

STATE OF UTAH
SENATE JOURNAL
2013 GENERAL SESSION
of the
SIXTIETH LEGISLATURE
FIRST DAY
MORNING SESSION
January 28, 2013

Pursuant to the provisions of the Constitution of the State of Utah, the Senators of the Sixtieth Legislature of the State of Utah convened in General Session in the Senate Chamber on Monday, January 28, 2013, at ten o'clock a.m.

The Senate was called to order at 10:35 a.m., by President Michael G. Waddoups, presiding

POSTING OF COLORS & PLEDGE OF ALLEGIANCE

UTAH NATIONAL GUARD

Members of the Color Guard
Staff Sergeant Jada Slayton
Airman First Class James Forbes
Airman First Class Colton Elliott
Airman First Class Jaime Phair

Janie Despain, Miss Sandy Utah, performed “The Star Spangled Banner.”

Pledge of Allegiance – Christopher McCandless, Sandy City Council

PRAYER BY LINDA K. BURTON
PRESIDENT OF THE RELIEF SOCIETY OF THE
CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

“Our Beloved Father in Heaven, we are grateful to gather in this capacity today. We acknowledge Thy wisdom, Thy power, Thy glory, and realize that compared to Thee, we are very small and dependent upon Thee as Thy children.

But we realize that we are all Thy children and thank Thee for the privilege of meeting together this day. We are grateful for those who are willing to serve in these capacities. We ask Thee to bless them and bless their families who give up much to serve as public servants. Bless them with every possible need, Father.

We're grateful for those who serve behind the scenes to prepare for such a session. We ask Thee to bless them and their families, and pray that we will be grateful for the service rendered the citizens of this great state.

We ask Thy blessings upon all that will transpire in the next several weeks. May there be civility; may there be integrity; may there be magnification through the process of counseling together in seeking solutions. Bless all those who serve with a capacity beyond their own, that they may be wiser and able to be discerning of needs and be able to deal with the difficult issues before them.

We ask a blessing on all who will serve in this house. We thank Thee for the freedoms that we enjoy to make choices, and we pray that we will be better citizens, and be supportive and involved.

We're grateful for the many blessings that we have, and to live in this great nation. We pray for these many blessings and thank Thee for Thy goodness to us, and do it in the name of Jesus Christ, Amen.

SPECIAL MUSICAL PRESENTATION

The American Leadership Academy performed "Oh America" and "Bridge Over Troubled Waters."

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On motion of Senator Ralph Okerlund, the Senate thanked Sister Burton for delivering the invocation and requested her words to be spread upon the pages of the Senate Journal. He also expressed appreciation to the Utah Air National Guard, Christopher McCandless, for leading the Pledge of Allegiance, and to Janie Despain and the American Leadership Academy on 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 2013 General Session of the Sixtieth Legislature.

**CERTIFICATE OF MEMBERSHIP OF THE 2013
GENERAL SESSION
OF THE UTAH STATE SENATE**

I, GREG BELL, 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 6, 2012, 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 a term of four years, beginning the January 1, 2013, to wit:

FIRST DISTRICT: County of Salt Lake

Luz Robles

SIXTH DISTRICT: County of Salt Lake

Wayne A. Harper

SEVENTH DISTRICT: County of Utah

Deidre Henderson

EIGHTH DISTRICT: County of Salt Lake

Brian E. Shiozawa

TENTH DISTRICT: County of Salt Lake

Aaron Osmond

THIRTEENTH DISTRICT: Counties Salt Lake, Utah

Mark B. Madsen

FOURTEENTH DISTRICT: County of Utah

John L. Valentine

SIXTEENTH DISTRICT: Counties of Utah, Wasatch

Curtis S. Bramble

NINETEENTH DISTRICT: Counties of Morgan, Summit, Weber

Allen M. Christensen

TWENTIETH DISTRICT: Counties of Davis, Weber

Scott K. Jenkins

TWENTY-THIRD DISTRICT: Counties of Davis, Salt lake

Todd Weiler

TWENTY-FOURTH DISTRICT: Counties of Beaver, Garfield, Juab, Kane,
Millard, Piute, Sanpete, Sevier, Utah, Wayne

Ralph Okerlund

TWENTY-FIFTH DISTRICT: Counties of Cache, Rich

Lyle W. Hillyard

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

David P. Hinkins

TWENTY-EIGHTH DISTRICT: Counties of Beaver, Iron, Washington

Evan J. Vickers

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 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 Senate, each for a term of four years, beginning January 1, 2011, to wit:

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

NINTH DISTRICT: County of Salt Lake

Wayne L. Niederhauser

ELEVENTH DISTRICT: Counties of Salt Lake, Utah

Howard A. Stephenson

TWELTH DISTRICT: County of Salt Lake

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, Morgan, Weber

Stuart C. Reid

TWENTY-FIRST DISTRICT: County of Davis

Jerry W. Stevenson

TWENTY-SECOND DISTRICT: County of Davis

J. Stuart Adams

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

Kevin T. Van Tassell

I Further Certify, that the following named person has been duly appointed as a member of the Legislature of the State of Utah, to serve in the Senate, filling a seat vacated in his respective district, to term expiring on December 31, 2014, to wit:

SECOND DISTRICT: County of Salt Lake

Jim Dabakis

IN TESTIMONY WHEREOF,
I have here unto set my hand,
and affixed the Great Seal of the
State of Utah this 23rd day off
January, 2013 at Salt Lake City,
Utah
Greg Bell
Lieutenant Governor

* * *

Former Senate President Michael G. Waddoups administered the Oath of Office to all newly elected/ appointed, and reelected members.

Roll Call – All Senators present.

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

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

On motion of Senator Ralph Okerlund, and seconded by Senator Gene Davis, Senator Wayne L. Niederhauser was nominated to serve as President of the Utah State Senate.

On motion of Senator Stuart Adams, and seconded by Senator Karen Mayne, the nominations were closed and Senator Wayne L. Niederhauser was elected President of the Senate by acclamation. Senators Okerlund and Davis escorted President Niederhauser to the podium.

Former Senate President Michael G. Waddoups administered the Oath of Office to the President of the Senate, Wayne L. Niederhauser.

On motion of Senator Okerlund, the Senate expressed appreciation to former President Michael G. Waddoups for taking time from his busy schedule to participate in the opening of the Utah State Senate.

WELCOMING REMARKS BY PRESIDENT NIEDERHAUSER

I appreciate the last four years serving under President Waddoups and Anna Kaye. No doubt we are going to miss their influence in the Senate and we wish them Godspeed in their new assignment, wherever that may be.

I want to thank the Utah National Guard, Janie Despain, Miss Sandy, my dear friend and business associate Chris McCandless, Sister Linda Burton, General President of the Relief Society of The Church of Jesus Christ of Latter-day Saints and the American Leadership Academy Choir-- Let's see, it was Hannah and Haley and Jimmy-- both, all three were children of Senator Henderson.

Thanks to all of our staff who have spent countless hours preparing for this day and making our session possible. We couldn't do this without you. Thank you very much.

Senators, I would like to thank you for your support and vote of confidence. I am overwhelmed by the trust you have in me. Each one of you have made a significant impact in my life. I feel like I am among friends. What a privilege it is for me to be here before you in my new capacity as Senate President. This old country boy from Northern Utah doesn't necessarily like all the ceremonial attention. I'd rather just start our business and get on with our work.

I even thought of ways to change how this morning takes place. But, then I realized how important it is to be traditional, especially here in the Senate. We could modernize a lot of the process and policies and we often do. But, we shouldn't discard the past completely. Often we need to re-root ourselves in principles and values that have endured the test of time and focus our minds on what is right and good. It is not about me, it's not about us, we are not the cog, we are the teeth on the cog. There is high honor in the offices that we assume. But the people in those offices, they come and they go.

