:
 Delete "270,000" and insert "1,225,000"

- 3. Page 24, Line 893: Delete "2,282,400" and insert "3,237,400"
- 4. Page 24, Line 897: Delete Line 897
- Page 24, Line 902: Delete "1,942,600" and insert "987,600"
- 6. Page 58, Line 2194:
 Delete "5,647,000" and insert "2,947,000" and after Line 2194 insert "From Uniform School Fund, One–time 2,700,000"
- Page 141, Line 5345:
 After "Change on Name of Division Records (per occurrence)" insert "20.00"

Senator Hillyard's motion to amend passed on a voice vote. Senator Hillyard explained the bill.

On motion of Senator Hillyard, under suspension of the rules, **S.B. 2**, NEW FISCAL YEAR APPROPRIATIONS ACT, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddays			

Waddoups

Voting in the negative was: Senator

McCoy

Absent or not voting were: Senators

Bramble Killpack Madsen

S.B. 2 was transmitted to the House.

* * *

On motion of Senator Niederhauser, under suspension of the rules, **1st Sub. S.B. 270**, GIFT CARD AMENDMENTS, was considered read the second and

third times. Senator Niederhauser explained the bill. Senator Jones commented. The bill passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jones	Killpack	Knudson	Liljenquist
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddouns	_		

Waddoups

Absent or not voting were: Senators

Madsen **Buttars** Hillyard Jenkins

1st Sub. S.B. 270 was transmitted to the House.

* * *

On motion of Senator Bramble, the circle was removed from S.B. 230, CONSTRUCTION PAYMENT AMENDMENTS, and it was before the Senate.

Senator Bramble proposed the following amendment:

1	l. Page	6, Lin	es 153	through	ı 159

153 (1) (a) Upon final completion of a construction project and in accordance with Section

154 38-1-40:

(i) an owner of a construction project or an original contractor $\{--\}$ may $\{--\}$ $\{-\frac{\text{shall}}{}\}$ file a notice

156 of completion with the database; [and] or

(ii) a lender that has provided financing for the construction project, a surety that has

158 provided bonding for the construction project, or a title company issuing a title insurance

159 policy on the construction project, $\{--\}$ may $\{--\}$ $\{-\frac{\text{shall}}{\text{shall}}\}$ file a notice of completion.

- 2. Page 8, Lines 216 through 219:
 - 216 (1) An owner, as defined in Section 14–2–1, or a contractor of a commercial
 - 217 <u>nonresidential construction project shall file a notice of intent to file a notice of completion</u>
 - 218 with the database in accordance with the provisions of Section 38–1–33 if:
 - 219 (a) the completion of performance time under the contract is greater than 120 days;
- 3. Page 8, Lines 223 through 225:
 - 223 (2) The notice of intent described in Subsection (1) shall be filed at least 45 days before
 - 224 the day on which the owner or contractor of a commercial nonresidential construction project
 - 225 <u>files</u> <u>or could have filed</u> <u>a notice of completion under Section 38–1–33.</u>
- 4. Page 8, Lines 229 through 233:
 - 229 (a) that includes:
 - 230 (i) the total amount remaining due under the contract {=:
 - 231 (ii) } <u>a purchase order</u> <u>or agreement relating to the person's labor, materials, and services;</u>
 - 232 and
 - 233 $\{-\underbrace{\text{(iii)}}\}$ $\{\underbrace{\text{(ii)}}$ a separate statement of all known amounts or categories of work in dispute; and
- 5. Page 8, Lines 240 through 242:
 - 240 (b) A demand for adequate assurance as described in Subsection (4)(a) may include a
 - 241 request for a statement from the owner, contractor, or subcontractor that the owner, contractor,
 - 242 <u>or subcontractor has sufficient funds</u> <u>dedicated and</u> <u>available</u> <u>to pay for all sums due or that will become due</u>
- 6. Page 9, Line 261:

261 payment of the <u>remaining contract balance claimed by the</u> <u>person seeking adequate assurance for completion of the</u> <u>construction project, including:</u>

7. Page 10, Lines 277 through 278:

277 (7) A court shall award reasonable attorney fees to a prevailing party for an action {- upon}

278 <u>a payment bond</u> } <u>brought under this section.</u>

Senator Bramble's motion to amend passed on a voice vote.

On motion of Senator Bramble, under suspension of the rules, **S.B. 230**, CONSTRUCTION PAYMENT AMENDMENTS, was considered read the second and third times. Senator Romero declared a conflict of interest. The bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Buttars Hillyard Urquhart

S.B. 230 was transmitted to the House.

* * *

On motion of Senator Robles, under suspension of the rules, **S.B. 74**, AT–RISK STUDENT PROVISIONS, was considered read the second and third times. Senator Robles explained the bill. Senator Dayton commented. The bill passed on the following roll call:

Yeas, 24; Nays, 3; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hillyard

Hinkins	Jones	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Van Tassell	Waddoups

Voting in the negative were: Senators

Dayton Jenkins Madsen

Absent or not voting were: Senators

Urquhart Valentine

S.B. 74 was transmitted to the House.

* * *

On motion of Senator Madsen, under suspension of the rules, **S.B. 241**, INSTRUCTION EXPENSES REQUIREMENTS, was considered read the second and third times. Senator Madsen explained the bill. Senators Greiner, Hillyard, and Jones commented. The bill failed on the following roll call:

Yeas, 12; Nays, 17; Absent, 0.

Voting in the affirmative were: Senators

Bramble	Buttars	Dayton	Jenkins
Killpack	Liljenquist	Madsen	Niederhauser
Stephenson	Stowell	Valentine	Waddoups

Voting in the negative were: Senators

Bell	Christensen	Davis	Goodfellow
Greiner	Hillyard	Hinkins	Jones
Knudson	Mayne	McCoy	Morgan
Okerlund	Robles	Romero	Urquhart
Von Tossall			

Van Tassell

S.B. 241 was filed.

* * *

2nd Sub. S.B. 41, SITING OF HIGH VOLTAGE POWER LINE ACT, was read the second time.

On motion of Senator Knudson, the following substitute bill replaced the original bill:

3rd Sub. S.B. 41 Siting of High Voltage Power Line Act (P. Knudson)

On motion of Senator Knudson, under suspension of the rules, **3rd Sub. S.B. 41**, SITING OF HIGH VOLTAGE POWER LINE ACT, was considered read the second and third times. Senator Knudson explained the bill. The bill passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Greiner Hillyard Stephenson Urquhart

3rd Sub. S.B. 41 was transmitted to the House.

* * *

On motion of Senator Liljenquist, **S.B. 195**, PUBLIC EMPLOYEE DEFINED CONTRIBUTION AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Madsen, **S.B. 236**, UNINSURED AND UNDERINSURED MOTORIST COVERAGE AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Madsen, the circle was removed from **1st Sub. S.B. 69**, PROOF OF CITIZENSHIP REQUIRED TO VOTE, and it was before the Senate. Senator Madsen explained the bill.

Senator Madsen proposed the following amendment:

1. Page 13, Lines 391 through 395

- 391 <u>ENROLLMENT LIST;</u> {-<u>OR</u> }
- 392 <u>(H) OTHER DOCUMENTATION ESTABLISHING THAT YOU ARE A MEMBER</u>
- 393 <u>OF A FEDERALLY RECOGNIZED INDIAN TRIBE OR BAND,</u> ALASKAN NATIVE
- 394 <u>VILLAGE, OR OTHER TRIBE RECOGNIZED BY FEDERAL</u> <u>LAW OR FORMALLY</u>
- 395 ACKNOWLEDGED BY A STATE {-_; } :OR

 (I) AN OFFICIAL STATEMENT FROM THE FEDERAL

 SOCIAL SECURITY ADMINISTRATION INDICATING THAT YOU

 ARE A CITIZEN.
- 2. Page 17, Lines 511 through 512:
 - 511 enrollment list: $\{-or\}$
 - 512 (ix) other documentation establishing that the applicant is a member of a tribe $\{-\frac{1}{2}\}$ or
 - (x) an official statement from the federal Social Security Administration indicating that the applicant is a citizen.
- 3. Page 40, Lines 1208 through 1212:
 - $1208 \, \underline{\text{ENROLLMENT LIST}}; \quad \{-\underline{\text{OR}}\}$
 - 1209 <u>(I) OTHER DOCUMENTATION ESTABLISHING THAT YOU ARE A MEMBER</u>
 - 1210 <u>OF A FEDERALLY RECOGNIZED INDIAN TRIBE OR</u> BAND, ALASKAN NATIVE
 - 1211 <u>VILLAGE, OR OTHER TRIBE RECOGNIZED BY</u> FEDERAL LAW OR FORMALLY
 - 1212 <u>ACKNOWLEDGED BY A STATE</u> {—; <u>OR</u>

 (J) <u>AN OFFICIAL STATEMENT FROM THE FEDERAL</u>

 SOCIAL SECURITY ADMINISTRATION INDICATING THAT YOU ARE A CITIZEN.
- 4. Page 42, Lines 1283 through 1284:
 - 1283 <u>enrollment list;</u> {-or }
 - 1284 (x) other documentation establishing that the applicant is a member of a tribe $\{-\frac{1}{2}\}$: or

(xi) an official statement from the federal Social Security Administration indicating that the applicant is a citizen.

Senator Madsen's motion to amend passed on a voice vote.

On motion of Senator Madsen, under suspension of the rules, **1st Sub. S.B. 69**, PROOF OF CITIZENSHIP REQUIRED TO VOTE, was considered read the second and third times. Senator Madsen explained the bill. Senator Robles commented. The bill passed on the following roll call:

Yeas, 22; Nays, 7; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Killpack	Knudson	Liljenquist
Madsen	Mayne	Niederhauser	Okerlund
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative were: Senators

Davis	Goodfellow	Jones	McCoy
Morgan	Robles	Romero	

1st Sub. S.B. 69 was transmitted to the House.

* * *

On motion of Senator Niederhauser, under suspension of the rules, **S.B. 5**, REVENUE BOND AND CAPITAL FACILITIES AUTHORIZATIONS, was considered read the second and third times. Senator Niederhauser explained the bill. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell Knudson

S.B. 5 was transmitted to the House.

* * *

On motion of Senator Bramble, under suspension of the rules, **3rd Sub. S.B. 76**, ENERGY AMENDMENTS, was considered read the second and third times. Senator Bramble explained the bill.

Senator Bramble proposed the following amendment:

- 1. Page 17, Lines 496 through 499
 - 496 63H-2-503. Audits.
 - 497 {—<u>The authority shall comply with the audit requirements of Title 51, Chapter 2a,</u>
 - 498 <u>Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local</u>
 - 499 Entities Act. }
 - (1) The state auditor may audit or contract with an independent certified public accountant to audit the books and accounts of the authority, including compliance with this chapter.
 - (2) The authority shall reimburse the state auditor from the authority's available moneys for the actual and necessary costs of an audit conducted under Subsection (1).

Senator Bramble's motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bell Jenkins Knudson Stephenson

3rd Sub. S.B. 76 was transmitted to the House.

THIRD READING CALENDAR

On motion of Senator Killpack, under suspension of the rules, the Senate voted to consider rules under the line on the Third Reading Calendar

* * *

S.B. 188, IMPROVEMENT DISTRICT - PROVIDING ELECTRIC SERVICE, was read the third time, explained by Senator Stowell, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Greiner	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Goodfellow Hillyard Knudson

S.B. 188 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 68, MINING PROTECTION AMENDMENTS, was read the third time, explained by Senator Killpack, and passed on the following roll call:

Yeas, 25; Nays, 3; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	Mayne
Niederhauser	Okerlund	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoupe	_		

Waddoups

Voting in the negative were: Senators

McCoy Morgan Robles

Absent or not voting was: Senator

Knudson

1st Sub. S.B. 68 was transmitted to the House for consideration.

* * *

S.B. 269, PUBLIC UTILITY EASEMENT AMENDMENTS, was read the third time, explained by Senator Bell, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stowell

Van Tassell Waddoups

Absent or not voting were: Senators

Stephenson Urquhart Valentine

S.B. 269 was transmitted to the House for consideration.

* * *

S.B. 225, HEALTH AMENDMENTS FOR LEGAL IMMIGRANT CHILDREN, was read the third time, explained by Senator Robles, and passed on the following roll call:

Yeas, 15; Nays, 14; Absent, 0.

Voting in the affirmative were: Senators

Bell	Davis	Goodfellow	Hillyard
Jones	Liljenquist	Mayne	McCoy
Morgan	Robles	Romero	Stowell
Urquhart	Valentine	Van Tassell	

Voting in the negative were: Senators

Bramble	Buttars	Christensen	Dayton
Greiner	Hinkins	Jenkins	Killpack
Knudson	Madsen	Niederhauser	Okerlund
C. 1	XX7 1.1		

Stephenson Waddoups

S.B. 225 was transmitted to the House for consideration.

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COMMUNICATIONS FROM THE HOUSE

Mr. President: March 9, 2009

The House adopted the Joint Conference Committee Report dated March 9, 2009, and passed **1st Sub. H.B. 244**, DISRUPTION OF SCHOOL ACTIVITIES, by Representative C. Moss, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. H.B. 244 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President:

March 9, 2009

The House passed, as amended, **H.B. 173**, OUTDOOR GUIDES AND OUTFITTERS LICENSING ACT, by Representative E. Vickers, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 198**, MARRIAGE LICENSE FEE AMENDMENTS, by Representative C. Johnson, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 256**, LIVESTOCK WATERING RIGHTS AMENDMENTS, by Representative M. Noel, and it is transmitted for consideration; and

The House passed **H.B. 307**, TOURISM MARKETING PERFORMANCE ACCOUNT AMENDMENTS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 326**, FORCIBLE ENTRY AND DETAINER AMENDMENTS, by Representative L. Fowlke, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 333**, MOTOR VEHICLE IMPOUND AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 347**, ALCOHOLIC BEVERAGE CONTROL ACT MODIFICATIONS, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 370**, DISABLED PARKING VIOLATION AMENDMENTS, by Representative S. Mascaro, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 376**, REVISIONS TO ALCOHOLIC BEVERAGE CONTROL ACT, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed **H.B. 377**, JUDICIAL CODE AMENDMENTS, by Representative D. Aagard, and it is transmitted for consideration; and

The House passed **H.B. 378**, CIRCUIT BREAKER AMENDMENTS, by Representative T. Cosgrove, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 379**, ENVIRONMENTAL LITIGATION BOND, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 404**, DISCLOSURE OF REAL PROPERTY , by Representative M. Newbold, and it is transmitted for consideration; and

The House passed **H.B. 411**, UTAH TECHNOLOGY GOVERNANCE ACT AMENDMENTS, by Representative S. Clark, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 437**, OBSTRUCTION OF NATURAL RESOURCE OR AGRICULTURAL PRODUCTION, by Representative M. Noel, and it is transmitted for consideration; and

The House passed **H.B. 445**, HEALTH PROGRAM REVISIONS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed **H.B. 451**, PUBLIC EMPLOYEES' BENEFIT AND INSURANCE PROGRAM AMENDMENTS, by Representative B. Dee, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 457**, TRUTH IN MUSIC, by Representative G. Hughes, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 173, H.B. 198, 1st Sub. H.B. 256,H.B. 307, 1st Sub. H.B. 326,H.B. 333, 1st Sub. H.B. 347, 1st Sub. H.B. 370, H.B. 376,H.B. 377, H.B. 378, H.B. 379, 1st sub. H.B. 404, H.B. 411,

H.B. 437,H.B. 445, H.B. 451, and **H.B. 457** were read the first time and referred to the Rules Committee.

* * *

On motion of Senator Killpack, the Senate voted to lift the following bills from Rules and place them on the Consent Calendar:

H.B. 72, H.B. 194, H.B. 167, H.B. 192, H.B. 245, H.B. 310, H.B. 323, H.B. 390, 1st Sub. H.B. 413, H.J.R. 18, and 1st Sub. H.B. 211

On motion of Senator Killpack, the Senate voted to lift the following bill from the Third Reading Table it on the Third Reading Calendar: **H.B. 129**

On motion of Senator Killpack, the Senate voted to lift the following bills from Rules and place them on the top of the Second Reading Calendar:

H.B. 197, H.B. 345, H.B. 246, H.B. 302, H.B. 444, H.B. 402, 1st Sub. H.B. 274, H.B. 364, H.B. 410, 1st Sub. H.B. 64, 1st Sub. H.B. 132, H.J.R. 14, H.B. 432, H.B. 371, H.B. 153, 1st Sub. H.B. 299, and H.B. 450

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On motion of Senator Killpack and at 6:20 p.m., the Senate adjourned until 8:00 a.m., Tuesday, March 10, 2009.

FORTY-THIRD DAY

MORNING SESSION

March 10, 2009

The Senate was called to order at 8:25 a.m., with President Michael Waddoups presiding.

Prayer – Reverend Alan Borcher, Light of the Valley Lutheran Church, Riverton

Pledge of Allegiance – Senator Jon Greiner **Roll Call** – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 73)

CONSENT CALENDAR

H.B. 72, CHILDREN'S JUSTICE CENTER AMENDMENTS, was read the third time.

On motion of Senator Christensen, the bill was circled.

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H.B. 194, EDUCATION POLICIES FOR MILITARY CHILDREN, was read the third time, explained by Senator Dayton, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jones	Killpack	Knudson	Liljenquist
Mayne	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble Hillyard Jenkins Madsen

McCoy

H.B. 194 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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H.B. 167, COUNTY HOSPITAL RETIREMENT PROVISIONS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Mayne	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Hillyard Madsen McCoy

H.B. 167 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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H.B. 192, PERSONAL INJURY JUDGMENT INTEREST, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Mayne	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Hillyard Madsen McCoy

H.B. 192 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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H.B. 245, UTAH STATE 911 COMMITTEE AMENDMENTS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bell Hillyard Madsen Stephenson

H.B. 245 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 310, AUTHORITY OF THE LIEUTENANT GOVERNOR TO PERFORM MARRIAGES, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

waaaoups

Absent or not voting were: Senators

Bell Hillyard Madsen Stephenson

H.B. 310 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 323, AMENDMENTS REGARDING NOTICE ON UTAH PUBLIC NOTICE WEBSITE, was read the third time, explained by Senator Killpack, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bell Madsen Robles

H.B. 323 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.B. 413, COUNTY AUTHORITY AMENDMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bramble	Buttars	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Killpack	Knudson	Liljenquist
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Bel1 Christensen Madsen Jones

Robles

1st Sub. H.B. 413 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.J.R. 18, JOINT RESOLUTION FOR LEGISLATIVE APPROPRIATION SUBCOMMITTEE NAME CHANGE, was read the third time, explained by Senator Knudson, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Christensen Jones Madsen Robles

H.J.R. 18 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.B. 211, RETIREMENT INVESTMENT REPORTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Christensen Jones Madsen Robles

1st Sub. H.B. 211 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, the circle was removed from **H.B. 72**, CHILDREN'S JUSTICE CENTER AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddouns			

Absent or not voting were: Senators

Christensen Knudson Madsen Robles

H.B. 72 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

H.B. 129, ALCOHOLIC BEVERAGE AMENDMENTS RELATED TO MINORS, was read the third time, explained by Senator Davis, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Madsen

H.B. 129, as amended, was returned to the House for further consideration.

INTRODUCTION OF BILLS

S.B. 202, **Drug Offender Reform Act Amendments** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

On motion of Senator Stephenson, **H.B. 197**, REAUTHORIZATION OF ADMINISTRATIVE RULES, was read the second time and circled.

* * *

H.B. 345, ELECTED OFFICIALS – RESTRICTIONS ON LOBBYING, was read the second time. Senator Bell explained the bill. The bill passed second reading on the following roll call:

Yeas, 19; Nays, 9; Absent, 1.

Voting in the affirmative were: Senators

Bell	Christensen	Greiner	Hillyard
Hinkins	Jones	Killpack	Liljenquist
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Bramble	Buttars	Davis	Dayton
Goodfellow	Jenkins	Knudson	Stephenson
C4 a 11			

Stowell

Absent or not voting was: Senator

Madsen

* * *

H.B. 346, CAMPAIGN AND FINANCIAL REPORTING REQUIREMENTS AMENDMENTS, was read the second time.

On motion of Senator Valentine, the following substitute bill replaced the original bill:

1st Sub. H.B. 346 Campaign and Financial Reporting Requirements Amendments (B. Dee)

Senator Bell explained the bill. Senators Hillyard, Bramble, Buttars, Greiner, Goodfellow, Mayne, Madsen, and Valentine commented.

On motion of Senator Bell, the bill was circled.

* * *

H.B. 302, DISTRIBUTION OF TOBACCO SETTLEMENT MONIES AMENDMENTS, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 4; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	Niederhauser	Okerlund	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Voting in the negative were: Senators

McCoy Morgan Robles Romero

Absent or not voting was: Senator

Valentine

864

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On motion of Senator Hillyard, **H.B. 444**, BUDGET IMPLEMENTATION ADJUSTMENTS – TOBACCO SETTLEMENT FUNDS, was read the second time and circled.

* * *

On motion of Senator Killpack, **H.B. 402**, ENFORCEMENT OF CARBON MONOXIDE DETECTOR REQUIREMENTS, was read the second time and circled.

* * *

1st Sub. H.B. 274, LOCAL GOVERNMENT FEES AND CHARGES, was read the second time. Senator Jenkins explained the bill. Senator Buttars commented. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urauhart	Van Tassell	Waddouns	

Absent or not voting were: Senators

Bramble Valentine

* * *

On motion of Senator Urquhart, under suspension of the rules, **H.B. 364**, BORDER AND NONRESIDENT STUDENT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Greiner	Hillyard	Hinkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble Buttars Goodfellow Jenkins Stephenson

H.B. 364 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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H.B. 410, LEGISLATOR SALARY AMENDMENTS, was read the second time. Senator Hillyard explained the bill. Senators Buttars, Bell, Romero, Jones, Valentine, Morgan, and Davis commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 5; Absent, 2.

Voting in the affirmative were: Senators

Bell	Christensen	Dayton	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Valentine
Van Tassell	Waddoups		

Voting in the negative were: Senators

Buttars Davis Goodfellow Knudson

Madsen

Absent or not voting were: Senators

Bramble Urquhart

* * *

1st Sub. H.B. 64, DETERRING ILLEGAL IMMIGRATION, was read the second time. Senator Jenkins explained the bill. Senators Greiner, Valentine, Buttars, McCoy, Romero, and Robles commented. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
-			•
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative was: Senator

Romero

Absent or not voting were: Senators

Bramble Buttars Hillyard Stephenson

* * *

1st Sub. H.B. 132, SEXUAL ASSAULT VICTIM PROTOCOLS, was read the second time.

On motion of Senator Valentine, the bill was circled.

* * *

H.J.R. 14, JOINT RULES RESOLUTION – ETHICS TRAINING COURSE PROVISIONS, was read the second time. Senator Bell explained the bill. Senators Romero, Valentine, Jones, and McCoy commented. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell		

Voting in the negative was: Senator

Waddoups

Absent or not voting were: Senators

Bramble Dayton

* * *

On motion of Senator Valentine, the circle was removed from **1st Sub. H.B. 132**, SEXUAL ASSAULT VICTIM PROTOCOLS, and it was before the Senate. Senator Valentine explained the bill. Senator Robles commented. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

0			
Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell Bramble

* * *

On motion of Senator Hillyard, the Senate voted to lift **S.B. 202**, DRUG OFFENDER REFORM ACT AMENDMENTS, from Rules and place it at the top of the Second Reading Calendar.

On motion of Senator Hillyard, **S.B. 202**, DRUG OFFENDER REFORM ACT AMENDMENTS, was read the second time and circled.

* * *

H.B. 432, HIGHER EDUCATION BUDGET AUTHORITY AMENDMENTS, was read the second time. Senator Valentine explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Buttars	Christensen	Dayton	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Von Tossall	Waddowns		

Van Tassell Waddoups

Absent or not voting were: Senators

Bell Bramble Davis

* * *

On motion of Senator Killpack, **H.B.** 371, TRANSPORTATION GOVERNANCE, was read the second time and circled.

* * *

H.B. 153, TRESPASS LAW AMENDMENTS, was read the second time. Senator Stowell explained the bill.

Senator Stowell proposed the following amendment:

- 1. Page 1, Line 12
 - 12 creates the offense of criminal trespass on agricultural or range lands;
 - <u>creates the offense of cutting the fencing of agricultural or range</u> <u>lands:</u>
- 2. Page 2, Line 38

House Floor Amendments

2-24-2009:

- 38 (2) A person is guilty of the class B misdemeanor criminal offense of criminal trespass on agricultural or range land and is liable for
- 3. Page 2, Line 48

House Floor Amendments

2-24-2009:

- (3) A person is guilty of the class B misdemeanor criminal offense of cutting the fencing of agricultural or range land if the person willfully cuts any fencing as described under Subsection (2)(b).
- 48 { <u>(3) A violation of Subsection (2) is a class B</u> misdemeanor. }
- 4. Page 2, Line 50

House Floor Amendments

2-24-2009:

50 <u>any violation of Subsection (2)</u> <u>or (3)</u> <u>may also be liable for:</u>

Senator Stowell's motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Okerlund	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Buttars Hillyard Knudson Niederhauser

Robles

* * *

On motion of Senator Killpack, the circle was removed from **H.B. 402**, ENFORCEMENT OF CARBON MONOXIDE DETECTOR REQUIREMENTS, and it was before the Senate. Senator Killpack explained the bill.

Senator Killpack proposed the following amendment:

- 1. Page 1, Line 16
 - 16 in residential dwellings against anyone other than the occupant of the dwelling , subject to an exception for new construction ; and
- 2. Page 2, Line 36:
 - 36 {-A } (1) Subject to Subsection (2), a municipality may not enforce an ordinance, rule, or regulation requiring the
- 3. Page 2, Line 38:
 - 38 anyone other than the occupant of the dwelling.
 - (2) Subsection (1) may not be construed to affect:
 - (a) a developer's obligation to comply with a building code that requires the installation of a carbon monoxide detector as part of new construction; or
 - (b) a municipality's ability to require a developer to comply with a building code that requires the installation of a carbon monoxide detector as part of new construction.
- 4. Page 2, Line 42:
 - 42 {-A } (1) Subject to Subsection (2), a county may not enforce an ordinance, rule, or regulation requiring the installation or
- 4. Page 2. Line 44:
 - 44 the occupant of the dwelling.
 - (2) Subsection (1) may not be construed to affect:
 - (a) a developer's obligation to comply with a building code that requires the installation of a carbon monoxide detector as part of new construction; or
 - (b) a county's ability to require a developer to comply with a building code that requires the installation of a carbon monoxide detector as part of new construction.

Senator Killpack's motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bell	Davis	Dayton	Goodfellow
Greiner	Hinkins	Jenkins	Jones
Killpack	Liljenquist	Madsen	Mayne
McCoy	Morgan	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Van Tassell	Waddouns		

Waddoups

Absent or not voting were: Senators

Bramble Buttars Christensen Hillyard Knudson Niederhauser Valentine

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 10, 2009

The House concurred in the Senate amendments and passed **H.B. 29**, SEX CONTACT WITH CHILDREN, by Representative R. Greenwood, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 2nd Sub. H.B. 126, VOTER IDENTIFICATION FOR ELECTIONS, by Representative B. Daw, et al, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. H.B. 136, SEX OFFENDER DEFINITION AMENDMENTS, by Representative P. Ray, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 29, 2nd Sub. H.B. 126, and 1st Sub. H.B. 136 were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: March 10, 2009

The House passed H.B. 2, MINIMUM SCHOOL PROGRAM BUDGET AMENDMENTS, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed H.B. 447, UTAH EMERGENCY MEDICAL SERVICES SYSTEM ACT AMENDMENTS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed **H.B. 455**, COURT SECURITY RESTRICTED ACCOUNT, by Representative E. Hutchings, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 2, H.B. 447,** and **H.B. 455** were read the first time and referred to the Rules Committee.

* * *

On motion of Senator Killpack, and at 10:45 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:30 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 10, 2009

The House passed, **S.B. 2**, NEW FISCAL YEAR APPROPRIATIONS ACT, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **3rd Sub. S.B. 79**, HEALTH REFORM – MEDICAL MALPRACTICE AMENDMENTS, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 2 and **3rd Sub. S.B. 79** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 10, 2009

The House passed **H.B. 4**, GENERAL OBLIGATION BONDS AUTHORIZATIONS, by Representative S. Clark, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 124**, INSURANCE COVERAGE FOR EOSINOPHILIC GASTROINTESTINAL DISORDERS AND SHORT BOWEL SYNDROME, by Representative C. Johnson, and it is transmitted for consideration; and

The House passed **H.B. 306**, HEALTH AND HUMAN SERVICES-RELATED COMMISSION, COMMITTEE, AND COUNCIL

AMENDMENTS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed **H.B. 373**, AMENDMENTS TO DEPARTMENT OF CORRECTIONS' OPERATIONS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 391**, BUDGETARY PROCEDURES ACT REVISIONS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed **H.B. 436**, STATE PROHIBITION OF SUDAN RELATED CONTRACTS, by Representative D. Litvack, and it is transmitted for consideration; and

The House passed **H.B. 446**, MEDICAID RESTRICTED ACCOUNT AMENDMENTS, by Representative R. Edwards, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.J.R. 17**, JOINT RESOLUTION URGING CONGRESSIONAL AND PRESIDENTIAL OPPOSITION TO FEDERAL BAILOUTS AND PROMOTION OF FISCAL RESPONSIBILITY, by Representative C. Frank, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 4, H.B. 124, H.B. 306, H.B. 373, H.B. 391, H.B. 436, H.B. 446, and H.J.R. 17 were read the first time and referred to the Rules Committee.

INTRODUCTION OF BILLS

S.B. 239, **Transportation Revisions** (S. Killpack), read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

On motion of Senator Hillyard, the circle was removed from **S.B. 202**, DRUG OFFENDER REFORM ACT AMENDMENTS, and it was before the Senate.

On motion of Senator Hillyard, under suspension of the rules, **S.B. 202**, DRUG OFFENDER REFORM ACT AMENDMENTS, was considered read the second and third times. Senator Hillyard explained the bill. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Valentine Van Tassell Waddoups

Absent or not voting were: Senators

Bell Hinkins

S.B. 202 was transmitted to the House.

* * *

On motion of Senator Urquhart, the Senate voted to recall **1st Sub. S.B. 53**, AWARDING OF ATTORNEY FEES, for the purpose of making a correction. The bill was placed on the Third Reading Calendar.

THIRD READING CALENDAR

1st Sub. S.B. 53, AWARDING OF ATTORNEY FEES, was before the Senate, explained by Senator Urquhart, and passed on the following roll call:

Yeas, 18; Nays, 6; Absent, 5.

Voting in the affirmative were: Senators

Buttars	Christensen	Dayton
Jenkins	Jones	Killpack
Liljenquist	Mayne	Niederhauser
Stephenson	Stowell	Urquhart
	Jenkins Liljenquist	Jenkins Jones Liljenquist Mayne

Valentine Waddoups

Voting in the negative were: Senators

Davis	Goodfellow	McCov	Morgan

Robles Romero

Absent or not voting were: Senators

Bell	Hillyard	Hinkins	Madsen
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Van Tassell

1st Sub. S.B. 53 was transmitted to the House.

On motion of Senator Killpack, the Senate voted to lift **S.B. 239**, TRANSPORTATION REVISIONS, from Rules and place it at the top of the Second Reading Calendar.

On motion of Senator Killpack, the Senate voted to lift the following bills from Rules and place them at the bottom of the Second Reading Calendar:

H.B. 342, 2nd Sub. H.B. 120, H.B. 399, H.B. 412, H.B. 430, H.B. 384, H.B. 383, H.B. 163, H.B. 179, 1st Sub. H.B. 357, H.B. 449, H.B. 14, 2nd Sub. H.B. 141, 1st Sub. H.B. 308, H.B. 185, H.B. 389, 1st Sub. H.B. 439, H.B. 198, and H.B. 195

SECOND READING CALENDAR

On motion of Senator Stephenson, the circle was removed from **H.B. 197**, REAUTHORIZATION OF ADMINISTRATIVE RULES, and it was before the Senate. Senator Stephenson explained the bill. Senators Valentine and Goodfellow commented.

On motion of Senator Stephenson, under suspension of the rules, **H.B. 197**, REAUTHORIZATION OF ADMINISTRATIVE RULES, was considered read the second and third times and passed on the following roll call:

Yeas, 19; Nays, 7; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
DCII	Diamoic	Duttais	Christinsch
Dayton	Greiner	Jenkins	Killpack
Knudson	Liljenquist	Morgan	Niederhauser
Okerlund	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Davis	Goodfellow	Jones	Mayne
McCoy	Robles	Romero	

Absent or not voting were: Senators

Hillyard Hinkins Madsen

Senator Killpack declared a conflict of interest.

H.B. 197 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Killpack, **S.B. 239**, TRANSPORTATION REVISIONS, was read the second time and circled.

* * *

On motion of Senator Jenkins, **1st Sub. H.B. 299**, UNLAWFUL DETAINER AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Bramble, **H.B. 450**, TRADEMARK AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Jenkins, the Senate voted to suspend the rules to consider bills below the line today.

* * *

H.B. 390, ABSENTEE BALLOT AMENDMENTS, was read the second time. Senator Van Tassell explained the bill. Senators Davis and McCoy commented. The bill passed second reading on the following roll call:

Yeas, 17; Nays, 8; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Dayton
Greiner	Hinkins	Jenkins	Killpack
Knudson	Liljenquist	Madsen	Niederhauser
Okerlund	Stephenson	Valentine	Van Tassell
XX7 1.1			

Waddoups

Voting in the negative were: Senators

Davis	Goodfellow	Mayne	McCoy
Morgan	Robles	Romero	Stowell

Absent or not voting were: Senators

Buttars Hillyard Jones Urquhart

* * *

On motion of Senator Bramble, **H.B. 342**, DISPROPORTIONATE RENTAL FEE AMENDMENTS, was read the second time and circled.

* * *

2nd Sub. H.B. 120, SNAKE VALLEY AQUIFER RESEARCH TEAM AND ADVISORY COUNCIL, was read the second time. Senator Stowell explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Mayne	McCoy	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bell Buttars Madsen Morgan

* * *

On motion of Senator Bramble, the circle was removed from **1st Sub. H.B. 346**, CAMPAIGN AND FINANCIAL REPORTING REQUIREMENTS AMENDMENTS, and it was before the Senate.

On motion of Senator Bramble, the following substitute bill replaced the original bill:

3rd Sub. H.B. 346 Campaign and Financial Reporting Requirements Amendments (B. Dee)

Senator Bell explained the bill. Senators Valentine and Mayne commented.

On motion of Senator Bell, under suspension of the rules, **3rd Sub. H.B. 346**, CAMPAIGN AND FINANCIAL REPORTING REQUIREMENTS AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner

Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Uranhart	Valentine	Van Tassell	

Urquhart Valentine Van Tas

Voting in the negative was: Senator

Waddoups

Absent or not voting was: Senator

Madsen

3rd Sub. H.B. 346 was returned to the House for further consideration.

* * *

H.B. 399, CHARITABLE CARE AMENDMENTS, was read the second time. Senator Okerlund explained the bill.

Senator Okerlund proposed the following amendment:

- 1. Page 3, Lines 75 through 76
 - a. House Committee Amendments
 - b. 2-24-2009
 - 75 $\hat{H} \rightarrow [\underline{(C)}]$ (III) $\leftarrow \hat{H}$ a charitable donation $\{\underline{-to}\}$ that is restricted for charitable services at the health care facility $\{\underline{z}\}$ including a
 - 75a charitable donation
 - 76 <u>from a patient of the health care facility</u> } $\hat{H} \rightarrow : or$

Senator Okerlund's motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jones	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups	_	

Absent or not voting were: Senators

Bell Jenkins Madsen

* * *

On motion of Senator Killpack, the circle was removed from **H.B. 371**, TRANSPORTATION GOVERNANCE, and it was before the Senate. Senator Killpack explained the bill. Senators Hillyard and Mayne commented.

On motion of Senator Killpack, the following substitute bill replaced the original bill:

1st Sub. H.B. 371 Transportation Governance (W. Harper)

The bill passed second reading on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Jenkins	Jones	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
XX7 1.1			

Waddoups

Voting in the negative was: Senator

Hinkins

Absent or not voting were: Senators

Hillyard Madsen Robles

* * *

H.B. 412, ENERGY POLICY AMENDMENTS, was read the second time. Senator Jenkins explained the bill. Senators Jones, McCoy, Valentine, Bramble, and Romero commented. The bill passed second reading on the following roll call:

Yeas, 17; Nays, 9; Absent, 3.

Bramble	Buttars	Christensen	Dayton
Greiner	Hillyard	Hinkins	Jenkins

Killpack Knudson Liljenquist Okerlund Stephenson Stowell Urquhart Van Tassell

Waddoups

Voting in the negative were: Senators

Davis Goodfellow Jones Mayne McCoy Morgan Robles Romero

Valentine

Absent or not voting were: Senators

Bell Madsen Niederhauser

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 10, 2009

The House passed, **1st Sub. S.B. 271**, JUDICIAL CONDUCT COMMISSION AMENDMENTS, by Senator G. Davis, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 271 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

SECOND READING CALENDAR

On motion of Senator Bramble, the circle was removed from **H.B. 342**, DISPROPORTIONATE RENTAL FEE AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill. The bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Mayne	McCoy
Morgan	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bell Madsen Niederhauser

* * *

On motion of Senator Killpack, **H.B. 430**, ECONOMIC DEVELOPMENT INCENTIVES FOR ALTERNATIVE ENERGY PROJECTS, was read the second time and circled.

* * *

H.B. 384, PUBLIC LEWDNESS AMENDMENTS, was read the second time. Senator Urquhart explained the bill. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Goodfellow
Greiner	Hillyard	Jenkins	Jones
Knudson	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble Buttars Dayton Hinkins Killpack Madsen Stephenson

On motion of Senator Knudson, **H.B. 384** was placed on Third Reading Table due to fiscal impact.

* * *

H.B. 383, WATER RIGHTS ADJUDICATION AMENDMENTS, was read the second time. Senator Stowell explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Bell	Bramble	Christensen	Davis
Greiner	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Buttars Dayton Goodfellow Madsen

* * *

H.B. 163, PROPERTY TRANSACTION AMENDMENTS, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Greiner	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Mayne	McCoy	Niederhauser	Okerlund
Robles	Romero	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars Dayton Goodfellow Madsen

Morgan Stephenson

* * *

H.B. 179, STATE-OWNED LAND AMENDMENTS, was read the second time.

On motion of Senator Bramble, the bill was circled.

* * *

1st Sub. H.B. 357, FIREARMS AMENDMENTS, was read the second time. Senator Madsen explained the bill.

On motion of Senator Madsen, the bill was circled.

* * *

H.B. 449, VETERANS NURSING HOME AMENDMENTS, was read the second time.

On motion of Senator Dayton, the bill was circled.

* * *

H.B. 14, MATERIAL HARMFUL TO MINORS AMENDMENTS, was read the second time. Senator Bell explained the bill. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Waddoups	

Absent or not voting were: Senators

Bramble Van Tassell

* * *

On motion of Senator Killpack, the circle was removed from **S.B. 239**, TRANSPORTATION REVISIONS, and it was before the Senate under the suspension of the rules. Senator Killpack explained the bill.

Senator Killpack proposed the following amendment:

1. Page 7, Lines 189 through 190

189 (1) (a) The total amount of bonds issued under this section may not exceed

190 $\{-\frac{\$2,186,000,000}{\$2,207,000,000}\}$

Senator Killpack's motion to amend passed on a voice vote.

On motion of Senator Killpack, under suspension of the rules, **S.B. 239**, TRANSPORTATION REVISIONS, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative was: Senator

McCoy

Absent or not voting was: Senator

Stowell

S.B. 239 was transmitted to the House.

* * *

On motion of Senator Bramble, the circle was removed from **H.B. 179**, STATE-OWNED LAND AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill. Senators Valentine and Robles commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 5; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Greiner	Hillyard
Jenkins	Killpack	Knudson	Liljenquist
Mayne	McCoy	Niederhauser	Okerlund
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddouns	-	

Van Tassell Waddoups

Voting in the negative were: Senators

Hinkins Jones Morgan Robles

Romero

Absent or not voting were: Senators

Goodfellow Madsen

* * *

On motion of Senator Dayton, the circle was removed from **H.B. 449**, VETERANS NURSING HOME AMENDMENTS, and it was before the Senate. Senator Dayton explained the bill.

On motion of Senator Dayton, under suspension of the rules, **H.B. 449**, VETERANS NURSING HOME AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Buttars Hillyard Killpack Liljenquist

Madsen

H.B. 449 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

2nd Sub. H.B. 141, BILLBOARD AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. Senator Bramble commented. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Hillyard Killpack Madsen

* * *

1st Sub. H.B. 308, WORKERS' COMPENSATION – MOTOR CARRIERS, was read the second time. Senator Urquhart explained the bill.

Senator Urquhart proposed the following amendment:

1. Page 5, Line 144 through Page 6, Line 166

144 (c) {-(i) } "Occupational accident related insurance"
means insurance { to provide protection
145 <u>against economic losses resulting from:</u>
146 (A) a medical condition including:
147 <u>(I) a medical care expense; or</u>
148 <u>(II) the risk of disability:</u>
149 (B) accident; or
150 <u>(C) occupational disease.</u>
151 (ii) "Occupational accident related insurance":
152 (A) includes a contract with disability contingencies including:
153 <u>(I) an income replacement contract:</u>
154 <u>(II) a health care contract:</u>
155 <u>(III) an expense reimbursement contract;</u>
156 <u>(IV) a credit accident and health contract;</u>
157 (V) a continuing care contract; and
158 (VI) a long-term care contract; and
159 <u>(B) may provide:</u>
160 <u>(I) hospital coverage:</u>
161 <u>(II) surgical coverage:</u>
162 <u>(HII) medical coverage:</u>
163 <u>(IV) loss of income coverage:</u>
164 <u>(V) prescription drug coverage:</u>
165 <u>(VI) dental coverage; or</u>
166 <u>(VII) vision coverage.</u>
-} that provides the following coverage for an injury sustained in the
course of working under a written agreement described in Subsection
(5)(e)(iii): (i) disability benefits;
(ii) death benefits:
(iii) medical expense benefits, which include:

(A) hospital coverage; (B) surgical coverage:

(C) prescription drug coverage; and

(D) dental coverage.

Senator Urquhart's motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Knudson	Mayne	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Buttars	Hillyard	Killpack
Liljenquist	Madsen	McCoy	

* * *

H.B. 185, TRANSPORTATION AMENDMENTS, was read the second time.

On motion of Senator Jenkins, the bill was circled.

* * *

H.B. 389, APPLICATIONS FOR A SMALL AMOUNT OF WATER, was read the second time. Senator Stowell explained the bill. Senators Van Tassell and Okerlund commented. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	Buttars	Hillyard	Killpack
Madsen	McCoy		

* * *

1st Sub. H.B. 439, AMENDMENTS TO CITY OR TOWN SALES AND USE TAX FOR BOTANICAL, CULTURAL, RECREATIONAL, AND ZOOLOGICAL ORGANIZATIONS OR FACILITIES, was read the second time.

On motion of Senator Goodfellow, the bill was circled.

* * *

H.B. 198, MARRIAGE LICENSE FEE AMENDMENTS, was read the second time. Senator Bell explained the bill. Senators Christensen and Valentine commented. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 5; Absent, 4.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Goodfellow
Greiner	Hinkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Waddoups

Voting in the negative were: Senators

Dayton Jenkins Killpack Niederhauser

Okerlund

Absent or not voting were: Senators

Bramble Buttars Hillyard Van Tassell

* * *

On motion of Senator Madsen, the circle was removed from **1st Sub. H.B. 357**, FIREARMS AMENDMENTS, and it was before the Senate.

On motion of Senator Madsen, the bill was circled.

* * *

H.B. 195, UTAH UNIFORM PROBATE CODE – TRUST AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Waddoups			

Waddoups

Absent or not voting were: Senators

Bramble Greiner Hillyard Van Tassell

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 10, 2009

The House passed, **2nd Sub. S.B. 52**, NEW MOTOR VEHICLE FRANCHISE AMENDMENTS, by Senator S. Killpack, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 53**, AWARDING OF ATTORNEY FEES, by Senator S. Urquhart, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **4th Sub. S.B. 83**, CONDEMNATION AMENDMENTS, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 90**, METAL THEFT AMENDMENTS AND PENALTIES, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 134**, TRANSPORTATION FUNDING AMENDMENTS, by Senator S. Urquhart, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 146**, HOME SCHOOLING AMENDMENTS, by Senator M. Madsen, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 182**, CRIMINAL RESTITUTION AMENDMENTS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 210**, AMENDMENTS TO PROPERTY TAX, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.C.R. 2**, CONCURRENT RESOLUTION – A CALL TO CIVILITY, by Senator J. Valentine, et al, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.C.R. 3**, CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR THE WORK OF THE UTAH COUNCIL ON FINANCIAL AND ECONOMIC EDUCATION, by Senator P. Jones, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.C.R. 4**, RESOLUTION SUPPORTING OBESITY AWARENESS, by Senator D. C. Buttars, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.J.R. 16**, JOINT RESOLUTION SUPPORTING NUCLEAR POWER, by Senator D. Hinkins, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

2nd Sub. S.B. 52, 1st Sub. S.B. 53, 4th Sub. S.B. 83, S.B. 90, S.B. 134, S.B. 146, S.B. 182, S.B. 210, S.C.R. 2, 1st Sub. S.C.R. 3, 1st Sub. S.C.R. 4, and 1st Sub. S.J.R. 16 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

March 10, 2009

The House passed, as amended, **H.B. 316**, TIME LIMITATION FOR PROSECUTION OF ENVIRONMENTAL CRIMES, by Representative C. Wimmer, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 316** was read the first time and referred to the Rules Committee.

* * *

Mr. President:

March 10, 2009

The House passed, as amended, **1st Sub. S.B. 147**, DRIVER LICENSE REVISIONS, by Senator L. Hillyard, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 161**, REPEAL OF MAXIMUM CHARGE TO PUBLISH LEGAL NOTICE, by Senator K. Van Tassell, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

* * *

Mr. President:

March 10, 2009

The House returns **1st Sub. S.B. 106**, ALCOHOLIC BEVERAGE CONTROL ACT RESTRICTIONS, by Senator S. McCoy, to the Senate.

Sandy D. Tenney, Chief Clerk

The bill will be filed.

SECOND READING CALENDAR

On motion of Senator Madsen, the circle was removed from **1st Sub. H.B. 357**, FIREARMS AMENDMENTS, and it was before the Senate. Senator Madsen explained the bill.

Senator Madsen proposed the following amendment:

- 1. Page 3, Lines 64 through 66
 - (c) in a posted prohibited area.
 - (2) Subsection (1)(a) does not apply to a minor under 18 years of age, since a minor under 18 years of age may not carry a loaded firearm in or on a vehicle.
 - 65 $\{-(2)-\}$ <u>(3)</u> A violation of this section is a class B misdemeanor.
 - Section 3. Section 76–10–511 is amended to read:
- 2. Page 3, Lines 69 through 72:
 - 69 Except for persons described in Section 76–10–503 <u>and 18</u> <u>U.S.C. Sec. 922(g)</u> <u>and as otherwise prescribed in this part</u> , a person
 - 70 may have a loaded firearm [at his]:
 - 71 (1) at the person's place of residence, including any temporary residence or camp[-]; or

72 (2) on the person's real property.

Senator Madsen's motion to amend passed on a voice vote.

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Senator Madsen proposed the following amendment:

- 1. Page 3, Lines 64 through 65
 - (c) in a posted prohibited area.
 - 65 (2) <u>Notwithstanding Subsection (1)(a)(i) and (ii), a person may not possess a loaded rifle, shotgun, or muzzle–loading rifle in a vehicle.</u>
 - (3) A violation of this section is a class B misdemeanor.

Senator Madsen's motion to amend passed on a voice vote. Senators Valentine, Christensen, Buttars, Goodfellow, Hinkins, Mayne, Bell, and Jones commented.

On motion of Senator Madsen, under suspension of the rules, **1st Sub. H.B. 357**, FIREARMS AMENDMENTS, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 25; Nays, 3; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Killpack	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Jones McCoy Robles

Absent or not voting was: Senator

Hillyard

1st Sub. H.B. 357 was returned to the House for further consideration.

* * *

On motion of Senator Killpack, the Senate voted to lift the following bills from Rules and place them on the Second Reading Calendar:

1st Sub. H.B. 356, 2nd Sub. H.B. 400, H.B. 17, 1st Sub. H.B. 259, 1st Sub. H.B. 456, 1st Sub. H.B. 156, 1st Sub. H.B. 283, 1st Sub. H.B. 294, 1st Sub. H.B. 290, H.B. 209, H.B. 425, H.B. 392, 1st Sub. H.B. 313, 2nd Sub. H.B. 272, H.B. 327, 1st Sub. H.B. 401, 1st Sub. H.J.R. 9, H.B. 183, H.B. 251, H.B. 173, 1st Sub. H.B. 340, H.B. 353, 4th Sub. H.B. 148, and 1st Sub. H.B. 280

On motion of Senator Killpack and at 6:00 p.m., the Senate adjourned until 8:00 a.m., Wednesday, March 11, 2009.

FORTY-FOURTH DAY

MORNING SESSION

March 11, 2009

The Senate was called to order at 8:40 a.m., with President Michael Waddoups presiding.

Prayer – Alma Evans, Parowan, Utah Pledge of Allegiance – Senator Margaret Dayton Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 8)

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 10, 2009

The House passed, **S.B. 11**, INCEST AMENDMENTS, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 155**, ADOPTION EXCEPTION TO CUSTODY AND VISITATION FOR PERSONS OTHER THAN PARENTS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 171**, MUNICIPAL ANNEXATION AMENDMENTS, by Senator S. Jenkins, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 185**, FEDERAL EDUCATION AGREEMENT REQUIREMENTS AMENDMENTS, by Senator M. Dayton, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 220**, COHABITANT ABUSE PROCEDURES ACT AMENDMENTS, by Senator B. Goodfellow, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 11, 1st Sub. S.B. 155, 1st Sub. S.B. 171, S.B. 185, and **S.B. 220** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

March 10, 2009

The House passed, as amended, **1st Sub. S.B. 78**, PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES, by Senator M. Madsen, et al, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 148**, LOW-PROFIT LIMITED LIABILITY COMPANY ACT, by Senator L. Hillyard, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 167**, AMENDMENTS TO UNIFORM DEBT-MANAGEMENT SERVICES ACT, by Senator L. Hillyard, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

CONCURRENCE CALENDAR

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to **1st Sub. S.B. 147**, DRIVER LICENSE REVISIONS. The bill, as amended, passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell Goodfellow

1st Sub. S.B. 147 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Van Tassell, the Senate voted to concur in the House amendments to **S.B. 161**, REPEAL OF MAXIMUM CHARGE TO PUBLISH LEGAL NOTICE. The bill, as amended, passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell Goodfellow

S.B. 161 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

On motion of Senator Jenkins, **H.B. 345**, ELECTED OFFICIALS – RESTRICTIONS ON LOBBYING, was read the third time and circled.

