

STATE OF UTAH
SENATE JOURNAL
2011 GENERAL SESSION
of the
FIFTY–NINTH LEGISLATURE
FIRST DAY
MORNING SESSION
January 24, 2011

Pursuant to the provisions of the Constitution of the State of Utah, the Senators of the Fifty–Ninth Legislature of the State of Utah convened in General Session in the Senate Chamber on Monday, January 24, 2011 at ten o'clock a.m.

The Senate was called to order at 10:00 a.m., with the Honorable Clark Waddoups, presiding.

PRAYER BY ELDER L. TOM PERRY,
MEMBER OF THE QUORUM OF THE TWELVE APOSTLES OF THE
CHURCH OF JESUS CHRIST OF LATTER–DAY SAINTS

Oh God, Our Eternal Father in Heaven,

As thou knowest, we are gathered here this morning to convene the Utah State Senate in its opening session for this the year of 2011. We ask that thou will bless this noble body who have been selected by the people to represent them in the function of protecting and the making laws by which the people of this state will be governed. We know these elected officials come to this great responsibility at great personal sacrifice of time away from their families, businesses, and other personal responsibilities. We ask that thou will give them the physical and mental strength to endure the pressures of this assignment.

We realize the great responsibility they carry to the people, representing the people of this state who have placed their trust in them to be by the people, for the people and of the people, without loyalty of political parties, friends, or personal interests. Their election carries the will and the trust of the people they represent.

We are blessed to be governed in this great country of the United States of America who rule by law, the foundation of which is an inspired Constitution.

During the time of its formation, the founding fathers wanted to make certain it would guarantee our God given right of liberty. Before final approval of this inspired document, the framers of the Constitution added the Bill of Rights which insures freedom of worship, freedom of speech, and the right of peaceably assemble. Our state of Utah has historically strengthened and supported this Constitution.

We are blessed to live in a state known for its industry, represented by our symbol, the beehive. We cherish our pioneer heritage and the contributions they made in building this great state. May we continue to emulate their example of integrity, of service, and their desire to always improve.

Now wilt thou bless these elected members, even beyond their natural abilities, as members of the Utah State Senate. Magnify and inspire them, , with wisdom and judgment, that the decisions coming forth from this session will be for the good and blessing of all the people of this great state.

We humbly pray, in the name of Jesus Christ. Amen.

POSTING OF COLORS & PLEDGE OF ALLEGIANCE

UTAH NATIONAL GUARD

Members of the Color Guard

Sgt. First Class Curt Hoepfner, NCOIC
 Staff Sgt. Sarah Francis
 Staff Sgt. Brian Koka
 Staff Sgt. Gary Packer

Pledge of Allegiance – Colonel Scot Olsen

SPECIAL MUSICAL PRESENTATION

Utah State University Chamber Singers under the direction of Dr. Cory Evans, Director of Choral Activities and Associate Professor of Choral Music Education performed “The Star–Spangled Banner,” “At the River,” and “Ride the Chariot.”

On motion of Senator Scott Jenkins, the Senate thanked Elder Perry for delivering the invocation and requested his words be spread upon the pages of the Senate Journal. He also expressed appreciation to the Utah Air National Guard, Colonel Scot Olson, for leading the Pledge of Allegiance, and to Dr. Cory Evans

and the Utah State University Chamber Singers, for their participation in the opening of the Utah State Senate.

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Leslie McLean read the following Certification of Membership of the 2011 General Session of the Fifty–Ninth Legislature.

**CERTIFICATE OF MEMBERSHIP OF THE 2011
GENERAL SESSION
OF THE UTAH STATE SENATE
59TH LEGISLATURE**

In the General Election held within and for the State of Utah on Tuesday, November 2, 2010, the following named persons were chosen by the electors as members of the Legislature of the State of Utah to serve in the Utah Senate, each for a term of four years, beginning the first day of the 2011 general session. Subsequent to the canvass, I sent a Certificate of Election to each of the following

SECOND DISTRICT: County of Salt Lake

Ben McAdams

THIRD DISTRICT: County of Salt Lake

Gene Davis

FOURTH DISTRICT: County of Salt Lake

Patricia W. Jones

FIFTH DISTRICT: County of Salt Lake

Karen Mayne

SEVENTH DISTRICT: County of Salt Lake

Ross I. Romero

NINTH DISTRICT: County Salt Lake

Wayne Niederhauser

ELEVENTH DISTRICT: Counties of Salt Lake, Utah

Howard A. Stephenson

TWELFTH DISTRICT: Counties of Salt Lake, Tooele

Daniel W. Thatcher

FIFTEENTH DISTRICT: County of Utah

Margaret Dayton

SEVENTEENTH DISTRICT: Counties of Box Elder, Cache, Tooele

Peter C. Knudson

EIGHTEENTH DISTRICT: Counties of Davis, Weber

Stuart C. Reid

TWENTY–FIRST DISTRICT: County of Davis

Jerry W. Stevenson

TWENTY–SECOND DISTRICT: County of Davis

J Stuart Adams

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

David P. Hinkins

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

Furthermore, in the 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 Utah Senate, each for a term of four years, beginning the first day of the 2009 annual general session. Subsequent to the canvass, I sent a Certificate of Election to each of the following:

FIRST DISTRICT: County of Salt Lake

Luz Robles

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: Counties 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, Weber

Allen M. Christensen

TWENTIETH DISTRICT: County of Weber

Scott K. Jenkins

TWENTY–THIRD DISTRICT: County of Davis

Daniel R. 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

Greg Bell

Lieutenant Governor

Communication filed.

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Judge Clark Waddoups administered the Oath of Office to all re-elected and newly elected members of the Senate for the Fifty-Ninth Legislature.

Roll Call – All Senators present.

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

Judge Waddoups declared nominations for the office of President of the Senate were in order.

On motion of Senator Jenkins Senator Michael G. Waddoups was nominated to serve as President of the Utah State Senate.

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

Judge Clark Waddoups administered the Oath of Office to the President of the Senate, Michael G. Waddoups.

On motion of Senator Jenkins the Senate expressed appreciation to Judge Waddoups for taking time from his busy schedule to participate in the opening of the Utah State Senate.

WELCOMING REMARKS BY PRESIDENT WADDOUPS

First of all, thank you for your support and trust and the honor you have bestowed upon me. Booker T. Washington said, "It is wonderful when people believe in their leader. It's more wonderful when the leader believes in the people." Let me say, "I believe in you." I'm convinced we're going to have a good session and we'll get a lot of work done this year, and that the business of the State will go forward.

Sargent Shriver, who recently passed away, is quoted as saying "It is the most rewarding thing to be a civil servant." Each of us has been elected to be servants. Let us serve for the right reasons this year.

A constituent recently sent me a treatise on government comparing our country with ancient Israel. Most of it came from a discourse by Samuel Langdon, one of the revolutionaries who was advocating for our new nation and for our U.S. Constitution.

Mr. Langdon quoted Deuteronomy in the Bible, where God not only gave Israel the Ten Commandments, but a complete code of judicial laws. "Life and property were well guarded, and punishments were equitably adopted to the nature of the crime."

Israel prospered and became rich in the land. So, with such a great beginning and such a wonderful system of laws, why did they fail? Why were they captured and destroyed and disbursed throughout the world? Langdon then answers that question as follows: "They received their law from God, but they did not keep it." He goes on to expound upon the rise and fall of Israel, and then compares their beginnings to the origin of this country for which they were advocating. He compared the 12 tribes of Israel to the 13 American Colonies, and he said, "I have presented you with the portrait of a nation, highly favored by heaven with civil and religious institutions, who yet, by not improving their advantages, forfeited their blessings and brought contempt and destruction to themselves."

I, like Langdon, believe the United States is highly favored of Heaven, and our Constitution, though not carved in tablets of stone, was inspired by our maker. Today we took an oath to defend and obey the constitution. I adjure each of you to find out what it means to honor and obey the Constitution from our positions as legislators. Even though we are not taking the time to read it here on the floor as they did in Washington, I have recently read it again, and marvel at the wisdom and inspiration of our forefathers. I think we all could benefit by reviewing it again. George Washington himself acknowledged divine help as he fought for freedom, as he worked the Continental Congress, and again as he lead an infant nation destined to become the greatest nation in the world.