I want to acknowledge my wife, Melissa. Seven years ago at this time we were making an important decision in our life, whether to run for the Senate or not. President Mansell, remember that? The opportunity had presented itself. It seemed pre-mature, but felt like the right thing to do. When I first told her that I wanted to give it try, she thought I was crazy. I have since proved her right. Nevertheless, it has been a wonderful singular experience for both of us. She has been by my side the whole time filling in the gaps and giving me a shoulder to cry on when times seemed tough. As time goes by, I find I appreciate her more and more, her seemingly endless capacity. I love her and thank you for all your support and love.

It is a thrill for me to have my three daughters and daughter-in-law here today as well as my son-in-law. My sons couldn't make it. One has an important school commitment and the other is serving a mission in Wisconsin, the Milwaukee, Wisconsin Mission. Politics in our home has not come easy for them. They have come to hate putting up signs and stuffing envelopes—maybe the Shiozawa family can relate to that. I see one peeking at me and saying yes-- but the exposure

to the process has invaluable. I appreciate all the support they have given me. A special thanks to Melissa's mother, Beverly Barrett. She has loved and lived politics for as long as can remember. Beverly has played a significant role in the arts and the Miss America Pageant in Sandy City. Through her, we were able to have Miss Sandy perform for us today. And thanks again to Miss Sandy for her wonderful rendition of *The Star-Spangled Banner*.

Friday night, Melissa and I attended the viewing for David Adams, father and friend of Senator Adams. Though he lived a good and long life, 92 years, it doesn't make it easier to lose a parent. You miss them and long for their counsel and companionship. Senator Knudson and I have had a couple of conversations about this over the past year. It seems the older you get, the more longing you have for a parent who has passed. My father died in April of 2003 from pancreatic cancer. He was always proud of me even in those times when it wasn't easy to be proud. I know he would be shocked to see me serving in the legislature. I didn't realize it until recently how much enjoyed politics. He had earned a Political Science degree from Utah State University. As a kid I wondered, "What's political science?" I remember that he always read the opinion section in the newspaper. As a boy and as a younger man, I always thought how boring, and I didn't appreciate his love for our political system here in America. I recognize that about him now. I wish he could have lived to be here today.

Equally shocked is my mother, Mary Beth Niederhauser and maybe more shocked, my sister Teri Benson. My brother who flew in this morning by surprise—David, I appreciate you being here. All of them are here today. My mother has played a significant role in my life. Never did she imagine that I would be in politics. At times she wonder if I would even survive childhood. Always adventurous, I found myself in life threatening situations on several occasions. I know that she had questions about where I would be and where I would end up. I have story that illustrates this that leads into my main message today. We have some technology coming here.

In 1967, our family lived in Tremonton, Utah. Dad worked for Mountain Fuel Supply Company. Mom was employed at Bear River State Bank. She worked as a teller. I remember her bringing home counter checks and teaching me how to write out a check. My mind was always financially oriented. Little wonder that ended up as an accountant. I had a savings account at Bear State Bank and loved to save. In those days, the bank gave you a little book that was a record of your account. It was updated when you went to make a deposit or a withdrawal or when you had earned some interest. I remember getting the book out of my parent's drawers just to look at the balance. I wanted to see that balance grow and get larger. I think I dreamed of having \$100 in my account. I loved it! Money was fascinating to me. I loved coins and paper bills. There were few things greater in life than to look at a hundred

dollar bill. So I thought. Dad usually had one in his wallet. I would ask him occasionally to look at it.

I was in second grade at the time at North Park Elementary School. School lunches were purchased by paying for a 20 day card that was punched every time you went to lunch. The cost was \$5.00. Every so often when needed, Dad would give me a \$5.00 bill to buy a new lunch card. On the evening of March 13th or 14th in 1967, I told Dad that I needed money for lunches. He reached into his wallet and pulled out a beautiful \$5.00 bill and gave it to me as he had done many times before. I walked to my bedroom marveling at the wonder of this extraordinary medium of exchange. President Lincoln was on the front. His memorial was on the back. I read every word, looked at the symbols wondering what they all meant and looked at both the signatures on the front. How I wished that I had one for my very own! Then it hit me, I could write out a check! Yes, I would pay for my lunches with a check and keep the \$5.00 bill. Under my bed was a box where I kept the counter checks. I carefully filled one out. Notice the grown-up writing and the check number, TWA1000. I loved airplanes at the time and had a model TWA Boeing jet. The next morning I left for school. It was about a half a mile walk. The \$5 dollar bill was in one of my front pockets and the check in the other. I didn't know why it was wrong, but I felt that there was something not quite right. Upon arriving at school, I stood in line in the principal's office. Principal Hawks issued the lunch cards. A war was going on in my mind. Should I give him the check or should I give him the money? Then, it was my turn. I reached into my pocket pulled out the check. He took it, stamped it and put it in his drawer and gave me a fresh new lunch card. The shoulder devil had won out, at least temporarily. Eureka, the \$5 was mine. What a great system! This check writing. It was like pulling money out of thin air. After school, the \$5 bill was placed in a special cupboard in my room. Over the next few days, I would pull it out and look at it and marvel that it was mine. Then, the unanticipated day arrived. It took about a week. You can't get that kind of float today! I arrived home. The phone rang and I picked it up. It was Mom. "Wayne", she said in an excited voice. "Do you have \$5?" How did she know? What had happened? One of the bookkeepers at the bank came across the check and took it to my mother. She said, "Mary Beth, someone has forged your name!" When Mom saw the check, she knew immediately what had happened. Well, I gave up the five dollar bill to cover the check. It was gone along with all the counter checks. They didn't even leave me one. I am fairly confident that I was the only seven year-old that understood how our checking system worked. I learned it by experience. It left a deep impression on my mind.

There are people today that think they can create money out of thin air. Adults write checks hoping that somehow money will show up in the checking account magically. The Federal Reserve buys US Treasury Bonds in exchange for money,

which the US Treasurer uses to pay government obligations. One day the checking account has to be covered. Even a second grader knows that! It is natural law. Often legislators and other government officials think that they can somehow legislate over natural law. They think that they have more power than they really do. It is often done in the name of entitlement or compassion or defense. Eventually, natural law wins out, lest we forget. Though forgetting is easy in the heat of the session when our constituents are bearing down upon us.

To help us remember, the pages are passing out some symbols that are familiar to us. Symbols are a visual representations of things simple or complex, principle or experience, but important reminders. When you get your coins, will you pull out the Senate Coin please. The first coin is the Senate Coin. On one side is the State Seal and on the other the Senate Seal.

The state seal was designed by Harry Emmett Edwards in 1896. It contains numerous symbols important to the state of Utah. The Utah Code describes the seal in this way: “The center a shield and perched thereon an American eagle with outstretching wings; the top of the shield pierced by six arrows crosswise; under the arrows the motto ‘Industry’; beneath the motto a beehive, on either side growing sego lilies; below the beehive the figures ‘1847’; and on each side of the shield an American flag; encircling all, near the outer edge of the seal, beginning at the lower left-hand portion, the words ‘The Great Seal of the State of Utah,’ with the figures ‘1896’ at the base.” The shield and the American eagle symbolize protection and the place that Utah has within the United States. The beehive represents hard work, perseverance, self-reliance, and industry. The sego lily symbolizes the state’s aspirations to peace and also reminds us of the sego lily roots that the early settlers ate to avoid starvation. The year 1847 is the year that the hardy pioneer settlers first came to Utah, and 1896 is the year that Utah became a state. The flags on either side of the shield represent Utah’s support for the nation.

The beehive, the state emblem, was chosen as the emblem for the State of Deseret in 1848. The word “deseret” means “honeybee” and was taken from the Book of Mormon. The beehive was meant to symbolize the importance of industry (meaning hard work, from which we are all benefactors today) to the early settlers as they persevered in cultivating the land and making Utah their home.

What a great reminder of our history, the sacrifices and the principles they have made our great State, lest we forget.