* * *

H.B. 302, DISTRIBUTION OF TOBACCO SETTLEMENT MONIES AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Van Tassell	Waddoups	

Absent or not voting were: Senators

Goodfellow Valentine

H.B. 302 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.B. 274, LOCAL GOVERNMENT FEES AND CHARGES, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Romero
Stephenson	Stowell	Urquhart	Waddoups

Absent or not voting were: Senators

Goodfellow Madsen Robles Valentine Van Tassell

1st Sub. H.B. 274 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bell, the circle was removed from **H.B. 345**, ELECTED OFFICIALS – RESTRICTIONS ON LOBBYING, and it was before the Senate. Senators Stephenson, Bramble, Davis, and Jones commented. Senator Stephenson declared a conflict of interest. The bill passed on the following roll call:

Yeas, 16; Nays, 13; Absent, 0.

Voting in the affirmative were: Senators

Bell	Christensen	Hillyard	Jones
Killpack	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Robles	Romero
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

Bramble	Buttars	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Knudson	Madsen	Okerlund	Stephenson
Stowell			

H.B. 345 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 410, LEGISLATOR SALARY AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

Yeas, 25; Nays, 4; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Buttars Davis Knudson Madsen

H.B. 410 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.B. 64, DETERRING ILLEGAL IMMIGRATION, was read the third time and explained by Senator Jenkins. Senators Greiner, Robles, and Stowell commented.

Senator Romero proposed the following amendment:

- 1. Page 2, Lines 42 through 44 House Committee Amendments 2–26–2009
 - 42 (1) (a) The Office of the Attorney General is authorized to administer and coordinate the
 - 43 operation of a multi-agency strike force to combat violent and other major $\hat{H} \rightarrow felony$ $\leftarrow \hat{H}$ crimes
 - 43a committed

- 44 within the state that are associated with illegal immigration and human trafficking.
- (b) For purposes of this section, "violent and other major felony crimes" means:
 - (i) those felonies referred to in Subsection 76–3–203.5(1)(c)(i);
- (ii) money laundering under Sections 76–10–1903 and 76–10–1904;
- (iii) felonies involving the smuggling, distribution, or use of illegal drugs; and
 - (iv) felonies committed by members of gangs.

Senator Romero's motion to amend failed on a voice vote.

On motion of Senator Jenkins, the bill was circled.

* * *

H.J.R. 14, JOINT RULES RESOLUTION – ETHICS TRAINING COURSE PROVISIONS, was read the third time and explained by Senator Bell.

Senator Bell proposed the following amendment:

- 1. Page 1, Line 11
 - 11 completion of an ethics training course for {-Legislators--} legislators and lobbyists .
- 2. Page 1, Line 15:
 - 15 maintain an ethics training course for members of the Legislature and lobbyists ;
- 3. Page 1, Lines 16 through 17:
 - 16 ▶ requires that training materials and exercises be available on the Internet to
 - 17 legislators , lobbyists, and to the public;
- 4. Page 1, Line 18:
 - provides that the course be designed to assist legislators and lobbyists in understanding and
- 5. Page 1, Line 20:
 - 20 requires that provisions be included to verify when a legislator or lobbyist has successfully

- 6. Page 1, Line 22:
 - 22 requires that legislators <u>and lobbyists</u> complete the course annually or as directed by the
- 7. Page 2, Line 36:
 - 36 <u>maintain an ethics training course for members of the Legislature</u> <u>and lobbyists</u> .
- 8. Page 2, Lines 38 through 39:
 - 38 <u>available on the Internet to legislators</u> <u>, lobbyists</u>, <u>and to the public</u>.
 - 39 (3) The ethics training course shall be designed to assist legislators and lobbyists in understanding
- 9. Page 2, Line 42:
 - 42 (4) The ethics training course shall include provisions for verifying when a legislator or lobbyist
- 10. Page 2, Line 44:
 - 44 (5) A legislator or lobbyist shall successfully complete the key training exercises of the ethics
- 11. Page 2, Line 45:
 - 45 <u>training course once each year or as directed by the Legislative Management Committee.</u>
 - (6) A lobbyist who does not complete the training required by this rule is subject to an ethics complaint under Senate or House rule.

Senator Bell's motion to amend passed on a voice vote. Senator Greiner commented and the bill passed on the following roll call:

Yeas, 23; Nays, 4; Absent, 2.

Bell	Bramble	Christensen	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Okerlund	Robles	Romero	Stephenson
Urquhart	Valentine	Van Tassell	

Voting in the negative were: Senators

Buttars Dayton Stowell Waddoups

Absent or not voting were: Senators Jenkins Niederhauser

H.J.R. 14, as amended, was returned to the House for further consideration.

* * *

1st Sub. H.B. 132, SEXUAL ASSAULT VICTIM PROTOCOLS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hillyard
Hinkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell			

Absent or not voting were: Senators

Dayton Jenkins Niederhauser Waddoups

1st Sub. H.B. 132 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 432, HIGHER EDUCATION BUDGET AUTHORITY AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy

Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart

Valentine Van Tassell

Absent or not voting were: Senators

Buttars Jenkins Waddoups

H.B. 432 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Greiner, **H.B.** 153, TRESPASS LAW AMENDMENTS, was read the third time and circled.

* * *

H.B. 402, ENFORCEMENT OF CARBON MONOXIDE DETECTOR REQUIREMENTS, was read the third time.

On motion of Senator Killpack, the bill was circled.

* * *

H.B. 390, ABSENTEE BALLOT AMENDMENTS, was read the third time and explained by Senator Van Tassell. Senators Davis and McCoy commented and the bill passed on the following roll call:

Yeas, 18; Nays, 9; Absent, 2.

Voting in the affirmative were: Senators

Buttars	Christensen	Dayton	Greiner
Hillyard	Hinkins	Jenkins	Killpack
Knudson	Liljenquist	Madsen	Okerlund
Stephenson	Stowell	Urquhart	Valentine
Van Taccell	Waddoune		

Van Tassell Waddoups

Voting in the negative were: Senators

Bell	Davis	Goodfellow	Jones
Mayne	McCoy	Morgan	Robles
-			

Romero

Absent or not voting were: Senators

Bramble Niederhauser

H.B. 390 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Killpack, the circle was removed from **H.B. 402**, ENFORCEMENT OF CARBON MONOXIDE DETECTOR REQUIREMENTS, and it was before the Senate.

Senator Killpack proposed the following amendment:

- 1. Page 2, Line 38b:
 Delete "developer's" and insert "building permit applicant's"
- Page 2, Line 38d:
 Delete "developer" and insert "building permit applicant"
- 3. Page 2, Line 44b:
 Delete "developer's" and insert "building permit applicant's"
- 4. Page 2, Line 44d:
 Delete "developer" and insert "building permit applicant"

Senator Killpack's motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Hinkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Valentine	Van Tassell	Waddoups

Voting in the negative was: Senator

Greiner

Absent or not voting were: Senators

Bramble Hillyard Jenkins Urquhart

H.B. 402 was returned to the House for further consideration.

* * *

On motion of Senator Stowell, the circle was removed from **H.B. 153**, TRESPASS LAW AMENDMENTS, and it was before the Senate.

Senator Christensen proposed the following amendment:

- 1. Page 1, Line 12a:
 After "cutting" insert "destroying, or rendering ineffective"
- 2. Page 2, Line 48a:
 After "<u>cutting</u>" insert "<u>destroying</u>, or rendering ineffective"
- 3. Page 2, Line 48b:
 After "cuts" insert "destroys, or renders ineffective"

Senator Christensen's motion to amend passed on a voice vote and the bill passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McCoy	Morgan
Okerlund	Robles	Romero	Stephenson
Stowell	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble Killpack Liljenquist Niederhauser Urquhart

H.B. 153 was returned to the House for further consideration.

* * *

2nd Sub. H.B. 120, SNAKE VALLEY AQUIFER RESEARCH TEAM AND ADVISORY COUNCIL, was read the third time, explained by Senator Stowell, and passed on the following roll call:

Yeas, 20; Nays, 0; Absent, 9.

Bell	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins

Jenkins	Jones	Knudson	Madsen
McCoy	Morgan	Okerlund	Robles
Romero	Stowell	Valentine	Waddoups

Absent or not voting were: Senators

Bramble	Buttars	Killpack	Liljenquist
Mayne	Niederhauser	Stephenson	Urquhart
* * * **			

Van Tassell

2nd Sub. H.B. 120 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 399, CHARITABLE CARE AMENDMENTS, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

Yeas, 18; Nays, 0; Absent, 11.

Voting in the affirmative were: Senators

Bell	Christensen	Dayton	Goodfellow
Greiner	Hinkins	Jenkins	Jones
Knudson	Madsen	McCoy	Morgan
Okerlund	Robles	Romero	Stowell
Valentine	Waddoups		

Absent or not voting were: Senators

Bramble	Buttars	Davis	Hillyard
Killpack	Liljenquist	Mayne	Niederhauser
Stephenson	Urquhart	Van Tassell	

H.B. 399, as amended, was returned to the House for further consideration.

* * *

1st Sub. H.B. 371, TRANSPORTATION GOVERNANCE, was read the third time.

On motion of Senator Jenkins, the bill was circled.

* * *

H.B. 412, ENERGY POLICY AMENDMENTS, was read the third time and explained by Senator Jenkins. Senators Jones, McCoy, Okerlund, and Buttars commented.

Senator Romero proposed the following amendment:

1. Page 3, Line 59:

Delete: "including a bill or resolution, or"

Senator Romero's motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 22; Nays, 4; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Okerlund	Romero	Stephenson	Stowell
Urquhart	Waddoups		

Voting in the negative were: Senators

Davis Goodfellow Jones Robles

Absent or not voting were: Senators

Niederhauser Valentine Van Tassell

H.B. 412, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Killpack, and at 10:45 a.m., the Senate sauntered.

The Senate was called to order at 11:00 a.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 11, 2009

The House passed, **S.B. 5**, REVENUE BOND AND CAPITAL FACILITIES AUTHORIZATIONS, by Senator W. Niederhauser, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 201**, GENERAL OBLIGATION BOND AUTHORIZATION AMENDMENTS, by Senator W. Niederhauser, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 202**, DRUG OFFENDER REFORM ACT AMENDMENTS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 257**, DISASTER RECOVERY FUND FUNDING MODIFICATIONS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 259**, PUBLIC SAFETY RESTRICTED ACCOUNT AMENDMENTS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 22**, RESOLUTION APPROVING CONTRACT FOR CONSTRUCTION OF UTAH SCIENCE TECHNOLOGY AND RESEARCH INITIATIVE CENTERS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 5, S.B. 201, S.B. 202, S.B. 257, S.B. 259, and **S.J.R. 22** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 11, 2009

The House concurred in the Senate amendments and passed **H.B. 129**, ALCOHOLIC BEVERAGE AMENDMENTS RELATED TO MINORS, by Representative C. Oda, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 346**, CAMPAIGN AND FINANCIAL REPORTING REQUIREMENTS AMENDMENTS, by Representative B. Dee, et al, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 129 and **3rd Sub. H.B. 346** were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President:

March 11, 2009

The House passed, as amended, **H.J.R. 21**, MASTER STUDY RESOLUTION, by Representative K. Garn, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.J.R. 21** was read the first time and referred to the Rules Committee.

THIRD READING CALENDAR

H.B. 342, DISPROPORTIONATE RENTAL FEE AMENDMENTS, was read the third time and explained by Senator Bramble. Senator McCoy commented and the bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Okerlund	Robles
Romero	Stephenson	Stowell	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Christensen Niederhauser Urguhart

H.B. 342 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Killpack, the Senate voted to lift **H.J.R. 21**, MASTER STUDY RESOLUTION, from Rules and place it at the top of the Second Reading Calendar.

* * *

H.B. 383, WATER RIGHTS ADJUDICATION AMENDMENTS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Niederhauser

H.B. 383 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 163, PROPERTY TRANSACTION AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McCoy	Morgan
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups	_		

Absent or not voting were: Senators

Hillyard Killpack Madsen Niederhauser

H.B. 163 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Greiner, the Senate voted to lift **2nd Sub. H.B. 220**, STATE PAYMENT AND REIMBURSEMENT TO COUNTY CORRECTIONAL FACILITIES, from the Third Reading Table and place it at the top of the Third Reading Calendar.

* * *

2nd Sub. H.B. 220, STATE PAYMENT AND REIMBURSEMENT TO COUNTY CORRECTIONAL FACILITIES, was read the third time and explained by Senator Greiner.

Senator Greiner proposed the following amendment:

- 1. Page 1, Lines 21 through 22
 - 21 prants rulemaking authority to the Utah Commission on Criminal and Juvenile
 - 22 Justice:
 - provides that the Utah Commission on Criminal and Juvenile Justice shall adjust the amount to be paid to the counties for housing state probationary inmates or state parole inmates to ensure that the total amount of the payments made does not exceed the amount appropriated by the Legislature for the payments.
- 2. Page 4, Line 95:
 - 95 Subsection (2).
 - (c) Notwithstanding any other provision of this section, CCJJ shall adjust the amount of the payments described in Subsection (7)(b), on a pro rata basis, to ensure that the total amount of the payments made does not exceed the amount appropriated by the Legislature for the payments.

Senator Greiner's motion to amend passed on a voice vote. Senators Valentine and Hillyard commented and the bill passed on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen
Dayton	Greiner	Hillyard
Jenkins	Jones	Killpack
Liljenquist	Mayne	McCoy
Okerlund	Robles	Romero
Stowell	Urquhart	Valentine
Waddoups	-	
	Dayton Jenkins Liljenquist Okerlund Stowell	Dayton Greiner Jenkins Jones Liljenquist Mayne Okerlund Robles Stowell Urquhart

Voting in the negative was: Senator

Goodfellow

Absent or not voting were: Senators

Madsen Niederhauser

2nd Sub. H.B. 220, as amended, was returned to the House for further consideration.

* * *

H.B. 14, MATERIAL HARMFUL TO MINORS AMENDMENTS, was read the third time and explained by Senator Bell. Senator Dayton commented and the bill passed on the following roll call:

Yeas, 22; Nays, 2; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Liljenquist
Mayne	McCoy	Morgan	Okerlund
Robles	Romero	Stephenson	Stowell

Urquhart Van Tassell

Voting in the negative were: Senators

Dayton Hinkins

Absent or not voting were: Senators

Knudson Madsen Niederhauser Valentine Waddoups

H.B. 14 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 179, STATE-OWNED LAND AMENDMENTS, was read the third time and explained by Senator Bramble. Senators Morgan, Robles, and McCoy commented and the bill passed on the following roll call:

Yeas, 21; Nays, 8; Absent, 0.

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Greiner	Hillyard
Killpack	Knudson	Liljenquist	Madsen

Mayne Niederhauser Okerlund Stephenson Stowell Urquhart Valentine Van Tassell

Waddoups

Voting in the negative were: Senators

Goodfellow Hinkins Jenkins Jones McCoy Morgan Robles Romero

Senator Niederhauser declared a conflict of interest.

H.B. 179 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 11, 2009

The House passed, **S.B. 51**, RESTITUTION FUND ACCOUNT, by Senator D. Liljenquist, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 140**, FINANCIAL INSTITUTIONS DISCLOSURE OF RECORDS, by Senator M. Dayton, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 157**, PROPERTY TAXATION AND REGISTRATION OF AIRCRAFT, by Senator M. Madsen, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 184**, CIVIL FILING FEES, by Senator G. Bell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 51, S.B. 140, S.B. 157, and **1st Sub. S.B. 184** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 11, 2009

The House passed, as amended, **1st Sub. S.B. 84**, IMPACT FEES REVISIONS, by Senator G. Bell, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 137**, PHYSICAL THERAPY PRACTICE ACT, by Senator W. Niederhauser, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 163**, CONSTRUCTION TRADE EXEMPTION, by Senator S. Urquhart, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

THIRD READING CALENDAR

On motion of Senator Bramble, the Senate voted to lift **1st Sub. H.B. 296**, SCHOOLS FOR THE DEAF AND BLIND AMENDMENTS, from the Third Reading Table and place it on the Third Reading Calendar.

1st Sub. H.B. 296, SCHOOLS FOR THE DEAF AND BLIND AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars Madsen

1st Sub. H.B. 296 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Killpack, under suspension of the rules, the Senate voted to lift the following bills and place them on the top of the Second Reading Calendar:

H.B. 2, H.B. 4, H.B. 306, H.B. 307, H.B. 373, H.B. 444, H.B. 445, H.B. 446, H.B. 447, and H.J.R. 29

* * *

On motion of Senator Killpack, and at 12:00 noon, the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:10 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 11, 2009

The House passed, **1st Sub. S.B. 23**, INCOME TAXATION OF PASS—THROUGH ENTITIES AND PASS—THROUGH ENTITY TAXPAYERS, by Senator W. Niederhauser, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 147**, DRIVER LICENSE REVISIONS, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 161**, REPEAL OF MAXIMUM CHARGE TO PUBLISH LEGAL NOTICE, by Senator K. Van Tassell, and it is transmitted for the signature of the President; and

The House passed, **S.B. 216**, REVISIONS TO MILITARY INSTALLATION DEVELOPMENT AUTHORITY ACT, by Senator M. Madsen, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 23, 1st Sub. S.B. 147, S.B. 161, and **S.B. 216** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

March 11, 2009

The House passed, as amended, **S.B. 75**, UTILITY AMENDMENTS, by Senator S. Urquhart, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

CONCURRENCE CALENDAR

1st Sub. S.B. 78, PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES, was before the Senate.

On motion of Senator Hillyard, the bill was circled.

* * *

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to **S.B. 148**, LOW-PROFIT LIMITED LIABILITY COMPANY ACT. The bill, as amended, passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bell	Christensen	Dayton	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Okerlund
Robles	Romero	Stephenson	Stowell
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble Buttars Davis Goodfellow

Niederhauser Urguhart

S.B. 148 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Madsen, the circle was removed from **1st Sub. S.B. 78**, PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES, and it was before the Senate.

On motion of Senator Madsen, the Senate refused to concur in the House amendments. **1st Sub. S.B. 78** was returned to the House.

* * *

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to **S.B. 167**, AMENDMENTS TO UNIFORM DEBT–MANAGEMENT SERVICES ACT. The bill, as amended, passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble Killpack Knudson Urquhart

Valentine

S.B. 167 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bell, the Senate voted to concur in the House amendments to **1st Sub. S.B. 84**, IMPACT FEES REVISIONS. The bill, as amended, passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Van Tassell
Waddoung			

Waddoups

Absent or not voting were: Senators

Bramble Killpack Urquhart Valentine

1st Sub. S.B. 84 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to **S.B. 137**, PHYSICAL THERAPY PRACTICE ACT. The bill, as amended, passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urguhart	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble Valentine

S.B. 137 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Urquhart, the Senate refused to concur in the House amendments to **S.B. 163**, CONSTRUCTION TRADE EXEMPTION. **S.B. 163** was returned to the House.

* * *

On motion of Senator Urquhart, the Senate voted to concur in the House amendments to **S.B. 75**, UTILITY AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Van Tassell
Waddouns			

Waddoups

Absent or not voting were: Senators

Bramble Madsen Mayne Valentine

S.B. 75 was returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Killpack, the Senate voted to lift **H.J.R. 21**, MASTER STUDY RESOLUTION, to the top of the Second Reading Calendar.

On motion of Senator Killpack, under suspension of the rules, **H.J.R. 21**, MASTER STUDY RESOLUTION, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Van Tassell	Waddoups		

Absent or not voting were: Senators

Madsen Mayne Valentine

H.J.R. 21 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bell, the Senate voted to recall **1st Sub. S.B. 184**, CIVIL FILING FEES, from enrolling.

THIRD READING CALENDAR

2nd Sub. H.B. 141, BILLBOARD AMENDMENTS, was read the third time and explained by Senator Niederhauser. Senators Hillyard, Bell, and McCoy commented.

On motion of Senator Bell, the bill was circled.

* * *

On motion of Senator Jenkins, the circle was removed from **1st Sub. H.B. 64**, DETERRING ILLEGAL IMMIGRATION, and it was before the Senate.

Senator Jenkins proposed the following amendment:

- 1. Page 2, Lines 26 through 29
 - This bill appropriates:
 - 27 ► {-as an ongoing appropriation subject to future budget constraints,-} \$891,000 from {-the
 - 28 General Fund } "Federal Funds American Recovery and Reinvestment Act (HR 1, 111th United States Congress)" for fiscal { year 2009–10 to the Office of the Attorney General } years 2009 and 2010 only, to the Commission on Criminal and Juvenile Justice .
 - 29 Other Special Clauses:
- 2. Page 3, Lines 65 through 68:
 - 65 Section 3. Appropriation.
 - 66 { <u>As an ongoing appropriation subject to future budget constraints, there</u> } <u>There</u> <u>is appropriated</u>
 - 67 from { the General Fund } "Federal Funds American Recovery and Reinvestment Act (HR 1, 111th United States Congress" for fiscal { -year 2009 10 } years 2009 and 2010 only . \$891,000 to the { Office of the Attorney General } Commission on Criminal and Juvenile Justice
 - 68 to help fund the efforts of the multi-agency strike force referred to in Section 67–55–22.7.

Senator Jenkins' motion to amend passed on a voice vote.

###

Senator Romero proposed the following amendment:

- 1. Page 2, Lines 42 through 44
 House Committee Amendments
 2–26–2009
 - 42 (1) (a) The Office of the Attorney General is authorized to administer and coordinate the
 - 43 operation of a multi-agency strike force to combat violent and other major $\hat{H} \rightarrow felony$ $\leftarrow \hat{H}$ crimes

43a committed

- 44 within the state that are associated with illegal immigration and human trafficking.
- (b) For purposes of this section, "violent and other major felony crimes" means:
 - (i) those felonies referred to in Subsection 76–3–203.5(1)(c)(i);
- (ii) money laundering under Sections 76–10–1903 and 76–10–1904;
- (iii) felonies involving the smuggling, distribution, or use of illegal drugs; and
 - (iv) felonies committed by members of gangs.

Senator Romero's motion to amend failed on a voice vote. Senators McCoy, Romero, Greiner, Buttars, and Robles commented and the bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Madsen

1st Sub. H.B. 64, as amended, was returned to the House for further consideration.

* * *

1st Sub. H.B. 308, WORKERS' COMPENSATION – MOTOR CARRIERS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner

Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups	-		

1st Sub. H.B. 308, as amended, was returned to the House for further consideration.

* * *

H.B. 389, APPLICATIONS FOR A SMALL AMOUNT OF WATER, was read the third time, explained by Senator Stowell, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

H.B. 389 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 198, MARRIAGE LICENSE FEE AMENDMENTS, was read the third time and explained by Senator Bell. Senator Hillyard commented and the bill passed on the following roll call:

Yeas, 15; Nays, 14; Absent, 0.

Bell	Buttars	Christensen	Davis
Goodfellow	Jones	Knudson	Liljenquist
Mayne	McCoy	Morgan	Robles
Romero	Urquhart	Van Tassell	

Voting in the negative were: Senators

Bramble	Dayton	Greiner	Hillyard
Hinkins	Jenkins	Killpack	Madsen
Niederhauser	Okerlund	Stephenson	Stowell
Valentine	Waddoups		

H.B. 198 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 195, UTAH UNIFORM PROBATE CODE – TRUST AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

H.B. 195 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

On motion of Senator Niederhauser, the Senate voted to include the following intent language in the Senate Journal:

INTENT LANGUAGE FOR H.B. 195

It is the intent of the legislature that passage of this act is for the following purposes: To expand the definition of "trust" in the Uniform Probate Code to include health savings accounts; To clarify that a depository health savings account is established retroactive to the first day an individual is covered by a high deductible health plan, provided that the health savings account is opened by a fiduciary trustee or non-fiduciary custodian by the time prescribed by law, without extensions, for filing the account holder's federal income tax return for that year; and to clarify that enrollment by an individual in a high deductible health plan, as defined in Section 223 of the Internal Revenue Code, is sufficient

evidence of such individual's intent and affirmation to open a depository health savings account.

* * *

On motion of Senator Killpack, the circle was removed from **1st Sub. H.B. 371**, TRANSPORTATION GOVERNANCE, and it was before the Senate.

Senator Stowell proposed the following amendment:

- 1. Page 15, Lines 440 through 441
 - 440 (b) Beginning with the appointment of commissioners on or after July 1, 2009 and subject to the restriction in Subsection (2)(d) the
 - 441 selection of commissioners shall be as follows:
- 2. Page 15, Line 449:
 - 449 fourth, fifth, or sixth class.
 - (d) No more than two commissioners appointed under Subsection (2)(b) may be selected from any one of the four regions established by the department.

Senator Stowell's motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative was: Senator

Hinkins

Absent or not voting were: Senators

Bramble Mayne

1st Sub. H.B. 371 was and returned to the House for further consideration.

SECOND READING CALENDAR

H.B. 2, MINIMUM SCHOOL PROGRAM BUDGET AMENDMENTS, was read the second time.

On motion of Senator Stephenson, the following substitute bill replaced the original bill:

1st Sub. H.B. 2 Minimum School Program Budget Amendments (H. Stephenson)

Senator Stephenson proposed the following amendment:

- 1. Page 1, Lines 13 through 14
 - establishes a ceiling for the state contribution to the Minimum School Program for
- 2. Page 1, Lines 22 through 24:
 - This bill appropriates:
 - the following Minimum School Program monies:
 - 24 {-\$2,031,884,786-} \$\frac{\$2,031,584,786}{}\$ from the Uniform School Fund for fiscal year 2009–10;
- 3. Page 5, Lines 125 through 139:
 - 125 (4) (a) (i) [Except as provided in Subsection (4)(a)(ii), a] <u>A</u> school district shall
 - 126 allocate a portion of school district revenues for each resident student of the school district who
 - 127 is enrolled in a charter school on October 1 $\{-\frac{1}{1}\}$ equal to 25% of the lesser of $\{-\frac{1}{1}\}$ $\{-\frac{1}{1}\}$ equal to 25%
 - 128 (A) in fiscal years 2008–09 and 2009–10, the allocation shall equal 25% of the lesser of:
 - 129 $\{---\}$ (A) $\{---\}$ $\{----\}$ district per pupil local revenues; or

- 130 $\{--\}$ (B) $\{--\}$ $\{--\}$ charter school students' average local revenues $\{--\}$. $\{--\}$ $\{-\frac{1}{2}\}$
- 131 {-(B) in fiscal year 2010–11, the allocation shall equal 50% of the lesser of:
- 132 <u>(I) district per pupil local revenues; or</u>
- 133 <u>(II) charter school students' average local revenues;</u>
- 134 (C) in fiscal year 2011–12, the allocation shall equal 75% of the lesser of:
- 135 <u>(I) district per pupil local revenues; or</u>
- 136 (II) charter school students' average local revenues; and
- 137 <u>(D) beginning in fiscal year 2012–13, the allocation shall equal 100% of the lesser of:</u>
- 138 <u>(I) district per pupil local revenues; or</u>
- 139 <u>(II) charter school students' average local revenues.</u> }
- 4. Page 7, Lines 205 through 207:
 - 205 (1) The total contribution of the state toward the cost of the minimum school program
 - 206 may not exceed the sum of [\$2,497,012,086] $\{-\$2,138,232,586\}$ for the fiscal year beginning July
 - $207\ 1$, $[2008]\ 2009$, except as otherwise provided by the Legislature through supplemental
- 5. Page 9, Line 261:
 - 261 [(hh)] (ee) Teacher Salary Supplement Restricted Account, [\$4,300,000] {-\$4,000,000 } \$3,700,000 ;

Senator Stephenson's motion to amend passed on a voice vote.

###

Senator Stephenson proposed the following amendment:

- 1. Page 1, Lines 13 through 14
 - establishes a ceiling for the state contribution to the Minimum School Program for

- 14 fiscal year 2009–10 of {-\$2,138,232,586-} \$2,137,352,586 ;
- 2. Page 1, Lines 22 through 24:
 - This bill appropriates:
 - the following Minimum School Program monies:
 - 24 $\{-\$2,031,884,786-\}$ \$2,031,004,786 from the Uniform School Fund for fiscal year 2009–10;
- 3. Page 2, Lines 32 through 35:
 - 32 (H.R. 1, 111th Congress) for fiscal year 2008–09 only; {-and-}
 - the following School Building Program monies:
 - \$22,499,700 from the Uniform School Fund for fiscal year 2009–10; and
 - 35 \$3,171,700 from the Uniform School Fund for fiscal year 2008–09 only $\{ \cdot \cdot \cdot \}$: and
 - <u>▶</u> \$580,000 as an ongoing appropriation to the State Board of Education to fund salary adjustments for educators at the Utah Schools for the Deaf and the Blind.
- 4. Page 7, Lines 205 through 207:
 - 205 (1) The total contribution of the state toward the cost of the minimum school program
 - 206 may not exceed the sum of [\$2,497,012,086] $\{-\$2,138,232,586\}$ $\}$ \$2,137,352,586 for the fiscal year beginning July
 - 207 1, [2008] 2009, except as otherwise provided by the Legislature through supplemental
- 5. Page 8, Line 237:
 - 237 [(n)] (m) Social Security and retirement programs, [\$349,906,049] $\{-\$13,987,831\}$ $\{-\$13,407,831\}$;
- 6. Page 23, Line 687:
 - 687 \$91,200,000.

Section 17. Ongoing appropriation.

As an ongoing appropriation subject to future budget constraints, there is appropriated from the Uniform Fund for fiscal year 2009–10. \$580,000 to the State Board of Education to fund salary adjustments for educators at the Utah Schools for the Deaf and the Blind as provided in Section 53A–25–111 or Section 53A–25b–402.

renumber remaining sections accordingly

Senator Stephenson's motion to amend passed on a voice vote. Senators Hillyard, McCoy, Goodfellow, Bell, and Morgan commented.

On motion of Senator Stephenson, under suspension of the rules, **1st Sub. H.B. 2**, MINIMUM SCHOOL PROGRAM BUDGET AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 15; Nays, 9; Absent, 5.

Voting in the affirmative were: Senators

Bell	Christensen	Dayton	Greiner
Killpack	Liljenquist	Madsen	Niederhauser
Okerlund	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Davis	Goodfellow	Hinkins	Jones
Mayne	McCoy	Morgan	Robles
Romero			

Absent or not voting were: Senators

Bramble	Buttars	Hillyard	Jenkins
Vnudson			

Knudson

Senator Killpack declared a conflict of interest.

1st Sub. H.B. 2, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Killpack, the Senate voted to place the following bills on the Second Reading Calendar under **H.B. 447**:

H.B. 290, H.B. 355, H.B. 378, H.B. 455, H.B. 174, and H.B. 430

On motion of Senator Killpack, and at 4:00 p.m., the Senate sauntered.

The Senate was called to order at 4:20 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 11, 2009

The House passed, **3rd Sub. S.B. 41**, SITING OF HIGH VOLTAGE POWER LINE ACT, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

3rd Sub. S.B. 41 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 11, 2009

The House concurred in the Senate amendments and passed **H.B. 153**, TRESPASS LAW AMENDMENTS, by Representative J. Mathis, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 220**, STATE PAYMENT AND REIMBURSEMENT TO COUNTY CORRECTIONAL FACILITIES, by Representative M. Noel, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 357**, FIREARMS AMENDMENTS, by Representative S. Sandstrom, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 399**, CHARITABLE CARE AMENDMENTS, by Representative B. Last, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 402**, ENFORCEMENT OF CARBON MONOXIDE DETECTOR REQUIREMENTS, by Representative K. Garn, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.J.R. 14**, JOINT RULES RESOLUTION – ETHICS TRAINING COURSE PROVISIONS,

by Representative L. Fowlke, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 153, 2nd Sub. H.B. 220, 1st Sub. H.B. 357, H.B. 399, H.B. 402, and H.J.R. 14, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President:

March 11, 2009

The House requests the return of **1st Sub. S.B. 23**, INCOME TAXATION OF PASS—THROUGH ENTITIES AND PASS—THROUGH ENTITY TAXPAYERS, by Senator W. Niederhauser, for reconsideration.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 23 was returned to the House for further consideration.

SECOND READING CALENDAR

On motion of Senator Niederhauser, under suspension of the rules, **H.B. 4**, GENERAL OBLIGATION BONDS AUTHORIZATIONS, was considered read the second and third times and passed on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative was: Senator

Hinkins

Absent or not voting was: Senator

Bramble

H.B. 4 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Hillyard, under suspension of the rules, **H.B. 306**, HEALTH AND HUMAN SERVICES-RELATED COMMISSION, COMMITTEE, AND COUNCIL AMENDMENTS, was considered read the second and third times. Senators Robles and Christensen commented and the bill passed on the following roll call:

Yeas, 23; Nays, 2; Absent, 4.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Liljenquist
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Romero	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Hinkins Robles

Absent or not voting were: Senators

Bell Bramble Madsen Stephenson

H.B. 306 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Jenkins, the Senate voted to recall and reconsider **1st Sub. S.B. 171**, MUNICIPAL ANNEXATION AMENDMENTS, from the House for the purpose of correcting an amendment.

1st Sub. S.B. 171, MUNICIPAL ANNEXATION AMENDMENTS, was before the Senate, explained by Senator Jenkins, and passed, under suspension of the rules, on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy

Morgan	Okerlund	Robles	Romero
Stowell	Urquhart	Valentine	Van Tassell

Waddoups

Absent or not voting were: Senators

Bell Bramble Niederhauser Stephenson

1st Sub. S.B. 171 was transmitted to the House.

* * *

On motion of Senator Hillyard, under suspension of the rules, **H.B. 307**, TOURISM MARKETING PERFORMANCE ACCOUNT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 21; Nays, 2; Absent, 6.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Okerlund
Robles	Romero	Urquhart	Valentine
X 7 700 11			

Van Tassell

Voting in the negative were: Senators

Hinkins Morgan

Absent or not voting were: Senators

Bell	Bramble	Niederhauser	Stephenson
Bell	Bramble	Niederhauser	Stephenson
Den	Diamole	TTCGCTTGGGCT	Stephenson

Stowell Waddoups

H.B. 307 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Greiner, under suspension of the rules, **H.B. 373**, AMENDMENTS TO DEPARTMENT OF CORRECTIONS' OPERATIONS, was considered read the second and third times and passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Greiner	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stowell
Urquhart	Valentine		

Absent or not voting were: Senators

Bell	Bramble	Goodfellow	Liljenquist
Stephenson	Van Tassell	Waddoups	

H.B. 373 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Romero, the Senate voted to reconsider its action on **H.B. 412** on the following roll call vote:

Yeas, 24; Nays, 3; Absent, 2.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

Dayton Hinkins Knudson

Absent or not voting were: Senators

Bell Liljenquist

H.B. 412, ENERGY POLICY AMENDMENTS, was before the Senate, explained by Senator Romero.

Senator Romero proposed the following amendment:

1. Page 2, Line 59:

Delete "legislative action"

Senator Romero's motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 21; Nays, 4; Absent, 4.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Greiner	Hillyard	Hinkins	Jenkins
Killpack	Knudson	Madsen	Mayne
Niederhauser	Okerlund	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Goodfellow Jones Morgan Robles

Absent or not voting were: Senators

Bell Bramble Liljenquist McCoy

H.B. 412 was transmitted to the House.

* * *

On motion of Senator Hillyard, under suspension of the rules, **H.B. 445**, HEALTH PROGRAM REVISIONS, was considered read the second and third times. Senator Morgan commented and the bill passed on the following roll call:

Yeas, 16; Nays, 6; Absent, 7.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Hillyard	Jenkins	Jones	Killpack
Knudson	Okerlund	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

_	0		
Goodfellow	Hinkins	Mayne	Morgan

Robles Romero

Absent or not voting were: Senators

Bell Bramble	Greiner	Liljenquist
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Madsen McCoy Niederhauser

H.B. 445 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Killpack, the Senate voted to lift H.B. 185, TRANSPORTATION AMENDMENTS, to the top of the Second Reading Calendar.

On motion of Senator Killpack, the circle was removed from H.B. 185, TRANSPORTATION AMENDMENTS, and it was before the Senate.

On motion of Senator Killpack, the following substitute bill replaced the original bill:

1st Sub. H.B. 185 Transportation Amendments (W. Harper)

On motion of Senator Killpack, under suspension of the rules, 1st Sub. H.B. 185, TRANSPORTATION AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Mayne	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble Greiner Madsen Bell

McCoy

1st Sub. H.B. 185 was and returned to the House for further consideration.

* * *

On motion of Senator Hillyard, under suspension of the rules, H.B. 446, MEDICAID RESTRICTED ACCOUNT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Bell	Buttars	Davis	Dayton
Goodfellow	Hillvard	Hinkins	Jenkins

Jones	Killpack	Knudson	Liljenquist
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddana			

Waddoups

Absent or not voting were: Senators

Bramble Christensen Greiner Madsen

H.B. 446 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Hillyard, under suspension of the rules, **H.B. 447**, UTAH EMERGENCY MEDICAL SERVICES SYSTEM ACT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 2; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups	•		

Waddoups

Voting in the negative were: Senators

Davis Goodfellow

Absent or not voting were: Senators

Greiner Madsen

H.B. 447 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Hillyard, **1st Sub. H.B. 290**, PROHIBITION OF WIRELESS COMMUNICATION DEVICE USE IN A MOTOR VEHICLE, was read the second time and circled.

* * *

On motion of Senator Bell, the circle was removed from **S.B. 248**, TAX AMENDMENTS, and it was before the Senate.

On motion of Senator Bell, the following substitute bill replaced the original bill:

1st Sub. S.B. 248 Tax Amendments (G. Bell)

On motion of Senator Bell, under suspension of the rules, **1st Sub. S.B. 248**, TAX AMENDMENTS, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	

Absent or not voting were: Senators

Hillyard	Killpack	Knudson	Liljenquist
Madsen	Waddoups		

1st Sub. S.B. 248 was transmitted to the House.

* * *

On motion of Senator Okerlund, under suspension of the rules, **H.B. 355**, INDIGENT INMATE TRUST FUND AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 16; Nays, 2; Absent, 11.

Bramble	Christensen	Davis	Goodfellow
Greiner	Hinkins	Liljenquist	McCoy
Morgan	Niederhauser	Okerlund	Stephenson
Stowell	Urquhart	Valentine	Van Tassell

Voting in the negative were: Senators

Dayton Madsen

Absent or not voting were: Senators

Bell Buttars Hillyard Jenkins Jones Killpack Knudson Mayne

Robles Romero Waddoups

H.B. 355 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 378, CIRCUIT BREAKER AMENDMENTS, was read the second time. Senator Niederhauser explained the bill.

Senator Niederhauser proposed the following amendment:

- 1. Page 1, Lines 13 through 18
 - 13 ▶ decreases a claimant's household income by \$1,000 for {

 -each dependent claimed
 }

 a dependant that the claimant is eligible to claim

 on
 - 14 the claimant's federal taxes for purposes of qualifying for a homeowner's credit for a
 - 15 maximum household income decrease of $\{-\$2,000-\}$ $\underline{\$1,000}$;
 - 16 ▶ decreases a claimant's household income by \$1,000 for {-each dependent claimed-} a dependant that the claimant is eligible to claim on
 - 17 the claimant's federal taxes for purposes of qualifying for a renter's credit for a
 - 18 maximum household income decrease of $\{-\$2,000-\}$ \$1,000; and
- 2. Page 2, Line 56 through Page 3, Line 63:
 - 56 (4) (a) Subject to Subsection (4)(b), for purposes of calculating a claimant's household
 - 57 <u>income to determine the amount of the claimant's homeowner's</u> <u>credit under Subsection (1), a</u>

- 58 <u>claimant's household income shall be decreased by \$1,000 for</u> {-<u>each</u> } <u>a</u> <u>dependent with respect to</u>
- 59 whom a claimant is eligible to make a deduction as allowed as a personal exemption deduction
- 60 on the claimant's federal individual income tax return for the taxable year for which the
- 61 household income is calculated.
- 62 (b) For purposes of Subsection (4)(a):
- 63 (i) the maximum amount a claimant's household income may be decreased is $\{-\$2,000\}$ $\frac{\$1,000}{:}$
- 3. Page 4, Lines 98 through 105:
 - 98 (6) (a) Subject to Subsection (6)(b), for purposes of calculating a claimant's household
 - 99 income to determine the amount of the claimant's renter's credit under Subsection (1), a
 - 100 <u>claimant's household income shall be decreased by \$1,000 for</u> {-<u>each</u> } <u>a</u> <u>dependent with respect to</u>
 - 101 whom a claimant is eligible to make a deduction as allowed as a personal exemption deduction
 - 102 on the claimant's federal individual income tax return for the taxable year for which the
 - 103 household income is calculated.
 - (b) For purposes of Subsection (6)(a):
 - 105 (i) the maximum amount a claimant's household income may be decreased is $\{-\$2,000\}$ $\{1,000\}$:

Senator Niederhauser's motion to amend passed on a voice vote. Senator Greiner commented.

On motion of Senator Niederhauser, the bill was circled.

* * *

On motion of Senator Niederhauser, and at 5:25 p.m., the Senate sauntered.

The Senate was called to order at 5:40 p.m., with President Waddoups presiding.

* * *

On motion of Senator Niederhauser, the circle was removed from **H.B. 378**, CIRCUIT BREAKER AMENDMENTS, and it was before the Senate.

On motion of Senator Niederhauser, under suspension of the rules, **H.B. 378**, CIRCUIT BREAKER AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 19; Nays, 0; Absent, 10.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Liljenquist	Madsen	McCoy	Morgan
Niederhauser	Okerlund	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	

Absent or not voting were: Senators

Bell	Hillyard	Jenkins	Jones
Killpack	Knudson	Mayne	Robles
Romero	Waddoups		

H.B. 378, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Greiner, under suspension of the rules, **H.B. 455**, COURT SECURITY RESTRICTED ACCOUNT, was considered read the second and third times and passed on the following roll call:

Yeas, 19; Nays, 0; Absent, 10.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Liljenquist
Madsen	McCoy	Morgan	Niederhauser
Okerlund	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	

Absent or not voting were: Senators

Bell	Bramble	Hillyard	Jenkins
Jones	Killpack	Knudson	Mayne
Robles	Waddoups		

H.B. 455 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 174, LICENSING OF VOCATIONAL REHABILITATION COUNSELORS, was read the second time.

On motion of Senator Van Tassell, the bill was circled.

* * *

On motion of Senator Valentine, **1st Sub. H.B. 356**, BARBER, COSMETOLOGIST/BARBER, ESTHETICIAN, ELECTROLOGIST, AND NAIL TECHNICIAN LICENSING ACT AMENDMENTS, was read the second time and circled.

* * *

2nd Sub. H.B. 400, PETE SUAZO UTAH ATHLETIC COMMISSION AMENDMENTS, was read the second time. Senator Stephenson explained the bill. Senator Greiner commented.

On motion of Senator Stephenson, the bill was circled.

* * *

On motion of Senator Killpack, the circle was removed from **S.B. 240**, UTAH SCIENCE TECHNOLOGY AND RESEARCH INITIATIVE AMENDMENTS, and it was before the Senate.

On motion of Senator Killpack, the following substitute bill replaced the original bill:

1st Sub. S.B. 240 Utah Science Technology and Research Initiative Amendments (S. Killpack)

Senator Killpack explained the bill.

Senator Killpack proposed the following amendment:

- Page 2, Line 39: Reinstate "eight" and delete "seven"
- 2. Page 2, Line 41:
 Reinstate "two" and delete "three"

Senator Killpack's motion to amend passed on a voice vote.

On motion of Senator Killpack, under suspension of the rules, **1st Sub. S.B. 240**, UTAH SCIENCE TECHNOLOGY AND RESEARCH INITIATIVE AMENDMENTS, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Killpack	Knudson	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble Buttars Hillyard Jones

Madsen

1st Sub. S.B. 240 was transmitted to the House.

* * *

On motion of Senator Stephenson, the circle was removed from **2nd Sub. H.B. 400**, PETE SUAZO UTAH ATHLETIC COMMISSION AMENDMENTS, and it was before the Senate.

On motion of Senator Stephenson, under suspension of the rules, **2nd Sub. H.B. 400**, PETE SUAZO UTAH ATHLETIC COMMISSION AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Morgan	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble Liljenquist Niederhauser

2nd Sub. H.B. 400 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bell, the circle was removed from **1st Sub. H.B. 299**, UNLAWFUL DETAINER AMENDMENTS, and it was before the Senate. Senators Jones, Robles, Van Tassell, and McCoy commented.

On motion of Senator Bell, the following substitute bill replaced the original bill:

3rd Sub. H.B. 299 Unlawful Detainer Amendments (G. Froerer)

On motion of Senator Bell, under suspension of the rules, **3rd Sub. H.B. 299**, UNLAWFUL DETAINER AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	

Absent or not voting were: Senators

Buttars	Hillyard	Killpack	Knudson
Liljenquist	Waddoups		

3rd Sub. H.B. 299, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Urquhart, under suspension of the rules, **H.B. 17**, EXPEDITED PARTNER THERAPY TREATMENT, was considered read the second and third times.

Senator Dayton proposed the following amendment:

- 1. Page 1, Line 22
 - 22 ▶ makes conforming changes to the Pharmacy Practices Act; {-and-}
 - provides immunity from medical malpractice actions for a practitioner who uses expedited partner therapy; and
- 2. Page 3, Line 83:
 - and the partner under Section 58–17b–613.
 - (5)(a) The legislature finds that the prevention and treatment of sexually transmitted diseases in the state is a compelling public health issue.
 - (b) A practitioner or licensee under this chapter is not liable for a medical malpractice action if the use of expedited partner therapy is in compliance with this section, except for those acts which are grossly negligent or willful and wonton.

Senator Dayton's motion to amend passed on a voice vote. Senators McCoy, Valentine, and Greiner commented and the bill passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Greiner	Hinkins	Jenkins
Jones	Liljenquist	Madsen	Mayne
McCoy	Morgan	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell		_

Absent or not voting were: Senators

Buttars	Goodfellow	Hillyard	Killpack
Knudson	Niederhauser	Waddoups	

H.B. 17 was returned to the House for further consideration.

* * *

On motion of Senator Stephenson, **1st Sub. H.B. 259**, PROHIBITION OF IMPACT FEES ON SCHOOL DISTRICTS AND CHARTER SCHOOLS, was read the second time and circled.

* * *

On motion of Senator Bell, the circle was removed from **1st Sub. H.B. 356**, BARBER, COSMETOLOGIST/BARBER, ESTHETICIAN, ELECTROLOGIST, AND NAIL TECHNICIAN LICENSING ACT AMENDMENTS, and it was before the Senate.

On motion of Senator Bell, under suspension of the rules, **1st Sub. H.B. 356**, BARBER, COSMETOLOGIST/BARBER, ESTHETICIAN, ELECTROLOGIST, AND NAIL TECHNICIAN LICENSING ACT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 18; Nays, 0; Absent, 11.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Greiner	Hinkins	Jenkins	Liljenquist
Madsen	Mayne	McCoy	Morgan
Okerlund	Romero	Stephenson	Stowell
Urquhart	Van Tassell		

Absent or not voting were: Senators

Buttars	Dayton	Goodfellow	Hillyard
Jones	Killpack	Knudson	Niederhauser
Robles	Valentine	Waddoups	

1st Sub. H.B. 356 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 11, 2009

The House refuses to recede from its amendments to **1st Sub. S.B. 78**, PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES, by Senator M. Madsen, et al, and has appointed a Conference Committee consisting of Representatives C. Oda, C. Wimmer, and C. Watkins to meet with a like committee from the Senate on this bill.

Sandy D. Tenney, Chief Clerk

On motion of Senator Bramble, the Senate voted to refuse to recede from its amendments to **1st Sub. S.B. 78**. President Waddoups appointed a conference

committee consisting of Senators Madsen, Dayton, and Mayne to meet with a like committee from the House.

SECOND READING CALENDAR

On motion of Senator Van Tassell, **H.B. 456**, TOBACCO ACCESS RESTRICTIONS, was read the second time and circled.

* * *

On motion of Senator Urquhart, under suspension of the rules, **1st Sub. H.B. 156**, SUBDIVISION APPROVAL AMENDMENTS, was considered read the second and third times.

Senator Van Tassell proposed the following amendment:

- 1. Page 1, Line 12
 - 12 authorizes an owner of <u>a contiguous parcel</u> of agricultural land within a county of the third, fourth, fifth, or
- 2. Page 3, Line 60:
 - 60 (4) (a) As used in this Subsection (4) { ... "minor } :
 - (A) means the agricultural land sought to be divided under this Subsection (4) by a minor subdivision; and
 - (B) includes land previously divided from the agricultural land by a minor subdivision.
 - <u>(ii) "Minor</u> <u>subdivision" means a division of a single,</u> <u>contiguous parcel of</u>
- 3. Page 3, Lines 62 through 63:
 - 62 <u>parcel per 100 acres of</u> {<u>-agricultural</u>} <u>applicable</u> <u>land.</u>
 - 63 (b) (i) Notwithstanding Sections 17–27a–603 and 17–27a–604, an owner of agricultural
- 4. Page 3, Lines 65 through 66:
 - 65 the county in which the land is located :

 (A) a recordable deed describing by metes and bounds each
 - 66 parcel divided from the agricultural land {—; } : and (B) a notice of the creation of a minor subdivision, containing the

legal description of each parcel divided from the agricultural land.

<u>(ii) An owner of agricultural land may not make a minor subdivision if the minor subdivision would result in the applicable land having more than one minor subdivision parcel per 100 acres of applicable land.</u>

Senator Van Tassell's motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 21; Nays, 0; Absent, 8.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Greiner	Hinkins	Jenkins
Jones	Liljenquist	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell			

Absent or not voting were: Senators

Dayton	Goodfellow	Hillyard	Killpack
Knudson	Madsen	Mayne	Waddoups

1st Sub. H.B. 156 was returned to the House for further consideration.

