

STATE OF UTAH

SENATE JOURNAL

**SECOND EXTRAORDINARY SESSION
OF THE
FIFTY-EIGHTH LEGISLATURE**

Convened and Adjourned on
Wednesday, August 19, 2009

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Second Extraordinary Session of the Fifty–Eighth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Second Extraordinary Session convening on Wednesday, August 19, 2009, and adjourning sine die on the same day.

Annette B. Moore
Secretary of the Senate

Leslie McLean
Manager, Senate Services

Mary B. Andrus
Journal Clerk

STATE OF UTAH

SENATE JOURNAL

SECOND EXTRAORDINARY SESSION
of the
FIFTY-EIGHTH LEGISLATURE

Pursuant to the proclamation of His Excellency, Governor Gary R. Herbert, the Senate of the Fifty-Eighth Legislature of the State of Utah met in the Senate Chamber at the State Capitol in the Second Extraordinary Session at 12:00 noon on Wednesday, August 19, 2009.

The Senate was called to order at 12:25 p.m. with President Michael Waddoups presiding.

Prayer – Senator Pat Jones

Pledge – Senator Gene Davis

Annette Moore, Secretary of the Senate, read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the close of the 2009 General Session of the 58th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

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

NOW, THEREFORE, I, GARY R. HERBERT, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 58th Legislature into a Second Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 19th day of August, 2009 at 12:00 noon, for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2009 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF,
I have hereunto set my hand
and caused to be affixed the
Great Seal of the State of Utah.
Done at the Utah State Capitol
in Salt Lake City, Utah, this
13th day of August, 2009.

Gary R. Herbert
Governor

CERTIFICATION

I, GARY R. HERBERT, GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of August 13th, 2009, is a true and correct copy of the original Proclamation calling the Senate only into a Second Extraordinary Session at the State Capitol Complex in Salt Lake City, Utah, on the 19th day of August, 2009, at 12:00 noon, for the purpose named in the Proclamation.

I FURTHER CERTIFY THAT the membership of the Utah State Senate has not changed from that of the 2009 General Session of the Utah State Legislature.

IN WITNESS WHEREOF, due
to a vacancy in the office of
Lieutenant Governor, I have
hereunto set my hand and
caused to be affixed the Great
Seal of the State of Utah at Salt
Lake City, Utah, this 17th day
of August, 2009.

Gary R. Herbert
Governor

Roll call – All Senators present, except Senators Okerlund and Stowell, absent and Senator Bell, excused.

On motion of Senator Dayton, the Senate voted to adopt the Senate Rules of the 2009 General Session of the Fifty–Eighth Legislature as the rules for the Second Extraordinary Session.

President Waddoups appointed a committee comprised of Senators John Greiner, Kevin Van Tassell, and Karen Morgan to notify the Governor’s representative that the Senate is convened in the Second Extraordinary Session in accordance with his proclamation.

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

* * *

Leslie McLean read the following communications:

COMMUNICATION FROM THE GOVERNOR

Mr. President:

August 11, 2009

In accordance with Utah Code Ann. 67–1–1 and 67–1–2, I propose and transmit the following appointments and ask that you waive the 15 day notice requirement because of the extenuating circumstances surrounding the timing of my inauguration as Governor:

Real Estate Commission:

H. Thayne Houston is reappointed as a member of the Real Estate Commission, a term to expire on June 30, 2013. See Utah Code Ann. 61–2–5.5.

Board of Aging and Adult Services:

Hilary Gordon is appointed to replace Joan Kasteler as a member of the Board of Aging and Adult Services, a term to expire on April 1, 2013. See Utah Code Ann. 62A–1–105 and 107.

Jim Winder is appointed to replace Rodney Decker as a member of the Board of Aging and Adult Services, a term to expire on April 1, 2013. See Utah Code Ann. 62A–1–105 and 107.

Joseph Miner is reappointed as a member of the Board of Aging and Adult Services, a term to expire on April 1, 2013. See Utah Code Ann. 62A–1–105 and 107.

Darnel Haney is reappointed as a member of the Board of Aging and Adult Services, a term to expire on April 1, 2013. See Utah Code Ann. 62A–1–105 and 107.

Board of Juvenile Justice Services:

Kirk Allen is reappointed as a member of the Board of Juvenile Justice Services, a term to expire on April 1, 2013. See Utah Code Ann. 62A-1-105 and, 62A-1-107.

Dr. Mark Bezzant is reappointed as a member of the Board of Juvenile Justice Services, a term to expire on April 1, 2013. See Utah Code Ann. 62A-1-105 and, 62A-1-107.

David Christensen is reappointed as a member of the Board of Juvenile Justice Services, a term to expire on April 1, 2013. See Utah Code Ann. 62A-1-105 and, 62A-1-107.

Workers Compensation Fund Board of Directors

Roger Livingston is appointed to replace Ruth Lybbert who resigned. He will fill her unexpired term through June 30, 2012. See Utah Code Ann. 31A-33-106.

State Board of Financial Institutions:

Louise P. Kelly is appointed to replace Preston Jackson who resigned; a term to expire July 1, 2013. See Utah Code Ann. 7-1-203.

Scott Jorgensen is reappointed to serve a second term to expire July 1, 2013. See Utah Code Ann. 7-1-203.

Kipley Cashmore is reappointed to serve a second term to expire July 1, 2013. See Utah Code Ann. 7-1-203.

Permanent Community Impact Fund Board:

Kent Peatross is appointed to replace Mayor Kathleen Cooper who resigned; a term to expire July 1, 2013. See Utah Code Ann. 9-4-304(2) (a) (ii).

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

Gary R. Herbert
Governor

* * *

On motion of Senator Jenkins, the Senate, pursuant to Section 67-1-2 of the Utah Code, voted to waive the 15-day requirement for purposes of acting on gubernatorial nominees.

On motion of Senator Hillyard, the Senate voted to approve the Governor's appointments as read by the clerk. The motion passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bell	Okerlund	Stowell
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* * *

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

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

On motion of Senator Killpack, and at 12:40 p.m., the Senate adjourned sine die.

STATE OF UTAH

SENATE JOURNAL

**THIRD EXTRAORDINARY SESSION OF
THE
FIFTY-EIGHTH LEGISLATURE**

Convened and Adjourned on
Tuesday, September 1, 2009

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Third Extraordinary Session of the Fifty–Eighth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Third Extraordinary Session convening on Tuesday, September 1, 2009, and adjourning sine die on the same day.

Annette B. Moore
Secretary of the Senate

Leslie McLean
Manager, Senate Services

Mary B. Andrus
Journal Clerk

STATE OF UTAH
SENATE JOURNAL
THIRD EXTRAORDINARY SESSION
of the
FIFTY-EIGHTH LEGISLATURE

Pursuant to the proclamation of His Excellency, Governor Gary R. Herbert, the Senate of the Fifty-Eighth Legislature of the State of Utah met in the Senate Chamber at the State Capitol in the Third Extraordinary Session at 2:00 p.m. on Tuesday, September 1, 2009.

The Senate was called to order at 2:10 p.m. with President Michael Waddoups presiding.

Prayer – Senator Wayne Niederhauser

Pledge – Senator Karen Morgan

Annette Moore, Secretary of the Senate, read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the close of the 2009 General Session of the 58th Legislature of the State of Utah, a vacancy has occurred in the office of Lieutenant Governor;

WHEREAS, Article VII, Section 10 of the Constitution of the State of Utah provides that when a vacancy occurs in the office of Lieutenant Governor, the Governor shall, with the consent of the Senate, appoint a person to serve as Lieutenant Governor; and

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

NOW, THEREFORE, I, GARY R. HERBERT, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 58th Legislature into a Third Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 1st

day of September, 2009 at 2:00 p.m., for the Senate to consent to the appointment of Gregory S. Bell to the office of Lieutenant Governor.

IN TESTIMONY WHEREOF,
I have hereunto set my hand
and caused to be affixed the
Great Seal of the State of Utah.
Done at the Utah State Capitol
in Salt Lake City, Utah, this
13th day of August, 2009.

Gary R. Herbert
Governor

CERTIFICATION

I, GARY R. HERBERT, GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of August 13th, 2009, is a true and correct copy of the original Proclamation calling the Senate only into a Third Extraordinary Session at the State Capitol Complex in Salt Lake City, Utah, on the 1st day of September, 2009, at 2:00 p.m., for the purpose named in the Proclamation.

I FURTHER CERTIFY THAT the membership of the Utah State Senate has not changed from that of the 2009 General Session of the Utah State Legislature.

IN WITNESS WHEREOF, due
to a vacancy in the office of
Lieutenant Governor, I have
here unto set my hand and
caused to be affixed the Great
Seal of the State of Utah at Salt
Lake City, Utah, this 17th day
of August, 2009.

Gary R. Herbert
Governor

Roll call – All Senators present, except Senators Davis and McCoy, excused.

On motion of Senator Dayton, the Senate voted to adopt the Senate Rules of the 2009 General Session of the Fifty–Eighth Legislature as the rules for the Third Extraordinary Session.

President Waddoups appointed a committee comprised of Senators Mark Madsen, Peter Knudson, and Brent Goodfellow to notify the Governor that the Senate is convened in the Third Extraordinary Session in accordance with his proclamation.

Senator Madsen advised the Senate that the Governor has been notified of the convening of the Third Extraordinary Session.

* * *

Leslie McLean read the following communications:

Mr. President: August 27, 2009

The Senate Government Operations and Political Subdivisions Confirmation committee met on August 27, 2009 and report a favorable recommendation for Governor S. Bell to be confirmed as the Lieutenant Governor of Utah.

Peter C. Knudson, Chair

* * *

On motion of Senator Hillyard, the Senate voted to approve the Governor’s appointments as read by the clerk. The motion passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Davis	McCoy
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* * *

On motion of Senator Killpack, Lieutenant Governor Greg Bell, spoke to the Senate.

President Waddoups directed the committee to wait upon the Governor to notify him that the Senate has concluded its business.

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

On motion of Senator Killpack, and at 2:40 p.m., the Senate adjourned sine die.

STATE OF UTAH

SENATE JOURNAL

**FOURTH EXTRAORDINARY SESSION
OF THE
FIFTY-EIGHTH LEGISLATURE**

Convened and Adjourned on
Wednesday, September 16, 2009

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Fourth Extraordinary Session of the Fifty–Eighth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Fourth Extraordinary Session convening on Wednesday, September 16, 2009, and adjourning sine die on the same day.

Annette B. Moore
Secretary of the Senate

Leslie McLean
Manager, Senate Services

Mary B. Andrus
Journal Clerk

STATE OF UTAH

SENATE JOURNAL

FOURTH EXTRAORDINARY SESSION
of the
FIFTY-EIGHTH LEGISLATURE

Pursuant to the proclamation of His Excellency, Governor Gary R. Herbert, the Senate of the Fifty-Eighth Legislature of the State of Utah met in the Senate Chamber at the State Capitol in the Fourth Extraordinary Session at 12:00 noon on Wednesday, September 16, 2009.

The Senate was called to order at 12:10 p.m. with President Michael Waddoups presiding.

Prayer – Senator Dan Liljenquist

Pledge – Senator Karen Mayne

Lynette Erickson read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the close of the 2009 General Session of the 58th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

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

NOW, THEREFORE, I, GARY R. HERBERT, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 58th Legislature into a Fourth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 16th day of September, 2009 at 12:00 noon, for the following purpose:

For the Senate to consent to the appointments made by the Governor to positions within state government of the State of Utah since the close of the 2009 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF,
I have hereunto set my hand and
caused to be affixed the Great
Seal of the State of Utah. Done
at the Utah State Capitol in Salt
Lake City, Utah, this 3rd day of
September, 2009.

Gary R. Herbert
Governor
Greg Bell
Lieutenant Governor

CERTIFICATION

I, GREG BELL, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of September 3rd, 2009, is a true and correct copy of the original Proclamation calling the Senate only into a Fourth Extraordinary Session at the State Capitol Complex in Salt Lake City, Utah, on the 16th day of September, 2009, at 12:00 noon, for the purpose named in the Proclamation.

I FURTHER CERTIFY THAT the membership of the Utah State Senate has not changed from that of the 2009 General Session with the following exception:

TWENTY-SECOND DISTRICT: Vacant

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah at Salt Lake City, Utah, this 8th day of September, 2009.

Greg Bell
Lieutenant Governor

ADMINISTRATION OF THE OATH OF OFFICE

President Michael Waddoups administered the Oath of Office to J. Stuart Adams who was recently appointed by Governor Herbert to fill the vacancy in Senate District 22 created by the resignation of Greg Bell.

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

On motion of Senator Dayton, the Senate voted to adopt the Senate Rules of the 2009 General Session of the Fifty-Eighth Legislature as the rules for the Fourth Extraordinary Session.

President Waddoups appointed a committee comprised of Senators Allen Christensen, Chris Buttars, and Karen Morgan to notify the Governor that the Senate is convened in the Fourth Extraordinary Session in accordance with his proclamation.

Senator Christensen advised the Senate that the Governor has been notified of the convening of the Fourth Extraordinary Session.

COMMUNICATION FROM THE GOVERNOR

Lynette Erickson read the following communication:

Mr. President:

August 19, 2009

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

EIGHTH DISTRICT COURT

Edwin T. Peterson is appointed as a Judge of the Eighth District Court. See Utah Const. art. VIII, 8; Utah Code sec 78A-10-101.

Thank you for your timely consideration of the above appointment.

Gary R. Herbert
Governor

* * *

Mr. President: September 10, 2009
The Senate Judicial Confirmation Committee met on September 10, 2009 and reports a favorable recommendation for Mr. Edwin T. Peterson to be confirmed to the position of Judge in the Eighth District Court.

Scott K. Jenkins
Committee Chair

On motion of Senator Hillyard, the Senate voted to approve the Governor’s appointment as read by the clerk. The motion passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Morgan	Niederhauser	Okerlund
Stephenson	Stowell	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Liljenquist	Robles	Romero	Urquhart
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COMMITTEE OF THE WHOLE

On motion of Senator Killpack, Judge Edwin T. Peterson, spoke in the Committee of the Whole.

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

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Newly appointed Senator J. Stuart Adams addressed the Senate.

ADVISE AND CONSENT

Mr. President: September 1, 2009
In accordance with Utah Code Ann. 67-1-1 and 67-1-2, I propose and transmit the following appointments:

Title and Escrow Commission:

Cortlund Ashton is appointed to replace Glen Roberts as a member of the Title and Escrow Commission, a term to expire June 30, 2013. See Utah Code Ann. 31A-2-403.

Dirk Donald Keyes is appointed to replace David Litin as a member of the Title and Escrow Commission, a term to expire June 30, 2013. See Utah Code Ann. 31A-2-403.

Utah Housing Corporation Board of Trustees:

Bruce Tucker is reappointed as a member of the Utah Housing Corporation Board of Trustees, a term to expire on May 30, 2013. See Utah Code Ann. 9-4-904.

Lucy M. Delgadillo is appointed to replace Leona Hawks as a member of the Utah Housing Corporation Board of Trustees, a term to expire on May 30, 2013. See Utah Code Ann. 9-4-904.

Kay Ashton is appointed to replace Debbie Anderson as a member of the Utah Housing Corporation Board of Trustees, a term to expire on May 30, 2013. See Utah Code Ann. 9-4-904.

Utah Department of Environmental Quality:

Amanda Smith is appointed to replace Rick Sprott as Executive Director of the Utah Department of Environmental Quality. See Utah Code Ann. 19-1-104.

Board of Tourism Development:

Nathan Rafferty is appointed to replace Bob Bonar as a member of the Board of Tourism Development, a term to expire June 30, 2013. See Utah Code Ann. 63-38F-1407.

Joel Racker is appointed to replace Kim McClelland as a member of the Board of Tourism Development, a term to expire June 30, 2013. See Utah Code Ann. 63-38F-1407.

Georgianna Knudson is reappointed as a member of the Board of Tourism Development, a term to expire June 30, 2013. See Utah Code Ann. 63-38F-1407.

Colin Fyer is reappointed as a member of the Board of Tourism Development, a term to expire June 30, 2013. See Utah Code Ann. 63-38F-1407.

Peter Corroon is reappointed as a member of the Board of Tourism Development, a term to expire June 30, 2013. See Utah Code Ann. 63-38F-1407.

Frank Jones is reappointed as a member of the Board of Tourism Development, a term to expire June 30, 2013. See Utah Code Ann. 63-38F-1407.

State Board of Regents:

Katharine B. Garff is reappointed as a member of the State Board of Regents, a term to expire June 30, 2015. See Utah Code Ann. 53B-1-104.

Dixie State College Board of Trustees:

Michael Wilstead is appointed to replace Christopher Roybal as a member of the Dixie State College Board of Trustees, a term to expire June 30, 2013. See Utah Code Ann. 53B-2-104.

College of Eastern Utah Board of Trustees:

Scott Woodward is reappointed as a member of the College of Eastern Utah Board of Trustees, a term to expire June 30, 2013. See Utah Code Ann. 53B-2-104.

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

Gary R. Herbert
Governor

* * *

Mr. President: September 1, 2009

The Senate Natural Resources, Agriculture, and Environment Confirmation Committee met on September 1, 2009 and reports a favorable recommendation for Ms. Amanda Smith to be confirmed as Executive Director of the Department of Environment Quality.

Dennis E. Stowell
Committee Chair

On motion of Senator Hillyard, the Senate voted to approve the Governor's appointments as read by the clerk. The motion passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Goodfellow	Greiner	Hillyard	Hinkins

Jenkins	Jones	Killpack	Knudson
Mayne	McCoy	Morgan	Niederhauser
Okerlund	Stephenson	Stowell	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Buttars	Dayton	Liljenquist	Madsen
Robles	Romero	Urquhart	

COMMITTEE OF THE WHOLE

On motion of Senator Killpack, Executive Director Amanda Smith, spoke in the Committee of the Whole.

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

* * *

President Waddoups directed the committee to wait upon the Governor to notify him that the Senate has concluded its business.

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

On motion of Senator Killpack, and at 12:40 p.m., the Senate adjourned sine die.

STATE OF UTAH

SENATE JOURNAL

**FIFTH EXTRAORDINARY SESSION OF
THE
FIFTY-EIGHTH LEGISLATURE**

Convened and Adjourned on
Wednesday, October 21, 2009

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Fifth Extraordinary Session of the Fifty–Eighth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Fifth Extraordinary Session convening on Wednesday, October 21, 2009, and adjourning sine die on the same day.

Annette B. Moore
Secretary of the Senate

Leslie McLean
Manager, Senate Services

Mary B. Andrus
Journal Clerk

STATE OF UTAH

SENATE JOURNAL

FIFTH EXTRAORDINARY SESSION
of the
FIFTY-EIGHTH LEGISLATURE

Pursuant to the proclamation of His Excellency, Governor Gary R. Herbert, the Senate of the Fifty-Eighth Legislature of the State of Utah met in the Senate Chamber at the State Capitol in the Fifth Extraordinary Session at 12:00 noon on Wednesday, October 21, 2009.

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

Prayer – Senator Brent Goodfellow

Pledge – Senator Steve Urquhart

Annette Moore, Secretary of the Senate, read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the close of the 2009 General Session of the 58th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

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

NOW, THEREFORE, I, GARY R. HERBERT, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 58th Legislature into a Fifth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 21st day of October, 2009 at 12:00 noon, for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2009 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF,
I have hereunto set my hand
and caused to be affixed the
Great Seal of the State of Utah.
Done at the Utah State Capitol
in Salt Lake City, Utah, this 6th
day of October, 2009.

Gary R. Herbert
Governor
Greg Bell
Lieutenant Governor

CERTIFICATION

I, GREG BELL, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of October 21st , 2009, is a true and correct copy of the original Proclamation calling the Senate only into a Fifth Extraordinary Session at the State Capitol Complex in Salt Lake City, Utah, on the 21st day of October, 2009, at 12:00 noon, for the purpose named in the Proclamation.

I FURTHER CERTIFY THAT the membership of the Utah State Senate has not changed from that of the 2009 General Session with the following exception:

TWENTY–SECOND DISTRICT: Stuart Adams

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah at Salt Lake City, Utah, this 7th day of October, 2009.

Greg Bell
Lieutenant Governor

Roll call – All Senators present, except Senators McCoy and Jenkins, excused.

On motion of Senator Dayton, the Senate voted to adopt the Senate Rules of the 2009 General Session of the Fifty–Eighth Legislature as the rules for the Fifth Extraordinary Session.

President Waddoups appointed a committee comprised of Senators John Valentine, Kevin Van Tassell, and Gene Davis to notify the Governor’s representative that the Senate is convened in the Fifth Extraordinary Session in accordance with his proclamation.

Senator Valentine advised the Senate that the Governor’s representative has been notified of the convening of the Fifth Extraordinary Session.

* * *

Leslie McLean read the following communications:

Mr. President:

October 7, 2009

School and Institutional Trust Lands Board of Trustees:

David Ure is appointed to replace James Lee as a member of the School and Institutional Trust Lands Board of Trustees, a term to expire July 1, 2015. See Utah Code Ann 53C–1–202.

Utah Arts Council Board of Directors:

Diane Stewart is appointed to replace Scott Anderson as a member of the Utah Arts Council Board of Directors, a term to expire July 1, 2013. See Utah Code Ann. 9–6–204.

Blair Buswell is appointed to replace Cordell Taylor as a member of the Utah Arts Council Board of Directors, a term to expire July 1, 2013. See Utah Code Ann. 9-6-204.

Lyman Hafen is reappointed as a member of the Utah Arts Council, a term to expire July 1, 2013. See Utah Code Ann. 9-6-204.

Shirley Ririe is reappointed as a member of the Utah Arts Council, a term to expire July 1, 2013. See Utah Code Ann. 9-6-204.

Victoria Rowe Berry is reappointed as a member of the Utah Arts Council, a term to expire July 1, 2013. See Utah Code Ann. 9-6-204.

Jill Miller is reappointed as a member of the Utah Arts Council, a term to expire July 1, 2013. See Utah Code Ann. 9-6-204.

Alcoholic Beverage Control Commission:

Jeff Wright is appointed to replace Kay Balmforth as a member of the Alcoholic Beverage Control Commission, a term to expire July 1, 2013. See Utah Code Ann. 32A-1-106.

Richard Sperry is appointed to replace Mary Ann Mantes as a member of the Alcoholic Beverage Control Commission, a term to expire July 1, 2013. See Utah Code Ann. 32A-1-106.

Utah Commission on Uniform State Laws:

Lyle Hillyard is reappointed as a member of the Utah Commission on Uniform State Laws, a term to expire July 1, 2013. See Utah Code Ann. 68-4-5.

Reed L. Martineau is reappointed as a member of the Utah Commission on Uniform State Laws, a term to expire July 1, 2013. See Utah Code Ann. 68-4-5.

Board of Parks and Recreation:

Jaren Davis is appointed to replace Scott Parsons as a member of the Board of Parks and Recreation, a term to expire July 1, 2013. See Utah Code Ann. 79-4-302.

Joseph L. Hull is reappointed as a member of the Board of Parks and Recreation, a term to expire July 1, 2013. See Utah Code Ann. 79-4-302.

Lois L. Bulloch is reappointed as a member of the Board of Parks and Recreation, a term to expire July 1, 2013. See Utah Code Ann. 79-4-302.

Glenn Greenhalgh is reappointed as a member of the Board of Parks and Recreation, a term to expire July 1, 2013. See Utah Code Ann. 79-4-302.

Eli Anderson is reappointed as a member of the Board of Parks and Recreation, a term to expire July 1, 2013. See Utah Code Ann. 79-4-302.

Permanent Community Impact Fund Board:

Michael S. Milovich is reappointed as a member of the Community Impact Board, a term to expire July 1, 2013. See Utah Code Ann. 9-4-304.

Board of Pardons and Parole:

Angela F. Micklos is appointed to replace Keith Hamilton as a member of the Board of Pardons and Parole, a term to expire February 28, 2010. See Utah Code Ann. 77-27-2.

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

Gary R. Herbert
Governor

* * *

Mr. President:

October 20, 2009

At its meeting today, the Senate Business and Labor Confirmation committee voted unanimously to recommend that the Utah Senate approve the nominations of the following to the Alcoholic Beverage Control Commission:

Jeffrey Wright
Richard J. Sperry

John L. Valentine, Chair

On motion of Senator Niederhauser, the Senate, pursuant to Section 67-1-2 of the Utah Code, voted to waive the 15-day requirement for the purposes of acting on gubernatorial nominees.

On motion of Senator Hillyard, the Senate voted to approve the Governor's appointments as read by the clerk. Senators Valentine, Bramble, and Buttars commented. The motion passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Killpack
Knudson	Liljenquist	Madsen	Mayne

Morgan	Niederhauser	Okerlund	Robles
Romero	Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Jenkins McCoy

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

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

On motion of Senator Killpack, and at 12:40 p.m., the Senate adjourned sine die.

STATE OF UTAH

SENATE JOURNAL

**SIXTH EXTRAORDINARY SESSION OF
THE
FIFTY-EIGHTH LEGISLATURE**

Convened and Adjourned on
Wednesday, November 18, 2009

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Sixth Extraordinary Session of the Fifty–Eighth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Sixth Extraordinary Session convening on Wednesday, November 18, 2009, and adjourning sine die on the same day.

Annette B. Moore
Secretary of the Senate

Leslie McLean
Manager, Senate Services

Mary B. Andrus
Journal Clerk

STATE OF UTAH

SENATE JOURNAL

SIXTH EXTRAORDINARY SESSION
of the
FIFTY-EIGHTH LEGISLATURE

Pursuant to the proclamation of His Excellency, Governor Gary R. Herbert, the Senate of the Fifty-Eighth Legislature of the State of Utah met in the Senate Chamber at the State Capitol in the Sixth Extraordinary Session at 12:00 noon on Wednesday, November 18, 2009.

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

Prayer – Senator Sheldon Killpack

Pledge – Senator Allen Christensen

Annette Moore, Secretary of the Senate, read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the close of the 2009 General Session of the 58th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

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

NOW, THEREFORE, I, GARY R. HERBERT, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 58th Legislature into a Sixth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 18th day of November, 2009 at 12:00 noon, for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2009 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF,
I have hereunto set my hand
and caused to be affixed the
Great Seal of the State of Utah.
Done at the Utah State Capitol
in Salt Lake City, Utah, this 3rd
day of November, 2009.

Gary R. Herbert
Governor
Greg Bell
Lieutenant Governor

CERTIFICATION

I, GREG BELL, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of November 18th, 2009, is a true and correct copy of the original Proclamation calling the Senate only into a Sixth Extraordinary Session at the State Capitol Complex in Salt Lake City, Utah, on the 18th day of November, 2009, at 12:00 noon, for the purpose named in the Proclamation.

I FURTHER CERTIFY THAT the membership of the Utah State Senate has not changed from that of the 2009 General Session with the following exception:

TWENTY-SECOND DISTRICT: Stuart Adams

IN WITNESS WHEREOF, I
have hereunto set my hand and
caused to be affixed the Great
Seal of the State of Utah at Salt
Lake City, Utah, this 4th day of
November, 2009.

Greg Bell
Lieutenant Governor

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

On motion of Senator Dayton, the Senate voted to adopt the Senate Rules of the 2009 General Session of the Fifty–Eighth Legislature as the rules for the Sixth Extraordinary Session.

President Waddoups appointed a committee comprised of Senators Scott Jenkins, Lyle Hillyard, and Pat Jones to notify the Governor’s representative that the Senate is convened in the Sixth Extraordinary Session in accordance with his proclamation.

Senator Jenkins advised the Senate that the Governor’s representative has been notified of the convening of the Sixth Extraordinary Session.

* * *

Leslie McLean read the following communications:

COMMUNICATION FROM THE GOVERNOR

Mr. President: September 23, 2009

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

COURT OF APPEALS

John Frederic Voros, Jr. is appointed as a Judge of the Court of Appeals. See Utah const. ant. VIII, 8; Utah Code 78A–10–101.

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

Gary R. Herbert.
Governor

* * *

Mr. President: November 10, 2009

The Senate Judicial Confirmation Committee met on November 10, 2009 and reports a favorable recommendation for Mr. John Frederic Voros, Jr. to be confirmed to the position of Judge in the Court of Appeals.

Scott K. Jenkins, Chair

On motion of Senator Hillyard, the Senate voted to approve the Governor’s appointment. The motion passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bramble	Davis
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COMMITTEE OF THE WHOLE

On motion of Senator Killpack, Judge John Frederic Voros Jr., spoke in Committee of the Whole.

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

* * *

Mr. President:

November 3, 2009

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

State Tax Commission:

Michael J. Cragun is appointed to replace Pam Hendrickson as a member of the State Tax Commission, a term to expire June 30, 2013. See Utah Code Ann. [§](#) 59-1-201; Art. XIII, Sec. 6.

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

Gary R. Herbert
Governor

* * *

Mr. President:

November 16, 2009

The Senate Revenue and Taxation Confirmation Committee met on November 16, 2009 and reports a favorable recommendation for Mr. Michael J. Cragun to be confirmed to the position of Commissioner in the Utah State Tax Commission.

Wayne L. Niederhauser, Chair

On motion of Senator Hillyard, the Senate voted to approve the Governor's appointment. The motion passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Killpack	Knudson
Mayne	McCoy	Niederhauser	Okerlund
Robles	Romero	Stowell	Valentine
Van Tassell	Waddoups		

Voting in the negative were: Senators

Liljenquist	Madsen	Morgan	Stephenson
Urquhart			

Absent or not voting were: Senators

Bramble	Buttars
---------	---------

* * *

Mr. President: November 3, 2009

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

Transportation Commission:

Dan McConkie is appointed to replace Stuart Adams as a member of the Transportation Commission, a term to expire April 1, 2015. See Utah Code Ann. 72-1-301.

Utah College of Applied Technology Board of Trustees:

Stan Parrish is appointed as a member of the Utah College of Applied Technology Board of Trustees, a term to expire August 31, 2013. See Utah Code Ann. 53B-2a-103. Utah Comprehensive Health Insurance Pool Board of Directors:

Todd Daniel Trettin is appointed to replace Michael Bahr as a member of the Utah Comprehensive Health Insurance Pool Board of Directors, a term to expire June 30, 2013. See Utah Code Ann. 31A-29-104.

Permanent Community Impact Fund Board:

Michael J. McKee is reappointed as a member of the Permanent Community Impact Fund Board, a term to expire July 1, 2013. See Utah Code Ann. 9-4-304.

Defined Contribution Risk Adjustor Board:

Robert E. Wilcox is appointed to replace Tanji Northrup as a member of the Defined Contribution Risk Adjustor Board, a term to expire May 20, 2013. See Utah Code Ann. 31A-42-201.

Utah State Board of Education:

Craig E. Coleman is appointed to replace Richard Moss as a member of the Utah State Board of Education in District 3, a term to expire December 31, 2010. See Utah Code Ann. 20A-1-507.

Utah College of Applied Technology Board of Trustees:

James Olsen is appointed as a member of the Utah College of Applied Technology Board of Trustees, a term to expire August 31, 2013.

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

Gary R. Herbert
Governor

* * *

Mr. President: November 16, 2009

The Senate Transportation and Public Utilities and Technology Confirmation Committee met on November 17, 2009 and reports a favorable recommendation for the appointment of Mr. Dannie R. McConkie as a member of the Transportation Commission.

Stephen H. Urquhart, Chair

Mr. President: November 9, 2009

The Senate Education Confirmation Commission met on November 9, 2009 and reports a favorable recommendation for Mr. Craig E. Coleman as a member of the State Board of Education.

Curtis S. Bramble, Chair

Mr. President: November 9, 2009

The Senate Education Confirmation Commission met on November 9, 2009 and reports a favorable recommendation for Mr. Stanley B. Parrish as a member of the Utah College of Applied Technology Board of Trustees.

Curtis S. Bramble, Chair

On motion of Senator Jenkins, the Senate, pursuant to Section 67-1-2 of the Utah Code, voted to waive the 15-day requirement for the purposes of acting on gubernatorial nominees.

On motion of Senator Hillyard, the Senate voted to approve the Governor's appointments as read by the clerk. The motion passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bramble Buttars

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

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

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

STATE OF UTAH

SENATE JOURNAL

**SEVENTH EXTRAORDINARY
SESSION OF THE
FIFTY-EIGHTH LEGISLATURE**

Convened and Adjourned on
Tuesday, January 12, 2010

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Seventh Extraordinary Session of the Fifty–Eighth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Seventh Extraordinary Session convening on Tuesday, January 12, 2010, and adjourning sine die on the same day.

Annette B. Moore
Secretary of the Senate

Leslie McLean
Manager, Senate Services

Mary B. Andrus
Journal Clerk

STATE OF UTAH
SENATE JOURNAL
SEVENTH EXTRAORDINARY SESSION
of the
FIFTY-EIGHTH LEGISLATURE

The Senate of the Fifty-Eighth Legislature of the State of Utah met in the Senate Chamber at the State Capitol Complex in the Seventh Extraordinary Session at 12:00 noon on Tuesday, January 12, 2010.

The Senate was called to order at 12:15 p.m. with President Michael G. Waddoups presiding.

Prayer – Senator Howard Stephenson

Pledge – Senator Stuart Adams

Annette Moore, Secretary of the Senate, read the following communication:

COMMUNICATION

Dear Senators:

January 5, 2010

The governor has appointed Mr. Keith A. Kelly as a Judge of the Third District Court, and Mr. Thomas L. Low as a Judge of the Fourth District Court. These appointments were made on November 17, 2009 and November 24, 2009, respectively. The Senate Judicial Confirmation Committee will interview each appointee on January 7, 2010.

Article VIII, Section 8 of the Utah Constitution requires the Senate to consider and render a decision on each judicial appointment within 60 days of the date of appointment. Both of these appointments expire before Monday, January 25, 2010, the first day of the upcoming General Session.

Article VIII, Section 8 also provides that “[i]f necessary, the Senate shall convene itself in extraordinary session for the purpose of considering judicial appointments.”

As President of the Senate, and by authority vested in me by Article VIII, Section 8, of the Utah Constitution, I hereby call the Utah Senate into an extraordinary session on January 12, 2010, at 12:15 p.m. in the Senate Chambers

of the Utah State Capitol, for the purpose of considering the governor's appointment of Mr. Keith Kelly and Mr. Thomas Low.

Michael G. Waddoups,
President
Utah State Senate

* * *

President Michael G. Waddoups administered the Oath of Office to Benjamin M. McAdams who was recently appointed by Governor Herbert to fill the vacancy in Senate District 2 created by the resignation of Scott McCoy.

* * *

Roll call – All Senators present

On motion of Senator Dayton, the Senate voted to adopt the Senate Rules of the 2010 General Session of the Fifty–Eighth Legislature as the rules for the Seventh Extraordinary Session.

* * *

Leslie McLean read the following communications:

COMMUNICATION FROM THE GOVERNOR

Mr. President: November 17, 2009

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

THIRD DISTRICT COURT

Keith A. Kelly is appointed as a Judge of the Third District Court. See Utah Const. Art. VIII, 8; Utah Code sec. 78A–10 101.

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

Gary R. Herbert.
Governor

Mr. President: January 7, 2010

The Senate Judicial Confirmation Committee met on January 7, 2010 and reports a favorable recommendation for Mr. Keith A. Kelly to be confirmed to the position of Judge in the Third District Court.

Scott K. Jenkins, Chair

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

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator
Urquhart

COMMITTEE OF THE WHOLE

On motion of Senator Killpack, Judge Keith A. Kelly, spoke in Committee of the Whole.

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

* * *

Mr. President: November 24, 2009
In accordance with Utah Code Ann. 67-1-1 and 67-1-2, I propose and transmit the following appointment:

FOURTH DISTRICT COURT

Thomas L. Low is appointed as a Judge of the Fourth District Court. See Utah Const. Art. VIII, 8; Utah Code sec. 78A-10 101.

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

Gary R. Herbert.
Governor

Mr. President: January 7, 2010
The Senate Judicial Confirmation Committee met on January 7, 2010 and reports a favorable recommendation for Mr. Thomas L. Low to be confirmed to the position of Judge in the Fourth District Court.

Scott K. Jenkins, Chair

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

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator

Urquhart

COMMITTEE OF THE WHOLE

On motion of Senator Killpack, Judge Thomas L. Low, spoke in Committee of the Whole.

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

On motion of Senator Killpack, and at 12:35 p.m., the Senate adjourned sine die.

STATE OF UTAH

SENATE JOURNAL

2010 GENERAL SESSION
OF THE
FIFTY-EIGHTH LEGISLATURE

Convened
Monday, January 25, 2010

Adjourned Sine Die
Thursday, March 11, 2010

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the 2010 General Session of the Fifty–Eighth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the General Session convening on Monday, January 25, 2010, and adjourning sine die on Thursday, March 11, 2010.

Annette B. Moore
Secretary of the Senate

Leslie McLean
Manager, Senate Services

Mary B. Andrus
Journal Clerk

PRESIDENT OF THE SENATE

2010 General Session Fifty-Eighth Legislature



The Fifty-Eighth Legislature concluded its 2010 session on March 11 . . . before midnight. The session was marked by a great deal of cooperation and bipartisanship, particularly on key issues such as ethics reform and the budget. This enabled us to achieve excellent results despite continuing challenges resulting from the economic downturn that began in 2008.

The legislature continued its practice of sensible financial management by closing an anticipated \$850 million shortfall with a combination of budget cuts, one-time reserves, and modest revenue increases. Because public education continues to be a high priority, the education budget was kept largely intact. While some

budget cuts were necessary, the base amount the state spends per student will remain the same. Other spending priorities included higher education, public safety, and health and human services.

We created a powerful new ethics policy for the legislature and other elected officials. These changes define standards, create new rules, and provide more openness to enable Utah's citizens to have continued confidence in their elected officials. Additionally, a resolution was passed that proposes to amend the Utah Constitution to establish a legislative ethics commission and define its authority. This proposal will be submitted to the voters in November of this year and, if approved, will take effect on January 1, 2011.

Issues before us, which we are continuing to pursue, include those mentioned above as well as energy development and reasonable environmental protection, while working to stimulate business and the economy. We are also exploring avenues to retain and reinforce our state's rights and obligations while working with the Federal government on issues of joint concern.

We express our heart-felt appreciation to Greg Bell (R-Davis County), Sheldon Killpack (R-Davis County), and Scott McCoy (D-Salt Lake County) who resigned their senate seats during the 2009 interim. Appointed to replace them were Stuart Adams (R-Davis), Jay Stevenson (R-Davis), and Ben McAdams (D-Salt Lake). These individuals came ready to work and proved themselves capable of handling their legislative responsibilities. I personally admire and deeply appreciate all my senate colleagues who so willingly and ably serve their constituents.

Last year I encouraged everyone to work hard throughout the year to "measure up." This year we have measured up. Utah recently received national recognition as the best-managed state in the union. Deer Valley Ski Resort is the #1 resort in North America. REAL Salt Lake won the 2009 Major League Soccer Cup. Utah has the second lowest drug and alcohol fatality rate in the nation, and Trooper Lisa Steed of the Utah Highway Patrol is the #1 DUI enforcement officer in Utah and possibly in the United States. During the legislative session we paid tribute to these and many other Utahns who have demonstrated a commitment to excellence.

Although this session was challenging, I feel we worked unitedly to make the tough decisions; and in so doing, we solved problems before they became a crisis.

SENATE LEADERSHIP

MAJORITY LEADERSHIP (Republican)



Scott Jenkins
Majority Leader



Wayne Niederhauser
Majority Whip



Peter Knudson
Asst. Majority Whip

MINORITY LEADERSHIP (Democrat)



Patricia Jones
Minority Leader



Ross Romero
Minority Whip



Karen Mayne
Asst. Minority Whip

SENATE STAFF



Annette B. Moore
*Secretary of
the Senate*



Leslie McLean
*Manager
Senate Services*



Mary Andrus
Journal Clerk

SENATE LEADERSHIP

President of the Senate (R)	Michael G. Waddoups
Majority Leader (R)	Scott K. Jenkins
Majority Whip (R)	Wayne L. Niederhauser
Assistant Majority Whip (R)	Peter C. Knudson
Minority Leader (D)	Patricia Jones
Minority Whip (D)	Ross I. Romero
Assistant Minority Whip (D)	Karen Mayne
Minority Caucus Manager (D)	Luz Robles

HOUSE LEADERSHIP

Speaker of the House (R)	David Clark
Majority Leader (R)	Kevin Garn
Majority Whip (R)	Brad L. Dee
Assistant Majority Whip (R)	Rebecca Lockhart
Minority Leader (D)	David Litvack
Minority Whip (D)	James Gowans
Assistant Minority Whip (D)	Carol Spackman Moss
Minority Caucus Manager (D)	Jennifer Seelig

STATE OFFICIALS

Governor	Gary R. Herbert
Lieutenant Governor	Greg Bell
Attorney General	Mark Shurtleff
Auditor	Auston Johnson
Treasurer	Richard Ellis






CONGRESSIONAL DELEGATION

Senator	Robert F. Bennett
Senator	Orrin G. Hatch
Congressman	Jim Matheson
Congressman	Rob Bishop
Congressman	Jason Chavetz

UTAH SUPREME COURT

Chief Justice	Christine M. Durham
Assoc. Chief Justice	Matthew B. Durrant
Justice	Michael J. Wilkins
Justice	Jill Parrish
Justice	Ronald E. Nehring

MEMBERS OF THE SENATE

 Secretary of the Senate Rosemary McSwane Majority Whip	 Lisa Williams Majority Whip	 Kenneth J. Stimpson	 John L. Macdonald	 Bruce Davis	 Peter C. Novakovic	 Curtis S. Brumback Majority Whip	 Senator ne Zimo	 Xaviera Barakou Associate Majority Whip	 Sharon Malone Majority Whip	 Michael J. Papadopoulos President of the Senate Majority Leader	 James W. Kosa Majority Leader	 David Lawrence	 Karen J. Applegate	 David J. Williams	 Steve McCoy	 Dennis R. O'Sullivan	 James J. McKeown	 David E. Spaulding	 David J. Spaulding	 Stephen J. Turpin	 David J. Bolea	 James J. McKeown	 Robert J. O'Sullivan	 David E. Spaulding	 David J. Spaulding	 David J. Williams	 David J. Williams
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Stuart Adams



Ben McAdams



Jerry Stevenson

Stuart Adams replaced Greg Bell, Ben McAdams replaced Scott McCoy, and Jerry Stevenson replaced Sheldon Killpack

MEMBERS OF THE SENATE

Fifty–Eighth Legislature

Senator	District	County(ies)	Party	Address & Telephone No.
Luz Robles <i>Minority Caucus Mgr.</i>	1	Salt Lake	(D)	1004 N Morton Dr Salt Lake City Ut 84116
Benjamin McAdams	2	Salt Lake	(D)	817 17th Ave Salt Lake City Ut 84103 Home (801) 618–1946
Gene Davis	3	Salt Lake	(D)	865 Parkway Ave Salt Lake City Ut 84106 Home (801) 484–9428
Patricia Jones <i>Minority Leader</i>	4	Salt Lake	(D)	4571 Sycamore Dr Holladay Ut 84117 Home (801) 278–7667
Karen Mayne <i>Assistant Minority Whip</i>	5	Salt Lake	(D)	5044 W Bannock Cir West Valley City Ut 84120 Home (801) 968–7756
Michael G Waddoups <i>President</i>	6	Salt Lake	(R)	2868 Matterhorn Dr Taylorsville Ut 84084 Home (801) 967–0225
Ross I Romero <i>Minority Whip</i>	7	Salt Lake	(D)	1150 S 1400 E Salt Lake City Ut 84105 Home (801) 364–2451
Karen W. Morgan	8	Salt Lake	(D)	8378 Austrian Way Salt Lake City Ut 84121 Home (801) 943–0067
Wayne L Niederhauser <i>Majority Whip</i>	9	Salt Lake	(R)	3182 E Granite Woods Lane Sandy Ut 84092 Home (801) 942–3398
D Chris Buttars	10	Salt Lake	(R)	9241 S Lisa Ave West Jordan Ut 84088 Home (801)561–0535
Howard A Stephenson	11	Salt Lake, Utah	(R)	1038 E 13590 S Draper Ut 84020 Home (801) 576–1022

Brent Goodfellow	12	Salt Lake, Tooele (D)	3620 S 6000 W West Valley City, Ut 84128 Home (801) 968-0626
Mark B Madsen	13	Tooele, Utah (R)	P O Box 572 Lehi Ut 84043 Office (801) 361-4787
John L Valentine	14	Utah (R)	857 E 970 N Orem Ut 84097 Home (801) 224-1693
Margaret Dayton	15	Utah (R)	97 W Westview Dr Orem Ut 84058 Home (801) 221-0623
Curtis S Bramble	16	Utah (R)	3663 N 870 E Provo Ut 84604 Home (801)226-3663
Peter C Knudson <i>Assistant Majority Whip</i>	17	Box Elder, Cache,Tooele (R)	1209 Michelle Dr Brigham City Ut 84302 Home (435) 723-2035
Jon J Greiner	18	Davis, Weber (R)	4232 Fern Dr Ogden Ut 84403 Home (801) 621-0423
Allen M Christensen	19	Morgan, Summit, Weber, (R)	1233 E 2250 N North Ogden Ut 84414 Home (801) 782-5600
Scott K Jenkins <i>Majority Leader</i>	20	Weber (R)	4385 W 1975 N Plain City Ut 84404 Home (801) 731-5120
Jerry Stevenson	21	Davis (R)	466 S 1700 W Layton Ut 84041 Home (801) 455-5172
Stuart Adams	22	Davis (R)	3271 E 1874 N Layton Ut 84040 Home (801) 593-1776
Dan Liljenquist	23	Davis (R)	553 S Davis Blvd Bountiful Ut 84010 Home (801) 294-2378

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

***UTAH STATE CONSTITUTION
LEGISLATIVE DEPARTMENT
ARTICLE VI**

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

***“Rules of the Fifty–Sixth Legislature 2005”**

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

*Copies available in the Legislative Printing.

STATE OF UTAH
SENATE JOURNAL
2010 GENERAL SESSION
of the
FIFTY-EIGHTH LEGISLATURE

FIRST DAY

MORNING SESSION

January 25, 2010

Pursuant to the provisions of the Constitution of the State of Utah, the Senators of the Fifty-Eighth Legislature of the State of Utah convened in General Session in the Senate Chamber on Monday, January 25, 2010 at ten o'clock a.m.

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

**PRAYER BY ELDER NEIL L. ANDERSEN,
MEMBER OF THE QUORUM OF THE TWELVE APOSTLES OF THE
CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS**

Our beloved Heavenly Father. How thankful we are for the blessings that surround all of us, our lives, our liberty, our families and those we love, especially here in this wonderful state of Utah. We thank thee for the goodness of the Senators, for their desires to serve and to find solutions to the perplexing challenges that confront us. We pray for them. We pray for their minds and for their health. We pray that they might be humble and thoughtful, considerate and civil, that they might understand one another and listen to one another as solutions come into their minds and into their hearts. We pray that thou wilt give them capacities beyond their own and we bless them that they might have this capacity to find the answers that they need. We pray a blessing upon this State, upon the good people, and all of those who seek to help one another, that we might live in freedom and have thy blessings upon us. We pray for these things and thank thee for all that we have, in the name of Jesus Christ, Amen.

POSTING OF COLORS & PLEDGE OF ALLEGIANCE

UTAH NATIONAL GUARD

Members of the Color Guard
SSG Jan Rigby, NCOIC
Sgt. Jared D'Agostini
PFC Tim Beery
PFC Josh Wardle

Pledge of Allegiance – Sgt. Guy Mellor, National Guard Soldier of the Year United States, 2009

SPECIAL MUSICAL PRESENTATION

The Taylorsville High School Madrigal Choir, under the direction of Mrs. Leah Tarrant, performed “The Star Spangled Banner,” “Soldier Boy,” “Swingle Song,” Java Jive,” and “Seasons of Love.”

On motion of Senator Scott Jenkins, the Senate thanked Elder Andersen for delivering the invocation and ordered it spread upon the pages of the Senate Journal. He also expressed appreciation to the Utah Air National Guard, Sgt. Guy Mellor, for leading the Pledge of Allegiance, and to Mrs. Leah Tarrant and the Taylorsville High School Madrigals, for their participation in the opening of the Utah State Senate.