Samuel Langdon gave some good advise that is valid for us today because I believe it references qualities that you, as elected representatives of the people, possess. He said, "Fix your eyes upon men of good understanding and known honesty; men of knowledge, improved by experience, men who fear God, and hate covetousness; who love truth and righteousness, and sincerely wish the public welfare." The author then asked if we should not strive to save our nation – and I add our state – from the plight that befell ancient Israel.

Our nation's motto is "In God we Trust." I'm convinced that with His help we can fulfill the trust that has been bestowed upon us by God and the electorate. "In God we Trust," and I believe He is trusting in us. Trusting us to achieve great things in our state.

We hear much negativity in the world. In Arizona and Nevada the housing bust is pulling the states' economies down and pushing their financial capabilities. Illinois just passed huge income tax and corporate tax increases to help them through the tough times. New York was recently named as the state with the worst economic outlook. Most all of New England has high taxes and a decreasing population to pay for their government services. Nationally, the average household debt is \$115,375. Unemployment has been at 9% or above for the past 20 months. Everything seems to be bad in California from an unfunded pension plan to the issuing of IOUs to pay purveyors; high taxes and businesses closing their doors or relocating out of their state. Other examples abound.

How about Utah? There is much good in the news in Utah. Mortgage rates are down. Real Estate sales have begun to slowly pick up again. Car sales are increasing. Tourism is increasing, and visitors are coming to our state. Unemployment is at 7.5% compared to 9.4% nationally. Our state revenues are up \$216 million dollars. Individuals are beginning to save again rather getting further in debt. Moody's gives us a triple-A bond rating, the best nationally. Our triple-A bond rate is looked at with envy, and rightly so. GDP is increasing. Our exports are one of the few with a positive trade balance nationally. Utah tied MIT with spin-off companies and surpassed them with patents awarded. More citizens are getting an education. Again we have been named the best-managed state in America. Forbes named us the #1 state for business. The PEW Foundation said we are #1 for "sound government based on smart planning and effective performance management." Beacon Hill says we are the #2 state for competitiveness. The ALEC-Laffer study says we are the #1 positioned state for expected economic recovery. The National Report Card on Fair School funding names Utah #1. PEW report on Funding retirement systems rates Utah in the top 9 solid systems. Our USEP educational savings plan is rated among the top 5 by Morning Star. CNBC lists us in the top 8 states for business. The University of Health Consortiums names the University of Utah Hospital #1. NHTSA rates Utah #1 for the lowest for

alcohol impaired driving fatalities. Government Technology grades Utah an “A.” Kauffman says we are #1 for Dynamic Economy. And it goes on.

I believe it is because we have many natural resources and great citizens. Alan Greenspan, while speaking of the abundance we enjoy, cautioned, “It is not that humans have become more greedy than in generations past, it is that the avenues to express greed have grown so enormously.” We can’t provide everything that we are asked to provide; we can provide the constitutionally authorized services we are expected to provide. We must live within our means. We will balance the budget. We must continue the direction we have begun.

What should we do to continue this? How can we improve upon what we have? The theme I have chosen this year is that we can each leave a mark. What we are doing here is making history. If we do not learn from history, we will not make history in a positive way, but rather like the people of Israel, we will fail and be remembered as those who did not live up to the promise which we were given. This year we will impact all areas of our communities and the state. Transportation, infrastructure, buildings, health care, tourism, immigration, education – both public and higher, Medicaid, energy, alcohol policy, federalism and states rights, redistricting, ethics, environment, and guns. Pick one; **MAKE YOUR MARK.** We all have talents and we can make history and leave a mark. Be careful, and leave a good mark.

I have studied cactus a bit this year. They can leave a **MARK!** I want to talk a little bit about cactus. There are all kinds of cactus. Tall ones, shorter ones, big ones, pretty ones with flowers, colored ones. Some are not so attractive and kind of ugly. Almost all of them have thorns; thorns that will leave a mark. You don’t want to get too close. Some are thick and can get you multiple times; kind of dangerous. Some are long and pointy and will leave a deep mark. Some are aggressive; you don’t want to get to close to those.

Some are very useful. Rick did a little research on the yucca for me. Let me tell you some things this cactus will do. It will blossom and be beautiful and provide food for insects. The stick that it grows can make a great spindle and a fire void for bow drill fires. Sharp leaf tips will refine your attention as you walk through the desert and get too close to them. Leaves provide great fiber for twist and cordage, using it with string for your snares. You can weave it thicker into foot ware or whatever else you need to tie together. You can use the green, wet fibers for soap. Roots are great for your hair. If you wrap a chunk of the root with a bandana and get it and then pound it slightly with a rock or stick it under the suds or a stick until the suds come out, then use the suds for that silky desert glamour look. Also, the yucca provides shelter for animals and insects and other plants. Some of then

just seem to jump right out and get you as you walk by. This one did. As I was taking a picture, it hooked on to my slacks.

Finally, we are all like a cactus – we are spread out, but we are individually useful. We are going to be working as a team. As you go forward this year, we need to make a mark. Let's make a good mark.

I want each of you to leave your mark on the pages of history this year. Do it in a positive way. Be remembered as one who made a difference. Be one who made a mark in the lives of our citizens. Be a David to the Goliath of bad government, and help continue the legacy of excellence and successes that make Utah #1. David, a smaller man than Goliath, used wisdom and determination and undertook the challenge of saving his people and his country. He made his mark right in the forehead of Goliath and is now remembered thousands of years later. Stand up for what is right. Stand up for our country and our constitution. Fulfill the oath of office you took today. Make a mark. I have a marker for each one of you today as a reminder that we are indeed making a mark. It's a bookmark, and it has the Senate Seal on it. Each of you will be receiving one of those today. If you need more to share them, we have some extras. I want every staff member, every intern, every senator to have one as a reminder that we are to make a mark.

Today, from time to time, we may be criticized; we may be praised. Let me leave a quote that I think will calm our concerns and show us that no matter how we are perceived by others, that what we do is really ultimately what is important. This is by Abraham Lincoln. Abraham Lincoln said, "If I were to try to read, much less answer all the attacks made on me, this shop might as well close for any other business. I do the very best I know how – the very best I can; and I mean to keep doing so until the end. If the end brings me out all right, what is said against me won't amount to anything. If the end brings me out wrong, ten angels swearing I was right would make no difference."

Fellow senators, let us each go out now and make our mark. Let's make history. Thank you.

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

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President Waddoups directed that the following be recorded in the Senate Journal as leaders for the 59th Legislature 2011 General Session:

President – Michael G. Waddoups
Majority Leader – Scott K. Jenkins
Majority Whip – Wayne L. Niederhauser
Asst. Majority Whip – Peter C. Knudson
Minority Leader – Ross I. Romero
Minority Whip – Karen W. Morgan
Asst. Minority Whip – Patricia W. Jones
Minority Caucus Manager – Benjamin McAdams

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

Senators Romero and Jenkins delivered welcoming remarks.

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President Waddoups appointed a Senate Rules Committee comprised of Senator Margaret Dayton, Chair, Senator D. Chris Buttars, Peter Knudson, Dan Liljenquist, Mark Madsen, Kevin Van Tassell, Patricia Jones, and Karen Mayne 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 2010 Senate Rules, Joint Rules and Interim Rules of the Fifty–Eighth Legislature were adopted with the understanding that changes to these rules for the Fifty–Ninth Legislature will be considered and adopted as soon as possible.

President Waddoups appointed Senators David Hinkins, Daniel Thatcher, and Luz Robles as a committee to notify the House of Representatives that the Senate is organized and ready to do business.

President Waddoups appointed Senators Stuart Adams, Stuart Reid and Karen Mayne to join with a like committee from the House to notify Governor Herbert that the Legislature is organized for the 2011 General Session of the Fifty–Ninth Legislature and ready to do business.

Representatives Dunnigan, Handy, and Arent formally notified the Senate that the House is organized and ready to do business.

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. The motion passed on the following roll call vote:

Yeas, 21; Nays, 0; Absent, 8.