The Senate Seal is on the other side. Not a lot is written or recorded about the Senate Seal. This is what we found: A committee of Senators, the Majority and Minority party, and Senate Secretary got together and worked out the seal. The

symbols there mean: the beehive, the same Utah symbol of industry; the quill, representing the signature tool used historically to make many important decisions signed, sealed and delivered; and the gavel representing the work of the Senate. Mainly, the Senate Seal is a symbol of this great Constitutional process, of which I've become very fond of over the six years I've served in the Senate. Our process is wonderful. Any person and any mind can bring an initiative before the Legislature. There's a process to deal with that. And what a great system we have in America.

On the edge, you read the words, "Life, Liberty and the Pursuit of Happiness" and also the word "Unalienable!". These are words from the Declaration of Independence. I quote, "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

What is unalienable cannot be denied, dismissed, or transferred. It is akin to natural law and governed by a power much higher than ours, lest we forget.

Lastly, I have handed out a Presidential Coin. On the tail side is the Statue of Liberty.

"The Statue of Liberty stands in Upper New York Bay, a universal symbol of freedom. Originally conceived as an emblem of the friendship between the people of France and the U.S. and a sign of their mutual desire for liberty, over the years the Statue has become much more. It is the Mother of Exiles, greeting millions of immigrants and embodying hope and opportunity for those seeking a better life in America. It stirs the desire for freedom in people all over the world.

It represents the United States itself."
(<http://edsitement.neh.gov/lesson-plan/statue-liberty-meaning-and-use-national-symbol>)

It is a great visual for my immigrant fore-bearers who came to this land for liberty. Lest we forget.

On the heads side of the coin is the bust of President Abraham Lincoln. Along the bottom of the bust in the fine print are the words, "In God We Trust" and "16th President 1861 -1865".

I chose President Lincoln today for several reasons. One, he is a symbol of liberty and equality. Two, though apparently not disposed toward organized religion, many of his well documented statements give little doubt that he was a very religious person. Quotes like the one found in a farewell address on February

11, 1861. I'm not sure what farewell address that would be, but it's well-documented. It says:

"Trusting in Him, who can go with me, and remain with you and be every where for good, let us confidently hope that all will yet be well. To His care commending you, as I hope in your prayers you will commend me, I bid you an affectionate farewell."

Farewell Address on February 11, 1861 (CWAL IV:190)
Too, on July 31 of 1846:

"That I am not a member of any Christian Church, is true; but I have never denied the truth of the Scriptures; and I have never spoken with intentional disrespect of religion in general, or any denomination..."

--July 31, 1846 Handbill Replying to Charges of Infidelity

And, what a great thought this is. It was the National Day of Fasting, and it was given by President Abraham Lincoln. Listen very carefully to this one:

"We have been the recipients of the choicest bounties of heaven. We have been preserved, these many years, in peace and prosperity. We have grown in numbers, wealth and power, as no other nation has ever grown. But we have forgotten God. We have forgotten the gracious hand which preserved us in peace, and multiplied and enriched and strengthened us; and we have vainly imagined, in the deceitfulness of our hearts, that all these blessings were produced by some superior wisdom and virtue of our own. Intoxicated with unbroken success, we have become too self-sufficient to feel the necessity of redeeming and preserving grace, too proud to pray to the God that made us! It behooves us, then to humble ourselves before the offended Power, to confess our national sins, and to pray for clemency and forgiveness."

Abraham Lincoln - Proclamation for a National Day of Fasting Wow

Though documented, there are some that feel that the following quote is not from Lincoln. If it is not, there is little doubt that he believed it and practiced it based on other well documented statements.

"I have been driven many times upon my knees by the overwhelming conviction that I had nowhere else to go. My own wisdom, and that of all about me, seemed insufficient for the day."

Reed, James A. (July 1873). "The Later Life and Religious Sentiments of Abraham Lincoln". *Scribner's Monthly* 6 (3): 340.citing Noah Brooks article in *Harper's Monthly*, July 1865

The third reason why I chose Lincoln was that he was President when the words “In God We Trust” were first engraved on the US coin. Lest we forget.

In December of 1863, Lincoln’s Secretary of the Treasury (Salmon P. Chase) decided on a new motto to engrave on U.S. coins. Lincoln’s involvement in this decision is unclear, but it appears quite probable that the expression, “In God We Trust,” was in keeping with Lincoln’s spiritual beliefs at the time.

According to The Congressional Record (1908, House), p. 3387, the motto was adopted “doubtless with his [Lincoln’s] knowledge and approval.”

This is some fascinating history that we talked about today. What some great symbols to think on and remember.

Again, in the fine print barely legible it reads “In God We Trust”. A timeless symbol of infinite meaning. Lest we forget the fine print.

That concludes my remarks. I thank you for your indulgence.

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On motion of Senator Adams, the Senate voted to have President Niederhauser’s remarks spread upon the pages of the 2013 Senate Journal.

On motion of Senator Adams, the Senate voted to print the words of President Niederhauser on the pages of the Senate Journal.

President Niederhauser appointed Senators Lyle Hillyard, Scott Jenkins, and Karen Mayne to join with a like committee from the House to notify Governor Herbert that the Legislature is organized for the 2013 General Session of the Sixtieth Legislature and ready to do business.

President Niederhauser appointed Senators Stuart Reid, Kevin Van Tassell, and Luz Robles as a committee to notify the House of Representatives that the Senate is organized and ready to do business.

On motion of Senator Adams, the Senate voted to continue with the same organization for the 2012 General Session as was constituted for the 2011 General Session – insofar as it pertains to the President, Majority Leadership, and Minority Leadership.

On motion of Senator Davis the Senate voted to include the names of the members of the Majority and Minority caucus leadership, as well as the appointed membership of standing and appropriations committees be printed in the 2013 Senate Journal.

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President Niederhauser directed that the following be recorded in the Senate Journal as leaders for the 60th Legislature 2013 General Session:

President – Wayne L. Niederhauser
Majority Leader – Ralph Okerlund
Majority Whip – Stuart Adams
Asst. Majority Whip – Peter C. Knudson
Minority Leader – Gene Davis
Minority Whip – Karen Mayne
Asst. Minority Whip – Patricia W. Jones
Minority Caucus Manager – Luz Robles

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President Niederhauser appointed Senator Lyle Hillyard as Executive Appropriations Senate Chair and Senator Jerry Stevenson as Executive Appropriations Senate Vice Chair, Senator John Valentine as Senate Rules Chair and Senator Allen Christensen as the Committee Chair to serve Patronage and Employees

Senator Hillyard, 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.

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

President Niederhauser appointed a Senate Rules Committee comprised of Senator John Valentine, Chair, Senators Peter Knudson, Mark Madsen, Stuart Reid, Kevin Van Tassell, Todd Weiler, Patricia Jones, and Karen Mayne to formulate the Senate Rules and work with the House of Representatives in formulating Joint Rules.