* * *

1st Sub. H.B. 283, ILLEGAL USE OF MOTOR VEHICLES, was read the second time.

On motion of Senator Urquhart, the following substitute bill replaced the original bill:

2nd Sub. H.B. 283 Illegal Use of Motor Vehicles (M. Noel)

Senator Urquhart explained the bill. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 0; Absent, 8.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Greiner	Hinkins	Jenkins
Jones	Knudson	McCoy	Morgan

Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoune			

waadoups

Absent or not voting were: Senators

Dayton	Goodfellow	Hillyard	Killpack
Liljenquist	Madsen	Mayne	Niederhauser

* * *

On motion of Senator Niederhauser, the circle was removed from **1st Sub. H.B. 456**, TOBACCO ACCESS RESTRICTIONS, and it was before the Senate.

On motion of Senator Niederhauser, under suspension of the rules, **1st Sub. H.B. 456**, TOBACCO ACCESS RESTRICTIONS, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddouns			

Absent or not voting were: Senators

Dayton Killpack Madsen Mayne

1st Sub. H.B. 456 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Hillyard, the circle was removed from **H.B. 444**, BUDGET IMPLEMENTATION ADJUSTMENTS – TOBACCO SETTLEMENT FUNDS, and it was before the Senate.

On motion of Senator Hillyard, the following substitute bill replaced the original bill:

1st Sub. H.B. 444 Budget Implementation Adjustments – Tobacco Settlement Funds (R. Bigelow)

Senator Hillyard proposed the following amendment:

1. Page 3, Line 65:

948

After "programs" delete "500,000 of" and delete line 66.

Senator Hillyard's motion to amend passed on a voice vote.

###

Senator Valentine proposed the following amendment:

- 1. Page 1, Lines 14 through 21
 - 14 This bill:
 - * * * Some lines not shown * * *
 - 17 ▶ eliminates the drug board pilot program in the Department of Human Services; {—and—}
 - 18 ▶ increases funding to the Department of Health for the Children's Health Insurance
 - 19 Program ; and
 - <u>▶ makes several one-time appropriations</u>
 - 20 Monies Appropriated in this Bill:
 - 21 {—None—} This bill appropriates:
 - ▶ \$500,000 to the Department of Health for tobacco cessation programs;
 - ▶ \$1,600,000 to the Division of Arts and Museums for two separate children's museums; and
 - <u>▶</u> \$400,000 to the Division of Housing and Community Development for the Shakespeare Festival.
- 2. Page 5, Lines 134 through 135:
 - 134 (iv) if the program is a tobacco cessation program, the report required in Section
 - 135 51-9-203.

Section 3. Appropriation.

There is appropriated from the Tobacco Settlement Restricted Account for fiscal year 2009–2010 only:

- (1) \$500,000 to the Department of Health for tobacco reduction and cessation programs;
 - (2) \$800,000 to the Division of Arts and Museums Museum

<u>Services for the Library square Foundation for Art, culture and Sciences for the Leonardo Children's Museum;</u>

- (3) \$800,000 to the Division of Arts and Museums Museum Services for the Museum of Natural Curiosity at Thanksgiving Point; and
- (4) \$400,000 to the division of Housing and Community Development Community Assistance for the Shakespeare Festival.

Renumber the remaining sections accordingly.

Senator Valentine's motion to amend passed on a voice vote.

Senators Bramble, Stowell, McCoy, Okerlund, Liljenquist, and Knudson commented.

On motion of Senator Hillyard, under suspension of the rules, **1st Sub. H.B. 444**, BUDGET IMPLEMENTATION ADJUSTMENTS – TOBACCO SETTLEMENT FUNDS, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 4; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Okerlund	Robles	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Christensen Hinkins Niederhauser Romero

1st Sub. H.B. 444 was returned to the House for further consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 11, 2009

The House passed, **1st Sub. S.B. 73**, UNINCORPORATED AREAS AMENDMENTS, by Senator K. Mayne, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 75**, UTILITY AMENDMENTS, by Senator S. Urquhart, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 84**, IMPACT FEES REVISIONS, by Senator G. Bell, and it is transmitted for the signature of the President; and

The House passed, **S.B. 91**, ELECTRONIC COMMUNICATION HARASSMENT AMENDMENT, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 137**, PHYSICAL THERAPY PRACTICE ACT, by Senator W. Niederhauser, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 148**, LOW–PROFIT LIMITED LIABILITY COMPANY ACT, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 167**, AMENDMENTS TO UNIFORM DEBT–MANAGEMENT SERVICES ACT, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The House passed, **S.B. 239**, TRANSPORTATION REVISIONS, by Senator S. Killpack, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 183**, VIOLATION OF PROTECTIVE ORDER, by Senator S. McCoy, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 73, S.B. 75, 1st Sub. S.B. 84, S.B. 91, S.B. 137, S.B. 148, S.B. 167, S.B. 239, and S.B. 183 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 11, 2009

The House passed, as amended, **1st Sub. S.B. 18**, UTAH TRANSPARENCY ADVISORY BOARD AMENDMENTS, by Senator W. Niederhauser, et al, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 57**, LOCAL OPTION TRANSPORTATION CORRIDOR PRESERVATION FUND AMENDMENTS, by Senator R. Okerlund, and it is transmitted for further consideration; and

The House passed, as amended, **1st Sub. S.B. 68**, MINING PROTECTION AMENDMENTS, by Senator S. Killpack, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

* * *

Mr. President:

March 11, 2009

The House has rejected **S.B. 48**, TEACHER LICENSING BY COMPETENCY AMENDMENTS, by Senator D. C. Buttars, and it is transmitted for filing.

Sandy D. Tenney, Chief Clerk

S.B. 48 was filed

* * *

On motion of Senator Killpack and at 7:15 p.m., the Senate adjourned until 8:00 a.m., Thursday, March 12, 2009.

FORTY-FIFTH DAY

MORNING SESSION

March 12, 2009

The Senate was called to order at 8:20 a.m., with President Michael Waddoups presiding.

Prayer – Senator Greg Bell

Pledge of Allegiance – Senator Wayne Niederhauser

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 73)

SPECIAL MUSICAL PRESENTATION

Brian Allen sang "The Star Spangled Banner"

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 11, 2009

The House passed, **S.B. 70**, DEPARTMENT OF ENVIRONMENTAL QUALITY AMENDMENTS, by Senator M. Dayton, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **4th Sub. S.B. 80**, FIRE LIABILITY MODIFICATIONS, by Senator M. Dayton, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 142**, DISPOSITION OF A DEAD BODY, by Senator A. Christensen, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 171**, MUNICIPAL ANNEXATION AMENDMENTS, by Senator S. Jenkins, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 248**, TAX AMENDMENTS, by Senator G. Bell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 70, 4th Sub. S.B. 80, S.B. 142, 1st Sub. S.B. 171, and 1st Sub. S.B. 248 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

March 11, 2009

The House concurred in the Senate amendments and passed **1st Sub. H.B. 64**, DETERRING ILLEGAL IMMIGRATION, by Representative B. Dee, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 308**, WORKERS' COMPENSATION – MOTOR CARRIERS, by Representative D. Ipson, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. H.B. 64 and **1st Sub. H.B. 308**, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President:

March 11, 2009

The House passed, as amended, **H.J.R. 29**, LEGISLATIVE DIRECTION TO THE PUBLIC EMPLOYEES' BENEFIT AND INSURANCE PROGRAM, by Representative B. Dee, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.J.R. 29** was read the first time and referred to the Rules Committee.

* * *

Mr. President:

March 11, 2009

The House passed, as amended, **1st Sub. S.B. 187**, ALCOHOL AMENDMENTS, by Senator J. Valentine, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 193**, SALVAGE VEHICLES AMENDMENTS, by Senator S. Urquhart, and it is transmitted for further consideration; and

The House passed, as amended, **3rd Sub. S.B. 208**, UTAH PUBLIC NOTICE WEBSITE AMENDMENTS, by Senator S. Urquhart, et al, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

* * *

Mr. President: March 11, 2009

The House refuses to recede from its amendments to **S.B. 163**, CONSTRUCTION TRADE EXEMPTION, by Senator S. Urquhart, and has appointed a Conference Committee consisting of Representatives K. Grover, C. Herrod, and J. Gowans to meet with a like committee from the Senate on this bill.

Sandy D. Tenney, Chief Clerk

On motion of Senator Urquhart, the Senate voted to refuse to recede from its amendments to **S.B. 163**. President Waddoups appointed a conference committee consisting of Senators Urquhart, Liljenquist, and Davis to meet with a like committee from the House.

* * *

Mr. President: March 11, 2009

The House refused to concur with the Senate Amendments to **1st Sub. H.B. 371**, TRANSPORTATION GOVERNANCE, by Representative W. Harper, and requests the Senate recede from its amendments.

Sandy D. Tenney, Chief Clerk

On motion of Senator Killpack, the Senate voted to refuse to recede from its amendments to **1st Sub. H.B. 371**. President Waddoups appointed a conference committee consisting of Senators Killpack, Niederhauser, and Mayne to meet with a like committee from the House.

* * *

Mr. President: March 11, 2009

The House adopted the Joint Conference Committee Report dated March 11, 2009, and passed **2nd Sub. S.B. 78**, PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES, by Senator M. Madsen, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

Mr. President: March 11, 2009

The Joint Conference Committee comprised of Sens. Mark B. Madsen, Margaret Dayton, and Karen Mayne, and Reps. Curtis Oda, Carl Wimmer, and Christine Watkins, recommends **1st Sub. S.B. 78**, PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES, by Senator M. Madsen, et al, be replaced and favorably recommends **2nd Sub. S.B. 78**, PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES.

Sen. Mark B. Madsen and Rep. Curtis Oda, Chairs

On motion of Senator Madsen, the Senate voted to adopt the Joint Conference Committee Report and the bill passed on the following roll call:

Yeas, 22; Nays, 3; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	Niederhauser
Okerlund	Stephenson	Stowell	Urquhart
Valentine	Weddowns		_

Valentine Waddoups

Voting in the negative were: Senators

McCoy Robles Romero

Absent or not voting were: Senators

Bramble Jenkins Morgan Van Tassell

2nd Sub. S.B. 78 was returned to the House for the signature of the Speaker.

CONCURRENCE CALENDAR

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to **1st Sub. S.B. 18**, UTAH TRANSPARENCY ADVISORY BOARD AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan

Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
W/- 11			

Waddoups

Absent or not voting were: Senators

Bramble Greiner Madsen Van Tassell

1st Sub. S.B. 18 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Okerlund, the Senate voted to concur in the House amendments to **S.B. 57**, LOCAL OPTION TRANSPORTATION CORRIDOR PRESERVATION FUND AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Waddoups			

Absent or not voting were: Senators

Bramble Greiner Madsen Van Tassell

S.B. 57 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Killpack, the Senate voted to concur in the House amendments to **1st Sub. S.B. 68**, MINING PROTECTION AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 22; Nays, 3; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson

Liljenquist Mayne Niederhauser Okerlund Romero Stephenson Stowell Urquhart

Valentine Waddoups

Voting in the negative were: Senators

McCoy Morgan Robles

Absent or not voting were: Senators

Bramble Greiner Madsen Van Tassell

1st Sub. S.B. 68 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

2nd Sub. H.B. 283, ILLEGAL USE OF MOTOR VEHICLES, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Waddoups

Absent or not voting were: Senators

Bramble Christensen Greiner Madsen

Van Tassell

2nd Sub. H.B. 283, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Niederhauser. the Senate voted to remove **H.B. 20**, REPEAL OF CERTAIN INCOME TAX CREDITS AND CONTRIBUTIONS, from the Third Reading Table and place it on the Third Reading Calendar.

H.B. 20, REPEAL OF CERTAIN INCOME TAX CREDITS AND CONTRIBUTIONS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Waddoups			

Absent or not voting were: Senators

Bramble Greiner Van Tassell Madsen

H.B. 20 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

On motion of Senator Niederhauser, the circle was removed from 2nd Sub. H.B. 141, BILLBOARD AMENDMENTS, and it was before the Senate.

Senator Bell proposed the following amendment:

- 1. Page 15, Line 443
 - 443 lanes, or feeder systems, from or to another federal, state, county, city, or other route.
 - (11) "Interstate billboard" means a billboard that is intended to be viewed from a highway that is an interstate.
- 2. Page 15, Line 451:
 - 451 direction.
 - (14) "Noninterstate billboard" means a billboard that is intended to be viewed from a street or highway that is not an interstate.
- 3. Page 17, Line 520:
 - (ii) (A) for an interstate billboard, 500 feet from the base of 520 the billboard $\{-, \}$; or
 - (B) for a noninterstate billboard, 300 feet from the base of the billboard.

Senator Bell's motion to amend failed on the following roll call:

Yeas, 7; Nays, 19; Absent, 3.

Voting in the affirmative were: Senators

Bell Christensen Greiner Hillyard

Jenkins Jones McCoy

Voting in the negative were: Senators

Bramble Buttars Davis Dayton Goodfellow Hinkins Knudson Killpack Liljenquist Mayne Morgan Niederhauser Okerlund Robles Romero Stowell

Urquhart Valentine Waddoups

Absent or not voting were: Senators

Madsen Stephenson Van Tassell

Senators Buttars and Valentine commented and the bill passed on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Bramble Bell **Buttars** Christensen Davis Dayton Goodfellow Hillyard Hinkins **Jenkins** Killpack Knudson Liljenguist Mayne McCoy Morgan Niederhauser Okerlund Robles Romero Stowell Urquhart Valentine Waddoups

Voting in the negative was: Senator

Jones

Absent or not voting were: Senators

Greiner Madsen Stephenson Van Tassell

2nd Sub. H. B. 141, was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Valentine, the circle was removed from **1st Sub. H.B. 352**, ALCOHOLIC BEVERAGE RELATED AMENDMENTS, and it was before the Senate.

Senator Valentine proposed the following amendment	Senator	Valentine	proposed	the	following	amendmer
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Page 13 Lines 378 through 379

i. ruge	is, Emes s io	unougn 57					
378	{ <u>-(i)</u> }	<u>(ii)(A)</u>	a	peace	officer,	examiner,	or
investig	ator; and			_			

379 {-(ii) } (B) employed by a nondepartment enforcement agency.

2. Page 13, Line 396 through Page 14, Line 399:

396 (2) {—If } (a) Subject to Subsection (2)(b), if an investigator is permitted by another provision of this chapter to inspect a book

397 or record of a private club licensee, in addition to any other rights under this title, the

398 <u>investigator may inspect, have a copy of, or otherwise review any record of the private club</u>

399 <u>licensee that is a visual recording of the operations of the private</u> club licensee.

(b) An investigator who is a peace officer may not inspect, have a copy of, or otherwise review a visual recording described in Subsection (2)(a) without probable cause.

3. Page 14, Lines 406 through 407:

 $406 \quad \{-\underline{(i)}\} \quad \underline{(ii)(A)} \quad \text{a peace officer, examiner, or investigator; and}$

 $407 \quad \{-\frac{(ii)}{2}\} \quad \underline{(B)} \quad \underline{employed} \quad \underline{by} \quad \underline{a} \quad \underline{nondepartment} \quad \underline{enforcement} \quad \underline{agency}.$

4. Page 14, Lines 424 through 427:

424 (2) {—<u>If</u>} (a) <u>Subject to Subsection (2)(b), if</u> an investigator is permitted by another provision of this chapter to inspect a book

425 <u>or record of a on-premise beer retailer licensee that is a tavern, in addition to any other rights</u>

426 <u>under this title, the investigator may inspect, have a copy of, or otherwise review any record of</u>

427 the tavern that is a visual recording of the operations of the tavern.
(b) An investigator who is a peace officer may not inspect, have a copy of,

or otherwise review a visual recording described in Subsection (2)(a) without probable cause.

Senator Valentine's motion to amend passed on a voice vote. Senators Buttars and Mayne commented and the bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Waddoups	

Absent or not voting were: Senators

Madsen Van Tassell

1st Sub. H.B. 352 was returned to the House for further consideration.

SECOND READING CALENDAR

On motion of Senator Hillyard, the circle was removed from **1st Sub. H.B. 290**, PROHIBITION OF WIRELESS COMMUNICATION DEVICE USE IN A MOTOR VEHICLE, and it was before the Senate.

On motion of Senator Hillyard, the following substitute bill replaced the original bill:

3rd Sub. H.B. 290 Prohibition of Wireless Communication Device Use in a Motor Vehicle (S. Clark)

Senator Hillyard explained the bill.

Senator Stowell proposed the following amendment:

- 1. Page 1, Line 24 through Page 2, Line 25
 - 24 operating a moving motor vehicle;
 - provides that enforcement of a violation of this section shall only be as a secondary action when the vehicle has been detained for a suspected violation of another offense:

2. Page 3, Line 85:

- 85 (B) the commission of the offense upon which the current conviction is based.
- (5) Enforcement of this section by a state or local law enforcement officer shall be only as a secondary action when the vehicle has been detained for a suspected violation by any person in the vehicle of Title 41, Motor Vehicles, other than this section, or for another offense.

Senator Stowell's motion to amend failed on a voice vote. Senator Greiner commented.

On motion of Senator Hillyard, under suspension of the rules, **3rd Sub. H.B. 290**, PROHIBITION OF WIRELESS COMMUNICATION DEVICE USE IN A MOTOR VEHICLE, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Waddoups		

Voting in the negative was: Senator

Dayton

Absent or not voting were: Senators

Madsen Van Tassell

3rd Sub. H.B. 290 was and returned to the House for further consideration.

* * *

On motion of Senator Knudson, the circle was removed from **H.B. 174**, LICENSING OF VOCATIONAL REHABILITATION COUNSELORS, and it was before the Senate.

Senator Knudson proposed the following amendment:

- 1. Page 4, Lines 98 through 100 House Committee Amendments 3–3–2009
 - 98 (a) submit an application in a form as prescribed by the division;
 - 99 <u>(b) pay a fee determined by the department under Section</u> 63J-1-303 <u>to recover the costs of administering licensing requirements relating to vocational rehabilitation counselors</u> :
 - 100 (c) be of good moral character;
- 2. Page 4, Lines 102a through 102b House Committee Amendments 3–3–2009:
 - 102a (e) provide satisfactory evidence of having **←**Ĥ 4,000 hours of disability related work experience under the
 - 102b <u>supervision of a</u>
- 3. Page 4, Lines 106 through 106a House Committee Amendments 3–3–2009:
 - 106 (2) \hat{H} Beginning January 1, 2010, and ending December 31, $\{-2011\}$ 2010, an applicant is not
 - 106a <u>required to verify that the 4,000 hours of work experience</u> required under Subsection (1)(e)
- 4. Page 4, Lines 106g through 106h House Committee Amendments 3–3–2009:
 - 106g (b) at least ten years experience in vocational rehabilitation counseling or a disability related

106h field;

- 5. Page 4a, Lines 112 through 117c House Committee Amendments 3–3–2009:
 - 112 (1) The division shall issue each license under this chapter in accordance with $\{-\frac{a}{2}\}$
 - 113 <u>two-year</u> } <u>an annual</u> <u>renewal cycle established by rule.</u>

- 114 (2) { The division may extend or shorten a renewal cycle by as much as one year to
- 115 <u>maintain an established renewal cycle or to change an established renewal cycle.</u>
- 116 (3) Each license automatically expires on the expiration date shown on the license
- 117 <u>unless renewed by the licensee in accordance with Section 58–1–308.</u>
- 117a $\hat{H} \rightarrow \{-\underbrace{(4)}\}$ (3) Each person holding a license under this chapter as a vocational rehabilitation
- 117b <u>counselor shall complete in each</u> { <u>two-year</u> } <u>period of licensure a program of qualifying</u>

Senator Knudson's motion to amend passed on a voice vote.

On motion of Senator Knudson, under suspension of the rules, **H.B. 174**, LICENSING OF VOCATIONAL REHABILITATION COUNSELORS, was considered read the second and third times and passed on the following roll call:

Yeas, 21; Nays, 3; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Goodfellow	Greiner	Hinkins	Jones
Killpack	Knudson	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Urquhart
Waddoups			

Voting in the negative were: Senators

Dayton Jenkins Stephenson

Absent or not voting were: Senators

Davis Hillyard Madsen Valentine

Van Tassell

H.B. 174, as amended, was returned to the House for further consideration.

On motion of Senator Killpack, the Senate voted to suspend the rules for the remainder of the day and bills on the Second Reading Calendar be considered read for the second and third time.

* * *

On motion of Senator Killpack, the circle was removed from **H.B. 430**, ECONOMIC DEVELOPMENT INCENTIVES FOR ALTERNATIVE ENERGY PROJECTS, and it was before the Senate.

Senator Killpack proposed the following amendment:

- 1. Page 6, Line 181 through Page 7, Line 183
 - 181 (6) "Renewable energy" means the energy generation as defined in Subsection
 - 182 <u>10–19–102(11)</u> <u>and includes generation powered by nuclear fuel</u> <u>.</u>
 - 183 (7) "Renewable energy development zone" means a renewable energy development

Senator Killpack's motion to amend passed on a voice vote.

On motion of Senator Killpack, under suspension of the rules, **H.B. 430**, ECONOMIC DEVELOPMENT INCENTIVES FOR ALTERNATIVE ENERGY PROJECTS, was considered read the second and third times and passed on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

0			
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Romero	Stephenson
Stowell	Urquhart	Valentine	Waddoups

Voting in the negative was: Senator

McCoy

Absent or not voting were: Senators

Goodfellow Liljenquist Robles Van Tassell

H.B. 430, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Greiner, the Senate voted to reconsider its action on **S.B. 90**.

S.B. 90, METAL THEFT AMENDMENTS AND PENALTIES, was before the Senate, explained by Senator Greiner, and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Romero	Stephenson
Stowell	Urauhart	Waddoups	_

Absent or not voting were: Senators

Bell Buttars Hillyard Robles

Valentine Van Tassell

S.B. 90 was transmitted to the House.

* * *

On motion of Senator Christensen, the Senate voted to lift **H.B. 173** to the top of the Second Reading Calendar.

H.B. 173, OUTDOOR GUIDES AND OUTFITTERS LICENSING ACT, was read the second time.

On motion of Senator Christensen, the following substitute bill replaced the original bill:

1st Sub. H.B. 173 Outdoor Guides and Outfitters Licensing Act (E. Vickers)

On motion of Senator Christensen, under suspension of the rules, **1st Sub. H.B. 173**, OUTDOOR GUIDES AND OUTFITTERS LICENSING ACT, was considered read the second and third times and failed on the following roll call:

Yeas, 13; Nays, 10; Absent, 6.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Goodfellow	Greiner	Jones	Liljenquist
Madsen	Mayne	McCoy	Niederhauser
Romero			

Voting in the negative were: Senators

Dayton	Hinkins	Jenkins	Killpack
Morgan	Okerlund	Stephenson	Stowell
TT 1 .	337 11		

Urquhart Waddoups

Absent or not voting were: Senators

Buttars Hillyard Knudson Robles

Valentine Van Tassell

1st Sub. H.B. 173 was filed.

* * *

On motion of Senator Dayton, **1st Sub. H.B. 294**, SURVIVAL ACTION UPON INJURY OR DEATH, was read the second time and circled.

* * *

On motion of Senator Dayton, **H.B. 209**, AMENDMENTS TO CRIMINAL APPEALS, was read the second time and circled.

* * *

On motion of Senator Bramble, under suspension of the rules, **H.B. 425**, CARSON SMITH SCHOLARSHIP PROGRAM AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bell	Bramble	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urauhart	Waddoups	

Absent or not voting were: Senators

Buttars	Christensen	Killpack	Knudson
Valentine	Van Tassell		

H.B. 425 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Urquhart, under suspension of the rules, **H.B. 392**, NATURAL GAS FOR VEHICLES, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Waddoups			

Absent or not voting were: Senators

Buttars Killpack Valentine Van Tassell

H.B. 392 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 12, 2009

The House concurred in the Senate amendments and passed **1st Sub. H.B. 2**, MINIMUM SCHOOL PROGRAM BUDGET AMENDMENTS, by Representative M. Newbold, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. H.B. 2, was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: March 12, 2009

The Speaker of the House has appointed a Conference Committee consisting of Representatives W. Harper, J. Dougall, and N. Hendrickson to meet with a like

committee from the Senate to consider or amend **1st Sub. H.B. 371**, TRANSPORTATION GOVERNANCE, by Representative W. Harper.

Sandy D. Tenney, Chief Clerk

* * *

Mr. President:

March 12, 2009

The House passed **H.C.R.** 10, CONCURRENT RESOLUTION HONORING THE LIFE AND CONTRIBUTIONS OF LARRY H. MILLER, by Representative C. Wimmer, et al, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.C.R. 10** was read the first time and referred to the Rules Committee.

SECOND READING CALENDAR

On motion of Senator Madsen, the Senate voted to lift **H.C.R. 10**, CONCURRENT RESOLUTION HONORING THE LIFE AND CONTRIBUTIONS OF LARRY H. MILLER, from Rules and place it at the top of the Second Reading Calendar.

On motion of Senator Madsen, under suspension of the rules, **H.C.R. 10**, CONCURRENT RESOLUTION HONORING THE LIFE AND CONTRIBUTIONS OF LARRY H. MILLER, was considered read the second and third times and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars McCoy

H.C.R. 10 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

COMMITTEE OF THE WHOLE

On motion of Senator Madsen, Gail Miller spoke in Committee of the Whole.

On motion of Senator Jenkins, the Committee of the Whole was dissolved.

* * *

1st Sub. H.B. 313, SOCIAL HOST LIABILITY ACT, was read the second time.

Senator Mayne proposed the following amendment:

- 1. Page 3, Lines 60 through 64
 - 60 (7) "Underage drinking gathering" means a gathering of two or more individuals:
 - 61 (a) at which { service to or consumption of } an individual knowingly serves, aids in the service of, or allows the service of an alcoholic beverage { -by } to an underage person
 - 62 {<u>occurs</u>} ; and
 - 63 (b) to which an emergency response provider is required to respond, except for a
 - 64 <u>response related solely to providing medical care at the location of the gathering.</u>
- 2. Page 3, Lines 81 through 82:
 - 81 (5) An individual who violates Subsection (1) is liable under this part regardless of
 - 82 whether the individual is present at an underage drinking gathering.
 - (6) If a minor is issued a citation under this section, the minor's parent or legal guardian may not be held liable for an amount of civil penalty imposed on the minor as a result of the minor's citation.

Senator Mayne's motion to amend passed on a voice vote.

On motion of Senator Mayne, under suspension of the rules, **1st Sub. H.B. 313**, SOCIAL HOST LIABILITY ACT, was considered read the second and third times and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting	in	the	affirmative	were:	Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Mayne	Morgan
Okerlund	Robles	Romero	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Hillyard Madsen McCoy Niederhauser Stephenson

1st Sub. H.B. 313 was returned to the House for further consideration.

* * *

2nd Sub. H.B. 272, UTAH SCENIC BYWAY DESIGNATION AMENDMENTS, was read the second time.

On motion of Senator Valentine, the following substitute bill replaced the original bill:

3rd Sub. H.B. 272 Utah Scenic Byway Designation Amendments (C. Herrod)

Senator Valentine proposed the following amendment:

- 1. Page 3, Line 79
 - 79 (2) (a) The committee shall consist of the following $\{-\frac{14}{4}\}$ 15 members:
- 2. Page 4, Lines 93 through 94:
 - 93 identified in Subsection (2)(a); and]
 - (ii) one local government tourism representative appointed by the governor;
 - 94 [(c)] {-(ii)} } (iii) a representative from the [private sector selected by the state entities identified
- 3. Page 4, Line 96:
 - 96 {-(iii) } (iv) three local elected officials from a county, city, or town within the state appointed

4.	Page	4,	Line	98:
• •				

- 98 {-(iv) } (v) a member from the House of Representatives appointed by the speaker of the
- 5. Page 4, Line 100:
 - $100 \quad \{-\underline{(v)}\} \quad \underline{(vi)}$ a member from the Senate appointed by the president of the Senate.
- 6. Page 4, Line 104:
 - 104 made under Subsection (2)(a)(i), (ii), {-or (iii)} } (iii), or adjust the length of terms to ensure that the terms
- 7. Page 4, Line 107:
- 8. Page 4, Lines 110 through 111:
 - 110 appointments made under Subsections (2)(a) $\{-(iv)\}$ and (2)(a) $\{-(v)\}$ (vi) as follows:
 - 111 (A) if the speaker appoints a member under (2)(a) $\{-\frac{(iv)}{2}\}$ (v) the next appointment made by
- 9. Page 4, Line 114:
 - 114 (B) if the president appoints a member under $(2)(a) \{-(v)\}$ (vi), the next appointment made by
- 10. Page 5, Lines 119 through 120:
 - 119 (b) The members appointed under Subsections (2)(a)[(v), (vi), (vii), and (viii)](i) $\{-(D)$ $\}$ (E)
 - 120 through (H) serve as nonvoting, ex officio members of the committee.
- 11. Page 7, Line 181:
 - 181 <u>(i) a person or another entity with the consent of any landowners affected by the segmentation.</u> has requested the segmentation of a portion of a road or
- 12. Page 7, Line 190:

190 upon the request of a person or another entity any landowners affected by the segmentation and the entity may appeal the denial of the . , with the consent of the entity may appeal the denial of the

Senator Valentine's motion to amend passed on a voice vote.

On motion of Senator Valentine, the bill was circled.

* * *

On motion of Senator Liljenquist, under suspension of the rules, **H.B. 327**, BUILDING INSPECTOR AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Mayne	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble Madsen McCoy Stephenson Urquhart

H.B. 327 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bell, under suspension of the rules, **1st Sub. H.B. 401**, CUSTODY AND PARENT-TIME AMENDMENTS FOR SERVICE MEMBERS, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Bell	Buttars	Christensen	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist

Madsen	Mayne	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddouns			

Waddoups

Voting in the negative was: Senator

Dayton

Absent or not voting were: Senators

Bramble Killpack McCoy

1st Sub. H.B. 401 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Valentine, the circle was removed from **H.B. 209**, AMENDMENTS TO CRIMINAL APPEALS, and it was before the Senate.

On motion of Senator Valentine, under suspension of the rules, **H.B. 209**, AMENDMENTS TO CRIMINAL APPEALS, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddouns			

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Absent or not voting were: Senators

Christensen Killpack Madsen McCoy

H.B. 209 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Jones, under suspension of the rules, **1st Sub. H.J.R. 9**, JOINT RESOLUTION ON COST–EFFECTIVE ENERGY EFFICIENCY AND

UTILITY DEMAND-SIDE MANAGEMENT, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble Christensen Knudson

1st Sub. H.J.R. 9 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Killpack, and at 10:30 a.m., the Senate sauntered.

The Senate was called to order at 10:55 a.m., with President Waddoups presiding.

* * *

On motion of Senator Waddoups, the circle was removed from **1st Sub. H.B. 294**, SURVIVAL ACTION UPON INJURY OR DEATH, and it was before the Senate.

On motion of Senator Waddoups, under suspension of the rules, **1st Sub. H.B. 294**, SURVIVAL ACTION UPON INJURY OR DEATH, was considered read the second and third times and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Bell	Bramble	Christensen	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Okerlund	Robles	Romero	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Buttars Davis Jenkins Niederhauser Stephenson

1st Sub. H.B. 294 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Valentine, **H.B. 183**, NATIONAL ANIMAL IDENTIFICATION SYSTEM, was read the second time and circled.

* * *

On motion of Senator Hillyard, under suspension of the rules, **H.B. 251**, JOINT CUSTODY AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative was: Senator

Dayton

Absent or not voting were: Senators Bramble Niederhauser

H.B. 251 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Dayton, the Senate voted to lift **H.C.R. 9**, CONCURRENT RESOLUTION HONORING DON PEAY, from Rules and place it at the top of the Second Reading Calendar.

On motion of Senator Dayton, under suspension of the rules, **H.C.R. 9**, CONCURRENT RESOLUTION HONORING DON PEAY, was considered read the second and third times. Senators Stowell, Valentine, Christensen, Van Tassell, Jenkins, Romero, Stephenson, Liljenquist, and Bell and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Volentine	Van Tassell		_

Valentine Van Tassell

Absent or not voting were: Senators

Bramble Mayne Waddoups

H.C.R. 9 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Okerlund, under suspension of the rules, the Senate voted to reconsider its action on **1st Sub. H.B. 173**.

1st Sub. H.B. 173, HUNTING GUIDES AND OUTFITTERS LICENSING ACT, was before the Senate, explained by Senator Christensen. Senators Jenkins, Stowell, and Okerlund commented.

On motion of Senator Christensen, under suspension of the rules, **1st Sub. H.B. 173**, HUNTING GUIDES AND OUTFITTERS LICENSING ACT, was considered read the second and third times and passed on the following roll call:

Yeas, 24; Nays, 4; Absent, 1.

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Jenkins	Jones	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

Hinkins Madsen Stowell Stephenson

Absent or not voting was: Senator

Hillyard

1st Sub. H.B. 173 was returned to the House for further consideration.

ADVISE AND CONSENT

COMMUNICATIONS FROM THE GOVERNOR

January 20, 2009 Mr. President:

In accordance with Utah Code 67–1–1 and 67–1–2, (2008) I propose and transmit the following appointment:

SECOND DISTRICT COURT

Mark R. DeCaria is appointed as a Judge of the Second District Court. See Utah const. ant. VIII. 8: Utah Code 78A-10-101.

Thank you for your timely consideration and confirmation of the above appointment.

> Jon M. Huntsman, Jr. Governor

* * *

Mr. President: March 10, 2009

The Senate Judicial Confirmation Committee met on March 10, 2009, and reports a favorable recommendation for Mr. Mark R. DeCaria to be confirmed to the position of Judge in the Second District Court.

Scott K. Jenkins, Chair

On motion of Senator Valentine, the Senate voted to approve of the above appointment on the following roll call:

Yeas, 24; Nays, 3; Absent, 2.

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

Madsen Stephenson Urquhart

Absent or not voting were: Senators

Buttars Hillyard

COMMITTEE OF THE WHOLE

On motion of Senator Valentine, Judge Mark R. DeCaria spoke in Committee of the Whole. Senators Greiner and Valentine commented.

On motion of Senator Valentine, the Committee of the Whole was dissolved.

* * *

Mr. President:

March 8, 2009

In accordance with Utah Code Ann. 67–1–1 and 67–1–2, I propose and transmit the following appointments:

Public Service Commission:

Ted Boyer is reappointed as a member of the Public Service Commission, a term to expire on March 1, 2015. See Utah Code Ann. 54–1–1.5.

Mr. President: March 5, 2009

The Senate Transportation and Public Utilities and Technology Confirmation Committee met on March 5, 2009 and reports a favorable recommendation for Mr. Ted Boyer as a member of the Public Service Commission.

Stephen Urquhart, Chair

Board of State History:

Claudia F. Berry is reappointed as a member of the State Board of History, a term to expire on April 1, 2013. See Utah Code Ann. 9–8–204.

Dr. Martha Sonntag Bradley is reappointed as a member of the State Board of History, a term to expire on April 1, 2013. See Utah Code Ann. 9–8–204.

Scott R. Christensen is reappointed as a member of the State Board of History, a term to expire on April 1, 2013. See Utah Code Ann. 9–8–204.

Michael W. Homer is reappointed as a member of the State Board of History, a term to expire on April 1, 2013. See Utah Code Ann. 9–8–204.

Max J. Smith is reappointed as a member of the State Board of History, a term to expire on April 1, 2013. See Utah Code Ann. 9–8–204.

Mark K. Winder is reappointed as a member of the State Board of History, a term to expire on April 1, 2013. See Utah Code Ann. 9–8–204.

Central Utah Water Conservancy District Board of Directors:

Dallin W. Jensen is appointed to replace the late Gary D. Palmer as a member of the Central Utah Water Conservancy District Board of Directors, a term to expire on January 1, 2012. See Utah Code Ann. 17A–2–1409.

Air Quality Board:

Nan W. Bunker is reappointed as a member of the Air Quality Board, a term to expire on March 1, 2013. See Utah Code Ann. 19–2–103.

Joel Edward Elstein is reappointed as a member of the Air Quality Board, a term to expire on March 1, 2013. See Utah Code Ann. 19–2–103.

Kerry Elizabeth Kelly is appointed to replace James R. Horrocks as a member of the Air Quality Board, a term to expire on March 1, 2013. See Utah Code Ann. 19–2–103.

Brent Capener Bradford is appointed to replace Stead Burwell as a member of the Air Quality Board, a term to expire on March 1, 2013. See Utah Code Ann. 19–2–103.

Real Estate Appraiser Licensing and Certification Board:

Jeanette H. Payne is appointed to replace Ambria L. Spencer as a member of the Real Estate Appraiser Licensing and Certification Board, a term to expire on July 1, 2010. See Utah Code Ann. 61–2b–7.

Health Facility Committee:

Dr. Lynn Taylor Dayton is appointed to replace Dr. Paul Clayton as a member of the Health Facility Committee, a term to expire on July 1, 2012. See Utah Code Ann. 26–1–7 & 26–21–3.

James Gary Sheets, II is appointed to as a member of the Health Facility Committee, a term to expire on July 1, 2012. See Utah Code Ann. 26–1–7 & 26–21–3.

Jeffrey Love is appointed to as a member of the Health Facility Committee, a term to expire on July 1, 2012. See Utah Code Ann. 26–1–7 & 26–21–3.

Utah Horse Racing Commission:

David Bruce Giles is reappointed as a member of the Utah Horse Racing Commission, a term to expire on December 31, 2012. See Utah Code Ann. 4–38–3. Mr. Giles resides in Congressional District 1.

Dennis Ray Hunter is reappointed as a member of the Utah Horse Racing Commission, a term to expire on December 31, 2012. See Utah Code Ann. 4–38–3. Mr. Hunter resides in Congressional District 1.

Don J. Edmunds is reappointed as a member of the Utah Horse Racing Commission, a term to expire on December 31, 2012. See Utah Code Ann. 4–38–3. Mr. Giles resides in Congressional District 3.

Gary D. Allred is appointed to replace Senator David P. Hinkins as a member of the Utah Horse Racing Commission, a term to expire on December 31, 2012. See Utah Code Ann. 4–38–3. Mr. Allred resides in Congressional District 2.

Stuart Sprouse is appointed to replace Don R. Randall as a member of the Utah Horse Racing Commission, a term to expire on December 31, 2012. See Utah Code Ann. 4–38–3. Mr. Giles resides in Congressional District 3.

Board of Oil, Gas, and Mining:

Jake Y. Harouny is reappointed as a member of the Board of Oil, Gas, and Mining, a term to expire on March 1, 2013. See Utah Code Ann. 40–6–4. Mr. Harouny is a Republican.

Jean M. Semborski is reappointed as a member of the Board of Oil, Gas, and Mining, a term to expire on March 1, 2013. See Utah Code Ann. 40–6–4. Ms. Semborski is an Independent.

State Board of Regents:

Brent L. Brown is appointed to replace Joel Wright as a member of the State Board of Regents, a term to expire on June 30, 2011. See Utah Code Ann. 53B-1-104.

Mr. President: March 11, 2009

The Senate Education Confirmation Committee met on March 11, 2009 and reports a favorable recommendation for Mr. Brent L. Brown as a member of the State Board of Regents.

Curtis S. Bramble, Chair

Thank you for your timely consideration and confirmation of the above appointments.

Jon M. Huntsman, Jr., Governor

On motion of Senator Valentine, the Senate voted to waive the 15-day requirement on the submittals dated February 26 and March 3, 2009, proposing appointments to various boards and commissions within state government.

* * *

On motion of Senator Valentine, the Senate voted to approve of the above appointments on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars Hillyard

COMMITTEE OF THE WHOLE

On motion of Senator Valentine, Brent Brown, spoke in Committee of the Whole.

On motion of Senator Valentine, the Committee of the Whole was dissolved.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 12, 2009

The Speaker of the House has signed **S.B. 18**, UTAH TRANSPARENCY ADVISORY BOARD AMENDMENTS, by Senator W. Niederhauser, et al, and it is transmitted for the signature of the President; and

The House passed, **S.B. 28**, PROHIBITED ACTIVITIES OF GANG OFFENDERS, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 57**, LOCAL OPTION TRANSPORTATION CORRIDOR PRESERVATION FUND AMENDMENTS, by Senator R. Okerlund, and it is transmitted for the signature of the President; and

The House passed, **S.B. 66**, HIGHWAY DESIGNATION AMENDMENTS, by Senator D. Hinkins, et al, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 68**, MINING PROTECTION AMENDMENTS, by Senator S. Killpack, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 78**, PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES, by Senator M. Madsen, and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 240**, UTAH SCIENCE TECHNOLOGY AND RESEARCH INITIATIVE AMENDMENTS, by Senator S. Killpack, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 8**, JOINT RESOLUTION REGARDING ELIGIBILITY FOR LEGISLATIVE OFFICE, by Senator S. McCoy, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 18, S.B. 28, S.B. 57, S.B. 66, 1st Sub. S.B. 68, 2nd Sub. S.B. 78, 1st Sub. S.B. 240, and S.J.R. 8 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

March 12, 2009

The House passed, as amended, **1st Sub. S.B. 23**, INCOME TAXATION OF PASS-THROUGH ENTITIES AND PASS-THROUGH ENTITY TAXPAYERS, by Senator W. Niederhauser, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 172**, UNDERINSURED MOTORIST COVERAGE AMENDMENTS, by Senator S. Urquhart, and it is transmitted for further consideration; and

The House passed, as amended, **2nd Sub. S.B. 176**, CIVIL FEES IN SMALL CLAIMS COURTS AMENDMENTS, by Senator J. Greiner, and it is transmitted for further consideration: and

The House passed, as amended, **S.B. 186**, AMENDMENTS TO STATE TAX COMMISSION PENALTY PROVISIONS, by Senator H. Stephenson, and it is transmitted for further consideration; and

The House substituted, amended, and passed, **2nd Sub. S.B. 260**, HOUSING RELIEF RESTRICTED SPECIAL REVENUE FUND, by Senator S. Jenkins, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 269**, PUBLIC UTILITY EASEMENT AMENDMENTS, by Senator G. Bell, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

* * *

On motion of Senator Killpack, the Senate voted to lift **H.B. 328** from the Third Reading Table and place it at the top of the Third Reading Calendar.

On motion of Senator Killpack, the Senate voted to lift **1st Sub. H.B. 256** and **1st Sub. H.B. 169** to the top of the Second Reading Calendar.

On motion of Senator Killpack, the Senate voted to place the following bills at the bottom of the Second Reading Calendar:

H.B. 457, 1st Sub. H.B. 404, H.B. 349, 1st Sub. H.B. 326, H.B. 309, H.B. 334, H.B. 377, H.B. 437, 2nd Sub. H.B. 107, and 1st Sub. H.B. 143

* * *

On motion of Senator Killpack, and at 12:00 noon, the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:30 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 12, 2009

The House passed, **S.B. 205**, COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AMENDMENTS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 209**, LAND USE, DEVELOPMENT, AND MANAGEMENT ACT AMENDMENTS, by Senator G. Bell, which has been signed by the Speaker and it is transmitted for the signature of the President

Sandy D. Tenney, Chief Clerk

S.B. 205 and **S.B. 209** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

March 12, 2009

The House passed, as amended, **S.B. 190**, ACQUISITION OF A BILLBOARD BY EMINENT DOMAIN, by Senator W. Niederhauser, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

Mr. President:

March 12, 2009

The House adopted the Joint Conference Committee Report dated March 12, 2009, and passed **S.B. 163**, CONSTRUCTION TRADE EXEMPTION, by Senator S. Urquhart, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The Joint Conference Committee comprised of Sens. Urquhart, Liljenquist, and Davis, and Reps. Grover, Herrod, and Gowans, recommends **S.B. 163**, CONSTRUCTION TRADE EXEMPTION, by Senator S. Urquhart, with the following amendments:

- 1. Page 1, Lines 13 through 19
 Senate Committee Amendments
 2–13–2009:
 - This bill:
 - 14 \blacktriangleright provides that electrical and plumbing work done \hat{S} \Rightarrow within a six month period $\Leftarrow \hat{S}$ on

14a a building project with a value

- 15 of less than \$3,000 must be done by a licensed electrical or plumbing contractor if
- the project involves an electrical or plumbing system; and
- 17 ▶ provides that the electrical or plumbing work may be done by a licensed
- 18 journeyman electrician or plumber if the project involves a Ŝ→ [single item] component of an
- 18a electrical or plumbing system ←Ŝ such as a

- 19 faucet, toilet, fixture, $\hat{S} \rightarrow [plug,] \underline{device}, \underline{outlet}, \leftarrow \hat{S}$ or electrical switch.
- 2. Page 3, Lines 82 through 88 House Floor Amendments 3–11–2009:
 - 82 (A) work in the plumbing and electrical trades on a Subsection (1)(h)(i) project $\hat{S} \rightarrow \underline{\text{within}}$
 - 82a any six month period of time:
 - 82b <u>(I)</u> **←**Ŝ must
 - 83 be performed by [a licensed journeyman electrician or journeyman plumber except as
 - 84 otherwise provided in this section;]:
 - 85 $\hat{S} \rightarrow [\underline{H}] \leftarrow \hat{S}$ a licensed electrical or plumbing contractor, if the project involves an electrical

85a or

86 plumbing system $\hat{H} \rightarrow \hat{S} \rightarrow \hat{$

86a system ←Ŝ] ←Ĥ; and

- 87 (II) $\hat{S} \rightarrow \hat{H} \rightarrow \{--\} \text{ may } \{--\} \} \{-\text{must }\} \leftarrow \hat{H}$ be performed by $\leftarrow \hat{S}$ a licensed journeyman electrician or
- 87a1 plumber $\hat{H} \rightarrow$ or an individual referred to in Subsection (1)(h)(ii)(A)(I) \leftarrow \hat{H} if the
- 87a project involves a Ŝ→ [single item] component of the system ←Ŝ
- 88 such as a faucet, toilet, fixture, $\hat{S} \rightarrow [plug]$ device, outlet $\leftarrow \hat{S}$, or electrical switch;
- 3. Page 4, Lines 104 through 105b House Floor Amendments 3–11–2009:
 - 104 licensed by the division; $\hat{H} \rightarrow [and] \leftarrow \hat{H}$
 - 105 (G) \hat{H} installation, repair, or replacement of a radon mitigation system or a soil
 - 105a depressurization system must be performed by a licensed contractor; and

105b (H) $\leftarrow \hat{H}$ if the total value of the project is greater than \$1,000, the person shall file with the

Sen. Steve Urquhart and Rep. Keith Grover, Chairs

On motion of Senator Urquhart, the Senate voted to adopt the Joint Conference Committee Report and the bill passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Goodfellow	Hillyard	Hinkins	Jenkins
Jones	Knudson	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble Christensen Greiner Killpack

Liljenquist Madsen

S.B. 163 was returned to the House for their action.

* * *

Mr. President:

March 12, 2009

The House has rejected **S.J.R. 14**, JOINT RESOLUTION – CHALLENGING THE LEGALITY OF A CONVICTION OR SENTENCE, by Senator C. Bramble, and it is transmitted for filing.

Sandy D. Tenney, Chief Clerk

S.J.R. 14 was filed.

CONCURRENCE CALENDAR

On motion of Senator Valentine, the Senate voted to concur in the House amendments to **1st Sub. S.B. 187**, ALCOHOL AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Davis	Dayton
Goodfellow	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoune			

waaaoups

Absent or not voting were: Senators

Buttars Christensen Greiner Killpack

1st Sub. S.B. 187 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Urquhart, the Senate voted to concur in the House amendments to **S.B. 193**, SALVAGE VEHICLES AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 24; Nays, 2; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Voting in the negative were: Senators

McCoy Robles

Absent or not voting were: Senators

Greiner Killpack Valentine

S.B. 193 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Urquhart, the Senate voted to concur in the House amendments to **3rd Sub. S.B. 208**, UTAH PUBLIC NOTICE WEBSITE AMENDMENTS. Senators Romero and Mayne commented. The bill, as amended, passed on the following roll call:

Yeas, 16; Nays, 10; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Dayton
Greiner	Hillyard	Hinkins	Jenkins
Liljenquist	Madsen	Niederhauser	Okerlund
Stephenson	Stowell	Urquhart	Waddoups

Voting in the negative were: Senators

Davis	Goodfellow	Jones	Knudson
Mayne	McCoy	Morgan	Robles
_	* * * **		

Romero Van Tassell

Absent or not voting were: Senators

Bramble Killpack Valentine

3rd Sub. S.B. 208 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to **1st Sub. S.B. 23**, INCOME TAXATION OF PASS—THROUGH ENTITIES AND PASS—THROUGH ENTITY TAXPAYERS. The bill, as amended, passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
**	***		_

Van Tassell Waddoups

Absent or not voting were: Senators

Bramble Killpack Valentine

1st Sub. S.B. 23 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Urquhart, the Senate voted to concur in the House amendments to **S.B. 172**, UNDERINSURED MOTORIST COVERAGE AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble Davis Valentine

S.B. 172 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Greiner, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 176**, CIVIL FEES IN SMALL CLAIMS COURTS AMENDMENTS. Senators Waddoups and Urquhart commented. The bill, as amended, passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Robles

2nd Sub. S.B. 176 was returned to the House for the signature of the Speaker.