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Jenkins	Jones	Knudson	Liljenquist
Madsen	McAdams	Morgan	Niederhauser
Okerlund	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Adams	Buttars	Hillyard	Hinkins
Mayne	Reid	Robles	Thatcher

Senator Hinkins, 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 Adams, Chairman of the Committee to Notify the Governor, reported that His Excellency, Governor Gary R. Herbert, 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*
 Curtis Bramble
 David Hinkins
 Daniel Liljenquist
 Steve Urquhart
 Kevin Van Tassell
 Gene Davis
 Karen Mayne

Education

Howard Stephenson, *Chair*
 Lyle Hillyard
 Wayne Niederhauser
 Jerry Stevenson
 Daniel Thatcher
 Karen Morgan

**Natural Resources, Agriculture
and Environment**

Ralph Okerlund, *Chair*
Allen Christensen
Margaret Dayton
David Hinkins
Dennis Stowell
Gene Davis

Health and Human Services

D. Chris Buttars, *Chair*
Allen Christensen
Mark Madsen
Stuart Reid
Patricia Jones
Luz Robles

**Workforce Services and
Community and Economic
Development**

Stuart Reid, *Chair*
Ralph Okerlund
Jerry Stevenson
Michael Waddoups
Patricia Jones
Karen Morgan

**Judiciary, Law Enforcement and
Criminal Justice**

Mark Madsen, *Chair*
Lyle W. Hillyard
Steve Urquhart
Michael Waddoups
Ben McAdams
Ross Romero

Revenue and Taxation

Curtis Bramble, *Chair*
Stuart Adams
Wayne Niederhauser
Howard Stephenson
Dennis Stowell
John Valentine
Benjamin McAdams
Ross Romero

**Government Operations and
Political Subdivisions**

Peter Knudson, *Chair*
Margaret Dayton
Scott Jenkins
Daniel Thatcher
Luz Robles

Ethics

Daniel Liljenquist, *Chair*
Chris Buttars
Scott Jenkins
John Valentine
Karen Mayne
Benjamin McAdams
Karen Morgan
Luz Robles

**Transportation and Public
Utilities and Technology**

Kevin Van Tassell, *Chair*
Stuart Adams
Scott Jenkins
Peter Knudson
Karen Mayne

**Retirement and Independent
Entities**

Daniel Liljenquist, *Chair*
Curtis Bramble
Stuart Reid
Daniel Thatcher
Karen Mayne
Luz Robles

Senate Rules

Margaret Dayton, *Chair*
D. Chris Buttars, *Vice Chair*
Peter Knudson
Daniel Liljenquist
Mark Madsen
Kevin Van Tassell
Patricia Jones
Karen Mayne

**SENATE MEMBERS JOINT
APPROPRIATIONS SUBCOMMITTEES
2011 – 2012**

**EXECUTIVE
APPROPRIATIONS
COMMITTEE**

Sen. Lyle Hillyard, *Chair*
Sen. Dennis Stowell,
Vice Chair
Sen. Michael Waddoups
Sen. Scott Jenkins
Sen. Wayne Niederhauser
Sen. Peter Knudson
Sen. Ross Romero
Sen. Karen Morgan
Sen. Patricia Jones
Sen. Ben McAdams

**BUSINESS, ECONOMIC
DEVELOPMENT & LABOR**

Sen. Jerry Stevenson *Co-Chair*
Sen. Curtis Bramble
Sen. Ralph Okerlund
Sen. Stuart Reid
Sen. Steve Urquhart
Sen. Gene Davis

**EXECUTIVE OFFICES AND
CRIMINAL JUSTICE**

Sen. Daniel Thatcher, *Co-Chair*
Sen. Peter Knudson
Sen. Howard Stephenson
Sen. John Valentine
Sen. Michael Waddoups
Sen. Ben McAdams

HIGHER EDUCATION

Sen. Steve Urquhart, *Co-Chair*
 Sen. Scott Jenkins
 Sen. Stuart Reid
 Sen. Jerry Stevenson
 Sen. John Valentine
 Sen. Ross Romero

**INFRASTRUCTURE &
GENERAL GOVERNMENT**

Sen. Stuart Adams, *Co-Chair*
 Sen. Lyle Hillyard
 Sen. David Hinkins
 Sen. Mark Madsen
 Sen. Kevin Van Tassell
 Sen. Karen Mayne

**NATURAL RESOURCES,
AGRICULTURE &
ENVIRONMENTAL QUALITY**

Sen. David Hinkins, *Co-Chair*
 Sen. Margaret Dayton
 Sen. Ralph Okerlund
 Sen. Dennis Stowell
 Sen. Kevin Van Tassell
 Sen. Gene Davis

PUBLIC EDUCATION

Sen. Chris Buttars, *Co-Chair*
 Sen. Stuart Adams
 Sen. Lyle Hillyard
 Sen. Howard Stephenson
 Sen. Daniel Thatcher
 Sen. Karen Morgan

**RETIREMENT &
INDEPENDENT ENTITIES**

Sen. Daniel Liljenquist, *Co-Chair*
 Sen. Curtis Bramble
 Sen. Stuart Reid
 Sen. Daniel Thatcher
 Sen. Karen Morgan
 Sen. Luz Robles

SOCIAL SERVICES

Sen. Allen Christensen, *Co-Chair*
 Sen. Margaret Dayton
 Sen. Peter Knudson
 Sen. Daniel Liljenquist
 Sen. Wayne Niederhauser
 Sen. Patricia Jones
 Sen. Luz Robles

LEGISLATIVE MANAGEMENT COMMITTEE

- Sen. Michael G. Waddoups *Chair*
- Sen. Scott Jenkins
- Sen. Wayne Niederhauser
- Sen. Peter Knudson
- Sen. Ross Romero
- Sen. Karen Morgan
- Sen. Patricia Jones
- Sen. Ben McAdams

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

EMPLOYEE COMMITTEE REPORT

Senator Christensen introduced the Senate Staff.

Annette B. Moore	Secretary and Chief Administrative Officer of the Senate
Ric Cantrell	Chief Deputy of the Senate
Leslie O. McLean	Manager of Senate Services
Dawn Frandsen	Majority Executive Assistant
Janeen M. Halverson	Minority Executive Assistant
Paula Tew	Docket Clerk
Greg Johnson	System Analyst
Mary Andrus	Journal Clerk
Rolayne Day	Secretarial Supervisor
Cynthia Millar	Rules Secretary
Karen Allred	Committee Secretary
Karen C. Allred	Committee Secretary
Kathy Helgesen	Committee Secretary
Jolene Morgan	Committee Secretary
Lorna Wells	Committee Secretary
Robert L. Gardner	Sergeant At Arms
Thomas R. Shepherd	Asst. Sergeant At Arms
Dennis Bird	Security
Virgil Blair	Security
Matthew Castillo	Security
Frank Christensen	Security
Steve Higham	Security

Glenn Hildebrand	Security
Jason Hildebrand	Security
Paul Jacobs	Security
Leo Perry	Security
Roger Winslow	Security
Gayle C. Petersen	Page Supervisor
Linda Cornaby	Asst. Page Supervisor
Jewel Doxey	Page
Deanne Evans	Page
Sue Gaskill	Page
Janet Packham	Page
Leslie Rice	Page
Dianne Richards	Page
Shirley Taylor	Page
Georgianna Knudson	Docket Clerk Aide
Eileen Miller	Public Address System/Comp Operator
Shelley Robinson	Visitor Services Liaison
Richard Block	Computer Specialist
Claudette Eastman	Hostess
Katherine Gardner	Hostess
Vicky Barber	Public Information Officer
Rebecca Rawson	Public Information Officer
Ellen Schoffield	Public Information Officer
Sarah Buhr	New Senate Media
Liz Oldroyd	Administrative Assistant

INTRODUCTION OF INTERNS

Senator Karen Mayne introduced the Senate Interns for the 2011 General Session.