COMMUNICATIONS FROM THE GOVERNOR

Leslie McLean read the following communication from the Governor appointing Jerry W. Stevenson to fill the vacancy in Senate District 21.

Jerry Stevenson

January 25, 2010

It is my pleasure to appoint you to the Utah Senate, to fill the seat in Senate District 21. I am confident that as a State Senator you will serve our state and the citizens in your district with discernment and decorum. I look forward to working with you in this new capacity.

Gary R. Herbert, Governor

* * *

President Waddoups administered the oath of office to Jerry W. Stevenson to fill the vacancy in Senate District 21.

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

**CERTIFICATE OF MEMBERSHIP OF THE 2010
GENERAL SESSION
OF THE UTAH STATE SENATE
58TH LEGISLATURE**

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 4, 2008, the following named persons were chosen by the electors as members of the Legislature of the State of Utah, to serve in the Senate, each for the term of four years, beginning January 1, 2009, to wit:

FIRST DISTRICT: County of Salt Lake

Liz Robles

FIFTH DISTRICT: County of Salt Lake

Karen Mayne

SIXTH DISTRICT: County of Salt Lake

Michael G. Waddoups

EIGHTH DISTRICT: County of Salt Lake

Karen W. Morgan

TENTH DISTRICT: County of Salt Lake

D. Chris Buttars

THIRTEENTH DISTRICT: County of Tooele, Utah

Mark B. Madsen

FOURTEENTH DISTRICT: County of Utah

John L. Valentine

SIXTEENTH DISTRICT: County of Utah

Curtis S. Bramble

NINETEENTH DISTRICT: Counties of Morgan, Summit, Weber

Allen M. Christensen

TWENTIETH DISTRICT: County of Weber

Scott K. Jenkins

TWENTY-THIRD DISTRICT: County of Davis

Daniel L. Liljenquist

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

Ralph Okerlund

TWENTY-FIFTH DISTRICT: Counties of Cache, Rich

Lyle W. Hillyard

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

David P. Hinkins

TWENTY-NINTH DISTRICT: County of Washington

Stephen H. Urquhart

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

THIRD DISTRICT: County of Salt Lake

Gene Davis

FOURTH DISTRICT: County of Salt Lake

Patricia W. Jones

SEVENTH DISTRICT: County of Salt Lake

Ross I. Romero

NINTH DISTRICT: County of Salt Lake

Wayne L. Niederhauser

ELEVENTH DISTRICT: Counties of Salt Lake, Utah

Howard A. Stephenson

TWELFTH DISTRICT: Counties of Salt Lake, Tooele

Brent H. Goodfellow

FIFTEENTH DISTRICT: County of Utah

Margaret Dayton

SEVENTEENTH DISTRICT: Counties of Box Elder, Cache, Tooele

Peter C. Knudson

EIGHTEENTH DISTRICT: Counties of Davis, Weber

Jon J. Greiner

TWENTY-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

I further certify that the following individuals have been duly appointed to serve in the Utah State Legislature as members of the State Senate, filling seats vacated in their respective districts, to serve the remainder of the unexpired terms of their predecessors, to wit:

SECOND DISTRICT: County of Salt Lake

Ben McAdams

TWENTY-FIRST DISTRICT: County of Davis

Jerry W. Stevenson

TWENTY–SECOND DISTRICT: County of Davis
Stuart Adams

IN WITNESS WHEREOF, I
have hereunto set my hand and
caused to be affixed the Great
Seal of the State of Utah at Salt
Lake City, this 25th day of
January, 2010.

Greg Bell
Lieutenant Governor

Communication filed.

* * *

Roll Call – All Senators present.

WELCOMING REMARKS BY PRESIDENT WADDOUPS

As we begin this 58th session of the Legislature, I prepared a few comments that I would like to share with you about the direction we're going. Recently I was at a convention of senate presidents from around the country, and while I was there, Anna Kay and I had the opportunity to walk on the beach for a few minutes and pick up a few sea shells, and we brought some of those. We have on the screen, some of the sea shells that we were able to collect while we were there. Anna Kay has brought some for you to see if you'd like, and we'll hold those up. As you see them, they are all jumbled together – they are sea shells. You've seen them like that on the beaches as you wander through, and they're just sea shells. As we collected them and then divided them up and made them more individualized, they become more distinct as you see them individualized and all separate. You can see that they take a more defined personality. We have the starfish, that is certainly individualized; we have large ones, we have small ones. We have a variety of them, and yet they are still a group of sea shells. As you get more tuned in, you'll see that some of them are alike and yet the one on the right in this picture has picked up some riders to go along with – barnacles if you will; it picked up a few things. The one on the left is a more individual, clean shell. You also see that some are more rough than others. This one has little points on it, and it's different from the others. We have a smooth one – I like to see the smooth one. Some are smooth. We'll show you the two that are big that look very similar. As you look at them, they are pretty, they're attractive, and yet as you turn them over, you'll see that there's a real difference in them. One is very thin, one is very strong and solid – it has a real body to it.

I think we could use these sea shells as a representation maybe of our body. We're all different, and yet we're all sea shells. We're all here serving a purpose, and we're all in this together now. We're going to be doing a work for the next 45 days that will set the direction for our state – the budget, the laws. And so, even though we're different and we have different roles, we're similar and we have similar roles also. As I compared us to those seashells, I was particularly impressed with the one that was very solid. It was perhaps the least attractive of any of the sea shells that we picked up, and yet it was impressive in that it was solid, it's heavy, it's able to do a job and withstand the pressures that are put on it.

As we walked on the beach, people would step on some of them and they would break immediately, except this big strong one. No one ever broke that by stepping on it. It would sink into the sand; it'd bounce back and be resilient. It performed its function while it was alive, and became a very nice collectable to bring home. So I'm hoping that we will all be strong like that sea shell, that we will all perform our functions and have value even after we're gone from here.

I heard a story recently that is indicative of the work that some of our finest do for us. It was about helicopter pilots and the work that they do. When a helicopter pilot is ready to take off for a flight, the first thing they do is check over their equipment, and inside of the helicopter on each one of the things that needs to be checked hangs a ribbon. This ribbon hangs on several switches within the helicopter, and they have to go in and check each one of the components of the helicopter before they take off and then they remove this; it says right on it, "remove pin before flight." They remove the pin, and they say, "Okay we have checked that component of our helicopter, we're ready now for flight." and then they go through every one of them.

I talked with the Colonel at the National Guard, and he tells me the book of flight procedures is that thick. I didn't think I wanted to read the book, but I thought this would be a good visual aid to show you of some of the work that goes forward in preparation.

Now, as we begin this session, many of us have been doing a lot of preparation. We've prepared bills, we've worked with staff. We have staff that have put in hours of work getting ready for us to be here. We are now checked out. We've all taken the oath of office, and we are now prepared to do the work of the citizens of the State of Utah. It's a time for the rhetoric to end, it's a time for us to soar, for us to do our work. We need to buckle in, hook in our seatbelts and be realistic, but do the work of the state. What is our core mission? What services must we provide? At what level will we provide them, and what services that we are currently providing are desirable and absolutely necessary? These are things we must evaluate.

This year we will deal with a lot of issues. We'll deal with the budget; money will be a high point of our session as we deal and struggle to balance our budget. We'll deal with taxes. Do some of them need to be changed, modified? Will some of them be raised? Will any of them be decreased? We've receive a lot of publicity from the efforts that our committees have done on ethics, and we will deal with ethics this year. We will have ethics legislation that will help create a better atmosphere of trust amongst the citizens.

One of the first bills that we will be dealing with this year will be a resolution that will go before the people dealing with a constitutional amendment on ethics reform, setting up a citizens' ethics committee. I think that will be an important message that we will send saying that we want to do your work, and we want to do your work in an ethical manner. Education will be a high point in this session; we will deal with public education. Last year – I just point out – in '09 we had a higher percentage of our budget going to public education than any year in the last decade. I didn't go back farther than that, but almost 49 percent, 48 plus percent of the budget was spent on public education. We'll also deal with higher education; such things as USTAR, our various colleges around the state from our flagship, the University of Utah, to community colleges such as Salt Lake Community College and Snow College. We will deal with environmental issues. We'll deal with green energy, items such as solar energy and wind, geothermal. We'll have to perhaps deal with federal government mandates dealing with items such as cap and trade. We'll try and develop our natural resources, and items such as oil, natural gas, coal. We'll have to deal with our economy; how that will affect our citizens.

I was interested to read in September a quote by Jeff Thredgold when he said the recession is over, we will now start dealing with how to bring the economy back. Hopefully we will work towards bringing us back to a level where we were before that recession set in. Retirement will be a big issue. We have bills that will deal with retirement. We'll need to be actuarially sound. We won't deal with our retirement the way the federal government has dealt with social security; we will fund our system. We'll deal with transportation. The good news is, as we've been dealing with the budget for transportation that we sent out last year, the Transportation Department was able to send the dollars farther down the road. We're getting a longer rebuild of I-15 in Utah County. The Mountain View Corridor is going further than we expected it to with the funding that we put into it.

We will prepare for elections this fall. Many of you will be up for election. We will be competing with ideas and for the public approval. I would adjure us that we all use civility; that while we are here we will attack ideas; we will attack the programs that are out there, but we will not attack one another. We will not attack

people, only ideas. We will do the people's work. We will be less partisan than what we see in Washington, D.C. We will work together.

I'd remind us all how we got here and why we were here. We were elected by the citizens of the State of Utah. We are here to do their work. We're to represent businesses, we're to represent our employers, we're to represent the citizens, and most importantly, we're here to represent our families, the people who are supporting us.

I'd like to express appreciation to my wife, Anna Kay, who has worried about this day more than I have in getting it all ready; making sure that the sea shells were all gathered up, making sure that I had notes for my speech; making sure that all the t's were crossed and the i's were dotted; making sure that I was working on the committees and the seat arrangements. She's been a great support to me and never let me lose track of where I'm going. Thank you.

Last year you will recall my theme was that we would "measure up," and we did the little rulers to encourage everyone to measure up. This year I think we've done that. I think we're Number One. Utah has been recognized as the Number One State in the Union. I've asked the pages if they would help us distribute a little reminder of being number one this year. I'd like all of the senators to have one, all of the staff to have one. It has the number 1 right on it. It is a little key chain that says, "Utah State Senate" on it, and it has our seal. On there, as we recognize people this year that are number one, we will try and hand out a little reminder that you can hook on the key chain to keep them all together or you can attach the key chain to your own keys, whatever works out best for you. But I think it's important that as we go forward in the positive mode now, that we talk about things that are number one, that we remember that these are real people and real programs that are impacted. So I would like to first recognize the first Number One of the year. Seeing as how we had the opportunity to have with us today the Number One National Guard Soldier of the Year, Sgt. Guy Mellor, I asked him if he would stay. They promised not to dock his pay if he stayed. Sgt. Mellor, I recognize you as the Number One National Guardsman in the United States of America.

I would encourage you, during the year, to find people that you can recognize as Number One. I asked the Colonel about Sgt. Mellor's background; how he got to be Number One National Guardsman in the United States. He competed for it; he trained; he worked physically; he worked mentally; he's in shape; he knows how to obey orders, and he knows how to lead. I think we will find that there are many Utahns that are Number One this year, and we'll have this opportunity again. Sgt., thank you for representing our state and for the service you render to our country. We're proud of you, thank you.

With that, I'd like to deal with the work at hand. We can all write an elegant mission statement; we could do lots of things that are eloquent, but it is time now for us to get to work and to actually accomplish our mission. Thank you.

* * *

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

* * *

President Waddoups directed that the following be recorded in the Senate Journal as leaders for the 58th Legislature 2010 General Session.

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

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

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

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

President Waddoups appointed Senators Stuart Adams, Dennis Stowell, and Ben McAdams as a committee to notify the House of Representatives that the Senate is organized and ready to do business.

President Waddoups appointed Senators John Valentine, Jon Greiner and Brent Goodfellow to join with a like committee from the House to notify Governor Herbert that the Legislature is organized for the 2010 General Session of the Fifty-Eighth Legislature and ready to do business.

Representatives Ipson, Powell, and Moss 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.

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

Education

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

**Natural Resources, Agriculture
and Environment**

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

Health and Human Services

D. Chris Buttars, *Chair*
Stuart Adams
Allen Christensen
David Hinkins
Patricia Jones
Luz Robles

**Workforce Services and
Community and Economic
Development**

Jerry Stevenson, *Chair*
Mark B. Madsen
Ralph Okerlund
Michael Waddoups
Patricia Jones
Karen Morgan

**Judiciary, Law Enforcement and
Criminal Justice**

Mark Madsen, *Chair*
Jon Greiner
Lyle W. Hillyard
Michael Waddoups
Ben McAdams
Ross Romero

Revenue and Taxation

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

**Government Operations and
Political Subdivisions**

Peter Knudson, *Chair*
 Jon Greiner
 Scott Jenkins
 Daniel Liljenquist
 Ben McAdams
 Luz Robles

Ethics

Stephen Urquhart, *Chair*
 Scott Jenkins
 Dennis Stowell
 John Valentine
 Pat Jones, *Co-Chair*
 Gene Davis
 Brent Goodfellow
 Karen Mayne

**Transportation and Public
Utilities and Technology**

Steve Urquhart, *Chair*
 David Hinkins
 Peter Knudson
 Jerry Stevenson
 Kevin Van Tassell
 Brent Goodfellow
 Karen Mayne

**Retirement and Independent
Entities**

Daniel Liljenquist, *Chair*
 Curtis Bramble
 D. Chris Buttars
 Jon Greiner
 Karen Mayne
 Brent Goodfellow

Senate Rules

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

**SENATE MEMBERS JOINT
APPROPRIATIONS SUBCOMMITTEES
2009 – 2010**

**EXECUTIVE
APPROPRIATIONS
COMMITTEE**

Sen. Lyle Hillyard, *Chair*
Sen. Dan Liljenquist,
Vice Chair
Sen. Michael Waddoups
Sen. Scott Jenkins
Sen. Wayne Niederhauser
Sen. Peter Knudson
Sen. Patricia Jones
Sen. Ross Romero
Sen. Karen Mayne
Sen. Luz Robles

**COMMERCE AND
WORKFORCE SERVICES**

Sen. David Hinkins, *Co-Chair*
Sen. Karen Mayne

**ECONOMIC DEVELOPMENT
AND REVENUE**

Sen. Ralph Okerlund, *Co-Chair*
Sen. Jerry Stevenson
Sen. Gene Davis

**EXECUTIVE OFFICES AND
CRIMINAL JUSTICE**

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

**CAPITAL FACILITIES AND
ADMINISTRATIVE SERVICES**

Sen. Curtis Bramble, *Co-Chair*
Sen. Wayne Niederhauser
Sen. Brent Goodfellow

HIGHER EDUCATION

Sen. John Valentine, *Co-Chair*
Sen. Stuart Adams
Sen. Steve Urquhart
Sen. Ross Romero

**HEALTH AND HUMAN
SERVICES**

Sen. Allen Christensen, *Co-Chair*
Sen. Margaret Dayton
Sen. Dan Liljenquist
Sen. Patricia Jones

NATURAL RESOURCES

Sen. Dennis Stowell, *Co-Chair*
Sen. David Hinkins
Sen. Brent Goodfellow

PUBLIC EDUCATION

Sen. Howard A. Stephenson,
Co-Chair

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

**RETIREMENT AND
INDEPENDENT ENTITIES**

Sen. Dan Liljenquist, *Co-Chair*
Sen. Curtis Bramble
Sen. Chris Buttars
Sen. Jon Greiner
Sen. Karen Mayne
Sen. Brent Goodfellow

**TRANSPORTATION, ENVIR.
QUALITY, NAT'L GUARD &
VETERANS' AFFAIRS**

Sen. Kevin Van Tassell, *Co-Chair*
Sen. Scott Jenkins
Sen. Peter Knudson
Sen. Mark Madsen
Sen. Luz Robles

LEGISLATIVE MANAGEMENT COMMITTEE

Sen. Michael G. Waddoups *Chair*
Sen. Scott Jenkins
Sen. Wayne Niederhauser
Sen. Peter Knudson
Sen. Patricia Jones
Sen. Ross Romero
Sen. Karen Mayne
Sen. Luz Robles

* * *

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

EMPLOYEE COMMITTEE REPORT

Senator Christensen introduced the Senate Staff.

Annette B. Moore

Ric Cantrell
Leslie O. McLean

Secretary and Chief Administrative
Office of the Senate
Chief Deputy of the Senate
Manager of Senate Services

Laura Barlow	Majority 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
Ernest Hayes	Committee Secretary
Karen C. Allred	Committee Secretary
Henry Liu	Committee Secretary
Lorna Wells	Committee Secretary
Robert L. Gardner	Sergeant At Arms
Thomas R. Shepherd	Asst. Sergeant At Arms
Leo Parry	Security
Frank Christenson	Security
Roger Winslow	Security
Glenn Hildebrand	Security
Paul Jacobs	Security
Jason Hildebrand	Security
Virgil Blair	Security
Steve Higham	Security
Dennis Bird	Security
Dale Hansen	Security
Gayle C. Petersen	Page Supervisor
Linda Cornaby	Asst. Page Supervisor
Sue Gaskill	Page
Janet Packman	Page
Deanne Evans	Page
Leslie Rice	Page
Shirley Taylor	Page
Mary Russell	Page
Dianne Richards	Page
Jewel Doxey	Page
Georgianna Knudson	Docket Clerk Aide
Eileen Miller	Public Address
	System/Computer Operator
Shelley Robinson	Visitor Services Liaison
Krystle Whitney	Receptionist
Richard Block	Computer Specialist
Evoline Gardner	Hostess
Katherine Gardner	Hostess

Vicky Barber
 Rebecca Rawson
 Ellen Schoffield
 Billy Whitney

Public Information Officer
 Public Information Officer
 Public Information Officer
 Communications Intern

INTRODUCTION OF INTERNS

Senator Lyle Hillyard introduced the Senate Interns for the 2010 General Session.

Sen. Stuart Adams
 Sen. Curtis Bramble
 Sen. D. Chris Buttars
 Sen. Allen Christensen
 Sen. Gene Davis
 Sen. Margaret Dayton
 Sen. Brent Goodfellow
 Sen. Jon J. Greiner
 Sen. Lyle Hillyard
 Sen. David Hinkins
 Sen. Scott Jenkins
 Sen. Patricia Jones
 Sen. Peter Knudson
 Sen. Daniel Liljenquist
 Sen. Mark Madsen
 Sen. Karen Mayne
 Sen. Benjamin McAdams
 Sen. Karen Morgan
 Sen. Wayne Niederhauser
 Sen. Ralph Okerlund
 Sen. Luz Robles
 Sen. Ross Romero
 Sen. Howard Stephenson
 Sen. Jerry Stevenson
 Sen. Dennis Stowell
 Sen. Stephen H. Urquhart
 Sen. John Valentine
 Sen. Kevin Van Tassell
 Pres. Michael Waddoups

Brent Wing
 Joel Hood
 Legislative Aid
 Ryan Bakow
 Cody Bradford
 Dawn Frandsen
 Cody Bradford
 Dawn Hardcastle
 Justin Lee
 David Neilsen
 Jake Kempton
 Nicholas Daskalas
 Jeremy Demmit
 Brent Wing
 Ryan Bakow
 Legislative Aid
 Legislative Aid
 Shidasha Holmstead
 Spencer Driscoll
 Lance Harrison
 Kira Hansen
 Elise Jorgensen
 Nicholas Bradford
 Dawn Frandsen
 Lance Harrison
 David Neilsen
 Jeremy Demmit
 Dawn Hardcastle
 Ryan Leavitt

INTRODUCTION OF BILLS

S.B. 1, State Agency and Higher Education Base Budget (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 10, Criminal Offense Penalties Amendments (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 11, Utah State-made Firearms Protection Act (M. Dayton), read the first time by short title and referred to the Rules Committee.

S.B. 12, Individual Income Tax Contribution for Methamphetamine Housing Reconstruction and Rehabilitation Fund (K. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 13, State Construction Contracts and Drug and Alcohol Testing (K. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 14, Building and Construction Projects – Technical Corrections (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 15, Utah Scenic Byway Amendments (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 16, Utah Performance Assessment System for Students (u-pass) Amendments (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 17, Uniform Commercial Driver License Act Amendments (K. Van Tassell), read the first time by short title and referred to the Rules Committee.

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

S.B. 19, Vehicle Safety Flags on Off-highway Vehicles (B. Goodfellow), read the first time by short title and referred to the Rules Committee.

S.B. 20, Local District Amendments (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 21, Amendments to Social Worker Licensing (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 22, Notary Public Amendments (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 23, Corporate Franchise and Income Tax Amendments (J. Valentine), read the first time by short title and referred to the Rules Committee.

S.B. 24, Land Exchange Distribution Account Amendments (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 25, State Highway System Modifications (K. Van Tassell), read the first time by short title and referred to the Rules Committee.

S.B. 26, Utah E-commerce Integrity Act (S. Urquhart), read the first time by short title and referred to the Rules Committee.

S.B. 27, Sales and Use Tax Definition of Tangible Personal Property (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 28, Amendments to Individual Income Tax Return Filing Requirements (J. S. Adams), read the first time by short title and referred to the Rules Committee.

S.B. 29, Amendments to Individual Income Tax Definition of Resident Individual (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 30, Local Option Sales and Use Taxes for Transportation Act (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 31, Administrative Rules Reauthorization (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 32, Rainwater Harvesting (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 33, State Capitol Preservation Board Fee Amendments (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 34, Municipal Disincorporation Amendments (A. Christensen), read the first time by short title and referred to the Rules Committee.

S.B. 35, Capital Facilities Bonds Amendments (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 36, Wolf Management (A. Christensen), read the first time by short title and referred to the Rules Committee.

S.B. 37, Impact Fee Revisions (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 38, Restrictions on High Occupancy Vehicle Lane (K. Morgan), read the first time by short title and referred to the Rules Committee.

S.B. 39, Health Insurance Prior Authorization Amendments (K. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 40, Cigarette and Tobacco Tax Amendments (A. Christensen), read the first time by short title and referred to the Rules Committee.

S.B. 41, Drug Utilization Review Board Amendments (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 42, Retirement Eligibility Modifications (D. Liljenquist), read the first time by short title and referred to the Rules Committee.

S.B. 43, Post-retirement Employment Amendments (D. Liljenquist), read the first time by short title and referred to the Rules Committee.

S.B. 44, Health Amendments for Legal Immigrant Children (L. Robles), read the first time by short title and referred to the Rules Committee.

S.B. 77, School District Leave Policies (M. Dayton), read the first time by short title and referred to the Rules Committee.

S.B. 78, Constitutional Revision Commission Duties (J. Valentine), read the first time by short title and referred to the Rules Committee.

S.B. 79, Fraudulent Transfer Amendments (J. Valentine), read the first time by short title and referred to the Rules Committee.

S.B. 80, Physician Licensing – Visiting Professors (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 81, Eminent Domain Amendments (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 82, Passenger Ropeway Systems Act Amendments (A. Christensen), read the first time by short title and referred to the Rules Committee.

S.B. 83, Bail Bond Recovery Amendments (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 84, Special Service District Amendments (D. Hinkins), read the first time by short title and referred to the Rules Committee.

S.B. 85, Utah Construction Trade Licensing Act Amendments (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 86, Fleeing in a Stolen Vehicle – Penalty (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 87, School Property Tax Equalization Revisions (G. Davis), read the first time by short title and referred to the Rules Committee.

S.B. 88, Pharmacy Practice Act Amendments (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 89, Legal Notice Amendments (S. Urquhart), read the first time by short title and referred to the Rules Committee.

S.B. 91, Prosecutor Appeals (D. Liljenquist), read the first time by short title and referred to the Rules Committee.

S.B. 92, Amendments to Revenue and Taxation Title (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 93, Gubernatorial Appointment Powers Amendments (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 94, Supplemental Benefit Amendments for Noncontributory Public Employees (D. Liljenquist), read the first time by short title and referred to the Rules Committee.

S.B. 95, Utah Educational Savings Plan Amendments (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 96, Uintah Basin Revitalization Fund Amendments (K. Van Tassell), read the first time by short title and referred to the Rules Committee.

S.B. 97, Farmland Assessment Act Amendments (D. Hinkins), read the first time by short title and referred to the Rules Committee.

S.B. 98, Dangerous Weapons Restrictions Amendments (D. Hinkins), read the first time by short title and referred to the Rules Committee.

S.B. 99, Water Companies and Water Right Change Requests

(J. Valentine), read the first time by short title and referred to the Rules Committee.

S.B. 100, Income Tax Credit or Refund Amendments (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.C.R. 1, Alzheimer’s and Dementia Awareness Concurrent Resolution (K. Morgan), read the first time by short title and referred to the Rules Committee.

S.C.R. 3, State Sovereignty Concurrent Resolution (J. S. Adams), read the first time by short title and referred to the Rules Committee.

S.J.R. 1, Escalante Heritage Hole-in-the-rock Center Joint Resolution (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.J.R. 2, Joint Resolution on Combating and Reducing Gang Activity (L. Robles), read the first time by short title and referred to the Rules Committee.

S.J.R. 4, State Sovereignty Joint Resolution (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.J.R. 5, Joint Resolution on the Spending of Federal Economic Renewal Grants (K. Mayne), read the first time by short title and referred to the Rules Committee.

S.J.R. 6, Joint Resolution – State Sovereignty and Tenth Amendment (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.J.R. 7, Joint Resolution on the United Nations Children’s Fund (L. Robles), 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

JOINT CONVENTION

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

COMMITTEE OF THE WHOLE

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

REMARKS BY CHIEF JUSTICE CHRISTINE M. DURHAM

President Waddoups, Speaker Clark, and colleagues from the legislative branch of state government, let me begin by expressing my sincere appreciation for the invitation to address you on the state of Utah's judicial branch. I am pleased to be joined here today by my colleagues from the Supreme Court and from the Utah Judicial Council, the constitutional governing body for the judiciary.

As I have prepared to speak to you today, I have struggled to find language that would accurately describe the "state of the judiciary" – the condition in which we find ourselves at the beginning of 2010. The single word that seems most apt to me is "challenged." Like stress, challenge is very much a part of life. Social science research tells us that stress is, in and of itself, neither necessarily positive or negative; it can threaten well-being and normal functioning when it is overwhelming, but it is also responsible for motivating change and growth. Challenge works the same way for institutions. Significant challenge can put important things at risk, but it can also be a predicate for re-examining and re-evaluating priorities and established ways of doing things. In reporting to you this year on the state of the judiciary, then, I would like to acquaint you with the nature of our challenges and the steps we have taken and are taking to deal with them. Because of our constitutional role in government, our basic priorities do not change. We must protect access to justice and fairness in the courts while dealing with budget realities. Last year I quoted a colleague who described state courts as "the emergency room for society." As the impact of the recession is felt at every level, it is important to remember the human dimensions of access and fairness. Decreases in court services necessitated by shortfalls must inevitably increase backlogs in civil, criminal, juvenile and family cases. The resulting delays may threaten the basic constitutional rights of criminal defendants and civil litigants. They may prevent or delay the necessary adjustments of commercial interests, keep persons abused by domestic partners from prompt court protection, prevent disabled elderly people from receiving state-related benefits, result in delays in the protection of abused and neglected children, and hinder the timely disposition of criminal charges.

At the same time, there are a myriad of ways in which the courts can increase efficiency and effectiveness in times of challenge. Necessity, they say, is the mother of invention, and I am extremely proud of the way in which Utah's Judicial

Council had stepped up to the challenge of re-thinking and re-engineering our work. If you will permit, I would like to share several success stories.

One example illustrates the way in which ideas born of necessity can result in better ways of doing things. During 2009 we moved to nearly exclusive reliance in our trial courts on digital recording for preservation of the court record. The immediate motivation lay in the significant cost savings that we achieved, which helped us deal with the cuts we were asked to take in our ongoing budget last year, and we were quite comfortable with the technology we had been phasing in over several years. We planned carefully for the transition, and as of July 1st we shifted entirely to an electronic method of preserving the record in court. Now, six months later, we are extremely gratified to report that these changes not only saved money but also resulted in greatly reduced transcript preparation times. Whereas the average time to prepare a trial transcript before the shift was 138 days, it now averages 16. This means that parties who used to wait almost five months for a written transcript of their court proceeding now have it in hand in just over two weeks. Litigants and the courts are much better served by this new process – one that grew out of budget necessity.

On another front, we have also accelerated our electronic access plans, moving as quickly as we can to implement statewide e-filing and electronic payment of fees and fines, all of which decreases the volume of work for our clerical staff. A little over a year ago, we also undertook a very significant restructuring of our entire clerical workforce, realigning responsibilities and moving to a team-based approach with significant cross-training. Again, we have seen more efficiency and better service as a result. This is particularly notable because our clerical staff is significantly smaller than it was 18 months ago, while our case filings have increased dramatically. Parenthetically, I also note that, consistent with our “e-everything” approach, this State of the Judiciary address, traditionally printed and distributed to you, is instead available on our website: www.utcourts.gov.

Our emphasis on electronic solutions to create both cost savings and better public service is attracting national attention. The National Center for State Courts just completed a series of studies of current best practices in electronic court innovation. Let me just read the titles of the four studies: “Study of Electronic Payments in Missouri, Colorado, Utah and Iowa;” “Study of E-Filing in Colorado and Utah;” “Study of E-Citations in Missouri, Iowa and Utah;” and “Study of E-Juror in Iowa and Utah.” Not only are we on the cutting edge in the use these technologies, but also, unlike the other states in these studies, the Utah courts have in every instance developed and implemented them entirely in-house with existing resources. Another area in which innovation has permitted better service is support for self-represented litigants, whose needs always increase in

difficult economic times. Two years ago, we began a pilot program with a dedicated telephone help–line in two of our judicial districts. These lines are staffed by an able attorney who provides specific and practical procedural assistance to civil litigants navigating the complexity of the legal system. The users of this service have given it rave reviews and, by identifying grant funding, we have been able this year to expand it to two additional rural districts, so that geographically more than half the state now has access. It may be a reflection of the huge impact of these difficult financial times that more than 2,000 people have used this service in the last year.

One of the areas in which self–represented litigants using the help–lines frequently ask questions involves probate matters. A comprehensive study undertaken by the Judicial Council a year ago underscored the need for changes in the way guardianships and conservatorships are managed in the courts. Protection of the legal rights of people with disabilities, including the elderly, is a core responsibility of any humane government, and the Council brought together members of the bar, the provider community, and social services to look for ways to protect this at–risk population. The proposals resulting from that work will be brought before you during this session. Because some of the changes may require new resources, we understand that you might not be able to address them all this year, but we hope and expect that our work has resulted in a plan for protecting these most vulnerable citizens that can be implemented, perhaps over time.

As my comments about the potential need to postpone important reforms suggest, we do clearly understand the scarcity of public resources at this time. Therefore, like other entities in state government, we have tried to be responsible in seeking budget savings. To that end, we instituted first an employee hiring slowdown and then a complete freeze. At the same time, after consultation with the Governor, as the appointing authority, and with the President of the Senate, which body confirms judicial appointments, we delayed the filling of all judicial vacancies in 2009. These actions generated budget savings, but they also, of course, increased the workload of our existing judges and employees. I would like to note in particular how much I appreciate the willingness of our judges to step up to cover the increased workload created by those nine extended vacancies. I also want to be clear in saying – we need more judges. Our objective measures, including our judicial weighted caseload data tells us that, and that conclusion is confirmed by our hard working judges and staff every day.

We also realize that you are currently unable to respond to this need – and many others – in the current economic climate, so we are bringing you no new resource requests this session. Instead, we have looked for ways to use existing resources, including judges, more effectively. Several years ago, after Salt Lake City established its own Justice Court, removing tens of thousands of cases from

the state docket, we recommended and you decided to move two judicial positions from the District Court in Salt Lake, which had then become over-staffed, to two districts elsewhere in the state, one juvenile and one district, where the need was greater. We now have a similar situation in the Second District (Weber, Davis and Morgan counties), where the creation of the Ogden Justice Court three years ago has resulted in a significant shift of cases out of the Second District Court, leaving its fourteen judges with only thirteen judges' worth of work.

During this same period of time, we have also been struggling with a significant understaffing problem in the Fifth District Juvenile Court (covering Washington, Iron and Beaver counties), where only two judges have been managing a burgeoning caseload resulting from dramatic population growth. While the Council has known for several years that a new judge in that district was a priority, we have been unable to address it – first, because the former courthouse in St. George would not accommodate a third judge and then, after the recession hit, because funding was simply not available. Now, with the forthcoming retirement of Second District Judge Jon Memmott in May, the Council has seen an opportunity to equalize the caseload burden in both districts by asking you to consider moving a judgeship from an overstaffed part of the state to an understaffed one. The decision to make this request to you has not been an easy one for the Council, but we see it as our responsibility to identify for you a way to put scarce judicial resources to the most effective use. Realistically, we do not anticipate that you will be able to provide us with the new judges we need for some time yet, and therefore placing our existing judicial positions where they are most needed was, in the end, a compelling argument for the Council. You of course will decide the policy questions that may attend such a shift.

I have highlighted some of the work the judicial branch is doing to fulfill our obligations to use strained public resources wisely and effectively. As I am sure you know, nearly every state in the country has been dealing with economic challenges, and Utah often receives positive attention for our good management. The judicial branch is no exception, and we have been asked on numerous occasions over the past years to consult with other state judiciaries on the work we have been doing to re-structure and re-engineer the work of our courts; I am proud not only of the sacrifice and commitment of our staff and our judges, but also of the recognition of our effectiveness by our peers around the country. We are, in the face of serious challenges, doing good work.

Continuing in the spirit of reporting on our challenged condition, I want to assure you that the Judicial Council has already begun planning for anticipated additional cuts in this fiscal year. It would be misleading to suggest that there's any "low hanging fruit" left; we have already eliminated 65 positions, which represents 6 percent of our workforce, implemented another hiring freeze,

undertaken significant re-organization of our clerical staff, accelerated technology solutions, and delayed filling judicial vacancies, as described earlier. At a three percent of COLA reduction level, we believe that we can avoid further personnel actions this year. At a level above that, we will not be able to absorb the loss except through furloughs, and the Judicial Council and our presiding judges throughout the state are currently assessing how those could be accomplished in an orderly fashion. Given the personnel-dependent nature of our work, and given that our case filings remain 15 percent higher than their 2008 levels, there is no question that further personnel actions would have an impact on delay and case backlogs, and consequently on people's lives and on the commercial sector.

I have focused so far on the immediate challenges in the courts. I think I would be remiss in not sounding some larger themes within the context of challenges to access to justice. The Judicial Council has undertaken over the last year and a half an extensive exploration of the adequacy of appellate representation in criminal cases in our state. That work has been undertaken by a broad-based task force with representation from the legislature, state and local government, the bar, law enforcement and the judiciary, which will be producing analysis and recommendations for reform in the coming year. At the same time, we are increasingly aware of systemic problems affecting indigent criminal defense at all levels, access to civil justice by the poor, and adequate interpreter services to provide language access to the courts. A number of recent studies have examined these questions on a national and state-by-state level, and it is clear that we in Utah will need to address them sooner rather than later. We hope to be responsible and pro-active in efforts to ensure that our citizens can trust and rely on their courts for civil and criminal justice under the rule of law.

As I conclude these remarks, I express to you my regret that for the second time in my tenure as chief justice I have had to focus relatively more on budget-related actions than on discussion of the innovations we have made and the services we provide every day to Utah citizens. In particular I would like to have dwelt more on describing the sacrifices and dedication of our hardworking court staff in every courthouse throughout this state. But these are extraordinarily difficult times, and I believed it imperative to share with you the steps we are taking to make it through them. I remain confident, however, that we will emerge from the challenges (soon, I hope) with a better, more streamlined, more efficient and more effective judicial system.

We in the judiciary understand that the economic challenges we face are being felt across all of state government; we acknowledge the daunting nature of your task in this session, and we stand prepared to do our part. We also, like you, are obligated to fulfill our constitutional role – to ensure access to justice – and we hope that you will be able to support us in that obligation. We greatly appreciated

the collaborative problem-solving process we experienced in last year's legislative session, and look forward to continuing the work in the next few months.

Let me leave you with the favorite farewell of my husband's grandfather from Parowan. His life, like many of his generation, included many difficult times and some heart-breaking challenges. He never failed, however, as you left his presence, to enjoin you to "Keep on keeping on." Good advice for all of us.

On motion of Representative Garn, the Committee of the Whole was dissolved.

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

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The Senate reassembled at 3:20 p.m., with President Waddoups presiding.

RULES COMMITTEE REPORTS

To the Members of the Senate: January 25, 2010

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

Business and Labor Committee

S.B. 85 Utah Construction Trade Licensing Act Amendments
(Sen. S. Jenkins)

Education Committee

S.B. 77 School District Leave Policies (Sen. M. Dayton)

S.B. 87 School Property Tax Equalization Revisions
(Sen. G. Davis)

S.B. 95 Utah Educational Savings Plan Amendments
(Sen. W. Niederhauser)

Government Operations and Political Subdivisions Committee

S.B. 37 Impact Fee Revisions (Sen. W. Niederhauser)

S.B. 84 Special Service District Amendments (Sen. D. Hinkins)

S.B. 93 Gubernatorial Appointment Powers Amendments
(Sen. C. Bramble)

Health and Human Services Committee

- S.B. 39** Health Insurance Prior Authorization Amendments
(Sen. K. Mayne)
- S.B. 41** Drug Utilization Review Board Amendments
(Sen. P. Knudson)
- S.B. 88** Pharmacy Practice Act Amendments (Sen. C. Bramble)

Judiciary, Law Enforcement, and Criminal Justice Committee

- S.B. 81** Eminent Domain Amendments (Sen. L. Hillyard)
- S.B. 83** Bail Bond Recovery Amendments (Sen. J. Greiner)
- S.B. 89** Legal Notice Amendments (Sen. S. Urquhart)
- S.B. 91** Prosecutor Appeals (Sen. D. Liljenquist)

Natural Resources, Agriculture and Environment Committee

- S.B. 20** Local District Amendments (Sen. D. Stowell)
- S.B. 24** Land Exchange Distribution Account Amendments
(Sen. D. Stowell)
- S.B. 36** Wolf Management (Sen. A. Christensen)
- S.B. 97** Farmland Assessment Act Amendments (Sen. D. Hinkins)

Retirement and Independent Entities Committee:

- S.B. 43** Post-retirement Employment Amendments
(Sen. D. Liljenquist)
- S.B. 94** Supplemental Benefit Amendments for Noncontributory
Public Employees (Sen. D. Liljenquist)

Revenue and Taxation Committee

- S.B. 27** Sales and Use Tax Definition of Tangible Personal
Property (Sen. L. Hillyard)
- S.B. 34** Municipal Disincorporation Amendments
(Sen. A. Christensen)
- S.B. 40** Cigarette and Tobacco Tax Amendments
(Sen. A. Christensen)
- S.B. 92** Amendments to Revenue and Taxation Title
(Sen. C. Bramble)
- S.B. 100** Income Tax Credit or Refund Amendments
(Sen. C. Bramble)

Transportation, Public Utilities and Technology Committee

- S.B. 26** Utah E-commerce Integrity Act (Sen. S. Urquhart)

- S.B. 38** Restrictions on High Occupancy Vehicle Lane
(Sen. K. Morgan)
- S.B. 82** Passenger Ropeway Systems Act Amendments
(Sen. A. Christensen)
- Workforce Services and Community and Economic Development
Committee**
- S.B. 96** Uintah Basin Revitalization Fund Amendments
(Sen. K. Van Tassell)

Margaret Dayton
Rules Committee Chair

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

RULES COMMITTEE REPORTS

To the Members of the Senate: January 25, 2010

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

- S.B. 33** State Capitol Preservation Board Fee Amendments
(Sen. M. Madsen)
- S.B. 10** Criminal Offense Penalties Amendments (Sen. J. Greiner)
- S.B. 12** Individual Income Tax Contribution for
Methamphetamine Housing Reconstruction and
Rehabilitation Fund (Sen. K. Mayne)
- S.B. 13** State Construction Contracts and Drug and Alcohol
Testing (Sen. K. Mayne)
- S.B. 14** Building and Construction Projects – Technical
Corrections (Sen. M. Madsen)
- S.B. 16** Utah Performance Assessment System for Students
(u-pass) Amendments (Sen. H. Stephenson)
- S.B. 17** Uniform Commercial Driver License Act Amendments
(Sen. K. Van Tassell)
- S.B. 18** Election Modifications (Sen. P. Knudson)
- S.B. 21** Amendments to Social Worker Licensing
(Sen. D. C. Buttars)
- S.B. 22** Notary Public Amendments (Sen. P. Knudson)
- S.B. 23** Corporate Franchise and Income Tax Amendments
(Sen. J. Valentine)
- S.B. 25** State Highway System Modifications
(Sen. K. Van Tassell)
- S.B. 28** Amendments to Individual Income Tax Return Filing
Requirements (Sen. J. S. Adams)

- S.B. 29** Amendments to Individual Income Tax Definition of Resident Individual (Sen. C. Bramble)
- S.B. 30** Local Option Sales and Use Taxes for Transportation Act (Sen. W. Niederhauser)
- S.C.R. 1** Alzheimer’s and Dementia Awareness Concurrent Resolution (Sen. K. Morgan)
- S.J.R. 1** Escalante Heritage Hole-in-the-rock Center Joint Resolution (Sen. D. Stowell)
- S.J.R. 2** Joint Resolution on Combating and Reducing Gang Activity (Sen. L. Robles)
- S.B. 78** Constitutional Revision Commission Duties (Sen. J. Valentine)
- S.B. 11** Utah State-made Firearms Protection Act (Sen. M. Dayton)
- S.B. 79** Fraudulent Transfer Amendments (Sen. J. Valentine)
- S.B. 32** Rainwater Harvesting (Sen. S. Jenkins)
- S.B. 19** Vehicle Safety Flags on Off-highway Vehicles (Sen. B. Goodfellow)

Margaret Dayton
Rules Committee Chair

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

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On motion of Senator Jenkins, under suspension of the rules, the Senate voted to consider bills on the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Madsen, under suspension of the rules, **S.B. 33**, STATE CAPITOL PRESERVATION BOARD FEE AMENDMENTS, was considered read the second and third times. Senator Madsen explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne

McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator Stowell

S.B. 33 was transmitted to the House.

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S.B. 10, CRIMINAL OFFENSE PENALTIES AMENDMENTS, was read the second time. Senator Greiner explained the bill. Senator Romero commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators Hillyard H. Stephenson

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S.B. 12, INDIVIDUAL INCOME TAX CONTRIBUTION FOR METHAMPHETAMINE HOUSING RECONSTRUCTION AND REHABILITATION FUND, was read the second time. Senator Mayne explained the bill. Senators Madsen and Valentine commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams

Morgan	Niederhauser	Okerlund	Robles
Romero	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Hillyard H. Stephenson

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S.B. 13, STATE CONSTRUCTION CONTRACTS AND DRUG AND ALCOHOL TESTING, was read the second time. Senator Mayne explained the bill. Senator Greiner commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

H. Stephenson

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S.B. 14, BUILDING AND CONSTRUCTION PROJECTS – TECHNICAL CORRECTIONS, was read the second time. Senator Madsen explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Christensen

Liljenquist

H. Stephenson

INTRODUCTION OF BILLS

S.B. 45, Utah Fit Premises Act Amendments (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 46, Utah Child Care Licensing Act Amendments (R. Romero), read the first time by short title and referred to the Rules Committee.

S.B. 101, Drugs Amendments (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.C.R. 4, Dental Health Care Concurrent Resolution (P. Jones), read the first time by short title and referred to the Rules Committee.

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On motion of Senator Niederhauser and at 4:00 p.m., the Senate adjourned until 10:00 a.m., Tuesday, January 26, 2010.

SECOND DAY

January 26, 2010

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

Prayer – Pastor Matt Bagby, Mountain Side Baptist Church

Pledge of Allegiance – Senator Mark Madsen

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 72)

INTRODUCTION OF BILLS

S.B. 47, Electrical Utility Amendments – Efficiency and Conservation Tariff (K. Van Tassell), read the first time by short title and referred to the Rules Committee.

S.B. 90, Mental Health Professional Practice Act Amendments (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.C.R. 2, Reducing Prescription Drug Misuse Resolution (P. Jones), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

On motion of Senator Greiner, **S.B. 10, CRIMINAL OFFENSE PENALTIES AMENDMENTS**, was read the third time and circled.

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S.B. 12, INDIVIDUAL INCOME TAX CONTRIBUTION FOR METHAMPHETAMINE HOUSING RECONSTRUCTION AND REHABILITATION FUND, was read the third time, explained by Senator Mayne, and passed on the following roll call:

Yeas, 22; Nays, 6; Absent, 1.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hillyard

Hinkins	Jones	Knudson	Mayne
McAdams	Morgan	Okerlund	Robles
Romero	J. Stevenson	Stowell	Urquhart
Van Tassell	Waddoups		

Voting in the negative were: Senators

Greiner	Jenkins	Madsen	Niederhauser
H. Stephenson	Valentine		

Absent or not voting was: Senator

Liljenquist

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

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S.B. 13, STATE CONSTRUCTION CONTRACTS AND DRUG AND ALCOHOL TESTING, was read the third time and explained by Senator Mayne. Senators Greiner and Davis commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Goodfellow	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Dayton	Greiner
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S.B. 13 was transmitted to the House for consideration.

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S.B. 14, BUILDING AND CONSTRUCTION PROJECTS – TECHNICAL CORRECTIONS, was read the third time, explained by Senator Madsen, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator Hillyard

S.B. 14 was transmitted to the House for consideration.

SECOND READING CALENDAR

S.B. 16, UTAH PERFORMANCE ASSESSMENT SYSTEM FOR STUDENTS (U-PASS) AMENDMENTS, was read the second time. Senator Stephenson explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator Hillyard

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S.B. 17, UNIFORM COMMERCIAL DRIVER LICENSE ACT AMENDMENTS, was read the second time. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner

Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

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S.B. 18, ELECTION MODIFICATIONS, was read the second time. Senator Knudson explained the bill. Senator Jones commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Liljenquist	Valentine
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S.B. 21, AMENDMENTS TO SOCIAL WORKER LICENSING, was read the second time. Senator Buttars explained the bill. Senator Urquhart commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble Liljenquist

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S.B. 22, NOTARY PUBLIC AMENDMENTS, was read the second time. Senator Knudson explained the bill.

On motion of Senator Knudson, the bill was circled.

* * *

S.B. 23, CORPORATE FRANCHISE AND INCOME TAX AMENDMENTS, was read the second time. Senator Valentine explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble Liljenquist Urquhart

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S.B. 25, STATE HIGHWAY SYSTEM MODIFICATIONS, was read the second time. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Christensen	Dayton	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins
Jones	Knudson	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Buttars	Davis	Liljenquist
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S.B. 28, AMENDMENTS TO INDIVIDUAL INCOME TAX RETURN FILING REQUIREMENTS, was read the second time. Senator Adams explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	Liljenquist
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On motion of Senator Niederhauser, **S.B. 29, AMENDMENTS TO INDIVIDUAL INCOME TAX DEFINITION OF RESIDENT INDIVIDUAL**, was read the second time and circled.

* * *

S.B. 30, LOCAL OPTION SALES AND USE TAXES FOR TRANSPORTATION ACT, was read the second time. Senator Niederhauser explained the bill. Senators Van Tassell, McAdams, Madsen, and Adams commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Hillyard Liljenquist

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On motion of Senator Bramble, the circle was removed from **S.B. 29**, AMENDMENTS TO INDIVIDUAL INCOME TAX DEFINITION OF RESIDENT INDIVIDUAL, and it was before the Senate. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Hillyard

* * *

S.C.R. 1, ALZHEIMER'S AND DEMENTIA AWARENESS CONCURRENT RESOLUTION, was read the second time. Senator Morgan explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	J. Stevenson	Stowell
Valentine	Waddoups		

Absent or not voting were: Senators

H. Stephenson Urquhart Van Tassell

* * *

On motion of Senator Knudson, the circle was removed from **S.B. 22, NOTARY PUBLIC AMENDMENTS**, and it was before the Senate.