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On motion of Senator Stephenson, the Senate voted to concur in the House amendments to **S.B. 186**, AMENDMENTS TO STATE TAX COMMISSION PENALTY PROVISIONS. Senator Niederhauser commented. The bill, as amended, passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups
Okerlund	Romero	Stephenson	Stowell

Absent or not voting was: Senator

Robles

S.B. 186 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Jenkins, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 260**, HOUSING RELIEF RESTRICTED SPECIAL REVENUE FUND. Senators McCoy and Niederhauser commented. The bill, as amended, passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Madsen

2nd Sub. S.B. 260 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bell, the Senate voted to concur in the House amendments to **S.B. 269**, PUBLIC UTILITY EASEMENT AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Madsen

S.B. 269 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

H.B. 328, TEACHER QUALITY AMENDMENTS, was read the third time and explained by Senator Stephenson. Senators Goodfellow, Buttars, Romero, and Robles commented and the bill passed on the following roll call:

Yeas, 18; Nays, 10; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Greiner	Hillyard	Jenkins
Killpack	Knudson	Liljenquist	Niederhauser
Okerlund	Stephenson	Stowell	Urquhart
Valentine	Waddoups		

Voting in the negative were: Senators

Davis	Goodfellow	Hinkins	Jones
Mayne	McCoy	Morgan	Robles

Romero Van Tassell

Absent or not voting was: Senator

Madsen

H.B. 328 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 12, 2009

The House concurred in the Senate amendments and passed **H.B. 17**, EXPEDITED PARTNER THERAPY TREATMENT, by Representative J. Seelig, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 156**, SUBDIVISION APPROVAL AMENDMENTS, by Representative R. C. Webb, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 412**, ENERGY POLICY AMENDMENTS, by Representative R. Barrus, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 17, 1st Sub. H.B. 156, and **H.B. 412**, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: March 12, 2009

The House refused to concur with the Senate Amendments to **H.B. 122**, GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT AMENDMENTS, by Representative D. Aagard, and requests the Senate recede from its amendments.

Sandy D. Tenney, Chief Clerk

On motion of Senator Bramble, the Senate voted to refuse to recede from its amendments to **H.B. 122**. President Waddoups appointed a conference committee consisting of Senators Bramble, Bell and McCoy to meet with a like committee from the House.

THIRD READING CALENDAR

On motion of Senator Niederhauser, the Senate voted to lift **1st Sub. H.B. 35**, HIGHER EDUCATION TAX CREDIT AND CONTRIBUTION, from the Third Reading Table and place it on the Third Reading Calendar.

1st Sub. H.B. 35, HIGHER EDUCATION TAX CREDIT AND CONTRIBUTION, was read the third time.

On motion of Senator Niederhauser, the following substitute bill replaced the original bill:

3rd Sub. H.B. 35 Higher Education Tax Credit and Contribution (J. Dougall)

On motion of Senator Niederhauser, under suspension of the rules, **3rd Sub. H.B. 35**, HIGHER EDUCATION TAX CREDIT AND CONTRIBUTION, was considered read the first, second and third times and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble Killpack Madsen Robles

Valentine

3rd Sub. H.B. 35 was returned to the House for further consideration.

JOINT CONFERENCE COMMITTEE REPORT

Mr. President: March 12, 2009

The Joint Conference Committee comprised of Sens. Killpack, Mayne, and Niederhauser, and Reps. Harper, Dougall, and Hendrickson, recommends 1st Sub. H.B. 371, TRANSPORTATION GOVERNANCE, by Representative W. Harper, be replaced and favorably recommends 2nd Sub. H.B. 371, TRANSPORTATION GOVERNANCE.

Sen. Sheldon Killpack and Rep. Wayne Harper, Chairs

On motion of Senator Killpack, the Senate voted to adopt the Joint Conference Committee Report and the bill passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Bell	Davis	Dayton	Goodfellow
Greiner	Jenkins	Jones	Killpack

Knudson	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble Buttars Christensen Hillyard

Hinkins Madsen Valentine

2nd Sub. H.B. 371 was returned to the House for further consideration.

SECOND READING CALENDAR

On motion of Senator Stephenson, the circle was removed from **1st Sub. H.B. 259**, CHANGES TO IMPACT FEES, and it was before the Senate.

On motion of Senator Stephenson, the following substitute bill replaced the original bill:

2nd Sub. H.B. 259 Changes to Impact Fees (S. Sandstrom)

On motion of Senator Stephenson, under suspension of the rules, **2nd Sub. H.B. 259**, CHANGES TO IMPACT FEES, was considered read the first, second and third times and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Jenkins
Jones	Killpack	Knudson	Liljenquist
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble Hillyard Hinkins Madsen

Valentine

2nd Sub. H.B. 259 was returned to the House for further consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 12, 2009

The House concurred in the Senate amendments and passed **H.B. 174**, LICENSING OF VOCATIONAL REHABILITATION COUNSELORS, by

Representative R. Menlove, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 283**, ILLEGAL USE OF MOTOR VEHICLES, by Representative M. Noel, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 290**, PROHIBITION OF WIRELESS COMMUNICATION DEVICE USE IN A MOTOR VEHICLE, by Representative S. Clark, et al, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 299**, UNLAWFUL DETAINER AMENDMENTS, by Representative G. Froerer, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 174, 2nd Sub. H.B. 283, 3rd Sub. H.B. 290, and 3rd Sub. H.B. 299, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

Mr. President: March 12, 2009

The House refused to concur with the Senate Amendments to **1st Sub. H.B. 185**, TRANSPORTATION AMENDMENTS, by Representative W. Harper, and requests the Senate recede from its amendments.

Sandy D. Tenney, Chief Clerk

On motion of Senator Killpack, the Senate voted to refuse to recede from its amendments to **1st Sub. H.B. 185**. President Waddoups appointed a conference committee consisting of Senators Killpack, Niederhauser, and McCoy to meet with a like committee from the House.

* * *

Mr. President: March 12, 2009

The House refused to concur with the Senate Amendments to **H.B. 378**, CIRCUIT BREAKER AMENDMENTS, by Representative T. Cosgrove, and requests the Senate recede from its amendments.

Sandy D. Tenney, Chief Clerk

On motion of Senator Hillyard, the Senate voted to refuse to recede from its amendments to **H.B. 378**. President Waddoups appointed a conference committee consisting of Senators Hillyard, Knudson, and Goodfellow to meet with a like committee from the House.

SECOND READING CALENDAR

On motion of Senator Van Tassell, the circle was removed from **H.B. 183**, NATIONAL ANIMAL IDENTIFICATION SYSTEM, and it was before the Senate. Senator Van Tassell explained the bill. Senator Christensen commented.

On motion of Senator Van Tassell, under suspension of the rules, **H.B. 183**, NATIONAL ANIMAL IDENTIFICATION SYSTEM, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
Morgan	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble McCoy Niederhauser

H.B. 183 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

SPECIAL PRESENTATION

Students from the Kindred Spirits School preformed for the Senate.

INTRODUCTION OF BILLS

S.B. 3, **Appropriations Adjustments** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to lift **S.B. 3**, APPROPRIATIONS ADJUSTMENTS, from Rules and place it at the top of the Second Reading Calendar.

SECOND READING CALENDAR

S.B. 3, APPROPRIATIONS ADJUSTMENTS, was read the second time.

On motion of Senator Hillyard, the bill was circled.

* * *

On motion of Senator Hillyard, the Senate voted to lift **1st Sub. H.B. 340** to the top of the Second Reading Calendar.

On motion of Senator Hillyard, under suspension of the rules, **1st Sub. H.B. 340**, RESPITE CARE ASSISTANCE FUND, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Buttars Hinkins Niederhauser

1st Sub. H.B. 340 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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On motion of Senator Killpack, the Senate voted to lift **H.B. 384** from the Third Reading Table and place it on the Third Reading Calendar.

* * *

On motion of Senator Killpack, the Senate voted to lift **H.B. 377**, JUDICIAL CODE AMENDMENTS, from Rules and place it on the Second Reading Calendar above **H.B. 457**.

On motion of Senator Killpack, and at 4:10 p.m., the Senate sauntered.

The Senate was called to order at 4:35 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 12, 2009

The House concurred in the Senate amendments and passed **1st Sub. H.B. 173**, HUNTING GUIDES AND OUTFITTERS LICENSING ACT, by Representative E. Vickers, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 313**, SOCIAL HOST LIABILITY ACT, by Representative E. Hutchings, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 352**, ALCOHOLIC BEVERAGE RELATED AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 430**, ECONOMIC DEVELOPMENT INCENTIVES FOR ALTERNATIVE ENERGY PROJECTS, by Representative K. Garn, et al, and it is transmitted for the signature of the President; and

Sandy D. Tenney, Chief Clerk

1st Sub. H.B. 173, 1st Sub. H.B. 313, 1st Sub. H.B. 352, and H.B. 430, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President:

March 12, 2009

The House substituted and passed, **1st Sub. S.B. 14**, FINANCIAL INCENTIVES FOR MOTION PICTURE PRODUCTIONS, by Senator L. Hillyard, et al, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

SECOND READING CALENDAR

On motion of Senator Stowell, under suspension of the rules, **1st Sub. H.B. 256**, LIVESTOCK WATERING RIGHTS AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Van Tassall	Woddowns		

Van Tassell Waddoups

Absent or not voting were: Senators

Hillyard Niederhauser Valentine

1st Sub. H.B. 256 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Killpack, the Senate voted to lift the following bills from Rules and place them at the bottom of the Second Reading Calendar:

H.B. 89, H.B. 96, H.C.R. 7, H.B. 206, 1st Sub. H.B. 237, H.B. 411, 1st Sub. H.B. 164, H.B. 325, H.B. 201, 1st Sub. H.B. 370, H.B. 125, 1st Sub. H.B. 110, H.B. 124, H.J.R. 22, H.B. 270, H.J.R. 25, H.B. 436, H.B. 298, and 1st Sub. H.B. 145

THIRD READING CALENDAR

H.B. 384, PUBLIC LEWDNESS AMENDMENTS, was read the third time and explained by Senator Urquhart. Senators Greiner, Romero, Bell, McCoy, Liljenguist, Buttars, Robles, and Madsen commented.

Senator Urquhart proposed the following amendment:

- 1. Page 1, Line 19
 - 19 {None } This bill coordinates with H.B. 136, Sex Offender Definition Amendments, by providing that specified amendments in this bill supersede amendments in H.B. 136.
- 2. Page 4, Line 91:
 - 91 (ii) the person has previously been convicted of a violation of this section.

<u>Section 3. Coordinating H.B. 384 and H.B. 136 – Superseding amendments.</u>

If this H.B. 384 and H.B. 136, Sex Offender Definition Amendments, both pass, it is the intent of the Legislature that the amendments to Subsection 76–9–702(2) in this bill supersede the amendments to Subsection 76–9–702(2) in H.B. 136 when the office of Legislative Research and General Counsel prepares the Utah Code Database for publication.

Senator Urquhart's motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Liljenquist
Madsen	Mayne	Morgan	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative was: Senator

McCoy

Absent or not voting were: Senators

Bramble Killpack Knudson Niederhauser

H.B. 384, as amended, was returned to the House for further consideration.

SECOND READING CALENDAR

On motion of Senator Valentine, the circle was removed from **3rd Sub. H.B. 272**, UTAH SCENIC BYWAY DESIGNATION AMENDMENTS, and it was before the Senate. Senator Valentine explained the bill. Senator Stowell commented.

On motion of Senator Valentine, under suspension of the rules, **3rd Sub. H.B. 272**, UTAH SCENIC BYWAY DESIGNATION AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 17; Nays, 10; Absent, 2.

Buttars	Christensen	Davis	Dayton	
Goodfellow	Jenkins	Jones	Killpack	

Liljenquist Madsen Mayne McCoy Robles Romero Stephenson Valentine

Waddoups

Voting in the negative were: Senators

Bell Greiner Hillyard Hinkins Knudson Morgan Okerlund Stowell

Urquhart Van Tassell

Absent or not voting were: Senators Bramble Niederhauser

3rd Sub. H.B. 272 was returned to the House for further consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 12, 2009

The House passed, as amended, **1st Sub. S.B. 224**, REUSE OF INDUSTRIAL BYPRODUCT, by Senator C. Bramble, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

* * *

Mr. President: March 12, 2009

The Speaker of the House has appointed a Conference Committee consisting of Representatives D. Aagard, J. Dougall, and N. Hendrickson to meet with a like committee from the Senate to consider or amend **H.B. 122**, GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT AMENDMENTS, by Representative D. Aagard.

Sandy D. Tenney, Chief Clerk

* * *

Mr. President: March 12, 2009

The Speaker of the House has appointed a Conference Committee consisting of Representatives W. Harper, K. Garn, and D. Litvack to meet with a like

committee from the Senate to consider or amend **1st Sub. H.B. 185**, TRANSPORTATION AMENDMENTS, by Representative W. Harper.

Sandy D. Tenney, Chief Clerk

* * *

Mr. President:

March 12, 2009

The Speaker of the House has appointed a Conference Committee consisting of Representatives T. Cosgrove, G. Froerer, and M. Newbold to meet with a like committee from the Senate to consider or amend **H.B. 378**, CIRCUIT BREAKER AMENDMENTS, by Representative T. Cosgrove.

Sandy D. Tenney, Chief Clerk

* * *

Mr. President:

March 12, 2009

The House has rejected **S.B. 218**, COMMUNITY ANIMAL SHELTER AND ADOPTION SUPPORT SPECIAL GROUP LICENSE PLATE, by Senator P. Knudson, and it is transmitted for filing.

Sandy D. Tenney, Chief Clerk

S.B. 218 was filed.

SECOND READING CALENDAR

H.B. 353, TRUTH IN ADVERTISING ACT AMENDMENTS, was read the second time. Senator Dayton explained the bill.

Senator Dayton proposed the following amendment:

1. Page 4a, Line ll4k:
After "person" insert "by presenting false age identification"

Senator Dayton's motion to amend passed on a voice vote.

###

Senator Romero proposed the following amendment:

1. Page 3, Line 85:
After "(g)," insert "knowingly"

2. Page 4, Line 114n: After "(A)" insert "knowingly"

Senator Romero's motion to amend failed on a voice vote. Senators McCoy, Valentine, Bramble, Romero, Bell, Buttars, and Goodfellow commented.

On motion of Senator Dayton, under suspension of the rules, **H.B. 353**, TRUTH IN ADVERTISING ACT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 4; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Robles	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Waddoups

Voting in the negative were: Senators

Davis Goodfellow McCoy Romero

H.B. 353 was returned to the House for further consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 12, 2009

The House substituted, amended, and passed, **3rd Sub. S.B. 270**, GIFT CARD AMENDMENTS, by Senator W. Niederhauser, and it is transmitted for further consideration; and

The House substituted and passed, **1st Sub. S.B. 189**, AMENDMENTS TO SALES AND USE TAX, by Senator W. Niederhauser, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills was placed on the Concurrence Calendar.

SECOND READING CALENDAR

On motion of Senator Hillyard, the circle was removed from **S.B. 3**, APPROPRIATIONS ADJUSTMENTS, and it was before the Senate.

Senator Hillyard proposed the following amendment:

1. Page 52, Line 1938:

After Line 1938 insert:

"From General Fund Restricted – Prison Telephone Surcharge Account 1,500,000"

- 2. Page 52, Line 1940: Delete "(55,000)" and insert "1,445,000"
- 3. Page 77, Line 2884: Delete Line 2884
- 4. Page 77, Line 2886: Delete "1,481,100" and insert "481,100"
- 5. Page 77, Lines 2890–2896 Delete Lines 2890–2896

Senator Hillyard's motion to amend passed on a voice vote.

###

Senator Knudson proposed the following amendment:

1. Page 62, Line 2316 to 2322: Delete lines 2316 to 2322

Senator Knudson's motion to amend passed on a voice vote.

###

Senator Jones proposed the following amendment:

- 1. Page 65, Line 2461: Delete "28,100" and insert "218,200"
- Page 65, Line 2462:
 After Line 2462 insert:
 "From General Fund Restricted Medicaid Restricted Account 76,000"
- 3. Page 66, Line 2465:
 After Line 2465 insert:
 "Other Optional Services 266,100"

Senator Jones' motion to amend passed on a voice vote.

###

Senator Hillyard proposed the following amendment:

1. Page 54, Line 2008:

After "Fund" delete "Restricted - Court Security Account"

Senator Hillyard's motion to amend passed on a voice vote.

###

Senator Liljenquist proposed the following amendment:

1. Page 65, Line 2455:

After Line 2455 insert:

"From Federal Funds 1,000,000"

2. Page 65, Line 2456:

After Line 2456 insert:

"From General Fund Restricted - Medicaid Restricted Account 1,000,000"

3. Page 65, Line 2458:

After Line 2458 insert:

"Contracted Health Plans 2,000,000"

Senator Liljenquist's motion to amend passed on a voice vote.

On motion of Senator Hillyard, under suspension of the rules, S.B. 3, APPROPRIATIONS ADJUSTMENTS, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 26; Nays, 2; Absent, 1.

Bell	Bramble	Christensen	Davis
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative were: Senators

Goodfellow McCoy

Absent or not voting was: Senator

Buttars

S.B. 3 was transmitted to the House.

CONCURRENCE CALENDAR

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to **S.B. 190**, ACQUISITION OF A BILLBOARD BY EMINENT DOMAIN. The bill, as amended, passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bramble	Christensen	Davis
Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack
Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund
Romero	Stephenson	Stowell
Valentine	Van Tassell	Waddoups
	Goodfellow Jenkins Liljenquist Morgan Romero	Goodfellow Greiner Jenkins Jones Liljenquist Madsen Morgan Niederhauser Romero Stephenson

Absent or not voting was: Senator

Buttars

S.B. 190 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to **3rd Sub. S.B. 270**, GIFT CARD AMENDMENTS.

On motion of Senator Niederhauser, under suspension of the rules, the Senate voted to consider the bill for the first, second and third time. The bill, as amended, passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard

Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Buttars

3rd Sub. S.B. 270 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Killpack, the Senate voted to lift **H.J.R. 29** to the top of the Second Reading Calendar.

* * *

On motion of Senator Killpack, and at 6:25p.m., the Senate recessed.

EVENING SESSION

The Senate reassembled at 7:50 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 12, 2009

The Speaker of the House has signed **1st Sub. S.B. 23**, INCOME TAXATION OF PASS-THROUGH ENTITIES AND PASS-THROUGH ENTITY TAXPAYERS, by Senator W. Niederhauser, and it is transmitted for the signature of the President: and

The House passed, **3rd Sub. S.B. 76**, ENERGY AMENDMENTS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 163**, CONSTRUCTION TRADE EXEMPTION, by Senator S. Urquhart, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 172**, UNDERINSURED MOTORIST COVERAGE AMENDMENTS, by Senator S. Urquhart, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 176**, CIVIL FEES IN SMALL CLAIMS COURTS AMENDMENTS, by Senator J. Greiner, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 186**, AMENDMENTS TO STATE TAX COMMISSION PENALTY PROVISIONS, by Senator H. Stephenson, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 187**, ALCOHOL AMENDMENTS, by Senator J. Valentine, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 193**, SALVAGE VEHICLES AMENDMENTS, by Senator S. Urquhart, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **3rd Sub. S.B. 208**, UTAH PUBLIC NOTICE WEBSITE AMENDMENTS, by Senator S. Urquhart, et al, and it is transmitted for the signature of the President; and

The House passed, **S.B. 211**, BUILDING CODE AMENDMENTS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 235**, REDISTRIBUTION OF SALES AND USE TAX REVENUES, by Senator J. Valentine, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 243**, JUDICIAL PERFORMANCE EVALUATION COMMISSION MODIFICATIONS, by Senator D. C. Buttars, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 244**, LONG ARM JURISDICTION AMENDMENTS, by Senator W. Niederhauser, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 260**, HOUSING RELIEF RESTRICTED SPECIAL REVENUE FUND, by Senator S. Jenkins, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 269**, PUBLIC UTILITY EASEMENT AMENDMENTS, by Senator G. Bell, and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 23**, JOINT RULES RESOLUTION DATE CHANGES, by Senator M. Dayton, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 23, 3rd Sub. S.B. 76, S.B. 163, S.B. 172, 2nd Sub. S.B. 176, S.B. 186, 1st Sub. S.B. 187, S.B. 193, 3rd Sub. S.B. 208, S.B. 211, 1st Sub. S.B. 235, S.B. 243, S.B. 244, 2nd Sub. S.B. 260, S.B. 269, and S.J.R. 23 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

Mr. President: March 12, 2009

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 35**, HIGHER EDUCATION CONTRIBUTION, by Representative J. Dougall, and it is transmitted for the signature of the President; and

The House adopted the Joint Conference Committee Report dated March 12, 2009, and passed **2nd Sub. H.B. 371**, TRANSPORTATION GOVERNANCE, by Representative W. Harper, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

3rd Sub. H.B. 35 and **2nd Sub. H.B. 371**, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: March 12, 2009

The House adopted the Joint Conference Committee Report dated March 12, 2009, and passed **1st Sub. H.B. 378**, CIRCUIT BREAKER AMENDMENTS, by Representative T. Cosgrove, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

JOINT CONFERENCE COMMITTEE REPORT

The Joint Conference Committee comprised of Sens. Hillyard, Knudson, and Goodfellow, and Reps. Cosgrove, Froerer, and Newbold, recommends **H.B. 378**, CIRCUIT BREAKER AMENDMENTS, by Representative T. Cosgrove, be replaced and favorably recommends **1st Sub. H.B. 378**, CIRCUIT BREAKER AMENDMENTS.

Sen. Lyle Hillyard and Rep. Tim Cosgrove, Chairs

On motion of Senator Hillyard, the Senate voted to adopt the Joint Conference Committee Report and the bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Volentine	Von Tossall	Woddowns	

Valentine Van Tassell Waddoups

Absent or not voting were: Senators Davis Goodfellow

1st Sub. H.B. 378 was returned to the House for further consideration.

Mr. President: March 12, 2009

The House has rejected **3rd Sub. S.B. 199**, EQUAL RECOGNITION OF SCHOOL PARENT GROUPS, by Senator C. Bramble, and it is transmitted for filing.

3rd Sub. S.B. 199 was filed.

CONCURRENCE CALENDAR

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to **1st Sub. S.B. 14**, FINANCIAL INCENTIVES FOR MOTION PICTURE PRODUCTIONS. The bill, as amended, passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Davis Goodfellow Liljenguist

1st Sub. S.B. 14 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, the Senate voted to concur in the House amendments to **1st Sub. S.B. 224**, REUSE OF INDUSTRIAL BYPRODUCT. The bill, as amended, passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Davis Goodfellow Greiner Liljenquist

1st Sub. S.B. 224 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to **1st Sub. S.B. 189**, AMENDMENTS TO SALES AND USE TAX. The bill, as amended, passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Buttars	Christensen	Dayton	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell	Bramble	Davis	Goodfellow
Liljenquist	McCoy		

1st Sub. S.B. 189 was returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Okerlund, **H.J.R. 29**, LEGISLATIVE DIRECTION TO THE PUBLIC EMPLOYEES' BENEFIT AND INSURANCE PROGRAM, was read the second time and circled.

* * *

On motion of Senator Stowell, under suspension of the rules, **1st Sub. H.B. 169**, PUBLIC LANDS POLICY COORDINATION AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	Morgan
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bell Bramble McCoy Niederhauser

1st Sub. H.B. 169 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Liljenquist, the circle was removed from **H.J.R. 29**, LEGISLATIVE DIRECTION TO THE PUBLIC EMPLOYEES' BENEFIT AND INSURANCE PROGRAM, and it was before the Senate. Senator Liljenquist explained the bill.

On motion of Senator Liljenquist, under suspension of the rules, **H.J.R. 29**, LEGISLATIVE DIRECTION TO THE PUBLIC EMPLOYEES' BENEFIT AND INSURANCE PROGRAM, was considered read the second and third times. Senators Romero and Davis commented and the billpassed on the following roll call:

Yeas, 18; Nays, 2; Absent, 9.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Hillyard	Jenkins	Jones
Liljenquist	Madsen	Mayne	Okerlund
Romero	Stowell	Urquhart	Valentine
**			

Van Tassell Waddoups

Voting in the negative were: Senators

Morgan Robles

Absent or not voting were: Senators

Bell	Bramble	Greiner	Hinkins
Killpack	Knudson	McCoy	Niederhauser
~ .			

Stephenson

H.J.R. 29 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Knudson, under suspension of the rules, **4th Sub. H.B. 148**, VICTIM RIGHTS AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 21; Nays, 0; Absent, 8.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Madsen
Mayne	Morgan	Okerlund	Romero
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bell	Bramble	Killpack	Liljenquist
McCov	Niederhauser	Robles	Stephenson

4th Sub. H.B. 148 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Valentine, the circle was removed from **S.B. 268**, TITLE AND ESCROW COMMISSION RELATED AMENDMENTS, and it was before the Senate.

On motion of Senator Valentine the enacting clause was struck.

* * *

On motion of Senator Van Tassell, under suspension of the rules, **1st Sub. H.B. 280**, INSURANCE CODE – CONTINUING EDUCATION, was considered read the second and third times and passed on the following roll call:

Yeas, 20; Nays, 0; Absent, 9.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Greiner	Hillyard	Hinkins	Jenkins
Jones	Knudson	Mayne	Morgan
Okerlund	Romero	Stephenson	Stowell
Urguhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Bell	Bramble	Goodfellow	Killpack
Liljenquist	Madsen	McCoy	Niederhauser
Robles			

1st Sub. H.B. 280 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Stephenson, under suspension of the rules, **H.B. 457**, TRUTH IN MUSIC, was considered read the second and third times and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Greiner	Hillyard	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell Bramble Goodfellow Hinkins

Killpack McCoy

Senator Urquhart declared a conflict of interest.

H.B. 457 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Jenkins, **H.B.** 377, JUDICIAL CODE AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Buttars, under suspension of the rules, **1st Sub. H.B. 404**, DISCLOSURE OF REAL PROPERTY, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bell Bramble Hinkins McCoy

1st Sub. H.B. 404 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Killpack, **H.B. 349**, HEAVY BEER AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Killpack, the Senate voted to lift **H.B. 164** to the top of the Second Reading Calendar.

H.B. 164, MIGRATORY BIRD PRODUCTION AREAS, was read the second time. Senator Mayne commented.

On motion of Senator Dayton, the following substitute bill replaced the original bill:

3rd Sub. H.B. 164 Migratory Bird Production Areas (C. Oda)

On motion of Senator Dayton, under suspension of the rules, **3rd Sub. H.B. 164**, MIGRATORY BIRD PRODUCTION AREAS, was considered read the second and third times and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars Robles

3rd Sub. H.B. 164 was returned to the House for further consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 12, 2009

The House passed, **S.B. 90**, METAL THEFT AMENDMENTS AND PENALTIES, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 190**, ACQUISITION OF A BILLBOARD BY EMINENT DOMAIN, by Senator W. Niederhauser, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **3rd Sub. S.B. 270**, GIFT CARD AMENDMENTS, by Senator W. Niederhauser, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 90, S.B. 190, and **3rd Sub. S.B. 270** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 12, 2009

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 259**, LOCAL GOVERNMENT AMENDMENTS, by Representative S. Sandstrom, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 353**, TRUTH IN ADVERTISING ACT AMENDMENTS, by Representative M. Morley, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 384**, PUBLIC LEWDNESS AMENDMENTS, by Representative D. Ipson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 272**, UTAH SCENIC BYWAY DESIGNATION AMENDMENTS, by Representative C. Herrod, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

2nd Sub. H.B. 259, H.B. 353, H.B. 384, and **3rd Sub. H.B. 272**, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Bramble, under suspension of the rules, **1st Sub. H.B. 326**, FORCIBLE ENTRY AND DETAINER AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Buttars Christensen Robles

1st Sub. H.B. 326 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, under suspension of the rules, **H.B. 309**, COUNTY FISCAL PROCEDURES AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 23; Nays, 2; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Davis	Dayton
Goodfellow	Greiner	Hillyard	Jenkins
Killpack	Knudson	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Hinkins Jones

Absent or not voting were: Senators

Buttars Christensen Liljenguist Robles

H.B. 309 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Stephenson, under suspension of the rules, **H.B. 334**, WRITING ASSESSMENT AND INSTRUCTION, was considered read the second and third times and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Goodfellow	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble Dayton Greiner Liljenquist

Madsen Robles

H.B. 334 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Urquhart, under suspension of the rules, **H.B. 437**, OBSTRUCTION OF NATURAL RESOURCE OR AGRICULTURAL PRODUCTION, was considered read the second and third times and passed on the following roll call:

Yeas, 21; Nays, 1; Absent, 7.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Goodfellow
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Mayne	Morgan
Niederhauser	Okerlund	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative was: Senator

Davis

Absent or not voting were: Senators

Buttars	Dayton	Greiner	Liljenquist
Madsen	McCoy	Robles	

H.B. 437 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Jenkins, **2nd Sub. H.B. 107**, ECONOMIC IMPACT OF ILLEGAL ALIENS, was read the second time and circled.

* * *

On motion of Senator Valentine, under suspension of the rules, **1st Sub. H.B. 143**, VEHICLE TITLE, INSPECTION AND EMISSION TESTING EXEMPTIONS, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Van Tassell Waddoups

Absent or not voting were: Senators

Hillyard Killpack Liljenquist

1st Sub. H.B. 143 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bell, the circle was removed from **H.B. 377**, JUDICIAL CODE AMENDMENTS, and it was before the Senate.

On motion of Senator Bell, under suspension of the rules, **H.B. 377**, JUDICIAL CODE AMENDMENTS,, was considered read the second and third times and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McCoy	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting were: Senators

Buttars Hillyard Killpack Morgan

Valentine

H.B. 377 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Dayton, **H.B. 89**, PROSTHETIC LIMB HEALTH INSURANCE PARITY, was read the second time and circled.

* * *

H.B. 96, STATE RETIREMENT SYSTEM PARTICIPATION FOR CHARTER SCHOOLS, was read the second time.

On motion of Senator Hinkins, the following substitute bill replaced the original bill:

1st Sub. H.B. 96 State Retirement System Participation for Charter Schools (C. Watkins)

On motion of Senator Hinkins, under suspension of the rules, **1st Sub. H.B. 96**, STATE RETIREMENT SYSTEM PARTICIPATION FOR CHARTER SCHOOLS, was considered read the second and third times and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting were: Senators

Buttars Killpack Liljenquist Stephenson

Valentine

1st Sub. H.B. 96 was to the House for further consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 12, 2009

The House passed, **S.B. 3**, APPROPRIATIONS ADJUSTMENTS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 14**, FINANCIAL INCENTIVES FOR MOTION PICTURE PRODUCTIONS, by Senator L. Hillyard, et al, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 189**, AMENDMENTS TO SALES AND USE TAX, by Senator W. Niederhauser, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 3, 1st Sub. S.B. 14, and **1st Sub. S.B. 189** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

March 12, 2009

The House substituted and passed, **2nd Sub. S.B. 230**, CONSTRUCTION PAYMENT AMENDMENTS, by Senator C. Bramble, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

* * *

On motion of Senator Hillyard, the Senate voted to lift **H.B. 391** from Rules and place it at the top of the Second Reading Calendar.

SECOND READING CALENDAR

H.B. 391, BUDGETARY PROCEDURES ACT REVISIONS, was read the second time.

On motion of Senator Hillyard, the bill was circled.

* * *

On motion of Senator Jenkins, the circle was removed from **1st Sub. H.B. 107**, ECONOMIC IMPACT OF ILLEGAL ALIENS, and it was before the Senate. Senators Waddoups, Valentine, and Robles commented

On motion of Senator Jenkins, the bill was circled.

* * *

On motion of Senator Killpack, and at 9:15 p.m., the Senate sauntered.

The Senate was called to order at 9:35 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 12, 2009

The Speaker of the House has signed **1st Sub. S.B. 224**, REUSE OF INDUSTRIAL BYPRODUCT, by Senator C. Bramble, and it is transmitted for the signature of the President. Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 224 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 12, 2009

The House passed, as amended, **S.B. 169**, GAMBLING AMENDMENTS, by Senator D. Liljenquist, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

SECOND READING CALENDAR

On motion of Senator Hillyard, the circle was removed from **H.B. 391**, BUDGETARY PROCEDURES ACT REVISIONS, and it was before the Senate.

On motion of Senator Hillyard, under suspension of the rules, **H.B. 391**, BUDGETARY PROCEDURES ACT REVISIONS, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Goodfellow	Hillyard	Hinkins	Jenkins
Jones	Killpack	Knudson	Liljenquist
Madsen	Mayne	McCoy	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble Buttars Greiner Valentine

H.B. 391 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bell, under suspension of the rules, **1st Sub. H.B. 110**, FINANCIAL TRANSACTION CARD OFFENSES, was considered read the

second and third times. Senator Bramble commented and the bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Van Tassell	Waddoups	

Absent or not voting were: Senators

Madsen Valentine

1st Sub. H.B. 110 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

JOINT CONFERENCE COMMITTEE REPORT

The Joint Conference Committee comprised of Sens. Killpack, McCoy, and Niederhauser, and Reps. Harper, Garn, and Litvack, recommends **1st Sub. H.B. 185**, TRANSPORTATION AMENDMENTS, by Representative W. Harper, be replaced and favorably recommends **3rd Sub. H.B. 185**, TRANSPORTATION AMENDMENTS.

Sen. Sheldon Killpack and Rep. Wayne Harper, Chairs

On motion of Senator Killpack, the Senate voted to adopt the Joint Conference Committee Report and the bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Van Tassell	Waddoups	

Absent or not voting were: Senators

Jenkins Valentine

3rd Sub. H.B. 185 was returned to the House for further consideration.

CONCURRENCE CALENDAR

On motion of Senator Liljenquist, the Senate voted to concur in the House amendments to **S.B. 169**, GAMBLING AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Madsen Urquhart

S.B. 169 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 230**, CONSTRUCTION PAYMENT AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Robles

2nd Sub. S.B. 230 was returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Mayne, under suspension of the rules, **H.B. 206**, EMPLOYMENT SELECTION PROCEDURES, was considered read the second and third times and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

H.B. 206 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 12, 2009

The House passed, as substituted, **1st Sub. H.B. 178**, HEALTH INSURANCE AND PROGRAM AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed **H.J.R. 23**, JOINT RULES RESOLUTION – EXECUTIVE APPROPRIATIONS COMMITTEE AMENDMENTS, by Representative B. Ferry, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 178** and **H.J.R. 23** were read the first time and referred to the Rules Committee.

On motion of Senator Killpack, the Senate voted to lift **1st Sub. H.B. 178** and **H.J.R. 23** to the top of the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Liljenquist, under suspension of the rules, **1st Sub. H.B. 178**, HEALTH INSURANCE AND PROGRAM AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

1st Sub. H.B. 178 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Stephenson, under suspension of the rules, **H.J.R. 23**, JOINT RULES RESOLUTION – EXECUTIVE APPROPRIATIONS COMMITTEE AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

H.J.R. 23 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.B. 237, CRIMINAL PENALTIES AMENDMENTS – LEAVING THE SCENE OF AN ACCIDENT, was read the second time. Senator Liljenquist explained the bill. Senator Hillyard commented.

On motion of Senator Liljenquist, the bill was circled.

* * *

On motion of Senator Greiner, under suspension of the rules, **H.B. 411**, UTAH TECHNOLOGY GOVERNANCE ACT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Robles	Romero	Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Buttars

H.B. 411 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 12, 2009

The House concurred in the Senate amendments and passed **1st Sub. H.B. 96**, STATE RETIREMENT SYSTEM PARTICIPATION FOR CHARTER SCHOOLS, by Representative C. Watkins, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 164**, MIGRATORY BIRD PRODUCTION AREAS, by Representative C. Oda, et al, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. H.B. 96 and **3rd Sub. H.B. 164**, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: March 12, 2009

The House passed, as amended, **S.B. 214**, OFFICE OF CONSUMER SERVICES ACT, by Senator J. Valentine, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

SECOND READING CALENDAR

On motion of Senator Liljenquist, the circle was removed from **1st Sub. H.B. 237**, CRIMINAL PENALTIES AMENDMENTS – LEAVING THE SCENE OF AN ACCIDENT, and it was before the Senate.

On motion of Senator Liljenquist, under suspension of the rules, **1st Sub. H.B. 237**, CRIMINAL PENALTIES AMENDMENTS – LEAVING THE SCENE OF AN ACCIDENT, was considered read the second and third times and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Stowell

1st Sub. H.B. 237 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

CONCURRENCE CALENDAR

On motion of Senator Valentine, the Senate voted to concur in the House amendments to **S.B. 214**, OFFICE OF CONSUMER SERVICES ACT. The bill, as amended, passed on the following roll call:

Yeas, 23; Nays, 2; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	Niederhauser	Okerlund
Robles	Romero	Stephenson	Urquhart
Valentine	Van Tassell	Waddouns	

Valentine Van Tassell Waddoups

Voting in the negative were: Senators

McCoy Morgan

Absent or not voting were: Senators

Buttars Hinkins Killpack Stowell

S.B. 214 was returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 12, 2009

The House adopted the Joint Conference Committee Report dated March 12, 2009, and passed **3rd Sub. H.B. 185**, TRANSPORTATION AMENDMENTS, by Representative W. Harper, and it is transmitted for the signature of the President; and

The House adopted the Joint Conference Committee Report dated March 12, 2009, and passed **1st Sub. H.B. 378**, CIRCUIT BREAKER AMENDMENTS, by Representative T. Cosgrove, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

3rd Sub. H.B. 185 and **1st Sub. H.B. 378** were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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Mr. President: March 12, 2009

The House passed, **1st Sub. S.B. 228**, PROHIBITION ON INTERNET OR MAIL-ORDER SALES OF TOBACCO PRODUCTS, by Senator M. Dayton, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 169**, GAMBLING AMENDMENTS, by Senator D. Liljenquist, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 230**, CONSTRUCTION PAYMENT AMENDMENTS, by Senator C. Bramble, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 228, S.B. 169, and **2nd Sub. S.B. 230** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

SECOND READING CALENDAR

On motion of Senator Robles, under suspension of the rules, **H.B. 436**, STATE PROHIBITION OF SUDAN RELATED CONTRACTS, was considered read the second and third times. Senators Bramble, Liljenquist, and Urquhart commented and the bill passed on the following roll call:

Yeas, 24; Nays, 5; Absent, 0.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Jones	Killpack	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Urquhart	Van Tassell	Waddoups

Voting in the negative were: Senators

Bell Hinkins Jenkins Knudson

Valentine

H.B. 436 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 12, 2009

The House substituted, amended, and passed, **2nd Sub. S.B. 272**, DRIVER LICENSE SANCTIONS AND SENTENCING REQUIREMENTS FOR DRIVING UNDER THE INFLUENCE AND ALCOHOL RELATED OFFENSES, by Senator S. Jenkins, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

CONCURRENCE CALENDAR

On motion of Senator Jenkins, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 272**, DRIVER LICENSE SANCTIONS AND SENTENCING REQUIREMENTS FOR DRIVING UNDER THE INFLUENCE AND ALCOHOL RELATED OFFENSES. Senator Greiner commented. The bill, as amended, passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Mayne	McCoy
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Goodfellow Madsen

2nd Sub. S.B. 272 was returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 12, 2009

The House substituted and passed, **2nd Sub. S.J.R. 6**, LEGISLATOR COMMUNICATIONS WITH JUDICIARY JOINT RULES RESOLUTION, by Senator J. Valentine, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

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Mr. President: March 2, 2009

The House passed, **2nd Sub. S.B. 131**, LAW ENFORCEMENT SERVICE IN LOCAL DISTRICTS AND INTERLOCAL ENTITIES, by Senator S. Jenkins, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 188**, IMPROVEMENT DISTRICT – PROVIDING ELECTRIC SERVICE, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 213**, RESTAURANT NUTRITION LABELING, by Senator H. Stephenson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 214**, OFFICE OF CONSUMER SERVICES ACT, by Senator J. Valentine, and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 65**, AMENDMENTS TO PROPERTY TAX NOTICE, PUBLIC HEARING, AND RESOLUTION PROVISIONS, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President

Sandy D. Tenney, Chief Clerk

2nd Sub. S.B. 131, S.B. 188, S.B. 213, S.B. 214 and **1st Sub. S.B. 65** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

March 12, 2009

The House has rejected **1st Sub. S.B. 159**, MATH EDUCATION INITIATIVE, by Senator H. Stephenson, and it is transmitted for filing.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 159 was filed.

CONCURRENCE CALENDAR

On motion of Senator Valentine, the Senate voted to concur in the House amendments to **2nd Sub. S.J.R. 6**, LEGISLATOR COMMUNICATIONS WITH JUDICIARY AND EXECUTIVE BRANCH JOINT RULES RESOLUTION. The bill, as amended, passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Madsen
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Robles	Romero	Stephenson
Stowell	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Urquhart

2nd. Sub. S.J.R. 6 was returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 12, 2009

The Speaker of the House has signed **2nd Sub. S.J.R. 6**, LEGISLATOR COMMUNICATIONS WITH JUDICIARY JOINT RULES RESOLUTION, by Senator J. Valentine, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 272**, DRIVER LICENSE SANCTIONS AND SENTENCING REQUIREMENTS FOR DRIVING UNDER THE INFLUENCE AND ALCOHOL RELATED OFFENSES, by Senator S. Jenkins, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

2nd Sub. S.J.R. 6 and **2nd Sub. S.B. 272** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

On motion of Senator Killpack, the Senate struck the enacting clause on all Senate bills and resolutions remaining on the calendar and with the Rules Committee and ordered them filed.

President Michael Waddoups directed Annette Moore and Leslie McLean to read, revise, and make minor corrections to the Daily Senate Journals and be responsible for certifying the indexed and bound copy as the accurate record of the proceedings of the 2009 General Session of the Fifty–Eighth Legislature.

President Waddoups appointed Senators John Valentine, Steve Urquhart, and Gene Davis to wait upon the Governor and ask if he has any further business to bring before the Senate.

President Waddoups appointed Senators Peter Knudson, Margaret Dayton and Luz Robles to notify the House of Representatives that the Senate has concluded its business and is ready to adjourn sine die.

Senator Sheldon Killpack and Senator Patricia Jones expressed appreciation to the opposite party.

Senator Allen Christensen, Chairman of the Employee Committee, asked that all Senate employees stand and receive the thanks of the Senators. He also

expressed thanks to all the legislative employees serving in the Office of Legislative Research and General Counsel, Fiscal Analyst, Auditor General, and to the employees in Legislative Printing.

Senator Christensen also expressed appreciation to the Senate interns for the exceptional work they have done throughout the session.

On motion of Senator Christensen, the Senate voted to give each member of the Senate staff an additional 8 hours' compensation at the rates established for each employee.

President Waddoups expressed appreciation to Senator Killpack, Senator Jenkins, Senator Bell, Senator Dayton, and Senator Lyle Hillyard for his excellent service as Appropriations Chairman and Senator Peter Knudson for his service as Appropriations Vice–Chairman.

Senator Knudson reported the House has been notified that the business of the Senate has concluded and the Senate is ready to adjourn sine die.

Senator Valentine reported that his committee, with a like committee from the House of Representatives had notified the Governor. The Governor asked that the committee convey to each house that he has no further business to bring before the legislature but that he would like to speak before each house prior to their adjournment sine die.

Governor Jon M. Huntsman Jr. made closing remarks and expressed appreciation to the Senate.

On motion of Senator Killpack and at 12:00 a.m., the Senate adjourned sine die.

SENATE STRUCK ENACTING CLAUSE HOUSE BILLS AND RESOLUTIONS

Mr. Speaker: March 12, 2009

I am directed to inform the House of Representatives that the Senate on this day struck the enacting clause on the following House Bills and Resolutions:

H.B. 48	Ballot Question Amendments (Rep. K. Grover)
1st Sub. H.B. 49	Voter Challenge Amendments (Rep. N. Hansen)
H.B. 70	Cigarette Tax Exemption Amendments (Rep. E. Vickers)
H.B. 76	Income Tax Credit for Military Retired Pay
	(Rep. S. Mascaro)
H.B. 83	Property Tax Relief Programs (Rep. G. Froerer)

H.B. 89	Prosthetic Limb Health Insurance Parity
	(Rep. D. Litvack)
H.B. 101	Assertive Community Mental Health Treatment Pilot
	Program (Rep. C. Moss)
2nd Sub. H.B. 107	Economic Impact of Illegal Aliens (Rep. S. Clark)
H.B. 122	Government Records Access and Management Act
	Amendments (Rep. D. Aagard)
H.B. 124	Insurance Coverage for Eosinophilic Gastrointestinal
	Disorders and Short Bowel Syndrome (Rep. C. Johnson)
H.B. 125	Impact Fee Amendments (Rep. K. Powell)
H.B. 140	Motor Vehicle Registration Fee Amendments
	(Rep. C. Frank)
1st Sub. H.B. 145	Workplace Drug Testing Programs (Rep. T. Beck)
1st Sub. H.B. 150	State Board of Education Member Election Process
	Amendments (Rep. C. Moss)
H.B. 171	Legal Immigrant Children Health Care Amendments
	(Rep. K. Holdaway)
H.B. 184	Income Tax Credit for a Disabled Dependent
	(Rep. J. Dougall)
H.B. 201	Municipal Disincorporation Amendments
	(Rep. G. Froerer)
1st Sub. H.B. 204	Concealed Firearms Instructors Amendments
	(Rep. C. Oda)
1st Sub. H.B. 207	Concurrent Enrollment Amendments (Rep. K. Holdaway)
H.B. 221	County Correctional Facilities Funding Amendments
	(Rep. M. Noel)
H.B. 238	Exemption of University Housing from Eviction Laws
	(Rep. K. Holdaway)
2nd Sub. H.B. 246	Property Tax – Residential Exemption (Rep. G. Froerer)
H.B. 270	Parent-time Holiday and Notification Amendments
	(Rep. L. Fowlke)
H.B. 276	Custodial Interference Amendments (Rep. C. Wimmer)
H.B. 298	Juvenile Transfers from Justice Court (Rep. K. McIff)
1st Sub. H.B. 311	Utah State Railroad Museum Authority (Rep. N. Hansen)
H.B. 312	Amended Campaign Finance Filings (Rep. S. Allen)
H.B. 314	DNA Sample for Criminal Offenses – Amendments
	(Rep. R. Greenwood)
H.B. 316	Time Limitation for Prosecution of Environmental
	Crimes (Rep. C. Wimmer)
H.B. 322	Tire Recycling Fee Modifications (Rep. N. Hendrickson)
H.B. 325	Opting Out of the Real ID Act (Rep. S. Sandstrom)
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Н.В. 333	Motor Vehicle Impound Amendments (Rep. C. Oda)
1st Sub. H.B. 337	Choose Life Special Group License Plate
	(Rep. C. Herrod)
1st Sub. H.B. 347	Alcoholic Beverage Control Act Modifications
	(Rep. G. Hughes)
H.B. 349	Heavy Beer Amendments (Rep. C. Oda)
H.B. 351	Court Fees Amendments (Rep. C. Oda)
H.B. 362	Government Records Amendments (Rep. G. Hughes)
1st Sub. H.B. 370	Disabled Parking Violation Amendments
	(Rep. S. Mascaro)
H.B. 376	Revisions to Alcoholic Beverage Control Act
	(Rep. G. Hughes)
H.B. 379	Environmental Litigation Bond (Rep. M. Noel)
H.B. 387	Motorcycle Helmet Amendments (Rep. R. Menlove)
H.B. 418	Delinquent Property Tax Amendments (Rep. G. Froerer)
1st Sub. H.B. 439	Amendments to City or Town Sales and Use Tax for
	Botanical, Cultural, Recreational, and Zoological
	Organizations or Facilities (Rep. K. Holdaway)
H.B. 450	Trademark Amendments (Rep. B. Last)
H.B. 451	Public Employees' Benefit and Insurance Program
	Amendments (Rep. B. Dee)
H.C.R. 2	Healthy Family Partnership Concurrent Resolution
	(Rep. C. Oda)
H.C.R. 7	Concurrent Resolution Expressing Opposition to the
	Congressional Enactment of the National Landscape
	Conservation System (Rep. M. Brown)
H.J.R. 13	Joint Resolution – Teacher Performance Pay
	(Rep. M. Poulson)
1st Sub. H.J.R. 17	Joint Resolution Urging Congressional and Presidential
	Opposition to Federal Bailouts and Promotion of Fiscal
	Responsibility (Rep. C. Frank)
H.J.R. 22	Joint Resolution – Utah's Medicaid Asset Test
	(Rep. R. Chavez–Houck)

H.J.R. 25 Joint Resolution Urging Employers to Hire Only Individuals Who Are Authorized to Work in the United States (Rep. C. Herrod)

Annette Moore Secretary of the Senate

HOUSE STRUCK ENACTING CLAUSE SENATE BILLS AND RESOLUTIONS

Mr. President: March 12, 2009

I am directed to inform the Utah State Senate that the House Committee on Rules has struck the enacting clause on the following Senate Bills and Resolutions:

CD 10	Department of Community and Culture State Owned
S.B. 10	Department of Community and Culture – State–Owned
	Art Inventory (M. Madsen)
S.B. 19	Criminal Offense Penalties Amendment (J. Greiner)
S.B. 33	Utility Transmission Corridor Siting Task Force
	(S. Jenkins)
2nd Sub. S.B. 38	Severance Tax Amendments (J. Valentine)
S.B. 43	Insurance Coverage for Autism Spectrum Disorders –
	Clay's Law (H. Stephenson)
S.B. 49	Small Business Access to Justice Act (R. Romero)
S.B. 58	Collection and Use of Precipitation (S. McCoy)
S.B. 59	Allocation and Apportionment of Income and Deduction
	of a Net Loss (H. Stephenson)
1st Sub. S.B. 63	Modifications to Recording Requirements (R. Okerlund)
S.B. 64	Administrative Rules Review Committee (H. Stephenson)
S.B. 67	Miners' Safety and Training (L. Robles)
1st Sub. S.B. 69	Proof of Citizenship Required to Vote (M. Madsen)
S.B. 74	At–Risk Student Provisions (L. Robles)
S.B. 77	Grants for Licensed Teachers Amendments (M. Madsen)
S.B. 82	Local Health Authority Funding Amendments
	(D. Stowell)
S.B. 119	Hospital Emergency Room Task Force (D. Buttars)
S.B. 128	Rainwater Harvesting (S. Jenkins)
1st Sub. S.B. 132	Individual Income Tax Contribution for
	Methamphetamine Housing Reconstruction and
	Rehabilitation (K. Mayne)
S.B. 149	Prohibition of Text Messaging or Electronic Mail
J.D. 117	Communication While Driving (L. Hillyard)
	Communication while Driving (L. Hillyard)

S.B. 154	Juvenile Court Judge-Fifth District (S. Urquhart)
S.B. 166	Alcoholic Beverage Control Act – Days of Sale
	(S. McCoy)
S.B. 179	Safety Belt Enforcement Amendments (C. Bramble)
S.B. 215	Justice for All Special Group License Plate (G. Bell)
S.B. 225	Health Amendments for Legal Immigrant Children
	(L. Robles)
S.B. 245	Uniform Fees on Motorcycles (B. Goodfellow)
S.B. 258	Medicaid Drug Program Amendments (L. Hillyard)
S.J.R. 12	Joint Resolution Supporting Expansion of Correctional
	Facilities in San Juan County (D. Hinkins)
S.J.R. 18	Joint Resolution on Fiscal Note Process
	(W. Niederhauser)
S.J.R. 21	Joint Resolution on Combating and Reducing Gang
	Activity (L. Robles)
	Sandy Tenney