Sen. Stuart Adams	Dan Birdsall
Sen. Curtis Bramble	Ryan Sims
Sen. D. Chris Buttars	Scott Loveless
Sen. Allen Christensen	David Ellis
Sen. Gene Davis	William Espanol
Sen. Margaret Dayton	Jordan Hess
Sen. Lyle Hillyard	Brandon Smith
Sen. David Hinkins	Taylor Adams
Sen. Scott Jenkins	Katie Jenkins
Sen. Patricia Jones	Molly Wheeler
Sen. Peter Knudson	Sam Barlow
Sen. Daniel Liljenquist	Sydney Barfuss

Sen. Mark Madsen	David Ellis
Sen. Karen Mayne	Teresa Dieringer
Sen. Benjamin McAdams	Taylor Maryon
Sen. Karen Morgan	Samantha JS Kern
Sen. Wayne Niederhauser	Jake Cannon
Sen. Ralph Okerlund	Joey Carlson
Sen. Stuart Reid	Dan Birdsall
Sen. Luz Robles	William Espanol
Sen. Ross Romero	Tyler Anderson
Sen. Howard Stephenson	Thomas Schultz
Sen. Jerry Stevenson	Taylor Adams
Sen. Dennis Stowell	Joey Carlson
Sen. Daniel Thatcher	Jordan Airhart
Sen. Stephen H. Urquhart	Sydney Barfuss
Sen. John Valentine	Jeff R. Watkins
Sen. Kevin Van Tassell	Jordan Airhart
Pres. Michael Waddoups	Michael Lehr

The following were introduced as assistants to Senators

Sen. Adams	Lyle Gibson
Sen. Davis	Joslyn Stevens
Sen. Morgan	Emily Hollingshead
Sen. Stephenson	Chase Everton
Sen. Stowell	Kelly Stowell
Sen. Thatcher	Jessica Thorsen
Sen. Urquhart	Abbie Pike

INTRODUCTION OF BILLS

S.B. 1, Public Education Base Budget (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 10, Local District Amendments (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 11, Worker Classification Coordinated Enforcement (K. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 12, Alcoholic Beverage Control Act – Modifications (J. Valentine), read the first time by short title and referred to the Rules Committee.

S.B. 13, Per Diem and Travel Modifications (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 14, Local Election Amendments (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 15, Surety Requirements for Mining (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 16, State Tax Commission Tax, Fee, or Charge Administration and Collection Amendments (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 17, State Tax Commission Levy Process Using Depository Institution Data Match System (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 18, Election Administration by Election Officers (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 19, Department of Workforce Services' Regional Workforce Service Areas Amendments (P. Jones), read the first time by short title and referred to the Rules Committee.

S.B. 20, Management of Water Rights Amendments (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 21, Tax Revisions (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 22, Corporate Franchise and Income Tax Amendments (J. S. Adams), read the first time by short title and referred to the Rules Committee.

S.B. 23, State Highway System Modifications (K. Van Tassell), read the first time by short title and referred to the Rules Committee.

S.B. 24, Motor Vehicle Division Fee Amendments (K. Van Tassell), read the first time by short title and referred to the Rules Committee.

S.B. 25, Share Certificates in Water Companies (R. Okerlund), read the first time by short title and referred to the Rules Committee.

S.B. 26, Water Law Modifications (M. Dayton), read the first time by short title and referred to the Rules Committee.

S.B. 27, Sale of State Property (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 28, Alcohol or Drug Related Offense Amendments (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 29, Uniform Driver License Act Amendments (K. Van Tassell), read the first time by short title and referred to the Rules Committee.

S.B. 30, Extension of Recycling Market Development Zone Act and Related Tax Credits (J. Valentine), read the first time by short title and referred to the Rules Committee.

S.B. 31, Rural Fast Track Program Amendments (R. Okerlund), read the first time by short title and referred to the Rules Committee.

S.B. 32, Agriculture Amendments (R. Okerlund), read the first time by short title and referred to the Rules Committee.

S.B. 33, Health Disparities and Related American Indian Programs (K. Van Tassell), read the first time by short title and referred to the Rules Committee.

S.B. 34, Uniform Interstate Family Support Act (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 35, Construction Licensees Related Amendments (K. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 36, Concealed Firearm Act Amendments (J. Valentine), read the first time by short title and referred to the Rules Committee.

S.B. 37, Emergency Food Agency Amendments (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 38, K-3 Reading Amendments (K. Morgan), read the first time by short title and referred to the Rules Committee.

S.B. 39, Children's Justice Center Program Amendments (R. Okerlund), read the first time by short title and referred to the Rules Committee.

S.B. 40, Employment Practices and Protection from Violence (P. Jones), read the first time by short title and referred to the Rules Committee.

S.B. 41, Health Amendments for Legal Immigrant Children (L. Robles), read the first time by short title and referred to the Rules Committee.

S.B. 94, Uniform Requirements for Constables (K. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 95, Shareholder Action Without Meeting (B. McAdams), read the first time by short title and referred to the Rules Committee.

S.B. 96, Alimony Amendments (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 97, Higher Education Mission Based Funding (S. Urquhart), read the first time by short title and referred to the Rules Committee.

S.B. 98, Securities Related Amendments (B. McAdams), read the first time by short title and referred to the Rules Committee.

S.B. 99, Motor Vehicle Insurance – Named Driver Exclusion Amendments (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 100, Securities Whistleblower Program Act (B. McAdams), read the first time by short title and referred to the Rules Committee.

S.B. 101, Utah Uniform Securities Act Enforcement (B. McAdams), read the first time by short title and referred to the Rules Committee.

S.B. 102, Temporary Water Shortage Emergency – Military Facilities (R. Okerlund), read the first time by short title and referred to the Rules Committee.

S.B. 103, Utah False Claims Act Amendments (B. McAdams), read the first time by short title and referred to the Rules Committee.

S.B. 104, Probate Law Amendments (J. Valentine), read the first time by short title and referred to the Rules Committee.

S.B. 105, Legal Notice Publication Requirements (J. Valentine), read the first time by short title and referred to the Rules Committee.

S.B. 106, Sexual Exploitation Amendments (D. Hinkins), read the first time by short title and referred to the Rules Committee.

S.B. 107, Higher Education Success Stipend Program (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 108, Joint Use of Water Infrastructure (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 109, Child Protection Registry Amendments (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 110, Driver License Suspension Amendments (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 111, Utilities – Underground Facilities and Pipelines (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 112, Retirement System Divestment (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 113, Election District Boundaries (J. Valentine), read the first time by short title and referred to the Rules Committee.

S.C.R. 1, Crisis Intervention Team Program Concurrent Resolution (P. Jones), read the first time by short title and referred to the Rules Committee.

S.C.R. 2, Financial Responsibility Concurrent Resolution (P. Jones), read the first time by short title and referred to the Rules Committee.

S.C.R. 3, Concurrent Resolution Supporting Continued Federal Funding of the Central Utah Project (R. Okerlund), read the first time by short title and referred to the Rules Committee.

S.C.R. 4, Communications Spectrum Translator System Concurrent Resolution (R. Okerlund), read the first time by short title and referred to the Rules Committee.

S.J.R. 1, Joint Resolution on State Board of Education Authority (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

S.J.R. 3, Adult Immunization Awareness Day Joint Resolution (K. Mayne), read the first time by short title and referred to the Rules Committee.

S.J.R. 4, Joint Resolution Approving Scenic Byway Corridor Management Plan (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.J.R. 5, Joint Rules Resolution on Fiscal Note Process (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.J.R. 6, Joint Resolution Urging Congress to Limit the Freeze on Longer Combination Vehicle Use in the Western States (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.J.R. 7, Fibromyalgia Awareness Day Joint Resolution (P. Knudson), read the first time by short title and referred to the Rules Committee.

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

AFTERNOON SESSION

The Senate was called to order by President Michael Waddoups at 2:15 p.m.

COMMITTEE OF THE WHOLE

On motion of Senator Jenkins, the Legislature resolved itself into a Committee of the Whole for the purpose of hearing from Chief Justice Christine Durham, Utah Supreme Court.

REMARKS BY CHIEF JUSTICE CHRISTINE M. DURHAM

It is a pleasure to participate in Utah's tradition of an annual invitation to the judiciary – the third branch – to report to the legislature on our circumstances, accomplishments and challenges. I appreciate the courtesy of the leadership of this body and the gracious attendance of its members.

I am joined this afternoon by the members of the Supreme Court: Associate Chief Justice Matthew Durrant, and associate justices Ronald Nehring, Jill Parrish and Thomas Lee. This is Justice Lee's first opportunity to participate in this occasion and I would like to express publicly the court's appreciation for the work of the Governor and the Senate in bringing us up to a full complement and sending us such an able colleague. Justice Lee has already contributed to the efficiency and quality of our work and has become a friend as well as a colleague.