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

1st Sub. S.B. 22 Notary Public Amendments (P. Knudson)

Senator Knudson explained the bill. Senator Hillyard commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Niederhauser	Urquhart
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On motion of Senator Jenkins and at 11:45 a.m., the Senate adjourned until 6:30 p.m., this evening.

JOINT CONVENTION

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

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

President Waddoups appointed a Joint Committee comprised of Senators Scott Jenkins, Wayne Niederhauser and Patricia Jones, and Representatives Kevin Garn, Brad Dee, and David Litvack to notify Governor Gary R. Herbert that the

2010 General Session of the Fifty–Eighth Legislature is in Joint Convention and ready to hear his State–of–the–State address.

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

Senator Scott Jenkins made a motion that the Legislature resolve into a Joint Convention and Committee of the Whole for the purpose of hearing Governor Herbert’s State–of–the–State address.

The Joint Committee escorted Governor Herbert to the House rostrum.

**STATE–OF–THE–STATE ADDRESS
BY GOVERNOR GARY R. HERBERT**

Lt. Governor Bell; President Waddoups; Speaker Clark; Members of the Utah Legislature and of my Cabinet; Utah’s Supreme Court justices; the State’s First Lady, my wife Jeanette; my children, my mother and my fellow Utahns; I am humbled and honored to stand before you tonight as Utah’s 17th Governor to offer this annual report to our great State.

Tonight, I first pay tribute to the many Utahns who have answered the nation’s call to serve. Whether it’s as a soldier in Afghanistan, a Utah National Guardsman in Iraq, a humanitarian volunteer in Haiti or Ambassador Jon and Mary Kaye Huntsman in the People’s Republic of China, we give them all our heartfelt thanks.

I also recognize those who put their lives on the line every day to protect ours. We suffered a great loss when Millard County Sheriff’s Deputy Josie Greathouse Fox of Delta lost her life in the line of duty. Her family is here with us tonight. Please join with me as we remember a life of service and pay tribute to our entire law enforcement community, whose sacrifice helps to keep us free and to keep us safe. In my inaugural address, I spoke about the importance of, and the need for, unprecedented partnerships. This will be a continuing theme for my administration. Our success will be measured by the way we unite stakeholders from across the state, and from across the aisle. We must join together to combat the challenges we face and to seize the opportunities ahead.

Over the past four months, we have formed several such partnerships. Let me highlight two of them.

First, we created the Advisory Commission to Optimize State Government. The goal of this group is to help the state do more with less in order to benefit all. It

is headed by former Governor Norm Bangerter. This diverse and bipartisan group of civic and business leaders is taking an inside-out look at all areas of the state. Their efforts will improve our already well-managed state, and, now more than ever, we must achieve new levels of efficiency in state government.

Seated next to Governor Bangerter in the gallery tonight is former Salt Lake City Mayor Ted Wilson. He is leading my Balanced Resource Council. I have charged this group with building consensus on important issues, such as public lands, water, conservation and resource development.

These are matters that have become so polarized that progress has become all but impossible. This unprecedented partnership will provide a much-needed new “state of mind” on environmental issues.

This new mindset was recently successfully demonstrated by conservation groups, the Bureau of Land Management, Indian tribes, local governments and oil drilling companies. These groups came together to protect priceless Indian rock art in Nine Mile Canyon, while still allowing for responsible development of Utah’s natural gas resources. This is a prime example of how partnership, combined with leadership, can achieve measurable results for our state.

Unprecedented partnerships are essential because we are facing unprecedented challenges. Although we continue to undergo tough economic times, our state – at its core – is strong. The economic tide is turning. We are poised for progress, and are, in fact, well ahead of most other states in the nation.

For the first time in three years, we are expecting an increase in revenue for the upcoming fiscal year. Housing is beginning to stabilize, the state’s labor market is resilient and our unemployment rate remains below the national average. I know this is of small consolation to those who are out of work, but we will continue to make sound policy decisions to move this state – and your families – back to solid economic ground and toward a more hopeful future.

We are already taking the steps necessary to keep us in control of our own recovery. At my direction, state agencies have implemented plans to overcome projected budget shortfalls for the current fiscal year. Cabinet leaders are carefully managing reduced budgets while maintaining vital services for Utahns. We are exercising fiscal restraint at all levels, in all branches of government.

We recognize the tough times are not entirely behind us. Indeed, our future success is, in large part, tied to how we respond to these difficulties over the remaining days of this legislative session.

Past sessions may be best remembered for the creation of a university or the implementation of a new program. I think, in these challenging economic times, the 2010 session will primarily be remembered for the adoption of a balanced and responsible state budget.

How we accomplish this in a way that provides adequate funding for education, human services, public health and safety, transportation and other critically important programs will be as challenging as any task faced by a Legislature or Governor in generations.

Tonight, I ask you to join me in this unprecedented partnership. Because, by working together, we can, we must and we will succeed!

First and foremost, we must protect public and higher education.

Utah has long been committed to funding our public schools, our colleges and universities, and our technical institutions. In fact, few states in the country spend as much of their overall budgets on education as we do. Our unique demographics – which is a way of saying we have larger families – mean we must continue to increase funding to maintain and enhance the solid education and training our students receive.

In spite of our difficult budget situation, I call upon you, our great legislators, to maintain our current level of commitment to education!

Secondly, we must balance our budget responsibly, and in a way that does not stifle an economy that is finally beginning to show signs of recovery. We need to support our hard-working citizens and businesses, not stifle them with new tax burdens. We need to help them succeed, not hamper their success. And we need to think toward the future, not just of today.

We can accomplish this, and the budget I have submitted to you offers a framework of how it can be done. At this point in time, I strongly believe the best thing we can do for our State, our citizens, and our economic recovery is to exercise continued fiscal restraint and to not raise taxes!

There are many positive things happening throughout the state. Utah continues to be one of the best states for business.

Whether it's a small, family-owned company like PZ Printing in Carbon County, a cutting edge medical device manufacturer like Edwards Life Sciences, or an international company like Proctor and Gamble in Box Elder County, businesses have confidence in Utah as a safe and dynamic place to grow and invest.

A key area of emphasis for my administration is growing business from within. I am pleased the majority of our economic development efforts over the past two years have been centered on protecting and expanding Utah businesses.

Just last month, MediConnect Global, a homegrown medical record management firm, announced it would expand its operations in Sanpete County. This expansion will add more than 300 full-time positions in Ephraim over the next several years. This is but one example of what is happening right now in Utah.

A healthy economy is critical to Utah's unparalleled quality of life. But another factor that makes living in the Beehive State so rewarding is our access to some of the best health care in the nation. Our medical professionals and hospitals are widely recognized as among the best in the country. We understand public access to these services is critical.

Rather than simply talk – or, more accurately, sometimes fight – about health care reform, Utah has stepped forward with solutions. Thanks to the efforts of medical professionals, citizens, members of the executive branch and Lt. Governor Greg Bell, and legislative leaders like Speaker Dave Clark, the Utah Health Exchange is now open for business.

This Utah-crafted solution is an innovative approach to increase transparency in the health care system, to increase access and to increase choice. Already, hundreds of Utahns have coverage in plans they have chosen for themselves. This is a revolutionary approach to health benefits that will soon be available to even more Utahns.

Our Exchange is one example of how states can – and should – lead the nation on health care reform. We don't want or need a one-size-fits-all program that will balloon our national deficit and provide questionable care to our citizens.

Several weeks ago, I traveled to Washington D.C. and met with top leaders in Congress and at the White House. I strongly emphasized that the federal government should not do what state governments are already doing well in areas such as health care. The continued encroachment of the federal government into our businesses, our lives and our pocketbooks must be challenged.

The voices of fiscal restraint and responsibility on critical issues like healthcare cannot be ignored. We simply can't spend what we don't have, and the tax-and-spend mindset that is so prevalent in Washington is not acceptable here in Utah!

Government closest to the people is the most effective. I have been fortunate to serve at that local level. And, for the past several years, I've had the privilege of

serving in state government. Over the years, I have worked with hundreds of hard-working public employees and elected officials who carry out their duties with honesty and integrity. Very seldom have I encountered situations where the ethics of those who hold the public trust has been called into question. Still, breaches do occur and questions do arise. Often, better clarity would have provided better guidance.

To set that standard for the Executive Branch, today I signed an Executive Order that reaffirms and clarifies guidelines about accepting gifts, participating in lobbying efforts and identifying conflicts of interest. Now is as good a time as any to remind all state employees what constitutes acceptable and unacceptable conduct.

I encourage you, as lawmakers, to remove any perception of possible ethical issues by implementing meaningful and substantive ethics reform. I know that work is already underway on these bills, and I look forward to signing them into law this session.

There is also good news tonight for drivers: congestion will soon be reduced on your daily commute. Construction will begin this year on the expansion of I-15 in Utah County and the Mountain View Corridor in southern Salt Lake County, and road and bridge improvements are taking place from Brigham City to St. George.

Our investment in a solid transportation network will help eliminate congestion on roads and highways, saving time and money for businesses and commuters. It will also improve opportunities for mass transit.

But with a growing population, we must do even more. Thousands of additional cars and trucks on our roads each year leads to higher levels of air pollution – especially here along the Wasatch Front and in beautiful Cache Valley.

Later this week, elected officials from across the state will join Salt Lake City Mayor Ralph Becker and me on these Capitol steps as we address our air quality issues. We're going to ask for your help. Because this isn't a partnership between government and the people – it's between friends and neighbors and co-workers and even strangers. It is a partnership with people who realize we all have a responsibility to reduce pollution and to increase the quality of the air we breathe.

While on the subject of protecting Utah's extraordinary environment and unsurpassed quality of life, let me be clear: I remain opposed to the importation of foreign nuclear waste into Utah.

Certainly, the challenges of being a state with a federally permitted nuclear waste disposal facility are complex and ongoing. My responsibilities on these issues, on the other hand, are quite simple, and they will not be compromised. As Governor, I will use all available state resources within the law to protect the health, safety and welfare of all Utahns, now and for generations to come.

Now, I'd like to expand our focus beyond the legislative session. For certainly, when the budget is adopted, the session has ended and the bills have been signed – or vetoed – other important work will remain.

I cannot say enough about the importance of supporting public education. I am bringing together individuals and groups from across the education community to craft new and innovative solutions to significantly improve the education we provide our children.

Utah teachers work hard, but they face classes that continue to grow in size, complexity and diversity. They need new tools to continue to be successful. While the solution to some problems does, in fact, come down to dollars and cents, there are other solutions that rely on common sense – not just more funding.

I am optimistic the Governor's Educational Excellence Commission, which I will personally chair, will find, develop and implement these solutions. Our state deserves a blueprint for success in education, and I believe this group will get us there.

We owe it to our students, and to the future of our State, to provide an education that prepares our youth to compete in the global marketplace. This will not happen, however, without renewed and sustained emphasis in the areas of science, technology, engineering and math. Indeed, many of the jobs available today – and those our students will seek in the future – already require these skills.

I call upon students, caregivers, parents, educators and business leaders to join me in addressing the critical need to immerse our students in these fields of study. If we all pitch in with the spirit of commitment this state is known for, we can be leaders in providing the most prepared and productive workforce in the nation. This is not just an investment of dollars, but of time, energy and innovation from all of us.

Also tonight, I call on the Utah Board of Regents and the Commissioner of Higher Education, Bill Sederburg, to present me with a report, due this fall, that shows how our colleges and universities plan to meet the growing need for students with associate's and bachelor's degrees to address the workforce demands of Utah employers in the 21st century.

On this front, I'm proud to say tonight that we are taking steps in the right direction. The recently launched Utah Cluster Acceleration Partnership provides a way for critical industry groups to communicate their current and future workforce needs to our educational institutions. This partnership will be the mechanism for education to hear, anticipate and answer industry's needs.

The Utah Cluster Acceleration Partnership is a true collaboration – with leaders from industry, state government, higher education and our research community – all working together to significantly increase the economic impact of our most important industry clusters.

Let me offer just one example. Utah's aerospace and defense-related industries generate billions of dollars in revenue annually and employ tens of thousands of Utahns across the state in high-paying jobs. This is good – but we can do even better. Private and public leaders have teamed up with Weber State University to increase the size of the aerospace industry in Utah. By focusing on workforce needs in this area, we will develop the talent and innovation necessary to become the premier player in the aerospace industry. As this happens, Utah becomes more than a place companies would like to be, it becomes a place they need to be.

Long-term planning is critical to Utah's continued success. I've outlined initiatives for education and economic development, and would like to conclude with my plan for energy.

Tonight, I am announcing what I hope will be one of the most impactful economic initiatives ever undertaken in our state. It is one that we in Utah are uniquely positioned to accomplish – it is the Utah Energy Initiative.

I am assembling the best minds in the state and charging them with creating a 10-year strategic energy plan whose purpose is threefold: to ensure Utah's continued access to our own clean and low-cost energy resources; to be on the cutting edge of new energy technologies; and to foster economic opportunities and create more jobs.

We have a rich abundance of diverse natural resources – everything from traditional fuels such as oil, gas and coal to renewables such as solar, wind and hydroelectric. Two new wind projects north of Milford and in Spanish Fork Canyon are now producing electricity. Geothermal is rapidly coming online. Blending solar and biomass with traditional fuels at existing generation sites shows great potential. Simply put, few other states have the energy resources with which we, in Utah, have been blessed.

But it is the innovation and the entrepreneurial spirit of Utah that truly distinguishes us. We have some of the best research and technology minds in the world. We must further harness and empower them. We must also engage Utah's rural areas in this effort, as there is no one who has more know-how, or more at stake, than those communities in Utah whose lifeblood is – and has historically been – the energy industry.

Just three months ago, Utah State University announced a partnership between the State, the Department of Energy and the Uintah Basin communities to construct a 70,000 square foot Entrepreneurial and Energy Research Center. The project's funding included a \$15 million donation from Vernal resident Marc Bingham.

What a perfect illustration of how government at all levels can work together with universities, industry and the private sector to accomplish together what none could achieve individually.

We are uniquely positioned in the Western Energy Corridor, which stretches from Canada on the north to New Mexico on the south. We have the generation capacity and the transmission systems, and we are at the crossroads of the energy commerce and transportation infrastructure. Billions of dollars of future capital investment will be required to maintain and expand our infrastructure. Regulatory systems must be in sync with our long-term energy vision.

As a state, one of our true economic competitive advantages is our relatively low cost of power. Our energy plan must focus on maintaining affordability, encouraging capital investment and protecting our environment. I will do my part to provide leadership both here in the state and also at the national level, through such alliances as the Western and National governors associations.

Utah can – and must – be at the forefront of solving the world's energy challenges.

We've come a long way since pioneers were required to toil and sweat and sacrifice to build homes and farms and communities in what was then the Utah Territory. Since that time, our people have done much to make us a great and significant state. That work continues today. It continues in this Capitol building and in homes and schools and offices and factories across the state.

Our best days are indeed ahead of us. I am bullish on Utah, and I have high hopes for our economic future. This optimism is based on data, good data, facts which show Utah turning the corner in the very near future. If Utah were a stock, and I were your stockbroker, I'd say buy!

As Governor, I promise that, working with you, Utah will continue along the path of fiscal responsibility for which we are known. Through selflessness and working together in unprecedented partnerships, and in unprecedented ways, we will find renewed hope and also ensure that Utah remains the greatest State in this nation.

Thank you. May God continue to bless the Great State of Utah.

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

Representative Garn made a motion that the complete text of the Governor's State-of-the-State address be spread upon the pages of the Senate and House Journals, that the Joint Convention and Committee of the Whole be dissolved, and that the Senate and House adjourn until 10:00 a.m., Wednesday, January 27, 2010.

THIRD DAY

January 27, 2010

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

Prayer – Judge Jon Memmott, Second District Court Judge

Pledge of Allegiance – Senator Kevin Van Tassell

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 72)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 26, 2010

The House passed **H.B. 14**, JUVENILE TRANSFERS FROM JUSTICE COURT, by Representative K. McIff, and it is transmitted for consideration; and

The House passed **H.B. 15**, DEFERRED DEPOSIT LENDING AMENDMENTS, by Representative J. Dunnigan, et al, and it is transmitted for consideration; and

The House passed **H.B. 24**, ECONOMIC DEVELOPMENT INCENTIVES ACT AMENDMENTS, by Representative C. B. Wallis, et al, and it is transmitted for consideration; and

The House passed **H.B. 26**, BRINE SHRIMP ROYALTY ACT AMENDMENTS, by Representative T. Kiser, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 27**, PER DIEM AND TRAVEL EXPENSE MODIFICATIONS, by Representative C. Frank, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 28**, CONTROLLED SUBSTANCE DATABASE AMENDMENTS, by Representative B. Daw, and it is transmitted for consideration; and

The House passed **H.B. 29**, SCHOOL DISTRICT DIVISION AMENDMENTS, by Representative L. Black, and it is transmitted for consideration; and

The House passed **H.B. 31**, WILDLIFE LICENSES, CERTIFICATES, OR PERMIT AMENDMENTS, by Representative K. Gibson, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 35**, CONTROLLED SUBSTANCE DATABASE – REPORTING OF PRESCRIBED CONTROLLED SUBSTANCE OVERDOSE OR POISONING, by Representative B. Daw, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk
Communications filed. **H.B. 14, H.B. 15, H.B. 24, H.B. 26, H.B. 27, H.B. 28, H.B. 29, H.B. 31**, and **1st Sub. H.B. 35** were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: January 26, 2010

The Education Committee recommends **S.B. 95**, UTAH EDUCATIONAL SAVINGS PLAN AMENDMENTS, by Senator W. Niederhauser, be replaced and favorably recommends **1st Sub. S.B. 95**, UTAH EDUCATIONAL SAVINGS PLAN AMENDMENTS.

Curtis S. Bramble, Chair

Mr. President: January 26, 2010

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 83**, BAIL BOND RECOVERY AMENDMENTS, by Senator J. Greiner; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 91**, PROSECUTOR APPEALS, by Senator D. Liljenquist.

Mark B. Madsen, Chair

Mr. President: January 26, 2010

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 38**, RESTRICTIONS ON HIGH OCCUPANCY VEHICLE LANE, by Senator K. Morgan, with the following amendments:

1. Page 1, Lines 14 through 17:

14 ► provides that a designated HOV lane shall be open for general vehicle use

- 15 regardless of the number of occupants except Monday through
Friday during the peak hours of:
- 16 • 6 a.m. to 9 a.m.; and
- 17 • 4 p.m. to 7 p.m.;
2. Page 2, Line 58 through Page 3, Line 62:
- 58 (c) Notwithstanding the provisions of Subsection (4)(a)(iii), if a
highway authority
- 59 designates an HOV lane, the lane shall be open for general vehicle
use regardless of the
- 60 number of occupants except Monday through Friday during
the peak hours of:
- 61 (i) 6 a.m. to 9 a.m.; and
- 62 (ii) 4 p.m. to 7 p.m. ; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 82**, PASSENGER ROPEWAY SYSTEMS ACT AMENDMENTS, by Senator A. Christensen.

Peter C. Knudson, Chair

On motion of Senator Jenkins, the committee reports were adopted. **1st Sub. S.B. 95, S.B. 83, S.B. 91, S.B. 38**, as amended, and **S.B. 82** were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

S.B. 48, Utah Historical Society – Nonlapsing Authority (R. Okerlund), read the first time by short title and referred to the Rules Committee.

S.B. 102, Restricting the Movement of a Motor Vehicle (B. Goodfellow), read the first time by short title and referred to the Rules Committee.

S.B. 103, Adverse Possession of Real Property (S. Urquhart), read the first time by short title and referred to the Rules Committee.

S.B. 104, Renewable Energy Modifications (S. Urquhart), read the first time by short title and referred to the Rules Committee.

S.B. 105, Motor Vehicle Accident Arbitration Amendments (S. Urquhart), read the first time by short title and referred to the Rules Committee.

S.B. 106, Motor Vehicle Noise Emission Standards (P. Jones), read the first time by short title and referred to the Rules Committee.

S.B. 107, Lien Amendments (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 108, Judicial Nominating Commission Staff Amendments (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 109, Chief Justice of the Utah Supreme Court Appointment (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 110, Revisor's Statute (M. Dayton), read the first time by short title and referred to the Rules Committee.

S.J.R. 3, Joint Resolution on Ethics Complaint Procedures (J. Valentine), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

S.B. 16, UTAH PERFORMANCE ASSESSMENT SYSTEM FOR STUDENTS (U-PASS) AMENDMENTS, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

J. Stevenson

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

* * *

On motion of Senator Greiner, the circle was removed from **S.B. 10, CRIMINAL OFFENSE PENALTIES AMENDMENTS**, and it was before the Senate.

Senator Greiner proposed the following amendment:

- 1. Page 2, Lines 38 through 39

38 Other Special Clauses:

39 {~~None~~} This bill provides an effective date of November 1, 2010.

- 2. Page 32, Line 982:

982 the nuisance as defined in Subsection (1).

Section 25. Effective date.

This bill takes effect on November 1, 2010.

Senator Greiner’s motion to amend passed on a voice vote. Senator Greiner explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

H. Stephenson J. Stevenson

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

* * *

On motion of Senator Van Tassell, **S.B. 17**, UNIFORM COMMERCIAL DRIVER LICENSE ACT AMENDMENTS, was read the third time and circled.

* * *

S.B. 18, ELECTION MODIFICATIONS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Okerlund	Robles	Romero
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Madsen	Niederhauser	H. Stephenson	J. Stevenson
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S.B. 18 was transmitted to the House for consideration.

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S.B. 21, AMENDMENTS TO SOCIAL WORKER LICENSING, was read the third time and explained by Senator Buttars.

Senator Buttars proposed the following amendment:

1. Page 3, Line 73:

After "program" delete "." and insert "and is subsequently approved."

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

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	J. Stevenson
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S.B. 21 was transmitted to the House for consideration.

* * *

S.B. 23, CORPORATE FRANCHISE AND INCOME TAX AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	McAdams	Morgan	J. Stevenson
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S.B. 23 was transmitted to the House for consideration.

* * *

S.B. 25, STATE HIGHWAY SYSTEM MODIFICATIONS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Niederhauser
Okerlund	Robles	Romero	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble	Madsen	Morgan	H. Stephenson
J. Stevenson			

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

* * *

S.B. 28, AMENDMENTS TO INDIVIDUAL INCOME TAX RETURN FILING REQUIREMENTS, was read the third time, explained by Senator Adams, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Niederhauser
Okerlund	Robles	Romero	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble	Madsen	Morgan	H. Stephenson
J. Stevenson			

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

* * *

S.B. 30, LOCAL OPTION SALES AND USE TAXES FOR TRANSPORTATION ACT, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Dayton	Hillyard	Morgan	J. Stevenson
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S.B. 30 was transmitted to the House for consideration.

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S.B. 29, AMENDMENTS TO INDIVIDUAL INCOME TAX DEFINITION OF RESIDENT INDIVIDUAL, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Hillyard	H. Stephenson	J. Stevenson
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S.B. 29 was transmitted to the House for consideration.

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S.C.R. 1, ALZHEIMER’S AND DEMENTIA AWARENESS CONCURRENT RESOLUTION, was read the third time, explained by Senator Morgan, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Hillyard	Madsen	H. Stephenson	J. Stevenson
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S.C.R. 1 was transmitted to the House for consideration.

* * *

On motion of Senator Knudson, **1st Sub. S.B. 22, NOTARY PUBLIC AMENDMENTS**, was read the third time and circled.

SECOND READING CALENDAR

S.J.R. 1, ESCALANTE HERITAGE HOLE-IN-THE-ROCK CENTER JOINT RESOLUTION, was read the second time.

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

1st Sub. S.J.R. 1 Escalante Heritage Hole-in-the-rock Center Joint Resolution (D. Stowell)

Senator Stowell proposed the following amendment:

- 1. Page 2, Lines 48 through 50

48 WHEREAS, during their six-month journey, the San Juan colonizers were tempered

49 like fine steel for the formidable task of {~~-nurturing relations with the Native Americans,-~~} tilling

50 the land {~~-~~} and establishing law and order;

Senator Stowell’s motion to amend passed on a voice vote. Senator Stowell explained the bill. Senator Dayton commented. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars	Hillyard	Liljenquist	Madsen
H. Stephenson	J. Stevenson		

* * *

S.J.R. 2, JOINT RESOLUTION ON COMBATING AND REDUCING GANG ACTIVITY, was read the second time. Senator Robles explained the bill.

On motion of Senator Robles, the bill was circled.

* * *

S.B. 78, CONSTITUTIONAL REVISION COMMISSION DUTIES, was read the second time. Senator Valentine explained the bill. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	Stowell
Urquhart	Valentine	Van Tassell	

Absent or not voting were: Senators

Buttars	Hillyard	Liljenquist	H. Stephenson
J. Stevenson	Waddoups		

* * *

On motion of Senator Valentine, **S.B. 11**, UTAH STATE-MADE FIREARMS PROTECTION ACT, was read the second time and circled.

* * *

S.B. 79, FRAUDULENT TRANSFER AMENDMENTS, was read the second time. Senator Valentine explained the bill. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	Stowell
Urquhart	Valentine	Van Tassell	

Absent or not voting were: Senators

Buttars	Hillyard	Liljenquist	H. Stephenson
J. Stevenson	Waddoups		

* * *

S.B. 32, RAINWATER HARVESTING, was read the second time. Senator Jenkins explained the bill. Senators Greiner, Stowell, Valentine, and McAdams commented. The bill passed second reading on the following roll call:

Yeas, 19; Nays, 2; Absent, 8.

Voting in the affirmative were: Senators

Adams	Christensen	Davis	Dayton
Goodfellow	Greiner	Jenkins	Jones
Knudson	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	Urquhart	Valentine	

Voting in the negative were: Senators

Hinkins Van Tassell

Absent or not voting were: Senators

Bramble	Buttars	Hillyard	Liljenquist
H. Stephenson	J. Stevenson	Stowell	Waddoups

* * *

On motion of Senator Jenkins and at 11:45 p.m., the Senate adjourned until 10:00 a.m., Thursday, January 28, 2010.

FOURTH DAY

January 28, 2010

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

Prayer – Father Michael Kouremetis, Prophet Elias Greek Orthodox Church

Pledge of Allegiance – Senator Jon Greiner

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS

(PLEASE REFER TO DAY 1, PAGE 72)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

January 27, 2010

The House passed **H.B. 32**, LIVESTOCK DAMAGE COMPENSATION AMENDMENTS, by Representative M. Brown, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 33**, GROUNDWATER RECHARGE AND RECOVERY ACT AMENDMENTS, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 36**, CONTROLLED SUBSTANCE DATABASE – REPORTING CONVICTIONS FOR DRIVING UNDER THE INFLUENCE OR IMPAIRED DRIVING, by Representative B. Daw, and it is transmitted for consideration; and

The House passed **H.B. 38**, SCHEDULING OF CONTROLLED SUBSTANCES, by Representative P. Ray, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 40**, UTAH LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed **H.B. 41**, CONSTABLES AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed **H.B. 44**, REFERENDUM BALLOT PROPOSITION AMENDMENTS, by Representative F. Hunsaker, and it is transmitted for consideration; and

The House passed **H.B. 46**, MOTOR VEHICLE ACT AMENDMENTS, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 49**, AMENDMENTS RELATED TO A TAX, FEE, OR CHARGE ADMINISTERED BY THE STATE TAX COMMISSION, by Representative T. Kiser, and it is transmitted for consideration; and

The House passed **H.B. 50**, SALES AND USE TAX MODIFICATIONS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.B. 57**, EXTENSION OF SUNSET FOR DESIGN-BUILD CONTRACT AWARD AUTHORIZATION, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed **H.B. 58**, UTAH GENERATED RENEWABLE ENERGY ELECTRICITY NETWORK AUTHORITY BOARD AMENDMENTS, by Representative R. Barrus, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 32, H.B. 33, 1st Sub. H.B. 36, H.B. 38, H.B. 40, H.B. 41, H.B. 44, H.B. 46, H.B. 49, H.B. 50, H.B. 57, and H.B. 58**, were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate:

January 27, 2010

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

Business and Labor Committee

- S.B. 45** Utah Fit Premises Act Amendments
(Sen. W. Niederhauser)
- S.B. 107** Lien Amendments (Sen. C. Bramble)
- H.B. 15** Deferred Deposit Lending Amendments
(Rep. J. Dunnigan) (Sen. K. Mayne)

Education Committee

- H.B. 29** School District Division Amendments (Rep. L. Black)
(Sen. H. Stephenson)

Government Operations and Political Subdivisions Committee

- S.B. 103** Adverse Possession of Real Property (Sen. S. Urquhart)

- S.B. 110** Revisor’s Statute (Sen. M. Dayton)
S.J.R. 3 Joint Resolution on Ethics Complaint Procedures
(Sen. J. Valentine)
H.B. 27 Per Diem and Travel Expense Modifications
(Rep. C. Frank) (Sen. M. Dayton)

Health and Human Services Committee

- S.B. 90** Mental Health Professional Practice Act Amendments
(Sen. L. Hillyard)
S.C.R. 2 Reducing Prescription Drug Misuse Resolution
(Sen. P. Jones)
S.C.R. 4 Dental Health Care Concurrent Resolution (Sen. P. Jones)
H.B. 28 Controlled Substance Database Amendments
(Rep. B. Daw) (Sen. C. Bramble)
1st Sub. H.B. 35 Controlled Substance Database – Reporting of Prescribed
Controlled Substance Overdose or Poisoning
(Rep. B. Daw) (Sen. M. Dayton)

Judiciary, Law Enforcement, and Criminal Justice Committee

- S.B. 108** Judicial Nominating Commission Staff Amendments
(Sen. S. Jenkins)
S.B. 109 Chief Justice of the Utah Supreme Court Appointment
(Sen. S. Jenkins)
H.B. 14 Juvenile Transfers from Justice Court (Rep. K. McIff)
(Sen. R. Okerlund)

Natural Resources, Agriculture and Environment Committee

- H.B. 31** Wildlife Licenses, Certificates, or Permit Amendments
(Rep. K. Gibson) (Sen. M. Dayton)

Revenue and Taxation Committee

- H.B. 26** Brine Shrimp Royalty Act Amendments (Rep. T. Kiser)
(Sen. W. Niederhauser)

Transportation, Public Utilities and Technology Committee

- S.B. 15** Utah Scenic Byway Amendments (Sen. D. Stowell)
S.B. 47 Electrical Utility Amendments – Efficiency and
Conservation Tariff (Sen. K. Van Tassell)
S.B. 102 Restricting the Movement of a Motor Vehicle
(Sen. B. Goodfellow)
S.B. 104 Renewable Energy Modifications (Sen. S. Urquhart)

- S.B. 105** Motor Vehicle Accident Arbitration Amendments
(Sen. S. Urquhart)
- S.B. 106** Motor Vehicle Noise Emission Standards (Sen. P. Jones)

**Workforce Services and Community and Economic Development
Committee**

- S.B. 48** Utah Historical Society – Nonlapsing Authority
(Sen. R. Okerlund)
- H.B. 24** Economic Development Incentives Act Amendments
(Rep. C. B. Wallis) (Sen. H. Stephenson)

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: January 27, 2010

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 37, IMPACT FEE REVISIONS**, by Senator W. Niederhauser, with the following amendments:

1. Page 13, Lines 382 through 383:

382 ~~[(V)-(Aa) placed] (C)~~ subject to Subsection (2)(b)(iv), be
posted on the Utah Public Notice Website created under
383 Section 63F-1-701~~[, if the local political subdivision:].~~

2. Page 14, Line 401:

401 ~~conflict with the facilities proposed in the capital facilities plan.]~~
(iv) For a private entity required to post notice on the Utah Public
Notice Website under Subsection (2)(b)(iii):
(A) the private entity shall give notice to the general purpose
local government in which the private entity's primary business office is
located; and
(B) the general purpose local government described in
Subsection (2)(b)(iv)(A) shall post the notice on the Utah Public Notice
Website.

3. Page 16, Line 469:

469 (b) (i) Before preparing or contracting to prepare the
written analysis required under

4. Page 16, Line 474:

474 subject to Subsection (5)(b)(ii), post a public notice on the
Utah Public Notice Website created under Section 63F-1-701

5. Page 16, Lines 477 through 478:

477 [~~(C) inviting each notice recipient to participate in the~~
~~preparation of the written~~

478 ~~analysis.]~~

(ii) For a private entity required to post notice on the Utah Public
Notice Website under Subsection (5)(b)(i):

(A) the private entity shall give notice to the general purpose
local government in which the private entity's primary business office is
located; and

(B) the general purpose local government described in
Subsection (5)(b)(ii)(A) shall post the notice on the Utah Public Notice
Website. ; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 84**, SPECIAL SERVICE DISTRICT AMENDMENTS, by Senator D. Hinkins; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 93**, GUBERNATORIAL APPOINTMENT POWERS AMENDMENTS, by Senator C. Bramble.

Peter C. Knudson, Chair

Mr. President: January 27, 2010

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 27**, SALES AND USE TAX DEFINITION OF TANGIBLE PERSONAL PROPERTY, by Senator L. Hillyard.

J. Stuart Adams, Chair

Mr. President: January 26, 2010

The Natural Resources, Agriculture, and Environment Committee recommends **S.B. 24**, LAND EXCHANGE DISTRIBUTION ACCOUNT AMENDMENTS, by Senator D. Stowell, be replaced and favorably recommends **1st Sub. S.B. 24**, LAND EXCHANGE DISTRIBUTION ACCOUNT AMENDMENTS; and

The Natural Resources, Agriculture, and Environment Committee recommends **S.B. 36**, WOLF MANAGEMENT, by Senator A. Christensen, be replaced and favorably recommends **1st Sub. S.B. 36**, WOLF MANAGEMENT; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 97**, FARMLAND ASSESSMENT ACT AMENDMENTS, by Senator D. Hinkins.

Dennis E. Stowell, Chair

On motion of Senator Jenkins , the committee reports were adopted. **S.B. 37**, as amended, **S.B. 84**, **S.B. 93**, **S.B. 27**, **1st Sub. S.B. 24**, **1st Sub S.B. 36**, and **S.B. 97**, were placed on the Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: January 27, 2010

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 100**, INCOME TAX CREDIT OR REFUND AMENDMENTS, by Senator C. Bramble, and recommends it be considered read for the second time and placed on the Consent Calendar.

J. Stuart Adams, Chair

On motion of Senator Jenkins, the committee report was adopted. **S.B. 100** was placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 49, Vending Machines in Public Schools (P. Jones), read the first time by short title and referred to the Rules Committee.

S.B. 50, Victims' Rights Revisions (J. S. Adams), read the first time by short title and referred to the Rules Committee.

S.B. 51, Bioprospecting (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 52, State Board of Regents Amendments (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 111, Repeal of Severance Tax Holding Account (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 112, Termination of a Billboard and Associated Rights Amendments (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 113, Wireless Telephone Use Restriction for Minors in Vehicles (R. Romero), read the first time by short title and referred to the Rules Committee.

S.B. 114, Motor Vehicle Accident Reports (D. Stowell), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

On motion of Senator Knudson, the circle was removed from **1st Sub. S.B. 22, NOTARY PUBLIC AMENDMENTS**, and it was before the Senate.

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

2nd Sub. S.B. 22 Notary Public Amendments (P. Knudson)

Senator Knudson explained the bill. Senators Hillyard and Valentine declared conflicts of interest. President Waddoups noted that all senators that are attorneys will also be declared to have conflicts of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator Bramble

2nd Sub. S.B. 22 was transmitted to the House for consideration.

* * *

1st Sub. S.J.R. 1, ESCALANTE HERITAGE HOLE-IN-THE-ROCK CENTER JOINT RESOLUTION, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Waddoups		

Absent or not voting were: Senators

Bramble	Madsen	Van Tassell
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1st Sub. S.J.R. 1 was transmitted to the House for consideration.

* * *

S.B. 78, CONSTITUTIONAL REVISION COMMISSION DUTIES, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	Madsen
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S.B. 78 was transmitted to the House for consideration.

* * *

S.B. 79, FRAUDULENT TRANSFER AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	Madsen
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S.B. 79 was transmitted to the House for consideration.

* * *

On motion of Senator Jenkins, **S.B. 32**, RAINWATER HARVESTING, was read the third time and circled.

SECOND READING CALENDAR

S.B. 19, VEHICLE SAFETY FLAGS ON OFF-HIGHWAY VEHICLES, was read the second time. Senator Goodfellow explained the bill. Senator Waddoups commented. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 3; Absent, 2.

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Van Tassell	Waddoups

Voting in the negative were: Senators

Bramble	Greiner	Valentine
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Absent or not voting were: Senators

Madsen	McAdams
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* * *

On motion of Senator Dayton, the circle was removed from **S.B. 11**, UTAH STATE-MADE FIREARMS PROTECTION ACT, and it was before the Senate. Senator Dayton explained the bill.

On motion of Senator Dayton, the bill was circled.

* * *

1st Sub. S.B. 95, UTAH EDUCATION SAVINGS PLAN AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Madsen

* * *

S.B. 38, RESTRICTIONS ON HIGH OCCUPANCY VEHICLE LANE, was read the second time. Senator Morgan explained the bill. Senators Greiner, Knudson, Bramble, and Adams commented.

On motion of Senator Morgan, the bill was circled.

* * *

S.B. 82, PASSENGER ROPEWAY SYSTEMS ACT AMENDMENTS, was read the second time. Senator Christensen explained the bill. Senators Bramble and Waddoups commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams

Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator Buttars

* * *

S.B. 83, BAIL BOND RECOVERY AMENDMENTS, was read the second time. Senator Greiner explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Buttars Hillyard

* * *

S.B. 91, PROSECUTOR APPEALS, was read the second time. Senator Liljenquist explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Van Tassell	Waddoups		

Absent or not voting were: Senators

Buttars

Davis

Valentine

* * *

On motion of Senator Jenkins and at 11:45 a.m., the Senate adjourned until 10:00 a.m., Friday, January 29, 2010.

FIFTH DAY

January 29, 2010

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

Prayer – Mayor David Phillips, Mayor of Heber City

Pledge of Allegiance – Senator Margaret Dayton

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

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 72)

President Waddoups recognized UHP Trooper Lisa Steed as the number one DUI enforcer in Utah.

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 28, 2010

The House passed **H.B. 23**, WORKPLACE DRUG AND ALCOHOL TESTING, by Representative T. Beck, and it is transmitted for consideration; and

The House passed **H.B. 34**, WATER STORAGE PROJECTS, by Representative M. Noel, and it is transmitted for consideration; and

The House passed **H.B. 51**, FAMILY EMPLOYMENT PROGRAM – CASH ASSISTANCE TO SINGLE MINOR PARENT, by Representative J. Dunnigan, et al, and it is transmitted for consideration; and

The House passed **H.B. 59**, CAMPAIGN FINANCE REVISIONS, by Representative K. Grover, and it is transmitted for consideration; and

The House passed **H.C.R. 1**, CONCURRENT RESOLUTION ON INTERNATIONAL TRADE AND STATE GOVERNMENTS, by Representative S. Allen, et al, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 23**, **H.B. 34**, **H.B. 51**, **H.B. 59**, and **H.C.R. 1** were read the first time and referred to the Rules Committee.

* * *

Mr. President: January 28, 2010

The House passed, **S.B. 33**, STATE CAPITOL PRESERVATION BOARD FEE AMENDMENTS, by Senator M. Madsen, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 33 was signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

RULES COMMITTEE REPORTS

To the Members of the Senate: January 28, 2010

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

Business and Labor Committee

S.B. 112 Termination of a Billboard and Associated Rights Amendments (Sen. P. Knudson)

Government Operations and Political Subdivisions Committee

H.B. 44 Referendum Ballot Proposition Amendments (Rep. F. Hunsaker) (Sen. P. Knudson)

Health and Human Services Committee

H.B. 38 Scheduling of Controlled Substances (Rep. P. Ray) (Sen. D. C. Buttars)

H.B. 40 Utah Life and Health Insurance Guaranty Association Amendments (Rep. J. Dunnigan) (Sen. W. Niederhauser)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 50 Victims' Rights Revisions (Sen. J. S. Adams)

1st Sub. H.B. 36 Controlled Substance Database – Reporting Convictions for Driving Under the Influence or Impaired Driving (Rep. B. Daw) (Sen. C. Bramble)

H.B. 41 Constables Amendments (Rep. C. Oda) (Sen. J. Greiner)

Natural Resources, Agriculture and Environment Committee

S.B. 51 Bioprospecting (Sen. L. Hillyard)

H.B. 32 Livestock Damage Compensation Amendments (Rep. M. Brown) (Sen. K. Van Tassell)

H.B. 33 Groundwater Recharge and Recovery Act Amendments (Rep. M. Noel) (Sen. S. Urquhart)

Revenue and Taxation Committee

- S.B. 111** Repeal of Severance Tax Holding Account
(Sen. L. Hillyard)
- H.B. 49** Amendments Related to a Tax, Fee, or Charge
Administered by the State Tax Commission
(Rep. T. Kiser) (Sen. J. S. Adams)
- H.B. 50** Sales and Use Tax Modifications (Rep. W. Harper)
(Sen. C. Bramble)

Transportation, Public Utilities and Technology Committee

- S.B. 113** Wireless Telephone Use Restriction for Minors in
Vehicles (Sen. R. Romero)
- S.B. 114** Motor Vehicle Accident Reports (Sen. D. Stowell)
- H.B. 46** Motor Vehicle Act Amendments (Rep. Julie Fisher)
(Sen. K. Van Tassell)
- H.B. 57** Extension of Sunset for Design–build Contract Award
Authorization (Rep. Julie Fisher) (Sen. K. Van Tassell)
- H.B. 58** Utah Generated Renewable Energy Electricity Network
Authority Board Amendments (Rep. R. Barrus)
(Sen. C. Bramble)

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: January 28, 2010

The Health and Human Services Committee recommends **S.B. 41**, DRUG UTILIZATION REVIEW BOARD AMENDMENTS, by Senator P. Knudson, be replaced and favorably recommends **1st Sub. S.B. 41**, DRUG UTILIZATION REVIEW BOARD AMENDMENTS; and

The Health and Human Services Committee recommends **S.B. 88**, PHARMACY PRACTICE ACT AMENDMENTS, by Senator C. Bramble, be replaced and favorably recommends **1st Sub. S.B. 88**, PHARMACY PRACTICE ACT AMENDMENTS.

D. Chris Butters, Chair

On motion of Senator Madsen, the committee reports were adopted. **1st Sub. S.B. 41** and **1st Sub. S.B. 88** were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

S.B. 53, Voter Challenge Revisions (P. Knudson), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

S.B. 19, VEHICLE SAFETY FLAGS ON OFF-HIGHWAY VEHICLES, was read the third time and explained by Senator Goodfellow.

Senator Goodfellow proposed the following amendment:

- 1. Page 2, Lines 36 through 39

36 (d) when operated on sand dunes designated by the board,
 a safety flag {~~-,~~} that is:
 (i) red or orange in color {~~and~~} ;
 (ii) a minimum of six by 12 inches {~~-,~~} ; and
 (iii) attached to ;

37 (A) the off-highway vehicle so that the safety flag is at
 least eight feet above the surface of level ground[~~;~~] ; or
 {~~to~~ }

(B) the

38 protective headgear of a person operating the off-highway vehicle
so that the safety flag is at least 18 inches above the

39 top of the person's head {~~-, when operated on sand dunes~~
~~designated by the board~~ } .

Senator Goodfellow’s motion to amend passed on a voice vote. Senator Greiner commented and the bill failed on the following roll call:

Yeas, 13; Nays, 10; Absent, 6.

Voting in the affirmative were: Senators

Christensen	Davis	Hinkins	Jones
Knudson	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
Van Tassell			

Voting in the negative were: Senators

Adams	Buttars	Dayton	Goodfellow
Greiner	Madsen	H. Stephenson	J. Stevenson
Valentine	Waddoups		

Absent or not voting were: Senators

Bramble	Hillyard	Jenkins	Liljenquist
Stowell	Urquhart		

S.B. 19 was filed.

* * *

1st Sub. S.B. 95, UTAH EDUCATIONAL SAVINGS PLAN AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jones	Knudson	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Hillyard	Jenkins	Liljenquist
Stowell	Urquhart	Valentine	

1st Sub. S.B. 95 was transmitted to the House for consideration.

* * *

S.B. 82, PASSENGER ROPEWAY SYSTEMS ACT AMENDMENTS, was read the third time, explained by Senator Christensen, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jones
Knudson	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Van Tassell
Waddoups			

Absent or not voting were: Senators

Adams	Bramble	Hillyard	Jenkins
Liljenquist	Stowell	Urquhart	Valentine

S.B. 82 was transmitted to the House for consideration.

* * *

S.B. 83, BAIL BOND RECOVERY AMENDMENTS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jones
Knudson	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Christensen	Hillyard	Jenkins
Liljenquist	Stowell	Urquhart	Valentine

S.B. 83 was transmitted to the House for consideration.

* * *

On motion of Senator Niederhauser, **S.B. 91**, PROSECUTOR APPEALS, was read the third time and circled.

SECOND READING CALENDAR

On motion of Senator Niederhauser, **S.B. 37**, IMPACT FEE REVISIONS, was read the second time and circled.

* * *

S.B. 84, SPECIAL SERVICE DISTRICT AMENDMENTS, was read the second time. Senator Hinkins explained the bill. Senator Romero commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Adams	Buttars	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jones
Knudson	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Christensen	Hillyard	Jenkins
Liljenquist	Urquhart	Valentine	

* * *

On motion of Senator Niederhauser, **S.B. 93**, GUBERNATORIAL APPOINTMENT POWERS AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Niederhauser, **S.B. 27**, SALES AND USE TAX DEFINITION OF TANGIBLE PERSONAL PROPERTY, was read the second time and circled.

* * *

On motion of Senator Stowell, **1st Sub. S.B. 24**, LAND EXCHANGE DISTRIBUTION ACCOUNT AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Niederhauser, **1st Sub. S.B. 36**, WOLF MANAGEMENT, was read the second time and circled.

* * *

S.B. 97, FARMLAND ASSESSMENT ACT AMENDMENTS, was read the second time.

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

1st Sub. S.B. 97 Farmland Assessment Act Amendments (D. Hinkins)

Senator Hinkins explained the bill. Senators Niederhauser, Okerlund, and Stowell commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Davis	Dayton	Goodfellow
Greiner	Hinkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Buttars	Christensen	Hillyard
Jenkins	Liljenquist	Urquhart	Valentine

* * *

On motion of Senator Niederhauser, the circle was removed from **S.B. 37**, IMPACT FEE REVISIONS, and it was before the Senate. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Davis	Dayton	Goodfellow
Greiner	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Buttars	Christensen	Hillyard
Hinkins	Jenkins	Urquhart	Valentine

* * *

On motion of Senator Liljenquist, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Liljenquist, the circle was removed from **S.B. 91**, PROSECUTOR APPEALS, and it was before the Senate. Senator Liljenquist explained the bill. The bill passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Adams	Buttars	Davis	Dayton
Goodfellow	Greiner	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	Christensen	Hillyard	Hinkins
Jenkins	Urquhart		

S.B. 91 was transmitted to the House for consideration.

* * *

On motion of Senator Niederhauser and at 11:10 a.m., the Senate adjourned until 10:00 a.m., Monday, February 1, 2010.