Sandy Tenney Chief Clerk of the House

Mr. President: March 12, 2009

The Rules Committee recommends the enacting clause be stricken on the following Senate Bills and Resolutions and they be filed:

S.B. 30	Enhancement of Truth in Advertising Act
	(Sen. M. Dayton)
1st Sub. S.B. 32	Wrongful Death Amendments (Sen. S. McCoy)
S.B. 34	Amendments to Sales and Use Tax Exemption for Certain
	Machinery, Equipment, or Parts (Sen. W. Niederhauser)
S.B. 42	Nuclear Power Distribution and Generation
	(Sen. S. McCoy)
S.B. 44	Coal Mining and Reclamation Amendments
	(Sen. G. Davis)
S.B. 45	Concealed Firearm Permit for Retired Peace Officer
	(Sen. B. Goodfellow)
S.B. 46	School Property Tax Equalization Amendments
	(Sen. K. Morgan)
1st Sub. S.B. 47	County Regional Facilities Property Tax (Sen. G. Davis)
S.B. 48	Teacher Licensing by Competency Amendments
	(Sen. D. C. Buttars)
S.B. 55	Governor's Interagency Coordinating Council on Health
	Disparities and Economic Self-sufficiency
	(Sen. L. Robles)

S.B. 60	Districts Providing Service to Taxed Property
a =	(Sen. M. Waddoups)
S.B. 61	Home School and Private School Students' Participation
G 72 - 44	in Extracurricular Activities (Sen. M. Madsen)
S.B. 62	Insurance Coverage for Essential Medical Services
C.D. =4	(Sen. M. Waddoups)
S.B. 71	Forest Reserve Fund Amendments (Sen. R. Okerlund)
S.B. 72	Taxes on Motor Fuels (Sen. J. Valentine)
S.B. 86	Amendments to Preferred Drug List (Sen. A. Christensen)
S.B. 89	Public Safety Retirement Death Benefit Modifications
	(Sen. J. Greiner)
S.B. 96	Concealed Firearm Permit Residency Requirement
	(Sen. S. McCoy)
S.B. 101	State Ethics Commission (Sen. S. McCoy)
1st Sub. S.B. 106	Alcoholic Beverage Control Act Restrictions
	(Sen. S. McCoy)
S.B. 109	Local School Funding Legislative Task Force
	(Sen. D. C. Buttars)
S.B. 113	Delayed Effective Date for Illegal Immigration
	Legislation (Sen. P. Jones)
2nd Sub. S.B. 114	Tobacco Tax Amendments (Sen. A. Christensen)
S.B. 123	School District Division Process (Sen. L. Hillyard)
S.B. 125	Interest on Personal Injury Judgments (Sen. R. Okerlund)
S.B. 130	Income Tax Credit - Contributions for Which Federal
	Matching Monies Are Offered (Sen. S. McCoy)
S.B. 144	Pete Suazo Memorial Highway (Sen. L. Robles)
S.B. 151	Driver License Defensive Driving Course Amendments
	(Sen. K. Van Tassell)
1st Sub. S.B. 159	Math Education Initiative (Sen. H. Stephenson)
S.B. 164	In Person Voter Registration (Sen. S. McCoy)
S.B. 168	Alcoholic Beverage Control Act – Hours Restrictions
	(Sen. S. McCoy)
S.B. 174	Redistricting Commission (Sen. R. Romero)
S.B. 175	Signage Requirements Relating to Children and Animals
	in Parked Cars (Sen. K. Mayne)
S.B. 177	New School District Amendments (Sen. D. C. Buttars)
S.B. 178	Class B and C Roads Amendments (Sen. K. Van Tassell)
S.B. 181	Criminal Prosecution Amendments (Sen. D. Liljenquist)
S.B. 191	Life Insurance and Viatical Settlements Related
	Amendments (Sen. W. Niederhauser)
S.B. 194	Nondiscrimination Amendments (Sen. S. McCoy)
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S.B. 195	Public Employee Defined Contribution Amendments
C.D. 107	(Sen. D. Liljenquist)
S.B. 196	Liquor Purchase Price for Licensees (Sen. S. McCoy)
S.B. 197	Alcoholic Beverage Resort License (Sen. S. McCoy)
S.B. 198	Escaped Property Tax Amendments (Sen. H. Stephenson)
3rd Sub. S.B. 199	Equal Recognition of School Parent Groups (Sen. C. Bramble)
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Rules Committee Chair

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	House	Senate	Total
Bills Introduced	400	230	630
Bills Passed	244	156	400
Bills Vetoed	2	0	2
Line Items Vetoed	0	1	1
Total Bills Enacted	242	156	398
Concurrent Resolutions Introduced	10	4	14
Joint Resolutions Introduced	29	21	50
House & Senate Resolutions Introduced	4	6	10
Total Resolutions Introduced	43	31	74
Concurrent Resolutions Passed	8	4	12
Joint Resolutions Passed	16	15	31
House & Senate Resolutions Passed	4	4	8
Total Resolutions Passed	28	23	51

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	2002	2003	2004	2005	2006	2007	2008
Bills Introduced	664	706	673	670	663	685	694
Bills Passed	380	392	419	370	371	392	400
Bills Vetoed	3	4	6	2	4	0	1
Vetos Overridden	1	0	0	0	0	0	0
Joint Resolutions							
Introduced	31	40	36	41	38	29	50
Joint Resolutions Passed	23	21	18	32	17	15	31
Concurrent Resolutions							
Introduced	17	22	21	24	11	12	14
Concurrent Resolutions							
Passed	11	11	16	20	5	12	12
House & Senate							
Resolutions Introduced	14	17	14	13	7	5	10
House & Senate							
Resolutions Passed	10	13	10	9	6	4	8

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S.B. 35 — SA	Read the first time by short title and referred to the Rules Committee. 8 Placed on calendar . 10 Read the second time . 13 Circled . 13 Enacting Clause Stricken . 104 LES AND USE TAX DEFINITIONS RELATING TO PROPERTY (W. Niederhauser) Read the first time by short title and referred to the Rules Committee . 8 Assigned to standing committee . 9 Read the second time and placed on Consent Calendar . 19 Read the third time . 25 Transmitted to the House . 25 Placed on Concurrence Calendar . 73 Concurrence . 76 Returned to the House . 76
	Read the first time by short title and referred to the Rules Committee. 8 Placed on calendar . 10 Read the second time . 13 Circled . 13 Enacting Clause Stricken . 104 LES AND USE TAX DEFINITIONS RELATING TO PROPERTY (W. Niederhauser) Read the first time by short title and referred to the Rules Committee . 8 Assigned to standing committee . 9 Read the second time and placed on Consent Calendar . 19 Read the third time . 25 Transmitted to the House . 25 Placed on Concurrence Calendar . 73 Concurrence . 76 Returned to the House . 76 Signed by the President and transmitted to the Governor . 80
	Read the first time by short title and referred to the Rules Committee. 8 Placed on calendar
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	Read the first time by short title and referred to the Rules Committee. 8 Placed on calendar
	Read the first time by short title and referred to the Rules Committee. 8 Placed on calendar

S.B. 37 — UTA	AH SUBSTANCE ABUSE AND ANTI–VIOLENCE COORDINATING COUNCIL AMENDMENTS (K. Van Tassell)	
	Read the first time by short title and referred to the Rules Committee	82
	Placed on calendar	
	Read the second time	
	Circled	
	Uncircled	
	Read the third time	
	Signed by the President and transmitted to the Governor	
CD 20 CE	/ERANCE TAX AMENDMENTS (J. Valentine)	۷4
3.D. 30 SE	Read the first time by short title and referred to the Rules Committee	82
	Placed on calendar	
	Read the second time	
	Amendments	31
	Read the third time	49
	Transmitted to the House	
	Enacting Clause Stricken	39
S.B. 39 IMI	MIGRATION AMENDMENTS (S. Jenkins)	
	Read the first time by short title and referred to the Rules Committee	82
	Placed on calendar	09
	Read the second time	33
	Circled	
	Uncircled	
	Amendments	
	Read the third time	
	Transmitted to the House	
	Placed on Concurrence Calendar	
	Concurrence	
	Returned to the House)Z
G T 40 T 17	•	
S.B. 40 — LA	WFUL PRESENCE VERIFICATION FOR ISSUANCE OF A DRIVER LICENSE C	R
	IDENTIFICATION CARD (C. Bramble) Read the first time by short title and referred to the Rules Committee	ຂາ
	Placed on calendar	
	Read the second time	
	Read the third time	
	Circled	
	Uncircled	
	Transmitted to the House	58
	Signed by the President and transmitted to the Governor	02
S.B. 41 SIT	ING OF HIGH VOLTAGE POWER LINE ACT (P. Knudson)	
5121 12 511	Read the first time by short title and referred to the Rules Committee	82
	Assigned to standing committee	
	Substituted	47
	Committee report adopted and placed on calendar	76
	Read the second time	
	Read the second and third time	
	Transmitted to the House	
	Signed by the President and transmitted to the Governor	28
S.B. 42 NU	CLEAR POWER DISTRIBUTION AND GENERATION (S. McCoy)	
	Read the first time by short title and referred to the Rules Committee	82
	Enacting Clause Stricken	40

S.B. 43 — INS	URANCE COVERAGE FOR AUTISM SPECTRUM DISORDERS – CLAY'S LAW (H. Stephenson)		
	Read the first time by short title and referred to the Rules Committee.		. 82
	Assigned to standing committee		
	Amendments	329, 570,	600
	Committee report adopted and placed on calendar		
	Placed on Time Certain Calendar		
	Read the second time		
	Circled		
	Uncircled		
	Transmitted to the House		
	Enacting Clause Stricken		
S B 44 CO	AL MINING AND RECLAMATION AMENDMENTS (G. Davis)		
5.D. 44 CO.	Read the first time by short title and referred to the Rules Committee.		82
	Assigned to standing committee		. 93
	Returned to the Rules Committee		225
	Enacting Clause Stricken		
SR 45 CO	NCEALED FIREARM PERMIT FOR RETIRED PEACE OFFICER (B.		
5.D. 4 3 CO	Read the first time by short title and referred to the Rules Committee.	Оддијено	w) 82
	Assigned to standing committee		
	Returned to the Rules Committee		688
	Enacting Clause Stricken		
C D 46 CCI	HOOL PROPERTY TAX EQUALIZATION AMENDMENTS (K. Morga		
5.D. 40 5CI	Read the first time by short title and referred to the Rules Committee.	n)	82
	Assigned to standing committee		. 62 206
	Returned to the Rules Committee		200 428
	Motion to lift from Rules		
	Placed on calendar		
	Enacting Clause Stricken		
S R 47 GR	ANT IN LIEU OF PROPERTY TAXES ACT (G. Davis)		
3.D. 47 GK	Read the first time by short title and referred to the Rules Committee.		82
	Assigned to standing committee		109
	Substituted		
	Returned to the Rules Committee	′	719
	Enacting Clause Stricken		
S R 48 TE	ACHER LICENSING BY COMPETENCY AMENDMENTS (D. C. Butt	are)	
5.D. 40 1L	Read the first time by short title and referred to the Rules Committee.		111
	Assigned to standing committee		
	Committee report adopted and placed on calendar		173
	Read the second time		
	Circled	296,	335
	Uncircled	321,	339
	Amendments		
	Read the third time		
	Transmitted to the House		
	Filed		
	Enacting Clause Stricken	10	040
S.B. 49 — SM	ALL BUSINESS ACCESS TO JUSTICE ACT (R. Romero)		
	Read the first time by short title and referred to the Rules Committee.		
	Assigned to standing committee		137
	Committee report adopted and placed on calendar		173
	Read the second time		
	Read the third time		293
	Transmitted to the House		293
	Enacting Clause Stricken	10	U39

S.B. 50 — RES	STRICTING THE MOVEMENT OF A MOTOR VEHICLE (B. Goodfellow) Read the first time by short title and referred to the Rules Committee	
	Assigned to standing committee	
	Committee report adopted and placed on calendar	
	Read the second time	
	Read the third time	
	Transmitted to the House	
	Placed on Concurrence Calendar	
	Concurrence	
	Returned to the House	
	Signed by the President and transmitted to the Governor	. 578
S.B. 51 RES	STITUTION FUND ACCOUNT (D. Liljenquist)	
	Read the first time by short title and referred to the Rules Committee	. 111
	Assigned to standing committee	. 137
	Committee report adopted and placed on calendar	
	Read the second time	
	Amendments	
	Read the third time	
	Transmitted to the House	
	Signed by the President and transmitted to the Governor	. 912
S.B. 52 NEV	W MOTOR VEHICLE FRANCHISE AMENDMENTS (S. Killpack)	
	Read the first time by short title and referred to the Rules Committee	. 126
	Assigned to standing committee	
	Committee report adopted and placed on calendar	
	Read the second time	
	Substituted	
	Read the third time	
	Transmitted to the House	
	Signed by the President and transmitted to the Governor	. 890
S.B. 53 — AWA	ARDING OF ATTORNEY FEES (S. Urquhart)	
	Read the first time by short title and referred to the Rules Committee	
	Assigned to standing committee	. 153
	Substituted	
	Amendments	
	Committee report adopted and placed on calendar	
	Read the second time	
	Read the third time	
	Transmitted to the House	. 616
	Recalled	
	Before the Senate	
	Transmitted to the House	
		. 675
S.B. 54 — UNI	IFORM LAW – UNIFORM ASSIGNMENT OF RENTS ACT (R. Romero)	
	Read the first time by short title and referred to the Rules Committee	
	Assigned to standing committee	. 188
	Committee report adopted and placed on calendar	
	Read the second time	
	Read the third time	
	Transmitted to the House	
	Signed by the President and transmitted to the Governor	750
S.B. 55 — GO	VERNOR'S INTERAGENCY COORDINATING COUNCIL ON HEALTH	. 750
	DISPARITIES AND ECONOMIC SELF–SUFFICIENCY (L. Robles)	
	Read the first time by short title and referred to the Rules Committee	. 146
	Enacting Clause Stricken	1040

S.B. 56 — MIL	ITARY INSTALLATION DEVELOPMENT AUTHORITY AMENDMENTS (S. Killpack)	
	Read the first time by short title and referred to the Rules Committee	188
	Amendments	265
	Committee report adopted and placed on calendar	
	Substituted	
	Circled	
	Uncircled	
	Read the third time	
	Transmitted to the House	
	Placed on Concurrence Calendar	
	Concurrence	
	Signed by the President and transmitted to the Governor	
S.B. 57 — LOO	CAL OPTION TRANSPORTATION CORRIDOR PRESERVATION FUND AMENDMENTS (R. Okerlund)	
	Read the first time by short title and referred to the Rules Committee	174
	Assigned to standing committee	
	Amendments	
	Read the second time and placed on Consent Calendar	
	Read the third time	
	Placed on Concurrence Calendar	
	Concurrence	
	Returned to the House	
	Signed by the President and transmitted to the Governor	983
	LECTION AND USE OF PRECIPITATION (S. McCoy) Read the first time by short title and referred to the Rules Committee	207
	Assigned to standing committee	
	Committee report adopted and placed on calendar	250
	Read the second time	470
	Read the third time	
	Transmitted to the House	
	Enacting Clause Stricken	.039
	OCATION AND APPORTIONMENT OF INCOME AND DEDUCTION OF A NET LOSS (H. Stephenson)	
	Read the first time by short title and referred to the Rules Committee	
	Assigned to standing committee	
	Read the second time	575
	Amendments	
	Read the third time	
	Transmitted to the House	
	Enacting Clause Stricken	.039
S.B. 60 DIS	TRICTS PROVIDING SERVICE TO TAXED PROPERTY (M. Waddoups)	
	Read the first time by short title and referred to the Rules Committee	
	Assigned to standing committee	
	Enacting Clause Stricken	
	Enacting Citation Stricken	

S.B. 61 — HO	ME SCHOOL AND PRIVATE SCHOOL STUDENTS' PARTICIPATION IN EXTRACURRICULAR ACTIVITIES (M. Madsen)
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Read the second time
	Read the third time
	Failed
	Filed
	Reconsideration
	Circled
	Uncircled
	Amendments
	Enacting Clause Stricken
S.B. 62 INS	SURANCE COVERAGE FOR ESSENTIAL MEDICAL SERVICES (M. Waddoups)
	Read the first time by short title and referred to the Rules Committee
	Enacting Clause Stricken
S.B. 63 MO	DIFICATIONS TO RECORDING REQUIREMENTS (R. Okerlund)
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Substituted
	Amendments
	Committee report adopted and placed on calendar
	Corrected Committee report adopted and placed on calendar
	Amendments
	Read the third time
	Transmitted to the House
	Enacting Clause Stricken
S.B. 64 AD	MINISTRATIVE RULES REVIEW COMMITTEE (H. Stephenson)
SIDI OI TID	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Read the second time
	Amendments
	Read the third time
	Transmitted to the House
~	e e e e e e e e e e e e e e e e e e e
S.B. 65 AM	ENDMENTS TO PROPERTY TAX NOTICE, PUBLIC HEARING, AND
	RESOLUTION PROVISIONS (<i>D. Stowell</i>) Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Read the second time
	Amendments
	Read the third time
	Substituted
	Transmitted to the House
	Signed by the President and transmitted to the Governor
S.B. 66 — HIC	GHWAY DESIGNATION AMENDMENTS (D. Hinkins)
	Read for the first time
	Placed on calendar
	Transmitted to the House
	Signed by the President and transmitted to the Governor 983

S.B. 67 — MINERS' SAFETY AND TRAINING (L. Robles)	
Read the first time by short title and referred to the Rules Committee	310
Assigned to standing committee	
Committee report adopted and placed on calendar	380
Read the second time	
Amendments	642
Read the third time	661
Transmitted to the House	662
Enacting Clause Stricken	1039
S.B. 68 — MINING PROTECTION AMENDMENTS (S. Killpack)	
Read the first time by short title and referred to the Rules Committee	
Assigned to standing committee	
Committee report adopted and placed on calendar	
Read the second time	
Circled	
Uncircled	
Substituted	
Amendments	
Read the third time	
Transmitted to the House	853
Placed on Concurrence Calendar	951
Concurrence	956
Returned to the House	957
Signed by the President and transmitted to the Governor	983
S.B. 69 — PROOF OF CITIZENSHIP REQUIRED TO VOTE (M. Madsen)	
Read the first time by short title and referred to the Rules Committee	272
Assigned to standing committee	
Committee report adopted and placed on calendar	387
Read the second time	664
Substituted	
Circled	
Uncircled	
Amendments	
Read the second and third time	
Transmitted to the House	
Enacting Clause Stricken	
S.B. 70 — DEPARTMENT OF ENVIRONMENTAL QUALITY AMENDMENTS (<i>M. D.</i> Read the first time by short title and referred to the Rules Committee	ayton)
Assigned to standing committee	301
Committee report adopted and placed on calendar	750
Read the second time	
Transmitted to the House	
Signed by the President and transmitted to the Governor	952

S.B. 71 — FOREST RESERVE FUND AMENDMENTS (R. Okerlund) Enacting Clause Stricken	1041
S.B. 72 — TAXES ON MOTOR FUELS (J. Valentine) Enacting Clause Stricken	1041
S.B. 73 — UNINCORPORATED AREAS AMENDMENTS (<i>K. Mayne</i>) Read the first time by short title and referred to the Rules Committee.	
Assigned to standing committee	303
Committee report adopted and placed on calendar	
Placed on Time Certain Calendar	757
Read the second time	
Substituted	
Read the second and third time	
Transmitted to the House	773
Signed by the President and transmitted to the Governor	950
S.B. 74 — AT-RISK STUDENT PROVISIONS (L. Robles)	
Read the first time by short title and referred to the Rules Committee.	
Assigned to standing committee	
Amendments	
Committee report adopted and placed on calendar	
Read the second and third time	
Transmitted to the House	
Enacting Clause Stricken	1039
S.B. 75 — UTILITY AMENDMENTS (S. Urquhart)	
Read the first time by short title and referred to the Rules Committee.	364
Assigned to standing committee	378
Read the second time and placed on Consent Calendar	427
Read the third time	
Transmitted to the House	
Placed on Concurrence Calendar	
Returned to the House	
Signed by the President and transmitted to the Governor	
S.B. 76 — ENERGY AMENDMENTS (C. Bramble)	
Read the first time by short title and referred to the Rules Committee.	
Assigned to standing committee	
Substituted	
Committee report adopted and placed on calendar	
Amendments	
Transmitted to the House	
Signed by the President and transmitted to the Governor	
•	1010
S.B. 77 — GRANTS FOR LICENSED TEACHERS AMENDMENTS (M. Madsen)	226
Read the first time by short title and referred to the Rules Committee.	226
Assigned to standing committee	200
Committee report adopted and placed on calendar	
Read the second time	
Circled	
Uncircled	
Transmitted to the House	
Enacting Clause Stricken	
5	

S.B. 78 — PRO	OTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES (M. Madsen)	
	Read the first time by short title and referred to the Rules Committee	26
	Assigned to standing committee	42
	Amendments	59
	Committee report adopted and placed on calendar	63
	Read the second time 6 Substituted 633, 9	33 55
	Read the third time	
	Transmitted to the House	
	Placed on Concurrence Calendar	
	Before the Senate9	
	Circled	
	Uncircled9	
	Refuse to Concur	15
	Joint Conference Committee Appointed	45 55
	Returned to the House	
	Signed by the President and transmitted to the Governor	
S R 70 HE	ALTH REFORM – MEDICAL MALPRACTICE AMENDMENTS (P. Knudson)	
5.D. 77 — IIL	Read the first time by short title and referred to the Rules Committee	26
	Assigned to standing committee	
	Amendments	94
	Committee report adopted and placed on calendar	
	Read the second time	
	Circled	
	Read the third time	
	Substituted	
	Transmitted to the House	
	Signed by the President and transmitted to the Governor	72
S.B. 80 FIR	E LIABILITY MODIFICATIONS (M. Dayton)	
	Read the first time by short title and referred to the Rules Committee 2	
	Assigned to standing committee	
	Substituted	00
	Read the second time	
	Circled	
	Uncircled8	
	Read the third time	
	Transmitted to the House	
	Signed by the President and transmitted to the Governor	52
S.B. 81 — CO	NCURRENT ENROLLMENT PROGRAM AMENDMENTS (M. Dayton)	
	Read the first time by short title and referred to the Rules Committee	07
	Assigned to standing committee	20
	Amendments	on On
	Read the second time	
	Substituted	
	Read the third time	
	Transmitted to the House	
	Placed on Concurrence Calendar	
	Before the Senate	
	Circled	
	Concurrence	
	Returned to the House	
	Signed by the President and transmitted to the Governor	

S.B. 82 — LO	CAL HEALTH AUTHORITY FUNDING AMENDMENTS (D. Stowell) Read the first time by short title and referred to the Rules Committee	207
	Assigned to standing committee	221
	Amendments	395
	Committee report adopted and placed on calendar	396
	Read the second time	680
	Read the third time	693
	Transmitted to the House	693
	Enacting Clause Stricken	
S.B. 83 — CO	NDEMNATION AMENDMENTS (D. Stowell)	•
	Read the first time by short title and referred to the Rules Committee	207
	Assigned to standing committee	
	Substituted	384, 664
	Committee report adopted and placed on calendar	
	Read the second time	
	Read the third time	
	Transmitted to the House	
	Signed by the President and transmitted to the Governor	890
S.B. 84 — IM	PACT FEES REVISIONS (G. Bell)	
	Read the first time by short title and referred to the Rules Committee	
	Assigned to standing committee	
	Substituted	
	Committee report adopted and placed on calendar	
	Read the second time	
	Circled	
	Uncircled	
	Amendments	
	Read the third time	
	Transmitted to the House	
	Placed on Concurrence Calendar	
	Concurrence	
	Returned to the House	916
	Signed by the President and transmitted to the Governor	950
S.B. 85 HC	OMICIDE AMENDMENTS (S. Urquhart)	
	Read the first time by short title and referred to the Rules Committee	82
	Assigned to standing committee	109
	Committee report adopted and placed on calendar	157
	Read the second time	
	Read the third time	274
	Transmitted to the House	
	Signed by the President and transmitted to the Governor	411
S.B. 86 AN	MENDMENTS TO PREFERRED DRUG LIST (A. Christensen)	
5151 00 7111	Read the first time by short title and referred to the Rules Committee	82
	Assigned to standing committee	124
	Returned to the Rules Committee	
	Enacting Clause Stricken	
C D 97 DD	EFERRED DRUG LIST REVISIONS (A. Christensen)	
5.D. 67 PK	Read the first time by short title and referred to the Rules Committee	82
	Assigned to standing committee	
	Amendments	
	Committee report adopted and placed on calendar	172, 204, 300
	Read the second time	201
	Read the third time	
	Circled	
	Uncircled	
	Transmitted to the House	
	Signed by the President and transmitted to the Governor	205
	Digited of the inconcent and canonilled to the Covernor	

S.B. 88 — AD	MINISTRATIVE RULEMAKING ACT AMENDMENTS (H. Stephenson) Read the first time by short title and referred to the Rules Committee
	Committee report adopted and placed on calendar
	Read the second time
	Read the third time
	Transmitted to the House
	Signed by the President and transmitted to the Governor
S.B. 89 — PU	BLIC SAFETY RETIREMENT DEATH BENEFIT MODIFICATIONS (<i>J. Greiner</i>) Read the first time by short title and referred to the Rules Committee
CD 00 ME	TAL THEFT AMENDMENTS AND PENALTIES (J. Greiner)
5.B. 90 ME	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Amendments
	Read the second time and placed on Consent Calendar
	Read the third time
	Transmitted to the House
	Placed on calendar
	Recalled from enrolling
	Before the Senate
	Transmitted to the House
	Reconsideration
	Before the Senate
	Transmitted to the House960
	Signed by the President and transmitted to the Governor 730, 890, 101
S.B. 91 FLI	ECTRONIC COMMUNICATION HARASSMENT AMENDMENT (J. Greiner)
5.D. 71 EE	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Amendments
	Committee report adopted and placed on calendar
	Read the second time
	Circled
	Uncircled
	Read the third time
	Transmitted to the House
	Signed by the President and transmitted to the Governor
S.B. 92 — LO	CAL GOVERNMENTAL COOPERATION IN EDUCATION MATTERS (P. Jones)
	Read the first time by short title and referred to the Rules Committee 8.
	Assigned to standing committee
	Amendments
	Committee report adopted and placed on calendar
	Read the second time
	Read the third time
	Transmitted to the House
	Signed by the President and transmitted to the Governor
S.B. 93 — BU	ILDING AUTHORITIES (D. Stowell)
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Read the second time and placed on Consent Calendar
	Read the third time
	Transmitted to the House

	NDERGROUND SEWER UTILITIES FACILITIES AMENDMENTS (J. Greiner) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee Committee report adopted and placed on calendar Read the second time Read the third time Transmitted to the House Signed by the President and transmitted to the Governor	. 83 . 93 157 236 257 257
S.B. 95 — M	OBILE HOME PARK AMENDMENTS (S. Jenkins) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee Amendments Committee report adopted and placed on calendar Read the second time Read the third time Transmitted to the House Signed by the President and transmitted to the Governor	. 93 155 157 258 274 274
	ONCEALED FIREARM PERMIT RESIDENCY REQUIREMENT (S. McCoy) Read the first time by short title and referred to the Rules Committee	
S.B. 97 — G0	OOD SAMARITAN ACT FOR ENGINEERS (M. Waddoups) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee Committee report adopted and placed on calendar Read the second time Circled Uncircled Read the third time Transmitted to the House Signed by the President and transmitted to the Governor	. 92 125 164 164 182 197 198
S.B. 98 — M	OTOR FUEL THEFT PENALTIES (J. Greiner) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee Amendments Committee report adopted and placed on calendar Read the second time Amendments Second time Circled Uncircled Uncircled Transmitted to the House Signed by the President and transmitted to the Governor	. 83 . 92 193 196 442 487 461 480 487
S.B. 99 — RE	Read the first time by short title and referred to the Rules Committee. Assigned to standing committee Committee report adopted and placed on calendar Read the second time Read the third time Transmitted to the House Signed by the President and transmitted to the Governor	. 93 157 258 274 274

Read the first time by short title and referred to the Rules Committee. 8 Assigned to standing committee
Amendments
Committee report adopted and placed on calendar Read the second time
Read the second time
Transmitted to the House
Signed by the President and transmitted to the Governor
S.B. 101 — STATE ETHICS COMMISSION (S. McCoy) Read the first time by short title and referred to the Rules Committee. 8 Enacting Clause Stricken 104 S.B. 102 — SHARE THE ROAD SPECIAL GROUP LICENSE PLATE (W. Niederhauser) Read the first time by short title and referred to the Rules Committee. 8 Assigned to standing committee 10 Committee report adopted and placed on calendar 19 Read the second time 43 Amendments 43 Read the third time 46 Transmitted to the House 46
Read the first time by short title and referred to the Rules Committee. 8 Enacting Clause Stricken
Read the first time by short title and referred to the Rules Committee. 8 Assigned to standing committee 10 Committee report adopted and placed on calendar 19 Read the second time 43 Amendments 43 Read the third time 46 Transmitted to the House 46
Read the first time by short title and referred to the Rules Committee. 8 Assigned to standing committee 10 Committee report adopted and placed on calendar 19 Read the second time 43 Amendments 43 Read the third time 46 Transmitted to the House 46
Assigned to standing committee 10 Committee report adopted and placed on calendar 19 Read the second time 43 Amendments 43 Read the third time 46 Transmitted to the House 46
Committee report adopted and placed on calendar 19 Read the second time 43 Amendments 43 Read the third time 46 Transmitted to the House 46
Amendments 43 Read the third time 46 Transmitted to the House 46
Read the third time
Transmitted to the House
at 11 1 B 11 1 1 1 1 1 1 1 1 1 1 1 1 1 1
Signed by the President and transmitted to the Governor
S.B. 103 — UNIFORM LAWS – UNIFORM PRINCIPAL AND INCOME ACT AMENDMENTS (L. Hillyard)
Read the first time by short title and referred to the Rules Committee 8
Assigned to standing committee
Committee report adopted and placed on calendar
Read the second time
Amendments
Transmitted to the House
Signed by the President and transmitted to the Governor
S.B. 104 — HIGHER EDUCATION SCHOLARSHIP PROGRAM AMENDMENTS (<i>L. Hillyard</i>) Read the first time by short title and referred to the Rules Committee
Assigned to standing committee
Committee report adopted and placed on calendar
Read the second time
Read the third time
Transmitted to the House
Placed on Concurrence Calendar
Concurrence
Returned to the House
Signed by the President and transmitted to the Governor
S.B. 105 — ENGINEERING AND COMPUTER SCIENCE INITIATIVE
AMENDMENTS (L. Hillyard)
Read the first time by short title and referred to the Rules Committee
Assigned to standing committee
Read the second time
Read the second time
Transmitted to the House
Signed by the President and transmitted to the Governor

S.B. 106 — ALCOHOLIC BEVERAGE CONTROL ACT RESTRICTIONS (S. McCoy)	
Read the first time by short title and referred to the Rules Committee	84
Assigned to standing committee	
Substituted	
Committee report adopted and placed on calendar	
Read the second time	
Read the third time	
Transmitted to the House	
Filed	
Enacting Clause Stricken	1041
S.B. 107 — COMMUNICATIONS FRAUD PENALTY AMENDMENTS (D. Hinkins)	
Read the first time by short title and referred to the Rules Committee	84
Assigned to standing committee	109
Substituted	156
Read for the first time and second time	156
Committee report adopted and placed on calendar	157
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Read the third time	
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Read the third time	
Circled	
Uncircled	
Transmitted to the House	
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Read the first time by short title and referred to the Rules Committee	
Assigned to standing committee	
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Read the first time by short title and referred to the Rules Committee	
Assigned to standing committee	
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Read the third time	
Transmitted to the House	208
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Assigned to standing committee	
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Filed	
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Transmitted to the House	353
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Assigned to standing committee	
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Committee report adopted and placed on calendar	
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Substituted	
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Read for the first time and referred to the Rules Committee	
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	Committee report adopted and placed on calendar	
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S.B. 118 — PA	RENTAL RESPONSIBILITY FOR JUVENILE CRIMINAL GANG OFFENSE COSTS (J. Greiner)	
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	Read the second time	
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	Read the third time	
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Read the second time
Read the third time
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Read the first time by short title and referred to the Rules Committee. 207	S.B. 163 — CONSTRUCTION TRADE EXEMPTION (S. Urquhart)	
Amendments 328, 654, 985 Committee report adopted and placed on calendar 330 Read the second time 600 Read the third time 615 Circled 615 Uncircled 655 Transmitted to the House 655 Placed on Concurrence Calendar 917 Refuse to Concur 917 Refuse to Concur 917 Refuse to Recede 954 Joint Conference Committee Report 985 Returned to the House 987 Signed by the President and transmitted to the Governor 1010 S.B. 164 — IN PERSON VOTER REGISTRATION (S. McCoy) Read the first time by short title and referred to the Rules Committee 221 Committee report adopted and placed on calendar 346 Read the second time 620 Circled 620, 655 Amendments 655 Amendments 655 Amendments 655 Amendments 655 Amendments 655 Amendments 655 Committee report adopted and placed on calendar 300 Read the first time by short title and referred to the Rules Committee 221 Substituted 307 Committee report adopted and placed on calendar 300 Read the first time by short title and referred to the Rules Committee 221 Substituted 307 Committee report adopted and placed on calendar 300 Read the second time 604 Circled 606 Read the second time 604 Circled 606 Read the third time 607 Committee report adopted and placed on calendar 300 Read the first time by short title and referred to the Rules Committee 604 Uncircled 606 Read the third time 607 Committee report adopted and placed on calendar 300 Read the Signed by the President and transmitted to the Governor 705 S.B. 166 — ALCOHOLIC BEVERAGE CONTROL ACT — DAYS OF SALE (S. McCoy) Read the first time by short title and referred to the Rules Committee 551 Committee report adopted and placed on calendar 676 Read the second and third time 676		207
Committee report adopted and placed on calendar 336 Read the second time 609 Read the third time 619 Circled 618 Uncircled 655 Transmitted to the House 655 Placed on Concurrence Calendar 913 Refuse to Recede 954 Joint Conference Committee Report 985 Returned to the House 985 Returned to the House 985 Signed by the President and transmitted to the Governor 1010 S.B. 164 — IN PERSON VOTER REGISTRATION (S. McCoy) Read the first time by short title and referred to the Rules Committee 221 Committee report adopted and placed on calendar 349 Read the second time 611 Read the third time 620 Circled 652 Amendments 655 Amendments 655 Amendments 655 Amendments 655 Enacting Clause Stricken 1041 S.B. 165 — STATUTE OF LIMITATION REVISIONS (M. Madsen) Read the first time by short title and referred to the Rules Committee 221 Substituted 300 Committee report adopted and placed on calendar 300 Read the first time by short title and referred to the Rules Committee 221 Substituted 300 Committee report adopted and placed on calendar 300 Read the second time 604 Circled 604 Uncircled 605 Read the first time by short title and referred to the Rules Committee 221 Substituted 604 Uncircled 605 Read the third time 607 Amendments 618 Transmitted to the House 618 Signed by the President and transmitted to the Governor 709 S.B. 166 — ALCOHOLIC BEVERAGE CONTROL ACT — DAYS OF SALE (S. McCoy) Read the first time by short title and referred to the Rules Committee 551 Committee report adopted and placed on calendar 676 Read the second and third time 551 Committee report adopted and placed on calendar 676 Read the second and third time 551 Committee report adopted and placed on calendar 676 Read the second and third time 551 Committee report adopted and placed on ca	Assigned to standing committee	220
Read the second time	Amendments	328, 654, 985
Read the third time		
Circled		
Uncircled		
Transmitted to the House 655 Placed on Concurrence Calendar 911 Refuse to Concur 917 Refuse to Recede 954 Joint Conference Committee Report 985 Returned to the House 987 Signed by the President and transmitted to the Governor 1016 S.B. 164 — IN PERSON VOTER REGISTRATION (S. McCoy) Read the first time by short title and referred to the Rules Committee 207 Assigned to standing committee 221 Committee report adopted and placed on calendar 348 Read the second time 611 Read the third time 622 Circled 620, 656 Uncircled 655 Amendments 655 Enacting Clause Stricken 1041 S.B. 165 — STATUTE OF LIMITATION REVISIONS (M. Madsen) Read the first time by short title and referred to the Rules Committee 221 Substituted 307 Committee report adopted and placed on calendar 306 Read the second time 604 Circled 606 Committee report adopted and placed on calendar 307 Committee report adopted and placed on calendar 308 Read the second time 604 Circled 606 Circled 606 Read the hird time 607 Amendments 617 Transmitted to the House 618 Signed by the President and transmitted to the Governor 709 S.B. 166 — ALCOHOLIC BEVERAGE CONTROL ACT - DAYS OF SALE (S. McCoy) Read the first time by short title and referred to the Rules Committee 207 Assigned to standing committee 551 Committee report adopted and placed on calendar 576 Read the first time by short title and referred to the Rules Committee 551 Committee report adopted and placed on calendar 576 Read the first time by short title and referred to the Rules Committee 551 Committee report adopted and placed on calendar 576 Read the second and third time 835 Transmitted to the House 836		
Placed on Concurrence Calendar 912 Refuse to Concur 917 Refuse to Recede 954 Joint Conference Committee Report 985 Returned to the House 987 Signed by the President and transmitted to the Governor 1010 S.B. 164 — IN PERSON VOTER REGISTRATION (S. McCoy) Read the first time by short title and referred to the Rules Committee 221 Committee report adopted and placed on calendar 346 Read the second time 621 Read the third time 622 Circled 620 (556 Uncircled 655 Amendments 655 Enacting Clause Stricken 1041 S.B. 165 — STATUTE OF LIMITATION REVISIONS (M. Madsen) Read the first time by short title and referred to the Rules Committee 221 Substituted 307 Committee report adopted and placed on calendar 309 Read the first time by short title and referred to the Rules Committee 221 Substituted 307 Committee report adopted and placed on calendar 309 Read the second time 604 Circled 604 Uncircled 604 Uncircled 606 Read the third time 617 Amendments 618 Signed by the President and transmitted to the Governor 705 S.B. 166 — ALCOHOLIC BEVERAGE CONTROL ACT – DAYS OF SALE (S. McCoy) Read the first time by short title and referred to the Rules Committee 207 Assigned to standing committee 551 Committee report adopted and placed on calendar 676 Read the first time by short title and referred to the Rules Committee 551 Committee report adopted and placed on calendar 676 Read the first time by short title and referred to the Rules Committee 551 Committee report adopted and placed on calendar 676 Read the second and third time 835 Transmitted to the House 836		
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Joint Conference Committee Report Returned to the House 987 Returned to the House 987 Signed by the President and transmitted to the Governor 1010		
Returned to the House Signed by the President and transmitted to the Governor 1010		
Signed by the President and transmitted to the Governor		
S.B. 164 — IN PERSON VOTER REGISTRATION (S. McCoy) Read the first time by short title and referred to the Rules Committee. 207 Assigned to standing committee	Cinned to the House	1016
Read the first time by short title and referred to the Rules Committee. 207 Assigned to standing committee		1010
Assigned to standing committee Committee report adopted and placed on calendar Read the second time Read the second time Read the third time Circled Society Clause Stricken STATUTE OF LIMITATION REVISIONS (M. Madsen) Read the first time by short title and referred to the Rules Committee. Substituted Substituted Substituted Substituted Substituted Substituted Society Clause Stricken Society Clause Stricken Standing committee Substituted Substituted Substituted Substituted Society Clause Standing committee Society Clause Substituted Society Clause Society Clause Stricken Society Clause		
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Uncircled		
Amendments		,
Enacting Clause Stricken		
S.B. 165 — STATUTE OF LIMITATION REVISIONS (M. Madsen) Read the first time by short title and referred to the Rules Committee. 207 Assigned to standing committee		
Read the first time by short title and referred to the Rules Committee. 207 Assigned to standing committee		1041
Assigned to standing committee	S.B. 165 — STATUTE OF LIMITATION REVISIONS (M. Madsen)	
Substituted 307 Committee report adopted and placed on calendar 308 Read the second time 604 Circled 604 Uncircled 608 Read the third time 617 Amendments 617 Transmitted to the House 618 Signed by the President and transmitted to the Governor 709 S.B. 166 — ALCOHOLIC BEVERAGE CONTROL ACT – DAYS OF SALE (S. McCoy) Read the first time by short title and referred to the Rules Committee 207 Assigned to standing committee 551 Committee report adopted and placed on calendar 676 Read the second and third time 835 Transmitted to the House 836		
Committee report adopted and placed on calendar 305		
Read the second time	Substituted	307
Circled	Committee report adopted and placed on calendar	309
Uncircled		
Read the third time		
Amendments		
Transmitted to the House		
Signed by the President and transmitted to the Governor		
S.B. 166 — ALCOHOLIC BEVERAGE CONTROL ACT – DAYS OF SALE (S. McCoy) Read the first time by short title and referred to the Rules Committee		
Read the first time by short title and referred to the Rules Committee	<i>E</i> ,	
Assigned to standing committee	S.B. 100 — ALCOHOLIC BEVERAGE CONTROL ACT – DAYS OF SALE (S. Mo	CCOy)
Committee report adopted and placed on calendar	Assigned to standing committee	551
Read the second and third time	Committee report adopted and placed on calendar	
Transmitted to the House836	Read the second and third time	235

S.B. 167 — AMENDMENTS TO UNIFORM DEBT–MANAGEMENT SERVICES ACT (L. Hillyard)	
Read the first time by short title and referred to the Rules Committee.	207
Assigned to standing committee	220
Committee report adopted and placed on calendar	290
Read the second time	
Circled	
Uncircled	
Amendments	
Read the third time	
Transmitted to the House	
Placed on Concurrence Calendar	
Concurrence	
Returned to the House	
Signed by the President and transmitted to the Governor	950
S.B. 168 — ALCOHOLIC BEVERAGE CONTROL ACT – HOURS RESTRICTION	S (S. McCov)
Read the first time by short title and referred to the Rules Committee.	207
Enacting Clause Stricken	1041
S.B. 169 — GAMBLING AMENDMENTS (D. Liljenquist)	
Read the first time by short title and referred to the Rules Committee.	207
Assigned to standing committee	221
Committee report adopted and placed on calendar	340
Read the second time	
Amendments	
Read the third time	
Transmitted to the House	
Placed on Concurrence Calendar	
Concurrence	
Returned to the House	
Signed by the President and transmitted to the Governor	
S.B. 170 — JUDICIARY AMENDMENTS (L. Hillyard)	200
Read the first time by short title and referred to the Rules Committee.	208
Assigned to standing committee	
Amendments	
Circled	
Uncircled	
Read the third time	
Transmitted to the House	
Signed by the President and transmitted to the Governor	
ē ;	730
S.B. 171 — MUNICIPAL ANNEXATION AMENDMENTS (S. Jenkins)	200
Read the first time by short title and referred to the Rules Committee.	
Assigned to standing committee	
Amendments	305, 622
Committee report adopted and placed on calendar	
Read the second time	574 612 621
Circled	
Uncircled	
Read the third time	
Transmitted to the House	
Recalled	
Before the Senate	
Transmitted to the House	
11ansimuca to the 11ouse	931

S.B. 172	UNDERINSURED MOTORIST COVERAGE AMENDMENTS (S. Urquhe Read the first time by short title and referred to the Rules Committee.	art) 226
	Assigned to standing committee	244
	Committee report adopted and placed on calendar	309
	Read the second time	
	Read the third time	
	Transmitted to the House	
	Placed on Concurrence Calendar	983
	Concurrence	
	Returned to the House	
	Signed by the President and transmitted to the Governor	1010
S.B. 173	EMOTIONAL SUPPORT ANIMALS AND PSYCHIATRIC THERAPY ANIMALS (M. Dayton)	
	Read the first time by short title and referred to the Rules Committee	
	Assigned to standing committee	243
	Committee report adopted and placed on calendar	
	Read the second time	
	Read the third time	
	Transmitted to the House	
SR 174	Signed by the President and transmitted to the Governor	709
5.5. 174	Read the first time by short title and referred to the Rules Committee	
	Enacting Clause Stricken	
S.B. 175	SIGNAGE REQUIREMENTS RELATING TO CHILDREN AND ANIMAL	
	PARKED CARS (K. Mayne)	226
	Read the first time by short title and referred to the Rules Committee	
	Assigned to standing committee	
	Returned to the Rules Committee	
	6	
S.B. 176	CIVIL FEES IN SMALL CLAIMS COURTS AMENDMENTS (J. Greiner)	
	Read the first time by short title and referred to the Rules Committee	
	Assigned to standing committee	
	Committee report adopted and placed on calendar	309
	Read the second time	
	Read the third time	
	Circled	
	Uncircled	662, 690
	Substituted	662
	Read the first, second and third time	
	Amendments	
	Transmitted to the House	
	Placed on Concurrence Calendar	
	Concurrence	
	Returned to the House	
	Signed by the President and transmitted to the Governor	1010
S.B. 177	NEW SCHOOL DISTRICT AMENDMENTS (D. C. Buttars)	
	Read the first time by short title and referred to the Rules Committee	226
	Assigned to standing committee	243
	Returned to the Rules Committee	719
	Enacting Clause Stricken	
S R 178	CLASS B AND C ROADS AMENDMENTS (K. Van Tassell)	
5.D. 1/6	Read the first time by short title and referred to the Rules Committee	226
	Assigned to standing committee	
	Returned to the Rules Committee	
	Enacting Clause Stricken	

	FETY BELT ENFORCEMENT AMENDMENTS (C. Bramble)
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Read the second time
	Transmitted to the House
	Enacting Clause Stricken
	PUNGEMENT OF DIVISION OF CHILD AND FAMILY
5.B. 180 EX	SERVICES RECORDS (L. Hillyard)
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Substituted
	Committee report adopted and placed on calendar
	Read the second time
	Read the third time
	Circled
	Uncircled
	Transmitted to the House
	Signed by the President and transmitted to the Governor
S.B. 181 CR	IMINAL PROSECUTION AMENDMENTS (D. Liljenquist)
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Returned to the Rules Committee
	Enacting Clause Stricken
S.B. 182 CR	IMINAL RESTITUTION AMENDMENTS (C. Bramble)
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Read the second time
	Transmitted to the House
	Signed by the President and transmitted to the Governor
	OLATION OF PROTECTIVE ORDER (S. McCoy) Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Amendments
	Committee report adopted and placed on calendar
	Read the second time
	Read the third time
	Transmitted to the House
	Signed by the President and transmitted to the Governor
S.B. 184 CE	VIL FILING FEES (G. Bell)
	Read the first time by short title and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Read the second time
	Substituted
	Before the Senate
	Circled
	Uncircled
	Read the third time
	Amendments
	Recalled
	Signed by the President and transmitted to the Governor

S.B. 185 — FI	EDERAL EDUCATION AGREEMENT REQUIREMENTS AMENDMENTS (M. Dayton)	
	Read the first time by short title and referred to the Rules Committee	381
	Assigned to standing committee	
	Amendments	458
	Read the third time	
	Transmitted to the House	
	Signed by the President and transmitted to the Governor	
S.B. 186 A	MENDMENTS TO STATE TAX COMMISSION PENALTY	
5121 200 11	PROVISIONS (H. Stephenson)	
	Read the first time by short title and referred to the Rules Committee	330
	Assigned to standing committee	346
	Committee report adopted and placed on calendar Read the second time	
	Amendments	
	Read the third time	
	Transmitted to the House	
	Placed on Concurrence Calendar	983
	Concurrence	
	Returned to the House	
	Signed by the President and transmitted to the Governor	JIC
S.B. 187 — A	LCOHOL AMENDMENTS (J. Valentine)	
	Read the first time by short title and referred to the Rules Committee.	
	Assigned to standing committee	+/4 61/
	Read the second time	
	Substituted	
	Circled	
	Uncircled	
	Amendments	
	Read the second and third time Transmitted to the House	
	Placed on Concurrence Calendar	
	Concurrence	
	Returned to the House	
	Signed by the President and transmitted to the Governor	010
S.B. 188 IN	MPROVEMENT DISTRICT – PROVIDING ELECTRIC SERVICE (D. Stowell)	
	Read the first time by short title and referred to the Rules Committee	
	Assigned to standing committee	450
	Committee report adopted and placed on calendar Read the second time	
	Read the third time	
	Transmitted to the House	
	Signed by the President and transmitted to the Governor	034
S.B. 189 A	MENDMENTS TO SALES AND USE TAX (W. Niederhauser)	
5120 200	Read the first time by short title and referred to the Rules Committee	397
	Assigned to standing committee	422
	Committee report adopted and placed on calendar	
	Read the second time	
	Amendments Read the third time	
	Transmitted to the House	
	Placed on Concurrence Calendar	
	Concurrence	
	Returned to the House	013
	Signed by the President and transmitted to the Governor	023

S.B. 190 ACQUISITION OF A BILLBOARD BY EMINENT DOMAIN (W. Nieder	
Read the first time by short title and referred to the Rules Committee.	
Assigned to standing committee	422
Committee report adopted and placed on calendar	477
Read the second time	700 933
Circled	
Amendments	
Read the third time	
Transmitted to the House	
Placed on Concurrence Calendar	
Concurrence	
Returned to the House	
Signed by the President and transmitted to the Governor	1017
S.B. 191 — LIFE INSURANCE AND VIATICAL SETTLEMENTS RELATED AMENDMENTS (W. Niederhauser)	
Enacting Clause Stricken	1041
S.B. 192 — CORPORATION RELATED AMENDMENTS (L. Hillyard)	
Read the first time by short title and referred to the Rules Committee.	310
Assigned to standing committee	345
Substituted	397
Read the first and second time and placed on Consent Calendar	397
Read the third time	
Transmitted to the House	
Placed on Concurrence Calendar	
Concurrence	
Signed by the President and transmitted to the Governor	
S.B. 193 — SALVAGE VEHICLES AMENDMENTS (S. Urquhart)	470
Read the first time by short title and referred to the Rules Committee. Assigned to standing committee	
Assigned to standing committee	
Read the second time and placed on Consent Calendar	567
Read the third time	
Transmitted to the House	
Placed on Concurrence Calendar	953
Concurrence	988
Returned to the House	988
Signed by the President and transmitted to the Governor	1010
S.B. 194 — NONDISCRIMINATION AMENDMENTS (S. McCoy)	
Read the first time by short title and referred to the Rules Committee.	272
Enacting Clause Stricken	1041
S.B. 195 — PUBLIC EMPLOYEE DEFINED CONTRIBUTION AMENDMENTS (D.	Lilienauist)
Read the first time by short title and referred to the Rules Committee.	534
Assigned to standing committee	552
Amendments	675
Committee report adopted and placed on calendar	
Read the second time	
Circled	
Enacting Clause Stricken	1042