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

SENATE STANDING COMMITTEES**Business and Labor**

Curtis Bramble, *Chair*
Gene Davis
Deidre Henderson
David Hinkins
Karen Mayne
Kevin Van Tassell
John Valentine

Education

Stuart Reid, *Chair*
Patricia Jones
Mark Madsen
Wayne Niederhauser
Aaron Osmond
Howard Stephenson
Jerry Stevenson
Steve Urquhart

**Natural Resources, Agriculture
and Environment**

Scott Jenkins, *Chair*
Allen Christensen
Jim Dabakis
David Hinkins
Peter Knudson
Ralph Okerlund
Evan Vickers

Health and Human Services

Evan Vickers, *Chair*
Allen Christensen
Luz Robles
Brian Shiozawa
Daniel Thatcher

**Economic Development and
Workforce Services**

Aaron Osmond, *Chair*
Patricia Jones
Peter Knudson
Karen Mayne
Ralph Okerlund
Stuart Reid
Jerry Stevenson

**Judiciary, Law Enforcement and
Criminal Justice**

Mark Madsen, *Chair*
Lyle W. Hillyard
Patricia Jones
Luz Robles
Daniel Thatcher
Steve Urquhart
Todd Weiler

Revenue and Taxation

Deidre Henderson, *Chair*
Stuart Adams
Curt Bramble
Jim Dabakis
Gene Davis
Wayne Harper
Scott Jenkins
Howard Stephenson
John Valentine

**Government Operations and
Political Subdivisions**

Margaret Dayton, *Chair*
Lyle Hillyard
Wayne Niederhauser
Luz Robles
Brian Shiozawa
Daniel Thatcher
Kevin Van Tassell

Ethics

Peter Knudson, *Chair*
Gene Davis, *Vice Chair*
Allen Christensen
Lyle Hillyard
Pat Jones
Karen Mayne
Stuart Reid
Luz Robles

**Transportation and Public
Utilities and Technology**

Kevin Van Tassell, *Chair*
Stuart Adams
Margaret Dayton
Wayne Harper
Karen Mayne

**Retirement and Independent
Entities**

Todd Weiler, *Chair*
Curtis Bramble
Gene Davis
Margaret Dayton
Karen Mayne
Daniel Thatcher

Senate Rules

John Valentine *Chair*
Patricia Jones
Peter Knudson
Mark Madsen
Karen Mayne
Stuart Reid
Kevin Van Tassell
Todd Weiler

**SENATE MEMBERS JOINT
APPROPRIATIONS SUBCOMMITTEES
2013 – 2014**

**EXECUTIVE
APPROPRIATIONS
COMMITTEE**

Sen. Lyle Hillyard, *Chair*
Sen. Jerry Stevenson, *Vice Chair*
Sen. Wayne Niederhauser
Sen. Ralph Okerlund
Sen. Stuart Adams

Sen. Peter Knudson
Sen. Gene Davis
Sen. Karen Mayne
Sen. Patricia Jones
Sen. Luz Robles

**BUSINESS, ECONOMIC
DEVELOPMENT & LABOR**

Sen. Brian Shiozawa *Co-Chair*
Sen. Curtis Bramble
Sen. Gene Davis
Sen. Wayne Harper
Sen. Scott Jenkins
Sen. Stuart Reid
Sen. Jerry Stevenson

**EXECUTIVE OFFICES AND
CRIMINAL JUSTICE**

Sen. Daniel Thatcher, *Co-Chair*
Sen. Curtis Bramble
Sen. Jim Dabakis
Sen. Mark Madsen
Sen. Ralph Okerlund
Sen. Stuart Reid

HIGHER EDUCATION

Sen. Steve Urquhart, *Co-Chair*
Sen. Stuart Adams
Sen. Patricia Jones
Sen. Aaron Osmond
Sen. Howard Stephenson
Sen. Jerry Stevenson
Sen. John Valentine

**INFRASTRUCTURE &
GENERAL GOVERNMENT**

Sen. Wayne Harper, *Co-Chair*
Sen. Lyle Hillyard
Sen. David Hinkins
Sen. Scott Jenkins
Sen. Peter Knudson
Sen. Karen Mayne
Sen. Kevin Van Tassell
Sen. Evan Vickers

**NATURAL RESOURCES,
AGRICULTURE &
ENVIRONMENTAL QUALITY**

Sen. David Hinkins, *Co-Chair*
Sen. Jim Dabakis
Sen. Margaret Dayton
Sen. Ralph Okerlund
Sen. John Valentine
Sen. Kevin Van Tassell

PUBLIC EDUCATION

Sen. Howard Stephenson, *Co-Chair*
Sen. Stuart Adams
Sen. Lyle Hillyard
Sen. Patricia Jones
Sen. Mark Madsen
Sen. Aaron Osmond
Sen. Daniel Thatcher
Sen. Steve Urquhart

**RETIREMENT &
INDEPENDENT ENTITIES**

Sen. Todd Weiler, *Co-Chair*
Sen. Curtis Bramble
Sen. Stuart Reid
Sen. Daniel Thatcher
Sen. Karen Mayne
Sen. Luz Robles

SOCIAL SERVICES

Sen. Allen Christensen, *Co-Chair*
Sen. Deidre Henderson
Sen. Peter Knudson
Sen. Wayne Niederhauser
Sen. Luz Robles
Sen. Brian Shiozawa
Sen. Evan Vickers
Sen. Todd Weiler

LEGISLATIVE MANAGEMENT COMMITTEE

Sen. Wayne Niederhauser, *Chair*
Sen. Ralph Okerlund
Sen. Stuart Adams
Sen. Peter Knudson
Sen. Gene Davis
Sen. Karen Mayne
Sen. Patricia Jones
Sen. Luz Robles

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Senators Okerlund and Davis made opening remarks to the Senate.

On motion of Senator John Valentine, the 2012 Senate Rules, Joint Rules and Interim Rules of the Fifty–Ninth Legislature were adopted with the understanding that changes to these rules for the Sixtieth Legislature will be considered and adopted as soon as possible.

On motion of Senator Valentine, 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, 27; Nays, 0; Absent or not voting, 2.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Dabakis
Davis	Dayton	Harper	Henderson
Hillyard	Hinkins	Jenkins	Jones
Knudson	Mayne	Okerlund	Osmond
Reid	Robles	Shiozawa	Stephenson
Stevenson	Thatcher	Urquhart	Valentine
Van Tassell	Weiler	Niederhauser	

Absent or not voting were: Senators

Madsen Vickers

* * *

The Senate voted to adopt the following committee report and employ the persons recommended by Senator Jones.

EMPLOYEE COMMITTEE REPORT

Senator Jones introduced the Senate Staff.

Leslie McLean	Secretary of the Senate
Ric Cantrell	Chief of Staff
Joanna MacKay	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
Karen C. Allred	Secretarial Supervisor
Cynthia Millar	Rules Secretary/Amending Clerk
Karen Allred	Committee Secretary
Wendy Hill	Committee Secretary
Cami Deavila	Committee Secretary
Nancy Skidmore	Committee Secretary
Lorna Wells	Committee Secretary
Paula Winter	Committee Secretary
Lori Poole	Amending Clerk/Committee Secretary
Thomas R. Shepherd	Sergeant At Arms
Paul Jacobs	Asst. Sergeant At Arms
Neal Barth	Security
Dennis Bird	Security
Frank Christensen	Security
Steve Higham	Security
Glenn Hildebrand	Security
Jason Hildebrand	Security
Tony Mascaro	Security
Darrell Griggs	Security
Scott Lawrence	Security
Karmen Sanone	Security
Gayle C. Petersen	Page Supervisor
Linda Cornaby	Asst. Page Supervisor
Jewel Doxey	Page
Kris Chipman	Page
Claudette Eastman	Page

Deanne Evans	Page
Jill Kennedy	Page
Janet Packham	Page
Dianne Richards	Page
Georgianna Knudson	Docket Clerk Aide
Jodi Cox	Public Address System/Comp Operator
Shelley Robinson	Visitor Services Liaison
Richard Block	Computer Specialist
Michael Bishop	Computer Specialist
Carolyn Buehner	Hostess
Cheryl Ferrin	Public Information Officer
Beth Hansen	Public Information Officer
Kirsten Frank	Legislative Aide
Emily Stephenson	Receptionist/Legislative Aide

INTRODUCTION OF INTERNS

Senator David Hinkins introduced the Senate Interns for the 2013 General Session.