EIGHTH DAY

February 1, 2010

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

Prayer – Mayor Gayle Bunker, Delta City Mayor

Pledge of Allegiance – Senator Ralph Okerlund

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

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 72)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

January 29, 2010

The House passed, as amended, **H.B. 12**, CRIMINAL HOMICIDE AND ABORTION AMENDMENTS, by Representative C. Wimmer, and it is transmitted for consideration; and

The House passed **H.B. 17**, AMENDMENTS TO PROGRAMS FOR PEOPLE WITH DISABILITIES, by Representative S. Mascaro, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 39**, INSURANCE RELATED AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 42**, SCHOOL DISTRICT EMPLOYEES – CAREER STATUS REQUIREMENTS, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 53**, FORECLOSURE RESCUE AND LOAN MODIFICATION AMENDMENTS, by Representative R. Wilcox, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 55**, DEPARTMENT OF COMMUNITY AND CULTURE GRANTS AMENDMENTS, by Representative Julie Fisher, et al, and it is transmitted for consideration; and

The House passed **H.B. 199**, MUNICIPAL CLERK AND RECORDER RESPONSIBILITIES, by Representative B. Last, and it is transmitted for consideration; and

The House passed **H.B. 213**, CIGARETTE TAX EXEMPTION AMENDMENTS, by Representative E. Vickers, and it is transmitted for consideration; and

The House passed **H.B. 221**, SUNSET ACT AND REPEALERS REAUTHORIZATION, by Representative K. Garn, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 12**, **H.B. 17**, **H.B. 39**, **1st Sub. H.B. 42**, **H.B. 53**, **H.B. 55**, **H.B. 199**, **H.B. 213**, and **H.B. 221** were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: January 29, 2010

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 111**, REPEAL OF SEVERANCE TAX HOLDING ACCOUNT, by Senator L. Hillyard; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 26**, BRINE SHRIMP ROYALTY ACT AMENDMENTS, by Representative T. Kiser; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 49**, AMENDMENTS RELATED TO A TAX, FEE, OR CHARGE ADMINISTERED BY THE STATE TAX COMMISSION, by Representative T. Kiser.

J. Stuart Adams, Chair

Mr. President: January 29, 2010

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 96**, UINTAH BASIN REVITALIZATION FUND AMENDMENTS, by Senator K. Van Tassell; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 24**, ECONOMIC

DEVELOPMENT INCENTIVES ACT AMENDMENTS, by Representative C. B. Wallis, et al.

Jerry S. Stevenson, Chair

Mr. President:

January 29, 2010

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 20**, LOCAL DISTRICT AMENDMENTS, by Senator D. Stowell, with the following amendments:

1. Page 1, Lines 20 through 22:

20 ► provides that a groundwater management plan described in the preceding paragraph

21 may include the banking of groundwater rights {~~if expressly authorized in Title 73,~~

22 ~~Water and Irrigation~~} by a local district in a critical management area following the adoption of a groundwater management plan by the state engineer ;

2. Page 7, Lines 190 through 192:

190 (c) A groundwater management plan described in Subsection (1)(a)(xiv) may include

191 the banking of groundwater rights {~~if the banking of groundwater rights is expressly authorized~~

192 in Title 73, Water and Irrigation. } by a local district in a critical management area as defined in Section 73-5-15 following the adoption of a ground water management plan by the state engineer under Section 73-5-15.

(i) A local district may manage the groundwater rights it acquires under Subsection 17B-1-103 (2)(a) or (b) consistent with the provisions of a groundwater management plan described in Subsection (1)(c).

(ii) A groundwater right held by a local district to satisfy the provisions of a groundwater management plan are not subject to the forfeiture provisions of Section 73-1-4.

(iii) (A) A local district may divest itself of a groundwater right subject to a determination that the groundwater right is not required to facilitate the groundwater management plan described in Subsection (1)(c).

(B) The groundwater right described in Subsection (1)(c)(iii)(A) is subject to Section 73-1-4 beginning on the date of divestiture.

(iv) Upon a determination by the state engineer that an area is no longer a critical management area, a water right held by the local district is subject to Section 73-1-4.

Dennis E. Stowell

Mr. President: January 29, 2010

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 108**, JUDICIAL NOMINATING COMMISSION STAFF AMENDMENTS, by Senator S. Jenkins, be replaced and favorably recommends **1st Sub. S.B. 108**, JUDICIAL NOMINATING COMMISSION STAFF AMENDMENTS.

Mark B. Madsen, Chair

On motion of Senator Dayton, the committee reports were adopted. **S.B. 111**, **H.B. 26**, **H.B. 49**, **S.B. 96**, **H.B. 24**, **S.B. 20**, as amended, and **1st Sub. S.B. 108** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: January 29, 2010

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 31**, WILDLIFE LICENSES, CERTIFICATES, OR PERMIT AMENDMENTS, by Representative K. Gibson, and recommends it be considered read for the second time and placed on the Consent Calendar.

Dennis E. Stowell, Chair

On motion of Senator Dayton, the committee report was adopted. **H.B. 31** was considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 54, Health Education Amendments (S. Urquhart), read the first time by short title and referred to the Rules Committee.

S.B. 55, Authorization of Charter Schools by Higher Education Institutions (J. S. Adams), read the first time by short title and referred to the Rules Committee.

S.B. 115, Unemployment Insurance Revisions (L. Robles), read the first time by short title and referred to the Rules Committee.

S.B. 116, District Court Judges Amendments (S. Urquhart), read the first time by short title and referred to the Rules Committee.

S.B. 117, Pete Suazo Memorial Highway (L. Robles), read the first time by short title and referred to the Rules Committee.

S.B. 118, Uniform Probate Code Amendments (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 119, Special Elections Modifications (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 120, Disarming a Peace Officer Amendment (D. Hinkins), read the first time by short title and referred to the Rules Committee.

S.C.R. 5, Concurrent Resolution Recognizing the 100 Year Anniversary of the McKay-dee Hospital (J. Greiner), read the first time by short title and referred to the Rules Committee.

COMMITTEE OF THE WHOLE

On motion of Senator Niederhauser, U. S. Congressman Rob Bishop spoke in Committee of the Whole. Senators Dayton, Knudson, Stowell, and Robles commented.

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

* * *

On motion of Senator Hillyard, the Senate voted to lift **S.B. 1, STATE AGENCY AND HIGHER EDUCATION BASE BUDGET**, from the Rules Committee and place it at the top of the Second Reading Calendar

THIRD READING CALENDAR

S.B. 84, SPECIAL SERVICE DISTRICT AMENDMENTS, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard

Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators
 Bramble Madsen

S.B. 84 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 97, FARMLAND ASSESSMENT ACT AMENDMENTS, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators
 Bramble Madsen

1st Sub. S.B. 97 was transmitted to the House for consideration.

* * *

S.B. 37, IMPACT FEE REVISIONS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones

Knudson	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator Madsen

S.B. 37 was transmitted to the House for consideration.

* * *

On motion of Senator Jenkins, the circle was removed from **S.B. 32**, RAINWATER HARVESTING, and it was before the Senate.

Senator McAdams proposed the following amendment:

- Page 2, Line 50 through Page 3, Line 60

50 (7) (a) As used in this Subsection (7), "parcel" means an identifiable contiguous unit of property that is treated as separate for valuation or zoning purposes and includes any improvements on that unit of property.

(b) Notwithstanding the requirements of Section 73-3-2, a person may:

51 {~~(a)~~} (i) directly capture and store precipitation:

52 {~~(i) on property~~} (A) on a parcel owned or leased by the person; and

53 {~~(ii) (A)~~} (B)(I) in {~~an~~} one underground storage container for the parcel :

54 {~~(I)~~} (Aa) with a maximum capacity of 2,500 gallons; and

55 {~~(II)~~} (Bb) installed in accordance with relevant building codes adopted under Title 58.

56 Chapter 56, Utah Uniform Building Standards Act; or

57 {~~(B)~~} (II) in no more than 2 covered storage containers for the parcel with a maximum capacity of {~~55~~} 100 gallons per

58 container; and

59 (b) place the water captured and stored under Subsection (7)(a) to beneficial use on the

60 {-property } parcel on which the water is captured and stored.

Senator McAdams’ motion to amend passed on a voice vote. Senator Jenkins explained the bill. Senators Greiner, Buttars, Valentine, Romero, and Goodfellow commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Voting in the negative were: Senators

Buttars Hinkins

Absent or not voting were: Senators

Hillyard Madsen

S.B. 32, as amended, was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Christensen, the circle was removed from **1st Sub. S.B. 36, WOLF MANAGEMENT**, and it was before the Senate. Senator Christensen explained the bill. Senators Stowell, Buttars, Okerlund, Davis, Goodfellow, Romero, Van Tassell, Jenkins, and Dayton, commented. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 8; Absent, 1.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Knudson	Liljenquist	Niederhauser
Okerlund	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

Davis	Goodfellow	Jones	Mayne
McAdams	Morgan	Robles	Romero

Absent or not voting was: Senator

Madsen

* * *

On motion of Senator Hillyard, the circle was removed from **S.B. 27**, SALES AND USE TAX DEFINITION OF TANGIBLE PERSONAL PROPERTY, and it was before the Senate. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Madsen

* * *

On motion of Senator Bramble, the circle was removed from **S.B. 93**, GUBERNATORIAL APPOINTMENT POWERS AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill.

Senator Bramble proposed the following amendment:

1. Page 2, Lines 47 through 52

47 (b) If the Senate fails to consent to that person[;] within 90 days
48 after the day on which

49 the governor submits the nominee’s name to the Senate for consent:

49 (i) the nomination is considered rejected; and

50 (ii) the governor shall resubmit the name of the nominee
described in Subsection (2)(a) or submit the name of [~~another~~] a
different nominee to the Senate

51 for consent no later than one month after the date on which the nomination was rejected by the

52 Senate.

Senator Bramble’s motion to amend passed on a voice vote. Senator Romero commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Buttars	Christensen	Madsen
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SPECIAL RECOGNITION

Maestro Thierry Fischer, music director of the Utah Symphony was recognized by the Senate.

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On motion of Senator Greiner, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Greiner, the Senate voted to reconsider its action on **S.B. 19, VEHICLE SAFETY FLAGS ON OFF-HIGHWAY VEHICLES.**

S.B. 19, VEHICLE SAFETY FLAGS ON OFF-HIGHWAY VEHICLES, was before the Senate.

On motion of Senator Goodfellow, the bill was circled.

SECOND READING CALENDAR

On motion of Senator Stowell, the circle was removed from **1st Sub. S.B. 24, LAND EXCHANGE DISTRIBUTION ACCOUNT AMENDMENTS,** and it was before the Senate.

Senator Stowell proposed the following amendment:

1. Page 3, Line 75 through Page 4, Line 97

75 (2) ~~[The]~~ No later than the last day of the second month
 following each calendar

76 ~~quarter,~~ the director shall distribute :

77 (a) ~~[no later than the last day of the second month following~~
~~each calendar quarter;]~~

78 ~~{-distribute all-}~~ bonus payments received during the
 calendar quarter from the lease of coal, oil

79 and gas, and coalbed methane on the identified tracts as follows:

80 (i) 50% to the United States; and

81 (ii) 50% to the Land Exchange Distribution Account created in
 Section 53C-3-203;

82 (b) ~~[no later than the last day of the second month following~~
~~each calendar quarter;]~~

83 ~~{-distribute all-}~~ rentals and royalties received during the
 calendar quarter from the lease of subject

84 minerals on the acquired lands and the lease of acquired mineral
 interests as follows:

85 (i) 50% to the Land Grant Management Fund created by Section
 53C-3-101; and

86 (ii) 50% to the Land Exchange Distribution Account created in
 Section 53C-3-203;

87 ~~[and]~~

88 (c) ~~[no later than the last day of the second month following~~
~~each calendar quarter;]~~

89 ~~{-deposit-}~~ ~~[the state's share]~~ ~~{-50%}~~ of the } mineral
 bonus, rental, and royalty revenue generated from

90 the lease of subject minerals, other than oil shale, on exchanged
 lands or from the lease of

91 exchanged mineral interests, other than interests in oil shale,
~~{-in-}~~ as follows:

(i) 50% to the Land Grant Management Fund created by Section

53C-3-101; and

(ii) 50% to the Land Exchange Distribution

92 Account created in Section 53C-3-203[-]; and

93 (d) {~~deposit 50% of the~~ } mineral bonus, rental, and
royalty revenue generated from the

94 lease of oil shale on exchanged lands or the lease of exchanged
mineral interests that are

95 interests in oil shale, net of amounts paid to the United States
pursuant to a reserved interest of

96 the United States in oil shale, {~~in~~ } as follows:

(i) 50% to the Land Grant Management Fund created by Section
53C-3-101; and

(ii) 50% to the Land Exchange Distribution Account created in
Section

97 53C-3-203.

Senator Stowell’s motion to amend passed on a voice vote. Senator Stowell explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Buttars	Madsen	Urquhart
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INTRODUCTION OF BILLS

S.B. 56, School Reporting Amendments (K. Morgan), read the first time by short title and referred to the Rules Committee.

S.B. 121, Utah Uniform Probate Code Amendments (J. Valentine), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Jenkins and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Tuesday, February 2, 2010.

NINTH DAY

February 2, 2010

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

Prayer – The Most Reverend John C. Wester, Bishop, the Catholic Diocese of Salt Lake City

Pledge of Allegiance – Senator Lyle Hillyard

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 72)

COMMITTEE OF THE WHOLE

On motion of Senator Jenkins, The Reverend France Davis, representing the Martin Luther King Jr. Human Rights Commission spoke in Committee of the Whole. Senators Butters, Davis, Romero and Valentine commented.

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

On motion of Senator Davis, the Senate voted to have the words of Reverend Davis spread upon the pages of the Senate Journal.

Good morning Mr. President, Mr. Speaker, honorable Senators/Legislators, members of the Martin Luther King, Jr. Commission, ladies and gentlemen. I am delighted to have this opportunity to speak on behalf of the Martin Luther King, Jr. Commission in honor of the January 19th birthday of Dr. King. You made this possible by authorizing a full holiday for the state of Utah. Thank you for your thoughtfulness. The weight of speaking before you today reminds me of the tension between our struggles and the richness of our heritage.

Any kind of positive change begins with a vision, seeing the unseen, imagining the not yet. Our forefathers came in search of a better life, drew up the finest document for human rights in 1781, and later in 1791 added the Bill of Rights which sets forth personal civil rights. Those ten amendments to the Constitution are pregnant with those rights all of us cherish and seek to realize daily.

Can you imagine a slave-holding president who envisions a land of freedom and opportunity for all? Can you imagine a president conflicted by a divided union

yet insisting on an Emancipation Proclamation to start the freeing of our fellow human beings? Can you imagine a Supreme Court ruling in the 1896 Plessy v. Ferguson case that racial “separate-but-equal” would be the law of the land and some 58 years later in *Brown v. Board of Education* in 1954 reversing itself to rule that “separate-but-equal was inherently unequal.”

From day one, we have been as a people in pursuit of equality and on a quest for full civil rights. Thomas Jefferson was followed by Abraham Lincoln and Frederick Douglass who were followed by Lyndon Johnson and Martin Luther King, Jr. Both President Franklin D. Roosevelt and Harry S. Truman were sufficiently concerned about “the highest standards of democracy with equality of treatment and opportunity for all” that they issued executive orders to move forward. Each sought to model for us the behavior that changed our world for the good of all. We have been moving steadily forward toward “equal protection under the law.” Dr. King sums our journey up in his “Letter from Birmingham Jail” in these words, “I have no fear about the outcome of our struggle . . . we will reach the goal of freedom . . . because the goal of America is freedom.”

So from December 1955 until his tragic assassination on April 4, 1968, Dr. King led a massive non-violent army in the pursuit of “beloved community.” On August 28, 1963, he argued, “I have a dream that my four little children will one day live in a nation when they will not be judged by the color of their skin but by the content of their character.” Although he refused to sign the civil rights act of 1964, President George Bush agreed that “Discrimination, whether on the basis of race, national origin, sex, religion, or disability, is worse than wrong. It is a fundamental evil that tears at the fabric of our society . . .”

Here we are in 2010 still on our quest for full civil rights, moving to redeem the promise of America, seeking to experience the fulness of justice, equality, dignity, acceptance, and respect. We seek to harness the strength of our diversity and live up to our brand of opportunity and freedom. Nobody I know seeks special privilege, just equal opportunity. Our goal is to learn what we need, work where we are qualified, live where we can afford, receive adequate health care, and be treated justly. We invite you to join us in our pursuit of our fullest potential.

We have used declarations of independence emancipation proclamations, executive orders, legislative acts, supreme court decisions.

Still the quest goes on. It seems to me what we need most is less mean-spiritedness, more good will, adjustment of attitudes, voices for the voiceless, and everybody coming alongside.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 1, 2010

The House passed, as amended, **H.B. 11**, LICENSING OF ELEVATOR CONTRACTORS AND ELEVATOR MECHANICS, by Representative L. Wiley, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 16**, PARENT-TIME AMENDMENTS, by Representative L. Fowlke, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 21**, EXPUNGEMENT REVISIONS, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 45**, STATE CONSTRUCTION CODE ADOPTION, by Representative M. Morley, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 65**, AMENDMENTS RELATED TO REGULATION OF INSURANCE TYPE PRODUCTS, by Representative J. Bird, and it is transmitted for consideration; and

The House passed **H.B. 69**, STATE ENGINEER'S PLUGGING OF WELLS REPEALER, by Representative J. Gowans, and it is transmitted for consideration; and

The House passed **H.B. 73**, UTAH CONSTRUCTION TRADES CONTINUING EDUCATION AMENDMENTS, by Representative M. Morley, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 81**, SCHOOL EMPLOYEE CRIMINAL BACKGROUND CHECK, by Representative S. Allen, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 86**, DEPARTMENT OF HUMAN SERVICES – REVIEW AND OVERSIGHT, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 206**, BAN ON SALE OF SMOKING PARAPHERNALIA TO MINORS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 216**, INCORPORATION OF A TOWN AMENDMENTS, by Representative G. Froerer, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 11, H.B. 16, H.B. 21, H.B. 45, H.B. 65, H.B. 69, H.B. 73, H.B. 81, H.B. 86, H.B. 206**, and **1st Sub. H.B. 216** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 1, 2010

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

Business and Labor Committee

- S.B. 99** Water Companies and Water Right Change Requests
(Sen. J. Valentine)
- S.B. 115** Unemployment Insurance Revisions (Sen. L. Robles)
- H.B. 39** Insurance Related Amendments (Rep. J. Dunnigan)
(Sen. W. Niederhauser)
- H.B. 53** Foreclosure Rescue and Loan Modification Amendments
(Rep. R. Wilcox) (Sen. J. S. Adams)

Education Committee

- 1st Sub. S.B. 49** Vending Machines in Public Schools (Sen. P. Jones)
- S.B. 54** Health Education Amendments (Sen. S. Urquhart)
- S.B. 55** Authorization of Charter Schools by Higher Education
Institutions (Sen. J. S. Adams)
- 1st Sub. H.B. 42** School District Employees – Career Status Requirements
(Rep. R. Menlove) (Sen. H. Stephenson)

Government Operations and Political Subdivisions Committee

- S.B. 53** Voter Challenge Revisions (Sen. P. Knudson)
- S.B. 119** Special Elections Modifications (Sen. H. Stephenson)
- H.B. 59** Campaign Finance Revisions (Rep. K. Grover)
(Sen. M. Dayton)
- H.B. 199** Municipal Clerk and Recorder Responsibilities
(Rep. B. Last) (Sen. D. Stowell)

Health and Human Services Committee

- S.C.R. 5** Concurrent Resolution Recognizing the 100 Year
Anniversary of the McKay-dee Hospital (Sen. J. Greiner)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 120 Disarming a Peace Officer Amendment (Sen. D. Hinkins)

Natural Resources, Agriculture and Environment Committee

H.B. 34 Water Storage Projects (Rep. M. Noel) (Sen. S. Urquhart)

Transportation, Public Utilities and Technology Committee

S.B. 117 Pete Suazo Memorial Highway (Sen. L. Robles)

Workforce Services and Community and Economic Development Committee

H.B. 51 Family Employment Program – Cash Assistance to Single Minor Parent (Rep. J. Dunnigan) (Sen. M. Madsen)

Margaret Dayton
Rules Committee Chair

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

On motion of Senator Bramble, the Senate voted to move **S.B. 119** from the Government Operations and Political Subdivisions Committee to the Revenue and Taxation Committee.

STANDING COMMITTEE REPORTS

Mr. President: February 1, 2010

The Business and Labor Committee reports a favorable recommendation on **S.B. 107**, LIEN AMENDMENTS, by Senator C. Bramble; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 15**, DEFERRED DEPOSIT LENDING AMENDMENTS, by Representative J. Dunnigan.

John L. Valentine, Chair

Mr. President: February 1, 2010

The Health and Human Services Committee reports a favorable recommendation on **S.B. 90**, MENTAL HEALTH PROFESSIONAL PRACTICE ACT AMENDMENTS, by Senator L. Hillyard, with the following amendments:

- 1. Page 7, Lines 192 through 196:

192 { ~~(iii) a bachelor's degree in sociology, psychology, family sciences, or other field~~

193 approved by the division in collaboration with the Social Worker
Licensing Board and also

194 documentation of 2,000 hours of supervised social work activity
approved by the division in

195 collaboration with the board, which is performed after completing
bachelor's degree

196 requirements under this Subsection (4); -}

2. Page 7, Line 201 through Page 8, Line 214:

201 ~~{-(iv)}~~ } (iii) a bachelor's degree in any field if the
applicant:

202 (A) except as provided in Subsection 58-60-205.2(2), has
completed at least three

203 ~~{-credit}~~ } semester hours or four quarter hours in each of
the following areas:

204 (I) social welfare policy;

205 (II) human growth and development; and

206 (III) social work practice methods as defined by
rule : and

207 ~~{-(B) an approved social work practice methods course;~~
~~and-}~~

208 ~~{-(C) one year of -}~~ (B) provides documentation that the
applicant has completed at least 2,000 hours of qualifying experience
under the supervision of a [licensed-certified-or

209 clinical social worker] mental health therapist, which experience is
approved by the division in

210 collaboration with the Social Worker Licensing Board, and which
is performed after

211 completion of the requirements to obtain the bachelor's degree
required under this Subsection

212 (4); or

213 ~~{-(v)}~~ } (iv) successful completion of the first
academic year of a Council on Social Work

214 Education approved master's of social work curriculum and
practicum; and

3. Page 8, Lines 218 through 221:

218 As a condition for renewal of a license under this part, a social service worker licensee

219 shall, during each two-year licensure cycle, complete {~~20~~
hours of } qualified continuing

220 professional education, as defined by rule made in accordance with Title 63G, Chapter 3, Utah

221 Administrative Rulemaking Act.; and

The Health and Human Services Committee reports a favorable recommendation on **S.C.R. 2**, REDUCING PRESCRIPTION DRUG MISUSE RESOLUTION, by Senator P. Jones, with the following amendments:

1. Page 2, Lines 55 through 57:

55 http://www.medicationsdisposal.utah.gov/disposal_locations_events.htm#hhhw, flushing the

56 drugs down the sink or toilet only when specifically instructed to do so on the prescription drug

57 label, or by removing personal information from the drug container, mixing the unused drugs; and

The Health and Human Services Committee reports a favorable recommendation on **S.C.R. 4**, DENTAL HEALTH CARE CONCURRENT RESOLUTION, by Senator P. Jones; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 28**, CONTROLLED SUBSTANCE DATABASE AMENDMENTS, by Representative B. Daw; and

The Health and Human Services Committee reports a favorable recommendation on **1st Sub. H.B. 35**, CONTROLLED SUBSTANCE DATABASE – REPORTING OF PRESCRIBED CONTROLLED SUBSTANCE OVERDOSE OR POISONING, by Representative B. Daw; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 38**, SCHEDULING OF CONTROLLED SUBSTANCES, by Representative P. Ray, with the following amendments:

1. Page 3, Line 69:

69 (11) one {~~-citizen of the state~~} naturopathic physician who is currently licensed and practicing in the state , to be appointed by the governor. ; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 40**, UTAH LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION AMENDMENTS, by Representative J. Dunnigan, with the following amendments:

1. Page 7, Line 195a
House Floor Amendments
1-27-2010:

195a {~~-(x)~~} (xii) a policy providing hospital, medical, prescription drug, or other health care benefit ; and

D. Chris Butters, Chair

Mr. President: February 1, 2010
The Education Committee reports a favorable recommendation on **H.B. 29**, SCHOOL DISTRICT DIVISION AMENDMENTS, by Representative L. Black.

Curtis S. Bramble, Chair

On motion of Senator Dayton, the committee reports were adopted. **S.B. 107**, **H.B. 15**, **S.B. 90**, as amended, **S.C.R. 2**, as amended, **S.C.R. 4**, **H.B. 28**, **1st Sub. H.B. 35**, **H.B. 38**, **H.B. 40**, and **H.B. 29** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 1, 2010
The Business and Labor Committee reports a favorable recommendation on **S.B. 85**, UTAH CONSTRUCTION TRADE LICENSING ACT AMENDMENTS, by Senator S. Jenkins, and recommends it be considered read for the second time and placed on the Consent Calendar.

John L. Valentine, Chair

Mr. President: January 29, 2010
The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 110**, REVISOR'S STATUTE, by Senator M. Dayton, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 27**, PER DIEM AND TRAVEL EXPENSE MODIFICATIONS, by Representative C. Frank, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 44**, REFERENDUM BALLOT PROPOSITION AMENDMENTS, by Representative F. Hunsaker, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

On motion of Senator Dayton, the committee reports were adopted. **S.B. 85**, **S.B. 110**, **H.B. 27**, and **H.B. 44** were considered read the second time and placed on the Consent Calendar.

STANDING COMMITTEE REPORTS

Mr. President:

February 1, 2010

The Education Committee has returned **S.B. 87**, SCHOOL PROPERTY TAX EQUALIZATION REVISIONS, by Senator G. Davis, to the Rules Committee.

Curtis S. Bramble, Chair

On motion of Senator Dayton, the committee report was adopted. **S.B. 87** was returned to the Rules Committee.

INTRODUCTION OF BILLS

S.B. 57, Local School Board Budget Procedures (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 122, Eminent Domain Revisions (J. S. Adams), read the first time by short title and referred to the Rules Committee.

S.B. 123, Motion Picture Incentive Fund Amendments (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 124, Military Installation Development Authority Modifications (J. Stevenson), read the first time by short title and referred to the Rules Committee.

S.B. 125, Intangible Property Amendments (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 126, Subdivision Amendments (J. S. Adams), read the first time by short title and referred to the Rules Committee.

S.B. 127, Public Assistance Fraud Amendments (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 128, City and County Carbon Credits for Sequestration of Waste Stream Materials (R. Romero), read the first time by short title and referred to the Rules Committee.

S.B. 129, New Motor Vehicle Franchise Amendments (D. Liljenquist), read the first time by short title and referred to the Rules Committee.

S.B. 130, Judiciary Amendments (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 131, Energy Cost Recovery and Renewable Energy Provisions (D. Hinkins), read the first time by short title and referred to the Rules Committee.

S.J.R. 8, Resolution Amending Legislative Rules to Allow Abstaining from Voting (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.R. 1, Senate Rules Resolution Allowing Abstaining from Voting (C. Bramble), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

S.B. 100, INCOME TAX CREDIT OR REFUND AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	Morgan	Niederhauser
Okerlund	Robles	Romero	J. Stevenson
Stowell	Urquhart	Van Tassell	

Absent or not voting were: Senators

Buttars	Madsen	McAdams	H. Stephenson
Valentine	Waddoups		

S.B. 100 was transmitted to the House for consideration.

THIRD READING CALENDAR

On motion of Senator Christensen, **1st Sub. S.B. 36**, WOLF MANAGEMENT, was read the third time and circled.

* * *

On motion of Senator Jenkins, **S.B. 27**, SALES AND USE TAX DEFINITION OF TANGIBLE PERSONAL PROPERTY, was read the third time and circled.

* * *

S.B. 93, GUBERNATORIAL APPOINTMENT POWERS AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	

Absent or not voting were: Senators

Hillyard	Waddoups
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S.B. 93 was transmitted to the House for consideration.

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1st Sub. S.B. 24, LAND EXCHANGE DISTRIBUTION ACCOUNT AMENDMENTS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner

Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell		

Absent or not voting were: Senators

Hillyard	Robles	Waddoups
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1st Sub. S.B. 24 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Bramble, **S.B. 1**, STATE AGENCY AND HIGHER EDUCATION BASE BUDGET, was read the second time and circled.

* * *

On motion of Senator Bramble, **1st Sub. S.B. 41**, DRUG UTILIZATION REVIEW BOARD AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Bramble, **1st Sub. S.B. 88**, PHARMACY PRACTICE ACT AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Dayton, the circle was removed from **S.B. 11**, UTAH STATE-MADE FIREARMS PROTECTION ACT, and it was before the Senate. Senator Dayton explained the bill. Senators Romero, McAdams, and Jones commented. Senator Greiner declared a conflict of interest. The bill passed second reading on the following roll call:

Yeas, 19; Nays, 10; Absent, 0.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Dayton	Greiner	Hinkins	Jenkins
Knudson	Liljenquist	Madsen	Niederhauser
Okerlund	H. Stephenson	J. Stevenson	Stowell
Urquhart	Van Tassell	Waddoups	

Voting in the negative were: Senators

Davis	Goodfellow	Hillyard	Jones
Mayne	McAdams	Morgan	Robles
Romero	Valentine		

* * *

On motion of Senator Christensen, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Christensen, the circle was removed from **1st Sub. S.B. 36, WOLF MANAGEMENT**, and it was before the Senate. Senator Christensen explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Knudson	Liljenquist	Madsen
Niederhauser	Okerlund	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Davis	Goodfellow	Jones	Mayne
McAdams	Morgan	Robles	Romero

1st Sub. S.B. 36 was transmitted to the House for consideration.

* * *

On motion of Senator Van Tassell, the circle was removed from **S.B. 17, UNIFORM COMMERCIAL DRIVER LICENSE ACT AMENDMENTS**, and it was before the Senate. Senator Van Tassell explained the bill. Senator Jenkins commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator Greiner

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

SECOND READING CALENDAR

On motion of Senator Hillyard, the circle was removed from **S.B. 1**, STATE AGENCY AND HIGHER EDUCATION BASE BUDGET, and it was before the Senate.

On motion of Senator Hillyard, under suspension of the rules, **S.B. 1**, STATE AGENCY AND HIGHER EDUCATION BASE BUDGET, was considered read the second and third times. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative was: Senator Romero

S.B. 1 was transmitted to the House.

* * *

On motion of Senator Morgan, the circle was removed from **S.B. 38**, RESTRICTIONS ON HIGH OCCUPANCY VEHICLE LANE, and it was before the Senate.

Senator Morgan proposed the following amendment:

1. Page 1, Lines 14 through 20
Senate Committee Amendments
1-27-2010

14 { ~~—————▶~~ provides that a designated HOV lane shall be open for general vehicle use

15 regardless of the number of occupants except ~~Ŝ~~ ~~→~~ Monday through Friday ~~←~~ ~~Ŝ~~ during the peak

15a hours of:

16 ~~—•—~~ 6 a.m. to 9 a.m.; and

17 ~~•—~~ 4 p.m. to 7 p.m.; }

18 ▶ requires the Department of Transportation to allow for continuous permitted access

19 into and out of all HOV lanes by marking the lanes with a single { ~~-dotted-normal-~~ }

20 white line; and

2. Page 2, Line 58 through Page 3, Line 64:

58 { ~~-(c) Notwithstanding the provisions of Subsection (4)(a)(iii), if a highway authority~~

59 designates an HOV lane, the lane shall be open for general vehicle use regardless of the

60 number of occupants except ~~Ŝ~~ ~~→~~ Monday through Friday ~~←~~ ~~Ŝ~~ during the peak hours of:

61 (i) 6 a.m. to 9 a.m.; and

62 (ii) 4 p.m. to 7 p.m. }

63 { ~~-(d) }~~ (c) The department shall allow for continuous permitted access into and out of all

64 HOV lanes by marking the lanes with a single { ~~-dotted-normal-~~ } white line.

Senator Morgan’s motion to amend passed on a voice vote.

On motion of Senator Morgan, the bill was circled.

* * *

On motion of Senator Knudson, the circle was removed from **1st Sub. S.B. 41, DRUG UTILIZATION REVIEW BOARD AMENDMENTS**, and it was before the Senate. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

S.B. 111, REPEAL OF SEVERANCE TAX HOLDING ACCOUNT, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Van Tassell
Waddoups			

Absent or not voting were: Senators

Buttars	Christensen	Robles	Valentine
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* * *

On motion of Senator Jenkins and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Wednesday, February 3, 2010.

TENTH DAY

February 3, 2010

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

Prayer – Senator Lyle Hillyard

Pledge of Allegiance – Senator Steve Urquhart

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 72)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 2, 2010

The House passed **H.B. 19**, POST CONVICTION REMEDIES AMENDMENTS, by Representative K. McIff, and it is transmitted for consideration; and

The House passed **H.B. 30**, DRUG LAW AMENDMENTS, by Representative T. Beck, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 43**, UNEMPLOYMENT COMPENSATION AMENDMENTS, by Representative S. Mascaro, et al, and it is transmitted for consideration; and

The House passed **H.B. 47**, BOARD OF PARDONS AND PAROLE TECHNICAL AMENDMENTS, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 74**, ADOPTION AND CHILD CUSTODY AMENDMENTS, by Representative S. Allen, and it is transmitted for consideration; and

The House passed **H.B. 95**, CERTIFICATION OF VOTING EQUIPMENT MODIFICATIONS, by Representative D. Aagard, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 19**, **H.B. 30**, **H.B. 43**, **H.B. 47**, **H.B. 74**, and **H.B. 95** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 2, 2010

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

Education Committee

S.B. 57 Local School Board Budget Procedures (Sen. D. Stowell)

Government Operations and Political Subdivisions Committee

S.B. 126 Subdivision Amendments (Sen. J. S. Adams)

Health and Human Services Committee

S.B. 44 Health Amendments for Legal Immigrant Children
(Sen. L. Robles)

H.B. 86 Department of Human Services – Review and Oversight
(Rep. R. Lockhart) (Sen. C. Bramble)

Revenue and Taxation Committee

S.B. 121 Utah Uniform Probate Code Amendments
(Sen. J. Valentine)

S.B. 122 Eminent Domain Revisions (Sen. J. S. Adams)

S.B. 125 Intangible Property Amendments (Sen. C. Bramble)

H.B. 45 State Construction Code Adoption (Rep. M. Morley)
(Sen. J. S. Adams)

Workforce Services and Community and Economic Development Committee

S.B. 124 Military Installation Development Authority
Modifications (Sen. J. Stevenson)

Margaret Dayton

Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President:

February 2, 2010

The Business and Labor Committee reports a favorable recommendation on **H.B. 39, INSURANCE RELATED AMENDMENTS**, by Representative J. Dunnigan, with the following amendments:

1. Page 1, Lines 24 through 26:

24 ► clarifies language related to underinsured motorist coverage;

{-25 ► ~~prohibits certain conduct related insurance premium finance agreements;-}~~

26 ► modifies provisions related to catastrophic coverage of mental health conditions;

2. Page 3, Lines 72 through 74
House Floor Amendments
1-28-2010:

72 31A-3-105, Utah Code Annotated 1953

{-73 31A-22-429, Utah Code Annotated 1953-}

74 31A-22-725, Utah Code Annotated 1953

3. Page 65, Line 2006 through Page 66, Line 2018:

2006 {~~Section 16. Section 31A-22-429 is enacted to read:~~

2007 ~~31A-22-429. Insurance premium finance agreement.~~

2008 ~~(1) As used in this section:~~

2009 ~~(a) "Insurance policy" means:~~

2010 ~~(i) an individual or group life insurance or annuity policy; or~~

2011 ~~(ii) a group life insurance or group annuity certificate.~~

2012 ~~(b) "Insurance premium finance agreement" means an agreement for financing an~~

2013 ~~insurance policy premium payment.~~

2014 ~~(2) A person who provides premium financing for an insurance policy may not receive~~

2015 ~~proceeds, fees, or other consideration from the insurance policy or the insurance policyholder~~

2016 ~~that is in addition to the amounts required to pay the principal, interest, and reasonable~~

2017 ~~expenses incurred by a lender or borrower in connection with a premium finance agreement. }~~

2018 Section 17. Section 31A-22-625 is amended to read:

Renumber remaining sections accordingly; and

The Business and Labor Committee recommends **H.B. 53**, FORECLOSURE RESCUE AND LOAN MODIFICATION AMENDMENTS, by Representative R. Wilcox, be replaced and favorably recommends **1st Sub. H.B. 53**, FORECLOSURE RESCUE AND LOAN MODIFICATION AMENDMENTS.

John L. Valentine, Chair

Mr. President: February 2, 2010

The Education Committee reports a favorable recommendation on **S.B. 55**, AUTHORIZATION OF CHARTER SCHOOLS BY HIGHER EDUCATION INSTITUTIONS, by Senator J. S. Adams; and

The Education Committee reports a favorable recommendation on **S.B. 77**, SCHOOL DISTRICT LEAVE POLICIES, by Senator M. Dayton; and

The Education Committee reports a favorable recommendation on **1st Sub. H.B. 42**, SCHOOL DISTRICT EMPLOYEES – CAREER STATUS REQUIREMENTS, by Representative R. Menlove.

Curtis S. Bramble, Chair

Mr. President: February 2, 2010

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 53**, VOTER CHALLENGE REVISIONS, by Senator P. Knudson; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 103**, ADVERSE POSSESSION OF REAL PROPERTY, by Senator S. Urquhart.

Peter C. Knudson, Chair

Mr. President: February 2, 2010

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 32**, LIVESTOCK DAMAGE COMPENSATION AMENDMENTS, by Representative M. Brown; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 33**, GROUNDWATER RECHARGE AND RECOVERY ACT AMENDMENTS, by Representative M. Noel.

Dennis E. Stowell, Chair

Mr. President: February 2, 2010

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 102**, RESTRICTING THE MOVEMENT OF A MOTOR VEHICLE, by Senator B. Goodfellow; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 104**, RENEWABLE ENERGY MODIFICATIONS, by Senator S. Urquhart; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 105**, MOTOR VEHICLE ACCIDENT ARBITRATION AMENDMENTS, by Senator S. Urquhart; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 114**, MOTOR VEHICLE ACCIDENT REPORTS, by Senator D. Stowell, with the following amendments:

1. Page 1, Lines 13 through 15:

13 ▶ requires a peace officer investigating a motor vehicle
 accident to ;
 • provide the owner

14 of livestock injured or killed in the motor vehicle accident a copy of
 the motor

15 vehicle accident report; or
 • notify the owner of livestock injured or killed in the motor
 vehicle accident where a copy of the motor vehicle accident report can be
 obtained;

2. Page 2, Lines 36 through 37:

36 (iii) (A) provide the owner of the livestock a copy of the
 accident report prepared in

37 accordance with Section 41-6a-404 ; or
 (B) notify the owner of the livestock where a copy of the accident
 report prepared in accordance with Section 41-6a-404 can be

obtained .

Stephen H. Urquhart, Chair

Mr. President: February 2, 2010

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 14, JUVENILE TRANSFERS FROM JUSTICE COURT**, by Representative K. McIff.

Mark B. Madsen, Chair

On motion of Senator Dayton, the committee reports were adopted. **H.B. 39**, as amended, **1st Sub. H.B. 53, S.B. 55, S.B. 77, 1st Sub. H.B. 42, S.B. 53, S.B. 103, H.B. 32, H.B. 33, S.B. 102, S.B. 104, S.B. 105, S.B. 114**, as amended, and **H.B. 14** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 2, 2010

The Workforce Services and Community and Economic Development Committee recommends **S.B. 48, UTAH HISTORICAL SOCIETY – NONLAPSING AUTHORITY**, by Senator R. Okerlund, be replaced and favorably recommends **1st Sub. S.B. 48, NONLAPSING AUTHORITY TECHNICAL AMENDMENTS** and that it be considered read for the second time and placed on the Consent Calendar.

Jerry W. Stevenson, Chair

On motion of Senator Dayton, the committee report was adopted. **1st Sub. S.B. 48** was considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 58, Transportation Expenses for Defendants (J. S. Adams), read the first time by short title and referred to the Rules Committee.

S.B. 74, State Park Highway Access Amendments (D. Hinkins), read the first time by short title and referred to the Rules Committee.

S.B. 75, Construction Trades License Amendments (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 76, Trust Deed Amendments (J. Valentine), read the first time by short title and referred to the Rules Committee.

S.B. 132, Higher Education Scholarship Amendments (J. Valentine), read the first time by short title and referred to the Rules Committee.

S.B. 133, Qualifications of State Tax Commissioners (J. S. Adams), read the first time by short title and referred to the Rules Committee.

S.B. 134, Partnership Tax Return Filing Deadlines (J. S. Adams), read the first time by short title and referred to the Rules Committee.

S.B. 135, Sales and Use Tax Exemption for an Energy Efficient Stove or Energy Efficient Stove Fuel (G. Davis), read the first time by short title and referred to the Rules Committee.

S.C.R. 6, Concurrent Resolution Approving Classification of Solid Waste Facility Solid Waste Permit (B. Goodfellow), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

S.B. 11, UTAH STATE-MADE FIREARMS PROTECTION ACT, was read the third time, explained by Senator Dayton, and passed on the following roll call:

Yeas, 19; Nays, 10; Absent, 0.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Dayton	Greiner	Hinkins	Jenkins
Knudson	Liljenquist	Madsen	Niederhauser
Okerlund	H. Stephenson	J. Stevenson	Stowell
Urquhart	Van Tassell	Waddoups	

Voting in the negative were: Senators

Davis	Goodfellow	Hillyard	Jones
Mayne	McAdams	Morgan	Robles
Romero	Valentine		

S.B. 11 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 41, DRUG UTILIZATION REVIEW BOARD AMENDMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell			

Absent or not voting were: Senators

Adams	Bramble	H. Stephenson	Waddoups
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1st Sub. S.B. 41 was transmitted to the House for consideration.

* * *

S.B. 111, REPEAL OF SEVERANCE TAX HOLDING ACCOUNT, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell		

Absent or not voting were: Senators

Adams	Bramble	Waddoups
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S.B. 111 was transmitted to the House for consideration.

SECOND READING CALENDAR

H.B. 26, BRINE SHRIMP ROYALTY ACT AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. Senator Jenkins commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	J. Stevenson	Stowell
Valentine	Van Tassell		

Absent or not voting were: Senators

H. Stephenson	Urquhart	Waddoups
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H.B. 49, AMENDMENTS RELATED TO A TAX, FEE, OR CHARGE ADMINISTERED BY THE STATE TAX COMMISSION, was read the second time. Senator Adams explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Adams	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	Morgan	Niederhauser
Okerlund	Robles	Romero	J. Stevenson
Stowell	Valentine		

Absent or not voting were: Senators

Bramble	Buttars	McAdams	H. Stephenson
Urquhart	Van Tassell	Waddoups	

* * *

H.B. 24, ECONOMIC DEVELOPMENT INCENTIVES ACT AMENDMENTS, was read the second time. Senator Stevenson explained the bill. Senators Hillyard, Stowell, Robles, and Okerlund commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Waddoups			

Absent or not voting were: Senators

Buttars	Davis	McAdams	Van Tassell
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H.B. 15, DEFERRED DEPOSIT LENDING AMENDMENTS, was read the second time. Senator Mayne explained the bill. Senator Greiner commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Buttars	Christensen	Greiner	Hillyard
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* * *

On motion of Senator Bramble, **H.B. 28**, CONTROLLED SUBSTANCE DATABASE AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Bramble, **1st Sub. H.B. 35**, CONTROLLED SUBSTANCE DATABASE – REPORTING OF PRESCRIBED CONTROLLED SUBSTANCE OVERDOSE OR POISONING, was read the second time and circled.

* * *

On motion of Senator Niederhauser, **H.B. 38, SCHEDULING OF CONTROLLED SUBSTANCES**, was read the second time and circled.

* * *

H.B. 40, UTAH LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. Senator Van Tassell commented. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Adams	Bramble	Dayton	Goodfellow
Greiner	Hinkins	Jenkins	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars	Christensen	Davis	Hillyard
Jones	Robles		

* * *

H.B. 29, SCHOOL DISTRICT DIVISION AMENDMENTS, was read the second time. Senator Stephenson explained the bill. Senators Morgan and Hillyard commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative were: Senators

Hillyard	Stowell
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Absent or not voting was: Senator
Davis

* * *

S.B. 96, UINTAH BASIN REVITALIZATION FUND AMENDMENTS, was read the second time. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	McAdams	Morgan
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Davis	Mayne	Niederhauser
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S.B. 20, LOCAL DISTRICT AMENDMENTS, was read the second time. Senator Stowell explained the bill.

Senator Stowell proposed the following amendment:

1. Page 2, Line 34

34 17B-1-202, as last amended by Laws of Utah 2009, Chapter
218

17B-1-203, as last amended by Laws of Utah 2008, Chapter 360

2. Page 4, Lines 104 through 105:

104 (r) (i) except for a local district described in Subsection
(2)(r)(ii), designate an assessment area and levy an assessment on land
within the assessment

105 area, as provided in Title 11, Chapter 42, Assessment Area Act; or
(ii) for a local district in a critical management area described in
Subsection 17B-1-202(1)(c), designate an assessment area and levy an

assessment on a groundwater right to facilitate a groundwater management plan:

3. Page 8, Lines 220 through 221:

220 (a) paramedic service; and

221 (b) emergency service, including hazardous materials response service.

Section 4. Section 17B-1-203 is amended to read:

17B-1-203. Process to initiate the creation of a local district —
Petition or resolution.

(1) The process to create a local district may be initiated by:

(a) subject to Section 17B-1-204, a petition signed by the owners of private real property that:

(i) is located within the proposed local district;

(ii) covers at least 33% of the total private land area within the proposed local district as a whole and within each applicable area;

(iii) is equal in value to at least 25% of the value of all private real property within the proposed local district as a whole and within each applicable area; and

(iv) complies with the requirements of Subsection 17B-1-205(1) and Section 17B-1-208;

(b) subject to Section 17B-1-204, a petition that:

(i) is signed by registered voters residing within the proposed local district as a whole and within each applicable area, equal in number to at least 33% of the number of votes cast in the proposed local district as a whole and in each applicable area, respectively, for the office of governor at the last regular general election prior to the filing of the petition; and

(ii) complies with the requirements of Subsection 17B-1-205(1) and Section 17B-1-208;

(c) a resolution proposing the creation of a local district, adopted by the legislative body of each county whose unincorporated area includes and each municipality whose boundaries include any of the proposed local district; or

(d) a resolution proposing the creation of a local district, adopted by the board of trustees of an existing local district whose boundaries completely encompass the proposed local district, if:

(i) the proposed local district is being created to provide one or more components of the same service that the initiating local district is authorized to provide; and

(ii) the initiating local district is not providing to the area of the proposed local district any of the components that the proposed local district is being created to provide.

(2) (a) Each resolution under Subsection (1)(c) or (d) shall:

(i) describe the area proposed to be included in the proposed local district;

(ii) be accompanied by a map that shows the boundaries of the proposed local district;

(iii) describe the service proposed to be provided by the proposed local district;

(iv) if the resolution proposes the creation of a specialized local district, specify the type of specialized local district proposed to be created;

(v) explain the anticipated method of paying the costs of providing the proposed service;

(vi) state the estimated average financial impact on a household within the proposed local district;

(vii) state the number of members that the board of trustees of the proposed local district will have, consistent with the requirements of Subsection 17B-1-302(2);

(viii) for a proposed basic local district:

(A) state whether the members of the board of trustees will be elected or appointed or whether some members will be elected and some appointed, as provided in Section 17B-1-1402;

(B) if one or more members will be elected, state the basis upon which each elected member will be elected; and

(C) if applicable, explain how the election or appointment of board members will transition from one method to another based on stated milestones or events, as provided in Section 17B-1-1402;

(ix) for a proposed improvement district whose remaining area members or county members, as those terms are defined in Section 17B-2a-404, are to be elected, state that those members will be elected; and

(x) for a proposed service area that is entirely within the unincorporated area of a single county, state whether the initial board of trustees will be:

(A) the county legislative body;

(B) appointed as provided in Section 17B-1-304; or

(C) elected as provided in Section 17B-1-306.

(b) Each county or municipal legislative body adopting a

resolution under Subsection (1)(c) shall, on or before the first public hearing under Section 17B-1-210, mail or deliver a copy of the resolution to the responsible body if the county or municipal legislative body’s resolution is one of multiple resolutions adopted by multiple county or municipal legislative bodies proposing the creation of the same local district.