S.B. 196	LIQUOR PURCHASE PRICE FOR LICENSEES (S. McCoy) Enacting Clause Stricken
S.B. 197	ALCOHOLIC BEVERAGE RESORT LICENSE (S. McCoy) Enacting Clause Stricken
S.B. 198	ESCAPED PROPERTY TAX AMENDMENTS (H. Stephenson) Enacting Clause Stricken
S.B. 199 —	EQUAL RECOGNITION OF SCHOOL PARENT GROUPS (C. Bramble) Read the first time by short title and referred to the Rules Committee. 283 Assigned to standing committee 303 Amendments 363 Committee report adopted and placed on calendar 363 Read the second time 524 Substituted 524 Circled 524 Uncircled 605 Read the second and third time 605 Read the second and the House 605 Filed 1011 Enacting Clause Stricken 1042
S.B. 200	CONSOLIDATION OF CERTAIN HUMAN SERVICES OMBUDSMAN PROGRAMS (L. Hillyard) Enacting Clause Stricken
S.B. 201 —	GENERAL OBLIGATION BOND AUTHORIZATION AMENDMENTS (W. Niederhauser) Read the first time by short title and referred to the Rules Committee. 838 Placed on calendar 838 Read the second and third time 838 Transmitted to the House 839 Signed by the President and transmitted to the Governor 907
S.B. 202 —	DRUG OFFENDER REFORM ACT AMENDMENTS (L. Hillyard) Read the first time by short title and referred to the Rules Committee. 863 Placed on calendar 868 Read the second time 868 Circled 868 Uncircled 873 Read the second and third time 873 Read the second and third time 873 Transmitted to the House 874 Signed by the President and transmitted to the Governor 907
S.B. 203	REVISIONS TO TRANSPORTATION (S. Jenkins) Enacting Clause Stricken
S.B. 204 —	PROPERTY TAX DEFERRALS (J. Valentine) Enacting Clause Stricken
	COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AMENDMENTS (C. Bramble) Read the first time by short title and referred to the Rules Committee. 374 Assigned to standing committee 378 Committee report adopted and placed on calendar 425 Read the second time 681 Amendments 682 Read the third time 695 Transmitted to the House 696 Signed by the President and transmitted to the Governor 984
S.B. 206	ASSIGNMENT OF OFFICIALS FOR HIGH SCHOOL ATHLETIC ACTIVITIES (M. Madsen) Enacting Clause Stricken

S.B. 208 — U	TAH PUBLIC NOTICE WEBSITE AMENDMENTS (S. Urquhart) Read the first time by short title and referred to the Rules Committee	412
	Assigned to standing committee	
	Substituted	532, 810
	Committee report adopted and placed on calendar	53
	Read the second time	
	Circled	
	Uncircled	
	Read the third time	
	Transmitted to the House	
	Concurrence	
	Returned to the House	
	Signed by the President and transmitted to the Governor	
S.B. 209 — L	AND USE, DEVELOPMENT, AND MANAGEMENT ACT AMENDMENTS (G. Bell)	
	Read the first time by short title and referred to the Rules Committee	351
	Assigned to standing committee	360
	Committee report adopted and placed on calendar	457
	Read the second time	777
	Circled	
	Amendments	
	Read the third time	
	Transmitted to the House	
	Signed by the President and transmitted to the Governor	
S B 210 A	MENDMENTS TO PROPERTY TAX (C. Bramble)	
5.5. 210	Read the first time by short title and referred to the Rules Committee	448
	Assigned to standing committee	450
	Amendments	561
	Read the second time and placed on Consent Calendar	
	Read the third time	
	Transmitted to the House	
C D 411 D	Signed by the President and transmitted to the Governor	890
S.B. 211 B	UILDING CODE AMENDMENTS (C. Bramble) Read the first time by short title and referred to the Rules Committee	261
	Assigned to standing committee	
	Amendments	
	Committee report adopted and placed on calendar	457
	Read the second time	
	Circled	
	Uncircled	
	Read the third time	
	Transmitted to the House	
CD 212 II	TAH COMMON INTEREST OWNERSHIP ACT (G. Bell)	1010
5.D. 212 U	Enacting Clause Stricken	1042
S.B. 213 R	ESTAURANT NUTRITION LABELING (H. Stephenson)	
	Read the first time by short title and referred to the Rules Committee	310
	Assigned to standing committee	346
	Committee report adopted and placed on calendar	396
	Read the second time	
	Read the third time	
	Transmitted to the House	
	Signed by the President and transmitted to the Governor	1034

S.B. 214 O	FFICE OF CONSUMER SERVICES ACT (J. Valentine)	
	Read the first time by short title and referred to the Rules Committee 4	28
	Assigned to standing committee	
	Amendments	08
	Committee report adopted and placed on calendar5	60
	Read the second time	
	Read the third time	
	Transmitted to the House	
	Concurrence	
	Returned to the House	31 34
S B 215 II	USTICE FOR ALL SPECIAL GROUP LICENSE PLATE (G. Bell)	
5.D. 213 JC	Read the first time by short title and referred to the Rules Committee	58
	Assigned to standing committee	
	Read the second time and placed on Consent Calendar	31
	Read the third time	
	Transmitted to the House	
	Enacting Clause Stricken	
C D 216 DI	EVISIONS TO MILITARY INSTALLATION DEVELOPMENT	
S.B. 216 KI	EVISIONS TO MILITARY INSTALLATION DEVELOPMENT AUTHORITY ACT (M. Madsen)	
	Read the first time by short title and referred to the Rules Committee	25
	Assigned to standing committee	
	Committee report adopted and placed on calendar	
	Read the second and third time	
	Amendments	
	Transmitted to the House	
	Signed by the President and transmitted to the Governor	
		17
S.B. 217 Di	RUGS AMENDMENTS (P. Knudson)	
	Read the first time by short title and referred to the Rules Committee	30
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	Committee report adopted and placed on calendar	96
	Read the second time	
	Read the third time	
	Returned to the House	
	,	J
H.B. 23 — CE	RTIFIED TAX RATE AMENDMENTS (F. Hunsaker)	
	Read for the first time and referred to the Rules Committee	87
	Assigned to standing committee	70
	Read the second time	
	Substituted	
	Read the third time	
	Returned to the House	98
	Signed by the President and returned to the House4	20
H.B. 24 TR	AFFIC ACCIDENT CLEARANCE AMENDMENTS (E. Hutchings)	
	Read for the first time and referred to the Rules Committee	04
	Assigned to standing committee	21
	Amendments	50
	Read the second time and placed on Consent Calendar	
	Read the third time	
	Returned to the House	
	Signed by the President and returned to the House4	13
H.B. 25 GU	N DEALER PENALTY AMENDMENTS (C. Oda)	
	Read for the first time and referred to the Rules Committee	99
	Assigned to standing committee	24
	Read the third time	90 54
	Signed by the President and returned to the House	55
II D 26 CH	ILD AND VULNERABLE ADULT ENDANGERMENT PROVISIONS (M. Morle	
н.в. 20 Сн	Read for the first time and referred to the Rules Committee	
	Assigned to standing committee	
	Amendments	
	Committee report adopted and placed on calendar	87
	Read the second time	29
	Read the third time	40
	Returned to the House	
	Signed by the President and returned to the House	01
H.B. 27 PR	OTECTIONS FOR AGRICULTURAL PRACTICES (M. Morley)	
	Read for the first time and referred to the Rules Committee	08
	Assigned to standing committee	
	Amendments	91
	Committee report adopted and placed on calendar	50
	Circled	
	Amendments	
	Read the third time	90
	Returned to the House	92
	Reconsideration	91
	Signed by the President and returned to the House4	20

H.B. 28 — PERSONAL PROPERTY TAX AMENDMENTS (C. Frank)		
Read for the first time and referred to the Rules Committee	1	152
Assigned to standing committee		
Committee report adopted and placed on calendar		270
Read the second time		
Read the third time		
Signed by the President and returned to the House		
H.B. 29 — SEX OFFENDERS' CONTACT WITH CHILDREN (R. Greenwood)		
Read for the first time and referred to the Rules Committee	~	287
Assigned to standing committee		207 304
Committee report adopted and placed on calendar		387
Read the second time		541
Amendments		
Tabled on Third Reading		
Placed on Third Reading Calendar		
Read the third time		
Returned to the House		
Signed by the President and returned to the House	8	871
H.B. 30 — COMMERCIAL MOTOR VEHICLE AMENDMENTS (T. Kiser)		
Dead for the first time and referred to the Deda Committee	1	100
Read for the first time and referred to the Rules Committee Assigned to standing committee		108 120
Assigned to standing committee Amendments	100 220 7	100 101
Committee report adopted and placed on calendar	190, 230, 2	202 106
Read the second time		190 116
Read the second time		
Returned to the House		
Recede from amendments		
Substituted		
Returned to the House		
Signed by the President and returned to the House		
H.B. 31 — UTAH SUDDEN CARDIAC ARREST SURVIVAL ACT (C. Wimmer)		
Part for the first time and referred to the Dular Georgistes	1	110
Read for the first time and referred to the Rules Committee		119 127
Committee report adopted and placed on calendar	1	172
Read the second time		200
Circled	200.2	200 228
Uncircled	213	237
Read the third time	213, 2	228
Amendments		
Returned to the House		
Signed by the President and returned to the House	281 . 3	344
H.B. 32 — AMENDMENTS TO AGENCY RULEMAKING REGARDING CRIMIN		
PENALTIES (B. Ferry)	AL	
Read for the first time and referred to the Rules Committee	_	204
Assigned to standing committee		
Committee report adopted and placed on calendar	/	421 425
Read the second time	4	+43 568
Read the third time		
Circled		
Uncircled		
Signed by the President and returned to the House		
Recalled		
Reconsideration	6	534
Before the Senate		
Amendments		
Returned to the House		

H.B. 33 — REFUND OF UNEARNED HEALTH INSURANCE PREMIUMS AND MEDICAL SUPPLEMENT INSURANCE PREMIUMS (P. Ray) Read for the first time and referred to the Rules Committee	
Assigned to standing committee Committee report adopted and placed on calendar	153
Read the second time	400
Read the second time	417
Signed by the President and returned to the House	417
ē ;	,
H.B. 34 — PENALTIES FOR DESTRUCTION OF BALD EAGLE (R. Barrus)	127
Read for the first time and referred to the Rules Committee Assigned to standing committee	154
Committee report adopted and placed on calendar	105
Read the second time	
Read the third time	
Signed by the President and returned to the House	
H.B. 35 — HIGHER EDUCATION CONTRIBUTION (J. Dougall)	
Read for the first time and referred to the Rules Committee	3/15
Assigned to standing committee	360
Amendments	396
Committee report adopted and placed on calendar	396
Read the second time	
Tabled on Third Reading Calendar	546
Placed on Third Reading Calendar	
Read the third time	993
Read the first, second and third time	994
Returned to the House	994
Signed by the President and returned to the House	. 1010
H.B. 37 — VIOLENT OFFENSES AMENDMENTS (J. Seelig)	
Read for the first time and referred to the Rules Committee	383
Assigned to standing committee	475
Read the second time and placed on Consent Calendar	
Read the third time	
Signed by the President and returned to the House	653
H.B. 38 — REFUGEE SERVICES FUND AMENDMENTS (C. Herrod)	
Read for the first time and referred to the Rules Committee	135
Assigned to standing committee	154
Read the second time and placed on Consent Calendar	
Circled	
Uncircled	
Signed by the President and returned to the House	
H.B. 39 — UTAH INJURED WORKER REEMPLOYMENT ACT (M. Morley)	
Read for the first time and referred to the Rules Committee	109
Assigned to standing committee	137
Committee report adopted and placed on calendar	17?
Read the second time	
Read the third time	
Signed by the President and returned to the House	
H.B. 40 — MOTORCYCLE RIDER EDUCATION PROGRAM AMENDMENTS (B. Daw)	
Read for the first time and referred to the Rules Committee	108
Assigned to standing committee	
Committee report adopted and placed on calendar	196
Read the second time	216
Read the third time	
Signed by the President and returned to the House	231

H.B. 41 — SEX OFFENDER REGISTRATION AMENDMENTS (K. Sumsion)	
Read for the first time and referred to the Rules Committee	242
Assigned to standing committee	264
Committee report adopted and placed on calendar	387
Read the second time	543
Read the third time	
Signed by the President and returned to the House	585
H.B. 42 — ADOPTION REVISIONS (S. Allen)	
Read for the first time and referred to the Rules Committee	345
Assigned to standing committee	
Committee report adopted and placed on calendar	
Circled	
Uncircled	720, 736 722, 740
Read the third time	722, 740
Signed by the President and returned to the House	740
H.B. 43 — COORDINATING MUNICIPAL AND SPECIAL DISTRICT ELECTIONS (K. C	
Read for the first time and referred to the Rules Committee	
Assigned to standing committee	
Read the second time and placed on Consent Calendar	272
Read the third time	331
Signed by the President and returned to the House	331
H.B. 44 — LOCAL AND SPECIAL SERVICE DISTRICT ELECTION	
AMENDMENTS (K. Grover)	
Read for the first time and referred to the Rules Committee	123
Assigned to standing committee	153
Read the second time and placed on Consent Calendar	272
Read the third time	
Signed by the President and returned to the House	332
H.B. 45 — PER DIEM AND TRAVEL EXPENSES FOR STATE BOARDS AND COMMISSIONS (D. Aagard)	
Read for the first time and referred to the Rules Committee	108
Assigned to standing committee	
Read the second time and placed on Consent Calendar	225
Read the third time	
Circled	
Uncircled	311
Signed by the President and returned to the House	312
H.B. 46 — DESIGNATION OF STATE HIGHWAYS AMENDMENTS (T. Kiser)	
Read for the first time and referred to the Rules Committee	108
Assigned to standing committee	138
Committee report adopted and placed on calendar	196
Read the second time	
Signed by the President and returned to the House	
÷ ,	23 1
H.B. 47 — CRIMINAL PROCEDURE – INVESTIGATION AMENDMENTS (<i>P. Ray</i>) Read for the first time and referred to the Rules Committee	108
Assigned to standing committee	
Read the second time and placed on Consent Calendar	196
Read the third time	255
Signed by the President and returned to the House	
H.B. 48 — BALLOT QUESTION AMENDMENTS (K. Grover)	
Read for the first time and referred to the Rules Committee	123
Assigned to standing committee	153
Returned to the Rules Committee	721
Enacting Clause Stricken	1036

H.B. 49 — VOTI	ER CHALLENGE AMENDMENTS (N. Hansen)	• • •
	ead for the first time and referred to the Rules Committee	
H.B. 50 FIRE	FIGHTER SPECIAL GROUP LICENSE PLATE AMENDMENTS (R. Menlove)	
Re	ead for the first time and referred to the Rules Committee	152
A	ssigned to standing committee	361
Re	ead the second time and placed on Consent Calendar	427
Re	ead the third time	536
Si	gned by the President and returned to the House	536
	MPTION FOR ALCOHOLIC BEVERAGE MANUFACTURING (C. Johnson)	
	ead for the first time and referred to the Rules Committee	
A	ssigned to standing committee	152
C	ommittee report adopted and placed on calendar	330
	ead the second time	
	ead the third time	
Ci	ircled	432
	ncircled	
	mendments	
	eturned to the House	
	efuse to Concur	
	int Conference Committee Report	
R	eturned to the House	518
Si	gned by the President and returned to the House	550
H.B. 52 — INSU	RANCE CODE AMENDMENTS (J. Dunnigan)	
K(ead for the first time and referred to the Rules Committee	150
A	ssigned to standing committee	105
	ead the second time	
	ead the third time	
	ircled	
	ncircled	
	mendments	
	eturned to the House	
	gned by the President and returned to the House	
H.B. 53 — DRIV	ER LICENSE AMENDMENTS – MOTOR DRIVEN CYCLES (T. Kiser)	
	ead for the first time and referred to the Rules Committee	108
A	ssigned to standing committee	138
Co	ommittee report adopted and placed on calendar	196
	ead the second time	
	rcled	
	ncircled	
	ead the third time	
	mendments	
	gned by the President and returned to the House	
	•	+20
	NDMENTS TO VEHICLE REGISTRATION REQUIREMENTS (F. Gibson) ead for the first time and referred to the Rules Committee	123
	ssigned to standing committee	
C	ommittee report adopted and placed on calendar	224
R	ead the second time	297
	ead the third time	
	rcled	
U	ncircled	416
	gned by the President and returned to the House	

H.B. 55 — AMENDMENTS TO TOURISM, RECREATION, CULTURAL, CONVENTION, AND AIRPORT FACILITIES TAX ACT (W. Harper) Read for the first time and referred to the Rules Committee Assigned to standing committee Read the second time and placed on Consent Calendar Read the third time Signed by the President and returned to the House	171
H.B. 56 — DECLARATION OF CANDIDACY AMENDMENTS (D. Aagard) Read for the first time and referred to the Rules Committee Assigned to standing committee Read the second time and placed on Consent Calendar Read the third time Circled Uncircled Signed by the President and returned to the House	137 225 290 290 311
H.B. 58 — SALES AND USE TAX – DETERMINING THE LOCATION OF CERTAIN TRANSACTIONS (W. Harper) Read for the first time and referred to the Rules Committee Assigned to standing committee Read the second time and placed on Consent Calendar Read the third time Signed by the President and returned to the House	138
H.B. 59 — SUBPOENAS FOR RECORDS IN CERTAIN CRIMINAL INVESTIGATIONS (B. Read for the first time and referred to the Rules Committee Assigned to standing committee Committee report adopted and placed on calendar Read the second time Amendments Read the third time Circled Uncircled Returned to the House Signed by the President and returned to the House	. Daw, 242 264 387 543 543 587 587
H.B. 60 — FAMILY PRESERVATION SERVICES AMENDMENTS (W. Harper) Read for the first time and referred to the Rules Committee Assigned to standing committee Committee report adopted and placed on calendar Read the second time Read the third time Signed by the President and returned to the House	188 250 298 319
H.B. 61 — LOCAL GOVERNMENT ENTITY CHANGES (K. Holdaway) Read for the first time and referred to the Rules Committee Assigned to standing committee Committee report adopted and placed on calendar Read the second time Read the third time Signed by the President and returned to the House	304 387 528 538
H.B. 62 — STATE WATER DEVELOPMENT COMMISSION AMENDMENTS (K. Gibson) Read for the first time and referred to the Rules Committee Assigned to standing committee Amendments Committee report adopted and placed on calendar Read the second time Read the third time Returned to the House Signed by the President and returned to the House	188 250 250 299 320

H.B. 63 AN	IENDMENTS TO CHILD WELFARE (W. Harper)	
11111	Read for the first time and referred to the Rules Committee	187
	Assigned to standing committee	
	Committee report adopted and placed on calendar	387
	Read the second time	544
	Read the third time	587
	Signed by the President and returned to the House	587
IID 64 DE	•	
H.B. 04 DE	TERRING ILLEGAL IMMIGRATION (B. Dee)	(20
	Read for the first time and referred to the Rules Committee	644
	Assigned to standing committee	712
	Returned to the Rules Committee	
	Placed on calendar	020
	Read the third time	900
	A mandmants	010
	Amendments	915
	Circled	
	Uncircled	
	Returned to the House	920
	Signed by the President and returned to the House	953
H.B. 65 — RE	PORTING OF CERTAIN TRANSACTIONS EXEMPT FROM SALES AND USE TAXES (Julie Fisher)	
	Read for the first time and referred to the Rules Committee	286
	Assigned to standing committee	
	Read the second time and placed on Consent Calendar	351
	Read the third time	413
	Signed by the President and returned to the House	
	5 ,	
H.B. 67 PU	BLIC HEARINGS ON PROPERTY TAX INCREASES (G. Froerer)	
	Read for the first time and referred to the Rules Committee	
	Assigned to standing committee	189
	Committee report adopted and placed on calendar	224
	Read the second time	
	Circled	
	Uncircled	
	Amendments	
	Read the third time	
	Returned to the House	399
	Signed by the President and returned to the House	420
H.B. 68 DE	VELOPMENT EXACTIONS (P. Painter)	
11121 00 22	Read for the first time and referred to the Rules Committee	242
	Assigned to standing committee	264
	Amendments	384
	Committee report adopted and placed on calendar	
	Read the second time	520
	Circled	
	Uncircled	
	Read the third time	
	Returned to the House	
	Signed by the President and returned to the House	666
	2 2	000
H.B. 69 GU	ARDIAN AD LITEM AMENDMENTS (W. Harper)	4.0-
	Read for the first time and referred to the Rules Committee	
	Assigned to standing committee	
	Amendments	424
	Committee report adopted and placed on calendar	425
	Read the second time	
	Read the third time	
	Returned to the House	
	Signed by the President and returned to the House	627

11.D. /U CI	GARETTE TAX EXEMPTION AMENDMENTS (E. Vickers)
	Read for the first time and referred to the Rules Committee
	Enacting Clause Stricken
H.B. 71 — W	THHOLDING TAX AMENDMENTS (E. Vickers)
	Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Read the second time and placed on Consent Calendar
	Read the third time
	5
H.B. 72 — CF	IILDREN'S JUSTICE CENTER AMENDMENTS (L. Fowlke)
	Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Read the second time and placed on Consent Calendar
	Placed on Consent Calendar
	Read the third time
	Circled
	Uncircled
	Signed by the President and returned to the House
H.B. 75 UT	AH COMMUNICATIONS AGENCY NETWORK AMENDMENTS (F. Hunsaker)
	Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Read the second time and placed on Consent Calendar
	Read the third time
	Signed by the President and returned to the House
H.B. 76 — IN	COME TAX CREDIT FOR MILITARY RETIRED PAY (S. Mascaro)
H.B. 76 — IN	Read for the first time and referred to the Rules Committee
	Read for the first time and referred to the Rules Committee
	Read for the first time and referred to the Rules Committee
	Read for the first time and referred to the Rules Committee
	Read for the first time and referred to the Rules Committee 286 Enacting Clause Stricken 1036 AH UNIFORM SECURITIES ACT MODIFICATIONS (<i>J. Bird</i>) Read for the first time and referred to the Rules Committee 187 Assigned to standing committee 243
	Read for the first time and referred to the Rules Committee 286 Enacting Clause Stricken 1036 AH UNIFORM SECURITIES ACT MODIFICATIONS (J. Bird) Read for the first time and referred to the Rules Committee 187 Assigned to standing committee 243 Committee report adopted and placed on calendar 363
	Read for the first time and referred to the Rules Committee 286 Enacting Clause Stricken 1036 AH UNIFORM SECURITIES ACT MODIFICATIONS (J. Bird) Read for the first time and referred to the Rules Committee 187 Assigned to standing committee 243 Committee report adopted and placed on calendar 363 Read the second time 405
	Read for the first time and referred to the Rules Committee 286 Enacting Clause Stricken 1036 AH UNIFORM SECURITIES ACT MODIFICATIONS (J. Bird) Read for the first time and referred to the Rules Committee 187 Assigned to standing committee 243 Committee report adopted and placed on calendar 363 Read the second time 405 Read the third time 436
H.B. 78 — UT	Read for the first time and referred to the Rules Committee Enacting Clause Stricken 1036 AH UNIFORM SECURITIES ACT MODIFICATIONS (J. Bird) Read for the first time and referred to the Rules Committee 187 Assigned to standing committee 243 Committee report adopted and placed on calendar 363 Read the second time 405 Read the third time 436 Signed by the President and returned to the House 436
H.B. 78 — UT	Read for the first time and referred to the Rules Committee 286 Enacting Clause Stricken 1036 AH UNIFORM SECURITIES ACT MODIFICATIONS (J. Bird) Read for the first time and referred to the Rules Committee 187 Assigned to standing committee 243 Committee report adopted and placed on calendar 363 Read the second time 405 Read the third time 436 Signed by the President and returned to the House 436 UDY ON TAXPAYER ADVOCATE PROGRAM (K. Grover)
H.B. 78 — UT	Read for the first time and referred to the Rules Committee 286 Enacting Clause Stricken 1036 AH UNIFORM SECURITIES ACT MODIFICATIONS (J. Bird) Read for the first time and referred to the Rules Committee 187 Assigned to standing committee 243 Committee report adopted and placed on calendar 363 Read the second time 405 Read the third time 436 Signed by the President and returned to the House 436 UDY ON TAXPAYER ADVOCATE PROGRAM (K. Grover) Read for the first time and referred to the Rules Committee 169
H.B. 78 — UT	Read for the first time and referred to the Rules Committee 286 Enacting Clause Stricken 1036 AH UNIFORM SECURITIES ACT MODIFICATIONS (J. Bird) Read for the first time and referred to the Rules Committee 187 Assigned to standing committee 243 Committee report adopted and placed on calendar 363 Read the second time 405 Read the third time 436 Signed by the President and returned to the House 436 UDY ON TAXPAYER ADVOCATE PROGRAM (K. Grover) Read for the first time and referred to the Rules Committee 189 Assigned to standing committee 189
H.B. 78 — UT	Read for the first time and referred to the Rules Committee 286 Enacting Clause Stricken 1036 AH UNIFORM SECURITIES ACT MODIFICATIONS (J. Bird) Read for the first time and referred to the Rules Committee 187 Assigned to standing committee 243 Read the second time 363 Read the second time 405 Read the third time 436 Signed by the President and returned to the House 436 UDY ON TAXPAYER ADVOCATE PROGRAM (K. Grover) Read for the first time and referred to the Rules Committee 169 Assigned to standing committee 189 Amendments 224 Committee report adopted and placed on calendar 224
H.B. 78 — UT	Read for the first time and referred to the Rules Committee 286 Enacting Clause Stricken 1036 AH UNIFORM SECURITIES ACT MODIFICATIONS (J. Bird) Read for the first time and referred to the Rules Committee 187 Assigned to standing committee 243 Committee report adopted and placed on calendar 363 Read the second time 405 Read the third time 436 Signed by the President and returned to the House 436 UDY ON TAXPAYER ADVOCATE PROGRAM (K. Grover) Read for the first time and referred to the Rules Committee 189 Assigned to standing committee 189
H.B. 78 — UT	Read for the first time and referred to the Rules Committee Enacting Clause Stricken
H.B. 78 — UT	Read for the first time and referred to the Rules Committee Enacting Clause Stricken 1036 AH UNIFORM SECURITIES ACT MODIFICATIONS (J. Bird) Read for the first time and referred to the Rules Committee 187 Assigned to standing committee 243 Committee report adopted and placed on calendar 363 Read the second time 405 Read the third time 436 Signed by the President and returned to the House 436 UDY ON TAXPAYER ADVOCATE PROGRAM (K. Grover) Read for the first time and referred to the Rules Committee 485 Assigned to standing committee 486 Assigned to standing committee 487 Amendments 224 Committee report adopted and placed on calendar 224 Read the second time 319 Read the third time 319 Returned to the House 319
H.B. 78 — UT H.B. 80 — ST	Read for the first time and referred to the Rules Committee Enacting Clause Stricken 1036 AH UNIFORM SECURITIES ACT MODIFICATIONS (J. Bird) Read for the first time and referred to the Rules Committee 187 Assigned to standing committee 243 Committee report adopted and placed on calendar 363 Read the second time 405 Read the third time 436 Signed by the President and returned to the House 436 UDY ON TAXPAYER ADVOCATE PROGRAM (K. Grover) Read for the first time and referred to the Rules Committee 488 Assigned to standing committee 489 Assigned to standing committee 490 Agend the second time 490 Read the second time 490 Read the shird time 490 Read the House 490 Returned to the House 490 Returned to the House 490 Returned to the President and returned to the House 490 Returned to the President and returned to the House 490 Returned to the President and returned to the House 490 Returned to the President and returned to the House 490 Returned to the President and returned to the House
H.B. 78 — UT H.B. 80 — ST	Read for the first time and referred to the Rules Committee Enacting Clause Stricken 1036 AH UNIFORM SECURITIES ACT MODIFICATIONS (J. Bird) Read for the first time and referred to the Rules Committee 187 Assigned to standing committee 243 Committee report adopted and placed on calendar 363 Read the second time 405 Read the third time 436 Signed by the President and returned to the House 436 UDY ON TAXPAYER ADVOCATE PROGRAM (K. Grover) Read for the first time and referred to the Rules Committee 189 Assigned to standing committee 189 Amendments 224 Committee report adopted and placed on calendar 224 Read the second time 298 Read the third time 319 Returned to the House 319 Signed by the President and returned to the House 339 Returned to the House 339 SALTH CARE PATIENT IDENTITY PROTECTION (S. Sandstrom)
H.B. 78 — UT H.B. 80 — ST	Read for the first time and referred to the Rules Committee Enacting Clause Stricken 1036 AH UNIFORM SECURITIES ACT MODIFICATIONS (J. Bird) Read for the first time and referred to the Rules Committee 187 Assigned to standing committee 243 Committee report adopted and placed on calendar 363 Read the second time 405 Read the third time 436 Signed by the President and returned to the House 436 UDY ON TAXPAYER ADVOCATE PROGRAM (K. Grover) Read for the first time and referred to the Rules Committee 169 Assigned to standing committee 188 Amendments 224 Committee report adopted and placed on calendar 224 Read the second time 228 Read the third time 319 Read the third time 319 Signed by the President and returned to the House 335 Signed by the President and returned to the House 359 Signed by the President and returned to the House 359 ALTH CARE PATIENT IDENTITY PROTECTION (S. Sandstrom) Read for the first time and referred to the Rules Committee
H.B. 78 — UT H.B. 80 — ST	Read for the first time and referred to the Rules Committee Enacting Clause Stricken 1036 AH UNIFORM SECURITIES ACT MODIFICATIONS (J. Bird) Read for the first time and referred to the Rules Committee 187 Assigned to standing committee 243 Committee report adopted and placed on calendar 863 Read the second time 405 Read the third time 513 Signed by the President and returned to the House 436 UDY ON TAXPAYER ADVOCATE PROGRAM (K. Grover) Read for the first time and referred to the Rules Committee 189 Amendments 224 Committee report adopted and placed on calendar 224 Read the second time 226 Read the second time 227 Read the second time 238 Read the third time 319 Returned to the House 319 Signed by the President and returned to the House 335 Signed by the President and returned to the House 336 ALTH CARE PATIENT IDENTITY PROTECTION (S. Sandstrom) Read for the first time and referred to the Rules Committee 152 Assigned to standing committee
H.B. 78 — UT H.B. 80 — ST	Read for the first time and referred to the Rules Committee Enacting Clause Stricken 1036 AH UNIFORM SECURITIES ACT MODIFICATIONS (J. Bird) Read for the first time and referred to the Rules Committee 187 Assigned to standing committee 243 Read the second time 405 Read the third time 436 Signed by the President and returned to the House 436 UDY ON TAXPAYER ADVOCATE PROGRAM (K. Grover) Read for the first time and referred to the Rules Committee 189 Amendments 224 Committee report adopted and placed on calendar 224 Read the second time 319 Read the second time 319 Read the second time 319 Returned to the House 319 Signed by the President and returned to the House 319 Read the shird time 319 Read the shird time 319 Signed by the President and returned to the House 359 EALTH CARE PATIENT IDENTITY PROTECTION (S. Sandstrom) Read for the first time and referred to the Rules Committee 152 Read for the first time and referred to the Rules Committee 152 Assigned to standing committee 152 Read for the first time and referred to the Rules Committee 152 Read for the first time and referred to the Rules Committee 152 Read for the first time and referred to the Rules Committee 152 Read for the first time and referred to the Rules Committee 152 Read for the first time and referred to the Rules Committee 152 Read for the first time and referred to the Rules Committee 152 Read the second time and placed on Consent Calendar 252
H.B. 78 — UT H.B. 80 — ST	Read for the first time and referred to the Rules Committee Enacting Clause Stricken 1036 AH UNIFORM SECURITIES ACT MODIFICATIONS (J. Bird) Read for the first time and referred to the Rules Committee 187 Assigned to standing committee 243 Committee report adopted and placed on calendar 863 Read the second time 405 Read the third time 513 Signed by the President and returned to the House 436 UDY ON TAXPAYER ADVOCATE PROGRAM (K. Grover) Read for the first time and referred to the Rules Committee 189 Amendments 224 Committee report adopted and placed on calendar 224 Read the second time 226 Read the second time 227 Read the second time 238 Read the third time 319 Returned to the House 319 Signed by the President and returned to the House 335 Signed by the President and returned to the House 336 ALTH CARE PATIENT IDENTITY PROTECTION (S. Sandstrom) Read for the first time and referred to the Rules Committee 152 Assigned to standing committee

H.B. 83 PI	ROPERTY TAX RELIEF PROGRAMS (G. Froerer)	
	Read for the first time and referred to the Rules Committee	. 287
	Assigned to standing committee	
	Committee report adopted and placed on calendar	. 380
	Read the second time	
	Read the third time	
	Enacting Clause Stricken	
II D 05 34	e e e e e e e e e e e e e e e e e e e	1050
н.в. 85 — М	UTUAL BENEFIT CORPORATION – JUDICIAL LIENS (<i>P. Painter</i>) Read for the first time and referred to the Rules Committee	150
	Assigned to standing committee	170
	Committee report adopted and placed on calendar	290
	Read the second time	
	Read the third time	415
	Signed by the President and returned to the House	. 415
H.B. 86 D	IVISION OF REAL ESTATE RELATED AMENDMENTS (G. Froerer)	
	Read for the first time and referred to the Rules Committee	. 136
	Assigned to standing committee	. 153
	Committee report adopted and placed on calendar	
	Read the second time	
	Circled	
	Uncircled	
	Signed by the President and returned to the House	
II D 07 II	•	. 200
н.в. 8/ п	DENTITY THEFT AMENDMENT (Julie Fisher) Read for the first time and referred to the Rules Committee	125
	Assigned to standing committee	
	Read the second time and placed on Consent Calendar	272
	Read the third time	
	Signed by the President and returned to the House	. 334
H.R. 89 PI	ROSTHETIC LIMB HEALTH INSURANCE PARITY (D. Litvack)	
11.12.0	Read for the first time and referred to the Rules Committee	614
	Placed on calendar	
	Read the second time	
	Circled	
	Enacting Clause Stricken	1037
H.B. 90 A	BORTION LAW AMENDMENTS (P. Ray)	
	Read for the first time and referred to the Rules Committee	. 187
	Assigned to standing committee	. 205
	Committee report adopted and placed on calendar	
	Read the second time	
	Uncircled	
	Amendments	
	Read the third time	. 392
	Returned to the House	. 392
	Signed by the President and returned to the House	. 420
H.B. 91 IN	IDIVIDUAL DEVELOPMENT ACCOUNT AMENDMENTS (F.J. Seegmiller)	
	Read for the first time and referred to the Rules Committee	. 220
	Assigned to standing committee	. 244
	Read the second time and placed on Consent Calendar	
	Read the third time	
	Signed by the President and returned to the House	. 4.30

H.B. 92 — REQUIREMENT TO WEAR HUNTER ORANGE AMENDMENTS (S. Sandstrom) Read for the first time and referred to the Rules Committee
Assigned to standing committee
H.B. 96 — STATE RETIREMENT SYSTEM PARTICIPATION FOR CHARTER SCHOOLS (C. Watkins) People for the first time and referred to the Pulse Committee.
Read for the first time and referred to the Rules Committee .647 Placed on calendar .1000 Read the second time .1022 Substituted .1022 Read the second and third time .1022 Returned to the House .1022 Signed by the President and returned to the House .1029
H.B. 97 — SEXUAL EXPLOITATION OF A MINOR (R. Bigelow) Read for the first time and referred to the Rules Committee 281 Assigned to standing committee 304 Committee report adopted and placed on calendar 387 Read the second time 545 Tabled on Third Reading Calendar 546 Placed on Third Reading Calendar 810 Read the third time 814 Signed by the President and returned to the House 814
H.B. 100 — DEPARTMENT OF CORRECTIONS – TRACKING AND REIMBURSEMENT OF INDIVIDUAL PRISONER COSTS (C. Wimmer) Read for the first time and referred to the Rules Committee 429 Assigned to standing committee 475 Amendments 672 Committee report adopted and placed on calendar 676 Read the second time 749 Read the third time 768 Returned to the House 768 Signed by the President and returned to the House 825
H.B. 101 — ASSERTIVE COMMUNITY MENTAL HEALTH TREATMENT PILOT PROGRAM (C. Moss) Read for the first time and referred to the Rules Committee
H.B. 102 — FALSE VEHICLE TITLE AND REGISTRATION PENALTIES (P. Ray) Read for the first time and referred to the Rules Committee
H.B. 104 — DRIVER LICENSE HEARING AMENDMENTS (R. Greenwood) Read for the first time and referred to the Rules Committee

Read for the first time and referred to the Rules Committee 364 Assigned to standing committee 304 Committee report adopted and placed on calendar 388 Read the second time 407 Read the third time 433 Signed by the President and returned to the House 438 H.B. 106 — CONTROLLED SUBSTANCE DATABASE AMENDMENTS (B. Daw) 132 Read for the first time and referred to the Rules Committee 153 Assigned to standing committee 153 Read the third time 334 Signed by the President and returned to the House 334 H.B. 107 — ECONOMIC IMPACT OF ILLEGAL ALIENS (S. Clark) Read for the first time and referred to the Rules Committee 532 Placed on calendar 984 Read the second time 1020 Circled 1022 Uncircled 1022 Circled 1022 Enacting Clause Stricken 1035 H.B. 108 — HORMONE RESTORATION AMENDMENTS (D. Aagard) 28 Read for the first time and referred to the Rules Committee 28 Assigned to standing committee 29 Rea	H.B. 105 — DEPARTMENT OF AGRICULTURE AND FOOD AMENDMENTS (J. Mathis	7)
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Signed by the President and returned to the House		
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Assigned to standing committee	H.B. 106 — CONTROLLED SUBSTANCE DATABASE AMENDMENTS (B. Daw)	100
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Signed by the President and returned to the House 334		
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Returned to the House	Read the third time	651
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Assigned to standing committee	Read for the first time and referred to the Rules Committee	242
Committee report adopted and placed on calendar	Assigned to standing committee	265
Circled	Committee report adopted and placed on calendar	349
Uncircled		
Neau me minu mine		
Signed by the President and returned to the House		

H.B. 114 — ABORTION LITIGATION TRUST ACCOUNT AMENDMENTS (K. Sumsion)	
Read for the first time and referred to the Rules Committee	
Assigned to standing committee	361
Committee report adopted and placed on calendar Read the second time	425
Circled	
Uncircled	
Read the third time	
Signed by the President and returned to the House	. 591
H.B. 116 — UNIFORM FEES ON CANOES (M. Wheatley)	
Read for the first time and referred to the Rules Committee	. 286
Assigned to standing committee	. 378
Committee report adopted and placed on calendar	. 425
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H.B. 118 — ARCHIVES AND GRAMA REVISIONS (D. Aagard)	
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Assigned to standing committee	
Committee report adopted and placed on calendar	
Read the third time	
Signed by the President and returned to the House	. 736
H.B. 119 — POWERSPORT VEHICLE FRANCHISE ACT REVISIONS (J. Gowans)	
Read for the first time and referred to the Rules Committee	325
Assigned to standing committee	. 345
Committee report adopted and placed on calendar	
Read the second time	
Read the third time	
Signed by the President and returned to the House	. 588
H.B. 120 — SNAKE VALLEY AQUIFER RESEARCH TEAM AND ADVISORY COUNCIL (B. Winn)	
Read for the first time and referred to the Rules Committee	
Assigned to standing committee	
Committee report adopted and placed on calendar	
Returned to the Rules Committee	
Placed on calendar	
Read the second time	
Signed by the President and returned to the House	
H.B. 121 — RETIRED VOLUNTEER HEALTH CARE PRACTITIONER ACT (M. Brown)	
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Committee report adopted and placed on calendar	
Read the second time	
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	Assigned to standing committee	421
	Committee report adopted and placed on calendar Read the second time	477
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	Uncircled	706, 832
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	Read the third time	
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	Assigned to standing committee	361
	Read the second time and placed on Consent Calendar	479
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	Signed by the President and returned to the House	584
	SURANCE COVERAGE FOR EOSINOPHILIC GASTROINTESTINAL DISORDERS AND SHORT BOWEL SYNDROME (C. Johnson)	
	Read for the first time and referred to the Rules Committee	
	Placed on calendar	
	Enacting Clause Stricken	1037
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	Read for the first time and referred to the Rules Committee	
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	Read the second time	725
	Circled	
	Returned to the Rules Committee	
	Enacting Clause Stricken	
	OTER IDENTIFICATION FOR ELECTIONS (B. Daw)	1057
	Read for the first time and referred to the Rules Committee	449
	Assigned to standing committee	474
	Committee report adopted and placed on calendar	629
	Read the second time	727
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	Read the third time	766
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	Returned to the House	818
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	Read for the first time and referred to the Rules Committee	
	Assigned to standing committee	
	Read the second time and placed on Consent Calendar	
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	Uncircled	586
	Signed by the President and returned to the House	587

H.B. 128 — ELECTRONIC PRESCRIBING AC	T (R. Menlove)
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	ned to the House
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	ed to the Rules Committee
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	ned to the House
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H.B. 138 — EXPUNGEMENT OF RECORDS A	MENDMENTS (Julie Fisher)
	ed to the Rules Committee
Assigned to standing committee	
Read the third time	on Consent Calendar
Signed by the President and return	ned to the House
Signed by the i resident and retur	ned to the 110use

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	Assigned to standing committee	450
	Committee report adopted and placed on calendar	560
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	Uncircled	753 753
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	Assigned to standing committee	
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II D 144 M	IEDICAL LANGUAGE INTERPRETER ACT (R. Chavez–Houck)	
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	Read the second and third time	
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	Read for the first time and referred to the Rules Committee	
	Assigned to standing committee	. 47/4
	Returned to the Rules Committee	
	<u>e</u>	1037
H.B. 151 N	MOTOR VEHICLE FORFEITURE AMENDMENTS (C. Herrod)	
	Read for the first time and referred to the Rules Committee	. 503
	Assigned to standing committee	. 521
	Committee report adopted and placed on calendar	. 630
	Read the second time	
	Circled	
	Uncircled	
	Signed by the President and returned to the House	
II D 153 A		. ,
н.в. 152 А	APPRAISAL MANAGEMENT COMPANY REGULATION (M. Morley)	473
	Read for the first time and referred to the Rules Committee	185
	Assigned to standing committee Amendments	668
	Committee report adopted and placed on calendar	676
	Read the second time	
	Circled	. 747
	Uncircled	
	Read the third time	. 769
	Returned to the House	
	Signed by the President and returned to the House	. 825
Н.В. 153 — Т	RESPASS LAW AMENDMENTS (J. Mathis)	
	Read for the first time and referred to the Rules Committee	. 503
	Placed on calendar	. 856
	Read the second time	
	Amendments	
	Read the third time	
	Circled	
	Uncircled	
	Returned to the House	. 904
		. 929
H.B. 154 — S'	TATE CONSTRUCTION REGISTRY AMENDMENTS (M. Morley)	
	Read for the first time and referred to the Rules Committee	
	Assigned to standing committee	
	Amendments	
	Committee report adopted and placed on calendar	
	Read the second time	
	Circled	
	Uncircled	
	Returned to the House	
	Signed by the President and returned to the House	. 627

H.B. 156 — SUBDIVISION APPROVAL AMENDMENTS (R. C. Webb)	
Read for the first time and referred to the Rules Committee	520
Assigned to standing committee	
Committee report adopted and placed on calendar	713
Returned to the Rules Committee	759
Placed on calendar	
Read the second and third time	
Amendments	044
Returned to the House	
Signed by the President and returned to the House	940
• •	99.
H.B. 157 — PROPERTY TAX ASSESSMENT AMENDMENTS (W. Harper)	
Read for the first time and referred to the Rules Committee	503
Assigned to standing committee	521
Committee report adopted and placed on calendar	676
Read the second time	750
Read the third time	770
Signed by the President and returned to the House	77(
• •	
H.B. 163 — PROPERTY TRANSACTION AMENDMENTS (R. Lockhart)	
Read for the first time and referred to the Rules Committee	
Placed on calendar	
Read the second time	
Read the third time	909
Signed by the President and returned to the House	909
H.B. 164 — MIGRATORY BIRD PRODUCTION AREAS (C. Oda)	
Read for the first time and referred to the Rules Committee	570
Assigned to standing committee	603
Amendents	
Committee report adopted and placed on calendar	
Returned to the Rules Committee	
Placed on calendar	1000
Read the second time	
Substituted	
Returned to the House	
Signed by the President and returned to the House	1029
H.B. 165 — HEALTH REFORM – ADMINISTRATIVE SIMPLIFICATION (M. Newbo	old)
Read for the first time and referred to the Rules Committee	303
Assigned to standing committee	423
Committee report adopted and placed on calendar	53/
Read the second time	709
Circled	
Uncircled	720
Substituted	72
Read the third time	
Returned to the House	/39
•	
H.B. 167 — COUNTY HOSPITAL RETIREMENT PROVISIONS (M. Noel)	
Read for the first time and referred to the Rules Committee	579
Assigned to standing committee	603
Read the second time and placed on Consent Calendar	679
Returned to the Rules Committee	759
Placed on Consent Calendar	
Read the third time	
Signed by the President and returned to the House	858
• •	
H.B. 169 — PUBLIC LANDS POLICY COORDINATION AMENDMENTS (M. Noel,	
Read for the first time and referred to the Rules Committee	
Read the second and third time	
Signed by the President and returned to the House	1013

H.B. 170 — INSURANCE AND LIFE SETTLEMENT AMENDMENTS (<i>J. Dunnigan</i>) Read for the first time and referred to the Rules Committee	520
Assigned to standing committee	551
Amendments	668
Committee report adopted and placed on calendar	676
Read the second time	
Read the third time	
Returned to the House	767
Signed by the President and returned to the House	825
H.B. 171 — LEGAL IMMIGRANT CHILDREN HEALTH CARE AMENDMENTS (<i>K. Ho</i> l Read for the first time and referred to the Rules Committee	831
Enacting Clause Stricken	1037
H.B. 173 — OUTDOOR GUIDES AND OUTFITTERS LICENSING ACT (E. Vickers)	
Read for the first time and referred to the Rules Committee	855
Placed on calendar	893
Read the second time	
Substituted	
Read the second and third time	
Failed	
Filed	
Reconsideration	
Read the second and third time	
Returned to the House	
Signed by the President and returned to the House	999
H.B. 174 — LICENSING OF VOCATIONAL REHABILITATION COUNSELORS (R. Men	
Read for the first time and referred to the Rules Committee	
Placed on calendar	927
Read the second time	
Circled	
Uncircled	
Amendments	
Read the second and third time Returned to the House	904
Signed by the President and returned to the House	
·	990
H.B. 178 — HEALTH INSURANCE AND PROGRAM AMENDMENTS (J. Dunnigan)	
Read for the first time and referred to the Rules Committee	
Placed on calendar	1027
Read the second and third time	1028
Signed by the President and returned to the House	1028
H.B. 179 — STATE-OWNED LAND AMENDMENTS (K. Gibson)	
Read for the first time and referred to the Rules Committee	806
Placed on calendar	
Read the second time	
Circled	
Uncircled	884
Read the third time	911
Signed by the President and returned to the House	912
H.B. 183 — NATIONAL ANIMAL IDENTIFICATION SYSTEM (M. Brown)	
Read for the first time and referred to the Rules Committee	647
Placed on calendar	
Read the second time	
Circled	
Uncircled	
Read the second and third time	907
Signed by the President and returned to the House	

H.B. 184 — INCOME TAX CREDIT FOR A DISABLED DEPENDENT (J. Dougall)	
Read for the first time and referred to the Rules Committee	551
Assigned to standing committee	604
Committee report adopted and placed on calendar	676
Returned to the Rules Committee	
Enacting Clause Stricken	1037
H.B. 185 — TRANSPORTATION AMENDMENTS (W. Harper)	
Read for the first time and referred to the Rules Committee	751
Returned to the House for correction	804
Referred to the Rules Committee	
Placed on calendar	
Read the second time	
Circled	
Uncircled	
Substituted	
Read the second and third time	02/
Refuse to Recede	
Joint Conference Committee Report	
Returned to the House	
Signed by the President and returned to the House	
	1051
H.B. 188 — HEALTH SYSTEM REFORM – INSURANCE MARKET (D. Clark)	202
Read for the first time and referred to the Rules Committee	
Assigned to standing committee	52/
Read the second time	710
Circled	
Uncircled	
Substituted	
Amendments	
Tabled on Third Reading Calendar	724
Placed on Third Reading Calendar	749
Read the third time	
Returned to the House	756
Signed by the President and returned to the House	825
H.B. 192 — PERSONAL INJURY JUDGMENT INTEREST (J. Dunnigan)	
Read for the first time and referred to the Rules Committee	628
Assigned to standing committee	
Read the second time and placed on Consent Calendar	714
Returned to the Rules Committee	
Placed on Consent Calendar	856
Read the third time	
Signed by the President and returned to the House	859
H.B. 194 — EDUCATION POLICIES FOR MILITARY CHILDREN (R. Menlove)	
Read for the first time and referred to the Rules Committee	520
Assigned to standing committee	
Read the second time and placed on Consent Calendar	679
Returned to the Rules Committee	759
Placed on Consent Calendar	
Read the third time	857
Signed by the President and returned to the House	858