Sen. Stuart Adams	Matthew Gamett
Sen. Curtis Bramble	Brock Jensen
Sen. Allen Christensen	Kyle B. Perkins
Sen. Jim Dabalis	Ben Alder
Sen. Gene Davis	Liz Stubbs
Sen. Margaret Dayton	Will Kleinman
Sen. Wayne Harper	Nathan Payne
Sen. Deidre Henderson	Emily Marshall
Sen. Lyle Hillyard	Jory Spotts
Sen. David Hinkins	Chris Bjornestad
Sen. Scott Jenkins	Ben Childs
Sen. Patricia Jones	Taylor Bouchard
Sen. Peter Knudson	Mikaela Ferry
Sen. Mark Madsen	Will Kleinman
Sen. Karen Mayne	Keegan Rank
Sen. Ralph Okerlund	Dillon Erickson
Sen. Aaron Osmond	Ryan Davis
Sen. Stuart Reid	Ryan Davis
Sen. Luz Robles	Marlo Organista
Sen. Brian Shiozawa	Kyle B. Perkins
Sen. Howard Stephenson	Michael Melendez
Sen. Jerry Stevenson	Bryan Smith
Sen. Daniel Thatcher	Nathan Payne

Sen. Stephen H. Urquhart
Sen. John Valentine
Sen. Kevin Van Tassell
Sen. Evan Vickers
Sen. Todd Weiler
Pres. Wayne Niederhauser

Levi Brewer
Nicholai Lazarev
Chris Bjornestad
Levi Brewer
Emily Marshall
Katherine Rhodes

INTRODUCTION OF BILLS

S.B. 1, Public Education Base Budget (H. Stephenson), was read the first time by short title and referred to the Rules Committee.

S.B. 5, Natural Resources, Agriculture, and Environmental Quality Base Budget (D. Hinkins), was read the first time by short title and referred to the Rules Committee.

S.B. 6, Retirement and Independent Entities Base Budget (T. Weiler), was read the first time by short title and referred to the Rules Committee.

S.B. 10, Retirement Eligibility Amendments (T. Weiler), was read the first time by short title and referred to the Rules Committee.

S.B. 11, Alimony Amendments (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

S.B. 12, Public Transit District Customer Information (K. Van Tassell), was read the first time by short title and referred to the Rules Committee.

S.B. 13, Amendments to Ignition Interlock Program (D. Thatcher), was read the first time by short title and referred to the Rules Committee.

S.B. 14, Research Using Pharmaceuticals (P. Jones), was read the first time by short title and referred to the Rules Committee.

S.B. 15, Industrial Accident Restricted Account (J. Valentine), was read the first time by short title and referred to the Rules Committee.

S.B. 16, Health Insurance Coverage Restrictions on Retired Governors and Legislators (T. Weiler), was read the first time by short title and referred to the Rules Committee.

S.B. 17, Account for People with Disabilities Amendments (M. Dayton), was read the first time by short title and referred to the Rules Committee.

S.B. 18, Child Custody Proceedings Amendments (L. Robles), was read the first time by short title and referred to the Rules Committee.

S.B. 19, Commercial Driver License Amendments (K. Van Tassell), was read the first time by short title and referred to the Rules Committee.

S.B. 20, State Security Standards for Personal Information (S. Reid), was read the first time by short title and referred to the Rules Committee.

S.B. 21, Unincorporated Business Entities (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

S.B. 22, Worker Classification Coordinated Enforcement Council (J. Valentine), was read the first time by short title and referred to the Rules Committee.

S.B. 23, Lieutenant Governor Candidate Amendments (P. Knudson), was read the first time by short title and referred to the Rules Committee.

S.B. 24, Absentee Ballot Amendments (P. Knudson), was read the first time by short title and referred to the Rules Committee.

S.B. 25, Elections During Declared Emergency (P. Knudson), was read the first time by short title and referred to the Rules Committee.

S.B. 26, Risk Management for Independent Entities (T. Weiler), was read the first time by short title and referred to the Rules Committee.

S.B. 27, Health Care Provider Immunity Sunset Amendment (A. Christensen), was read the first time by short title and referred to the Rules Committee.

S.B. 28, Boards and Commissions Amendments (P. Knudson), was read the first time by short title and referred to the Rules Committee.

S.B. 29, State Highway System Modifications (K. Van Tassell), was read the first time by short title and referred to the Rules Committee.

S.B. 30, Water and Irrigation Amendments (M. Dayton), was read the first time by short title and referred to the Rules Committee.

S.B. 31, Special Needs Adoption Tax Credit (W. Harper), was read the first time by short title and referred to the Rules Committee.

S.B. 32, Environmental Health Scientist Act Sunset Reauthorization (G. Davis), was read the first time by short title and referred to the Rules Committee.

S.B. 33, Sales and Use Tax Revisions (H. Stephenson), was read the first time by short title and referred to the Rules Committee.

S.B. 34, Special Election Date for Ballot Propositions (H. Stephenson), was read the first time by short title and referred to the Rules Committee.

S.B. 35, Property Taxation of Business Personal Property (W. Harper), was read the first time by short title and referred to the Rules Committee.

S.B. 36, Cigarette and Tobacco Tax and Licensing Amendments (W. Harper), was read the first time by short title and referred to the Rules Committee.

S.B. 37, Time Period for Paying a Tax, Interest, or Penalties after a Judicial Decision (D. Henderson), was read the first time by short title and referred to the Rules Committee.

S.B. 38, Reauthorization of Veterans Reintegration Task Force (P. Knudson), was read the first time by short title and referred to the Rules Committee.

S.B. 39, Parental Responsibility for Sex Education Training (S. Reid), was read the first time by short title and referred to the Rules Committee.

S.B. 40, Utah Navajo Royalties Amendments (K. Van Tassell), was read the first time by short title and referred to the Rules Committee.

S.B. 41, Uniform Commercial Code Amendments (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

S.B. 42, Medical School Admissions Funding (J. Valentine), was read the first time by short title and referred to the Rules Committee.

S.B. 43, Financial and Economic Literacy Education Amendments (P. Jones), was read the first time by short title and referred to the Rules Committee.

S.B. 44, Construction Trades Licensing Revisions (K. Mayne), was read the first time by short title and referred to the Rules Committee.

S.B. 45, Workers' Compensation and Directors or Officers (E. Vickers), was read the first time by short title and referred to the Rules Committee.

S.B. 46, Occupational Safety and Health Amendments (L. Robles), was read the first time by short title and referred to the Rules Committee.

S.B. 47, Procurement Amendments – Small Purchases (R. Okerlund), was read the first time by short title and referred to the Rules Committee.

S.B. 48, Special Group License Plate Revisions (P. Knudson), was read the first time by short title and referred to the Rules Committee.

S.B. 49, Child Welfare Modifications (W. Harper), was read the first time by short title and referred to the Rules Committee.

S.B. 106, Unemployment Tax Amendment (C. Bramble), was read the first time by short title and referred to the Rules Committee.

S.B. 107, Public Shooting Ranges (A. Christensen), was read the first time by short title and referred to the Rules Committee.

S.B. 108, Civil Rights Amendments Relating to Persons with a Disability (P. Jones), was read the first time by short title and referred to the Rules Committee.

S.B. 109, Change Application Procedure (R. Okerlund), was read the first time by short title and referred to the Rules Committee.

S.B. 110, School-based Budgeting Amendments (H. Stephenson), was read the first time by short title and referred to the Rules Committee.

S.B. 111, Electronic Filing of Traffic Citations and Accident Reports (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

S.B. 112, Work Week Amendments (A. Osmond), was read the first time by short title and referred to the Rules Committee.

S.B. 113, Long-term Disability Coverage Amendments (T. Weiler), was read the first time by short title and referred to the Rules Committee.

S.B. 114, Safety Belt Amendments (L. Robles), was read the first time by short title and referred to the Rules Committee.

S.B. 115, Water Development Commission Amendments (M. Dayton), was read the first time by short title and referred to the Rules Committee.

S.B. 116, Garnishment for Debt Collection (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

S.B. 117, Legislative Office Definitions (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

S.B. 118, Rocky Mountain Center for Occupational and Environmental Health Amendments (K. Mayne), was read the first time by short title and referred to the Rules Committee.

S.B. 119, Youth Court Amendments (J. Stevenson), was read the first time by short title and referred to the Rules Committee.

S.B. 120, Target Shooting and Wildfire Regulations (M. Dayton), was read the first time by short title and referred to the Rules Committee.