(3) Each petition under Subsection (1)(a) or (b) to create a local district to acquire a groundwater right under Subsection 17B-1-103 (2)(a) or (b) shall explain the anticipated method of paying for the groundwater right acquisition.

Renumber remaining sections accordingly.

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

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

Voting in the affirmative were: Senators

Bramble	Buttars	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Waddoups		

Absent or not voting were: Senators

Adams	Christensen	Van Tassell
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* * *

1st Sub. S.B. 108, JUDICIAL NOMINATING COMMISSION STAFF AMENDMENTS, was read the second time. Senator Jenkins explained the bill.

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

2nd Sub. S.B. 108 Judicial Nominating Commission Staff Amendments (S. Jenkins)

On motion of Senator Jenkins, the bill was circled.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 3, 2010

The House passed, as substituted, **1st Sub. H.B. 1**, MINIMUM SCHOOL PROGRAM BASE BUDGET, by Representative M. Newbold, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communication filed. **1st Sub. H.B. 1** was read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 3, 2010

The Rules Committee recommends that, with the written consent of the sponsor, **S.B. 49**, Vending Machines in Public Schools (Sen. P. Jones) be replaced and favorably recommends that **1st Sub. S.B. 49**, Vending Machines in Public Schools (Sen. P. Jones) be adopted and assigned to the Education Committee.

Margaret Dayton

Rules Committee Chair

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

INTRODUCTION OF BILLS

S.B. 136, Open and Public Meetings Revisions Related to Review of Ethics Complaints (J. Valentine), read the first time by short title and referred to the Rules Committee.

S.B. 138, Grama Revisions Related to Review of Ethics Complaints (J. Valentine), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Jenkins and at 11:45 a.m., the Senate adjourned until 10:00 a.m., Thursday, February 4, 2010.

ELEVENTH DAY

February 4, 2010

The Senate was called to order at 10:05 a.m., with President Michael Waddoups presiding.

Prayer – General Brian Tarbet, Adjutant General, Utah National Guard

Pledge of Allegiance – Senator Stuart Adams

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS

(PLEASE REFER TO DAY 1, PAGE 72)

COMMUNICATIONS FROM THE HOUSE

The House passed, **S.B. 1**, STATE AGENCY AND HIGHER EDUCATION BASE BUDGET, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 25**, STATE HIGHWAY SYSTEM MODIFICATIONS, by Senator K. Van Tassell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 1 and **S.B. 25** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

February 3, 2010

The House passed **H.J.R. 10**, JOINT RESOLUTION OPPOSING THE ESTABLISHMENT OF A FEDERAL COMMISSION ON STATE WORKERS' COMPENSATION LAWS, by Representative M. Morley, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 37**, CRIMINAL BACKGROUND CHECKS ON MOTOR VEHICLE DEALERS AND SALESPERSONS, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 75**, ASSESSMENT AREA AMENDMENTS, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed **H.B. 89**, LICENSE FOR CONTROLLED SUBSTANCES AMENDMENTS, by Representative M. Morley, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 211**, IMPROVEMENT DISTRICT BOARD MEMBERSHIP, by Representative K. Powell, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 219**, DELINQUENT PROPERTY TAX AMENDMENTS, by Representative G. Froerer, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.J.R. 10**, **H.B. 37**, **1st Sub. H.B. 75**, **H.B. 89**, **H.B. 211**, and **1st Sub. H.B. 219** were read the first time and referred to the Rules Committee.

* * *

Mr. President:

February 3, 2010

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 3, 2010

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

Business and Labor Committee

- S.B. 75** Construction Trades License Amendments
(Sen. D. C. Buttars)
- S.B. 76** Trust Deed Amendments (Sen. J. Valentine)
- H.B. 11** Licensing of Elevator Contractors and Elevator
Mechanics (Rep. L. Wiley) (Sen. K. Mayne)
- H.B. 23** Workplace Drug and Alcohol Testing (Rep. T. Beck)
(Sen. K. Mayne)
- H.B. 65** Amendments Related to Regulation of Insurance Type
Products (Rep. J. Bird) (Sen. J. S. Adams)
- H.B. 73** Utah Construction Trades Continuing Education
Amendments (Rep. M. Morley) (Sen. J. S. Adams)

Education Committee

- S.B. 56** School Reporting Amendments (Sen. K. Morgan)
- S.B. 132** Higher Education Scholarship Amendments
(Sen. J. Valentine)

H.B. 81 School Employee Criminal Background Check
(Rep. S. Allen) (Sen. M. Dayton)

Government Operations and Political Subdivisions Committee

S.J.R. 6 Joint Resolution – State Sovereignty and Tenth
Amendment (Sen. H. Stephenson)

S.J.R. 8 Resolution Amending Legislative Rules to Allow
Abstaining from Voting (Sen. C. Bramble)

S.R. 1 Senate Rules Resolution Allowing Abstaining from
Voting (Sen. C. Bramble)

H.B. 95 Certification of Voting Equipment Modifications
(Rep. D. Aagard) (Sen. H. Stephenson)

1st Sub. H.B. 216 Incorporation of a Town Amendments (Rep. G. Froerer)
(Sen. D. Stowell)

Health and Human Services Committee

S.B. 127 Public Assistance Fraud Amendments
(Sen. H. Stephenson)

H.B. 12 Criminal Homicide and Abortion Amendments
(Rep. C. Wimmer) (Sen. M. Dayton)

H.B. 206 Ban on Sale of Smoking Paraphernalia to Minors
(Rep. P. Ray) (Sen. W. Niederhauser)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 58 Transportation Expenses for Defendants
(Sen. J. S. Adams)

S.B. 130 Judiciary Amendments (Sen. L. Hillyard)

H.B. 19 Post Conviction Remedies Amendments (Rep. K. McIff)
(Sen. C. Bramble)

H.B. 21 Expungement Revisions (Rep. Julie Fisher)
(Sen. L. Hillyard)

H.B. 47 Board of Pardons and Parole Technical Amendments
(Rep. E. Hutchings) (Sen. J. Greiner)

Natural Resources, Agriculture and Environment Committee

S.C.R. 6 Concurrent Resolution Approving Classification of Solid
Waste Facility Solid Waste Permit (Sen. B. Goodfellow)

H.B. 69 State Engineer's Plugging of Wells Repealer
(Rep. J. Gowans) (Sen. D. Hinkins)

Revenue and Taxation Committee

- S.B. 133** Qualifications of State Tax Commissioners
(Sen. J. S. Adams)
- S.B. 134** Partnership Tax Return Filing Deadlines
(Sen. J. S. Adams)
- S.B. 135** Sales and Use Tax Exemption for an Energy Efficient Stove or Energy Efficient Stove Fuel (Sen. G. Davis)

Transportation, Public Utilities and Technology Committee

- S.B. 74** State Park Highway Access Amendments
(Sen. D. Hinkins)
- S.B. 129** New Motor Vehicle Franchise Amendments
(Sen. D. Liljenquist)
- S.B. 131** Energy Cost Recovery and Renewable Energy Provisions
(Sen. D. Hinkins)

Workforce Services and Community and Economic Development Committee

- S.C.R. 3** State Sovereignty Concurrent Resolution
(Sen. J. S. Adams)

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 3, 2010

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 34**, WATER STORAGE PROJECTS, by Representative M. Noel.

Dennis E. Stowell, Chair

Mr. President: February 3, 2010

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 26**, UTAH E-COMMERCE INTEGRITY ACT, by Senator S. Urquhart, with the following amendments:

1. Page 13, Lines 387 through 391:

387 (d) (i) A person is liable for using a domain name under Subsection (1)(a) only if that

388 person is the domain name registrant or that registrant's authorized licensee. {~~agent~~} affiliate.

389 {~~representative~~} domain name registrar, domain name registry, or other domain name

390 registration authority that knowingly {~~and actively~~} assists a violation of this chapter by the

391 registrant. ; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 117**, PETE SUAZO MEMORIAL HIGHWAY, by Senator L. Robles; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 46**, MOTOR VEHICLE ACT AMENDMENTS, by Representative Julie Fisher; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 57**, EXTENSION OF SUNSET FOR DESIGN-BUILD CONTRACT AWARD AUTHORIZATION, by Representative Julie Fisher; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 58**, UTAH GENERATED RENEWABLE ENERGY ELECTRICITY NETWORK AUTHORITY BOARD AMENDMENTS, by Representative R. Barrus.

Stephen H. Urquhart, Chair

Mr. President:

February 3, 2010

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 50**, VICTIMS' RIGHTS REVISIONS, by Senator J. S. Adams; and

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 89**, LEGAL NOTICE AMENDMENTS, by Senator S. Urquhart, be replaced and favorably recommends **1st Sub. S.B. 89**, LEGAL NOTICE AMENDMENTS; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **1st Sub. H.B. 36**, CONTROLLED SUBSTANCE DATABASE – REPORTING CONVICTIONS FOR DRIVING UNDER THE INFLUENCE OR IMPAIRED DRIVING, by Representative B. Daw; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 41, CONSTABLES AMENDMENTS**, by Representative C. Oda.

Mark B. Madsen, Chair

On motion of Senator Dayton, the committee reports were adopted. **H.B. 34, S.B. 26**, as amended, **S.B. 117, H.B. 46, H.B. 57, H.B. 58, S.B. 50, 1st Sub. S.B. 89, 1st Sub. H.B. 36**, and **H.B. 41** were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

S.B. 59, At-risk Student Provisions (L. Robles), read the first time by short title and referred to the Rules Committee.

S.B. 60, Voluntary Search and Rescue Funding Act (R. Okerlund), read the first time by short title and referred to the Rules Committee.

S.B. 61, Sales and Use Tax Exemption for a Web Search Portal (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 72, Enhanced 911 for Multi-line Telephone Systems (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 73, Sales and Use Tax Exemption Relating to Aircraft (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 137, Coordination of Removing, Relocating, or Altering Utilities (D. Liljenquist), read the first time by short title and referred to the Rules Committee.

S.B. 139, Physician Assistant Amendments (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 140, Juvenile Detention Amendments (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 141, Utah Substance Abuse and Anti-violence Coordinating Council Amendments (J. S. Adams), read the first time by short title and referred to the Rules Committee.

S.J.R. 9, Joint Resolution Approving Compensation of In-session Employees (S. Jenkins), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

H.B. 31, WILDLIFE LICENSES, CERTIFICATES, OR PERMIT AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Greiner	Hillyard	Jenkins	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Adams	Bramble	Goodfellow	Hinkins
Jones	Madsen		

H.B. 31 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

H.B. 26, BRINE SHRIMP ROYALTY ACT AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Adams

H.B. 26 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Hillyard, the circle was removed from **S.B. 27**, SALES AND USE TAX DEFINITION OF TANGIBLE PERSONAL PROPERTY, and it was before the Senate. Senator Hillyard explained the bill.

On motion of Senator Hillyard, the bill was circled.

* * *

On motion of Senator Liljenquist, **H.B. 49**, AMENDMENTS RELATED TO A TAX, FEE, OR CHARGE ADMINISTERED BY THE STATE TAX COMMISSION, was read the third time and circled.

* * *

H.B. 24, ECONOMIC DEVELOPMENT INCENTIVES ACT AMENDMENTS, was read the third time and explained by Senator Stevenson.

On motion of Senator Liljenquist, **H.B. 24** was placed on Third Reading Table due to fiscal impact.

* * *

H.B. 15, DEFERRED DEPOSIT LENDING AMENDMENTS, was read the third time, explained by Senator Mayne, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Goodfellow	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
Morgan	Okerlund	Robles	Romero
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative were: Senators

Dayton	Greiner	Madsen	H. Stephenson
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Absent or not voting were: Senators

Buttars	McAdams	Niederhauser
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H.B. 15 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

SPECIAL RECOGNITION

Senator Van Tassell introduced Utah’s Tribal Leaders

THIRD READING CALENDAR

On motion of Senator Adams, the circle was removed from **H.B. 49**, AMENDMENTS RELATED TO A TAX, FEE, OR CHARGE ADMINISTERED BY THE STATE TAX COMMISSION, and it was before the Senate. The bill passed on the following roll call:

Yeas, 19; Nays, 0; Absent, 10.

Voting in the affirmative were: Senators

Adams	Christensen	Davis	Dayton
Goodfellow	Greiner	Jenkins	Jones
Knudson	Madsen	Mayne	Morgan
Okerlund	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Waddoups	

Absent or not voting were: Senators

Bramble	Buttars	Hillyard	Hinkins
Liljenquist	McAdams	Niederhauser	Robles
Romero	Van Tassell		

H.B. 49 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Jenkins, **H.B. 40**, UTAH LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION AMENDMENTS, was read the third time and circled.

* * *

H.B. 29, SCHOOL DISTRICT DIVISION AMENDMENTS, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

Yeas, 23; Nays, 1; Absent, 5.

Voting in the affirmative were: Senators

Adams	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins

Jones	Knudson	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative was: Senator
Stowell

Absent or not voting were: Senators

Bramble	Buttars	Hillyard	Liljenquist
McAdams			

H.B. 29 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Niederhauser, the circle was removed from **H.B. 40**, UTAH LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Madsen
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Hillyard	Liljenquist	Mayne
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H.B. 40 was returned to the House for further consideration.

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S.B. 96, UINTAH BASIN REVITALIZATION FUND AMENDMENTS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator Hillyard

S.B. 96 was transmitted to the House for consideration.

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S.B. 20, LOCAL DISTRICT AMENDMENTS, was read the third time and explained by Senator Stowell. Senators Dayton and Knudson commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	McAdams	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Hillyard	Mayne	Morgan
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S.B. 20 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Niederhauser, **H.B. 39, INSURANCE RELATED AMENDMENTS**, was read the second time and circled.

* * *

1st Sub. H.B. 53, FORECLOSURE RESCUE AND LOAN MODIFICATION AMENDMENTS, was read the second time. Senator Adams explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Hillyard

* * *

On motion of Senator Stephenson, **1st Sub. H.B. 42, SCHOOL DISTRICT EMPLOYEES – CAREER STATUS REQUIREMENTS**, was read the second time and circled.

* * *

H.B. 32, LIVESTOCK DAMAGE COMPENSATION AMENDMENTS, was read the second time. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators
Davis Hillyard

COMMITTEE OF THE WHOLE

On motion of Senator Jenkins, U. S. Senator Robert Bennett spoke in Committee of the Whole. Senators Knudson, Valentine, Jones, and Davis commented.

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

SECOND READING CALENDAR

On motion of Senator Urquhart, **H.B. 33**, GROUNDWATER RECHARGE AND RECOVERY ACT AMENDMENTS, was read the second time and circled.

* * *

H.B. 14, JUVENILE TRANSFERS FROM JUSTICE COURT, was read the second time. Senator Okerlund explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Liljenquist
Madsen	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Davis	Knudson	Mayne
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* * *

On motion of Senator Urquhart, the circle was removed from **H.B. 33**, GROUNDWATER RECHARGE AND RECOVERY ACT AMENDMENTS, and it was before the Senate. Senator Urquhart explained the bill. Senator Greiner commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Dayton
Goodfellow	Greiner	Hillyard	Hinkins

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

Absent or not voting were: Senators

Christensen	Davis	Mayne
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On motion of Senator Buttars, the circle was removed from **H.B. 38**, SCHEDULING OF CONTROLLED SUBSTANCES, and it was before the Senate. Senator Buttars explained the bill. The bill passed second reading on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Hillyard

* * *

On motion of Senator Bramble, the circle was removed from **1st Sub. S.B. 88**, PHARMACY PRACTICE ACT AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill.

Senator Bramble proposed the following amendment:

1. Page 1, Lines 14 through 16

14 ► exempts prescribing {~~practitioners~~} physicians from licensure under the Pharmacy Practice Act

15 when a {~~practitioner~~} physician dispenses a cosmetic drug or an injectable weight loss drug to

16 the {~~practitioner's~~} physician's patient; and

2. Page 1, Line 18:

18 {~~practitioner.~~} physician

3. Page 2, Lines 32 through 33:

32 (i) means a prescription drug that is :
(A) for the purpose of promoting attractiveness or
33 altering the appearance of an individual; and
(B) listed as a cosmetic drug subject to the exemption under this
section by the division by administrative rule; and

4. Page 2, Line 41:

41 (ii) does not include a prescription drug that is a controlled
substance.
(c) "Physician" means an individual licensed under either Chapter
67, Utah Medical Practice
Act, or Chapter 68, Utah Osteopathic Medical Practice Act.

5. Page 2, Lines 50 through 51:

50 (c) a {~~practitioner~~} physician who prescribes and
dispenses a cosmetic drug or an injectable weight
51 loss drug to the {~~practitioner's~~} physician's patient in
accordance with Subsection (4).

6. Page , Line 57 through Page 3, Line 58:

57 (4) A {~~practitioner~~} physician is exempt from
licensing under the provisions of Subsection (2)(c) if
58 the {~~practitioner~~} physician :

7. Page 3, Line 61:

61 the {~~practitioner's~~} physician's office;

8. Page 3, Line 63:

63 (i) only to the {~~practitioner's~~} physician's patients;
and

9. Page 3, Line 65:

65 (A) the {~~practitioner's~~} physician's name, address, and telephone number;

10. Page 3, Line 77:

77 laws that govern a pharmacy that compounds prescription drugs.
(5)(a) The division shall adopt an administrative rule pursuant to Title 63G, Chapter 3, Utah Administrative Rulemaking Act to designate the prescription drugs that may be dispensed as cosmetic drugs under this section.

(b) The division may inspect the office of a physician who is dispensing under the provisions of this section, in order to determine whether the physician is in compliance with the provisions of this section. If a physician chooses to dispense under the provisions of this section, the physician consents to the jurisdiction of the division to inspect the physician's office and determine if the provisions of this section are being met by the physician.

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

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Romero
H. Stephenson	J. Stevenson	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative was: Senator Stowell

Absent or not voting were: Senators

Hillyard Robles

* * *

On motion of Senator Jenkins and at 11:55 a.m., the Senate adjourned until 10:00 a.m., Friday, February 5, 2010.

TWELFTH DAY

February 5, 2010

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

Prayer – The Reverend France Davis, Calvary Baptist Church

Pledge of Allegiance – Senator Jerry Stevenson

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

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 72)

SPECIAL RECOGNITION

Representatives from Salt Lake Community College were recognized by the Senate. Senators Mayne and Goodfellow commented.

“Youth of the Year” winners were recognized by the Senate. Senator Valentine commented.

COMMITTEE OF THE WHOLE

On motion of Senator Knudson, Leigh Von der Esch, Utah Office of Tourism, spoke in Committee of the Whole. Senators Davis, Romero, and Jenkins commented.

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

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 5, 2010

The House passed, as amended, **H.B. 20**, AMENDMENTS TO HEALTH INSURANCE COVERAGE IN STATE CONTRACTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed **H.B. 236**, STATUTORY CONSTRUCTION AMENDMENTS, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed **H.B. 248**, GOVERNMENT RECORDS AMENDMENTS, by Representative J. Anderson, and it is transmitted for consideration; and

The House passed **H.B. 267**, LOBBYIST DISCLOSURE AND REGULATION ACT AMENDMENTS, by Representative K. Garn, and it is transmitted for consideration; and

The House passed **H.J.R. 15**, JOINT RESOLUTION ON LEGISLATIVE ETHICS COMMISSION, by Representative D. Clark, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk
Communications filed. **H.B. 20**, **H.B. 236**, **H.B. 248**, **H.B. 267**, and **H.J.R. 15** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 4, 2010

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

Business and Labor Committee

S.B. 139 Physician Assistant Amendments (Sen. C. Bramble)

Government Operations and Political Subdivisions Committee

S.B. 60 Voluntary Search and Rescue Funding Act
(Sen. R. Okerlund)

S.B. 136 Open and Public Meetings Revisions Related to Review of Ethics Complaints (Sen. J. Valentine)

S.B. 138 Grama Revisions Related to Review of Ethics Complaints
(Sen. J. Valentine)

S.J.R. 5 Joint Resolution on the Spending of Federal Economic Renewal Grants (Sen. K. Mayne)

S.J.R. 9 Joint Resolution Approving Compensation of In-session Employees (Sen. S. Jenkins)

1st Sub. H.B. 75 Assessment Area Amendments (Rep. G. Froerer)
(Sen. W. Niederhauser)

H.B. 211 Improvement District Board Membership
(Rep. K. Powell) (Sen. K. Van Tassell)

Health and Human Services Committee

H.B. 30 Drug Law Amendments (Rep. T. Beck) (Sen. C. Bramble)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 72 Enhanced 911 for Multi-line Telephone Systems
(Sen. J. Greiner)

- S.B. 140** Juvenile Detention Amendments (Sen. J. Greiner)
S.B. 141 Utah Substance Abuse and Anti-violence Coordinating Council Amendments (Sen. J. S. Adams)
H.B. 37 Criminal Background Checks on Motor Vehicle Dealers and Salespersons (Rep. R. Lockhart) (Sen. R. Romero)
H.B. 89 License for Controlled Substances Amendments (Rep. M. Morley) (Sen. M. Madsen)

Revenue and Taxation Committee

- S.B. 61** Sales and Use Tax Exemption for a Web Search Portal (Sen. H. Stephenson)
S.B. 73 Sales and Use Tax Exemption Relating to Aircraft (Sen. C. Bramble)
1st Sub. H.B. 219 Delinquent Property Tax Amendments (Rep. G. Froerer) (Sen. W. Niederhauser)

Transportation, Public Utilities and Technology Committee

- S.B. 137** Coordination of Removing, Relocating, or Altering Utilities (Sen. D. Liljenquist)

Workforce Services and Community and Economic Development Committee

- H.J.R. 10** Joint Resolution Opposing the Establishment of a Federal Commission on State Workers' Compensation Laws (Rep. M. Morley) (Sen. M. Dayton)

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 4, 2010

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 126**, SUBDIVISION AMENDMENTS, by Senator J. S. Adams.

Peter C. Knudson, Chair,

Mr. President: February 4, 2010

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 119**, SPECIAL ELECTIONS MODIFICATIONS, by Senator H. Stephenson; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 121**, UTAH UNIFORM PROBATE CODE AMENDMENTS, by Senator J. Valentine; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 122**, EMINENT DOMAIN REVISIONS, by Senator J. S. Adams; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 125**, INTANGIBLE PROPERTY AMENDMENTS, by Senator C. Bramble; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 45**, STATE CONSTRUCTION CODE ADOPTION, by Representative M. Morley.

J. Stuart Adams, Chair

On motion of Senator Dayton, the committee reports were adopted. **S.B. 126**, **S.B. 121**, **S.B. 122**, **S.B. 126**, and **H.B. 45** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 4, 2010

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 59**, CAMPAIGN FINANCE REVISIONS, by Representative K. Grover, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 199**, MUNICIPAL CLERK AND

RECORDER RESPONSIBILITIES, by Representative B. Last, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

Mr. President:

February 4, 2010

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 50**, SALES AND USE TAX MODIFICATIONS, by Representative W. Harper, and recommends it be considered read for the second time and placed on the Consent Calendar.

J. Stuart Adams, Chair

On motion of Senator Dayton, the committee reports were adopted. **H.B. 59**, **H.B. 199**, and **H.B. 50** were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 62, Motor Vehicle Insurance Coverage Amendments (S. Urquhart), read the first time by short title and referred to the Rules Committee.

S.B. 63, New Public Employees' Tier II Contributory Retirement Act (D. Liljenquist), read the first time by short title and referred to the Rules Committee.

S.B. 68, Local Health Authority Funding Amendments (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 69, College of Eastern Utah Affiliation with Utah State University (D. Hinkins), read the first time by short title and referred to the Rules Committee.

S.B. 70, Motor Vehicle Liability Amendments – Minor Drivers (S. Urquhart), read the first time by short title and referred to the Rules Committee.

S.B. 71, Small Business Access to Justice Act (R. Romero), read the first time by short title and referred to the Rules Committee.

S.B. 142, Driver License Amendments (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 143, Grand Jury Amendments (D. Liljenquist), read the first time by short title and referred to the Rules Committee.

S.B. 144, Vision Screening Amendments (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 145, Medical Malpractice Amendments (J. S. Adams), read the first time by short title and referred to the Rules Committee.

S.B. 146, Wrongful Death Amendments (B. McAdams), read the first time by short title and referred to the Rules Committee.

S.B. 147, Education Related Parent Organizations (M. Dayton), read the first time by short title and referred to the Rules Committee.

S.B. 148, Guaranteed Asset Protection Waivers (J. Stevenson), read the first time by short title and referred to the Rules Committee.

S.C.R. 7, Concurrent Resolution Approving Solid Waste Facility Classification Change (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.C.R. 8, Fathers Do Matter Concurrent Resolution (G. Davis), read the first time by short title and referred to the Rules Committee.

S.C.R. 9, Declaration of the Family Concurrent Resolution (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.J.R. 10, Joint Resolution Supporting the Expansion of Correctional Facilities in Uintah County (K. Van Tassell), read the first time by short title and referred to the Rules Committee.

S.J.R. 11, Utah Athletic Foundation Resolution (S. Urquhart), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

S.B. 85, UTAH CONSTRUCTION TRADE LICENSING ACT AMENDMENTS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard

Jenkins	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Waddoups

Absent or not voting were: Senators

Bramble	Hinkins	Jones	McAdams
Van Tassell			

S.B. 85 was transmitted to the House for consideration.

* * *

S.B. 110, REVISOR'S STATUTE, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Jenkins	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Hinkins	Jones	J. Stevenson
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S.B. 110 was transmitted to the House for consideration.

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H.B. 27, PER DIEM AND TRAVEL EXPENSE MODIFICATIONS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Jenkins	Knudson	Liljenquist	Mayne

Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble	Hinkins	Jones	Madsen
McAdams			

H.B. 27 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 44, REFERENDUM BALLOT PROPOSITION AMENDMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Knudson	Liljenquist
Mayne	Morgan	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Buttars	Hinkins	Madsen	McAdams
Niederhauser			

H.B. 44 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Christensen, legislative staff was authorized to draft bills regarding health code amendments and division of services for people with a disability advisory council.

THIRD READING CALENDAR

On motion of Senator Goodfellow, the circle was removed from **S.B. 19**, VEHICLE SAFETY FLAGS ON OFF-HIGHWAY VEHICLES, and it was before the Senate. Senator Goodfellow explained the bill.

Senator Goodfellow proposed the following amendment:

. Page 1, Lines 15 through 18

15 This bill:

16 ► provides that a safety flag may be attached to the protective headgear of a person

17 operating {~~-an off-highway vehicle-~~} a motorcycle rather than attaching the safety flag to the

18 {~~off-highway vehicle-~~} motorcycle as required when operating on certain sand dunes.

2. Page 2, Lines 37b through 39:

37b (B) ~~←~~ the

38 protective headgear of a person operating {~~-the off-highway vehicle-~~} a motorcycle ~~→~~ so that the safety flag is ~~←~~

38a

38a at least 18 inches above the

39 top of the person's head ~~→~~ [~~-when operated on sand dunes designated by the board-~~] ~~←~~ .

Senator Goodfellow's motion to amend passed on a voice vote. Senator Greiner commented. The bill passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Adams	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Knudson	Liljenquist	Mayne
Morgan	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	Buttars	Hinkins	Madsen
McAdams	Niederhauser		

S.B. 19 was transmitted to the House for consideration.

* * *

1st Sub. H.B. 53, FORECLOSURE RESCUE AND LOAN MODIFICATION AMENDMENTS, was read the third time, explained by Senator Adams, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Hinkins	Madsen	Niederhauser
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1st Sub. H.B. 53, as amended, was returned to the House for further consideration.

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H.B. 32, LIVESTOCK DAMAGE COMPENSATION AMENDMENTS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Christensen	Hinkins	Madsen	Niederhauser
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H.B. 32 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 14, JUVENILE TRANSFERS FROM JUSTICE COURT, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Adams	Hinkins	Niederhauser
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H.B. 14 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 33, GROUNDWATER RECHARGE AND RECOVERY ACT AMENDMENTS, was read the third time and explained by Senator Urquhart. Senator Greiner commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Jenkins	Jones	Knudson
Liljenquist	Madsen	McAdams	Morgan
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Hinkins	Mayne	Niederhauser
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H.B. 33 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 38, SCHEDULING OF CONTROLLED SUBSTANCES, was read the third time, explained by Senator Buttars, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Hinkins	Liljenquist	J. Stevenson
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H.B. 38, as amended, was returned to the House for further consideration.

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1st Sub. S.B. 88, PHARMACY PRACTICE ACT AMENDMENTS, was read the third time and explained by Senator Bramble. Senator Greiner commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Buttars	Hinkins
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1st Sub. S.B. 88 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Jenkins, the circle was removed from **2nd Sub. S.B. 108**, JUDICIAL NOMINATING COMMISSION STAFF AMENDMENTS, and it was before the Senate.

Senator Jenkins proposed the following amendment:

- 1. Page 3, Lines 63 through 67

63 (viii) procedures for simultaneously forwarding the names of nominees to the

64 governor, the president of the Senate, and the Office of Legislative Research and General

65 Counsel; {~~and~~}

66 (ix) standards governing a nominating commissioner's disqualification and inability to

67 serve ; and

(x) procedures that require the Administrative Office of the Courts to immediately inform the governor when a judge is removed, resigns, or retires .

Senator Jenkins' motion to amend passed on a voice vote. Senator Jenkins explained the bill. Senators Buttars, Hillyard, Romero, Valentine, and McAdams commented.

On motion of Senator Jenkins, the bill was circled.

* * *

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to lift **1st Sub. H.B. 1, MINIMUM SCHOOL PROGRAM BASE BUDGET**, from the Rules Committee and place it at the top of the Second Reading Calendar.

On motion of Senator Hillyard, the bill was circled.

* * *

On motion of Senator Jenkins, the circle was removed from **2nd Sub. S.B. 108, JUDICIAL NOMINATING COMMISSION STAFF AMENDMENTS**, and it was before the Senate. Senator Jenkins explained the bill. Senators McAdams, Madsen, Greiner, and Buttars commented. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 6; Absent, 2.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner

Hillyard	Jenkins	Knudson	Liljenquist
Madsen	Niederhauser	Okerlund	H. Stephenson
J. Stevenson	Stowell	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Jones	Mayne	McAdams	Morgan
Robles	Romero		

Absent or not voting were: Senators

Hinkins	Urquhart
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On motion of Senator Stephenson, the circle was removed from **1st Sub. H.B. 1, MINIMUM SCHOOL PROGRAM BASE BUDGET**, and it was read for the second time. Senator Stephenson explained the bill. Senator Hillyard commented.

On motion of Senator Stephenson, under suspension of the rules, **1st Sub. H.B. 1, MINIMUM SCHOOL PROGRAM BASE BUDGET**, was considered read the second and third times and passed on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative was: Senator

Romero

Absent or not voting was: Senator

Hinkins

1st Sub. H.B. 1 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Jenkins and at 12:00 noon, the Senate adjourned until 10:00 a.m., Monday, February 8, 2010.

FIFTEENTH DAY

February 8, 2010

The Senate was called to order at 10:05 a.m., with President Michael Waddoups presiding.

Prayer – Imam Muhammed Mehtar, Islamic Society of Greater Salt Lake, Khadeeja Mosque

Pledge of Allegiance and Posting of Colors – Westland 9th Ward Cub Scout Pack 4728

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 72)

On motion of Senator Stephenson, legislative staff was authorized to draft a bill regarding removing signatures from initiative and referendum petitions.

SPECIAL RECOGNITION

The Senate recognized members of the Governor’s Office of Economic Development for Utah’s Number One ranking for Expected Economic Recovery and for Utah being ranked best for Workforce Flexibility. Those recognized included: Spencer Eccles, Leigh Von der Esch, Derek Miller and Gary Harter.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 5, 2010

The House passed, as substituted and amended, **2nd Sub. H.B. 70**, RETROFIT COMPRESSED NATURAL GAS VEHICLES AMENDMENTS, by Representative J. Draxler, and it is transmitted for consideration; and

The House passed **H.B. 88**, ELECTRONIC CIGARETTE RESTRICTIONS, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 124**, CAMPAIGN FUNDS EXPENDITURE RESTRICTIONS, by Representative T. Cosgrove, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 201**, STATE FIRE MARSHAL MODIFICATIONS, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed **H.B. 225**, COUNTERFEIT SUBSTANCE AMENDMENTS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 232**, MEDICAL LANGUAGE INTERPRETER AMENDMENTS, by Representative R. Chavez–Houck, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 270**, FINANCIAL DISCLOSURE AND CONFLICT OF INTEREST AMENDMENTS, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed, as amended, **H.C.R. 3**, ITALIAN–AMERICAN HERITAGE MONTH CONCURRENT RESOLUTION, by Representative C. Watkins, et al, and it is transmitted for consideration; and

The House passed **H.J.R. 14**, JOINT RULES RESOLUTION ON FINANCIAL DISCLOSURES, by Representative G. Hughes, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **2nd Sub. H.B. 70, H.B. 88, 1st Sub. H.B. 124, H.B. 201, H.B. 225, H.B. 232, H.B. 270, H.C.R. 3, and H.J.R. 14** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 5, 2010

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

Business and Labor Committee

H.B. 20 Amendments to Health Insurance Coverage in State Contracts (Rep. J. Dunnigan) (Sen. G. Davis)

Education Committee

S.B. 59 At–risk Student Provisions (Sen. L. Robles)

S.B. 69 College of Eastern Utah Affiliation with Utah State University (Sen. D. Hinkins)

S.B. 147 Education Related Parent Organizations (Sen. M. Dayton)

Government Operations and Political Subdivisions Committee

H.B. 236 Statutory Construction Amendments (Rep. R. Lockhart) (Sen. S. Urquhart)

H.B. 248 Government Records Amendments (Rep. J. Anderson)
(Sen. K. Mayne)

Health and Human Services Committee

S.B. 68 Local Health Authority Funding Amendments
(Sen. D. Stowell)

S.B. 144 Vision Screening Amendments (Sen. W. Niederhauser)

S.C.R. 8 Fathers Do Matter Concurrent Resolution (Sen. G. Davis)

H.B. 17 Amendments to Programs for People with Disabilities
(Rep. S. Mascaro) (Sen. D. Liljenquist)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 143 Grand Jury Amendments (Sen. D. Liljenquist)

S.J.R. 10 Joint Resolution Supporting the Expansion of
Correctional Facilities in Uintah County
(Sen. K. Van Tassell)

Natural Resources, Agriculture and Environment Committee

S.C.R. 7 Concurrent Resolution Approving Solid Waste Facility
Classification Change (Sen. W. Niederhauser)

S.J.R. 11 Utah Athletic Foundation Resolution (Sen. S. Urquhart)

Retirement and Independent Entities Committee

S.B. 63 New Public Employees' Tier II Contributory Retirement
Act (Sen. D. Liljenquist)

Transportation, Public Utilities and Technology Committee

S.B. 62 Motor Vehicle Insurance Coverage Amendments
(Sen. S. Urquhart)

S.B. 70 Motor Vehicle Liability Amendments – Minor Drivers
(Sen. S. Urquhart)

S.B. 142 Driver License Amendments (Sen. H. Stephenson)

**Workforce Services and Community and Economic Development
Committee**

S.B. 148 Guaranteed Asset Protection Waivers (Sen. J. Stevenson)

H.B. 55 Department of Community and Culture Grants
Amendments (Rep. Julie Fisher) (Sen. R. Okerlund)

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 5, 2010

The Business and Labor Committee recommends **S.B. 45**, UTAH FIT PREMISES ACT AMENDMENTS, by Senator W. Niederhauser, be replaced and favorably recommends **1st Sub. S.B. 45**, UTAH FIT PREMISES ACT AMENDMENTS; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 76**, TRUST DEED AMENDMENTS, by Senator J. Valentine; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 11**, LICENSING OF ELEVATOR CONTRACTORS AND ELEVATOR MECHANICS, by Representative L. Wiley; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 23**, WORKPLACE DRUG AND ALCOHOL TESTING, by Representative T. Beck.

John L. Valentine, Chair

Mr. President: February 5, 2010

The Health and Human Services Committee reports a favorable recommendation on **S.B. 39**, HEALTH INSURANCE PRIOR AUTHORIZATION AMENDMENTS, by Senator K. Mayne, with the following amendments:

1. Page 2, Lines 38 through 41:

38 (3) A statement of preauthorization shall include a statement
39 that the preauthorization is:

39 (a) not a guarantee of payment by an insurer; and

40 (b) subject to the policy and contract provisions of the accident
40 and health insurance

41 contract. ; and

The Health and Human Services Committee reports a favorable recommendation on **S.C.R. 5**, CONCURRENT RESOLUTION RECOGNIZING THE 100 YEAR ANNIVERSARY OF THE MCKAY-DEE HOSPITAL, by Senator J. Greiner.

D. Chris Buttars, Chair

Mr. President:

February 5, 2010

The Education Committee reports a favorable recommendation on **S.B. 56**, SCHOOL REPORTING AMENDMENTS, by Senator K. Morgan, with the following amendments:

1. Page 3, Lines 77 through 81:

77 (v) a complete statement of state funds allocated to each [~~of the~~
state's 40 school

78 ~~districts]~~ school district and charter school by source, including
supplemental appropriations,

79 and a complete statement of expenditures by each school
district and charter school , including supplemental

80 appropriations, by function and object as outlined in the U.S.
Department of Education

81 publication "Financial Accounting for Local and State School
Systems"; ; and

The Education Committee reports a favorable recommendation on **S.B. 57**, LOCAL SCHOOL BOARD BUDGET PROCEDURES, by Senator D. Stowell; and

The Education Committee reports a favorable recommendation on **S.B. 132**, HIGHER EDUCATION SCHOLARSHIP AMENDMENTS, by Senator J. Valentine.

Curtis S. Bramble, Chair

Mr. President:

February 5, 2010

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 58**, TRANSPORTATION EXPENSES FOR DEFENDANTS, by Senator J. S. Adams; and

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 109**, CHIEF JUSTICE OF THE UTAH SUPREME COURT APPOINTMENT, by Senator S. Jenkins, be replaced and favorably recommends **1st Sub. S.B. 109**, CHIEF JUSTICE OF THE UTAH SUPREME COURT APPOINTMENT; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 47**, BOARD OF PARDONS AND PAROLE TECHNICAL AMENDMENTS, by Representative E. Hutchings.

Mark B. Madsen, Chair

On motion of Senator Dayton, the committee reports were adopted. **1st Sub. S.B. 45**, **S.B. 76**, **H.B. 11**, **H.B. 23**, **S.B. 39**, as amended, **S.C.R. 5**, **S.B. 56**, as amended **S.B. 57**, **S.B. 132**, **S.B. 58**, **1st Sub. S.B. 109**, and **H.B. 47** were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

S.B. 149, **Utah Forest Practices Act Amendments** (D. Hinkins), read the first time by short title and referred to the Rules Committee.

S.B. 150, **Reading Requirements for Student Advancement** (K. Morgan), read the first time by short title and referred to the Rules Committee.

S.B. 151, **Collection, Remittance, and Retention of Certain Taxes, Fees, or Charges** (C. Bramble), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

1st Sub. S.B. 48, **NONLAPSING AUTHORITY TECHNICAL AMENDMENTS**, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Romero	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Jenkins

McAdams

Robles

H. Stephenson

1st Sub. S.B. 48 was transmitted to the House for consideration.

THIRD READING CALENDAR

On motion of Senator Niederhauser, **2nd Sub. S.B. 108**, JUDICIAL NOMINATING COMMISSION STAFF AMENDMENTS, was read the third time and circled.

* * *

On motion of Senator Hillyard, the circle was removed from **S.B. 27**, SALES AND USE TAX DEFINITION OF TANGIBLE PERSONAL PROPERTY, and it was before the Senate. Senator Hillyard explained the bill.

Senator Hillyard proposed the following amendment:

- 1. Page 1, Lines 15 through 18

15 This bill:

16 ► modifies the definition of tangible personal property to include ~~{-carpeting-}~~ certain floor coverings , regardless

17 of whether the ~~{-carpeting-is-}~~ floor coverings are attached to real property; and

18 ► makes technical and conforming changes.

- 1. Page 38, Lines 1147 through 1163:

1147 (c) “Tangible personal property” includes the following regardless of whether the item

1148 is attached to real property:

(i) a floor covering, including:

(A) bamboo flooring;

(B) carpeting;

(C) concrete flooring;

(D) glass flooring;

(E) laminate flooring;

(F) resilient flooring, including cork flooring, linoleum flooring, rubber flooring, or vinyl flooring;

(G) stone flooring, including manufactured stone flooring;

(H) tile flooring; or

(I) wood flooring:

- 1149 {-(i)-} (ii) a dishwasher;
- 1150 {-(ii)-} (iii) a dryer;
- 1151 {-(iii)-} (iv) a freezer;
- 1152 {-(iv)-} (v) a microwave;
- 1153 {-(v)-} (vi) a refrigerator;
- 1154 {-(vi)-} (vii) a stove;
- 1155 {-(vii)-} (viii) a washer; or
- 1156 {-(viii)-} (ix) an item similar to Subsections
 (108)(c)(i) through {-(vii)-} (viii) as determined by the
 1157 commission by rule made in accordance with Title 63G, Chapter 3,
 Utah Administrative
 1158 Rulemaking Act.
- 1159 {-(d) "~~Tangible personal property~~" includes ~~carpeting,~~
~~regardless of whether the~~
- 1160 ~~carpeting is attached to real property.~~ }
- 1161 {-[]} (d) {-[]} {-(~~e~~)-} "Tangible personal
 1162 electronically.
 1163 {-[]} (e) {-[]} {-(~~f~~)-} "Tangible personal
 1164 property" does not include the following if attached to real

Senator Hillyard's motion to amend passed on a voice vote. Senator Jones commented.

On motion of Senator Hillyard, the bill was circled.

SECOND READING CALENDAR

On motion of Senator Bramble, **S.B. 107**, LIEN AMENDMENTS, was read the second time and circled.

* * *

S.B. 90, MENTAL HEALTH PROFESSIONAL PRACTICE ACT AMENDMENTS, was read the second time. Senator Hillyard explained the bill.

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

1st Sub. S.B. 90 Mental Health Professional Practice Act Amendments
(L. Hillyard)

The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Jenkins	H. Stephenson
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COMMITTEE OF THE WHOLE

On motion of Senator Jenkins, U. S. Congressman Jason Chaffetz spoke in Committee of the Whole. Senators Urquhart, Mayne, Jones and Romero commented.

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

SPECIAL RECOGNITION

Members of the Boys Scouts of America were recognized by the Senate honoring the 100th anniversary of the Boy Scouts of America. Senators Jones, Bramble, Jenkins, Robles, Dayton and Buttars commented.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 8, 2010

The House passed **H.C.R. 5, CONCURRENT RESOLUTION RECOGNIZING THE 100TH ANNIVERSARY OF THE BOY SCOUTS OF AMERICA**, by Representative B. Daw, et al, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communication filed. **H.C.R. 5** was read the first time and referred to the Rules Committee.

On motion of Senator Valentine, the Senate voted to lift **H.C.R. 5, CONCURRENT RESOLUTION RECOGNIZING THE 100TH ANNIVERSARY OF THE BOY SCOUTS OF AMERICA**, from the Rules Committee and place it at the top of the Second Reading Calendar.

On motion of Senator Valentine, under suspension of the rules, **H.C.R. 5, CONCURRENT RESOLUTION RECOGNIZING THE 100TH ANNIVERSARY OF THE BOY SCOUTS OF AMERICA**, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator Christensen

H.C.R. 5 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

S.C.R. 2, REDUCING PRESCRIPTION DRUG MISUSE RESOLUTION, was read the second time. Senator Jones explained the bill.

Senator Jones proposed the following amendment:

1. Page 2, Lines 49 through 52
Senate Committee Amendments
2-2-2010

49 BE IT FURTHER RESOLVED that the Legislature and the Governor urge individuals

50 to clean out their medicine cabinets ~~{-soon—and often-}~~ routinely, and at least annually. and that they properly dispose of the unused

51 portions of any drug prescriptions, in accordance with guidelines published by the federal

52 Office of National Drug Control Policy at

2. Page 4, Lines 106 through 116:

106 BE IT FURTHER RESOLVED that the Legislature and the Governor urge the Division

107 of Occupational and Professional Licensing, as division resources permit, to survey doctors,

108 pharmacists, and patients to determine whether ~~{doctors and pharmacists are adequately~~

109 ~~instructing}~~ patients are receiving appropriate instructions on the safe use, storage, and disposal of prescription drugs, potential drug

110 interactions, and the signs and reporting of dependency and addiction, and ~~{the legal prohibitions on}~~ whether patients are being cautioned about

111 sharing and selling prescription drugs ~~{, whether doctors are assessing each patient's risk for~~

112 ~~misuse, dependency, or addiction before prescribing a drug, whether doctors are using~~

113 ~~medication management agreements when appropriate, whether doctors and pharmacists are~~

114 ~~using the controlled substance database whenever appropriate to assess patient risk, and~~

115 ~~whether pharmacists are informing prescribers of any concerns they may have about particular~~

116 ~~patients}~~ .

Senator Jones' motion to amend passed on a voice vote. Senators Greiner, Dayton, and Mayne commented. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 3; Absent, 2.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Goodfellow	Greiner	Hillyard	Hinkins

Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	J. Stevenson
Stowell	Urquhart	Van Tassell	Waddoups

Voting in the negative were: Senators
 Dayton Madsen H. Stephenson

Absent or not voting were: Senators
 Christensen Valentine

* * *

S.C.R. 4, DENTAL HEALTH CARE CONCURRENT RESOLUTION, was read the second time. Senator Jones explained the bill. Senators Jones, Christensen and Robles declared conflicts of interest. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
 Hillyard

* * *

S.B. 55, AUTHORIZATION OF CHARTER SCHOOLS BY HIGHER EDUCATION INSTITUTIONS, was read the second time.

Senator Adams proposed the following amendment:

1. Page 2, Lines 56 through 57

56 (2) “Board of trustees of a higher education institution” or
“board of trustees” means

57 the board of trustees of { ~~a university or community college~~
listed in Section 53B-1-102. } ;

- (a) the University of Utah;
- (b) Utah State University;
- (c) Weber State University;
- (d) Southern Utah University;
- (e) Snow College;
- (f) Dixie State College of Utah;
- (g) the College of Eastern Utah;
- (h) Utah Valley University; or
- (i) Salt Lake Community College.

2. Page 9, Line 274 through Page 10, Line 280:

274 (c) (i) The school’s charter may include a provision that the charter school pay an

275 annual fee {~~to the board of trustees~~ } for the board of trustees’ costs in providing oversight of, and

276 technical support to, the charter school in accordance with Subsection (6).

277 (ii) An annual fee described in Subsection (5)(c)(i) :
(A) may not exceed the product of:

278 {~~(A)~~ } (I) 1% of the value of the weighted pupil unit as established in statute for the current

279 fiscal year; and

280 {~~(B)~~ } (II) the October 1 enrollment count of the charter school for the current fiscal year {~~—~~ } :

(B) shall be paid to the board of trustees’ higher education institution; and

(C) shall be expended as directed by the board of trustees.

Senator Adams’ motion to amend passed on a voice vote. Senator Adams explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	H. Stephenson	J. Stevenson
Stowell	Valentine	Waddoups	

Voting in the negative were: Senators

Jones Romero

Absent or not voting were: Senators

Buttars Goodfellow Urquhart Van Tassell

* * *

S.B. 77, SCHOOL DISTRICT LEAVE POLICIES, was read the second time. Senator Dayton explained the bill.

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

1st Sub. S.B. 77 School District Leave Policies (M. Dayton)

On motion of Senator Dayton, the bill was circled.

* * *

S.B. 53, VOTER CHALLENGE REVISIONS, was read the second time. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Buttars Hillyard Niederhauser

* * *

S.B. 103, ADVERSE POSSESSION OF REAL PROPERTY, was read the second time. Senator Urquhart explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Buttars	Hillyard	Niederhauser
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* * *

On motion of Senator Jenkins and at 11:45 a.m., the Senate adjourned until 10:00 a.m., Tuesday, February 9, 2010.