H.B. 195 — UTAH UNIFORM PROBATE CODE – TRUST AMENDMENTS (R. Lockhart) Read for the first time and referred to the Rules Committee
H.B. 197 — REAUTHORIZATION OF ADMINISTRATIVE RULES (B. Ferry) Read for the first time and referred to the Rules Committee 579 Assigned to standing committee 603 Read the second time and placed on Consent Calendar 631 Placed on calendar 733, 856 Read the second time 745, 863 Circled 745 Returned to the Rules Committee 759 Circled 863 Uncircled 875 Read the second and third time 875 Signed by the President and returned to the House 875
H.B. 198 — MARRIAGE LICENSE FEE AMENDMENTS (C. Johnson) Read for the first time and referred to the Rules Committee 855 Placed on calendar 875 Read the second time 888 Read the third time 921 Signed by the President and returned to the House 922
H.B. 201 — MUNICIPAL DISINCORPORATION AMENDMENTS (G. Froerer) Read for the first time and referred to the Rules Committee 806 Placed on calendar 1000 Enacting Clause Stricken 1037
H.B. 202 — SCHOOL DISTRICT TRAFFIC VIOLATION COMPLAINT PROCEDURES (W. Harper) Read for the first time and referred to the Rules Committee 503 Assigned to standing committee 521 Committee report adopted and placed on calendar 630 Read the second time 745 Read the third time 766 Signed by the President and returned to the House 766
H.B. 204 — CONCEALED FIREARMS INSTRUCTORS AMENDMENTS (C. Oda)Read for the first time and referred to the Rules Committee520Assigned to standing committee553Returned to the Rules Committee719Enacting Clause Stricken1037
H.B. 205 — WATER SOURCE PROTECTION AMENDMENTS (M. Noel) Read for the first time and referred to the Rules Committee 429 Assigned to standing committee 475 Committee report adopted and placed on calendar 534 Read the second time 719 Circled 719 Uncircled 724 Read the third time 740 Signed by the President and returned to the House 741

H.B. 206 — EMPLOYMENT SELECTION PROCEDURES (W. Harper)	
Read for the first time and referred to the Rules Committee	532
Assigned to standing committee	
Placed on calendar	
Read the second and third time	
Signed by the President and returned to the House	1027
H.B. 207 — CONCURRENT ENROLLMENT AMENDMENTS (K. Holdaway)	
Read for the first time and referred to the Rules Committee	429
Assigned to standing committee	474
Returned to the Rules Committee	
Enacting Clause Stricken	103/
H.B. 209 — AMENDMENTS TO CRIMINAL APPEALS (Julie Fisher)	502
Read for the first time and referred to the Rules Committee Assigned to standing committee	503 521
Returned to the Rules Committee	719
Placed on calendar	
Read the second time	
Circled	
Uncircled	974
Read the second and third time	
ę ,	
H.B. 210 — POSTING OF COLLECTIVE BARGAINING AGREEMENTS BY SCHOOLS (V. S.)L
DISTRICTS AND CHARTER SCHOOLS (K. Sumsion) Read for the first time and referred to the Rules Committee	411
Assigned to standing committee	421
Read the second time and placed on Consent Calendar	534
Read the third time	648
Signed by the President and returned to the House	648
H.B. 211 — RETIREMENT INVESTMENT REPORTS (Julie Fisher)	
Read for the first time and referred to the Rules Committee	614
Assigned to standing committee	644
Read the second time and placed on Consent Calendar	
Placed on Consent Calendar	
Read the third time	
Signed by the President and returned to the House	
H.B. 216 — TELECOMMUNICATION PRICING FLEXIBILITY AMENDMENTS (F.	
Read for the first time and referred to the Rules Committee	136
Assigned to standing committee	154
Committee report adopted and placed on calendar	
Read the second time	
Circled	
Read the third time	355
Signed by the President and returned to the House	355
H.B. 218 — FAMILY EMPLOYMENT PROGRAM AMENDMENTS (Janice Fisher)	
Read for the first time and referred to the Rules Committee	303
Assigned to standing committee	328
Amendments	423
Committee report adopted and placed on calendar	
Read the second time	
Returned to the House	
Signed by the President and returned to the House	646

H.B. 220 — STATE PAYMENT AND REIMBURSEMENT TO COUNTY CORRECTIONAL FACILITIES (M. Noel)
Read for the first time and referred to the Rules Committee
Committee report adopted and placed on calendar 560 Read the second time 726 Circled 726
Uncircled
Read the third time
H.B. 221 — COUNTY CORRECTIONAL FACILITIES FUNDING AMENDMENTS (M. Noel) Read for the first time and referred to the Rules Committee
Enacting Clause Stricken
Read for the first time and referred to the Rules Committee 220 Assigned to standing committee 384 Committee report adopted and placed on calendar 477 Read the second time 698 Amendments 698, 737 Circled 702 Uncircled 705 Read the third time 737 Returned to the House 738 Signed by the President and returned to the House 805
H.B. 223 — STATUTE OF LIMITATIONS AMENDMENTS (C. Wimmer) Read for the first time and referred to the Rules Committee 242 Assigned to standing committee 264 Read the second time and placed on Consent Calendar 397 Read the third time 460 Circled 460 Uncircled 503 Signed by the President and returned to the House 504
H.B. 226 — DISASTER RECOVERY AND EMERGENCY MANAGEMENT AMENDMENTS (C. Oda) Read for the first time and referred to the Rules Committee 152 Assigned to standing committee 170 Read the second time and placed on Consent Calendar 225 Read the third time 291 Signed by the President and returned to the House 291
H.B. 228 — ASSAULT ON SERVICE MEMBER IN UNIFORM (E. Hutchings) Read for the first time and referred to the Rules Committee
H.B. 231 — UTAH COMMISSION ON VOLUNTEERS AMENDMENTS (D. Aagard) Read for the first time and referred to the Rules Committee 135 Assigned to standing committee 153 Committee report adopted and placed on calendar 270 Read the second time 296 Read the third time 318 Signed by the President and returned to the House 319

H.B. 232 — CAMPAIGN AND FINANCIAL REPORTING REQUIREMENTS REVISIONS (D. Augard)	
Read for the first time and referred to the Rules Committee	119
Assigned to standing committee	137
Committee report adopted and placed on calendar	224
Read the second time	297
Circled	
Uncircled	
Read the third time	355
Signed by the President and returned to the House	
H.B. 233 — AGGRAVATED SEXUAL ASSAULT AMENDMENTS (C. Wimmer)	
Read for the first time and referred to the Rules Committee	242
Assigned to standing committee	264
Committee report adopted and placed on calendar	349
Read the second time	
Read the third time	435
Signed by the President and returned to the House	
H.B. 234 — CONSUMER CREDIT PROTECTION ACT MODIFICATION (Julie Fish	ier)
Read for the first time and referred to the Rules Committee	152
Assigned to standing committee	170
Read the second time and placed on Consent Calendar	252
Read the third time	312
Signed by the President and returned to the House	312
H.B. 235 — DAM SAFETY AMENDMENTS (S. Sandstrom)	
Read for the first time and referred to the Rules Committee	286
Assigned to standing committee	304
Committee report adopted and placed on calendar	349
Read the second time	
Read the third time	
Signed by the President and returned to the House	
H.B. 236 — DEPARTMENT OF COMMUNITY AND CULTURE GRANTS (S. Allen,)
Read for the first time and referred to the Rules Committee	204
Assigned to standing committee	221
Committee report adopted and placed on calendar	
Read the second time	
Amendments	
Read the third time	
Returned to the House	400 400
Signed by the President and returned to the House	
H.B. 237 — CRIMINAL PENALTIES AMENDMENTS – LEAVING THE SCENE OF	AN
ACCIDENT (C. Herrod)	502
Read for the first time and referred to the Rules Committee	
Assigned to standing committee	
Placed on calendar	
Read the second time	
Circled	
Uncircled	
Read the second and third time	1030
Signed by the President and returned to the House	1030
H.B. 238 — EXEMPTION OF UNIVERSITY HOUSING FROM EVICTION LAWS (
Read for the first time and referred to the Rules Committee	
Assigned to standing committee	
Returned to the Rules Committee	
Enacting Clause Stricken	

H.B. 239 — UTAH MEDICAL EXAMINER ACT – INVESTIGATION AND AUTOPSIES AMENDMENTS (C. Oda)
Read for the first time and referred to the Rules Committee
Assigned to standing committee
Read the second time and placed on Consent Calendar
Read the third time
H.B. 240 — WANTON DESTRUCTION OF LIVESTOCK (R. Menlove)
Read for the first time and referred to the Rules Committee
Assigned to standing committee
Read the second time and placed on Consent Calendar
Read the third time
Signed by the President and returned to the House
H.B. 241 — PRIORITY OF WATER RIGHTS (K. Gibson)
Read for the first time and referred to the Rules Committee
Assigned to standing committee
Amendments
Committee report adopted and placed on calendar
Read the second time
Read the third time
Returned to the House 590
Signed by the President and returned to the House
e ;
H.B. 243 — RENTAL RESTRICTIONS ON CONDOMINIUMS AND COMMON INTEREST
COMMUNITIES (G. Froerer)
Read for the first time and referred to the Rules Committee
Assigned to standing committee
Substituted
Committee report adopted and placed on calendar
Read the second time
Circled
Uncircled
Amendments
Read the third time
Returned to the House
Signed by the President and returned to the House
•
H.B. 244 — DISRUPTION OF SCHOOL ACTIVITIES (C. Moss)
Read for the first time and referred to the Rules Committee
Assigned to standing committee
Amendments
Committee report adopted and placed on calendar
Read the second time
Circled
Uncircled
Read the third time
Returned to the House
Recalled
Refuse to Recede
Joint Conference Committee
Substituted
Before the Senate
Returned to the House832
Signed by the President and returned to the House

	AH STATE 911 COMMITTEE AMENDMENTS (C. Oda) Read for the first time and referred to the Rules Committee	602
	Assigned to standing committee Read the second time and placed on Consent Calendar Returned to the Rules Committee Placed on Consent Calendar Read the third time Signed by the President and returned to the House	714 759 856 859
	OPERTY TAX – RESIDENTIAL EXEMPTION (G. Froerer) Read for the first time and referred to the Rules Committee Assigned to standing committee Returned to the Rules Committee Placed on calendar Enacting Clause Stricken	552 719 856
	MENDMENTS TO EMAIL INFORMATION REQUIRED OF REGISTERED SEX OFFENDERS (J. Bird) Read for the first time and referred to the Rules Committee Assigned to standing committee Committee report adopted and placed on calendar Read the second time Read the third time Signed by the President and returned to the House	170 349 405 436
	EVISOR'S STATUTE (K. Garn) Read for the first time and referred to the Rules Committee Placed on calendar Read the second time Read the third time Signed by the President and returned to the House	125 199 209
	INT CUSTODY AMENDMENTS (L. Fowlke) Read for the first time and referred to the Rules Committee Placed on calendar Read the second and third time Signed by the President and returned to the House	893 976
H.B. 252 — EN	MERGENCY MANAGEMENT ADMINISTRATION COUNCIL AMENDMENTS (C. Oda) Read for the first time and referred to the Rules Committee Assigned to standing committee Read the second time and placed on Consent Calendar Read the third time Signed by the President and returned to the House	152 170 310 352
	OTOR CARRIER PERMIT FEE AMENDMENTS (T. Kiser) Read for the first time and referred to the Rules Committee Assigned to standing committee Committee report adopted and placed on calendar Read the second time Read the third time Signed by the President and returned to the House	305 380 407 438
	EALTH PROFESSIONAL AUTHORITY – DEATH CERTIFICATES (B. Last) Read for the first time and referred to the Rules Committee Assigned to standing committee Read the second time and placed on Consent Calendar Read the third time Signed by the President and returned to the House	475 615
Н.В. 256 — LГ	VESTOCK WATERING RIGHTS AMENDMENTS (M. Noel) Read for the first time and referred to the Rules Committee Read the second and third time Signed by the President and returned to the House	855 999

H.B. 257 — F	POLITICAL SUBDIVISION CLERK AMENDMENTS (M. Newbold)	
	Read for the first time and referred to the Rules Committee	. 152
	Assigned to standing committee	. 170
	Read the second time and placed on Consent Calendar	
	Circled	
	Uncircled	
	Signed by the President and returned to the House	
H.B. 258 A	MENDMENTS TO NOTICE PROVISIONS FOR SUBDIVISION	
11.0.200	CHANGES (K. Powell)	
	Read for the first time and referred to the Rules Committee	
	Assigned to standing committee	. 205
	Read the second time and placed on Consent Calendar	
	Read the third time	
	Circled	
	Uncircled	
		. 414
H.B. 259 I	OCAL GOVERNMENT AMENDMENTS (S. Sandstrom)	(14
	Read for the first time and referred to the Rules Committee	
	Amendments	711
	Committee report adopted and placed on calendar	713
	Returned to the Rules Committee	759
	Placed on calendar	. 893
	Read the second time	
	Circled	
	Uncircled	
	Substituted	
	Read the first, second and third time	
	Returned to the House	
	Signed by the President and returned to the House	1018
H.B. 261 — A	VIATION AMENDMENTS (W. Harper)	
	Read for the first time and referred to the Rules Committee	. 360
	Assigned to standing committee	. 378
	Amendments	, 597
	Read the second time and placed on Consent Calendar	. 427
	Placed on Second Reading Calendar Read the second time	. 443
	Read the third time	
	Circled	
	Uncircled	
	Returned to the House	. 597
	Signed by the President and returned to the House	. 627
HR 264 E	EDUCATOR EVALUATION AMENDMENTS (R. Menlove)	
11.D. 204 L	Read for the first time and referred to the Rules Committee	360
	Assigned to standing committee	. 377
	Read the second time and placed on Consent Calendar	. 458
	Read the third time	. 581
	Signed by the President and returned to the House	. 581
H.B. 265 P	OSTMORTEM PROCEDURES AMENDMENTS (B. Daw)	
	Read for the first time and referred to the Rules Committee	. 325
	Assigned to standing committee	. 346
	Committee report adopted and placed on calendar	
	Read the second time	. 696
	Tabled on Third Reading Calendar	
	Placed on Third Reading Calendar	
	Read the third time	
	Signed by the President and returned to the House	. 815

H.B. 266 WF	RONGFUL LIEN AMENDMENTS (G. Froerer)	
F	Read for the first time and referred to the Rules Committee	187
A	Assigned to standing committee	205
(Committee report adopted and placed on calendar	290
	Read the second time	
	Read the third time	
	8	410
	RENT-TIME HOLIDAY AND NOTIFICATION AMENDMENTS (L. Fowlke)	215
	Read for the first time and referred to the Rules Committee	
	Enacting Clause Stricken	
H.B. 271 — WO	ORKERS' COMPENSATION – UNINSURED EMPLOYERS' FUND (M. Morle	v)
	Read for the first time and referred to the Rules Committee	
A	Assigned to standing committee	345
A	Amendments	452
(Committee report adopted and placed on calendar	457
F	Read the second time	573
	Read the third time	
	Returned to the House	
	6 ,	02/
H.B. 272 UT	AH SCENIC BYWAY DESIGNATION AMENDMENTS (C. Herrod)	
Ī	Read for the first time and referred to the Rules Committee	602
ŀ	Placed on calendar	893
	Read the second time	
	Amendments	
	Circled	
	Uncircled	
	Read the second and third time	
	Returned to the House	
	Signed by the President and returned to the House	
HR 274 IO	CAL GOVERNMENT FEES AND CHARGES (C. B. Wallis)	
	Read for the first time and referred to the Rules Committee	667
	Placed on calendar	
	Read the second time	
F	Read the third time	897
S	Signed by the President and returned to the House	897
H.B. 275 DO	MESTIC VIOLENCE IN PRESENCE OF A CHILD AMENDMENTS (K. Gibso	on)
	Read for the first time and referred to the Rules Committee	
A	Assigned to standing committee	304
(Committee report adopted and placed on calendar	477
	Read the second time	
(Circled	702
	Uncircled	
	Read the third time	
	Signed by the President and returned to the House	137
H.B. 276 CU	STODIAL INTERFERENCE AMENDMENTS (C. Wimmer)	
F	Read for the first time and referred to the Rules Committee	
F	Enacting Clause Stricken	037

Н.В. 278 — В	AND C ROADS FUND AMENDMENTS (M. Noel)	
	Read for the first time and referred to the Rules Committee	
	Assigned to standing committee	. 305
	Committee report adopted and placed on calendar	. 380
	Read the second time	
	Circled	
	Uncircled	. 528
	Read the third time	. 539
	Signed by the President and returned to the House	. 540
H.B. 279 — U	INIFORM PRUDENT MANAGEMENT OF INSTITUTIONAL	
	FUNDS ACT (B. Last)	
	Read for the first time and referred to the Rules Committee	. 303
	Assigned to standing committee	. 327
	Read the second time and placed on Consent Calendar	
	Read the third time	
	Signed by the President and returned to the House	. 430
H.B. 280 II	NSURANCE CODE – CONTINUING EDUCATION (J. Bird)	
	Read for the first time and referred to the Rules Committee	. 449
	Assigned to standing committee	. 474
	Committee report adopted and placed on calendar	. 713
	Returned to the Rules Committee	. 759
	Placed on calendar	
	Read the second and third time	1015
	Signed by the President and returned to the House	1015
H.B. 283 II	LLEGAL USE OF MOTOR VEHICLES (M. Noel)	
11121 200 11	Read for the first time and referred to the Rules Committee	532
	Assigned to standing committee	
	Amendments	
	Committee report adopted and placed on calendar	. 713
	Returned to the Rules Committee	. 759
	Placed on calendar	. 893
	Read the second time	. 946
	Substituted	. 946
	Read the third time	
	Returned to the House	. 957
	Signed by the President and returned to the House	. 996
H.B. 286 R	EGULATION OF LENDING BY THE DEPARTMENT OF FINANCIAL	
	INSTITUTIONS (K. Garn)	
	Read for the first time and referred to the Rules Committee	. 411
	Assigned to standing committee	. 421
	Read the second time and placed on Consent Calendar	. 534
	Read the third time	. 647
	Circled	
	Uncircled	
	Signed by the President and returned to the House	. 649
H.B. 287 U	TAH EDUCATION NETWORK AMENDMENTS (K. Holdaway)	
	Read for the first time and referred to the Rules Committee	. 377
	Assigned to standing committee	. 384
	Committee report adopted and placed on calendar	. 457
	Read the second time	. 697
	Read the third time	
	Signed by the President and returned to the House	. 736
H.B. 280 R	ACKGROUND CHECKS FOR QUALIFYING ENTITIES (S. Sandstrom)	
11.D. 207 - D	Read for the first time and referred to the Rules Committee	345
	Assigned to standing committee	
	Read the second time and placed on Consent Calendar	. 458
	Read the third time	
	Signed by the President and returned to the House	

H.B. 290 — PROHIBITION OF WIRELESS COMMUNICATION DEVICE USE IN A VEHICLE (S. Clark)	MOTOR
Read for the first time and referred to the Rules Committee	570
Assigned to standing committee	604
Returned to the Rules Committee	719
Placed on calendar	
Read the second time	935
Circled	935
Uncircled	961
Substituted	961
Amendments	
Read the second and third time	
Returned to the House	
Signed by the President and returned to the House	996
H.B. 291 — COUNTY PERSONNEL AMENDMENTS (B. King)	
Read for the first time and referred to the Rules Committee	345
Assigned to standing committee	361
Read the second time and placed on Consent Calendar	479
Read the third time	
Signed by the President and returned to the House	582
H.B. 292 — TRAFFIC VIOLATION AND CITATION AMENDMENTS (D. Ipson)	
Read for the first time and referred to the Rules Committee	503
Assigned to standing committee	521
Read the second time and placed on Consent Calendar	631
Read the third time	734
Signed by the President and returned to the House	734
H.B. 294 — SURVIVAL ACTION UPON INJURY OR DEATH (K. McIff)	
Read for the first time and referred to the Rules Committee	
Assigned to standing committee	485
Returned to the Rules Committee	688
Placed on calendar	893
Read the second time	
Circled	967
Uncircled	975
Signed by the President and returned to the House	976
H.B. 295 — MONEY LAUNDERING AMENDMENTS (R. Wilcox)	
Read for the first time and referred to the Rules Committee	345
Assigned to standing committee	361
Read the second time and placed on Consent Calendar	479
Read the third time	584
Signed by the President and returned to the House	585
H.B. 296 — SCHOOLS FOR THE DEAF AND BLIND AMENDMENTS (K. Sumsion)	
Read for the first time and referred to the Rules Committee	520
Assigned to standing committee	552
Committee report adopted and placed on calendar	676
Read the second time	752
Tabled on Third Reading Calendar	752
Placed on Third Reading Calendar	913
Read the third time	
Signed by the President and returned to the House	
H.B. 297 — BUDGETARY PROCEDURES ACT RECODIFICATION (R. Bigelow)	
Read for the first time and referred to the Rules Committee	421
Assigned to standing committee	450
Read the second time and placed on Consent Calendar	567
Read the third time	648
Signed by the President and returned to the House	649

H.B. 298 –	— JUVENILE TRANSFERS FROM JUSTICE COURT (K. McIff) Read for the first time and referred to the Rules Committee
	Placed on calendar
H.B. 299 –	UNLAWFUL DETAINER AMENDMENTS (G. Froerer) Read for the first time and referred to the Rules Committee 503 Assigned to standing committee 521 Returned to the Rules Committee 719 Placed on calendar 856 Read the second time 876 Circled 876 Uncircled 942 Substituted 942 Read the second and third time 942
	Returned to the House
H.B. 300 –	- CAPITAL IMPROVEMENT APPROPRIATION MODIFICATION (R. Bigelow) Read for the first time and referred to the Rules Committee
H.B. 301 –	- STATE DISASTER RECOVERY RESTRICTED ACCOUNT AMENDMENTS (R. Bigelow) Read for the first time and referred to the Rules Committee 165 Placed on calendar 165 Read the second and third time 167 Signed by the President and returned to the House 168
H.B. 302 –	— DISTRIBUTION OF TOBACCO SETTLEMENT MONIES AMENDMENTS (R. Bigelow) Read for the first time and referred to the Rules Committee
H.B. 306 –	HEALTH AND HUMAN SERVICES-RELATED COMMISSION, COMMITTEE, AND COUNCIL AMENDMENTS (R. Bigelow) Read for the first time and referred to the Rules Committee
H.B. 307 –	TOURISM MARKETING PERFORMANCE ACCOUNT AMENDMENTS (R. Bigelow) Read for the first time and referred to the Rules Committee 855 Placed on calendar 914 Read the second and third time 931 Signed by the President and returned to the House 931
H.B. 308 –	- WORKERS' COMPENSATION - MOTOR CARRIERS (D. Ipson) Read for the first time and referred to the Rules Committee 667 Placed on calendar 875 Read the second time 885 Amendments 885 Read the third time 920 Returned to the House 921 Signed by the President and returned to the House 953

Н.В. 309 — С	COUNTY FISCAL PROCEDURES AMENDMENTS (C. Herrod)	
	Read for the first time and referred to the Rules Committee	
	Assigned to standing committee	
	Returned to the Rules Committee	
	Read the second and third time	
	Signed by the President and returned to the House	1019
H.B. 310 — A	AUTHORITY OF LIEUTENANT GOVERNOR TO PERFORM MARRIAGE (C. Wimmer)	
	Read for the first time and referred to the Rules Committee	. 449
	Assigned to standing committee	. 474
	Read the second time and placed on Consent Calendar	
	Returned to the Rules Committee	
	Read the third time	
	Signed by the President and returned to the House	
H.B. 311 — U	TAH STATE RAILROAD MUSEUM AUTHORITY (N. Hansen) Read for the first time and referred to the Rules Committee	907
	Enacting Clause Stricken	. 600 1037
H D 212 A	MENDED CAMPAIGN FINANCE FILINGS (S. Allen)	
11.D. 312 A	Read for the first time and referred to the Rules Committee	532
	Assigned to standing committee	. 603
	Returned to the Rules Committee	. 719
	Enacting Clause Stricken	1037
H.B. 313 — S	OCIAL HOST LIABILITY ACT (E. Hutchings)	
	Read for the first time and referred to the Rules Committee	. 579
	Assigned to standing committee	. 603
	Returned to the Rules Committee	759
	Placed on calendar	
	Read the second time	. 970
	Amendments	. 970
	Read the second and third time Returned to the House	
	Signed by the President and returned to the House	
H.B. 314 — D	ONA SAMPLE FOR CRIMINAL OFFENSES – AMENDMENTS (R. Greenwood)	
	Read for the first time and referred to the Rules Committee	. 579
	Assigned to standing committee	
	Returned to the Rules Committee Enacting Clause Stricken	
II D 217	e	1037
н.в. 310 1	IME LIMITATION FOR PROSECUTION OF ENVIRONMENTAL CRIMES (C. Wimmer)	
	Read for the first time and referred to the Rules Committee	890
	Enacting Clause Stricken	
Н.В. 317 — С	APITAL FELONY AMENDMENTS (C. Wimmer)	
	Read for the first time and referred to the Rules Committee	. 503
	Assigned to standing committee	. 521
	Committee report adopted and placed on calendar	
	Read the second time	
	Uncircled	
	Amendments	
	Read the third time	. 766
	Returned to the House	
	Signed by the President and returned to the House	. 825

II D 210 D	DISASTER RECOVERY FUNDING AMENDMENTS (C. Oda)	
11.D. 319 D	Read for the first time and referred to the Rules Committee	377
	Assigned to standing committee	384
	Read the second time and placed on Consent Calendar	479
	Read the third time	582
	Signed by the President and returned to the House	582
Н.В. 320 — С	COLLECTION AGENCY AMENDMENTS (R. C. Webb) Read for the first time and referred to the Rules Committee	383
	Assigned to standing committee	421
	Read the second time and placed on Consent Calendar	534
	Read the third time	647
	Signed by the President and returned to the House	648
H.B. 322 T	IRE RECYCLING FEE MODIFICATIONS (N. Hendrickson)	
11121022 1	Read for the first time and referred to the Rules Committee	520
	Assigned to standing committee	552
	Amendments	674
	Committee report adopted and placed on calendar	676
	Returned to the Rules Committee	
	Enacting Clause Stricken	037
H.B. 323 — A	MENDMENTS REGARDING NOTICE ON UTAH PUBLIC	
	NOTICE WEBSITE (B. Winn)	c20
	Read for the first time and referred to the Rules Committee	332 553
	Read the second time and placed on Consent Calendar	33∠ 71∆
	Returned to the Rules Committee	
	Placed on Consent Calendar	
	Read the third time	
	Signed by the President and returned to the House	860
H.B. 324 — M	IOTOR VEHICLE BUSINESS REGULATION ACT AMENDMENTS (F. Gibson)	
	Read for the first time and referred to the Rules Committee	421
	Assigned to standing committee	450
	Read the second time and placed on Consent Calendar	567
	Read the third time	651
	Signed by the President and returned to the House	652
H.B. 325 — O	PTING OUT OF THE REAL ID ACT (S. Sandstrom)	
	Read for the first time and referred to the Rules Committee	579
	Assigned to standing committee	604
	Returned to the Rules Committee	
	Placed on calendar	
	e	037
H.B. 326 — F	ORCIBLE ENTRY AND DETAINER AMENDMENTS (L. Fowlke)	^
	Read for the first time and referred to the Rules Committee	
	Placed on calendar	984 019
	Signed by the President and returned to the House	010 010
II D 205 =		019
н.в. 32 7 — В	UILDING INSPECTOR AMENDMENTS (D. Aagard)	
	Read for the first time and referred to the Rules Committee	
	Returned to the Rules Committee	710
	Placed on calendar	
	Read the second and third time	
	Signed by the President and returned to the House	

Н.В. 328 — ТЕ	EACHER QUALITY AMENDMENTS (G. Hughes)	
	Read for the first time and referred to the Rules Committee	532
	Assigned to standing committee	552
	Committee report adopted and placed on calendar	676
	Read the third time	756
	Tabled on Third Reading Calendar	
	Placed on Third Reading Calendar	984
	Read the third time	992
	•	<i>77</i> 2
H.B. 329 W	RONGFUL DEATH CLAIMS (L. Fowlke)	401
	Read for the first time and referred to the Rules Committee	421
	Substituted	567
	Read the second time and placed on Consent Calendar	567
	Read the third time	
	Returned to the House	654
	Signed by the President and returned to the House	710
H.B. 331 HE	EALTH REFORM – HEALTH INSURANCE COVERAGE IN	
	STATE CONTRACTS (J. Dunnigan)	
	Read for the first time and referred to the Rules Committee	393
	Assigned to standing committee	
	Committee report adopted and placed on calendar	
	Read the second time	
	Circled	
	Read the third time	
	Signed by the President and returned to the House	
	OTOR VEHICLE IMPOUND AMENDMENTS (C. Oda)	
	Read for the first time and referred to the Rules Committee	855
	Enacting Clause Stricken	
	RITING ASSESSMENT AND INSTRUCTION (M. Newbold) Read for the first time and referred to the Rules Committee	687
	Placed on calendar	
	Read the second and third time	1019
	Signed by the President and returned to the House	020
	HOOSE LIFE SPECIAL GROUP LICENSE PLATE (C. Herrod)	
11.D. 007	Read for the first time and referred to the Rules Committee	826
	Enacting Clause Stricken	1038
H R 340 RE	ESPITE CARE ASSISTANCE FUND (J. Draxler)	
	Read for the first time and referred to the Rules Committee	831
	Placed on calendar	893
	Read the second and third time	998
	Signed by the President and returned to the House	998
H.B. 342 DI	SPROPORTIONATE RENTAL FEE AMENDMENTS (G. Froerer)	
	Read for the first time and referred to the Rules Committee	667
	Placed on calendar	
	Read the second time	
	Circled	
	Uncircled	
	Read the third time	
	Signed by the i resident and returned to the riouse	200

H.B. 345 — EL	ECTED OFFICIALS – RESTRICTIONS ON LOBBYING (B. Dee) Read for the first time and referred to the Rules Committee
	Placed on calendar
	Read the second time
	Read the third time
	Circled
	Uncircled
;	Signed by the President and returned to the House
	MPAIGN AND FINANCIAL REPORTING REQUIREMENTS AMENDMENTS (B. Dee)
	Read for the first time and referred to the Rules Committee
]	Read the second time863
	Substituted
	Circled
	Uncircled
	Read the second and third time
	Signed by the President and returned to the House
H.B. 347 AL	.COHOLIC BEVERAGE CONTROL ACT MODIFICATIONS (G. Hughes) Read for the first time and referred to the Rules Committee
	Enacting Clause Stricken
H.B. 349 HE	EAVY BEER AMENDMENTS (C. Oda)
	Read for the first time and referred to the Rules Committee
	Read the second time
	Circled
j	Enacting Clause Stricken
	OURT FEES AMENDMENTS (C. Oda)
11.D. 331 — CC	Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Returned to the Rules Committee
1	Enacting Clause Stricken
H.B. 352 AL	COHOLIC BEVERAGE RELATED AMENDMENTS (J. Dunnigan)
]	Read for the first time and referred to the Rules Committee
	Assigned to standing committee
	Committee report adopted and placed on calendar
	Read the second time
	Read the third time
	Uncircled
	Amendments
	Returned to the House961
;	Signed by the President and returned to the House
H.B. 353 TR	EUTH IN ADVERTISING ACT AMENDMENTS (M. Morley)
	Read for the first time and referred to the Rules Committee
	Placed on calendar
]	Read the second time
	Amendments
	Read the second and third time
	Returned to the House
	Signed by the President and returned to the House
H.B. 355 IN	DIGENT INMATE TRUST FUND AMENDMENTS (K. McIff)
	Read for the first time and referred to the Rules Committee
]	Placed on calendar
	Read the second and third time
	gigned by the Hesident and returned to the House

H.B. 356 — BARBER, COSMETOLOGIST/BARBER, ESTHETICIAN, ELECTROLOG NAIL TECHNICIAN LICENSING ACT AMENDMENTS (M. Newbold)	
Read for the first time and referred to the Rules Committee	
Placed on calendar	
Read the second time	
Circled	044
Read the second and third time	944
Signed by the President and returned to the House	
5 ,	
H.B. 357 — FIREARMS AMENDMENTS (<i>S. Sandstrom</i>) Read for the first time and referred to the Rules Committee	760
Placed on calendar	875
Read the second time	
Circled	882,888
Uncircled	
Amendments	
Read the second and third time	
Returned to the House	892
•	929
H.B. 362 — GOVERNMENT RECORDS AMENDMENTS (G. Hughes)	
Read for the first time and referred to the Rules Committee	
Enacting Clause Stricken	1038
H.B. 364 — BORDER AND NONRESIDENT STUDENT AMENDMENTS (D. Ipson)	
Read for the first time and referred to the Rules Committee	
Placed on calendar	
Read the second and third time	
Signed by the President and returned to the House	863
H.B. 370 — DISABLED PARKING VIOLATION AMENDMENTS (S. Mascaro)	
Read for the first time and referred to the Rules Committee	
Placed on calendar	
Enacting Clause Stricken	1038
H.B. 371 — TRANSPORTATION GOVERNANCE (W. Harper)	
Read for the first time and referred to the Rules Committee	667
Placed on calendar	
Circled	
Uncircled	
Substituted	. 879, 994
Read the third time	905
Amendments	923
Returned to the House	
Refuse to Recede	954
Joint Conference Committee Report Returned to the House	994
Signed by the President and returned to the House	1010
· ·	
H.B. 373 — AMENDMENTS TO DEPARTMENT OF CORRECTIONS' OPERATIONS	
Read for the first time and referred to the Rules Committee	
Read the second and third time	
Signed by the President and returned to the House	
H.B. 375 — LOCAL GOVERNMENT RECORDS AMENDMENTS (<i>R. Wilcox</i>) Read for the first time and referred to the Rules Committee	473
Assigned to standing committee	
Read the second time and placed on Consent Calendar	631
Read the second time and placed on consent calcidat	
Signed by the President and returned to the House	733

H.B. 376 — REVISIONS TO ALCOHOLIC BEVERAGE CONTROL ACT (G. Hughes) Read for the first time and referred to the Rules Committee
H.B. 377 — JUDICIAL CODE AMENDMENTS (D. Aagard) Read for the first time and referred to the Rules Committee 984, 998 Read the second time 1016 Circled 1016 Uncircled 1021 Read the second and third time 1021 Signed by the President and returned to the House 1021
H.B. 378 — CIRCUIT BREAKER AMENDMENTS (T. Cosgrove) Read for the first time and referred to the Rules Committee 855 Placed on calendar 927 Read the second time 937 Amendments 937 Circled 938 Uncircled 939 Read the second and third time 939 Returned to the House 939 Refuse to Recede 936 Substituted 1010 Joint Conference Committee Report 1010 Returned to the House 1011 Signed by the President and returned to the House 1031
H.B. 379 — ENVIRONMENTAL LITIGATION BOND (M. Noel) Read for the first time and referred to the Rules Committee
H.B. 383 — WATER RIGHTS ADJUDICATION AMENDMENTS (<i>J. Gowans</i>) Read for the first time and referred to the Rules Committee
H.B. 384 — PUBLIC LEWDNESS AMENDMENTS (D. Ipson) Read for the first time and referred to the Rules Committee 806 Placed on calendar 875 Read the second time 881 Tabled on Third Reading Calendar 881 Placed on Third Reading Calendar 998 Read the third time 1000 Amendments 1000 Returned to the House 1001 Signed by the President and returned to the House 1018
H.B. 387 — MOTORCYCLE HELMET AMENDMENTS (R. Menlove) Read for the first time and referred to the Rules Committee 551 Assigned to standing committee 604 Returned to the Rules Committee 719 Enacting Clause Stricken 1038
H.B. 389 — APPLICATIONS FOR A SMALL AMOUNT OF WATER (<i>P. Painter</i>) Read for the first time and referred to the Rules Committee

H.B. 390 — ABSENTEE BALLOT AMENDMENTS (J. Mathis)
Read for the first time and referred to the Rules Committee
Assigned to standing committee
Returned to the Rules Committee
Placed on Consent Calendar
Read the second time
Read the third time
Signed by the President and returned to the House90
H.B. 391 — BUDGETARY PROCEDURES ACT REVISIONS (R. Bigelow)
Read for the first time and referred to the Rules Committee
Placed on calendar
Read the second time
Circled
Uncircled
Read the second and third time
Signed by the President and returned to the House
H.B. 392 — NATURAL GAS FOR VEHICLES (D. Ipson)
Read for the first time and referred to the Rules Committee
Placed on calendar89
Read the second and third time
Signed by the President and returned to the House96
H.B. 399 — CHARITABLE CARE AMENDMENTS (B. Last)
Read for the first time and referred to the Rules Committee
Assigned to standing committee
Committee report adopted and placed on calendar
Returned to the Rules Committee
Placed on calendar
Amendments
Read the third time
Returned to the House
Signed by the President and returned to the House
H.B. 400 — PETE SUAZO UTAH ATHLETIC COMMISSION AMENDMENTS (C. Oda)
Read for the first time and referred to the Rules Committee
Assigned to standing committee
Returned to the Rules Committee
Placed on calendar
Read the second time
Circled
Uncircled94
Read the second and third time
Signed by the President and returned to the House94
H.B. 401 — CUSTODY AND PARENT-TIME AMENDMENTS FOR
SERVICE MEMBERS (T. Cosgrove)
Read for the first time and referred to the Rules Committee
Placed on calendar
Read the second and third time
Signed by the President and returned to the House

H.B. 402 — ENFORCEMENT OF CARBON MONOXIDE DETECTOR REQUIREMENTS (K. Garn)	
Read for the first time and referred to the Rules Committee	. 602
Assigned to standing committee	
Returned to the Rules Committee	. 719
Placed on calendar	
Read the second time	
Circled	
Uncircled	. 903
Amendments	, 903
Read the third time	
Returned to the House	. 903
Signed by the President and returned to the House	. 929
H.B. 404 — DISCLOSURE OF REAL PROPERTY (M. Newbold)	
Read for the first time and referred to the Rules Committee	855
Placed on calendar	
Read the second and third time	1016
Signed by the President and returned to the House	
•	1010
H.B. 410 — LEGISLATOR SALARY AMENDMENTS (R. Bigelow)	
Read for the first time and referred to the Rules Committee	
Placed on calendar	
Read the second time	
Read the third time	
Signed by the President and returned to the House	. 898
H.B. 411 — UTAH TECHNOLOGY GOVERNANCE ACT AMENDMENTS (S. Clark)	
Read for the first time and referred to the Rules Committee	. 855
Placed on calendar	
Read the second and third time	
Signed by the President and returned to the House	
H.B. 412 — ENERGY POLICY AMENDMENTS (<i>R. Barrus</i>) Read for the first time and referred to the Rules Committee	620
Assigned to standing committee	644
Assigned to standing committee	022
Committee report adopted and placed on calendar	, 932 713
Returned to the Rules Committee	750
Placed on calendar	
Read the second time	
Read the third time	
Returned to the House	
Reconsideration	
Before the Senate	
Transmitted to the House	933
Signed by the President and returned to the House	
	. ,,,
H.B. 413 — COUNTY AUTHORITY AMENDMENTS (R. Menlove)	620
Read for the first time and referred to the Rules Committee	
Assigned to standing committee	. 644
Read the second time and placed on Consent Calendar	
Returned to the Rules Committee	
Read the third time	. 860
Read the third time	. 860
Read the third time	. 860 . 861
Read the third time	. 860 . 861 . 614
Read the third time	. 860 . 861 . 614 . 644
Read the third time Signed by the President and returned to the House H.B. 418 — DELINQUENT PROPERTY TAX AMENDMENTS (G. Froerer) Read for the first time and referred to the Rules Committee Assigned to standing committee Committee report adopted and placed on calendar	. 860 . 861 . 614 . 644 . 713
Read the third time	. 860 . 861 . 614 . 644 . 713 . 759

H.B. 425 — CARSON SMITH SCHOLARSHIP PROGRAM AMENDMENTS (M. Newbold)	
Read for the first time and referred to the Rules Committee	
Placed on calendar	
Read the second and third time	. 967
Signed by the President and returned to the House	. 96/
H.B. 430 — ECONOMIC DEVELOPMENT INCENTIVES FOR ALTERNATIVE ENERGY PROJECTS (<i>K. Garn</i>)	
Read for the first time and referred to the Rules Committee	
Placed on calendar	
Read the second time	
Uncircled	
Amendments	
Read the second and third time	
Returned to the House	
Signed by the President and returned to the House	
H.B. 432 HIGHER EDUCATION BUDGET AUTHORITY AMENDMENTS (K. Holdaway	<i>i</i>)
Read for the first time and referred to the Rules Committee	
Placed on calendar	
Read the second time	
Signed by the President and returned to the House	
	. 702
H.B. 436 — STATE PROHIBITION OF SUDAN RELATED CONTRACTS (<i>D. Litvack</i>) Read for the first time and referred to the Rules Committee	972
Placed on calendar	
Read the second and third time	
Signed by the President and returned to the House	
H.B. 437 — OBSTRUCTION OF NATURAL RESOURCE OR AGRICULTURAL	
PRODUCTION (M. Noel)	
Read for the first time and referred to the Rules Committee	. 856
Placed on calendar	. 984
Read the second and third time	1020
Signed by the President and returned to the House	
H.B. 439 — AMENDMENTS TO CITY OR TOWN SALES AND USE TAX FOR BOTANICA CULTURAL, RECREATIONAL, AND ZOOLOGICAL ORGANIZATIONS OF THE PROPERTY OF T	
FACILITIES (K. Holdaway) Read for the first time and referred to the Rules Committee	806
Placed on calendar	
Read the second time	
Circled	. 888
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H.B. 444 — BUDGET IMPLEMENTATION ADJUSTMENTS – TOBACCO SETTLEMENT	
FUNDS (R. Bigelow)	
Read for the first time and referred to the Rules Committee	
Placed on calendar	
Read the second time	
Circled	
Uncircled	
Substituted	
Amendments	. 948
Read the second and third time	
Returned to the House	. 949

H.B. 445 — HEALTH PROGRAM REVISIONS (R. Bigelow)	
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H.B. 446 — MEDICAID RESTRICTED ACCOUNT AMENDMENTS (R. Edwards)	
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Placed on calendar	14
Read the second and third time	34
Signed by the President and returned to the House	35
H.B. 447 — UTAH EMERGENCY MEDICAL SERVICES SYSTEM	
ACT AMENDMENTS (R. Bigelow)	
Read for the first time and referred to the Rules Committee	72
Placed on calendar	
Read the second and third time	
Signed by the President and returned to the House	35
H.B. 449 — VETERANS NURSING HOME AMENDMENTS (G. Hughes)	
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Placed on calendar	75
Read the second time	
Circled	32
Uncircled	
Read the second and third time	34
Signed by the President and returned to the House	35
H.B. 450 — TRADEMARK AMENDMENTS (B. Last)	
Read for the first time and referred to the Rules Committee	26
Placed on calendar	
Read the second time	
Circled	76
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H.B. 451 — PUBLIC EMPLOYEES' BENEFIT AND INSURANCE PROGRAM	
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Read for the first time and referred to the Rules Committee	72
Placed on calendar	
Read the second and third time	
Signed by the President and returned to the House	40
H.B. 456 — TOBACCO ACCESS RESTRICTIONS (B. Last) Read for the first time and referred to the Rules Committee	-
Placed on calendar	
Read the second time	
Circled	
Uncircled	
Read the second and third time	
Signed by the President and returned to the House	
H.B. 457 — TRUTH IN MUSIC (G. Hughes) Read for the first time and referred to the Rules Committee	56
Placed on calendar	
Read the second and third time	
Signed by the President and returned to the House	16

H.C.R. 1 (CONCURRENT RESOLUTION ON CERTIFICATION OF COMPRESSED NATURAL GAS VEHICLES (J. Draxler) Read for the first time and referred to the Rules Committee 152 Assigned to standing committee 171 Read the second time and placed on Consent Calendar 272 Read the third time 332 Signed by the President and returned to the House 333
H.C.R. 2 — I	HEALTHY FAMILY PARTNERSHIP CONCURRENT RESOLUTION (C. Oda) Read for the first time and referred to the Rules Committee
H.C.R. 3 (CONCURRENT RESOLUTION HONORING THE 200TH ANNIVERSARY OF THE BIRTH OF ABRAHAM LINCOLN (Julie Fisher) Read for the first time and referred to the Rules Committee 322 Placed on calendar
H.C.R. 4 — 1	UNIVERSITY OF UTAH CHAMPIONSHIP FOOTBALL TEAM CONCURRENT RESOLUTION (J. Bird) Placed on Time Certain Calendar
H.C.R. 5 0	CONCURRENT RESOLUTION URGING THE REALIGNMENT OF AIR QUALITY NON-ATTAINMENT DESIGNATIONS BY THE EPA (R. Menlove) Read for the first time and referred to the Rules Committee 360 Assigned to standing committee 378 Substituted 478 Read the second time and placed on Consent Calendar 479 Read the third time 582 Returned to the House 583 Signed by the President and returned to the House 627
H.C.R. 6 0	CONCURRENT RESOLUTION EXPRESSING OPPOSITION TO CONGRESSIONAL EFFORTS TO EXPAND THE JURISDICTION OF THE CLEAN WATER ACT (M. Brown) Read for the first time and referred to the Rules Committee
H.C.R. 7 — 0	CONCURRENT RESOLUTION EXPRESSING OPPOSITION TO THE CONGRESSIONAL ENACTMENT OF THE NATIONAL LANDSCAPE CONSERVATION SYSTEM (M. Brown) Read for the first time and referred to the Rules Committee 642 Assigned to standing committee 645 Committee report adopted and placed on calendar 713 Returned to the Rules Committee 759 Placed on calendar 1000 Enacting Clause Stricken 1038
H.C.R. 8 (CONCURRENT RESOLUTION SUPPORTING CURRENT BUREAU OF LAND MANAGEMENT RESOURCE MANAGEMENT PLANS (J. Mathis) Read for the first time and referred to the Rules Committee

HOUSE CONCURRENT RESOLUTIONS

H.C.R. 9 — CONCURRENT RESOLUTION HONORING DON PEAY (B. Dee)	
Read for the first time and referred to the Rules Committee	710
Placed on calendar	976
Read the second and third time	977
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S.B. 175	Signage Requirements Relating to Children and Animals in Parked Cars Senate/ enacting clause struck on 3/12/2009	K. Mayne
S.B. 176	Civil Fees in Small Claims Courts Amendments Governor Signed on 3/23/2009 Effective Date: 5/12/2009	J. Greiner
S.B. 177	New School District Amendments Senate/ enacting clause struck on 3/12/2009	D. Buttars
S.B. 178	Class B and C Roads Amendments Senate/ enacting clause struck on 3/12/2009	K. Van Tassell
S.B. 179	Safety Belt Enforcement Amendments Senate/ filed on 3/12/2009	C. Bramble
S.B. 180	Expungement of Division of Child and Family Services Records Governor Signed on 3/23/2009 Effective Date: 5/12/2009	L. Hillyard
S.B. 181	Criminal Prosecution Amendments Senate/ enacting clause struck on 3/12/2009	D. Liljenquist
S.B. 182	Criminal Restitution Amendments Governor Signed on 3/20/2009 Effective Date: 5/12/2009	C. Bramble
S.B. 183	Violation of Protective Order Governor Signed on 3/24/2009 Effective Date: 5/12/2009	S. McCoy
S.B. 184	Civil Filing Fees Governor Signed on 3/23/2009 Effective Date: 5/12/2009	G. Bell

S.B. 185	Federal Education Agreement Requirements Amendments Governor Signed on 3/20/2009 Effective Date: 3/20/2009	M. Dayton
S.B. 186	Amendments to State Tax Commission Penalty Provisions Governor Signed on 3/25/2009 Effective Date: 3/25/2009	H. Stephenson
S.B. 187	Alcohol Amendments Governor Signed on 3/30/2009 Effective Date: 5/12/2009	J. Valentine
S.B. 188	Improvement District – Providing Electric Servi Governor Signed on 3/30/2009 Effective Date: 5/12/2009	ce D. Stowell
S.B. 189	Amendments to Sales and Use Tax Governor Signed on 3/30/2009 Effective Date: 3/30/2009	W. Niederhauser
S.B. 190	Acquisition of a Billboard by Eminent Domain Governor Signed on 3/24/2009 Effective Date: 5/12/2009	W. Niederhauser
S.B. 191	Life Insurance and Viatical Settlements Related Amendments Bill Numbered by Title Without any Substance on	W. Niederhauser
S.B. 192	Corporation and Business Entity Related Amendments Governor Signed on 3/30/2009 Effective Date: 3/30/2009	L. Hillyard
S.B. 193	Salvage Vehicles Amendments Governor Signed on 3/24/2009 Effective Date: 5/12/2009	S. Urquhart
S.B. 194	Nondiscrimination Amendments Senate/ enacting clause struck on 3/12/2009	S. McCoy

S.B. 195	Public Employee Defined Contribution Amendments Senate/ enacting clause struck on 3/12/2009	D. Liljenquist
S.B. 196	Liquor Purchase Price for Licensees Bill Numbered by Title Without any Substance on 2	S. McCoy 2/7/2009
S.B. 197	Alcoholic Beverage Resort License Bill Numbered by Title Without any Substance on 2	S. McCoy 2/7/2009
S.B. 198	Escaped Property Tax Amendments Bill Numbered by Title Without any Substance on 2	H. Stephenson 2/7/2009
S.B. 199	Equal Recognition of School Parent Groups Senate/ filed on 3/12/2009	C. Bramble
S.B. 200	Consolidation of Certain Human Services Ombudsman Programs Bill Numbered by Title Without any Substance on	L. Hillyard
S.B. 201	General Obligation Bond Authorization Amendments Governor Signed on 3/23/2009 Effective Date: 3/23/2009	W. Niederhauser
S.B. 202	Drug Offender Reform Act Amendments Governor Signed on 3/25/2009 Effective Date: 7/1/2009	L. Hillyard
S.B. 203	Revisions to Transportation Bill Numbered by Title Without any Substance on 2	S. Jenkins 2/7/2009
S.B. 204	Property Tax Deferrals Bill Numbered by Title Without any Substance on 2	J. Valentine 2/7/2009

S.B. 205	Community Development and Renewal Agency Amendments Governor Signed on 3/30/2009 Effective Date: 3/30/2009	C. Bramble
S.B. 206	Assignment of Officials for High School Athletic Activities Bill Numbered by Title Without any Substance on 2/7/2	M. Madsen 2009
S.B. 207	Prohibition on Creation of Monopolies by Capitol Preservation Board Bill Numbered by Title Without any Substance on 2/7/2	M. Madsen 2009
S.B. 208	Utah Public Notice Website Amendments Governor Signed on 3/30/2009 Effective Date: 5/12/2009	S. Urquhart
S.B. 209	Land Use, Development, and Management Act Amendments Governor Signed on 3/25/2009 Effective Date: 5/12/2009	G. Bell
S.B. 210	Amendments to Property Tax Governor Signed on 3/24/2009 Effective Date: 5/12/2009	C. Bramble
S.B. 211	Building Code Amendments Governor Signed on 3/25/2009 Effective Date: 5/12/2009	C. Bramble
S.B. 212	Utah Common Interest Ownership Act Bill Numbered by Title Without any Substance on 2/7/2	G. Bell 2009
S.B. 213	Restaurant Nutrition Labeling Governor Signed on 3/24/2009 Effective Date: 5/12/2009	H. Stephenson
S.B. 214	Office of Consumer Services Act Governor Signed on 3/24/2009 Effective Date: 5/12/2009	J. Valentine