S.B. 121, Traffic Regulations Regarding Buses (K. Mayne), was read the first time by short title and referred to the Rules Committee.

S.B. 122, Student Leadership Skills Development (A. Osmond), was read the first time by short title and referred to the Rules Committee.

S.B. 123, Runaway Vehicle Ramp Requirements (K. Van Tassell), was read the first time by short title and referred to the Rules Committee.

S.B. 124, Sales and Use Tax Exemption for Database Access (W. Harper), was read the first time by short title and referred to the Rules Committee.

S.B. 125, District Court Judge Amendments (K. Van Tassell), was read the first time by short title and referred to the Rules Committee.

S.B. 126, Coordination of Services for Veterans (P. Knudson), was read the first time by short title and referred to the Rules Committee.

S.B. 127, Juvenile Court Judge Amendments (K. Van Tassell), was read the first time by short title and referred to the Rules Committee.

S.B. 128, Financial Transparency in Education (D. Thatcher), was read the first time by short title and referred to the Rules Committee.

S.B. 129, Office of State Debt Collection – Writ of Garnishment (L. Hillyard), was read the first time by short title and referred to the Rules Committee.

S.B. 130, Security Personnel Licensing Act Amendments (M. Dayton), was read the first time by short title and referred to the Rules Committee.

S.B. 131, Assault Amendments (A. Osmond), was read the first time by short title and referred to the Rules Committee.

S.B. 132, Utah Medical Education Council Amendments (W. Harper), was read the first time by short title and referred to the Rules Committee.

S.B. 133, School Performance Report Amendments (H. Stephenson), was read the first time by short title and referred to the Rules Committee.

S.B. 134, Utah Performance Assessment System for Students (u-pass) Amendments (M. Dayton), was read the first time by short title and referred to the Rules Committee.

S.B. 135, Involuntary Commitment Amendments (T. Weiler), was read the first time by short title and referred to the Rules Committee.

S.B. 136, Construction Trades Licensing Modifications (P. Knudson), was read the first time by short title and referred to the Rules Committee.

S.C.R. 2, Concurrent Resolution Recognizing Workers' Compensation Fund for Workplace Safety (K. Mayne), was read the first time by short title and referred to the Rules Committee.

S.C.R. 3, Threatened Species Damage and Management Plan Concurrent Resolution (E. Vickers), was read the first time by short title and referred to the Rules Committee.

S.J.R. 1, Joint Rules Resolution on Performance Notes (J. Stevenson), was read the first time by short title and referred to the Rules Committee.

S.J.R. 3, Joint Rules Resolution on Submitting and Numbering Legislation (A. Osmond), was read the first time by short title and referred to the Rules Committee.

S.J.R. 4, Joint Resolution on Ethics Complaint Procedures (L. Robles), was read the first time by short title and referred to the Rules Committee.

S.J.R. 5, Joint Resolution on State Superintendent of Public Instruction (S. Reid), was read the first time by short title and referred to the Rules Committee.

S.J.R. 6, Joint Rules Resolution on Circled Bills (A. Osmond), was read the first time by short title and referred to the Rules Committee.

On motion of Senator Okerlund, and at 12:15 p.m., the Senate recessed.

AFTERNOON SESSION

The Senate was called to order by President Wayne Niederhauser at 2:25 p.m.

COMMITTEE OF THE WHOLE

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

STATE OF THE JUDICIARY

REMARKS BY CHIEF JUSTICE MATTHEW B. DURRANT

When I was an undergraduate at BYU, I was invited to a gathering at a professor's home. As an icebreaker, he had us sit in a circle and introduce the person to our left. When it got to me, my introducer said, "This is Matt Durrant. He is the son of George Durrant." My father was a BYU professor, and a well-known author and speaker.

Then he continued, "He is the brother of Devin Durrant." Devin was a star player on the BYU basketball team.

He continued, "He is the cousin of Stephen Durrant, a language professor on campus."

He then paused, looked a little embarrassed, and said, "He's never really done much himself, but he is related to a lot of important people"

I think that my chief credential remains the same today. I am related to or now serve with a lot of important people. I am privileged to serve on our Supreme Court with four superb jurists, who are here with us today, each committed to diligently honoring the oaths they have taken. I am also honored to serve with the other members of our state's judiciary, including the members of the Utah Judicial Council, who are also here in the gallery today, as well as our State Court Administrator, Dan Becker.

In Utah, we are fortunate to have judges of an extraordinarily high quality. Utah's judges are selected by a nonpartisan vetting process that may well be more thorough and rigorous than any state in the nation, one designed to ensure that only those applicants who have established a reputation for excellence and integrity are selected.

As Chief Justice I wear two hats: I preside over our Supreme Court and I chair our Judicial Council. The Judicial Council is the constitutional body by which we govern the judiciary and is composed of judges from different court categories who have been elected by their peers to serve. The council makes policy and administrative decisions for the judicial branch.

While as Chief Justice I now have many more administrative responsibilities, above all I am a judge like the other 210 judges in our state. I, like they, feel the weight of the decisions we are called upon to make. People come to us at critical junctures in their lives. Their business, their family, their financial future, even their freedom may be at stake. They deserve a judge who is fair, impartial, and committed to fairly applying the law to the facts. They deserve a judge who is uninfluenced by public opinion, position, power, race, gender, or anything beyond the law and the facts.

A fair judiciary is also critical to our state's economic success. A recent World Bank study indicates that the most important ingredient to the economic success and strength of a country is the presence of a court system that applies the rule of law fairly and impartially. To have a judiciary committed to the rule of law, one dedicated to fair and impartial justice, not only benefits those who now do business in our state, but it plays a key role in decisions being made by those who are considering locating here. In a survey conducted by the US Chamber of Commerce, of the 1500 employer respondents, two-thirds agreed that the litigation environment in a state is an important factor that impacts decisions of where to locate or do business.

In this regard, I can report to you that Utah's court system is held in very high regard. This is something that I hadn't fully appreciated before becoming Chief Justice. Through my involvement with the National Conference of Chief Justices, I have come to see how highly regarded our court system is nationally. Our governance structure, the way in which we select and retain our judiciary, our innovative juvenile courts, our application of alternative dispute resolution, and our use of technology are often cited as models that others should emulate.

But even more important is the opinion of Utah's citizens. I am pleased to tell you that in an independent survey conducted last July and August, 81% of respondents indicated that they had confidence in Utah's courts, with 29% responding that they were very confident. In a separate recent survey given to court users as they were leaving courthouses throughout our state, 96% indicated they had been treated with courtesy and respect by our staff. Notably, this survey was conducted at a time of historically high filings and workload in our courts.

Fortunately, as our Utah economy has improved, our record high civil filings are now returning to more normal levels of growth. We've made the business

adjustments necessary to continue to serve the public with fewer dollars and a downsized workforce and, importantly, we are not asking that any of the staff reductions taken over the past three years be restored. We commit to continue to provide excellent service to litigants, the bar, and the public with our new smaller, more tech-savvy, and better trained and educated staff.

A critical factor in our ability to achieve this success in our courts has been our relationship with this legislature. While there is, and should be, some tension between our branches, we are fortunate to live in a state where our legislators, while firmly committed to fiscal responsibility, are also committed to providing the resources necessary to ensure a fair and impartial judiciary of the highest quality. During these recent years of uncertainty, you have allowed us the flexibility to retool and right-size, and our exemplary performance is the result, and people are noticing – both our performance, and your contribution to it.

At a recent press conference held at the National Press Club in Washington DC, Utah was recognized as one of three states that had most successfully responded to budget reductions by changing its business model. Specifically, Utah was recognized for the positive and productive working relationship between our courts and this legislature. Representative Eric Hutchings, co-chair of our Appropriations Committee, was invited by the organizers of the event to participate in that press conference, which he did, and he represented all of you admirably. The cooperative and effective institutional support we enjoy is unsurpassed anywhere in the country.