SIXTEENTH DAY

MORNING SESSION

February 9, 2010

The Senate was called to order at 10:05 a.m., with President Michael Waddoups presiding.

Prayer – Bishop David M. Davis, Draper 12th Ward

Pledge of Allegiance – Senator David Hinkins

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 72)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 8, 2010

The House passed, as amended, **H.B. 10**, COURT FEES FOR INMATES, by Representative C. Oda, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 18**, UNEMPLOYMENT INSURANCE AMENDMENTS, by Representative S. Mascaro, et al, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 78**, WEAPONS REVISIONS, by Representative S. Sandstrom, et al, and it is transmitted for consideration; and

The House passed **H.B. 98**, STATE ENGINEER BONDING REQUIREMENTS, by Representative R. Wilcox, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 200**, INFORMED CONSENT AMENDMENTS, by Representative C. Wimmer, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 202**, FIREWORKS AMENDMENTS, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 226**, WELL DRILLER'S LICENSE – PUMP INSTALLATION, by Representative P. Painter, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 229**, WATER RIGHT GENERAL ADJUDICATION AMENDMENTS, by Representative P. Painter, and it is transmitted for consideration; and

The House passed **H.B. 249**, EMANCIPATION AMENDMENTS, by Representative L. Fowlke, and it is transmitted for consideration; and

The House passed **H.B. 262**, REPORTING TO APPROPRIATION COMMITTEES, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed **H.J.R. 11**, JOINT RESOLUTION REGARDING FEDERAL HEALTH INSURANCE REFORM, by Representative M. Morley, et al, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 10**, **H.B. 18**, **1st Sub. H.B. 78**, **H.B. 98**, **H.B. 200**, **H.B. 202**, **H.B. 226**, **H.B. 229**, **H.B. 249**, **H.B. 262**, and **H.J.R. 11** were read the first time and referred to the Rules Committee.

* * *

Mr. President:

February 8, 2010

The House passed, **S.B. 79**, FRAUDULENT TRANSFER AMENDMENTS, by Senator J. Valentine, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 79 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President:

February 8, 2010

The House concurred in the Senate amendments and passed **H.B. 40**, UTAH LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 40, was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 8, 2010

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

Health and Human Services Committee

- S.B. 145** Medical Malpractice Amendments (Sen. J. S. Adams)
H.B. 88 Electronic Cigarette Restrictions (Rep. R. Menlove)
 (Sen. M. Dayton)
H.B. 232 Medical Language Interpreter Amendments
 (Rep. R. Chavez–Houck) (Sen. A. Christensen)

Judiciary, Law Enforcement, and Criminal Justice Committee

- H.B. 201** State Fire Marshal Modifications (Rep. R. Menlove)
 (Sen. C. Bramble)
H.B. 225 Counterfeit Substance Amendments (Rep. P. Ray)
 (Sen. J. Greiner)

Natural Resources, Agriculture and Environment Committee

- S.B. 149** Utah Forest Practices Act Amendments (Sen. D. Hinkins)

Revenue and Taxation Committee

- S.B. 151** Collection, Remittance, and Retention of Certain Taxes,
 Fees, or Charges (Sen. C. Bramble)
H.B. 213 Cigarette Tax Exemption Amendments (Rep. E. Vickers)
 (Sen. D. Stowell)

Transportation, Public Utilities and Technology Committee

- 2nd Sub. H.B. 70** Retrofit Compressed Natural Gas Vehicles Amendments
 (Rep. J. Draxler) (Sen. M. Madsen)

Workforce Services and Community and Economic Development Committee

- H.C.R. 3** Italian–American Heritage Month Concurrent Resolution
 (Rep. C. Watkins) (Sen. D. Hinkins)

Margaret Dayton
 Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President:

February 8, 2010

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 136**, OPEN AND PUBLIC MEETINGS REVISIONS RELATED TO REVIEW OF ETHICS COMPLAINTS, by Senator J. Valentine; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 138**, GRAMA REVISIONS RELATED TO REVIEW OF ETHICS COMPLAINTS, by Senator J. Valentine; and

The Government Operations and Political Subdivisions Committee recommends **S.J.R. 3**, JOINT RESOLUTION ON ETHICS COMPLAINT PROCEDURES, by Senator J. Valentine, be replaced and favorably recommends **1st Sub. S.J.R. 3**, JOINT RESOLUTION ON ETHICS COMPLAINT PROCEDURES with the following amendments:

1. Page 9, Line 269 through Page 10, Line 282:

269 (5) (a) A member of the commission may not receive
270 compensation or benefits for the

271 member's service, but may receive per diem and expenses incurred
272 in the performance of the

273 member's official duties at the rates established by the Division of
274 Finance under Sections

275 63A-3-106 and 63A-3-107.

276 (b) A member may decline to receive per diem and expenses for
277 the member's service.

278 (6) (a) The commission members shall convene a meeting
279 annually each January and

280 elect, by a majority vote, a commission chair from among the
281 commission members.

282 (b) A person may not serve as chair for more than two
283 consecutive years.

284 { ~~(7) A commission member may not receive compensation~~
285 ~~or benefits for the member's~~

286 ~~services, but may receive per diem and travel expenses in~~
287 ~~accordance with:~~

- 279 ~~(a) Section 63A-3-106;~~
 280 ~~(b) Section 63A-3-107; and~~
 281 ~~(c) rules made by the Division of Finance pursuant to Sections~~
~~63A-3-106 and~~
 282 ~~63A-3-107.~~
 -}

Peter C. Knudson, Chair

Mr. President: February 8, 2010

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 61**, SALES AND USE TAX EXEMPTION FOR A WEB SEARCH PORTAL, by Senator H. Stephenson; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 73**, SALES AND USE TAX EXEMPTION RELATING TO AIRCRAFT, by Senator C. Bramble; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 133**, QUALIFICATIONS OF STATE TAX COMMISSIONERS, by Senator J. S. Adams; and

The Revenue and Taxation Committee reports a favorable recommendation on **1st Sub. H.B. 219**, DELINQUENT PROPERTY TAX AMENDMENTS, by Representative G. Froerer.

J. Stuart Adams, Chair

Mr. President: February 8, 2010

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.C.R. 3**, STATE SOVEREIGNTY CONCURRENT RESOLUTION, by Senator J. S. Adams; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 51**, FAMILY EMPLOYMENT PROGRAM – CASH ASSISTANCE TO SINGLE MINOR PARENT, by Representative J. Dunnigan, et al; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.J.R. 10**, JOINT RESOLUTION OPPOSING THE ESTABLISHMENT OF A FEDERAL

COMMISSION ON STATE WORKERS' COMPENSATION LAWS, by Representative M. Morley.

Jerry W. Stevenson, Chair

On motion of Senator Dayton, the committee reports were adopted. **S.B. 136, S.B. 138, 1st Sub. S.J.R. 3**, as amended, **S.B. 61, S.B. 73, S.B. 133, 1st Sub. H.B. 219, S.C.R. 3, H.B. 51**, and **H.J.R. 10** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 8, 2010

The Government Operations and Political Subdivisions Committee recommends **H.B. 95, CERTIFICATION OF VOTING EQUIPMENT MODIFICATIONS**, by Representative D. Aagard, be replaced and favorably recommends **1st Sub. H.B. 95, CERTIFICATION OF VOTING EQUIPMENT MODIFICATIONS** and that it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

Mr. President: February 8, 2010

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 134, PARTNERSHIP TAX RETURN FILING DEADLINES**, by Senator J. S. Adams, and recommends it be considered read for the second time and placed on the Consent Calendar.

J. Stuart Adams, Chair

On motion of Senator Dayton, the committee reports were adopted. **1st Sub. H.B. 95** and **S.B. 134** were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 152, Utah State Railroad Museum Authority Act (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 153, Marking of Underground Utilities (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 156, Antitrust Act Amendments (S. Urquhart), read the first time by short title and referred to the Rules Committee.

S.B. 160, Utah State Developmental Center Amendments (M. Dayton), read the first time by short title and referred to the Rules Committee.

S.B. 169, Navajo Revitalization Fund Amendments (D. Hinkins), read the first time by short title and referred to the Rules Committee.

S.B. 269, County Powers to Resolve Lawsuits via Development Agreements (J. S. Adams), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Robles, **S.B. 117, PETE SUAZO MEMORIAL HIGHWAY**, will be considered today, Tuesday, February 9, 2010 at 11:30.

* * *

On motion of Senator Okerlund, the Senate voted to reconsider its action on **1st Sub. S.B. 48** due to a title change.

1st Sub. S.B. 48, NONLAPSING AUTHORITY TECHNICAL AMENDMENTS, was before the Senate, explained by Senator Okerlund, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator Madsen

1st Sub. S.B. 48 was transmitted to the House.

SPECIAL RECOGNITION

The Senate recognized Richard D. Clark, Principal at Mountain View High School, Garrick Peterson, Principal of Lakeridge Jr. High School and Crispen Anderson, teacher at Lakeridge Jr. High School as Utah’s outstanding educators.

THIRD READING CALENDAR

1st Sub. S.B. 90 , MENTAL HEALTH PROFESSIONAL PRACTICE ACT AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Dayton	Madsen	McAdams
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1st Sub. S.B. 90 was transmitted to the House for consideration.

* * *

S.C.R. 2, REDUCING PRESCRIPTION DRUG MISUSE RESOLUTION, was read the third time, explained by Senator Jones, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Waddoups

Voting in the negative was: Senator

Dayton

Absent or not voting were: Senators

Bramble	Madsen	Niederhauser	Van Tassell
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S.C.R. 2 was transmitted to the House for consideration.

* * *

S.C.R. 4, DENTAL HEALTH CARE CONCURRENT RESOLUTION, was read the third time, explained by Senator Jones, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Dayton	Liljenquist	Madsen	Mayne
Stowell			

S.C.R. 4 was transmitted to the House for consideration.

* * *

On motion of Senator Adams, **S.B. 55**, AUTHORIZATION OF CHARTER SCHOOLS BY HIGHER EDUCATION INSTITUTIONS , was read the third time and circled.

* * *

S.B. 53, VOTER CHALLENGE REVISIONS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators
Madsen Stowell

S.B. 53 was transmitted to the House for consideration.

* * *

S.B. 103, ADVERSE POSSESSION OF REAL PROPERTY, was read the third time and explained by Senator Urquhart.

Senator Valentine proposed the following amendment:

- 1. Page 2, Line 46

46 (3) { ~~Subsection (2) does not apply~~
if } Notwithstanding Subsection (2) and subject to Subsection (4), a
person may acquire title if :

- 2. Page 2, Line 53:

53 conveyed as described in Subsection (3)(a).
(4) A person who acquires title under Subsection (3) is subject to all
other applicable provisions of law.

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

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators
Hillyard Madsen Stowell

S.B. 103, as amended, was transmitted to the House for consideration.

* * *

On motion of Senator Jenkins, the circle was removed from **2nd Sub. S.B. 108**, JUDICIAL NOMINATING COMMISSION STAFF AMENDMENTS, and it was before the Senate.

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

3rd Sub. S.B. 108 Judicial Nominating Commission Staff Amendment
(S. Jenkins)

On motion of Senator Jenkins, the bill was circled.

SECOND READING CALENDAR

On motion of Senator Dayton, the circle was removed from **1st Sub. S.B. 77, SCHOOL DISTRICT LEAVE POLICIES**, and it was before the Senate. Senator Dayton explained the bill. Senators Goodfellow and Morgan commented. The bill passed second reading on the following roll call:

Yeas, 15; Nays, 10; Absent, 4.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Dayton
Jenkins	Knudson	Madsen	Niederhauser
Okerlund	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Waddoups	

Voting in the negative were: Senators

Davis	Goodfellow	Jones	Liljenquist
Mayne	McAdams	Morgan	Robles
Romero	Van Tassell		

Absent or not voting were: Senators

Adams	Greiner	Hillyard	Hinkins
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On motion of Senator Buttars, legislative staff was authorized to draft a bill regarding accelerated graduation.

* * *

S.B. 102, RESTRICTING THE MOVEMENT OF A MOTOR VEHICLE, was read the second time. Senator Goodfellow explained the bill.

Senator Goodfellow proposed the following amendment:

1. Page 1, Lines 14 through 16

14 ► provides that the maximum fee that a vehicle immobilizer may charge to remove a

15 vehicle immobilization device may not exceed \$75 {~~per day for each day~~} for each 24-hour period a vehicle is

16 immobilized {~~—~~} ;

► provides that the maximum fee that a vehicle immobilizer may charge to remove a vehicle immobilization device may not exceed \$225 per instance; and

► makes technical changes.

2. Page 3, Lines 65 through 66:

65 (4) (a) The maximum fee that a vehicle immobilizer may charge to remove a vehicle

66 immobilization device may not exceed \$75 {~~per day for each day~~} for each 24-hour period a vehicle is immobilized.

(b) Notwithstanding Subsection (4)(a), the maximum fee that a vehicle immobilizer may charge to remove a vehicle immobilization device may not exceed \$225 for each instance.

Senator Goodfellow’s motion to amend passed on a voice vote. Senators Greiner and Buttars commented. The bill failed second reading on the following roll call:

Yeas, 10; Nays, 16; Absent, 3.

Voting in the affirmative were: Senators

Davis	Goodfellow	Hinkins	Jones
Mayne	McAdams	Morgan	Robles
Romero	Urquhart		

Voting in the negative were: Senators

Bramble	Buttars	Christensen	Dayton
Greiner	Hillyard	Jenkins	Knudson
Madsen	Niederhauser	Okerlund	H. Stephenson
J. Stevenson	Stowell	Valentine	Waddoups

Absent or not voting were: Senators

Adams	Liljenquist	Van Tassell
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S.B. 102 was filed.

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S.B. 104, RENEWABLE ENERGY MODIFICATIONS, was read the second time. Senator Urquhart explained the bill. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bramble	Christensen	Dayton	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Waddoups		

Absent or not voting were: Senators

Adams	Buttars	Davis	Goodfellow
Greiner	Liljenquist	Van Tassell	

* * *

S.B. 105, MOTOR VEHICLE ACCIDENT ARBITRATION AMENDMENTS, was read the second time. Senator Urquhart explained the bill. Senator Jenkins commented.

On motion of Senator Urquhart, the bill was circled.

* * *

S.B. 114, MOTOR VEHICLE ACCIDENT REPORTS, was read the second time. Senator Stowell explained the bill.

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

1st Sub. S.B. 114 Motor Vehicle Accident Reports (D. Stowell)

Senators Greiner and Jenkins commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner

Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator Mayne

* * *

On motion of Senator Greiner, the Senate voted to reconsider its action on **S.B. 102, RESTRICTING THE MOVEMENT OF A MOTOR VEHICLE.**

S.B. 102, RESTRICTING THE MOVEMENT OF A MOTOR VEHICLE, was before the Senate.

On motion of Senator Goodfellow, the bill was circled.

TIME CERTAIN

On motion of Senator Robles, under suspension of the rules, **S.B. 117, PETE SUAZO MEMORIAL HIGHWAY,** was considered read the second and third times. Senator Robles explained the bill. Senators Romero and Davis commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Buttars	Dayton	Hinkins	Urquhart
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S.B. 117 was transmitted to the House.

* * *

S.B. 26, UTAH E-COMMERCE INTEGRITY ACT, was read the second time. Senator Urquhart explained the bill. Senators Liljenquist and Romero commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	Morgan	Niederhauser
Okerlund	Robles	Romero	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Buttars	Davis	McAdams	H. Stephenson
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On motion of Senator Niederhauser, **S.B. 50**, VICTIMS' RIGHT REVISIONS, was read the second time and circled.

* * *

On motion of Senator Jenkins, **1st Sub. S.B. 89**, LEGAL NOTICE AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Jenkins, **S.B. 126**, SUBDIVISION AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Jenkins, and at 11:50 p.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:00 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 9, 2010

The House passed, as substituted and amended, **3rd Sub. H.B. 71**, NICOTINE PRODUCT RESTRICTIONS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 94**, UNIFORM FISCAL PROCEDURES ACT AMENDMENTS FOR TOWNS, CITIES, AND COUNTIES AMENDMENTS, by Representative F. Hunsaker, and it is transmitted for consideration; and

The House passed **H.B. 97**, AMENDMENTS RELATING TO DECEPTIVE PRACTICES INVOLVING CONSUMERS, by Representative M. Poulson, and it is transmitted for consideration; and

The House passed, as substituted and amended, **2nd Sub. H.B. 100**, HEBER VALLEY HISTORIC RAILROAD AUTHORITY, by Representative K. Powell, and it is transmitted for consideration; and

The House passed **H.B. 192**, RENEWABLE ENERGY – METHANE GAS, by Representative C. Watkins, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 193**, OCCUPATIONS AND PROFESSIONS AMENDMENTS, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 214**, CONCEALED FIREARM PERMIT MODIFICATIONS, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 239**, CHILD PROTECTION REVISIONS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.B. 195**, HOMICIDE PENALTY AMENDMENT, by Representative C. Wimmer, and it is transmitted for consideration; and

The House passed **H.J.R. 19**, JOINT RESOLUTION APPROVING REAPPOINTMENT OF LEGISLATIVE AUDITOR GENERAL, by Representative D. Clark, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **3rd Sub. H.B. 71, 1st Sub. H.B. 94, H.B. 97, 2nd Sub. H.B. 100, H.B. 192, H.B. 193, 1st Sub. H.B. 214, H.B. 239, H.B. 195, and H.J.R. 19** were read the first time and referred to the Rules Committee.

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Mr. President:

February 9, 2010

The House concurred in the Senate amendments and passed **H.B. 38**, SCHEDULING OF CONTROLLED SUBSTANCES, by Representative P. Ray, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 53**, FORECLOSURE RESCUE AND LOAN MODIFICATION AMENDMENTS, by Representative R. Wilcox, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 38 and **1st Sub. H.B. 53**, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 9, 2010

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

Business and Labor Committee

H.B. 18 Unemployment Insurance Amendments
(Rep. S. Mascaro) (Sen. W. Niederhauser)

Education Committee

S.B. 150 Reading Requirements for Student Advancement
(Sen. K. Morgan)

Government Operations and Political Subdivisions Committee

S.B. 156 Antitrust Act Amendments (Sen. S. Urquhart)
S.B. 269 County Powers to Resolve Lawsuits via Development
Agreements (Sen. J. S. Adams)
H.B. 262 Reporting to Appropriation Committees
(Rep. R. Bigelow) (Sen. L. Hillyard)

Health and Human Services Committee

S.B. 160 Utah State Developmental Center Amendments
(Sen. M. Dayton)
H.B. 200 Informed Consent Amendments (Rep. C. Wimmer)
(Sen. D. C. Buttars)
H.J.R. 11 Joint Resolution Regarding Federal Health Insurance
Reform (Rep. M. Morley) (Sen. M. Dayton)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 71 Small Business Access to Justice Act (Sen. R. Romero)
S.B. 118 Uniform Probate Code Amendments (Sen. L. Hillyard)
H.B. 10 Court Fees for Inmates (Rep. C. Oda) (Sen. J. Greiner)

- 1st Sub. H.B. 78** Weapons Revisions (Rep. S. Sandstrom)
(Sen. J. Valentine)
- H.B. 202** Fireworks Amendments (Rep. R. Menlove)
(Sen. C. Bramble)
- H.B. 249** Emancipation Amendments (Rep. L. Fowlke)
(Sen. C. Bramble)

Natural Resources, Agriculture and Environment Committee

- H.B. 98** State Engineer Bonding Requirements (Rep. R. Wilcox)
(Sen. A. Christensen)
- H.B. 226** Well Driller’s License – Pump Installation
(Rep. P. Painter) (Sen. D. Hinkins)
- H.B. 229** Water Right General Adjudication Amendments
(Rep. P. Painter) (Sen. D. Hinkins)

Transportation, Public Utilities and Technology Committee

- S.B. 153** Marking of Underground Utilities (Sen. J. Greiner)

Workforce Services and Community and Economic Development Committee

- S.B. 152** Utah State Railroad Museum Authority Act
(Sen. P. Knudson)
- S.B. 169** Navajo Revitalization Fund Amendments
(Sen. D. Hinkins)

Margaret Dayton
Rules Committee Chair

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

INTRODUCTION OF BILLS

S.B. 179, Utah Revised Business Corporation Act Amendments (D. Liljenquist), read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

On motion of Senator Stephenson, **S.B. 119, SPECIAL ELECTIONS MODIFICATIONS**, was read the second time and circled.

* * *

On motion of Senator Niederhauser, **S.B. 121, UTAH UNIFORM PROBATE CODE AMENDMENTS**, was read the second time and circled.

* * *

S.B. 122, EMINENT DOMAIN REVISIONS, was read the second time. Senator Adams explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Buttars	Hillyard	Robles	Valentine
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S.B. 125, INTANGIBLE PROPERTY AMENDMENTS, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Buttars	Goodfellow	Hillyard	Robles
Valentine			

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On motion of Senator Niederhauser, **1st Sub. S.B. 45, UTAH FIT PREMISES ACT AMENDMENTS**, was read the second time and circled.

* * *

On motion of Senator Knudson, **S.B. 76**, TRUST DEED AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Mayne, **S.B. 39**, HEALTH INSURANCE PRIOR AUTHORIZATION AMENDMENTS, was read the second time and circled.

* * *

S.C.R. 5, CONCURRENT RESOLUTION RECOGNIZING THE 100 YEAR ANNIVERSARY OF THE MCKAY-DEE HOSPITAL, was read the second time. Senator Greiner explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Buttars	Hillyard	Valentine
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S.B. 56, SCHOOL REPORTING AMENDMENTS, was read the second time. Senator Morgan explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser

Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Buttars	Hillyard	Valentine
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S.B. 57, LOCAL SCHOOL BOARD BUDGET PROCEDURES, was read the second time. Senator Stowell explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Van Tassell
Waddoups			

Absent or not voting were: Senators

Hillyard	Jenkins	Robles	Valentine
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On motion of Senator Adams, the circle was removed from **S.B. 126, SUBDIVISION AMENDMENTS**, and it was before the Senate. Senator Adams explained the bill. Senator Christensen commented. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Romero	J. Stevenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting were: Senators

Hillyard	Hinkins	Robles	H. Stephenson
Valentine			

* * *

On motion of Senator Niederhauser, **S.B. 132**, HIGHER EDUCATION SCHOLARSHIP AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Adams, **S.B. 58**, TRANSPORTATION EXPENSES FOR DEFENDANTS, was read the second time and circled.

* * *

1st Sub. S.B. 109, CHIEF JUSTICE OF THE UTAH SUPREME COURT APPOINTMENTS, was read the second time. Senator Jenkins explained the bill. Senators Jones, McAdams, Dayton, Morgan, and Urquhart commented. The bill passed second reading on the following roll call:

Yeas, 15; Nays, 13; Absent, 1.

Voting in the affirmative were: Senators

Adams	Buttars	Dayton	Greiner
Hinkins	Jenkins	Knudson	Madsen
Niederhauser	Okerlund	H. Stephenson	J. Stevenson
Stowell	Van Tassell	Waddoups	

Voting in the negative were: Senators

Bramble	Christensen	Davis	Goodfellow
Hillyard	Jones	Liljenquist	Mayne
McAdams	Morgan	Robles	Romero
Urquhart			

Absent or not voting was: Senator

Valentine

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On motion of Senator Jenkins and at 3:10 p.m., the Senate adjourned until 10:00 a.m., Wednesday, February 10, 2010.

SEVENTEENTH DAY

February 10, 2010

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

Prayer – Monsignor Mayo, Cathedral of the Madeleine

Pledge of Allegiance – Senator Chris Buttars

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 72)

SPECIAL RECOGNITION

Representatives from Deer Valley Resort and the Department of Tourism were recognized by the Senate. Those from Deer Valley Resort included Bob Wheaton, President and General Manager, and Julie Wilson, Deer Valley's Director of Food and Beverage. Those representing the Utah Office of Tourism were: Leigh von Der Esch, Tracie Cayford, David Williams, Matthew Morgan, Clayton Scrivner, and Scott Hardy.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 9, 2010

The House passed **H.B. 93**, MOTORCYCLE AND OFF-HIGHWAY VEHICLE AMENDMENTS, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed **H.B. 103**, REDUCED SPEED SCHOOL ZONE AMENDMENTS, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 110**, COUNTY JAIL INMATE MEDICAL COSTS, by Representative B. Daw, and it is transmitted for consideration; and

The House passed **H.B. 230**, HUMAN TRAFFICKING AMENDMENTS, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed, as amended, **H.J.R. 12**, CLIMATE CHANGE JOINT RESOLUTION, by Representative K. Gibson, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 93, H.B. 103, H.B. 110, H.B. 230, and H.J.R. 12** were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President:

February 9, 2010

The Business and Labor Committee reports a favorable recommendation on **S.B. 139, PHYSICIAN ASSISTANT AMENDMENTS**, by Senator C. Bramble; and

The Business and Labor Committee recommends **H.B. 20, AMENDMENTS TO HEALTH INSURANCE COVERAGE IN STATE CONTRACTS**, by Representative J. Dunnigan, be replaced and favorably recommends **1st Sub. H.B. 20, AMENDMENTS TO HEALTH INSURANCE COVERAGE IN STATE CONTRACTS**; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 73, UTAH CONSTRUCTION TRADES CONTINUING EDUCATION AMENDMENTS**, by Representative M. Morley, with the following amendments:

1. Page 9, Line 264:

264 (4) The division may charge a {~~reasonable~~} fee as established by the division under Section 63J-1-504, to administer the requirements of this

2. Page 9, Lines 271 through 273:

271 (2) At the time of renewal, the {~~contractor~~} licensee shall show satisfactory evidence of:

272 (a) continuing financial responsibility as required under Section 58-55-306[-]; and

273 (b) for a contractor licensee, completion of six hours of approved continuing education, as required in Section

John L. Valentine, Chair

Mr. President:

February 9, 2010

The Health and Human Services Committee reports a favorable recommendation on **S.B. 127, PUBLIC ASSISTANCE FRAUD AMENDMENTS**, by Senator H. Stephenson; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 12**, CRIMINAL HOMICIDE AND ABORTION AMENDMENTS, by Representative C. Wimmer; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 30**, DRUG LAW AMENDMENTS, by Representative T. Beck; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 86**, DEPARTMENT OF HUMAN SERVICES – REVIEW AND OVERSIGHT, by Representative R. Lockhart.

D. Chris Buttars, Chair

Mr. President: February 9, 2010

The Education Committee reports a favorable recommendation on **S.B. 147**, EDUCATION RELATED PARENT ORGANIZATIONS, by Senator M. Dayton.

Curtis S. Bramble, Chair

Mr. President: February 9, 2010

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.C.R. 7**, CONCURRENT RESOLUTION APPROVING SOLID WASTE FACILITY CLASSIFICATION CHANGE, by Senator W. Niederhauser.

Dennis E. Stowell, Chair

On motion of Senator Dayton, the committee reports were adopted. **S.B. 139**, **1st Sub. H.B. 20**, **H.B. 73**, as amended, **S.B. 127**, **H.B. 12**, **H.B. 30**, **H.B. 86**, **S.B. 147**, and **S.C.R. 7** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 9, 2010

The Health and Human Services Committee reports a favorable recommendation on **H.B. 206**, BAN ON SALE OF SMOKING PARAPHERNALIA TO MINORS, by Representative P. Ray, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

Mr. President: February 9, 2010

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.C.R. 6**, CONCURRENT RESOLUTION

APPROVING CLASSIFICATION OF SOLID WASTE FACILITY SOLID WASTE PERMIT, by Senator B. Goodfellow, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

- 1. Page 1, Lines 21 through 24:

21 ~~{▶—~~ reiterates that the Mountain View Landfill is required
 under state law to apply for
 22 ~~and receive approval from the Department of Environmental
 Quality in order to~~
 23 ~~receive an exemption from the daily cover requirement;—}~~ and
 24 ▶ reiterates that the Mountain View Landfill is required
 under state law to apply for

- 2. Page 2, Lines 39 through 41:

39 WHEREAS, Mountain View Landfill, Inc., currently holds a
 permit to operate at this
 40 site a ~~{—noneommercial—}~~ commercial , nonhazardous
 solid waste facility that would only receive construction
 41 and demolition waste ~~{—under contract with local businesses and
 individuals—}~~ ;

- 3. Page 2, Lines 51 through 53:

51 Department of Environmental Quality, and the operation plan was
 approved by the executive
 52 secretary of the Solid and Hazardous Waste Control Board on
 February ~~{—8—}~~ 10 , 2010, with an
 53 effective approval date of February ~~{—8—}~~ 10 ,
 2010; and

- 4. Page 2, Line 57 through Page 3, Line 63:

57 defined in Administrative Rule R315–315, Special Waste
 Requirements ~~{—; and—}~~
 58 ~~{—WHEREAS, the approved operating plan requires, under
 Title 19, Environmental~~
 59 ~~Quality Code, that the landfill provide daily cover, and this
 requirement may be changed only~~

60 upon application to the Department of Environmental Quality,
 review by the department of the
 61 effectiveness of the proposed alternative to the daily cover, and a
 determination by the
 62 department that the alternative meets the landfill maintenance
 requirements no less effectively
 63 than a daily cover } : ; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 69**, STATE ENGINEER'S PLUGGING OF WELLS REPEALER, by Representative J. Gowans, and recommends it be considered read for the second time and placed on the Consent Calendar.

Dennis E. Stowell, Chair

On motion of Senator Dayton, the committee reports were adopted. **H.B. 206**, **S.C.R. 6**, as amended, and **H.B. 69** were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 172, Local District Taxing Authority Amendments (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 274, Online Pharmacy Amendments (C. Bramble), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

H.B. 59, CAMPAIGN FINANCE REVISIONS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting was: Senator Valentine

H.B. 59 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 199, MUNICIPAL CLERK AND RECORDER RESPONSIBILITIES, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator Christensen

H.B. 199 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 50, SALES AND USE TAX MODIFICATIONS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

H.B. 50 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

On motion of Senator Adams, the circle was removed from **S.B. 55, AUTHORIZATION OF CHARTER SCHOOLS BY HIGHER EDUCATION INSTITUTIONS**, and it was before the Senate. Senator Adams explained the bill. Senators Romero, Buttars, Stevenson, and Stephenson commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative was: Senator Romero

S.B. 55 was transmitted to the House for consideration.

* * *

On motion of Senator Jones, legislative staff was authorized to draft a bill regarding a resolution expressing support for Salt Lake City to host the Republican National Convention.

* * *

S.B. 104, RENEWABLE ENERGY MODIFICATIONS, was read the third time and explained by Senator Urquhart.

Senator Urquhart proposed the following amendment:

1. Page 4, Line 109 through Page 5, Line 133

109 (11) "Renewable energy source" means:

110 (a) an electric generation facility or generation capability or upgrade that becomes

111 operational on or after January 1, 1995 that derives its energy from one or more of the

112 following:

113 (i) wind energy;

114 (ii) solar photovoltaic and solar thermal energy;

**** Some lines not shown ****

128 (vii) efficiency upgrades to a hydroelectric facility, without regard to the date upon

129 which the facility became operational, if the upgrades become operational on or after January

130 1, 1995; **or**

131 (viii) a compressed air energy storage process .if:

132 (A) ~~the { -compressed air is taken from compressed air energy storage; and~~

133 ~~(B) the energy } process used to compress the air is a renewable energy source and the associated renewable energy certificates are retired for the purpose of the compressed air energy storage process; or~~

(B) equivalent renewable energy certificates are obtained and retired for the purpose of the compressed air energy storage process ;

Senator Urquhart’s motion to amend passed on a voice vote. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Dayton	Goodfellow	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Christensen	Greiner
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S.B. 104 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 114, MOTOR VEHICLE ACCIDENT REPORTS, was read the third time and explained by Senator Stowell. Senators Buttars and Hinkins commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

1st Sub. S.B. 114 was transmitted to the House for consideration.

* * *

On motion of Senator Urquhart, **S.B. 26**, UTAH E-COMMERCE INTEGRITY ACT, was read the third time and circled.

* * *

S.B. 122, EMINENT DOMAIN REVISIONS, was read the third time and explained by Senator Adams.

Senator Adams proposed the following amendment:

1. Page 3, Lines 78 through 79

78 (9) [~~sewerage of any~~] sewage service for:

79 (a) a city or town {~~—~~} , or of any settlement of not less than 10 families, or of any {~~—~~} ;

Senator Adams' motion to amend passed on a voice vote. Senators Jenkins and Buttars commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner

Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

S.B. 122 was transmitted to the House for consideration.

* * *

S.B. 125, INTANGIBLE PROPERTY AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

H. Stephenson

S.B. 125 was transmitted to the House for consideration.

* * *

S.C.R. 5, CONCURRENT RESOLUTION RECOGNIZING THE 100 YEAR ANNIVERSARY OF THE MCKAY-DEE HOSPITAL, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Robles	Romero
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble McAdams H. Stephenson

S.C.R. 5 was transmitted to the House for consideration.

* * *

S.B. 56, SCHOOL REPORTING AMENDMENTS, was read the third time, explained by Senator Morgan, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Christensen	Davis	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Robles	Romero	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble Buttars Dayton McAdams
H. Stephenson

S.B. 56 was transmitted to the House for consideration.

* * *

S.B. 57, LOCAL SCHOOL BOARD BUDGET PROCEDURES, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	Morgan	Niederhauser
Okerlund	Robles	Romero	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble Buttars McAdams H. Stephenson

S.B. 57 was transmitted to the House for consideration.

* * *

S.B. 126, SUBDIVISION AMENDMENTS, was read the third time, explained by Senator Adams, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Buttars	Hillyard	H. Stephenson
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S.B. 126 was transmitted to the House for consideration.

* * *

On motion of Senator Jenkins, **1st Sub. S.B. 109**, CHIEF JUSTICE OF THE UTAH SUPREME COURT APPOINTMENT, was read the third time and circled.

SECOND READING CALENDAR

H.B. 34, WATER STORAGE PROJECTS, was read the second time. Senator Urquhart explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Hillyard

Robles

Romero

H. Stephenson

* * *

On motion of Senator Bramble, the circle was removed from **1st Sub. H.B. 35, CONTROLLED SUBSTANCE DATABASE – REPORTING OF PRESCRIBED CONTROLLED SUBSTANCE OVERDOSE OR POISONING**, and it was before the Senate.

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

2nd Sub. H.B. 35 Controlled Substance Database – Reporting of Prescribed Controlled Substance Overdose or Poisoning (B. Daw)

On motion of Senator Bramble, the bill was circled.

* * *

On motion of Senator Bramble, the circle was removed from **H.B. 28, CONTROLLED SUBSTANCE DATABASE AMENDMENTS**, and it was before the Senate. Senator Bramble explained the bill.

Senator Bramble proposed the following amendment:

1. Page 2, Line 28

28 controlled substances;

► requires the division to impose an annual database registration fee on an individual who registers to use the database, to pay the startup and ongoing costs of the division for complying with the requirements of the preceding paragraph;

2. Page 21, Line 637 through Page 22, Line 657

House Floor Amendments

1–26–2010:

637 58–37f–401. Database registration required -- Penalties for failure to register.

638 (1) Each individual ~~is~~ → , other than a veterinarian, ~~is~~ ← who, on ~~{–July 1 }~~ June 30 , 2010, has a

638a license to prescribe a controlled

639 substance under Chapter 37, Utah Controlled Substances Act, but is not registered with the

640 division to use the database shall, on or before September 30, 2010
~~§~~ → [§

641 ~~(a)~~ → ~~§~~ register with the division to use the database → ~~§~~ [§
and

642 ~~(b) participate in the online tutorial and pass the online test described in Section~~

643 ~~58-37f-402.~~ → ~~§~~

644 (2) Each individual who, on → [July] {~~or before~~ }
November → ~~1,~~ {~~2010~~ } 2012 .is registered

644a with the division to use the

645 database shall, on or before → [September 30, 2010] January 1,
{~~2011~~ } 2013 → ~~§~~ .participate in the

645a online tutorial and pass the

646 online test described in Section 58-37f-402.

647 (3) → [An] Beginning on July 1, 2010, an → ~~§~~ individual
→ who is not a

647a veterinarian → ~~§~~ may not obtain or renew a license to prescribe a controlled substance

648 under Chapter 37, Utah Controlled Substances Act, unless the individual registers with the

649 division to use the database.

650 (4) Beginning on → [July] November → ~~§~~
{~~1~~ } 2 , 2010, in order to register to use the

650a database, the individual

651 registering must participate in the online tutorial and pass the online test described in Section

652 58-37f-402.

653 (5) Failure by an individual to comply with the requirements of this section is grounds

654 for the division to take the following actions in accordance with Section 58-1-401:

- 655 (a) refuse to issue a license to the individual;
- 656 (b) refuse to renew the individual’s license; or
- 657 (c) revoke, suspend, restrict, or place on probation the license.
(6) Beginning on July 1, 2010, the division shall, in accordance with
Section 63J–1–504, impose an annual database registration fee on an
individual who registers to use the database, to pay the startup and
ongoing costs of the division for complying with the requirements of this
section and Section 58–37f–402.

Senator Bramble’s motion to amend passed on a voice vote.

On motion of Senator Bramble, the bill was circled.

* * *

On motion of Senator Niederhauser, the circle was removed from **H.B. 39**, INSURANCE RELATED AMENDMENTS, and it was before the Senate. Senator Niederhauser explained the bill.

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

1st Sub. H.B. 39 Insurance Related Amendments (J. Dunnigan)

On motion of Senator Niederhauser, the bill was circled.

* * *

On motion of Senator Van Tassell, **H.B. 46**, MOTOR VEHICLE ACT AMENDMENTS, was read the second time and circled.

* * *

H.B. 57, EXTENSION OF SUNSET FOR DESIGN–BUILD CONTRACT AWARD AUTHORIZATION, was read the second time. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hinkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Dayton	Hillyard	Jenkins	Madsen
H. Stephenson			

* * *

H.B. 58, UTAH GENERATED RENEWABLE ENERGY ELECTRICITY NETWORK AUTHORITY BOARD AMENDMENTS, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Christensen	Dayton	Hillyard	Madsen
H. Stephenson			

* * *

On motion of Senator Niederhauser, the circle was removed from **1st Sub. H.B. 39, INSURANCE RELATED AMENDMENTS**, and it was before the Senate. Senator Niederhauser explained the bill. Senator Buttars commented. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	J. Stevenson	Stowell
Urquhart	Valentine	Waddoups	

Absent or not voting were: Senators

Christensen	Dayton	Hillyard	Madsen
H. Stephenson	Van Tassell		

* * *

On motion of Senator Bramble, **1st Sub. H.B. 36**, CONTROLLED SUBSTANCE DATABASE – REPORTING CONVICTIONS FOR DRIVING UNDER THE INFLUENCE OR IMPAIRED DRIVING, was read the second time and circled.

* * *

H.B. 41, CONSTABLES AMENDMENTS, was read the second time.

Senator Greiner proposed the following amendment:

1. Page 2, Line 29:
Reinstate “[~~governing~~]” and delete “legislative”

Senator Greiner’s motion to amend passed on a voice vote. Senator Greiner explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Hillyard	Liljenquist
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SPECIAL RECOGNITION

The Senate paid tribute to former State Senator Rex Black in celebration of his 90th birthday.

COMMITTEE OF THE WHOLE

On motion of Senator Davis, former State Senator Rex Black spoke in Committee of the Whole. Senators Robles, Hillyard, Buttars, Stephenson, Goodfellow, and Jones commented.

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

* * *

On motion of Senator Buttars, the Senate voted to lift **S.B. 145**, MEDICAL MALPRACTICE AMENDMENTS, from the Health and Human Services Standing Committee and to reassign it to the Business and Labor Standing Committee.

* * *

On motion of Senator Jenkins and at 11:45 a.m., the Senate adjourned until 10:00 a.m., Thursday, February 11, 2010.

EIGHTEENTH DAY

February 11, 2010

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

Prayer – Spencer Greer

Pledge of Allegiance – Senator Chris Buttars

Roll Call – All Senators present

SPECIAL PRESENTATION

Members of the Real Salt Lake Soccer team, winners of the 2009 Major League Soccer Cup, were recognized by the Senate. Senators Valentine, Robles, and Bramble commented.

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 72)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 10, 2010

The House passed, **S.B. 11**, UTAH STATE-MADE FIREARMS PROTECTION ACT, by Senator M. Dayton, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 14**, BUILDING AND CONSTRUCTION PROJECTS – TECHNICAL CORRECTIONS, by Senator M. Madsen, et al, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 24**, LAND EXCHANGE DISTRIBUTION ACCOUNT AMENDMENTS, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 28**, AMENDMENTS TO INDIVIDUAL INCOME TAX RETURN FILING REQUIREMENTS, by Senator J. S. Adams, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 36**, WOLF MANAGEMENT, by Senator A. Christensen, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 78**, CONSTITUTIONAL REVISION COMMISSION DUTIES, by Senator J. Valentine, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 82**, PASSENGER ROPEWAY SYSTEMS ACT AMENDMENTS, by Senator A. Christensen, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 84**, SPECIAL SERVICE DISTRICT AMENDMENTS, by Senator D. Hinkins, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 95**, UTAH EDUCATIONAL SAVINGS PLAN AMENDMENTS, by Senator W. Niederhauser, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 100**, INCOME TAX CREDIT OR REFUND AMENDMENTS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.C.R. 1**, ALZHEIMER'S AND DEMENTIA AWARENESS CONCURRENT RESOLUTION, by Senator K. Morgan, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 11, S.B. 14, 1st Sub. S.B. 24, S.B. 28, 1st Sub. S.B. 36, S.B. 78, S.B. 82, S.B. 84, 1st Sub. S.B. 95, S.B. 100, and S.C.R. 1 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

February 10, 2010

The House passed, as amended, **S.B. 18**, ELECTION MODIFICATIONS, by Senator P. Knudson, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 21**, AMENDMENTS TO SOCIAL WORKER LICENSING, by Senator D. C. Buttars, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

* * *

Mr. President: February 10, 2010

The House passed **H.B. 96**, LIBEL AMENDMENTS, by Representative Julie Fisher, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 96** was read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 10, 2010

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

Business and Labor Committee

S.B. 179 Utah Revised Business Corporation Act Amendments
(Sen. D. Liljenquist)

H.B. 97 Amendments Relating to Deceptive Practices Involving
Consumers (Rep. M. Poulson) (Sen. W. Niederhauser)

H.B. 193 Occupations and Professions Amendments
(Rep. R. Lockhart) (Sen. J. Valentine)

Government Operations and Political Subdivisions Committee

S.B. 172 Local District Taxing Authority Amendments
(Sen. C. Bramble)

1st Sub. H.B. 94 Uniform Fiscal Procedures Act Amendments for Towns,
Cities, and Counties Amendments (Rep. F. Hunsaker)
(Sen. P. Knudson)

H.B. 110 County Jail Inmate Medical Costs (Rep. B. Daw)
(Sen. J. Greiner)

H.J.R. 19 Joint Resolution Approving Reappointment of Legislative
Auditor General (Rep. D. Clark) (Sen. M. Waddoups)

Health and Human Services Committee

3rd Sub. H.B. 71 Nicotine Product Restrictions (Rep. P. Ray)
(Sen. W. Niederhauser)

Judiciary, Law Enforcement, and Criminal Justice Committee

H.B. 195 Homicide Penalty Amendment (Rep. C. Wimmer)
(Sen. J. Greiner)

1st Sub. H.B. 214 Concealed Firearm Permit Modifications
(Rep. R. Lockhart) (Sen. C. Bramble)

- H.B. 230** Human Trafficking Amendments (Rep. Julie Fisher)
(Sen. J. S. Adams)
- H.B. 239** Child Protection Revisions (Rep. W. Harper)
(Sen. M. Dayton)

Transportation, Public Utilities and Technology Committee

- H.B. 93** Motorcycle and Off-highway Vehicle Amendments
(Rep. R. Menlove) (Sen. C. Bramble)
- H.B. 192** Renewable Energy – Methane Gas (Rep. C. Watkins)
(Sen. D. Hinkins)
- H.B. 103** Reduced Speed School Zone Amendments
(Rep. S. Sandstrom) (Sen. M. Dayton)

Workforce Services and Community and Economic Development Committee

- 2nd Sub. H.B. 100** Heber Valley Historic Railroad Authority
(Rep. K. Powell) (Sen. K. Van Tassell)
- H.J.R. 12** Climate Change Joint Resolution (Rep. K. Gibson)
(Sen. S. Jenkins)

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 10, 2010

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 60**, VOLUNTARY SEARCH AND RESCUE FUNDING ACT, by Senator R. Okerlund; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.J.R. 5**, JOINT RESOLUTION ON THE SPENDING OF FEDERAL ECONOMIC RENEWAL GRANTS, by Senator K. Mayne; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.J.R. 6**, JOINT RESOLUTION – STATE SOVEREIGNTY AND TENTH AMENDMENT, by Senator H. Stephenson; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.J.R. 9**, JOINT RESOLUTION APPROVING COMPENSATION OF IN-SESSION EMPLOYEES, by Senator S. Jenkins; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **1st Sub. H.B. 75**, ASSESSMENT AREA AMENDMENTS, by Representative G. Froerer; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **1st Sub. H.B. 216**, INCORPORATION OF A TOWN AMENDMENTS, by Representative G. Froerer; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 236**, STATUTORY CONSTRUCTION AMENDMENTS, by Representative R. Lockhart; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 248**, GOVERNMENT RECORDS AMENDMENTS, by Representative J. Anderson.

Peter C. Knudson, Chair

Mr. President:

February 10, 2010

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 135**, SALES AND USE TAX EXEMPTION FOR AN ENERGY EFFICIENT STOVE OR ENERGY EFFICIENT STOVE FUEL, by Senator G. Davis, with the following amendments:

1. Page 69, Lines 2116 through 2118:

2116 (69) purchases of:

2117 (a) an energy efficient stove; or

2118 (b) energy efficient stove fuel for use as fuel for an energy efficient stove .

J. Stuart Adams, Chair

Mr. President: February 10, 2010

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 148**, GUARANTEED ASSET PROTECTION WAIVERS, by Senator J. Stevenson.

Jerry W. Stevenson, Chair

Mr. President: February 9, 2010

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 62**, MOTOR VEHICLE INSURANCE COVERAGE AMENDMENTS, by Senator S. Urquhart; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 70**, MOTOR VEHICLE LIABILITY AMENDMENTS – MINOR DRIVERS, by Senator S. Urquhart; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 74**, STATE PARK HIGHWAY ACCESS AMENDMENTS, by Senator D. Hinkins; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 113**, WIRELESS TELEPHONE USE RESTRICTION FOR MINORS IN VEHICLES, by Senator R. Romero; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 137**, COORDINATION OF REMOVING, RELOCATING, OR ALTERING UTILITIES, by Senator D. Liljenquist, with the following amendments:

1. Page 4, Lines 90 through 92:

90 (b) If a public agency provides a utility company with {~~an~~
~~opportunity~~ } reasonable opportunities to meet in
 91 accordance with Subsection (5)(a), the utility company’s failure to
meet does not affect the

92 public agency's ability to proceed with the project.