S.B. 215	Justice for All Special Group License Plate Senate/ filed on 3/12/2009 G.	Bell
S.B. 216	Revisions to Military Installation Development Authority Act Governor Signed on 3/31/2009 Effective Date: 10/1/2009	adsen
S.B. 217	Drugs Amendments P. Knu Senate/ enacting clause struck on 3/12/2009	idson
S.B. 218	Community Animal Shelter and Adoption Support Special Group License Plate P. Knu Senate/ filed on 3/12/2009	ıdson
S.B. 219	County Auditor Modifications P. Knu Bill Numbered by Title Without any Substance on 2/7/2009	idson
S.B. 220	Cohabitant Abuse Procedures Act Amendments Governor Signed on 3/24/2009 Effective Date: 5/12/2009	ellow
S.B. 221	Dedication and Abandonment of a Highway Senate/ enacting clause struck on 3/12/2009 M. Ma	adsen
S.B. 222	Special Assessment Area Amendments M. Ma Bill Numbered by Title Without any Substance on 2/7/2009	adsen
S.B. 223	City and County Carbon Credits for Sequestration of Waste Stream Materials R. Ro Senate/ failed on 3/9/2009	mero
S.B. 224	Reuse of Industrial Byproduct Governor Signed on 3/25/2009 Effective Date: 5/12/2009	mble

S.B. 225	Health Amendments for Legal Immigrant Children Senate/ filed on 3/12/2009	L. Robles
S.B. 226	Foreclosure Amendments Bill Numbered by Title Without any Substance on 2/7/2	J. Valentine 009
S.B. 227	Concealed Firearm Permit Fees Amendments Senate/ enacting clause struck on 3/12/2009	S. McCoy
S.B. 228	Prohibition on Internet or Mail-order Sales of Tobacco Products Governor Signed on 3/25/2009 Effective Date: 5/12/2009	M. Dayton
S.B. 229	General Tax Amendments Bill Numbered by Title Without any Substance on 2/7/2	J. Valentine 009
S.B. 230	Construction Payment Amendments Governor Signed on 3/24/2009 Effective Date: 10/1/2009	C. Bramble
S.B. 231	Telecommunications Universal Service Fund Revisions Bill Numbered by Title Without any Substance on 2/7/2	J. Valentine 009
S.B. 232	Income Tax Revisions Bill Numbered by Title Without any Substance on 2/7/2	J. Valentine 009
S.B. 233	Property Tax Modifications Bill Numbered by Title Without any Substance on 2/7/2	J. Valentine 009
S.B. 234	Motor Vehicle Registration Fees Senate/ enacting clause struck on 3/12/2009	R. Okerlund

S.B. 235	Redistribution of Sales and Use Tax Revenues Governor Signed on 3/24/2009 Effective Date: 5/12/2009	J. Valentine
S.B. 236	Uninsured and Underinsured Motorist Coverage Amendments Senate/ enacting clause struck on 3/12/2009	M. Madsen
S.B. 237	Conviction Surcharge Amendments Bill Numbered by Title Without any Substance on	J. Greiner 2/7/2009
S.B. 238	Coal Severance Tax Senate/ enacting clause struck on 3/12/2009	G. Davis
S.B. 239	Transportation Revisions Governor Signed on 3/24/2009 Effective Date: 7/1/2009	S. Killpack
S.B. 240	Utah Science Technology and Research Initiative Amendments Governor Signed on 3/24/2009 Effective Date: 7/1/2009	S. Killpack
S.B. 241	Instructional Expenses Requirements Senate/ failed on 3/9/2009	M. Madsen
S.B. 242	Contractor's Licensing Amendments Bill Numbered by Title Without any Substance on	S. Jenkins 2/7/2009
S.B. 243	Judicial Performance Evaluation Commission Modifications Governor Signed on 3/24/2009 Effective Date: 3/24/2009	D. Buttars
S.B. 244	Long Arm Jurisdiction Amendments Governor Signed on 3/25/2009 Effective Date: 5/12/2009	W. Niederhauser

S.B. 245	Uniform Fees on Motorcycles Senate/ filed on 3/12/2009	B. Goodfellow
S.B. 246	School Amendments Bill Numbered by Title Without any Substance on 2	D. Buttars /7/2009
S.B. 247	Rural Hospital Funding Bill Numbered by Title Without any Substance on 2	D. Stowell /7/2009
S.B. 248	Tax Amendments Governor Signed on 3/24/2009 Effective Date: 3/24/2009	G. Bell
S.B. 249	Utility Franchise Tax Amendments Bill Numbered by Title Without any Substance on 2	C. Bramble /7/2009
S.B. 250	Government Law Modifications Bill Numbered by Title Without any Substance on 2	R. Romero /7/2009
S.B. 251	Transportation Funding Modifications Bill Numbered by Title Without any Substance on 2	K. Mayne /7/2009
S.B. 252	Disbursement of Federal Stimulus Funds Bill Numbered by Title Without any Substance on 2	S. Killpack /7/2009
S.B. 253	Health and Human Services Modifications Bill Numbered by Title Without any Substance on 2	L. Robles /7/2009
S.B. 254	Amendments to General Government Bill Numbered by Title Without any Substance on 2	G. Davis /7/2009
S.B. 255	Amendments – General Government Bill Numbered by Title Without any Substance on 2	G. Davis /7/2009

S.B. 256	Adjustments to Implement Budget – 5 L. Hillyard Bill Numbered by Title Without any Substance on 2/7/2009
S.B. 257	Disaster Recovery Fund Funding Modifications L. Hillyard Governor Signed on 3/30/2009 Effective Date: 5/12/2009
S.B. 258	Medicaid Drug Program Amendments L. Hillyard Senate/ filed on 3/12/2009
S.B. 259	Public Safety Restricted Account Amendments L. Hillyard Governor Signed on 3/20/2009 Effective Date: 7/1/2009
S.B. 260	Housing Relief Restricted Special Revenue Fund Governor Signed on 3/19/2009 Effective Date: 3/19/2009
S.B. 261	Revisions to General Government S. Killpack Bill Numbered by Title Without any Substance on 2/7/2009
S.B. 262	General Government Modifications G. Bell Bill Numbered by Title Without any Substance on 2/7/2009
S.B. 263	Amendments to Tax S. Jenkins Bill Numbered by Title Without any Substance on 2/7/2009
S.B. 264	Tax Modifications G. Bel Bill Numbered by Title Without any Substance on 2/7/2009
S.B. 265	General Government Revisions J. Valentine Bill Numbered by Title Without any Substance on 2/7/2009
S.B. 266	Sales Tax Amendments J. Valentine Bill Numbered by Title Without any Substance on 2/7/2009

S.B. 267	Landlord Disclosure Requirements Senate/ enacting clause struck on 3/12/2009	R. Romero
S.B. 268	Title and Escrow Commission Related Amendment Senate/ enacting clause struck on 3/12/2009	s J. Valentine
S.B. 269	Public Utility Easement Amendments Governor Signed on 3/24/2009 Effective Date: 5/12/2009	G. Bell
S.B. 270	Gift Card or Document Amendments Governor Signed on 3/25/2009 Effective Date: 7/1/2011	. Niederhauser
S.B. 271	Judicial Conduct Commission Amendments Governor Signed on 3/20/2009 Effective Date: 5/12/2009	G. Davis
S.B. 272	Driver License Sanctions and Sentencing Requirements for Driving Under the Influence and Alcohol Related Offenses Governor Signed on 3/30/2009 Effective Date: 7/1/2009	S. Jenkins
S.C.R. 1	Concurrent Resolution Requesting a Federal Waiver to Establish an Employer–sponsored Work Program Governor Signed on 3/2/2009 Effective Date: 3/2/2009	S. Jenkins
S.C.R. 2	Concurrent Resolution – a Call to Civility Governor Signed on 3/20/2009 Effective Date: 3/20/2009	J. Valentine
S.C.R. 3	Concurrent Resolution Expressing Support for the Work of the Utah Council on Financial and Economic Education Governor Signed on 3/20/2009 Effective Date: 3/20/2009	P. Jones

S.C.R. 4	Resolution Supporting Obesity Awareness Governor Declined to Sign on 4/1/2009	D. Buttars
S.J.R. 1	Joint Resolution – Renewable Energy System Senate/ to Lieutenant Governor on 2/24/2009 Effective Date: 2/19/2009	P. Jones
S.J.R. 2	Topaz Museum and Civil Liberties Learning Center Joint Resolution Senate/ to Lieutenant Governor on 2/18/2009 Effective Date: 2/12/2009	D. Stowell
S.J.R. 3	Joint Resolution Approving Appointment of Legislative General Counsel Senate/ to Lieutenant Governor on 2/5/2009 Effective Date: 2/3/2009	S. Killpack
S.J.R. 4	Recycling of Electronic Waste Joint Resolution Senate/ enrolled bill to Printing on 2/23/2009 Effective Date: 2/18/2009	S. McCoy
S.J.R. 5	Joint Resolution Urging Presidential Support of Taiwan's Participation in Specialized Agencies of the United Nations Senate/ to Lieutenant Governor on 2/24/2009 Effective Date: 2/19/2009	M. Waddoups
S.J.R. 6	Legislator Communications with Judiciary Joint Rules Resolution Senate/ to Lieutenant Governor on 3/19/2009 Effective Date: 3/12/2009	J. Valentine
S.J.R. 7	Joint Resolution Designating May 2009 as Utah Lions Club Eyesight Preservation Month Senate/ to Lieutenant Governor on 2/25/2009 Effective Date: 2/20/2009	K. Mayne
S.J.R. 8	Joint Resolution Regarding Eligibility for Legislative Office Senate/ to Lieutenant Governor on 3/23/2009 Effective Date: 1/1/2011	S. McCoy

S.J.R. 9	Resolution Honoring the Utah Law Enforcement Memorial Foundation Senate/ to Lieutenant Governor on 2/27/2009 Effective Date: 2/25/2009	J. Greiner
S.J.R. 10	Alternative Training Center Joint Resolution Senate/ to Lieutenant Governor on 3/19/2009 Effective Date: 3/5/2009	D. Stowell
S.J.R. 11	Joint Resolution Urging Football Playoff Senate/ to Lieutenant Governor on 2/23/2009 Effective Date: 2/18/2009	S. Jenkins
S.J.R. 12	Joint Resolution Supporting Expansion of Correctional Facilities in San Juan County Senate/ filed on 3/12/2009	D. Hinkins
S.J.R. 13	Resolution Amending Legislative Rules to Allow Abstaining from Voting Senate/ enacting clause struck on 3/12/2009	C. Bramble
S.J.R. 14	Joint Resolution – Challenging the Legality of a Conviction or Sentence Senate/ filed on 3/12/2009	C. Bramble
S.J.R. 15	Joint Rules Resolution — Legislative Ethics Bill Numbered by Title Without any Substance on	J. Valentine 2/7/2009
S.J.R. 16	Joint Resolution Supporting Nuclear Power Senate/ to Lieutenant Governor on 3/19/2009 Effective Date: 3/10/2009	D. Hinkins
S.J.R. 17	Hydraulic Fracturing Joint Resolution Senate/ to Lieutenant Governor on 3/5/2009 Effective Date: 3/3/2009	D. Hinkins
S.J.R. 18	Joint Resolution on Fiscal Note Process Senate/ filed on 3/12/2009	W. Niederhauser

S.J.R. 19	Senate/ enacting clause struck on 3/12/2009	G. Davis
S.J.R. 20	Joint Resolution to Oppose Federal Card Check Legislation Bill Numbered by Title Without any Substance on	D. Liljenquist
S.J.R. 21	Joint Resolution on Combating and Reducing Gang Activity Senate/ filed on 3/12/2009	L. Robles
S.J.R. 22	2 Resolution Approving Contract for Construction of Utah Science Technology and Research Initiative Centers Senate/ to Lieutenant Governor on 3/20/2009 Effective Date: 3/11/2009	L. Hillyard
S.J.R. 23	3 Joint Rules Resolution Date Changes Senate/ to Lieutenant Governor on 3/19/2009 Effective Date: 3/12/2009	M. Dayton
S.R. 1	Ecumenical Patriarch Senate Resolution Senate/ to Lieutenant Governor on 2/9/2009 Effective Date: 2/5/2009	P. Jones
S.R. 2	Senate Resolution Supporting the Narrows Water Project in Central Utah Senate/ to Lieutenant Governor on 2/9/2009 Effective Date: 2/5/2009	R. Okerlund
S.R. 3	Resolution Designating September 2009 as Hydrocephalus Awareness Month and Urging National Registry Senate/ to Lieutenant Governor on 2/24/2009 Effective Date: 2/12/2009	G. Bell
S.R. 4	Senate Rules Resolution – Ethics Revisions Senate/ enacting clause struck on 3/12/2009	G. Davis

S.R. 5 Senate Rules Resolution Allowing Abstaining from Voting C. Bramble Senate/ enacting clause struck on 3/12/2009

S.R. 6 Senate Resolution Recognizing the Work Done
by the League of United Latin American Citizens
Senate/ to Lieutenant Governor on 3/18/2009
Effective Date: 3/6/2009

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STATE OF UTAH

SENATE JOURNAL

FIRST SPECIAL SESSION OF THE FIFTY-EIGHTH LEGISLATURE

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the First Special Session of the Fifty–Eighth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the First Special Session convening on Wednesday, May 20, 2009, and adjourning sine die the same day.

Annette B. Moore Secretary of the Senate

Leslie McLeanManager, Senate Services

Mary B. Andrus
Journal Clerk

SENATE JOURNAL

FIRST SPECIAL SESSION OF THE FIFTY-EIGHTH LEGISLATURE

May 20, 2009

Pursuant to the proclamation of His Excellency, Governor Jon M. Huntsman, Jr, the Senate of the Fifty–Eighth Legislature of the State of Utah met in the Senate Chamber of the State Capitol in a Special Session at 2:00 p.m. on Wednesday, May 20, 2009.

The Senate was called to order at 2:35 p.m., with President Michael Waddoups presiding.

Prayer – Senator John Valentine

Pledge of Allegiance – Senator Brent Goodfellow

Roll Call – All Senators present except Senator McCoy, excused.

Annette B. Moore read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the adjournment of the 2009 General Session of the Fifty-Eighth Legislature of the State of Utah, matters have arisen that require immediate legislative attention; and,

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature into Special Session;

NOW, THEREFORE, I, Jon M. Huntsman, Jr., Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the laws of the State of Utah, do by this Proclamation call the Fifty–Eighth Legislature of the State of Utah into a First Special Session at the Utah State Capitol, in Salt Lake City, Utah, on the 20th day of May 2009, at 2:00 p.m., for the following purposes:

1. To make appropriations contained in Section 15, 2009
General Session HB 2, Minimum School Program Budget
Amendments, effective in FY 2009, and reallocate
education stabilization funds appropriated from the
American Recovery and Reinvestment Act.

2.	To address Medicaid Hospital Provider rates for FY 2010.
2	
3.	To adjust funding to the Departments of Health and
	Human Services, including the Division of Juvenile
	Justice Services, to offset the Federal Medicaid
	Assistance Program estimates for FY 2009.
4.	To adjust appropriations related to funding from Federal
	Funds - American Recovery and Reinvestment Act of
	2009.
5.	To appropriate funds to and from General Fund
	Restricted Accounts and budget line items that had been
	reclassified from Restricted Special Revenue Funds in the
	2009 General Session HB 391, Budgetary Procedures Act
	Revisions.
(
6.	To move funding for the Housing Grant Program from
	the Finance Mandated Line Item to the Housing Relief
	Restricted Special Revenue Fund and to change the
	effective date of the appropriation from FY 2010 to FY
	2009.
7.	To balance transfers among the General Fund, Education
	Fund, and Uniform School Funds in FY 2009 and to
	correct an FY 2010 transfer from the Education Fund to
	the Uniform School Fund in 2009 General Session SB 3,
	Appropriations Adjustments, Item 175.
8.	To accelerate from FY 2010 to FY 2009 transfers
	between the Severance Tax Holding Account and the
	General Fund.
9.	To adjust the disposition of the motor vehicle registration
,	fee revenue increase enacted by 2009 General Session SB
	239, Transportation Revisions.
10.	To appropriate funds to cover the cost of implementation
10.	
	of SB 230, Construction Payment Amendments that
	passed during the 2009 General Session after the Bill of
	Bills.
11.	To advise and consent to the Governor's appointments
	transmitted to the Senate pursuant to Utah Code Ann.
	Sections 67–1–1 and 67–1–2.
12.	To make technical corrections to public and legal notice
	requirements, including renumbering sections and
	subsections, and to restore language in the Open and
	2 2 1

Public Meetings Act and the Division of Oil, Gas, and Mining Notice Requirements.

13. To authorize the State Treasurer to apportion up to \$1.2 million in Forest Service special projects payments directly to county special service districts from Title III of the Secure Rural Schools and Community Self Determination Act.

To modify the Employment Selection Procedures Act to permit an employer to request information from an applicant to review the employer's internal records for employment related actions or to provide a governmental agency with information related to a governmental program, service, or benefit; and to clarify when information may be disclosed by an employer as required by law.

To consider whether an owner of agricultural land within a less populated county should, under limited circumstances, be authorized to create a minor subdivision regardless of local planning and zoning.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 15th day of May, 2009.

Jon M. Huntsman, Jr. Governor
Gary R. Herbert
Lieutenant Governor

CERTIFICATION

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a proclamation issued under the date of May 15th, 2009, and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamations calling the Fifty–Eighth Legislature of the State of Utah into a First Special Session at the State Capitol Complex at Salt Lake City, Utah, on the 20th day of May, 2009, at 2:00 p.m., for the purposes named in the Proclamations.

15.

14.

I FURTHER TESTIFY THAT the membership of the Utah State Senate has not changed from that Certification of the 2009 General Session.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah at Salt Lake City, this 18th day of May, 2009.

Gary R. Herbert Lieutenant Governor

* * *

On motion of Senator Dayton, the Senate voted to adopt the Senate Rules of the 2009 General Session of the Fifty–Eighth Legislature as the rules for the First Special Session.

President Waddoups appointed a committee comprised of Senators Dennis Stowell, Dan Liljenquist, and Luz Robles to notify Governor Jon M. Huntsman, Jr. that the Senate is convened in the First Special Session in accordance with his proclamation and is organized and ready to receive any communication from him.

President Waddoups appointed a committee comprised of Senators Wayne Niederhauser, Howard Stephenson, and Karen Morgan to notify the House of Representatives that the Senate is organized and ready to do business.

Senator Niederhauser reported that the House has been notified.

Senator Stowell reported that the Governor has been notified.

On motion of Senator Dayton, and as provided by the Utah State Constitution and the Joint Rules of the Legislature, the Senate voted to suspend the reading of the titles of bills and resolutions on the Senate calendar as they are read for the first time and introduced and considered on Second Reading, Third Reading, and Consent Calendars. This suspension applies to all bills and resolutions introduced during this special legislative session, except that any senator may request the reading of the long title, short title, or both of any House of Senate bill or resolution.

INTRODUCTION OF BILLS

S.B. 1001, **Forest Reserve Fund Amendments** (R. Okerlund), read the first time by short title and referred to the Rules Committee.

- **S.B. 1002**, **Legal Notice Amendments** (S. Urquhart), read the first time by short title and referred to the Rules Committee.
- **S.B. 1003**, **Disposition of Registration Fee Revenues** (S. Killpack), read the first time by short title and referred to the Rules Committee.
- **S.B. 1004**, **Supplemental Appropriations Adjustments** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Killpack, under suspension of the rules, the Senate voted to place **S.B. 1001**, **S.B. 1002**, **S.B. 1003**, and **S.B. 1004** on the Second Reading Calendar.

COMMUNICATIONS FROM THE HOUSE

Mr. President: May 20, 2009

The House passed **H.B. 1001**, SUBDIVISION APPROVAL AMENDMENTS, by Representative R. C. Webb, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 1001** was read the first time and referred to the Rules Committee.

* * *

On motion of Senator Killpack, under suspension of the rules, the Senate voted to lift **H.B. 1001** from Rules and place it at the bottom of the Second Reading Calendar.

SECOND READING CALENDAR

S.B. 1001, FOREST RESERVE FUND AMENDMENTS, was read the second time. Senator Okerlund explained the bill.

On motion of Senator Okerlund, the following substitute bill replaced the original bill:

1st Sub. S.B. 1001 Forest Reserve Fund Amendments (R. Okerlund)

On motion of Senator Okerlund, under suspension of the rules, **1st Sub. S.B. 1001**, FOREST RESERVE FUND AMENDMENTS, was considered read

the second and third times. Senator Okerlund explained the bill. Senator Valentine commented. The bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassall	Waddoups		

Van Tassell Waddoups

Absent or not voting were: Senators

Bell Davis McCoy

1st Sub. S.B. 1001 was transmitted to the House.

* * *

S.B. 1002, LEGAL NOTICE AMENDMENTS, was read the second time. Senator Urquhart explained the bill.

On motion of Senator Urquhart, the following substitute bill replaced the original bill:

1st Sub. S.B. 1002 Legal Notice Amendments (S. Urquhart)

On motion of Senator Urquhart, under suspension of the rules, **1st Sub. S.B. 1002**, LEGAL NOTICE AMENDMENTS, was considered read the second and third times. Senator Urquhart explained the bill. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

, 001119 1110 0			
Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell McCoy

1st Sub. S.B. 1002 was transmitted to the House.

* * *

On motion of Senator Killpack, under suspension of the rules, **S.B. 1003**, DISPOSITION OF REGISTRATION FEE REVENUES, was considered read the second and third times. Senator Killpack explained the bill. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell McCoy

S.B. 1003 was transmitted to the House.

* * *

On motion of Senator Hillyard, under suspension of the rules, **S.B. 1004**, SUPPLEMENTAL APPROPRIATIONS ADJUSTMENTS, was considered read the second and third times. Senator Hillyard explained the bill. Senator Urquhart commented. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

		_	
Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell McCoy

S.B. 1004 was transmitted to the House.

COMMUNICATIONS FROM THE HOUSE

Mr. President: May 20, 2009

The House passed, as substituted, **1st Sub. H.B. 1002**, CONDITIONS FOR REQUESTING AND DISCLOSING INFORMATION UNDER EMPLOYMENT SELECTION PROCEDURES ACT, by Representative W. Harper, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 1002** was read the first time and referred to the Rules Committee.

On motion of Senator Killpack, under suspension of the rules, the Senate voted to lift **1st Sub. H.B. 1002** from Rules and place it at the bottom of the Second Reading Calendar.

ADVISE AND CONSENT

COMMUNICATIONS FROM THE GOVERNOR

Mr. President: May 5, 2009

In accordance with Utah Code Ann. 67–1–1 and 67–1–2, I propose and transmit the following appointments:

State Money Management Council:

Mark D. Watkins is appointed to replace Bruce Cohne as a member of the State Money Management Council, a term to expire on March 1, 2011. See Utah Code Ann. 51–7–16.

Mark O. McRae is appointed to replace Daniel A. Mule as a member of the State Money Management Council, a term to expire on March 1, 2011. See Utah Code Ann. 51–7–16.

Mark A. Altom is reappointed as a member of the State Money Management Council, a term to expire on March 1, 2013. See Utah Code Ann. 51–7–16.

Charles Richard Schwarz is reappointed as a member of the State Money Management Council, a term to expire on March 1, 2013. See Utah Code Ann. 51–7–16.

William W. Wallace is reappointed as a member of the State Money Management Council, a term to expire on March 1, 2013. See Utah Code Ann. 51–7–16.

Defined Contribution Risk Adjustor Board:

S. David Jackson is appointed as a member of the Defined Contribution Risk Adjustor Board, a term to expire on May 20, 2011. See Utah Code Ann. 31A–42–201.

Dennis Kunimura is appointed as a member of the Defined Contribution Risk Adjustor Board, a term to expire on May 20, 2011. See Utah Code Ann. 31A–42–201.

James D. Pinkerton is appointed as a member of the Defined Contribution Risk Adjustor Board, a term to expire on May 20, 2011. See Utah Code Ann. 31A-42-201.

Mark A. Brown is appointed as a member of the Defined Contribution Risk Adjustor Board, a term to expire on May 20, 2013. See Utah Code Ann. 31A–42–201.

Norman K. Thurston is appointed as a member of the Defined Contribution Risk Adjustor Board, a term to expire on May 20, 2013. See Utah Code Ann. 31A-42-201.

Tanji J. Northrup is appointed as a member of the Defined Contribution Risk Adjustor Board, a term to expire on May 20, 2013. See Utah Code Ann. 31A–42–201.

Board of State History:

Dr. Deanne Matheny is appointed to replace Claudia Berry as a member of the Board of State History, a term to expire on April 1, 2013. See Utah Code Ann. 9–8–204.

Quality Growth Commission:

Charles R. Duboc, Jr. is appointed to replace Kent Mitchell as a member of the Quality Growth Commission, a term to expire on April 15, 2011. See Utah Code Ann. 11–38–201.

David Mansell is appointed to replace Jaren L. Davis as a member of the Quality Growth Commission, a term to expire on April 15, 2013. See Utah Code Ann. 11–38–201.

JT Martin is appointed to replace Mayor Darrell H. Smith as a member of the Quality Growth Commission, a term to expire on March 1, 2013. See Utah Code Ann. 11–38–201.

Michael L. Kohler is reappointed as a member of the Quality Growth Commission, a term to expire on March 1, 2013. See Utah Code Ann. 11–38–201.

Flint F. Richards is reappointed as a member of the Quality Growth Commission, a term to expire on March 1, 2013. See Utah Code Ann. 11–38–201.

Crime Victim Reparations Board:

Rodney G. Snow is reappointed as a member of the Crime Victim Reparations Board, a term to expire on April 15, 2013. See Utah Code Ann. 63–25a–404.

Gretchen McNees is appointed to replace Louis S. Speth as a member of the Crime Victim Reparations Board, a term to expire on April 15, 2013. See Utah Code Ann. 63-25a-404.

Loydene Hubbard Berg is appointed to replace Karen Watkins as a member of the Crime Victim Reparations Board, a term to expire on April 15, 2013. See Utah Code Ann. 63–25a–404.

Upper Sevier Water Conservancy District Board of Directors:

Deven Gass is appointed to replace Chris Fullmer as a member of the Upper Sevier Water Conservancy District Board of Directors, a term to expire on January 2, 2013. See Utah Code Ann. 17A–2–1409.

Delin Garn Roundy is appointed to replace Sheldon Proctor as a member of the Upper Sevier Water Conservancy District Board of Directors, a term to expire on January 2, 2012. See Utah Code Ann. 17A–2–1409.

S. Leland Riggs is reappointed as a member of the Upper Sevier Water Conservancy District Board of Directors, a term to expire on January 2, 2012. See Utah Code Ann. 17A–2–1409.

Utah Commission on Uniform State Laws:

Representative Lorie D. Fowlke is appointed to replace Rep. Greg Curtis as a member of the Utah Commission on Uniform State Laws, a term to expire on July 1, 2013. See Utah Code Ann. 68–4–5.

Solid and Hazardous Waste Control Board:

Larry A. Ellertson is appointed to replace Craig W. Anderson as a member of the Solid and Hazardous Waste Control Board, a term to expire on May 8, 2013. See Utah Code Ann. 19–6–103.

Brad Mertz is appointed to replace Craig Forster as a member of the Solid and Hazardous Waste Control Board, a term to expire on May 8, 2013. See Utah Code Ann. 19–6–103.

Air Quality Board:

Dr. Robert Paine is appointed to replace Dr. Wayne M. Samuelson as a member of the Air Quality Board, a term to expire on March 1, 2011. See Utah Code Ann. 19–2–103.

Utah State Retirement Board:

Jay R. Blain is appointed to replace Phyllis Sorenson as a member of the Utah State Retirement Board, a term to expire on July 1, 2011. See Utah Code Ann. 49–11–202.

Water Quality Board:

Darrel H. Mensel is reappointed as a member of the Water Quality Board, a term to expire on March 1, 2013. See Utah Code Ann. 19–5–103.

Gregory Leonard Rowley is reappointed as a member of the Water Quality Board, a term to expire on March 1, 2013. See Utah Code Ann. 19–5–103.

Paula Haye Doughty is reappointed as a member of the Water Quality Board, a term to expire on March 1, 2013. See Utah Code Ann. 19–5–103.

Merritt Karen Frey is reappointed as a member of the Water Quality Board, a term to expire on March 1, 2013. See Utah Code Ann. 19–5–103.

Mayor Lou Ann Newell Christensen is appointed to replace Mayor Joe L. Piccolo as a member of the Water Quality Board, a term to expire on March 1, 2013. See Utah Code Ann. 19–5–103.

Board of Business and Economic Development:

Robert G. Adams is appointed to replace Bill Boyle as a member of the Board of Business and Economic Development, a term to expire on March 15, 2013. See Utah Code Ann. 63–38f–302.

Peter Mouskondis is appointed to replace Richard R. Nelson as a member of the Board of Business and Economic Development, a term to expire on March 15, 2013. See Utah Code Ann. 63–38f–302.

Wildlife Board:

William N. Fenimore is appointed to replace Lee E. Howard as a member of the Wildlife Board, a term to expire on August 15, 2015. See Utah Code Ann. 23–14–2.

Gary Jake Albrecht is appointed to replace Paul Niemeyer as a member of the Wildlife Board, a term to expire on August 15, 2015. See Utah Code Ann. 23–14–2.

Thank you for your timely consideration and confirmation of the above appointments.

Jon M. Huntsman, Jr. Governor

On motion of Senator Hillyard, the Senate voted to approve the appointments read by Leslie McLean on the following roll call vote:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell McCoy

SECOND READING CALENDAR

On motion of Senator Urquhart, under suspension of the rules, **H.B. 1001**, SUBDIVISION APPROVAL AMENDMENTS, was considered read the second and third times. Senator Hinkins commented and the bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell McCoy

H.B. 1001 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Mayne, under suspension of the rules, **1st Sub. H.B. 1002**, CONDITIONS FOR REQUESTING AND DISCLOSING INFORMATION UNDER EMPLOYMENT SELECTION PROCEDURES ACT, was considered read the second and third times. Senator Valentine commented and the bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bell McCoy

1st Sub. H.B. 1002 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Killpack, and at 3:30 p.m., the Senate sauntered.

The Senate was called to order at 4:00 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: May 20, 2009

The House passed **H.B. 1003**, APPROPRIATIONS ADJUSTMENTS RELATED TO FEDERAL FUNDS, by Representative R. Bigelow, with the following amendments:

- 1. Page 2, Line 43: Delete "(2,000,000)" and insert "(2,500,000)"
- 2. Page 2, Line 45: Delete "(2,000,000)" and insert "(2,500,000)"

3. Page 3, Line 86:

Delete "2,937,500" and insert "2,437,500"

4. Page 3, Line 89:

Delete "2,462,500" and insert "2,962,500"

5. Page 5, Line 150:

After Line 150 insert:

"ECONOMIC DEVELOPMENT AND REVENUE

DEPARTMENT OF COMMUNITY AND CULTURE

ITEM 14A To Department of Community and Culture – Housing and Community Development

From General Fund, One-time (500,000)

From Federal Funds – American Recovery and Reinvestment Act 500,000

The Legislature intends that \$500,000 appropriated by this item to the Huntsman Cancer Center from Federal Funds – American Recovery and Reinvestment Act of 2009 shall come from the General State Fiscal Stabilization Program."

6. Page 5, Line 153:

After Line 153 insert:

"From General Fund, One-time 1,000,000

From Federal Funds 2,000,000"

7. Page 5, Line 156:

Delete "6,572,600" and insert "9,572,600"

8. Page 4. Line 114:

After Line 114 insert:

"ITEM 11A To Department of Human Services – Division of Aging and Adult Services

From Federal Funds – American Recovery and Reinvestment Act 35,300

Schedule of Programs:

Non-Formula Funds 35,300"

9. Page 4. Line 139:

After Line 139 insert:

"TRANSPORTATION & ENVIRONMENTAL QUALITY DEPARTMENT OF TRANSPORTATION

ITEM 13A To Department of Transportation – Construction Management

From Federal Funds – American Recovery and Reinvestment Act 64,045,200

Schedule of Programs:

State Construction - New 64,045,200"

10. Page 5, Line 151:

After Line 151 insert:

"DEPARTMENT OF HEALTH

ITEM 14A To Department of Health – Community and Family Health Services

From Federal Funds – American Recovery and Reinvestment Act 3,011,200

Schedule of Programs:

Director's Office 3,011,200

ITEM 14B To Department of Health – Executive Director's Operations

From Federal Funds – American Recovery and Reinvestment Act 1,230,000

Schedule of Programs:

Executive Director 1,230,000

All General Funds appropriated to the Department of Health – Executive Director's Operations line item are contingent upon expenditures from Federal Funds - American Recovery and Reinvestment Act (H.R. 1, 111th United States Congress) not exceeding amounts appropriated from Federal Funds – American Recovery and Reinvestment Act in all appropriations bills passed for FY 2010. If expenditures in this line item from Federal Funds - American Recovery and Reinvestment Act exceed amounts appropriated to this line item from Federal Funds – American Recovery and Reinvestment Act in FY 2010, the Division of Finance shall reduce the General Fund allocations to this line item by one dollar for every one dollar in Federal Funds – American Recovery and Reinvestment Act expenditures that exceed Federal Funds – American Recovery and Reinvestment Act appropriations. ITEM 14C To Department of Health – Epidemiology and Laboratory Services

From Federal Funds – American Recovery and Reinvestment Act 134,400

Schedule of Programs:

Director's Office 134,400

All General Funds appropriated to the Department of Health – Epidemiology and Laboratory Services line item are contingent

upon expenditures from Federal Funds – American Recovery and Reinvestment Act (H.R. 1, 111th United States Congress) not exceeding amounts appropriated from Federal Funds – American Recovery and Reinvestment Act in all appropriations bills passed for FY 2010. If expenditures in this line item from Federal Funds – American Recovery and Reinvestment Act exceed amounts appropriated to this line item from Federal Funds – American Recovery and Reinvestment Act in FY 2010, the Division of Finance shall reduce the General Fund allocations to this line item by one dollar for every one dollar in Federal Funds – American Recovery and Reinvestment Act expenditures that exceed Federal Funds – American Recovery and Reinvestment Act appropriations."

11. Page 5, Line 156

After Line 156 insert:

"ITEM 15A To Department of Human Services – Division of Aging and Adult Services

From Federal Funds – American Recovery and Reinvestment Act 123,500

Schedule of Programs:

Non-Formula Funds 123,500"

12. Page 5, Line 175

Delete "9,000,000" and insert "9,600,000"

13. Page 5, Line 177

Delete "9,000,000" and insert "9,600,000"

14. Page 5, Line 182

After Line 182 insert:

"SNOW COLLEGE

ITEM 20A To Snow College – Education and General From Federal Funds – American Recovery and Reinvestment Act 2,000,000

Schedule of Programs:

Education and General 2.000.000

DIXIE STATE COLLEGE

ITEM 20B To Dixie State College – Education and General From Federal Funds – American Recovery and Reinvestment Act 500,000

Schedule of Programs:

Education and General 500,000" and it is transmitted to the Senate for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 1003** was read the first time and referred to the Rules Committee.

On motion of Senator Killpack, under suspension of the rules, the Senate voted to lift **H.B. 1003** from Rules and place it at the top of the Second Reading Calendar.

On motion of Senator Hillyard, under suspension of the rules, **H.B. 1003**, APPROPRIATIONS ADJUSTMENTS RELATED TO FEDERAL FUNDS, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Liljenquist	Mayne
Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Valentine
Van Tassell	Waddoups		

Voting in the negative was: Senator

Madsen

Absent or not voting were: Senators

McCoy Urquhart

H.B. 1003 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Killpack, and at 4:15 p.m., the Senate sauntered.

The Senate was called to order at 4:30 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: May 20, 2009

The House passed, **1st Sub. S.B. 1001**, FOREST RESERVE FUND AMENDMENTS, by Senator R. Okerlund, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 1002**, LEGAL NOTICE AMENDMENTS, by Senator S. Urquhart, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 1003**, DISPOSITION OF REGISTRATION FEE REVENUES, by Senator S. Killpack, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 1004**, SUPPLEMENTAL APPROPRIATIONS ADJUSTMENTS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk 1003, and S.B. 1004 were signed

1st Sub. S.B. 1001, 1st Sub. S.B. 1002, S.B. 1003, and S.B. 1004 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

President Waddoups appointed Senators David Hinkins, Stephen Urquhart, and Karen Mayne to wait upon the Governor and ask if he has any further business to bring before the Senate.

President Waddoups appointed Senators Margaret Dayton, Ralph Okerlund, and Brent Goodfellow to notify the House of Representatives that the Senate has concluded its business and is ready to adjourn sine die.

Senator Dayton reported the House has been notified that the business of the Senate has concluded and the Senate is ready to adjourn sine die.

Senator Mayne reported that his committee had notified the Governor. The Governor asked that the committee convey to the Senate that he has no further business to bring before the legislature.

On motion of Senator Killpack and at 4:40 p.m., the Senate adjourned sine die.

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SENATE AND HOUSE BILLS

FIFTY-EIGHTH LEGISLATURE FIRST SPECIAL SESSION

Convened and Adjourned on Wednesday, May 20, 2009

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STATE OF UTAH

SENATE JOURNAL

FIRST EXTRAORDINARY SESSION OF THE FIFTY-EIGHTH LEGISLATURE

Convened and Adjourned on Wednesday, June 17, 2009

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the First Extraordinary Session of the Fifty–Eighth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the First Extraordinary Session convening on Wednesday, June 17, 2009, and adjourning sine die on the same day.

Annette B. Moore Secretary of the Senate

Leslie McLeanManager, Senate Services

Mary B. Andrus
Journal Clerk

STATE OF UTAH

SENATE JOURNAL

FIRST EXTRAORDINARY SESSION of the FIFTY-EIGHTH LEGISLATURE

Pursuant to the proclamation of His Excellency, Governor Jon M. Huntsman, Jr., the Senate of the Fifty–Eighth Legislature of the State of Utah met in the Senate Chamber at the State Capitol in the First Extraordinary Session at 12:00 noon on Wednesday, June 17, 2009.

The Senate was called to order at 12:15 p.m. with President Michael Waddoups presiding.

Prayer – Senator Scott Jenkins

Pledge – Senator Lyle Hillyard

Annette Moore, Secretary of the Senate, read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the close of the 2009 General Session of the 58th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature in Extraordinary Session;

NOW, THEREFORE, I, JON M. HUNTSMAN, JR., Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 58th Legislature into a First Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 17th day of June, 2009 at 12:00 noon, for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2009 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Salt Lake Capitol in Salt Lake City, Utah, this 3rd day of June, 2009.

Jon M. Huntsman, Jr. Governor

Gary R. Herbert Lieutenant Governor

CERTIFICATION

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of June3, 2009, and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamation calling the Senate only into a First Extraordinary Session at the State Capitol, at Salt Lake City, Utah, on the 17th day of June, 2009, at 12:00 noon, for the purpose named in the Proclamation.

I FURTHER CERTIFY THAT the membership of the Utah State Senate has not changed from that of the 2009 General Session of the Utah State Legislature.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah at Salt Lake City, Utah, this 4th day of June 2009.

Gary R. Herbert
Lieutenant Governor

Roll call - All Senators present, except Senators Buttars and Dayton, excused.

On motion of Senator Jones, the Senate voted to adopt the Senate Rules of the 2009 General Session of the Fifty-Eighth Legislature as the rules for the First Extraordinary Session.

President Waddoups appointed a committee comprised of Senators Curtis Bramble, Greg Bell, and Ross Romero to notify the Governor's representative that the Senate is convened in the First Extraordinary Session in accordance with his proclamation.

Senator Bramble advised the Senate that the Governor's representative has been notified of the convening of the First Extraordinary Session.

* * *

Leslie McLean read the following communications:

COMMUNICATION FROM THE GOVERNOR

Mr. President: May 5, 2009

In accordance with Utah Code Ann. 67–1–1 and 67–1–2, I propose and transmit the following appointments:

Transportation Commission:

Jeffrey D. Holt is appointed to replace Commissioner Glen E. Brown as a member of the Transportation Commission, a term to expire on April 1, 2015. See Utah Code Ann. 72–1–301.

Wayne K. Barlow is appointed to replace Commissioner Stephen M. Bodily as a member of the Transportation Commission, a term to expire on April 1, 2015. See Utah Code Ann. 72–1–301.

Securities Commission:

Laura Polacheck is appointed as a member of the Securities Commission, a term to expire on May 12, 2013. See Utah Code Ann. 61–1–18.5.

Eric Anthony Christiansen is appointed as a member of the Securities Commission, a term to expire on May 12, 2013. See Utah Code Ann. 61–1–18.5.

Jane E. Cameron is appointed as a member of the Securities Commission, a term to expire on May 12, 2013. See Utah Code Ann. 61–1–18.5.

Thank you for your timely consideration and confirmation of the above appointments.

Jon M. Huntsman, Jr. Governor

* * *

Mr. President: June 17, 2009

The Senate Transportation and Public Utilities and Technology Confirmation Committee met on June 16, 2009 and reports favorable recommendations for Mr. Jeffrey D. Holt and Mr. Wayne K. Barlow as members of the Transportation Commission.

Stephen H. Urquhart, Chair

* * *

Mr. President: June 3, 2009

In accordance with Utah Code Ann. 67–1–1 and 67–1–2, I propose and transmit the following appointments:

Utah State Retirement Board:

Kathy Jones–Price is reappointed as a member of the Utah State Retirement Board, a term to expire on July 1, 2013. See Utah Code Ann. 49–11–202.

Phillip W. Clinger is reappointed as a member of the Utah State Retirement Board, a term to expire on July 1, 2013. See Utah Code Ann. 49–11–202.

John L. Lunt is reappointed as a member of the Utah State Retirement Board, a term to expire on July 1, 2013. See Utah Code Ann. 49–11–202.

Title and Escrow Commission:

Jerry M. Houghton is reappointed as a member of the Title and Escrow Commission, a term to expire on June 30, 2013. See Utah Code Ann. 31A–2–403.

Utah State Fair Corporation Board of Directors:

Gary Arrington is appointed to replace Lillian Bayles as a member of the Utah State Fair Corporation Board of Directors, a term to expire on December 1, 2012. See Utah Code Ann. 9–4–1104.

Defined Contribution Risk Adjustor Board:

Earl F. Hurst is appointed as a member of the Defined Contribution Risk Adjustor Board, a term to expire on June 30, 2013. See Utah Code Ann. 31A–42–201.

Utah Comprehensive Health Insurance Pool Board of Directors:

Michael Dean Bahr is reappointed as a member of the Utah Comprehensive Health Insurance Pool Board of Directors, a term to expire on June 30, 2013. See Utah Code Ann. 31A–29–104.

Matthew Mark Minkevitch is reappointed as a member of the Utah Comprehensive Health Insurance Pool Board of Directors, a term to expire on June 30, 2013. See Utah Code Ann. 31A–29–104.

Robert Hinckley Perry is reappointed as a member of the Utah Comprehensive Health Insurance Pool Board of Directors, a term to expire on June 30, 2013. See Utah Code Ann. 31A–29–104.

Elizabeth Hunter is reappointed as a member of the Utah Comprehensive Health Insurance Pool Board of Directors, a term to expire on June 30, 2013. See Utah Code Ann. 31A–29–104.

Dr. Douglas James Hasbrouck is reappointed as a member of the Utah Comprehensive Health Insurance Pool Board of Directors, a term to expire on June 30, 2013. See Utah Code Ann. 31A–29–104.

Solid and Hazardous Waste Control Board:

Kevin R. Murray is reappointed as a member of the Solid and Hazardous Waste Control Board, a term to expire on May 8, 2013. See Utah Code Ann. 19–6–103.

Dennis R. Riding is reappointed as a member of the Solid and Hazardous Waste Control Board, a term to expire on May 8, 2013. See Utah Code Ann. 19–6–103.

Gary L. Mossor is reappointed as a member of the Solid and Hazardous Waste Control Board, a term to expire on May 8, 2013. See Utah Code Ann. 19–6–103.

Scott Allen Bruce is reappointed as a member of the Solid and Hazardous Waste Control Board, a term to expire on May 8, 2013. See Utah Code Ann. 19–6–103.

Kory England Coleman is reappointed as a member of the Solid and Hazardous Waste Control Board, a term to expire on May 8, 2013. See Utah Code Ann. 19–6–103.

Securities Commission:

Tim Bangerter is appointed as a member of the Securities Commission, a term to expire on May 12, 2011. See Utah Code Ann. 61–1–18.5.

Michael C. O'Brien is appointed as a member of the Securities Commission, a term to expire on May 12, 2011. See Utah Code Ann. 61–1–18.5.

Utah State University Board of Trustees:

Douglas S. Foxley is reappointed as a member of the Utah State University Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B-2-104.

Ronald W. Jibson is reappointed as a member of the Utah State University Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B-2-104.

Robert Lynn Foley is reappointed as a member of the Utah State University Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B-2-104.

Susan D. Johnson is appointed to replace David Johnson III as a member of the Utah State University Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B-2-104.

Weber State University Board of Trustees:

James C. Beardall is reappointed as a member of the Weber State University Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B-2-104.

Kathryn Lindquist is reappointed as a member of the Weber State University Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B-2-104.

Jerry Stevenson is reappointed as a member of the Weber State University Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B-2-104.

Steve Starks is appointed to replace Steven Peterson as a member of the Weber State University Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B-2-104.

University of Utah Board of Trustees:

Tim Anderson is reappointed as a member of the University of Utah Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

A. Scott Anderson is appointed to replace Hope Eccles as a member of the University of Utah Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Joyce P. Valdez is appointed to replace Scott Parker as a member of the University of Utah Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Lisa Eccles is appointed to replace Lorena Riffo–Jenson as a member of the University of Utah Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Salt Lake Community College Board of Trustees:

Jesselie B. Anderson is reappointed as a member of the Salt Lake Community College Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Larry Hancock is reappointed as a member of the Salt Lake Community College Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B-2-104.

Anna Kay Waddoups is reappointed as a member of the Salt Lake Community College Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Karen Gail Saxton Miller is appointed to replace Dave Thomas as a member of the Salt Lake Community College Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Utah Valley University Board of Trustees:

Carolyn H. Miller is reappointed as a member of the Utah Valley University Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B-2-104.

Doyle M. Mortimer is reappointed as a member of the Utah Valley University Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B-2-104.

Rebecca Marriott Champion is appointed to replace Timothy Clark as a member of the Utah Valley University Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Southern Utah University Board of Trustees:

Gayle Pollock is reappointed as a member of the Southern Utah University Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B-2-104.

Renn Zaphiropoulos is reappointed as a member of the Southern Utah University Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Nina Barnes is appointed to replace Dane Leavitt as a member of the Southern Utah University Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Snow College Board of Trustees:

Theressa Alder is reappointed as a member of the Snow College Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Eddie L. Cox is reappointed as a member of the Snow College Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Mary Gardner Greathouse is reappointed as a member of the Snow College Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B-2-104.

Douglas L. Barton is appointed to replace Timothy Blackham as a member of the Snow College Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

College of Eastern Utah Board of Trustees:

Neal Peacock is reappointed as a member of the College of Eastern Utah Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B-2-104.

Erroll Holt is appointed to replace Dennis Dooley as a member of the College of Eastern Utah Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B-2-104.

Jason Dunn is appointed to replace Senator David Hinkins as a member of the College of Eastern Utah Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Dixie State College Board of Trustees:

Steve Caplin is reappointed as a member of the Dixie State College Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Christopher A. Roybal is reappointed as a member of the Dixie State College Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B-2-104.

Elizabeth Rhodes Bingham is appointed to replace Shawn Shouthwick–King as a member of the Dixie State College Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B–2–104.

Jon Pike is appointed to replace D. Williams Ronnow as a member of the Dixie State College Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B-2-104.

Kathie Thayne is appointed to replace Vickie Reese Wilson as a member of the Dixie State College Board of Trustees, a term to expire on June 30, 2013. See Utah Code Ann. 53B-2-104.

Utah College of Applied Technology Board of Trustees:

Jason P. Perry is appointed as a member of the Utah College of Applied Technology Board of Trustees, a term to expire on August 31, 2013. See Utah Code Ann. 53B-2a-103.

William A. Sederburg is appointed as a member of the Utah College of Applied Technology Board of Trustees, a term to expire on August 31, 2013. See Utah Code Ann. 53B–2a–103.

State Board of Regents:

Jed H. Pitcher is reappointed as a member of the State Board of Regents, a term to expire on June 30, 2013. See Utah Code Ann. 53B–1–104.

Bonnie Jean Beesley is reappointed as a member of the State Board of Regents, a term to expire on June 30, 2013. See Utah Code Ann. 53B–1–104.

Thank you for your timely consideration and confirmation of the above appointment.

Jon M. Huntsman, Jr. Governor

* * *

Mr. President: June 17, 2009

At its meeting today, the Senate Business and Labor Confirmation Committee voted unanimously to recommend that the Senate approve the nominations of the following to Securities Commission: Tim Bangerter, Jane E. Cameron, Erik Anthony Christiansen, Laura Polacheck, and Michael C. O'Brien.

Thank you for your consideration in this matter.

John L. Valentine, Chair

* * *

On motion of Senator Jenkins, the Senate voted to waive the 15-day requirement on the submittals dated June 3, 2009, for the purposes of acting on gubernatorial nominees.

Senator Hillyard moved to consent to the appointment as read by Leslie McLean. Senators Valentine and Urquhart commented. Senators Valentine and Greiner declared conflicts of interest. The motion passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Robles	Romero
Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Buttars Dayton McCoy

* * *

President Waddoups directed the committee to wait upon the Governor's representative to notify him that the Senate has concluded its business.

Senator Bramble reported that the committee had notified the Governor's representative that the Senate had concluded its business, and that the Governor has no further business to bring before the Senate.

On motion of Senator Killpack, and at $12:40\ p.m.$, the Senate adjourned sine die.

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