We not only weathered the recession, but came out better for it. Though we faced a 10% staff reduction at the same time we were experiencing record high case filings, we were able to improve our efficiency, reducing the age of our pending cases by 34%. In other words, cases moved along faster. In fact, the average age of pending cases has improved over that of 2008 in every case category and in every judicial district. How has this happened? One key factor in our ability to increase productivity during workforce reductions and increased workload has been our unwavering investment in E-solutions.

We are almost to the finish line of operating in a fully electronic environment. We are now paperless statewide for all civil cases filed after July 1, 2012. Shortly after the gavel falls on this legislative session, all civil cases filed by the bar will be done so entirely electronically, and criminal cases are next. The advantages to these electronic solutions are endless.

- Efficiency – we move data, instead of pieces of paper, so everything can be seen and worked on by everyone at once.

- Security – redundant electronic storage means records won't be lost in the case of fire, or, as we saw just a few days ago, a burst water pipe in our Farmington courthouse.
- Transparency – public records are much more accessible to the public. A visit to the courthouse is replaced by a visit to our website. Even court proceedings are more available without a trip to the courtroom, including digital audio recordings of justice court proceedings.

While we are already regarded as one of the most transparent court systems in the country--due both to our open, public governance meetings and to the way in which we report our performance--in detail, on our website--we have recently taken additional steps to enhance our openness and accountability. In November, the Judicial Council enacted a rule that allows the media to cover courtroom proceedings using audio and, now, video. While this represents a big change for our trial courts, the Judicial Council concluded that allowing this change makes Utah's courts even more transparent and accountable.

While we are proud of the success we've had, and always working to improve the quality of our court system, we do face a number of significant challenges. The nature of what I will call our customer base, those using the courts, is changing. Fifty-seven languages had to be interpreted in Utah courts last year. And there are, of course, drug addiction or mental health issues in the vast majority – some estimate over 80% – of our district court criminal cases, as well as in many of our juvenile court referrals.

The number of litigants coming to court without an attorney has also continued to rise. For example, this year, in 56% of domestic cases, neither party had a lawyer. In the public opinion survey I mentioned earlier, 70% of respondents felt that the cost of hiring an attorney would be a barrier if they needed to access their courts. This should be troubling to all of us. And yet for many in today's You Tube society, do-it-yourself is always the first choice, even if cost is not the barrier, and even for something as complex as a court proceeding.

To address this concern a number of resources, programs, and initiatives are in place. The court-run state-wide Self-Help Center you funded this past year is now serving people all across the state, and is on pace to assist 16,000 Utahns this year. Those 16,000 Utahns owe thanks to Senator Urquhart for his sponsorship of that legislation last year, and to all of you for its passage.

In addition to our Self-Help Center, we also have an online court assistance program, or OCAP, that helps self represented parties prepare court documents the way a TurboTax program might help prepare taxes, and our website has a great

deal of information, including many simple, ready to file forms. Half of all divorce petitions last year used this OCAP program. But let me tell you a story of how it was used to bring a family together, as well.

A fatal tragedy took a young mother from her child. The mother's devastated parents, grandparents to the little girl, sought help with how to take care of their granddaughter. They needed to become the legal guardians of their granddaughter, as the father is out of the picture. The grandparents are of meager means and cannot afford a lawyer. Fortunately, they found and called a Self-Help Center staffer, who then walked them, step by step, through the process of finding the correct online tool to help them. In this case they were able to answer questions in the OCAP program, and the result was a ready-to-file petition for guardianship of a minor, as well as instructions for what to expect in the court hearing. Within weeks, the grandparents became the court-appointed guardians of their grandchild and have the legal tools in place to care for that child for years to come.

There are thousands of stories similar to this one, and there are certainly other entities dedicated to assisting those with unmet legal needs. Utah Legal Services, to which you provide modest financial support, works mightily to address the demand for legal services, and the Utah State Bar has begun a state-wide pro bono initiative to provide legal help to those in the greatest need.

All of this and much more will be needed if we are to ensure that our courts are available to those without the financial means to seek representation from an attorney.

Once these court users—represented or not—do make it to court, we need to be sure there is a judge there to help them. In one part in our state that has become a critical issue.

I don't need to tell you about the growth in the Uintah basin in recent years, but you may not be aware that it has resulted in a sustained explosion in the workload for both our juvenile and district courts serving Duchesne, Uintah, and Daggett counties – the Eighth Judicial District. The need for additional judges has actually been apparent for over four years, but because of the recession, we have done what was necessary to delay coming to you for help. We have used judges from neighboring judicial districts, as well as retired senior judges, to fill in, but the citizens of the Eighth Judicial District are entitled to more than a fill-in patchwork of judges.

I wish to give special recognition to the district and juvenile judges from the Seventh District who, for the last three years, have been covering all of their own courts, from Price to Blanding, plus the courts in Duchesne, which has meant

many white knuckle drives between Price and Duchesne over Highway 191 during the winter months. They've done so willingly in order to ensure that the people of the Eighth District have access to court resources and timely justice. I should also note that the electronic record has allowed clerk offices in Price and Moab to provide case processing assistance to their colleagues in the Eighth District without leaving their offices. This is something new – being able to move work, rather than having to move people.

But I regard such assistance as a temporary emergency measure that has gone on too long and now needs to be addressed with permanent judges. The residents of Duchesne are entitled to have judges from their own community for whom they cast their retention vote. And, in juvenile court, the one judge/one family model that is in place everywhere else in the state, has had to be, in significant measure, sacrificed in the Eighth District because of the use of multiple visiting judges. In that district, our one judge juvenile court has the workload of two judges, and our two judge district court has the workload of three.

Senator Van Tassell has filed legislation that will address this long-standing need, and I hope you will give it your support.

So please know that the state of the Utah judiciary is strong, efficient, and forward looking. I am fortunate that Justice Durham and the Judicial Council put our courts on a constructive and innovative path. I intend to continue on that path and to explore additional ways to improve our courts. But this can't be our journey alone. We need you to believe in and to continue to support our courts.

And we need the public's support as well. The courts don't belong to judges or to the Judicial Council, they belong to the people. And the people have every right to expect their courts to be fair, independent, timely, and accessible. Our judges and staff by their actions every day show their commitment to these principles, and I can assure you that the Judicial Council is working diligently to ensure that the confidence the public has in our work is not only maintained, but enhanced. Our courts need to be welcoming to all. Legal problems are not limited to the wealthy, yet too often the services of lawyers are. The high cost of legal services has become a barrier not just to the poor, but the middle class as well.

So, I see a critical part of my job as making sure our courts are like a big tent, with its flaps wide open, with room for everyone, not like a walled fortress accessible only to the few. When the good people of Utah need our courts, we don't ask them whether they, like that fellow seemed to think I was, are "related to a lot of important people," we just welcome them and treat them as the important people they themselves are.

Let me conclude by thanking you, as Chief Justice, but more importantly, as a citizen, for your service. I know that you serve at great personal sacrifice and from

a commitment to improve the lives of our state’s citizens. We, as a judiciary, are proud to participate with you and with the governor in this great cause.

Thank you for the opportunity to talk with you today, and good luck with the session.

* * *

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

On motion of Senator Davis, the Senate voted to spread Chief Justice Durrant’s words upon the pages of the Senate Journal.

COMMUNICATIONS FROM THE GOVERNOR

To the Members of the Senate: December 21, 2012

I am pleased to inform you that i have appointed Jeffrey C. Wilcox as a Judge of the Fifth District Court, pursuant to article VIII, Section 8 of the Utah Constitution and Utah Code Section 78A–10–101.

Thank you for your timely consideration and confirmation of Mr. Wilcox.

Gary R. Herbert
Governor

To the Members of the Senate: January 24, 2013

The Senate Judicial Confirmation Committee met on January 24, 2013 and reports a favorable recommendation for Mr. Jeffrey C. Wilcox to be confirmed to the position of Judge in the Fifth District Court.