Stephen H. Urquhart,

Mr. President:

February 9, 2010

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 81**, EMINENT DOMAIN AMENDMENTS, by Senator L. Hillyard, be replaced and favorably recommends **2nd Sub. S.B. 81**, EMINENT DOMAIN AMENDMENTS; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 120**, DISARMING A PEACE OFFICER AMENDMENT, by Senator D. Hinkins, with the following amendments:

1. Page 1, Line 12:

12 ▶ provides that taking, or attempting to take, {~~an electroshock weapon~~} a conductive energy device from a peace

2. Page 1, Line 26:

26 (a) “ {~~Electroshock weapon~~} Conductive energy device ” means a weapon that uses electrical current to disrupt

3. Page 2, Lines 30 through 31:

30 (3) who intentionally takes or removes, or attempts to take or remove[,;] a firearm or {~~an~~

31 electroshock weapon} a conductive energy device from the person or immediate presence of a person [he] the actor knows

4. Page 2, Line 37:

37 (b) Conduct under Subsection (2) regarding {~~an electroshock weapon~~} a conductive energy device is a third degree ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 130**, JUDICIARY AMENDMENTS, by Senator L. Hillyard; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 140**, JUVENILE DETENTION AMENDMENTS, by Senator J. Greiner, with the following amendments:

- 1. Page 2, Lines 32 through 38:

32 (2) (a) Children charged by information or indictment with
 crimes as a serious youth
 33 offender under Section 78A-6-702, and bound over to the
jurisdiction of the district court, or
 34 certified to stand trial as an adult pursuant to Section
 78A-6-703 if detained, [may] shall be detained in a
 35 jail or other place of detention used for adults. Children charged by
information or indictment
 36 with crimes under Section 78A-6-701, except for offenses
committed in a secure facility as
 37 described in Subsection 78A-6-701(1)(b), shall be detained in a
jail or other place of detention
 38 used for adults. ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 141**, UTAH SUBSTANCE ABUSE AND ANTI-VIOLENCE COORDINATING COUNCIL AMENDMENTS, by Senator J. S. Adams, with the following amendments:

- 1. Page 1, Line 16:

16 Council to the Utah Substance Abuse
 {~~Coordinating~~} Advisory Council;

- 2. Page 2, Line 43:

43 the direction of the Utah Substance Abuse [~~and Anti-violence~~]
 {~~Coordinating~~} Advisory Council, created

- 3. Page 2, Line 59 through Page 3, Line 59:

(b) "Advisory council" means the Utah Substance Abuse Advisory
Council created in Section 63M-7-301.

59 {~~(b)~~} (c) "Alcohol-related offense" means:

- 4. Page 3, Lines 75 through 77:

75 {~~(d)~~ "~~Coordinating~~ Advisory council" means the Utah
 Substance Abuse [~~and Anti-Violence~~]

76 ~~Coordinating~~ Advisory Council created in Section
 63M-7-301. }

77 {-(e)-} (d) “Municipality” means:

5. Page 5, Line 128:

128 (iii) Notwithstanding Subsections (3)(c)(i) and (ii), if the
 {~~-coordinating-~~} advisory council finds

6. Page 5, Line 131:

131 the {~~-coordinating-~~} advisory council may direct the
 State Tax Commission to distribute the money to the

7. Page 6, Line 182:

182 (b) the {~~-coordinating-~~} advisory council shall notify
 the State Tax Commission of any municipality

8. Page 7, Line 184:

184 (7) By not later than December 1 of each year, the
 {~~-coordinating-~~} advisory council shall notify the

9. Page 7, Lines 189 through 190:

189 (c) any municipality or county that may not receive a
 distribution because the

190 {~~-coordinating-~~} advisory council has suspended the
 payment under Subsection (10)(a)(i); and

10. Page 7, Line 196:

196 any municipality or county that the
 {~~-coordinating-~~} advisory council notifies the State Tax
 Commission in

11. Page 7, Line 205:

205 (a) report to the {~~-coordinating-~~} advisory council:

12. Page 8, Line 214:

214 (b) provide the {~~-coordinating-~~} advisory council a
 statement signed by the chief executive officer

13. Page 8, Line 218:

218 (10) (a) The {~~-coordinating-~~} advisory council may,
 by a majority vote:

14. Page 8, Line 221:

221 (B) the ~~{-coordinating-}~~ advisory council finds does not use the monies as required by Subsection

15. Page 8, Line 227:

227 (ii) notify the ~~{-coordinating-}~~ advisory council of the balance of retained monies under this

16. Page 8, Line 229:

229 (11) (a) Subject to the requirements of this Subsection (11), the ~~{-coordinating-}~~ advisory council

17. Page 8, Line 231:

231 (i) as prioritized by majority vote of the ~~{-coordinating-}~~ advisory council; and

18. Page 8, Line 239:

239 (b) By not later than May 30 of the fiscal year of the appropriation, the ~~{-coordinating-}~~ advisory

19. Page 15, Line 436:

436 ~~Anti-Violence]~~ ~~{-Coordinating-}~~ Advisory Council by no later than October 1 following a fiscal year on the

20. Page 15, Line 459:

459 (k) the chair of the Utah Substance Abuse [~~and Anti-Violence]~~ ~~{-Coordinating-}~~ Advisory Council;

21. Page 16, Line 484:

484 ~~Anti-Violence]~~ ~~{-Coordinating-}~~ Advisory Council[;] created in this section.

22. Page 16, Line 486:

486 ~~Anti-Violence]~~ ~~{-Coordinating-}~~ Advisory Council.

23. Page 18, Line 538:

538 (1) The Utah Substance Abuse [~~and Anti-Violence]~~ ~~{-Coordinating-}~~ Advisory Council shall

24. Page 19, Line 577:

577 (1) The Utah Substance Abuse [~~and Anti-Violence~~]
 {~~-Coordinating-~~} Advisory Council shall:

25. Page 21, Line 637:

637 (a) "Council" means the Utah Substance Abuse [~~and~~
 Anti-Violence] {~~-Coordinating-~~} Advisory

26. Page 19, Lines 567 through 572

567 {~~—— (e) (i) A member who represents higher education and~~
~~does not receive salary, per~~

568 ~~diem, or expenses from the entity that the member represents for the~~
~~member's service may~~

569 ~~receive per diem and expenses incurred in the performance of the~~
~~member's official duties at~~

570 ~~the rates established by the Division of Finance under Sections~~
~~63A-3-106 and 63A-3-107.~~

571 ~~(ii) A member who represents higher education may decline to~~
~~receive per diem and~~

572 ~~expenses for the member's service. }~~

27. Page 21, Lines 628 through 633

628 {~~(e) (i) A member who represents higher education and who~~
~~does not receive salary, per~~

629 ~~diem, or expenses from the entity that the member represents for the~~
~~member's service may~~

630 ~~receive per diem and expenses incurred in the performance of the~~
~~member's official duties at~~

631 ~~the rates established by the Division of Finance under Sections~~
~~63A-3-106 and 63A-3-107.~~

632 ~~(ii) A member who represents higher education may decline to~~
~~receive per diem and~~

633 ~~expenses for the member's service. }~~

Mark B. Madsen, Chair

On motion of Senator Dayton, the committee reports were adopted. **S.B. 60, S.J.R. 5, S.J.R. 6, S.J.R. 9, 1st Sub. H.B. 75, 1st Sub. H.B. 216, H.B. 236,**

H.B. 248, S.B. 135, as amended, **S.B. 148, S.B. 62, S.B. 70, S.B. 74, S.B. 113, S.B. 137**, as amended, **2nd Sub. S.B. 81, S.B. 120**, as amended, **S.B. 130, S.B. 140**, as amended, and **S.B. 141**, as amended, were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 10, 2010

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 211, IMPROVEMENT DISTRICT BOARD MEMBERSHIP**, by Representative K. Powell, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

Mr. President: February 10, 2010

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 213, CIGARETTE TAX EXEMPTION AMENDMENTS**, by Representative E., Vickers, and recommends it be considered read for the second time and placed on the Consent Calendar.

J. Stuart Adams, Chair

Mr. President: February 10, 2010

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 55, DEPARTMENT OF COMMUNITY AND CULTURE GRANTS AMENDMENTS**, by Representative Julie Fisher, et al, and recommends it be considered read for the second time and placed on the Consent Calendar.

Jerry W. Stevenson, Chair

Mr. President: February 9, 2010

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 142, DRIVER LICENSE AMENDMENTS**, by Senator H. Stephenson, and recommends it be considered read for the second time and placed on the Consent Calendar.

Stephen H. Urquhart, Chair

On motion of Senator Dayton, the committee reports were adopted. **H.B. 211, H.B. 213, H.B. 55**, and **S.B. 142** were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 164, Surety Requirements for Mining (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 173, Business Entity Amendments (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 180, Sexual Exploitation of a Vulnerable Adult (D. Hinkins), read the first time by short title and referred to the Rules Committee.

S.B. 199, Municipal Boundary Clarification (R. Okerlund), read the first time by short title and referred to the Rules Committee.

S.B. 212, Pawn Shop Amendments (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 232, Judicial Administration Amendments (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 242, Economic Development Incentives for Alternative Energy Projects (K. Van Tassell), read the first time by short title and referred to the Rules Committee.

S.B. 253, Uninsured Motorist Identification Database Program Amendments (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 273, Hospital Assessments (L. Hillyard), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Buttars, the Senate voted to lift **S.B. 145, MEDICAL MALPRACTICE AMENDMENTS**, from the Business Labor Committee and reassign it to the Natural Resources and Agriculture Committee. Senators Greiner, Davis, Dayton, and Valentine commented.

COMMITTEE OF THE WHOLE

On motion of Senator Romero, U. S. Congressman Jim Matheson, spoke in Committee of the Whole. Senators Jones, Jenkins, and Morgan commented.

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

THIRD READING CALENDAR

H.B. 34, WATER STORAGE PROJECTS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Niederhauser	Stowell
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H.B. 34 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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H.B. 57, EXTENSION OF SUNSET FOR DESIGN-BUILD CONTRACT AWARD AUTHORIZATION, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Okerlund	Romero
H. Stephenson	J. Stevenson	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Niederhauser	Robles	Stowell
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H.B. 57 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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H.B. 58, UTAH GENERATED RENEWABLE ENERGY ELECTRICITY NETWORK AUTHORITY BOARD AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Robles
Romero	H. Stephenson	J. Stevenson	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Okerlund Stowell

H.B. 58 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.B. 39, INSURANCE RELATED AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Stowell

1st Sub. H.B. 39, as amended, was returned to the House for further consideration.

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H.B. 41, CONSTABLES AMENDMENTS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Goodfellow	Stowell
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H.B. 41, as amended, was returned to the House for further consideration.

SECOND READING CALENDAR

On motion of Senator Robles, the circle was removed from **S.J.R. 2**, JOINT RESOLUTION ON COMBATING AND REDUCING GANG ACTIVITY, and it was before the Senate.

Senator Robles proposed the following amendment:

1. Page 1, Lines 19 through 20

19 ▶ {~~expresses support for~~} acknowledges
sports, arts, academic, targeted counseling, and employment
20 programs as a means to counter gang recruitment.

2. Page 2, Lines 29 through 31:

29 WHEREAS, gangs become chronic and serious problems in
communities where key
30 organizations are inadequately integrated and {~~sufficient
resources are~~} not available to target
31 gang-involved youth;

3. Page 2, Lines 42 through 44:

42 needs at the individual, family, and community level and addressing those needs with a

43 coordinated, comprehensive response; conducting an inventory of {~~human and financial~~}

44 resources in the community and creating plans to fill in gaps in services and leveraging existing

4. Page 3, Lines 68 through 70:

68 BE IT FURTHER RESOLVED that the Legislature {~~expresses support for~~} acknowledges sports, arts,

69 academic, targeted counseling, and employment programs as a means to enhance the future of

70 the community and counter gang recruitment.

Senator Robles’ motion to amend passed on a voice vote. Senator Robles explained the bill. Senators Dayton, Madsen, and Greiner commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Hillyard	Urquhart
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On motion of Senator Adams, the circle was removed from **S.B. 58**, TRANSPORTATION EXPENSES FOR DEFENDANTS, and it was before the Senate. Senator Adams explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner

Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator Hillyard

* * *

On motion of Senator Valentine, the circle was removed from **S.B. 121**, UTAH UNIFORM PROBATE CODE AMENDMENTS, and it was before the Senate.

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

1st Sub. S.B. 121 Utah Uniform Probate Code Amendments (J. Valentine)

Senator Valentine explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Davis	Dayton	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Buttars	Christensen
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On motion of Senator Madsen, legislative staff was authorized to draft a resolution regarding gang violence.

SPECIAL RECOGNITION

A citation was read recognizing the contributions of the Big Brother, Big Sister organization.

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On motion of Senator Valentine, the circle was removed from **S.B. 76**, TRUST DEED AMENDMENTS, and it was before the Senate. Senator Valentine explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Davis	Dayton	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins
Jones	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell

Absent or not voting were: Senators

Adams	Buttars	Christensen	Knudson
Waddoups			

* * *

On motion of Senator Bramble, the circle was removed from **H.B. 28**, CONTROLLED SUBSTANCE DATABASE AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	

Absent or not voting were: Senators

Buttars	Waddoups
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On motion of Senator Bramble, the circle was removed from **2nd Sub. H.B. 35**, CONTROLLED SUBSTANCE DATABASE – REPORTING OF

PRESCRIBED CONTROLLED SUBSTANCE OVERDOSE OR POISONING, and it was before the Senate. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	Urquhart	Valentine	Van Tassell

Absent or not voting were: Senators

Buttars	Christensen	J. Stevenson	Stowell
Waddoups			

* * *

On motion of Senator Stephenson, the circle was removed from **1st Sub. H.B. 42, SCHOOL DISTRICT EMPLOYEES – CAREER STATUS REQUIREMENTS**, and it was before the Senate. Senator Stephenson explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Urquhart	Valentine
Van Tassell			

Absent or not voting were: Senators

Christensen	Morgan	Stowell	Waddoups
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* * *

On motion of Senator Bramble, the circle was removed from **1st Sub. H.B. 36, CONTROLLED SUBSTANCE DATABASE – REPORTING CONVICTIONS FOR DRIVING UNDER THE INFLUENCE OR IMPAIRED**

DRIVING, and it was before the Senate. Senator Bramble explained the bill. Senator Greiner commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Romero
J. Stevenson	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Christensen	Robles	H. Stephenson	Stowell
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On motion of Senator Bramble, **H.B. 28, 2nd Sub. H.B. 35** and **1st Sub. H.B. 36** were placed on Third Reading Table due to fiscal impact.

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On motion of Senator Jenkins and at 12:00 noon, the Senate adjourned until 10:00 a.m., Friday, February 12, 2010.

NINETEENTH DAY

February 12, 2010

The Senate was called to order at 10:05 a.m., with President Michael Waddoups presiding.

Prayer – Zane Taylor

Pledge of Allegiance – Jake Dayton

Declaration of Independence – J. Spencer Kinard

Musical Presentation – Alex Boye’ performed “Oh Danny Boy” and “How Great Thou Art.”

Roll Call – All Senators present

TIME CERTAIN

A citation was presented to the family of Deputy Sheriff Josie Greathouse Fox who lost her life in the line of duty on January 5, 2010.

SPECIAL RECOGNITION

Members of the BYU Animation Program were recognized by the Senate. Those honored were: Cynthia Overman Hogan, Seth Holladay, Parris Egbert, Brent Adams, and Kelly Loosli.

Members of the BYU Construction Management Team were recognized as National Champions. Those honored were: Bryce Long, Michael Jarman, Riley Plumb, Kelly Swan, Jeremy Budge, and Coach Bryan Capt.

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 72)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 11, 2010

The House passed, **S.B. 13**, STATE CONSTRUCTION CONTRACTS AND DRUG AND ALCOHOL TESTING, by Senator K. Mayne, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 16**, UTAH PERFORMANCE ASSESSMENT SYSTEM FOR STUDENTS (U-PASS) AMENDMENTS, by Senator H. Stephenson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 17**, UNIFORM COMMERCIAL DRIVER LICENSE ACT AMENDMENTS, by Senator K. Van Tassell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 37**, IMPACT FEE REVISIONS, by Senator W. Niederhauser, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 13, S.B. 16, S.B. 17, and S.B. 37 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

February 11, 2010

The House passed **H.B. 4**, CURRENT SCHOOL YEAR SUPPLEMENTAL MINIMUM SCHOOL PROGRAM BUDGET ADJUSTMENTS, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 67**, HEALTH SYSTEM AMENDMENTS, by Representative C. Wimmer, and it is transmitted for consideration; and

The House passed **H.B. 109**, VOLUNTEER GOVERNMENT WORKERS ACT DEFINITIONS, by Representative J. Biskupski, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 188**, WORKERS' COMPENSATION BENEFITS – SOCIAL SECURITY OFFSET, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 197**, CUSTODIAL INTERFERENCE AMENDMENTS, by Representative C. Wimmer, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 207**, PROTECTION OF PROPERTY AMENDMENT, by Representative C. Wimmer, and it is transmitted for consideration; and

The House passed **H.B. 222**, LAND USE MEETING NOTICE, by Representative T. Beck, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 4, 1st Sub. H.B. 67, H.B. 109, H.B. 188, 1st Sub. H.B. 197, 1st Sub. H.B. 207 and H.B. 222** were read the first time and referred to the Rules Committee.

* * *

Mr. President: February 11, 2010
The House passed, as amended, **S.B. 23**, CORPORATE FRANCHISE AND INCOME TAX AMENDMENTS, by Senator J. Valentine, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 11, 2010
The Rules Committee recommends assignment of the following bills to standing committees:

Business and Labor Committee

- S.B. 173** Business Entity Amendments (Sen. L. Hillyard)
- S.B. 253** Uninsured Motorist Identification Database Program Amendments (Sen. J. Greiner)

Government Operations and Political Subdivisions Committee

- S.B. 199** Municipal Boundary Clarification (Sen. R. Okerlund)

Judiciary, Law Enforcement, and Criminal Justice Committee

- S.B. 180** Sexual Exploitation of a Vulnerable Adult (Sen. D. Hinkins)
- S.B. 212** Pawn Shop Amendments (Sen. J. Greiner)
- S.B. 232** Judicial Administration Amendments (Sen. S. Jenkins)

Natural Resources, Agriculture and Environment Committee

- S.B. 164** Surety Requirements for Mining (Sen. D. Stowell)

Workforce Services and Community and Economic Development Committee

- S.B. 242** Economic Development Incentives for Alternative Energy Projects (Sen. K. Van Tassell)
- H.B. 43** Unemployment Compensation Amendments (Rep. S. Mascaro) (Sen. M. Madsen)

H.C.R. 1 Concurrent Resolution on International Trade and State Governments (Rep. S. Allen) (Sen. M. Madsen)

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 11, 2010

The Business and Labor Committee recommends **S.B. 99**, WATER COMPANIES AND WATER RIGHT CHANGE REQUESTS, by Senator J. Valentine, be replaced and favorably recommends **2nd Sub. S.B. 99**, WATER COMPANIES AND WATER RIGHT CHANGE REQUESTS with the following amendments:

- 144 (d) The water company {~~shall approve~~ } may not withhold approval of the change request, including a change that if
 145 made would result in changing the place of use to a location outside
of the historic service area
 146 of the water company, unless the water company reasonably
believes that; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 18**, UNEMPLOYMENT INSURANCE AMENDMENTS, by Representative S. Mascaro.

John L. Valentine, Chair

Mr. President: February 11, 2010

The Health and Human Services Committee reports a favorable recommendation on **S.B. 160**, UTAH STATE DEVELOPMENTAL CENTER AMENDMENTS, by Senator M. Dayton; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 88**, ELECTRONIC CIGARETTE RESTRICTIONS, by Representative R. Menlove, with the following amendments:

1. Page 2, Lines 36 through 37:

36 criminal penalties for violation of those prohibitions; and
 37 {~~addresses advertising requirements relating to~~
~~electronic cigarettes; and~~ }

2. Page 2, Line 54:

54 { ~~76-10-112, as enacted by Laws of Utah 1989, Chapter 193-~~ }

3. Page 15, Line 450 through Page 16, Line 466:

450 { ~~Section 10. Section 76-10-112 is amended to read:~~

451 ~~76-10-112. Prohibition of distribution of electronic cigarettes, cigarettes, or other~~

452 ~~tobacco products— Exceptions.~~

453 (1) ~~Except as provided in Subsection (2), it is unlawful for a manufacturer, wholesaler,~~

454 ~~or retailer to give or distribute electronic cigarettes, cigarettes, or other tobacco products in this~~

455 ~~state without charge. Any person who violates this subsection is guilty of a class C~~

456 ~~misdemeanor for the first offense and a class B misdemeanor for any subsequent offense.~~

457 (2) ~~[Cigarettes]~~ Electronic cigarettes, cigarettes, and other tobacco products may be

458 ~~distributed to adults without charge at professional conventions where the general public is~~

459 ~~excluded.~~

460 (3) ~~The prohibition described in Subsection (1) does not apply to [retailers,~~

461 ~~manufacturers, or distributors who give cigarettes or other tobacco products to persons of legal~~

462 ~~age upon their purchase of cigarettes or other tobacco products.] a retailer, manufacturer, or~~

463 ~~distributor who gives electronic cigarettes, cigarettes, or other tobacco products to a person of~~

464 ~~legal age upon the person's purchase of an electronic cigarette, cigarettes, or another tobacco~~

465 ~~product. }~~

466 Section {~~11-~~} 10 . Section 77-39-101 is amended to read: ; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 200**, INFORMED CONSENT AMENDMENTS, by Representative C. Wimmer, with the following amendments:

1. Page 11, Lines 330 through 333:

330 (b) show an ultrasound of the heartbeat of an unborn child at:

331 (i) { ~~three weeks gestational age~~ } four weeks from
conception;

332 (ii) six to eight weeks { ~~gestational age~~ } from
conception ; and

333 (iii) each month after { ~~eight~~ } ten weeks gestational
age, up to 14 weeks gestational age. ; and

The Health and Human Services Committee reports a favorable recommendation on **H.J.R. 11**, JOINT RESOLUTION REGARDING FEDERAL HEALTH INSURANCE REFORM, by Representative M. Morley.

D. Chris Butters, Chair

Mr. President:

February 11, 2010

The Education Committee recommends **S.B. 69**, COLLEGE OF EASTERN UTAH AFFILIATION WITH UTAH STATE UNIVERSITY, by Senator D. Hinkins, be replaced and favorably recommends **1st Sub. S.B. 69**, COLLEGE OF EASTERN UTAH AFFILIATION WITH UTAH STATE UNIVERSITY; and

The Education Committee reports a favorable recommendation on **S.B. 150**, READING REQUIREMENTS FOR STUDENT ADVANCEMENT, by Senator K. Morgan; and

The Education Committee reports a favorable recommendation on **H.B. 81**, SCHOOL EMPLOYEE CRIMINAL BACKGROUND CHECK, by Representative S. Allen.

Curtis S. Bramble, Chair

On motion of Senator Dayton, the committee reports were adopted. **2nd Sub. S.B. 99**, as amended, **H.B. 18**, **S.B. 160**, **H.B. 88**, as amended, **H.B. 200**, as amended **H.J.R. 11**, **1st Sub. S.B. 69**, **S.B. 150**, and **H.B. 81** were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

S.B. 3, Current Fiscal Year Supplemental Appropriations (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 219, Criminal Nuisance Amendment (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 252, Bail Bond Act Amendments (D. Stowell), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Knudson, the Senate voted to lift **S.B. 3, CURRENT FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS**, from the Rules Committee and place it at the top of the Second Reading Calendar.

S.B. 3, CURRENT FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS, was read the second time.

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

1st Sub. S.B. 3 Current Fiscal Year Supplemental Appropriations (H. Hillyard)

On motion of Senator Knudson, the bill was circled.

* * *

On motion of Senator Niederhauser, the Senate voted to reconsider its action on **1st Sub. H.B. 39, INSURANCE RELATED AMENDMENTS**, for the purpose of making an amendment.

* * *

On motion of Senator Bramble, the Senate voted to lift **S.B. 172 , LOCAL DISTRICT TAXING AUTHORITY AMENDMENTS**, from Government Operations and Political Subdivisions Committee and reassign it to the Revenue and Taxation Committee.

CONSENT CALENDAR

1st Sub. H.B. 95, CERTIFICATION OF VOTING EQUIPMENT MODIFICATIONS, was read the third time, explained by Senator Stevenson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner

Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
H. Stephenson

1st Sub. H.B. 95, as amended, was returned to the House for further consideration.

* * *

S.B. 134, PARTNERSHIP TAX RETURN FILING DEADLINES, was read the third time, explained by Senator Adams, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators
Hillyard H. Stephenson

S.B. 134 was transmitted to the House for consideration.

CONCURRENCE CALENDAR

On motion of Senator Knudson, the Senate voted to concur in the House amendments to **S.B. 18**, ELECTION MODIFICATIONS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner

Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	J. Stevenson	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators
 Hillyard H. Stephenson Stowell

S.B. 18 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Buttars, the Senate voted to concur in the House amendments to **S.B. 21, AMENDMENTS TO SOCIAL WORKER LICENSING**. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	J. Stevenson	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators
 Hillyard H. Stephenson Stowell

S.B. 21 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

S.J.R. 2, JOINT RESOLUTION ON COMBATING AND REDUCING GANG ACTIVITY, was read the third time, explained by Senator Robles, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner

Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Valentine
Van Tassell			

Absent or not voting were: Senators

Hillyard	Stowell	Urquhart	Waddoups
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S.J.R. 2 was transmitted to the House for consideration.

* * *

On motion of Senator Adams, **S.C.R. 3**, STATE SOVEREIGNTY CONCURRENT RESOLUTION, and **S.J.R. 6**, JOINT RESOLUTION – STATE SOVEREIGNTY AND TENTH AMENDMENT, will be considered Tuesday, February 16, 2010 at 11:00 a.m.

* * *

S.B. 58, TRANSPORTATION EXPENSES FOR DEFENDANTS, was read the third time, explained by Senator Adams, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Greiner	Hillyard	Stowell
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S.B. 58 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 121, UTAH UNIFORM PROBATE CODE AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Goodfellow	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Dayton	Greiner	Hillyard	Niederhauser
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1st Sub. S.B. 121 was transmitted to the House for consideration.

* * *

S.B. 76, TRUST DEED AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Goodfellow	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Dayton	Greiner	Hillyard
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S.B. 76 was transmitted to the House for consideration.

* * *

1st Sub. H.B. 42, SCHOOL DISTRICT EMPLOYEES – CAREER STATUS REQUIREMENTS, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Hillyard

1st Sub. H.B. 42 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Adams, the circle was removed from **S.B. 50, VICTIMS' RIGHTS REVISIONS**, and it was before the Senate. Senator Adams explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Hillyard

* * *

On motion of Senator Knudson, the circle was removed from **1st Sub. S.B. 3, CURRENT FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS**, and it was before the Senate. Senator Knudson explained the bill.

On motion of Senator Knudson, under suspension of the rules, **1st Sub. S.B. 3, CURRENT FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS**, was considered read the second and third times. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Greiner	Hillyard
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1st Sub. S.B. 3 was transmitted to the House.

* * *

On motion of Senator Valentine, **H.J.R. 22**, JOINT RESOLUTION RECOGNIZING THE 75TH ANNIVERSARY OF THE UTAH HIGHWAY PATROL, will be considered Tuesday, February 16, 2010 at 11:30 a.m..

* * *

On motion of Senator Stephenson, the Senate voted to lift **H.B. 4**, CURRENT SCHOOL YEAR SUPPLEMENTAL MINIMUM SCHOOL PROGRAM BUDGET ADJUSTMENTS, from the Rules Committee and place it at the top of the Second Reading Calendar.

On motion of Senator Stephenson, under suspension of the rules, **H.B. 4**, CURRENT SCHOOL YEAR SUPPLEMENTAL MINIMUM SCHOOL PROGRAM BUDGET ADJUSTMENTS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Hillyard

H.B. 4 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Stephenson, the Senate voted to remove **S.B. 142**, DRIVER LICENSE AMENDMENTS, from the Consent Calendar and place it on the Second Reading Calendar.

* * *

On motion of Senator Goodfellow, the circle was removed from **S.B. 102**, RESTRICTING THE MOVEMENT OF A MOTOR VEHICLE, and it was before the Senate.

Senator Goodfellow proposed the following amendment:

1. Page 1, Lines 14 through 16b
Senate 2nd Reading Amendments
2-9-2010

14 ▶ provides that the maximum fee that a vehicle immobilizer may charge to remove a

15 vehicle immobilization device may not exceed ;
 • \$75 ~~→~~ [per day for each day] for { ~~each~~ } the
first 24-hour

15a period a vehicle is

16 immobilized [-] ; plus
 • \$25 for each additional 24-hour period a vehicle is
immobilized.

16a ▶ provides that the maximum fee that a vehicle immobilizer may charge to remove

16b a vehicle immobilization device may not exceed
{ ~~\$225~~ } \$150 per instance; and

2. Page 3, Lines 65 through 66c
Senate 2nd Reading Amendments
2-9-2010:

65 (4) ~~→~~ (a) ~~←~~ The maximum fee that a vehicle immobilizer
may charge to remove a vehicle

66 immobilization device may not exceed ~~;~~
(i) \$75 ~~→~~ [~~per day for each day~~] for {~~each~~} the
first 24-hour period ~~←~~

66a a vehicle is immobilized ; plus
(ii) \$25 for each additional 24-hour period a vehicle is
immobilized .

66b ~~→~~ (b) Notwithstanding Subsection (4)(a), the maximum
fee that a vehicle immobilizer may

66c charge to remove a vehicle immobilization device may not exceed
{~~\$225~~} \$150 for each instance. ~~←~~

Senator Goodfellow’s motion to amend passed on a voice vote. Senator Goodfellow explained the bill. Senator Greiner commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Hillyard	McAdams
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* * *

On motion of Senator Bramble, the circle was removed from **S.B. 107**, LIEN AMENDMENTS, and it was before the Senate.

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

1st Sub. S.B. 107 Lien Amendments (C. Bramble)

Senator Bramble explained the bill. Senators Valentine and Dayton commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Waddoups		

Voting in the negative was: Senator

Romero

Absent or not voting were: Senators

Hillyard Van Tassell

* * *

On motion of Senator Morgan, the circle was removed from **S.B. 38**, RESTRICTIONS ON HIGH OCCUPANCY VEHICLE LANE, and it was before the Senate.

Senator Morgan proposed the following amendment:

{ ~~► requires the Department of Transportation to allow for continuous permitted access~~

19 ~~into and out of all HOV lanes by marking the lanes with a single~~
~~◄→ [dotted normal] ←◄~~

20 ~~white line; and—}~~

~~► provides that if a highway authority establishes an HOV lane, the highway authority shall annually report to the Transportation Interim Committee no later than November 30 of each year regarding:~~

~~• the types of vehicles that may access the lane;~~

~~• where, when, and how a vehicle may access the lane;~~

~~• how a tax, fee, or charge is assessed for a vehicle carrying less than the number of persons specified for the lane;~~

~~• the usage of the HOV lane during peak hours and off-peak hours as compared to the usage of the general purpose lanes during the same hours and along the same stretch of highway;~~

~~• the number of motor vehicle accidents that take place in the HOV lane as compared to the number of motor vehicle accidents that~~

take place in the general purpose lanes along the same stretch of highway:

- the number of motor vehicle accidents that take place as a proximate result of a vehicle entering or exiting the HOV lane; and
- the potential enforcement issues, safety risks, and impacts of certain lane parameters.

2. Page 2, Line 51 through Page 3, Line 64
Senate 2nd Reading Amendments
2-2-2010:

51 (4) (a) A highway authority may designate a specific lane or lanes of travel for any type

52 of vehicle on a highway or portion of a highway under its jurisdiction for the:

- 53 (i) safety of the public;
- 54 (ii) efficient maintenance of a highway; or
- 55 (iii) use of high occupancy vehicles.

56 (b) The lane designation under Subsection (4)(a) is effective when appropriate signs

57 giving notice are erected on the highway or portion of the highway.

58 ~~Ŝ → [(c) Notwithstanding the provisions of Subsection (4)(a)(iii), if a highway authority ← Ŝ~~

59 ~~Ŝ → designates an HOV lane, the lane shall be open for general vehicle use regardless of the~~

60 ~~number of occupants except Ŝ → Monday through Friday ← Ŝ during the peak hours of:~~

- 61 ~~(i) 6 a.m. to 9 a.m.; and~~
- 62 ~~(ii) 4 p.m. to 7 p.m.~~

63 ~~(d) [—(c) ← Ŝ The department shall allow for continuous permitted access into and out of all~~

64 ~~HOV lanes by marking the lanes with a single Ŝ → [dotted normal] ← Ŝ white line. }~~

(c) If a highway authority establishes an HOV lane, the highway authority shall annually report to the Transportation Interim Committee no later than November 30 of each year regarding:

- (i) the types of vehicles that may access the lane;

- (ii) where, when, and how a vehicle may access the lane;
- (iii) how a tax, fee, or charge is assessed for a vehicle carrying less than the number of persons specified for the lane;
- (iv) the usage of the HOV lane during peak hours and off-peak hours as compared to the usage of the general purpose lanes during the same hours and along the same stretch of highway;
- (v) the number of motor vehicle accidents that take place in the HOV lane as compared to the number of motor vehicle accidents that take place in the general purpose lanes along the same stretch of highway;
- (vi) the number of motor vehicle accidents that take place as a proximate result of a vehicle entering or exiting the HOV lane; and
- (vii) the potential enforcement issues, safety risks, and impacts of the lane parameters described under Subsection (4)(c)(i), (ii), and (iii).

Senator Morgan's motion to amend failed on a voice vote.

On motion of Senator Morgan, the bill was circled.

THIRD READING CALENDAR

On motion of Senator Urquhart, the circle was removed from **S.B. 26**, UTAH E-COMMERCE INTEGRITY ACT, and it was before the Senate.

Senator Urquhart proposed the following amendment:

1. Page 1, Lines 14 through 27

14 This bill:

* * * *Some lines not shown* * * *

23 ► provides exceptions from spyware provisions for various types of communications

24 and interactions, including authorized diagnostics;

25 { ► provides penalties, both criminal and civil, for violations of the bill's provisions; }

26 ► prohibits the registration of domain names under certain circumstances, commonly

27 referred to as cybersquatting;

2. Page 10, Lines 289 through 303:

289 13-40-401. Phishing and pharming violations.

290 (1) {~~- A person who violates Part 2, Phishing and Pharming,~~
is guilty of a third degree

291 ~~felony.~~

292 ~~(2) } A civil action against a person who violates any~~
provision of Part 2, Phishing and

293 ~~Pharming, may be filed by:~~

294 (a) ~~an Internet service provider that is adversely affected by the~~
violation;

295 (b) ~~an owner of a webpage, computer server, or a trademark that~~
is used without

296 ~~authorization in the violation; or~~

297 (c) ~~the attorney general.~~

298 {~~(3) } (2) A person permitted to bring a civil action~~
under Subsection (2) may obtain either

299 ~~actual damages for a violation of this chapter or a civil penalty not~~
to exceed \$150,000 per

300 ~~violation of Part 2, Phishing and Pharming.~~

301 {~~(4) } (3) A violation of Part 2, Phishing and~~
Pharming, by a state-chartered or licensed

302 ~~financial institution is enforceable exclusively by the financial~~
institution's primary state

303 ~~regulator.~~

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

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators
Buttars Hillyard

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

* * *

On motion of Senator Jones, legislative staff was authorized to draft a bill regarding including physical education in the vending machine bill.

* * *

On motion of Senator Jenkins and at 12:10 p.m., the Senate adjourned until 10:00 a.m., Tuesday, February 16, 2010.

TWENTY-SECOND DAY

February 16, 2010

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

Prayer – Former Senator Patrice Arent

Pledge of Allegiance – Senator Curtis Bramble

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 72)

SPECIAL RECOGNITION

Utah State University's debate team was recognized as winners of the Northwest Forensic Conference Tournament. The team members are: Tom Worthen, Jane McBride, Mike Smith, Eric Peatross, Tim Worthen, Stephanie Lewis, Peter Daines, Justin Hinh, Justin Jerez, Andy Bouwman, Jeff Denison, Bryce Draper, Katelyn Wallace, Dean Niemann, Di Lewis, Zach Myers, and Dan Quarnberg.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 12, 2010

The House passed, **1st Sub. S.B. 3**, CURRENT FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 111**, REPEAL OF SEVERANCE TAX HOLDING ACCOUNT, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 3 and **S.B. 111** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 12, 2010

The House concurred in the Senate amendments and passed **H.B. 41**, **CONSTABLES AMENDMENTS**, by Representative C. Oda, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 41 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: February 12, 2010

The House passed **H.B. 54**, **PROPERTY TAX EXEMPTION FOR WATER FACILITIES**, by Representative P. Painter, and it is transmitted for consideration; and

The House passed **H.B. 108**, **MEAT INSPECTION AMENDMENTS**, by Representative J. Mathis, and it is transmitted for consideration; and

The House passed **H.B. 112**, **SUPREME COURT REVIEW OF AN INITIATIVE OR REFERENDUM**, by Representative B. Dee, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 205**, **IMPACT FEE AMENDMENTS**, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed **H.B. 215**, **AMENDMENTS TO PUBLIC EMPLOYEES' BENEFIT AND INSURANCE PROGRAM ACT – RISK POOLS**, by Representative K. Garn, and it is transmitted for consideration; and

The House passed **H.B. 218**, **MUNICIPAL DISINCORPORATION REVISIONS**, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed **H.B. 228**, **RENEWABLE ENERGY SOURCE AMENDMENTS**, by Representative R. Barrus, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 233**, **RETIREMENT OFFICE AMENDMENTS**, by Representative D. Ipson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 238**, LOW SPEED VEHICLE AMENDMENTS, by Representative J. Anderson, and it is transmitted for consideration; and

The House passed **H.B. 251**, ADMISSION OF AFFIDAVITS INTO EVIDENCE, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed **H.B. 254**, VOTER IDENTIFICATION AMENDMENTS, by Representative B. Daw, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 258**, VOTING PRECINCT BOUNDARIES, by Representative K. Sumsion, and it is transmitted for consideration; and

The House passed **H.B. 263**, TECHNICAL CROSS REFERENCE REVISIONS, by Representative J. Anderson, and it is transmitted for consideration; and

The House passed **H.J.R. 2**, JOINT RESOLUTION ON PROPERTY TAX EXEMPTION FOR WATER FACILITIES, by Representative P. Painter, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 54, H.B. 108, H.B. 112, 1st Sub. H.B. 205, H.B. 215, H.B. 218, H.B. 228, H.B. 233, H.B. 238, H.B. 251, H.B. 254, H.B. 258, H.B. 263, and H.J.R. 2** were read the first time and referred to the Rules Committee.

* * *

Mr. President:

February 12, 2010

The House transmits **1st Sub. H.B. 39**, INSURANCE RELATED AMENDMENTS, by Representative J. Dunnigan, for further consideration.

Sandy D. Tenney, Chief Clerk

1st Sub. H.B. 39 was placed at the top of the Third Reading Calendar.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 12, 2010

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

Business and Labor Committee

S.B. 274 Online Pharmacy Amendments (Sen. C. Bramble)

Education Committee

S.B. 52 State Board of Regents Amendments (Sen. D. Stowell)

Government Operations and Political Subdivisions Committee

H.B. 109 Volunteer Government Workers Act Definitions
(Rep. J. Biskupski) (Sen. C. Bramble)

H.B. 222 Land Use Meeting Notice (Rep. T. Beck)
(Sen. W. Niederhauser)

Health and Human Services Committee

1st Sub. H.B. 67 Health System Amendments (Rep. C. Wimmer)
(Sen. J. S. Adams)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 219 Criminal Nuisance Amendment (Sen. J. Greiner)

S.B. 252 Bail Bond Act Amendments (Sen. D. Stowell)

H.B. 96 Libel Amendments (Rep. Julie Fisher) (Sen. P. Jones)

1st Sub. H.B. 197 Custodial Interference Amendments (Rep. C. Wimmer)
(Sen. M. Madsen)

1st Sub. H.B. 207 Protection of Property Amendment (Rep. C. Wimmer)
(Sen. M. Madsen)

Workforce Services and Community and Economic Development Committee

H.B. 188 Workers' Compensation Benefits – Social Security Offset
(Rep. W. Harper) (Sen. K. Mayne)

Margaret Dayton

Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President:

February 12, 2010

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **1st Sub. H.B. 94**, UNIFORM FISCAL PROCEDURES ACT AMENDMENTS FOR TOWNS, CITIES, AND COUNTIES AMENDMENTS, by Representative F. Hunsaker; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 110**, COUNTY JAIL INMATE MEDICAL COSTS, by Representative B. Daw.

Peter C. Knudson, Chair

Mr. President:

February 12, 2010

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 124**, MILITARY INSTALLATION DEVELOPMENT AUTHORITY MODIFICATIONS, by Senator J. Stevenson, with the following amendments:

1. Page 14, Lines 426 through 430:

426 (I) the land is included in a project area that will include a hotel facility for current and

427 retired military personnel at a military discount rate; {~~and~~ }

428 (II) the owner of the public or private land consents to the inclusion of the land in the

429 project area; {~~or~~ } and

(III) 50 or more acres of the 150 acres was jointly owned by a municipality and a county on January 1, 2010; or

430 (C) public or private land that is not contiguous to military land if:

2. Page 16, Lines 485 through 486:

485 (e) to pay the cost of the installation of publicly owned infrastructure and

486 improvements outside the project area {~~from which the tax increment funds were collected~~} if the ; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 169**, NAVAJO REVITALIZATION FUND AMENDMENTS, by Senator D. Hinkins; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **2nd Sub. H.B. 100**, HEBER VALLEY HISTORIC RAILROAD AUTHORITY, by Representative K. Powell; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.C.R. 3**,

ITALIAN-AMERICAN HERITAGE MONTH CONCURRENT RESOLUTION, by Representative C. Watkins, with the following amendments:

1. Page 2, Lines 45 through 47a
House Committee Amendments
2-1-2010:

45 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the

46 Italian-American Lodge of Helper, Utah, ~~and~~ the Italian-American Civic League of Salt

46a Lake

47 City, Utah ~~and~~ ~~the~~ ~~{-Trentini Group of West Weber-~~
~~-}~~ Trentinis – Italians of Utah, the Italian Consul of Utah, and

47a Joanne Milner ~~and~~ .

Jerry W. Stevenson, Chair

Mr. President: February 12, 2010

The Natural Resources, Agriculture, and Environment Committee recommends **S.B. 51**, BIOPROSPECTING, by Senator L. Hillyard, be replaced and favorably recommends **1st Sub. S.B. 51**, BIOPROSPECTING; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 149**, UTAH FOREST PRACTICES ACT AMENDMENTS, by Senator D. Hinkins; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.J.R. 11**, UTAH ATHLETIC FOUNDATION RESOLUTION, by Senator S. Urquhart; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 226**, WELL DRILLER'S LICENSE – PUMP INSTALLATION, by Representative P. Painter.

Dennis E. Stowell, Chair

Mr. President: February 12, 2010

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 71**, SMALL BUSINESS ACCESS TO JUSTICE ACT, by Senator R. Romero; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 118**, UNIFORM PROBATE CODE AMENDMENTS, by Senator L. Hillyard; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 143**, GRAND JURY AMENDMENTS, by Senator D. Liljenquist; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.J.R. 10**, JOINT RESOLUTION SUPPORTING THE EXPANSION OF CORRECTIONAL FACILITIES IN Uintah County, by Senator K. Van Tassell; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 10**, COURT FEES FOR INMATES, by Representative C. Oda; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 19**, POST CONVICTION REMEDIES AMENDMENTS, by Representative K. McIff; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 21**, EXPUNGEMENT REVISIONS, by Representative Julie Fisher, with the following amendments:

1. Page 35, Line 1071:

1071 (iv) the statute of limitations has expired on the
{-charges } offense ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 37**, CRIMINAL BACKGROUND CHECKS ON MOTOR VEHICLE DEALERS AND SALESPERSONS, by Representative R. Lockhart.

Mark B. Madsen, Chair

Mr. President:

February 12, 2010

The Retirement and Independent Entities Committee recommends **S.B. 43**, POST-RETIREMENT EMPLOYMENT AMENDMENTS, by Senator D. Liljenquist, be replaced and favorably recommends **1st Sub. S.B. 43**, POST-RETIREMENT EMPLOYMENT AMENDMENTS with the following amendments:

1. Page 12, Line 364 through Page 13, Line 375:

364 49-11-505. Reemployment of a retiree -- Restrictions.

365 (1) (a) This section applies to:

366 {~~(a)~~} (i) a participating employer; and

367 {~~(b)~~} (ii) a retiree who begins reemployment for
the first time after retirement with a

368 participating employer on or after July 1, 2010.

(b) This section does not apply to a retiree who is reemployed as an
active senior judge appointed to hear cases by the Utah Supreme Court in
accordance with Article VIII, Section 4. Utah Constitution.

369 (2) (a) Except as provided under Subsection (2)(b), the office
shall cancel the

370 retirement allowance of a retiree who is reemployed with a
participating employer if the initial

371 reemployment begins on or after July 1, 2010.

372 (b) The office may not cancel the retirement allowance under
Subsection (2)(a), if the

373 participating employer certifies that:

374 (i) the date of reemployment begins {~~not~~} no
sooner than six months after the date of

375 retirement, if the reemployment is with the same agency from
which the retiree retired;

2. Page 1, Lines 20 through 24:

20 ► provides that a participating employer who hires a
 retiree before July 1, 2010 {~~;~~

21 ~~—~~ } may not contribute an amount that exceeds the
 normal cost rate to a qualified

22 defined contribution plan; {~~and~~

23 ~~• shall contribute the amortization rate for the~~
~~reemployed retiree to the retirement~~

24 ~~system that would have covered the retiree in the new position; }~~

3. Page 11, Line 333 through Page 12, Line 353:

333 (8) (a) If a participating employer hires a [~~nonexempt~~] retiree,
334 on a full-time basis, who
335 may not earn additional service credit under [~~this section~~]
336 Subsection (4), the participating
337 employer {~~;~~
338 ~~(i)~~ } may not contribute an amount that exceeds the normal
339 cost rate as defined under
340 Section 49-11-102 to a plan for the retiree under Subsection
341 (8)(b) {~~;~~ and
342 ~~(ii) shall contribute the~~} [~~same percentage of a retiree's~~
343 ~~salary that the participating~~
344 ~~employer would have been required to contribute if the retiree were~~
345 ~~an active member, up to~~
346 ~~the amount allowed by federal law.] { ~~amortization rate, as~~
347 ~~defined under Section 49-11-102, for~~
348 ~~the retiree to the office to be credited to the system that would have~~
349 ~~covered the retiree in the~~
350 ~~new position~~ } .
351 (b) The contributions under Subsection (8)(a) {~~(i)~~} are
352 not required, but if paid, shall be
353 paid to a retiree-designated:
354 (i) qualified defined contribution plan administered by the
355 board, if the participating
356 employer participates in a qualified defined contribution plan
357 administered by the board; or
358 (ii) qualified defined contribution plan offered by the
359 participating employer if the
360 participating employer does not participate in a qualified defined
361 contribution plan
362 administered by the board.
363 (c) Notwithstanding the provisions of Subsection (8)(b), if an
364 employer is not
365 participating in a qualified defined contribution plan administered
366 by the board, the employer~~

352 may elect to pay the contributions under Subsection
 (8)(a) ~~{(i)}~~ } to a nonqualified deferred

353 compensation plan administered by the board. ; and

The Retirement and Independent Entities Committee recommends **S.B. 63**, NEW PUBLIC EMPLOYEES' TIER II CONTRIBUTORY RETIREMENT ACT, by Senator D. Liljenquist, be replaced and favorably recommends **1st Sub. S.B. 63**, NEW PUBLIC EMPLOYEES' TIER II CONTRIBUTORY RETIREMENT ACT; and

The Retirement and Independent Entities Committee reports a favorable recommendation on **S.B. 94**, SUPPLEMENTAL BENEFIT AMENDMENTS FOR NONCONTRIBUTORY PUBLIC EMPLOYEES, by Senator D. Liljenquist, with the following amendments:

1. Page 2, Lines 41 through 50:

41 (A) is a member of this system; and

42 (B) before July 1, 1986, began the employee's ~~{current}~~ }
regular full-time employment

43 with:

44 (I) the state;

45 (II) an educational institution of the state; or

46 (III) a participating employer whose activities are associated
with participating

47 educational institutions ~~{and~~

48 (C) has, since before July 1, 1986, continued the employment
which began under

49 Subsection (1)(a)(i)(B) without a break, interruption, transfer,
termination, rehire, or change of

50 the employing agency } .

2. Page 3, Lines 65 through 72:

65 (A) is a member of this system; and

66 (B) before July 1, 1986, began the employee's ~~{current}~~ }
regular full-time employment

67 with:

- 68 (I) the state; or
- 69 (II) an educational institution of the state {~~;~~ and
- 70 (C) has, since before July 1, 1986, continued the employment
which began under
- 71 Subsection (1)(a)(i)(B) without a break, interruption, transfer,
termination, rehire, or change of
- 72 the employing agency } .