Also present today are the members of Utah's Judicial Council, the governing body for the judicial branch, which had its regular monthly meeting this morning in Salt Lake City. The Council has constitutional authority for the Rules of Judicial Administration, the preparation and monitoring of the budget, and the development of policy for the judiciary, while the Supreme Court is responsible for rules of evidence and procedure and regulation of the practice of law. The Council members are elected by each of the trial and appellate court levels in the state, along with one lawyer appointed by the State Bar, and dedicate a great deal of their time and talent to the oversight of Utah's judiciary. I would also like to

publicly recognize the work of the Council over the last two years in responding boldly to our fiscal challenges and charting a course that has been both responsible and innovative, as I will share with you in these remarks. The Administrative Office of the Courts, headed by the extremely able Dan Becker, serves as staff to the Judicial Council and is responsible for implementing Council policy throughout the state courts. The Justice Courts are locally operated and funded, but the Administrative Office provides technical and educational support to them and they participate in the work of the Council.

I would like to use my time today to say a few words about the context in which state courts in general are functioning, and then to focus on our situation in Utah. I would be remiss, however, if I did not begin by emphasizing the degree to which we in the judiciary understand and appreciate the history of collaboration and support between our branch and yours in recent years. We know that you have faced unprecedented pressures in funding state government, and we are grateful for the fact that you and your staff have listened to our ideas, understood our mission and its import to the citizens of Utah, and been creative and extraordinarily helpful in finding ways to keep the courts open and functioning at the highest levels possible. We thank you.

In the last several decades, the almost exclusive focus in this country on study of the federal courts, which began in the middle of the last century, has shifted. It is increasingly understood that the state courts are the foundational institutions of our system of justice. This is true for two reasons: first, it is in the state courts that the legal problems of everyday American citizens are resolved, and second, the vast majority of all legal problems of any kind are dealt with in state courts. To illustrate the second point, there is a striking set of numbers I would like to share with you. For the most recent year for which we have final estimates, the total filings in all of the federal courts in the country (trial and appellate, including the U.S. Supreme Court), excluding bankruptcy cases, was approximately 385,000. For the same year filings in state courts, not including traffic cases, were over 47 million. What these numbers mean is that something over 95 percent of the cases filed in the United States are handled in the state courts. To bring this closer to home, every business day in Utah we have 4,500 new filings, or over 950,000 new cases every year. That's about 1 case for every 2.8 citizens. Our annual filings in Utah are nearly three times the number of federal cases filed in all federal courts in the entire country.

Of even more significance, however, is the kind of cases these filings represent. State courts decide where children will live after divorce and how much is due for their support, whether a tenant is evicted, whether a small business can collect its unpaid accounts, whether a property owner gets a zoning variance. It is in state courts that vulnerable citizens like children and the disabled can be

protected from exploitation and abuse, that troubled families seek final resolution and fair disposition of their disputes, that persons who disrupt the social order by criminal behavior are held accountable, that property owners end disputes without violence, that commercial and business transactions gone awry get resolved, and that citizens can seek redress from government over-reaching when it occurs. This list could go on for pages—it is the merest summary of the kinds of human problems that depend on a fair and impartial forum, open to all, for their solutions.

Courts are not perfect; they are human institutions subject to the frailties of all such institutions. But in our constitutional democracy Americans have placed in them our best hopes for preserving a system of justice and the rule of law. One needs only to try to imagine life in their absence—or study places in the world where there are no fair and impartial courts—to understand how much we depend on them to preserve peace, order, safety, and the rights our constitutions and laws guarantee. That is the core mission of state courts; it requires constant vigilance to shore them up, preserve and protect them, and demand from them the highest standards of fairness, impartiality, and performance. Anything less risks the erosion of the quality of our civic life.

The formal mission of Utah's state courts is “[t]o provide the people an open, fair, efficient, and independent system for the advancement of justice under the law.” Although Article VIII of the Utah constitution establishes the authority and structure of the judicial “department” of state government, Article I, Utah's Declaration of Rights, contains a significant part of our constitutional charge, directed specifically to civil justice, in Section 11: “All courts shall be open, and every person for an injury done to him in his person, property or reputation, shall have remedy by due course of law, which shall be administered without denial or unnecessary delay...” This mission and this charge have informed our decision-making in response to needed budget cuts in 2002, 2009 and 2010. We have attempted in our reductions and restructuring to honor our core constitutional functions, to maintain access to the courts with no “denial or delay.”

I do not want today to talk about our budget; instead I want to talk with you about our management of the public's resources. The Utah Constitution informs our resource allocation, as do state statutes, but what do our citizens want and expect from us? What is good government when it comes to the operation of the courts? Our view is that good government implies, and the public demands, that we organize ourselves efficiently, that we focus our resources on functions that directly benefit the public, that we take advantage of the best research, information and technology to change and adapt our system to best practices, that we measure our productivity, and that we hold ourselves accountable to these

principles. We believe that we have done all of these things, that we are an example of good government.

As I have often mentioned, Utah's court system is viewed nationally as a model for its governance structure, its development of performance standards and public reporting, and its innovation in using technology to improve efficiency and reduce costs. We are currently engaged in a major re-structuring of our "business model," if I may use that term, and I would like to share some of the details with you today. We have in the past two to three years made the significant permanent cuts necessary to balance our budget, and we have identified a strategy to use what remains so as to achieve the greatest possible system efficiencies. In fact, we are in the process of making fundamental changes in almost every part of our court system. We have used the opportunity presented by the economic crisis to advance structural changes that might otherwise not have been possible or palatable and we have advanced innovative strategies at a pace that almost certainly would not have been feasible in normal times. We are changing how cases are filed, how clerks process them, how judges view them, how we communicate about them, and how they are litigated, heard and resolved.

As we make these fundamental changes, we are also very fortunate to be able to constantly measure the impact of the changes. We have a comprehensive set of performance measures that we use as a "dashboard" to indicate our speed, direction and productivity. These measures have been in place for several years now, and they allow us to quantify, rather than speculate about, the impact of recent resource cuts, resource allocation, and system restructuring. We believe these measures show that while our reduced resources and increased caseloads have negatively impacted court users, the restructuring and innovations that we are in the middle of are having the desired effect of mitigating that impact. For example, last year I talked about our clerical restructuring project, which replaced traditional hierarchal management structure with teams of "generalists" on the clerical staff. We also did away with the archaic practice of compensating clerks based on simple longevity, and instead now pay them based on demonstrated competency and skill acquisition. This has enabled us to provide the same service to more court users with fewer people. This year I want to mention two other major reform efforts, electronic access and civil practice reform.

As of today, our non-judicial workforce has been downsized permanently by nine percent, while our case filings—for the third straight year—are 16 percent above their pre-recession 2008 levels. Everyone is concerned these days about having to do more with less; in the courts we are worried about doing far more with much less. So what are we doing? It would be extremely difficult, I think, to find any operation more paper intensive than courts; tens of millions of pieces of paper are handled multiple times by multiple people in Utah's courts annually. This is

about to change radically and rapidly as we move to what we are calling “e–everything.” Plans for this shift have been underway for some time, but our budget losses and personnel cuts have persuaded us to accelerate the process dramatically. We are moving to the use of an electronic record for all court business at all court levels—something that has yet to be done in any state court system. As you can imagine this is stressful for our judges, our court clerks, and particularly our information technology staff, but I am very proud of the dedication and innovation being shown throughout our system.

The electronic record project, amazing as it is, is only part of “e–everything.” The courts have already launched e–filing of civil cases, e–payment of fees, fines and restitution, e–documents, e–warrants and e–citations. All of these systems have been initiated statewide, so that even when a case is not filed electronically, its documents are being scanned for the creation of an electronic record. The courts have also completed development of a system for e–filing of criminal cases and we will be ready to implement it as soon as the Prosecutors Information Management System (PIMS) is available for testing.