Scott K. Jenkins, Chair

On motion of Senator Hillyard, the Senate voted to consent to the appointment of Jeffrey C. Wilcox as a Judge of the Fifth District Court on the following roll call vote:

Yeas, 28; Nays, 0; Absent or not voting, 1.

Voting in the affirmative were: Senators

Adams	Christensen	Dabakis	Davis
Dayton	Harper	Henderson	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	Okerlund	Osmond
Reid	Robles	Shiozawa	Stephenson
Stevenson	Thatcher	Urquhart	Valentine
Van Tassell	Vickers	Weiler	Niederhauser

Absent or not voting was: Senator Bramble

Senator Reid declared a conflict of interest.

COMMITTEE OF THE WHOLE

On motion of Senator Okerlund, Judge Jeffrey C. Wilcox spoke in Committee of the Whole. Senator Hillyard commented.

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

RULES COMMITTEE REPORTS

To the Members of the Senate:

January 28, 2013

The Rules Committee recommends assignment of the following bills to the Senate Second Reading Calendar:

Business and Labor Committee

S.B. 21 Unincorporated Business Entities (Sen. L. Hillyard)

S.B. 41 Uniform Commercial Code Amendments
(Sen. L. Hillyard)

S.B. 44 Construction Trades Licensing Revisions
(Sen. K. Mayne)

S.B. 136 Construction Trades Licensing Modifications
(Sen. P. Knudson)

Economic Development & Workforce Services

S.C.R. 2 Concurrent Resolution Recognizing Workers' Compensation Fund for Workplace Safety (Sen. K. Mayne)

S.B. 45 Workers' Compensation and Directors or Officers
(Sen. E. Vickers)

S.B. 46 Occupational Safety and Health Amendments
(Sen. L. Robles)

Education Committee

S.B. 39 Parental Responsibility for Sex Education Training
(Sen. S. Reid)

S.B. 42 Medical School Admissions Funding (Sen. J. Valentine)

S.B. 110 School-based Budgeting Amendments
(Sen. H. Stephenson)

- S.B. 122** Student Leadership Skills Development
(Sen. A. Osmond)
- S.B. 128** Financial Transparency in Education (Sen. D. Thatcher)
- S.B. 133** School Performance Report Amendments
(Sen. H. Stephenson)
- S.B. 134** Utah Performance Assessment System for Students
(u-pass) Amendments (Sen. M. Dayton)
- S.J.R. 5** Joint Resolution on State Superintendent of Public
Instruction (Sen. S. Reid)

Government Operations and Political Subdivisions Committee

- S.B. 40** Utah Navajo Royalties Amendments
(Sen. K. Van Tassell)
- S.B. 47** Procurement Amendments – Small Purchases
(Sen. R. Okerlund)
- S.B. 112** Work Week Amendments (Sen. A. Osmond)
- S.B. 120** Target Shooting and Wildfire Regulations
(Sen. M. Dayton)
- S.B. 126** Coordination of Services for Veterans
(Sen. P. Knudson)
- S.B. 129** Office of State Debt Collection – Writ of Garnishment
(Sen. L. Hillyard)
- S.B. 130** Security Personnel Licensing Act Amendments
(Sen. M. Dayton)

Health and Human Services Committee

- S.B. 49** Child Welfare Modifications (Sen. W. Harper)
- S.B. 118** Rocky Mountain Center for Occupational and
Environmental Health Amendments (Sen. K. Mayne)
- S.B. 132** Utah Medical Education Council Amendments
(Sen. W. Harper)

Judiciary, Law Enforcement, and Criminal Justice Committee

- S.B. 11** Alimony Amendments (Sen. L. Hillyard)
- S.B. 18** Child Custody Proceedings Amendments (Sen. L. Robles)
- S.B. 107** Public Shooting Ranges (Sen. A. Christensen)
- S.B. 116** Garnishment for Debt Collection (Sen. L. Hillyard)
- S.B. 119** Youth Court Amendments (Sen. J. Stevenson)
- S.B. 125** District Court Judge Amendments (Sen. K. Van Tassell)
- S.B. 127** Juvenile Court Judge Amendments (Sen. K. Van Tassell)

Natural Resources, Agriculture and Environment Committee

- S.B. 30** Water and Irrigation Amendments (Sen. M. Dayton)
S.B. 32 Environmental Health Scientist Act Sunset
Reauthorization (Sen. G. Davis)
S.B. 109 Change Application Procedure (Sen. R. Okerlund)
S.B. 115 Water Development Commission Amendments
(Sen. M. Dayton)
S.C.R. 3 Threatened Species Damage and Management Plan
Concurrent Resolution (Sen. E. Vickers)

Retirement and Independent Entities Committee

- S.B. 113** Long-term Disability Coverage Amendments
(Sen. T. Weiler)

Revenue and Taxation Committee

- S.B. 106** Unemployment Tax Amendment (Sen. C. Bramble)
S.B. 124 Sales and Use Tax Exemption for Database Access
(Sen. W. Harper)

Transportation, Public Utilities and Technology Committee

- S.B. 111** Electronic Filing of Traffic Citations and Accident
Reports (Sen. L. Hillyard)
S.B. 121 Traffic Regulations Regarding Buses (Sen. K. Mayne)
S.B. 123 Runaway Vehicle Ramp Requirements
(Sen. K. Van Tassell)

John L. Valentine
Rules Committee Chair

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

RULES COMMITTEE REPORTS

To the Members of the Senate:

January 28, 2013

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

- S.B. 10** Retirement Eligibility Amendments (Sen. T. Weiler)
S.B. 12 Public Transit District Customer Information
(Sen. K. Van Tassell)
S.B. 14 Research Using Pharmaceuticals (Sen. P. Jones)
S.B. 15 Industrial Accident Restricted Account (Sen. J. Valentine)
S.B. 16 Health Insurance Coverage Restrictions on Retired
Governors and Legislators (Sen. T. Weiler)

- S.B. 19** Commercial Driver License Amendments
(Sen. K. Van Tassell)
- S.B. 20** State Security Standards for Personal Information
(Sen. S. Reid)
- S.B. 22** Worker Classification Coordinated Enforcement Council
(Sen. J. Valentine)
- S.B. 23** Lieutenant Governor Candidate Amendments
(Sen. P. Knudson)
- S.B. 24** Absentee Ballot Amendments (Sen. P. Knudson)
- S.B. 25** Elections During Declared Emergency (Sen. P. Knudson)
- S.B. 26** Risk Management for Independent Entities
(Sen. T. Weiler)
- S.B. 27** Health Care Provider Immunity Sunset Amendment (Sen. A. Christensen)
- S.B. 28** Boards and Commissions Amendments (Sen. P. Knudson)
- S.B. 29** State Highway System Modifications
(Sen. K. Van Tassell)
- S.B. 31** Special Needs Adoption Tax Credit (Sen. W. Harper)
- S.B. 33** Sales and Use Tax Revisions (Sen. H. Stephenson)
- S.B. 34** Special Election Date for Ballot Propositions
(Sen. H. Stephenson)
- S.B. 35** Property Taxation of Business Personal Property
(Sen. W. Harper)
- S.B. 36** Cigarette and Tobacco Tax and Licensing Amendments
(Sen. W. Harper)
- S.B. 37** Time Period for Paying a Tax, Interest, or Penalties after
a Judicial Decision (Sen. D. Henderson)
- S.B. 38** Reauthorization of Veterans Reintegration Task Force
(Sen. P. Knudson)
- S.J.R. 1** Joint Rules Resolution on Performance Notes
(Sen. J. Stevenson)

John L. Valentine

Rules Committee Chair

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

INTRODUCTION OF BILLS

S.B. 137, Motor Vehicle Registration Enforcement Amendments
(D. Thatcher), was read the first time by short title and referred to the Rules Committee.

S.J.R. 7, Joint Rules Resolution on Revenue Estimates for Federal Funds (W. Harper), was read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Okerlund and at 3:10 p.m., the Senate adjourned until 10:00 a.m., Tuesday, January 29, 2013.

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