How will the electronic record change the way we do business? Clerks will no longer have to create paper files and manually input data; the file will be created automatically as electronic documents are entered. Electronic payments eliminate the need for manual bookkeeping: processing receipts, disbursements and recording all occur through a banking transaction. Clerks will no longer have to locate and pull voluminous paper files for court hearings or information retrieval; instead, the electronic record can be accessed instantaneously by multiple parties at multiple locations at any time. Preparation of trial court records for appellate review, which used to be a time–consuming task for court clerks, can now be done automatically and instantaneously. Among other things, the electronic record will mean significant savings in supplies and records storage equipment and space. For the court user and the average citizen, electronic access to court records means no more trips to the courthouse to conduct business that doesn’t require a hearing.

The next area I wanted to mention has to do with reforms in the arena of civil litigation. The Supreme Court’s Advisory Committee on the Rules of Civil Procedure has been working for the past two years on a radical restructuring of the process and theory of discovery in civil lawsuits. Discovery is the process by which parties obtain from each other the information and evidence they need to settle or try their cases, and it has become in recent decades the major cause of expense and delay in civil courts throughout the country. Our existing discovery rules are based on the federal rules, which were conceived at a time when copy machines didn’t even exist yet, let alone computers. Information looks very different now than it did then, so we are looking at major changes in the Rules of

Civil Procedure that we hope will streamline the process dramatically, reducing delay and cost, and thereby improving access to and confidence in the courts.

As dramatic as the civil litigation reform may be, I understand that it probably sounds like “inside baseball” to most of you, so let me give one final example of how we are fine tuning even our most effective programs to be sure they are as effective as they can be. As we have traveled the state meeting with many of you in your districts, one topic that came up in every area is drug courts. Out of curiosity, by a show of hands, how many of you have attended a drug court or spoken at a drug court hearing or graduation? For those who haven’t done so, you have an open invitation to attend one at any time. I promise you that you will feel your time was well spent.

Drug Courts, or in the broader description, Problem Solving Courts (which now include courts specializing in the needs of the mentally ill, veterans, the homeless and persons charged with DUI), are probably the biggest innovation in sentencing in the last hundred years. The idea is that sentencing needs to address the root cause of criminal behavior in order to affect recidivism. As you know, we operate these courts at all court levels, and the research now is very clear on these courts; they have the most effect on high risk/high need offenders, in other words our most serious, drug addicted defendants. On the national level, those involved in Problem Solving Courts have agreed on 10 key components to drug court effectiveness.

By rule, courts must apply to the Judicial Council for initial approval to operate a Problem Solving Court. That process permits the Council to determine if the applicant is complying with the 10 key components. In addition to the front-end oversight, the Judicial Council has also developed an on-going certification process, involving one of our senior judges, who operated a drug court for many years, who is doing on-site observations of every drug court (we have 52 statewide) to determine if the court is operating as it should. Not only does this process provide oversight and assistance to these courts, but it also ensures that we are operating them in the most effective way possible.

Almost all of the state funding for drug courts comes through the Division of Substance Abuse and Mental Health, so we have worked very closely with them to be sure only the most effective drug court programs receive state support. I hope you agree that the process I described reflects the importance the Judicial Council places on program effectiveness and, while the funding doesn’t come to the courts, I suggest that drug courts are exactly the kind of proven, effective program that warrants the strong continuing support of this body.

For all the good news about these innovations and changes, however, I don’t want to minimize the pressures that they are exerting on all parts of our system,

and on litigants, lawyers and other court users. Our greatest strength is our people—judges, clerks, probation officers, and administrative staff. Our system for selecting judges provides our state with an outstanding judiciary. They are being relied upon to handle more and more cases, and are working hard not to let the additional work result in delay. Our judges and staff have responded in a way we can all be proud of. The major transitions in progress would be challenging in the best of times, and these are not the best of times. The complete transition will take several years, but we are well underway, with all the major components in place.

The status of these major changes is, however, dependent on our ability to continue to design, test and implement sweeping solutions to complicated problems and is therefore somewhat fragile. Our budget structure in the judicial branch leaves us with limited options. Ninety-three percent of our General Fund budget is people, so any further resource reductions would have to come from our existing court staff—the very resource we are depending on to implement our solutions. We know you are well aware of these challenges and we look forward to the work of the legislative session as we address them together.

Last year I reported that the state of our judiciary was strong, but challenged. This year I would amend that assessment by reporting that we are responding to the challenge by relying on the strength of our people and on a willingness to critique and change how we conduct court business. With your help, we will emerge from this difficult transition in a position to continue protecting access to our courts and delivering timely justice, while at the same time improving services with significantly fewer resources. We think that is our fundamental constitutional mission, and, perhaps more importantly, that is good government.

Thank you and our best wishes as you conduct the important work of our state for the next 45 days.

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

On motion of Senator Romero the Senate voted to print the remarks of the Chief Justice of the Supreme Court on the pages of the Senate Journals.

RULES COMMITTEE REPORTS

To the Members of the Senate:

January 24, 2011

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

Business and Labor Committee

S.B. 35 Construction Licensees Related Amendments
(Sen. K. Mayne)

- S.B. 95** Shareholder Action Without Meeting (Sen. B. McAdams)
- S.B. 98** Securities Related Amendments (Sen. B. McAdams)
- S.B. 99** Motor Vehicle Insurance – Named Driver Exclusion Amendments (Sen. L. Hillyard)
- S.B. 11** Worker Classification Coordinated Enforcement (Sen. K. Mayne)

Education Committee

- S.B. 97** Higher Education Mission Based Funding (Sen. S. Urquhart)
- S.B. 107** Higher Education Success Stipend Program (Sen. W. Niederhauser)
- S.B. 38** K–3 Reading Amendments (Sen. K. Morgan)
- S.J.R. 1** Joint Resolution on State Board of Education Authority (Sen. D. C. Buttars)

Government Operations and Political Subdivisions Committee

- S.J.R. 5** Joint Rules Resolution on Fiscal Note Process (Sen. W. Niederhauser)
- S.J.R. 6** Joint Resolution Urging Congress to Limit the Freeze on Longer Combination Vehicle Use in the Western States (Sen. S. Jenkins)

Health and Human Services Committee

- S.B. 33** Health Disparities and Related American Indian Programs (Sen. K. Van Tassell)
- S.C.R. 1** Crisis Intervention Team Program Concurrent Resolution (Sen. P. Jones)
- S.J.R. 3** Adult Immunization Awareness Day Joint Resolution (Sen. K. Mayne)

Judiciary, Law Enforcement, and Criminal Justice Committee

- S.B. 28** Alcohol or Drug Related Offense Amendments (Sen. S. Jenkins)
- S.B. 34** Uniform Interstate Family Support Act (Sen. L. Hillyard)
- S.B. 36** Concealed Firearm Act Amendments (Sen. J. Valentine)
- S.B. 94** Uniform Requirements for Constables (Sen. K. Mayne)
- S.B. 96** Alimony Amendments (Sen. L. Hillyard)
- S.B. 104** Probate Law Amendments (Sen. J. Valentine)
- S.B. 106** Sexual Exploitation Amendments (Sen. D. Hinkins)

Natural Resources, Agriculture and Environment Committee

- S.B. 25** Share Certificates in Water Companies
(Sen. R. Okerlund)
- S.B. 32** Agriculture Amendments (Sen. R. Okerlund)
- S.B. 102** Temporary Water Shortage Emergency – Military
Facilities (Sen. R. Okerlund)
- S.B. 108** Joint Use of Water Infrastructure (Sen. D. Stowell)

Revenue and Taxation Committee

- S.B. 21** Tax Revisions (Sen. W. Niederhauser)

Transportation, Public Utilities and Technology Committee

- S.B. 105** Legal Notice Publication Requirements
(Sen. J. Valentine)
- S.B. 111** Utilities – Underground Facilities and Pipelines
(Sen. S. Jenkins)
- S.J.R. 4** Joint Resolution Approving Scenic Byway Corridor
Management Plan (Sen. D. Stowell)

Workforce Services and Community and Economic Development Committee

- S.B. 31** Rural Fast Track Program Amendments
(Sen. R. Okerlund)
- S.B. 37** Emergency Food Agency Amendments (Sen. P. Knudson)

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 24, 2011

The Rules Committee recommends that the following bills be placed on the Second Reading Calendar:

- S.B. 10** Local District Amendments (Sen. D. Stowell)
- S.B. 12** Alcoholic Beverage Control Act – Modifications
(Sen. J. Valentine)
- S.B. 13** Per Diem and Travel Modifications (Sen. P. Knudson)
- S.B. 14** Local Election Amendments (Sen. P. Knudson)
- S.B. 15** Surety Requirements for Mining (Sen. D. Stowell)

- S.B. 16** State Tax Commission Tax, Fee, or Charge Administration and Collection Amendments (Sen. W. Niederhauser)
- S.B. 17** State Tax Commission Levy Process Using Depository Institution Data Match System (Sen. C. Bramble)
- S.B. 18** Election Administration by Election Officers (Sen. P. Knudson)
- S.B. 19** Department of Workforce Services' Regional Workforce Service Areas Amendments (Sen. P. Jones)
- S.B. 20** Management of Water Rights Amendments (Sen. D. Stowell)
- S.B. 22** Corporate Franchise and Income Tax Amendments (Sen. J. S. Adams)
- S.B. 23** State Highway System Modifications (Sen. K. Van Tassell)
- S.B. 24** Motor Vehicle Division Fee Amendments (Sen. K. Van Tassell)
- S.B. 26** Water Law Modifications (Sen. M. Dayton)
- S.B. 27** Sale of State Property (Sen. P. Knudson)
- S.B. 29** Uniform Driver License Act Amendments (Sen. K. Van Tassell)
- S.B. 30** Extension of Recycling Market Development Zone Act and Related Tax Credits (Sen. J. Valentine)

Margaret Dayton
Rules Committee Chair

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

INTRODUCTION OF BILLS

S.B. 93, Child Welfare Legislative Oversight Panel Reporting Amendments (A. Christensen), read the first time by short title and referred to the Rules Committee.

S.B. 114, Municipal Prosecutorial Discretion (D. Thatcher), read the first time by short title and referred to the Rules Committee.

S.B. 115, School Performance Reporting (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 116, Homestead Exemption Modification (S. Urquhart), read the first time by short title and referred to the Rules Committee.

S.C.R. 5, Bear Lake Concurrent Resolution (P. Knudson), read the first time by short title and referred to the Rules Committee.

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On motion of Senator Davis, a time certain was set for Wednesday, January 26, 2011 at 11:00 a.m. for a presentation by the Girl Scouts.

* * *

On motion of Senator Jenkins and at 2:45 p.m., the Senate adjourned until 10:00 a.m., Tuesday, January 25, 2011.

PAGE INDEX (DAY 1-1)

S.B. 1 -- PUBLIC EDUCATION BASE BUDGET (*D. C. Butters*)
 Read the first time by short title and referred to the Rules Committee. 17

S.B. 10 -- LOCAL DISTRICT AMENDMENTS (*D. Stowell*)
 Read the first time by short title and referred to the Rules Committee. 17
 Placed on calendar 30

S.B. 11 -- WORKER CLASSIFICATION COORDINATED ENFORCEMENT (*K. Mayne*)
 Read the first time by short title and referred to the Rules Committee. 17
 Assigned to standing committee 29

S.B. 12 -- ALCOHOLIC BEVERAGE CONTROL ACT – MODIFICATIONS (*J. Valentine*)
 Read the first time by short title and referred to the Rules Committee. 17
 Placed on calendar 30

S.B. 13 -- PER DIEM AND TRAVEL MODIFICATIONS (*P. Knudson*)
 Read the first time by short title and referred to the Rules Committee. 17
 Placed on calendar 30

S.B. 14 -- LOCAL ELECTION AMENDMENTS (*P. Knudson*)
 Read the first time by short title and referred to the Rules Committee. 18
 Placed on calendar 30

S.B. 15 -- SURETY REQUIREMENTS FOR MINING (*D. Stowell*)
 Read the first time by short title and referred to the Rules Committee. 18
 Placed on calendar 30

S.B. 16 -- STATE TAX COMMISSION TAX, FEE, OR CHARGE ADMINISTRATION AND
 COLLECTION AMENDMENTS (*W. Niederhauser*)
 Read the first time by short title and referred to the Rules Committee. 18
 Placed on calendar 31

S.B. 17 -- STATE TAX COMMISSION LEVY PROCESS USING DEPOSITORY INSTITUTION
 DATA MATCH SYSTEM (*C. Bramble*)
 Read the first time by short title and referred to the Rules Committee. 18
 Placed on calendar 31

S.B. 18 -- ELECTION ADMINISTRATION BY ELECTION OFFICERS (*P. Knudson*)
 Read the first time by short title and referred to the Rules Committee. 18
 Placed on calendar 31

S.B. 19 -- DEPARTMENT OF WORKFORCE SERVICES' REGIONAL WORKFORCE SERVICE
 AREAS AMENDMENTS (*P. Jones*)
 Read the first time by short title and referred to the Rules Committee. 18
 Placed on calendar 31

S.B. 20 -- MANAGEMENT OF WATER RIGHTS AMENDMENTS (*D. Stowell*)
 Read the first time by short title and referred to the Rules Committee. 18
 Placed on calendar 31

S.B. 21 -- TAX REVISIONS (*W. Niederhauser*)
 Read the first time by short title and referred to the Rules Committee. 18
 Assigned to standing committee 30

S.B. 22 -- CORPORATE FRANCHISE AND INCOME TAX AMENDMENTS (*J. S. Adams*)
 Read the first time by short title and referred to the Rules Committee. 18
 Placed on calendar 31

S.B. 23 — STATE HIGHWAY SYSTEM MODIFICATIONS (*K. Van Tassell*)
 Read the first time by short title and referred to the Rules Committee. 18
 Placed on calendar 31

S.B. 24 — MOTOR VEHICLE DIVISION FEE AMENDMENTS (*K. Van Tassell*)
 Read the first time by short title and referred to the Rules Committee. 18
 Placed on calendar 31

S.B. 25 — SHARE CERTIFICATES IN WATER COMPANIES (*R. Okerlund*)
 Read the first time by short title and referred to the Rules Committee. 18
 Assigned to standing committee 30

S.B. 26 — WATER LAW MODIFICATIONS (*M. Dayton*)
 Read the first time by short title and referred to the Rules Committee. 18
 Placed on calendar 31

S.B. 27 — SALE OF STATE PROPERTY (*P. Knudson*)
 Read the first time by short title and referred to the Rules Committee. 18
 Placed on calendar 31

S.B. 28 — ALCOHOL OR DRUG RELATED OFFENSE AMENDMENTS (*S. Jenkins*)
 Read the first time by short title and referred to the Rules Committee. 19
 Assigned to standing committee 29

S.B. 29 — UNIFORM DRIVER LICENSE ACT AMENDMENTS (*K. Van Tassell*)
 Read the first time by short title and referred to the Rules Committee. 19
 Placed on calendar 31

S.B. 30 — EXTENSION OF RECYCLING MARKET DEVELOPMENT ZONE ACT AND RELATED
 TAX CREDITS (*J. Valentine*)
 Read the first time by short title and referred to the Rules Committee. 19
 Placed on calendar 31

S.B. 31 — RURAL FAST TRACK PROGRAM AMENDMENTS (*R. Okerlund*)
 Read the first time by short title and referred to the Rules Committee. 19
 Assigned to standing committee 30

S.B. 32 — AGRICULTURE AMENDMENTS (*R. Okerlund*)
 Read the first time by short title and referred to the Rules Committee. 19
 Assigned to standing committee 30

S.B. 33 — HEALTH DISPARITIES AND RELATED AMERICAN INDIAN PROGRAMS (*K. Van Tassell*)
 Read the first time by short title and referred to the Rules Committee. 19
 Assigned to standing committee 29

S.B. 34 — UNIFORM INTERSTATE FAMILY SUPPORT ACT (*L. Hillyard*)
 Read the first time by short title and referred to the Rules Committee. 19
 Assigned to standing committee 29

S.B. 35 — CONSTRUCTION LICENSEES RELATED AMENDMENTS (*K. Mayne*)
 Read the first time by short title and referred to the Rules Committee. 19
 Assigned to standing committee 28

S.B. 36 — CONCEALED FIREARM ACT AMENDMENTS (*J. Valentine*)
 Read the first time by short title and referred to the Rules Committee. 19
 Assigned to standing committee 29

S.B. 37 — EMERGENCY FOOD AGENCY AMENDMENTS (*P. Knudson*)
 Read the first time by short title and referred to the Rules Committee. 19
 Assigned to standing committee 30

S.B. 38 — K-3 READING AMENDMENTS (*K. Morgan*)
 Read the first time by short title and referred to the Rules Committee. 19
 Assigned to standing committee 29

S.B. 39 — CHILDREN'S JUSTICE CENTER PROGRAM AMENDMENTS (*R. Okerlund*)
 Read the first time by short title and referred to the Rules Committee. 19

S.B. 40 — EMPLOYMENT PRACTICES AND PROTECTION FROM VIOLENCE (*P. Jones*)
 Read the first time by short title and referred to the Rules Committee. 19

S.B. 41 — HEALTH AMENDMENTS FOR LEGAL IMMIGRANT CHILDREN (*L. Robles*)
 Read the first time by short title and referred to the Rules Committee. 19

S.B. 93 — CHILD WELFARE LEGISLATIVE OVERSIGHT PANEL REPORTING AMENDMENTS (*A. Christensen*)
 Read the first time by short title and referred to the Rules Committee. 31

S.B. 94 — UNIFORM REQUIREMENTS FOR CONSTABLES (*K. Mayne*)
 Read the first time by short title and referred to the Rules Committee. 20
 Assigned to standing committee 29

S.B. 95 — SHAREHOLDER ACTION WITHOUT MEETING (*B. McAdams*)
 Read the first time by short title and referred to the Rules Committee. 20
 Assigned to standing committee 29

S.B. 96 — ALIMONY AMENDMENTS (*L. Hillyard*)
 Read the first time by short title and referred to the Rules Committee. 20
 Assigned to standing committee 29

S.B. 97 — HIGHER EDUCATION MISSION BASED FUNDING (<i>S. Urquhart</i>)	
Read the first time by short title and referred to the Rules Committee.	20
Assigned to standing committee	29
S.B. 98 — SECURITIES RELATED AMENDMENTS (<i>B. McAdams</i>)	
Read the first time by short title and referred to the Rules Committee.	20
Assigned to standing committee	29
S.B. 99 — MOTOR VEHICLE INSURANCE – NAMED DRIVER EXCLUSION AMENDMENTS (<i>L. Hillyard</i>)	
Read the first time by short title and referred to the Rules Committee.	20
Assigned to standing committee	29
S.B. 100 — SECURITIES WHISTLEBLOWER PROGRAM ACT (<i>B. McAdams</i>)	
Read the first time by short title and referred to the Rules Committee.	20
S.B. 101 — UTAH UNIFORM SECURITIES ACT ENFORCEMENT (<i>B. McAdams</i>)	
Read the first time by short title and referred to the Rules Committee.	20
S.B. 102 — TEMPORARY WATER SHORTAGE EMERGENCY – MILITARY FACILITIES (<i>R. Okerlund</i>)	
Read the first time by short title and referred to the Rules Committee.	20
Assigned to standing committee	30
S.B. 103 — UTAH FALSE CLAIMS ACT AMENDMENTS (<i>B. McAdams</i>)	
Read the first time by short title and referred to the Rules Committee.	20
S.B. 104 — PROBATE LAW AMENDMENTS (<i>J. Valentine</i>)	
Read the first time by short title and referred to the Rules Committee.	20
Assigned to standing committee	29
S.B. 105 — LEGAL NOTICE PUBLICATION REQUIREMENTS (<i>J. Valentine</i>)	
Read the first time by short title and referred to the Rules Committee.	20
Assigned to standing committee	30
S.B. 106 — SEXUAL EXPLOITATION AMENDMENTS (<i>D. Hinkins</i>)	
Read the first time by short title and referred to the Rules Committee.	20
Assigned to standing committee	29
S.B. 107 — HIGHER EDUCATION SUCCESS STIPEND PROGRAM (<i>W. Niederhauser</i>)	
Read the first time by short title and referred to the Rules Committee.	20
Assigned to standing committee	29
S.B. 108 — JOINT USE OF WATER INFRASTRUCTURE (<i>D. Stowell</i>)	
Read the first time by short title and referred to the Rules Committee.	21
Assigned to standing committee	30
S.B. 109 — CHILD PROTECTION REGISTRY AMENDMENTS (<i>C. Bramble</i>)	
Read the first time by short title and referred to the Rules Committee.	21
S.B. 110 — DRIVER LICENSE SUSPENSION AMENDMENTS (<i>D. C. Buttars</i>)	
Read the first time by short title and referred to the Rules Committee.	21
S.B. 111 — UTILITIES – UNDERGROUND FACILITIES AND PIPELINES (<i>S. Jenkins</i>)	
Read the first time by short title and referred to the Rules Committee.	21
Assigned to standing committee	30
S.B. 112 — RETIREMENT SYSTEM DIVESTMENT (<i>C. Bramble</i>)	
Read the first time by short title and referred to the Rules Committee.	21
S.B. 113 — ELECTION DISTRICT BOUNDARIES (<i>J. Valentine</i>)	
Read the first time by short title and referred to the Rules Committee.	21
S.B. 114 — MUNICIPAL PROSECUTORIAL DISCRETION (<i>D. Thatcher</i>)	
Read the first time by short title and referred to the Rules Committee.	31
S.B. 115 — SCHOOL PERFORMANCE REPORTING (<i>H. Stephenson</i>)	
Read the first time by short title and referred to the Rules Committee.	31
S.B. 116 — HOMESTEAD EXEMPTION MODIFICATION (<i>S. Urquhart</i>)	
Read the first time by short title and referred to the Rules Committee.	31
S.C.R. 1 — CRISIS INTERVENTION TEAM PROGRAM CONCURRENT RESOLUTION (<i>P. Jones</i>)	
Read the first time by short title and referred to the Rules Committee.	21
Assigned to standing committee	29
S.C.R. 2 — FINANCIAL RESPONSIBILITY CONCURRENT RESOLUTION (<i>P. Jones</i>)	
Read the first time by short title and referred to the Rules Committee.	21
S.C.R. 3 — CONCURRENT RESOLUTION SUPPORTING CONTINUED FEDERAL FUNDING OF THE CENTRAL UTAH PROJECT (<i>R. Okerlund</i>)	
Read the first time by short title and referred to the Rules Committee.	21
S.C.R. 4 — COMMUNICATIONS SPECTRUM TRANSLATOR SYSTEM CONCURRENT RESOLUTION (<i>R. Okerlund</i>)	
Read the first time by short title and referred to the Rules Committee.	21
S.C.R. 5 — BEAR LAKE CONCURRENT RESOLUTION (<i>P. Knudson</i>)	
Read the first time by short title and referred to the Rules Committee.	32
S.J.R. 1 — JOINT RESOLUTION ON STATE BOARD OF EDUCATION AUTHORITY (<i>D. C. Buttars</i>)	
Read the first time by short title and referred to the Rules Committee.	21
Assigned to standing committee	29

S.J.R. 3 — ADULT IMMUNIZATION AWARENESS DAY JOINT RESOLUTION (*K. Mayne*)
Read the first time by short title and referred to the Rules Committee. 21
Assigned to standing committee 29

S.J.R. 4 — JOINT RESOLUTION APPROVING SCENIC BYWAY CORRIDOR MANAGEMENT PLAN (*D. Stowell*)
Read the first time by short title and referred to the Rules Committee. 21
Assigned to standing committee 30

S.J.R. 5 — JOINT RULES RESOLUTION ON FISCAL NOTE PROCESS (*W. Niederhauser*)
Read the first time by short title and referred to the Rules Committee. 21
Assigned to standing committee 29

S.J.R. 6 — JOINT RESOLUTION URGING CONGRESS TO LIMIT THE FREEZE ON LONGER
COMBINATION VEHICLE USE IN THE WESTERN STATES (*S. Jenkins*)
Read the first time by short title and referred to the Rules Committee. 22
Assigned to standing committee 29

S.J.R. 7 — FIBROMYALGIA AWARENESS DAY JOINT RESOLUTION (*P. Knudson*)
Read the first time by short title and referred to the Rules Committee. 22