Daniel R. Liljenquist, Chair

On motion of Senator Dayton, the committee reports were adopted. **1st Sub. H.B. 94, H.B. 110, S.B. 124**, as amended, **S.B. 169, 2nd Sub. H.B. 100, H.C.R. 3**, as amended, **1st Sub. S.B. 51, S.B. 149, S.J.R. 11, H.B. 226, S.B. 71, S.B. 118, S.B. 143, S.J.R. 10, H.B. 10, H.B. 19, H.B. 21**, as amended, **H.B. 37, 1st Sub. S.B. 43**, as amended, **1st Sub. S.B. 63**, and **S.B. 94**, as amended, were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 12, 2010

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 262**, REPORTING TO APPROPRIATION COMMITTEES, by Representative R. Bigelow, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson,

Mr. President: February 12, 2010

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 98**, STATE ENGINEER BONDING REQUIREMENTS, by Representative R. Wilcox, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 229**, WATER RIGHT GENERAL ADJUDICATION AMENDMENTS, by Representative P. Painter, and recommends it be considered read for the second time and placed on the Consent Calendar.

Dennis E. Stowell, Chair

On motion of Senator Dayton, the committee reports were adopted. **H.B. 262, H.B. 98, and H.B. 229** were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 154, Postconviction Remedies Act Amendments (J. S. Adams), read the first time by short title and referred to the Rules Committee.

S.B. 163, Health Regulation of Geothermal Pools and Baths (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 175, School District Capital Outlay Equalization Amendments (B. McAdams), read the first time by short title and referred to the Rules Committee.

S.B. 178, Utah Emergency Medical Services System Act Amendments (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 181, Employment Security Administration Fund Repealer (D. Hinkins), read the first time by short title and referred to the Rules Committee.

S.B. 200, Cause of Action Amendments (S. Urquhart), read the first time by short title and referred to the Rules Committee.

S.B. 210, Judicial Performance Evaluation Commission Amendments (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 213, Division of Services for People with Disabilities Advisory Council (A. Christensen), read the first time by short title and referred to the Rules Committee.

S.B. 222, Fee Exemptions (B. Goodfellow), read the first time by short title and referred to the Rules Committee.

S.B. 225, Motor Vehicle Insurance – Named Driver Exclusion (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 244, Annexation Amendments (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 275, Removing Signature from Initiative and Referendum Petition (H. Stephenson), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

On motion of Senator Niederhauser, **H.B. 206, BAN ON SALE OF SMOKING PARAPHERNALIA TO MINORS**, was read the third time and circled.

* * *

S.C.R. 6, CONCURRENT RESOLUTION APPROVING CLASSIFICATION OF SOLID WASTE FACILITY SOLID WASTE PERMIT, was read the third time, explained by Senator Goodfellow, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Hillyard	H. Stephenson
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S.C.R. 6 was transmitted to the House for consideration.

* * *

H.B. 69, STATE ENGINEER’S PLUGGING OF WELLS REPEALER, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	Morgan	Niederhauser
Okerlund	Robles	Romero	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Hillyard	McAdams	H. Stephenson
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H.B. 69 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Niederhauser, the circle was removed from **H.B. 206**, BAN ON SALE OF SMOKING PARAPHERNALIA TO MINORS, and it was before the Senate. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	Morgan	Niederhauser
Okerlund	Robles	Romero	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Hillyard	McAdams	H. Stephenson
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H.B. 206 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

CONCURRENCE CALENDAR

On motion of Senator Valentine, the Senate voted to concur in the House amendments to **S.B. 23**, CORPORATE FRANCHISE AND INCOME TAX AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

S.B. 23 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

On motion of Senator Adams, **1st Sub. H.B. 39**, INSURANCE RELATED AMENDMENTS, was read the third time and circled.

* * *

S.B. 50, VICTIMS’ RIGHTS REVISIONS, was read the third time, explained by Senator Adams, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Hillyard Jones

S.B. 50 was transmitted to the House for consideration.

* * *

S.B. 102, RESTRICTING THE MOVEMENT OF A MOTOR VEHICLE, was read the third time, explained by Senator Goodfellow, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Knudson	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Buttars Hillyard Jones Liljenquist

S.B. 102 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 107, LIEN AMENDMENTS, was read the third time and explained by Senator Bramble.

Senator Bramble proposed the following amendment:

1. Page 2, Line 44

44 (b) if an owner files for protection under the bankruptcy laws of the United States before the expiration of the 180-day period under Subsection (2)(a) .

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

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Greiner	Hinkins
Jenkins	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Goodfellow	Hillyard	Jones
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1st Sub. S.B. 107 was transmitted to the House for consideration.

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On motion of Senator Liljenquist, **1st Sub. S.B. 43**, POST-RETIREMENT EMPLOYMENT AMENDMENTS, **1st Sub. S.B. 63**, NEW PUBLIC EMPLOYEES' TIER II CONTRIBUTORY RETIREMENT ACT, and **S.B. 94**, SUPPLEMENTAL BENEFIT AMENDMENTS FOR NONCONTRIBUTORY PUBLIC EMPLOYEES, will be considered Thursday, February 18, 2010 at 10:15 a.m.

SECOND READING CALENDAR

On motion of Senator Mayne, the circle was removed from **S.B. 39**, HEALTH INSURANCE PRIOR AUTHORIZATION AMENDMENTS, and it was before the Senate. Senator Mayne explained the bill. Senators Bramble and Robles commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Buttars	Hillyard	Liljenquist	Urquhart
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TIME CERTAIN CALENDAR

S.C.R. 3, STATE SOVEREIGNTY CONCURRENT RESOLUTION, was read the second time. Senator Adams explained the bill. Senators Jones, Valentine, Morgan, Buttars, Bramble, Romero, Niederhauser, Dayton, Davis, Madsen, Robles, Stowell, and McAdams commented. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 3; Absent, 3.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	Niederhauser	Okerlund
Romero	H. Stephenson	J. Stevenson	Stowell
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

McAdams	Morgan	Robles
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Absent or not voting were: Senators

Hillyard	Liljenquist	Urquhart
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COMMUNICATIONS FROM THE HOUSE

Mr. President: February 16, 2010

The House passed **H.J.R. 22**, JOINT RESOLUTION RECOGNIZING THE 75TH ANNIVERSARY OF THE UTAH HIGHWAY PATROL, by Representative D. Ipson, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk
Communication filed. **H.J.R. 22** was read the first time.

On motion of Senator Valentine, under suspension of the rules, **H.J.R. 22**, JOINT RESOLUTION RECOGNIZING THE 75TH ANNIVERSARY OF THE UTAH HIGHWAY PATROL, was considered read the first, second, and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Hillyard	Liljenquist	Urquhart
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H.J.R. 22 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

COMMITTEE OF THE WHOLE

On motion of Senator Jenkins, U. S. Senator Orrin Hatch spoke in Committee of the Whole. Senators Jones and Jenkins commented.

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

* * *

On motion of Senator Stephenson, the Senate voted to move **S.J.R. 6**, JOINT RESOLUTION – STATE SOVEREIGNTY AND TENTH AMENDMENT, from the Time Certain Calendar and place it at the top of the Second Reading Calendar.

* * *

On motion of Senator Jenkins and at 12:00 noon, the Senate adjourned until 10:00 a.m., Wednesday, February 17, 2010.

TWENTY-THIRD DAY

MORNING SESSION

February 17, 2010

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

Prayer – Mrs. Katie Wirig, Miss Utah 2006–2007

Pledge of Allegiance – Senator Allen Christensen

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS

(PLEASE REFER TO DAY 1, PAGE 72)

SPECIAL RECOGNITION

A citation was read recognizing the City of Cottonwood Heights for receiving a First Place award from FEMA for Collaborative Preparedness Planning. Those present were: Kelvyn Cullimore, Mayor, Gordon Thomas, Leanne Stillman, and Robby Russo.

COMMUNICATIONS FROM THE GOVERNOR

Mr. President: February 1, 2010

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

Utah Comprehensive Health Insurance Pool Board of Directors:

Steve Neeleman is appointed to replace Victor Gibb as a member of the Utah Comprehensive Health Insurance Pool Board of Directors, a term to expire June 30, 2011. See Utah Code Ann. 31A–29–104.

School and Institutional Trust Lands Board of Trustees:

David Lambert is appointed to replace John Scales as a member of the School and Institutional Trust Lands Board of Trustees, a term to expire July 1, 2011. See Utah Code Ann. 53C–1–202(2–3).

Michael Mower is appointed to replace Amanda Smith as a member of the School and Institutional Trust Lands Board of Trustees. See Utah Code Ann. 53C–1–202(2–3).

Judicial Conduct Commission:

Robert T. Behunin is appointed to replace Rodney K. Orton as a member of the Judicial conduct Commission, a term to expire June 30, 2012. See Utah Code Ann. 78A-11-103.

Board of Pardons and Parole:

Angela Micklos is reappointed as a member of the Board of Pardons and Parole, a term to expire February 28, 2015. See Utah Code Ann. 77-27-2.

Grand County Water Conservancy District Board of Directors:

Dan Pyatt is reappointed as a member of the Grand County Water Conservancy District Board of Directors, a term to expire January 31, 2014. See Utah Code Ann. 17B-2a-1005.

Rex D. Tanner Jr. is reappointed as a member of the Grand County Water Conservancy District Board of Directors, a term to expire January 31, 2014. See Utah Code Ann. 17B-2a-1005.

Jordan Valley Water Conservancy District Board of Trustees:

Royce A. Gibson is reappointed as a member of the Jordan Valley Water Conservancy District Board of Trustees, a term to expire January 31, 2014. See Utah Code Ann. 17B-2a-1005.

Gary C. Swensen is reappointed as a member of the Jordan Valley Water Conservancy District Board of Trustees, a term to expire January 31, 2014. See Utah Code Ann. 17B-2a-1005.

Lyle C. Summers is reappointed as a member of the Jordan Valley Water Conservancy District Board of Trustees, a term to expire January 31, 2014. See Utah Code Ann. 17B-2a-1005.

W. Richard McDonald is reappointed as a member of the Jordan Valley Water Conservancy District Board of Trustees, a term to expire January 31, 2014. See Utah Code Ann. 17B-2a-1005.

Central Utah Water Conservancy District Board of Directors:

Randy Crozier is reappointed as a member of the Central Utah Water Conservancy District Board of Directors, a term to expire January 31, 2014. See Utah Code Ann. 17B-2a-1005.

David R. Cox is reappointed as a member of the Central Utah Water Conservancy District Board of Directors, a term to expire January 31, 2014. See Utah Code Ann. 17B-2a-1005.

Stanley R. Smith is appointed to replace Harley Gillman as a member of the Central Utah Water Conservancy District Board of Directors, a term to expire January 31, 2014. See Utah Code Ann. § 17B-2a-1005.

Randy Brailsford is reappointed as a member of the Central Utah Water Conservancy District Board of Directors, a term to expire January 31, 2014. See Utah Code Ann. 17B-2a-1005.

Mike Davis is reappointed as a member of the Central Utah Water Conservancy District Board of Directors, a term to expire January 31, 2014. See Utah Code Ann. 17B-2a-1005.

Mark Wilson is reappointed as a member of the Central Utah Water Conservancy District Board of Directors, a term to expire January 31, 2014. See Utah Code Ann. 17B-2a-1005.

Jani Iwamoto is reappointed as a member of the Central Utah Water Conservancy District Board of Directors, a term to expire January 31, 2014. See Utah Code Ann. 17B-2a-1005.

Michael Jensen is reappointed as a member of the Central Utah Water Conservancy District Board of Directors, a term to expire January 31, 2014. See Utah Code Ann. 17B-2a-1005.

Rondal R. McKee is reappointed as a member of the Central Utah Water Conservancy District Board of Directors, a term to expire January 31, 2014. See Utah Code Ann. 17B-2a-1005.

Gawain Snow is appointed to replace Scott Ruppe as a member of the Central Utah Water Conservancy District Board of Directors, a term to expire January 31, 2014. See Utah Code Ann. 17B-2a-1005.

Weber Basin Water Conservancy District Board of Directors:

Charlene McConkie is reappointed as a member of the Weber Basin Water Conservancy District Board of Directors, a term to expire January 31, 2014. See Utah Code Ann. 17B-2a-1005.

Kyle Stephens is appointed to replace Earl Staker as a member of the Weber Basin Water Conservancy District Board of Directors, a term to expire January 7, 2012. See Utah Code Ann. 17B-2a-1005.

Wayne Gibson is reappointed as a member of the Weber Basin Water Conservancy District Board of Directors, a term to expire January 31, 2014. See Utah Code Ann. 17B-2a-1005.

Scott F. Peterson is reappointed as a member of the Weber Basin Water Conservancy District Board of Directors, a term to expire January 31, 2014. See Utah Code Ann. 17B-2a-1005.

David Ure is appointed to replace Stephen Osguthorpe as a member of the Weber Basin Water Conservancy District Board of Directors, a term to expire January 31, 2014. See Utah Code Ann. 17B-2a-1005.

Utah State Fair Board:

Jim Joe Caras is reappointed as a member of the Utah State Fair Board of Directors, a term to expire December 1, 2013. See Utah Code Ann. 9-4-1104.

Ginger Ann Casper is reappointed as a member of the Utah State Fair Board of Directors, a term to expire December 1, 2013. See Utah Code Ann. 9-4-1104.

Roger L. Beattie is reappointed as a member of the Utah State Fair Board of Directors, a term to expire December 1, 2013. See Utah Code Ann. 9-4-1104.

Utah State Board of Education:

Tami Wight Pyfer is appointed to replace Shelley Locke as a member of the Utah State Board of Education in District 1, a term to expire December 31, 2012. See Utah Code Ann. 20A-1-507.

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

Gary R. Herbert, Governor

Mr. President: February 4, 2010

The Senate Education Confirmation Committee met on February 4, 2010 and reports a favorable recommendations for Ms. Tami Wight Pyfer as a member of the State Board of Education; and

The Senate Education Confirmation Committee met on February 4, 2010 and reports a favorable recommendations for Mr. David J. Lambert as a member of the School and Institutional Trust Lands Board of Trustees; and

The Senate Education Confirmation Committee met on February 4, 2010 and reports a favorable recommendations for Mr. Michael Mower as a member of the School and Institutional Trust Lands Board of Trustees.

Curtis S. Bramble, Chair

On motion of Senator Hillyard, the Senate voted to consent to the Governor's appointments as listed in his communication dated February 1, 2010, as read by Leslie McLean on the following roll call vote:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator Madsen

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 16, 2010

The Speaker of the House has signed **S.B. 18, ELECTION MODIFICATIONS**, by Senator P. Knudson, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 21, AMENDMENTS TO SOCIAL WORKER LICENSING**, by Senator D. C. Buttars, and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 97, FARMLAND ASSESSMENT ACT AMENDMENTS**, by Senator D. Hinkins, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 18, S.B. 21, and 1st Sub. S.B. 97 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 16, 2010

The House passed **H.B. 25, HEALTH REFORM – ADMINISTRATIVE SIMPLIFICATION**, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed **H.B. 52, HEALTH REFORM – UNIFORM ELECTRONIC STANDARDS – INSURANCE INFORMATION**, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed **H.B. 184**, MEDICAID AUTISM WAIVER, by Representative P. Ray, and it is transmitted for consideration; and

The House passed **H.B. 257**, DIETITIAN CERTIFICATION ACT AMENDMENTS, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 294**, HEALTH SYSTEM REFORM AMENDMENTS, by Representative D. Clark, and it is transmitted for consideration; and

The House passed, as amended, **H.C.R. 8**, CONCURRENT RESOLUTION ON FEDERAL HEALTH CARE REFORM, by Representative D. Clark, and it is transmitted for consideration; and

The House passed **H.J.R. 6**, STRANGULATION AND DOMESTIC VIOLENCE JOINT RESOLUTION, by Representative J. Seelig, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 25**, **H.B. 52**, **H.B. 184**, **H.B. 257**, **H.B. 294**, **H.C.R. 8**, and **H.J.R. 6** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 16, 2010

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

Education Committee

S.B. 175 School District Capital Outlay Equalization Amendments
(Sen. B. McAdams)

Government Operations and Political Subdivisions Committee

S.B. 222 Fee Exemptions (Sen. B. Goodfellow)

S.B. 244 Annexation Amendments (Sen. C. Bramble)

S.B. 275 Removing Signature from Initiative and Referendum
Petition (Sen. H. Stephenson)

1st Sub. H.B. 205 Impact Fee Amendments (Rep. S. Sandstrom)
(Sen. H. Stephenson)

H.B. 254 Voter Identification Amendments (Rep. B. Daw)
(Sen. P. Knudson)

- H.B. 258** Voting Precinct Boundaries (Rep. K. Sumsion)
(Sen. W. Niederhauser)
- H.B. 263** Technical Cross Reference Revisions (Rep. J. Anderson)
(Sen. B. McAdams)

Health and Human Services Committee

- S.B. 163** Health Regulation of Geothermal Pools and Baths
(Sen. M. Madsen)
- S.B. 213** Division of Services for People with Disabilities Advisory
Council (Sen. A. Christensen)

Judiciary, Law Enforcement, and Criminal Justice Committee

- S.B. 154** Postconviction Remedies Act Amendments
(Sen. J. S. Adams)
- S.B. 200** Cause of Action Amendments (Sen. S. Urquhart)
- S.B. 210** Judicial Performance Evaluation Commission
Amendments (Sen. D. C. Buttars)
- H.B. 112** Supreme Court Review of an Initiative or Referendum
(Rep. B. Dee) (Sen. W. Niederhauser)
- H.B. 251** Admission of Affidavits into Evidence (Rep. R. Lockhart)
(Sen. J. Valentine)

Natural Resources, Agriculture and Environment Committee

- H.B. 108** Meat Inspection Amendments (Rep. J. Mathis)
(Sen. K. Van Tassell)
- H.B. 228** Renewable Energy Source Amendments (Rep. R. Barrus)
(Sen. J. S. Adams)

Retirement and Independent Entities Committee

- H.B. 233** Retirement Office Amendments (Rep. D. Ipson)
(Sen. D. Liljenquist)

Revenue and Taxation Committee

- H.B. 54** Property Tax Exemption for Water Facilities
(Rep. P. Painter) (Sen. J. Valentine)
- H.J.R. 2** Joint Resolution on Property Tax Exemption for Water
Facilities (Rep. P. Painter) (Sen. H. Stephenson)

Transportation, Public Utilities and Technology Committee

- S.B. 178** Utah Emergency Medical Services System Act
Amendments (Sen. D. Stowell)

- S.B. 225** Motor Vehicle Insurance – Named Driver Exclusion
(Sen. L. Hillyard)
- H.B. 238** Low Speed Vehicle Amendments (Rep. J. Anderson)
(Sen. S. Urquhart)

**Workforce Services and Community and Economic Development
Committee**

- S.B. 181** Employment Security Administration Fund Repealer
(Sen. D. Hinkins)

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 16, 2010
The Business and Labor Committee reports a favorable recommendation on **S.B. 179**, UTAH REVISED BUSINESS CORPORATION ACT AMENDMENTS, by Senator D. Liljenquist; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 193**, OCCUPATIONS AND PROFESSIONS AMENDMENTS, by Representative R. Lockhart.

John L. Valentine, Chair

Mr. President: February 16, 2010
The Health and Human Services Committee reports a favorable recommendation on **H.B. 17**, AMENDMENTS TO PROGRAMS FOR PEOPLE WITH DISABILITIES, by Representative S. Mascaro; and

The Health and Human Services Committee reports a favorable recommendation on **1st Sub. H.B. 67**, HEALTH SYSTEM AMENDMENTS, by Representative C. Wimmer; and

The Health and Human Services Committee reports a favorable recommendation on **3rd Sub. H.B. 71**, NICOTINE PRODUCT RESTRICTIONS, by Representative P. Ray.

D. Chris Buttars, Chair

Mr. President: February 16, 2010

The Education Committee reports a favorable recommendation on **S.B. 59**, AT-RISK STUDENT PROVISIONS, by Senator L. Robles, with the following amendments:

1. Page 2, Lines 52 through 56:

52 53A-15-603. Gang prevention and intervention policies.

53 (1) (a) The State Board of Education shall adopt rules that require a local school board or

54 governing board of a charter school to enact gang prevention and intervention policies for all

55 schools within the board's jurisdiction.

(b) The rules described in Subsection (1)(a) shall provide that the gang prevention and intervention policies of a local school board or charter school governing board may include provisions that reflect the individual school district's or charter school's unique needs or circumstances.

56 (2) The rules described in Subsection (1) may include the following provisions:

Curtis S. Bramble, Chair

Mr. President: February 16, 2010

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 164**, SURETY REQUIREMENTS FOR MINING, by Senator D. Stowell.

Dennis E. Stowell, Chair

Mr. President: February 16, 2010

The Transportation and Public Utilities and Technology Committee recommends **S.B. 129**, NEW MOTOR VEHICLE FRANCHISE AMENDMENTS, by Senator D. Liljenquist, be replaced and favorably

recommends **1st Sub. S.B. 129**, NEW MOTOR VEHICLE FRANCHISE AMENDMENTS with the following amendments:

1. Page 17, Lines 513 through 521:

513 (8) A franchisee's claim for warranty compensation may ~~not~~
be denied ~~[except for~~

514 ~~good cause such as performance of nonwarranty repairs, lack of~~
~~material documentation, fraud,~~

515 ~~or misrepresentation.]~~ only if:

516 (a) the franchisee's claim is based on a nonwarranty repair;

517 (b) the franchisee lacks material documentation for the claim;

518 (c) the franchisee fails to comply materially with specific
substantive terms and

519 conditions of the franchisor's warranty compensation
program; or

520 (d) the franchisor has a bona fide belief based on competent
evidence that the

521 franchisee's claim is intentionally false, fraudulent, or
misrepresented.

2. Page 18, Lines 534 through 538:

534 (ii) A franchisee may respond in writing within 30 days after the
notice under

535 Subsection (9)(c)(i) to:

536 (A) explain a deficiency; or

537 (B) provide materials or information to correct and
cure compliance with a provision that is a

538 basis for a charge back. ; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **2nd Sub. H.B. 70**, RETROFIT COMPRESSED NATURAL GAS VEHICLES AMENDMENTS, by Representative J. Draxler; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 93**, MOTORCYCLE AND OFF-HIGHWAY

VEHICLE AMENDMENTS, by Representative R. Menlove, with the following amendments:

1. Page 1, Line 22
House Committee Amendments
2-2-2010:
 - 22 • wearing protective headgear at the time of operation;
{-and-}
▶ provides that the failure to wear protective headgear:
• does not constitute contributory or comparative negligence on the part of a person seeking recovery for injuries; and
• may not be introduced as evidence in any civil litigation on the issue of negligence, injuries, or the mitigation of damages; and
2. Page 2, Line 50
House Committee Amendments
2-2-2010:
 - 50 Subsection (3) at the time of operation.
(5) The failure to wear protective headgear:
(a) does not constitute contributory or comparative negligence on the part of a person seeking recovery for injuries; and
(b) may not be introduced as evidence in any civil litigation on the issue of negligence, injuries, or the mitigation of damages.
3. Page 3, Line 71
House Committee Amendments
2-2-2010:
 - 71 Subsection (1) at the time of operation.
(6) The failure to wear protective headgear:
(a) does not constitute contributory or comparative negligence on the part of a person seeking recovery for injuries; and
(b) may not be introduced as evidence in any civil litigation on the issue of negligence, injuries, or the mitigation of damages.

Stephen H. Urquhart, Chair

Mr. President:

February 16, 2010

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 180**, SEXUAL EXPLOITATION OF A

VULNERABLE ADULT, by Senator D. Hinkins, with the following amendments:

1. Page 1, Line 16:

16 ▶ makes sexual exploitation of a vulnerable adult a
 {~~second~~} third degree felony; and

2. Page 7, Line 206:

206 (6) Sexual exploitation of a vulnerable adult is a
 {~~second~~} third degree felony.; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 212**, PAWN SHOP AMENDMENTS, by Senator J. Greiner; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 232**, JUDICIAL ADMINISTRATION AMENDMENTS, by Senator S. Jenkins; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **1st Sub. H.B. 78**, WEAPONS REVISIONS, by Representative S. Sandstrom; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 201**, STATE FIRE MARSHAL MODIFICATIONS, by Representative R. Menlove; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **1st Sub. H.B. 214**, CONCEALED FIREARM PERMIT MODIFICATIONS, by Representative R. Lockhart, with the following amendments:

1. Page 11, Lines 324 through 325:

324 (2) (a) If the permit applicant has previously applied to the same
 licensing authority for

325 a permit to carry {~~a~~} concealed [~~firearms~~] {~~firearm~~}
 firearms and the applicant's fingerprints and fee have

Mark B. Madsen, Chair

On motion of Senator Dayton, the committee reports were adopted. **S.B. 179**, **H.B. 193**, **H.B. 17**, **1st Sub. H.B. 67**, **3rd Sub. H.B. 71**, **S.B. 59**, as amended,

S.B. 164, 1st Sub. S.B. 129, as amended, **2nd Sub. H.B. 70, H.B. 93**, as amended, **S.B. 180**, as amended, **S.B. 212, S.B. 232, 1st Sub. H.B. 78, H.B. 201**, and **1st Sub. H.B. 214**, as amended, were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President:

February 16, 2010

The Health and Human Services Committee recommends **S.B. 144, VISION SCREENING AMENDMENTS**, by Senator W. Niederhauser, be replaced and favorably recommends **1st Sub. S.B. 144, VISION SCREENING AMENDMENTS** and that it be amended as follows, considered read for the second time, and placed on the Consent Calendar.

1. Page 2, Lines 35 through 55:

35 (2) The division shall provide vision screening report forms to
36 {~~persons~~} a person approved by the

36 division to conduct {~~the~~} a free vision screening for
children aged 3-1/2 to seven .

37 (3) [~~Each~~] A school district may conduct free vision screening
38 clinics for children aged

38 3-1/2 to seven.

39 (4) (a) The division shall maintain a central register of children,
40 aged 3-1/2 to seven,

40 who fail vision screening and who are referred for follow-up
treatment.

41 (b) The register described in Subsection (4)(a) shall include the
name of the child, age

42 or birthdate, address, cause for referral, and follow-up results.
43 [~~Each~~]

43 (c) A school district shall report referral follow-up results for
children aged 3-1/2 to seven to the division.

44 (5) The division shall coordinate and supervise the training of
45 [~~persons who serve as~~

45 ~~vision screeners~~] a person who serves as a vision screener for a
free vision screening clinic for children aged 3-1/2 to seven .

46 (6) (a) Except as provided in Subsection (6)(b), a [A] licensed
health professional

47 providing vision care to private patients may not participate as a
 screener in a free vision

48 screening [~~programs~~] program provided by a school [~~districts~~]
district.

49 (b) A school district may:

50 (i) allow a licensed health professional that provides vision care
to private patients to

51 participate as a screener in a free vision screening program for a
child eight years of age or

52 older; and

53 (ii) establish guidelines to administer a free vision screening
program { ~~provided~~

54 pursuant to } described in Subsection (6)(b)(i).

55 (7) The Department of Health shall, by rule, set standards and
 procedures for vision ; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 232**, MEDICAL LANGUAGE INTERPRETER AMENDMENTS, by Representative R. Chavez-Houck, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttar, Chair

Mr. President:

February 16, 2010

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 103**, REDUCED SPEED SCHOOL ZONE AMENDMENTS, by Representative S. Sandstrom, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 1, Line 21:

21 {~~None~~} This bill provides an immediate effective
date.

2. Page 3, Line 73:

73 school crossing guards in accordance with this section.

Section 2. Effective date.

If approved by two-thirds of all the members elected to each house.

this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto, the date of veto override. and;

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 192**, RENEWABLE ENERGY – METHANE GAS, by Representative C. Watkins, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 5, Lines 129 through 132:

129 (vi) waste gas and waste heat capture or recovery[;or] whether
or not it is renewable,

130 including methane gas from:

131 (A) an abandoned {~~or working~~} coal mine; or

132 (B) a coal degassing operation associated with a state-approved
mine permit; or

2. Page 10, Lines 276 through 279:

276 (vi) waste gas and waste heat capture or recovery[;or] whether
or not it is renewable,

277 including methane gas from:

278 (A) an abandoned {~~or working~~} coal mine; or

279 (B) a coal degassing operation associated with a state-approved
mine permit; or

Stephen H. Urquhart, Chair

On motion of Senator Dayton, the committee reports were adopted. **1st Sub. S.B. 144**, as amended, **H.B. 232**, **H.B. 103**, as amended, and **H.B. 192**, as amended, were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 196, Community Development and Renewal Amendments (G. Davis), read the first time by short title and referred to the Rules Committee.

S.B. 238, Long-term Care Facility – Medicaid Certification for Bed Capacity Amendments (L. Robles), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Dayton the Senate voted lift **S.B. 244, ANNEXATION AMENDMENTS**, from Government Operations and Political Subdivisions Committee and assign it to the Revenue and Taxation Committee.

On motion of Senator Dayton the Senate voted lift **H.J.R. 12, CLIMATE CHANGE JOINT RESOLUTION**, from Workforce Services and Community and Economic Development Committee and reassign it to the Natural Resources, Agriculture and Environment Committee.

CONSENT CALENDAR

H.B. 211, IMPROVEMENT DISTRICT BOARD MEMBERSHIP, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars	Madsen
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H.B. 211 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 213, CIGARETTE TAX EXEMPTION AMENDMENTS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Buttars	Madsen
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H.B. 213 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 55, DEPARTMENT OF COMMUNITY AND CULTURE GRANTS AMENDMENTS, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Buttars	Madsen
---------	---------	--------

H.B. 55 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

S.B. 39, HEALTH INSURANCE PRIOR AUTHORIZATION AMENDMENTS, was read the third time, explained by Senator Mayne, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Madsen

S.B. 39 was transmitted to the House for consideration.

* * *

S.C.R. 3, STATE SOVEREIGNTY CONCURRENT RESOLUTION, was read the third time, explained by Senator Adams, and passed on the following roll call:

Yeas, 23; Nays, 5; Absent, 1.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	Niederhauser	Okerlund	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Davis	Goodfellow	McAdams	Morgan
Robles			

Absent or not voting was: Senator

Madsen

S.C.R. 3 was transmitted to the House for consideration.

* * *

On motion of Senator Liljenquist the Senate voted to move **1st Sub. S.B. 43**, **1st Sub. S.B. 63**, and **S.B. 94** from the Time Certain Calendar on February 18, 2010 at 10:15 a.m. to February 18, 2010 at 3:00 p.m.

SECOND READING CALENDAR

On motion of Senator Jenkins, under suspension of the rules, the Senate voted to hear Senate bills on a House day.

* * *

On motion of Senator Stephenson, under suspension of the rules, **S.J.R. 6**, JOINT RESOLUTION – STATE SOVEREIGNTY AND TENTH AMENDMENT, was considered read the second and third times. Senator Stephenson explained the bill.

Senator Stephenson proposed the following amendment:

- 1. Page 2, Line 106:
After “right” insert “under rule of law”

Senator Stephenson’s motion to amend passed on a voice vote. Senators Greiner, Romero, and Buttars commented. The bill passed on the following roll call:

Yeas, 23; Nays, 5; Absent, 1.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	Niederhauser	Okerlund
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Goodfellow	McAdams	Morgan	Robles
Romero			

Absent or not voting was: Senator Davis

S.J.R. 6 was transmitted to the House.

* * *

On motion of Senator Jenkins the Senate voted to move **S.J.R. 9** to the top of the Second Reading Calendar.

On motion of Senator Jenkins, under suspension of the rules, **S.J.R. 9**, JOINT RESOLUTION APPROVING COMPENSATION OF IN-SESSION EMPLOYEES, was considered read the second and third times. Senator Jenkins explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine			

Absent or not voting were: Senators

Buttars	Madsen	Van Tassell	Waddoups
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S.J.R. 9 was transmitted to the House.

* * *

On motion of Senator Morgan, the circle was removed from **S.B. 38**, RESTRICTIONS ON HIGH OCCUPANCY VEHICLE LANE, and it was before the Senate.

Senator Morgan proposed the following amendment:

1. Page 1, Lines 18 through 20
Senate 2nd Reading Amendments
2-2-2010

18 {~~→ requires the Department of Transportation to allow for continuous permitted access~~

19 into and out of all HOV lanes by marking the lanes with a single
20 ~~→~~ [dotted normal] ~~←~~

20 white line; and }

→ provides that if a highway authority establishes an HOV lane, the highway authority shall annually report to the Transportation Interim Committee no later than November 30 of each year regarding:

- the types of vehicles that may access the lane;

- where, when, and how a vehicle may access the lane;
- how a tax, fee, or charge is assessed for a vehicle carrying less than the number of persons specified for the lane;
- the usage of the HOV lane as compared to the usage of the general purpose lanes along the same stretch of highway; and
- the compliance issues, safety risks, and impacts of certain lane parameters.

2. Page 2, Line 51 through Page 3, Line 64
Senate 2nd Reading Amendments
2-2-2010:

51 (4) (a) A highway authority may designate a specific lane or lanes of travel for any type

52 of vehicle on a highway or portion of a highway under its jurisdiction for the:

53 (i) safety of the public;

54 (ii) efficient maintenance of a highway; or

55 (iii) use of high occupancy vehicles.

56 (b) The lane designation under Subsection (4)(a) is effective when appropriate signs

57 giving notice are erected on the highway or portion of the highway.

58 ~~Ŝ → [(c) Notwithstanding the provisions of Subsection (4)(a)(iii), if a highway authority ← Ŝ~~

59 ~~Ŝ → designates an HOV lane, the lane shall be open for general vehicle use regardless of the~~

60 ~~number of occupants except Ŝ → Monday through Friday ← Ŝ during the peak hours of:~~

61 ~~(i) 6 a.m. to 9 a.m.; and~~

62 ~~(ii) 4 p.m. to 7 p.m.~~

63 ~~(d) [-(c) ← Ŝ The department shall allow for continuous permitted access into and out of all~~

64 ~~HOV lanes by marking the lanes with a single Ŝ → [dotted normal] ← Ŝ white line. }~~

(c) If a highway authority establishes an HOV lane, the highway authority shall annually report to the Transportation Interim Committee no later than November 30 of each year regarding:

- (i) the types of vehicles that may access the lane;
- (ii) where, when, and how a vehicle may access the lane;
- (iii) how a tax, fee, or charge is assessed for a vehicle carrying less than the number of persons specified for the lane;
- (iv) the usage of the HOV lane as compared to the usage of the general purpose lanes along the same stretch of highway; and
- (v) the compliance issues, safety risks, and impacts of the lane parameters described under SubsectionS (4)(c)(i), (ii), and (iii).

Senator Morgan’s motion to amend passed on a voice vote. Senator Morgan explained the bill. Senators Stephenson and Van Tassell commented.

On motion of Senator Morgan, the bill was circled.

* * *

On motion of Senator Van Tassell, the circle was removed from **H.B. 46**, MOTOR VEHICLE ACT AMENDMENTS, and it was before the Senate. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Van Tassell			

Absent or not voting were: Senators

Buttars	Christensen	Knudson	Liljenquist
Stowell	Urquhart	Valentine	Waddoups

* * *

H.B. 45, STATE CONSTRUCTION CODE ADOPTION, was read the second time. Senator Adams explained the bill. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard

Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Van Tassell	

Absent or not voting were: Senators

Buttars	Liljenquist	Stowell	Urquhart
Valentine	Waddoups		

* * *

H.B. 11, LICENSING OF ELEVATOR CONTRACTORS AND ELEVATOR MECHANICS, was read the second time.

Senator Mayne proposed the following amendment:

1. Page 11, Lines 318 through 320

318 (v) be a licensed elevator mechanic and produce satisfactory
evidence of three years
319 experience as {~~a licensed~~ } an elevator mechanic if an
applicant for an elevator contractor’s license:
320 and

Senator Mayne’s motion to amend passed on a voice vote. Senator Mayne explained the bill. Senator Greiner commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Romero	J. Stevenson	Valentine
Van Tassell			

Absent or not voting were: Senators

Bramble	Buttars	Liljenquist	Robles
H. Stephenson	Stowell	Urquhart	Waddoups

* * *

H.B. 23, WORKPLACE DRUG AND ALCOHOL TESTING, was read the second time. Senator Mayne explained the bill. Senator Dayton commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Urquhart	Valentine
Van Tassell			

Absent or not voting were: Senators

Knudson	Liljenquist	Stowell	Waddoups
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* * *

H.B. 47, BOARD OF PARDONS AND PAROLE TECHNICAL AMENDMENTS, was read the second time. Senator Greiner explained the bill. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Romero	J. Stevenson
Stowell	Valentine	Van Tassell	

Absent or not voting were: Senators

Knudson	Liljenquist	Robles	H. Stephenson
Urquhart	Waddoups		

* * *

On motion of Senator Jenkins, **1st Sub. H.B. 219, DELINQUENT PROPERTY TAX AMENDMENTS**, was read the second time and circled.

* * *

H.B. 51, FAMILY EMPLOYMENT PROGRAM – CASH ASSISTANCE TO SINGLE MINOR PARENT, was read the second time. Senator Madsen explained the bill. Senator Goodfellow commented. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Dayton	Goodfellow	Hillyard	Hinkins
Jenkins	Jones	Knudson	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	J. Stevenson
Stowell	Valentine	Van Tassell	

Absent or not voting were: Senators

Christensen	Greiner	Liljenquist	H. Stephenson
Urquhart	Waddoups		

* * *

H.J.R. 10, JOINT RESOLUTION OPPOSING THE ESTABLISHMENT OF A FEDERAL COMMISSION ON STATE WORKERS' COMPENSATION LAWS, was read the second time. Senator Dayton explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Dayton	Goodfellow	Hillyard	Hinkins
Jenkins	Jones	Knudson	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell

Absent or not voting were: Senators

Christensen	Greiner	Liljenquist	H. Stephenson
Waddoups			

* * *

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

AFTERNOON SESSION

The Senate reassembled at 2:10 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 17, 2010

The House passed, **S.B. 23**, CORPORATE FRANCHISE AND INCOME TAX AMENDMENTS, by Senator J. Valentine, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 29**, AMENDMENTS TO INDIVIDUAL INCOME TAX DEFINITION OF RESIDENT INDIVIDUAL, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 91**, PROSECUTOR APPEALS, by Senator D. Liljenquist, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 103**, ADVERSE POSSESSION OF REAL PROPERTY, by Senator S. Urquhart, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 110**, REVISOR'S STATUTE, by Senator M. Dayton, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.C.R. 5**, CONCURRENT RESOLUTION RECOGNIZING THE 100 YEAR ANNIVERSARY OF THE MCKAY-DEE HOSPITAL, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 23, S.B. 29, S.B. 91, S.B. 103, S.B. 110, and S.C.R. 5 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 17, 2010

The House concurred in the Senate amendments and passed **1st Sub. H.B. 95**, CERTIFICATION OF VOTING EQUIPMENT MODIFICATIONS, by Representative D. Aagard, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. H.B. 95 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: February 17, 2010

The House passed, as amended, **H.B. 118**, ECONOMIC DEVELOPMENT INCENTIVES MODIFICATIONS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.B. 274**, STATUTORY CONSTRUCTION COMPLIANCE AMENDMENTS, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed, as amended, **H.J.R. 3**, JOINT RESOLUTION ON TEACHER PERFORMANCE PAY, by Representative M. Poulson, and it is transmitted for consideration; and

The House passed, as amended, **H.J.R. 5**, JOINT RESOLUTION ON CLEAN AIR, by Representative C. Moss, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 118**, **H.B. 274**, **H.J.R. 3**, and **H.J.R. 5** were read the first time and referred to the Rules Committee.

* * *

Mr. President: February 17, 2010

The House passed, as amended, **S.B. 53**, VOTER CHALLENGE REVISIONS, by Senator P. Knudson, and it is transmitted for further consideration; and

The House passed, as amended, **1st Sub. S.B. 90**, MENTAL HEALTH PROFESSIONAL PRACTICE ACT AMENDMENTS, by Senator L. Hillyard, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 93**, GUBERNATORIAL APPOINTMENT POWERS AMENDMENTS, by Senator C. Bramble, and it is transmitted for further consideration; and

The House passed, as amended, **1st Sub. S.J.R. 1**, ESCALANTE HERITAGE HOLE-IN-THE-ROCK CENTER JOINT RESOLUTION, by Senator D. Stowell, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 17, 2010

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

Business and Labor Committee

H.B. 257 Dietitian Certification Act Amendments
(Rep. M. Newbold) (Sen. A. Christensen)

Ethics Committee

2nd Sub. H.B. 124 Campaign Funds Expenditure Restrictions
(Rep. T. Cosgrove) (Sen. K. Mayne)

H.B. 267 Lobbyist Disclosure and Regulation Act Amendments
(Rep. K. Garn) (Sen. S. Jenkins)

H.J.R. 14 Joint Rules Resolution on Financial Disclosures
(Rep. G. Hughes) (Sen. W. Niederhauser)

H.J.R. 15 Joint Resolution on Legislative Ethics Commission
(Rep. D. Clark) (Sen. D. Stowell)

Health and Human Services Committee

S.B. 238 Long-term Care Facility – Medicaid Certification for Bed Capacity Amendments (Sen. L. Robles)

H.B. 25 Health Reform – Administrative Simplification
(Rep. M. Newbold) (Sen. P. Knudson)

H.B. 52 Health Reform – Uniform Electronic Standards – Insurance Information (Rep. M. Newbold)
(Sen. P. Knudson)

H.B. 74 Adoption and Child Custody Amendments
(Rep. S. Allen) (Sen. D. Liljenquist)

H.B. 184 Medicaid Autism Waiver (Rep. P. Ray)
(Sen. H. Stephenson)

- H.B. 294** Health System Reform Amendments (Rep. D. Clark)
(Sen. W. Niederhauser)
- H.C.R. 8** Concurrent Resolution on Federal Health Care Reform
(Rep. D. Clark) (Sen. W. Niederhauser)

Judiciary, Law Enforcement, and Criminal Justice Committee

- H.J.R. 6** Strangulation and Domestic Violence Joint Resolution
(Rep. J. Seelig) (Sen. J. Greiner)

Revenue and Taxation Committee

- S.B. 196** Community Development and Renewal Amendments
(Sen. G. Davis)

Workforce Services and Community and Economic Development Committee

- S.B. 123** Motion Picture Incentive Fund Amendments
(Sen. L. Hillyard)

Margaret Dayton
Rules Committee Chair

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

INTRODUCTION OF BILLS

S.B. 161, Real Property Transfer Fee Amendments (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 176, Utility Revisions (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 185, Adoption of Canal Safety Act (G. Davis), read the first time by short title and referred to the Rules Committee.

S.B. 206, Access to Crime Victim’s Medical Records (J. Greiner), read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

1st Sub. H.B. 20, AMENDMENTS TO HEALTH INSURANCE COVERAGE IN STATE CONTRACTS, was read the second time. Senator Davis explained the bill. Senator Buttars commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Mayne	McAdams	Morgan
Niederhauser	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Waddoups

Absent or not voting were: Senators

Liljenquist	Madsen	Okerlund	Valentine
Van Tassell			

* * *

H.B. 73, UTAH CONSTRUCTION TRADES CONTINUING EDUCATION AMENDMENTS, was read the second time. Senator Adams explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Madsen	Mayne	McAdams
Morgan	Niederhauser	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Waddoups			

Absent or not voting were: Senators

Liljenquist	Okerlund	Valentine	Van Tassell
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On motion of Senator Dayton, **H.B. 12, CRIMINAL HOMICIDE AND ABORTION AMENDMENTS**, was read the second time and circled.

* * *

H.B. 30, DRUG LAW AMENDMENTS, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Madsen	Mayne	McAdams
Morgan	Niederhauser	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Waddoups

Absent or not voting were: Senators

Liljenquist	Okerlund	Urquhart	Valentine
Van Tassell			

* * *

H.B. 86, DEPARTMENT OF HUMAN SERVICES – REVIEW AND OVERSIGHT, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Madsen	Mayne	McAdams
Morgan	Niederhauser	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Waddoups			

Absent or not voting were: Senators

Liljenquist	Okerlund	Valentine	Van Tassell
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On motion of Senator Niederhauser, **1st Sub. H.B. 75, ASSESSMENT AREA AMENDMENTS**, was read the second time and circled.

* * *

1st Sub. H.B. 216, INCORPORATION OF A TOWN AMENDMENTS, was read the second time. Senator Stowell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Knudson
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Van Tassell
Waddoups			

Absent or not voting were: Senators

Jones	Liljenquist	Madsen	Valentine
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On motion of Senator Niederhauser, the circle was removed from **1st Sub. H.B. 219, DELINQUENT PROPERTY TAX AMENDMENTS**, and it was before the Senate.

Senator Niederhauser proposed the following amendment:

1. Page 2, Line 46

46 (b) Unless the delinquent taxes, together with the penalty, are paid on or before January [46]

2. Page 3, Line 58
House Floor Amendments
2-3-2010:

58 (e) The penalty described in Subsection (2)(a) {~~shall~~
~~be~~ } is 1% of the amount of the

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

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan

Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Van Tassell	Waddoups		

Absent or not voting were: Senators

Greiner	Liljenquist	Valentine
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* * *

On motion of Senator Niederhauser, the circle was removed from **1st Sub. H.B. 75, ASSESSMENT AREA AMENDMENTS**, and it was before the Senate.

Senator Niederhauser proposed the following amendment:

1. Page 8, Line 229:

229 Website {~~described~~} created in Section 63F-1-701 for
 35 days immediately before the day on which the

Senator Niederhauser’s motion to amend passed on a voice vote. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Van Tassell	Waddoups		

Absent or not voting were: Senators

Greiner	Liljenquist	Valentine
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* * *

H.B. 236, STATUTORY CONSTRUCTION AMENDMENTS, was read the second time. Senator Urquhart explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting was: Senator

Valentine

* * *

H.B. 248, GOVERNMENT RECORDS AMENDMENTS, was read the second time. Senator Mayne explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.**Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Van Tassell	Waddoups		

Absent or not voting were: Senators

Adams McAdams Valentine

* * *

H.B. 18, UNEMPLOYMENT INSURANCE AMENDMENTS, was read the second time.

Senator Niederhauser proposed the following amendment:

1. Page 6, Lines 170 through 175
House Committee Amendments
2-2-2010

170 (4) (a) The director of the division or the director's designee shall make an annual report to

171 the Workforce Employment Advisory Council and to the Legislature’s Workforce Services and

172 Community and Economic Development Interim Committee no later than November 30 of

173 2011, H→ [2012, and 2013,] and annually thereafter, ←H concerning the impact on individuals

173a applying for unemployment

174 compensation and the unemployment trust insurance fund as a result of amendments made to

175 Subsections 35A–4–201(1) and 35A–4–403(1)(f) during the Legislature’s 2010 General Session.

(b) The interim committee shall make recommendations to the Legislature from the annual report it receives under Subsection (4)(a) that may include:

(i) further modifications to the amendments made to Subsections 35A–4–201(1) and 35A–4–403(1)(f) during the 2010 General Session;

or

(ii) the repeal of those amendments.

Senator Niederhauser’s motion to amend passed on a voice vote. Senator Niederhauser explained the bill. Senators Robles, Hillyard, and Urquhart commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Goodfellow	Hillyard	Hinkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	J. Stevenson	Valentine
Van Tassell	Waddoups		

Voting in the negative were: Senators

Dayton	Jenkins	H. Stephenson	Stowell
Urquhart			

Absent or not voting were: Senators

Bramble	Greiner
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On motion of Senator Hillyard, **H.B. 18** was placed on Third Reading Table due to fiscal impact.

RULES COMMITTEE REPORT

February 17, 2010

The Rules Committee recommends that **H.B. 54**, PROPERTY TAX EXEMPTION FOR WATER FACILITIES, and **H.J.R. 2**, JOINT RESOLUTION ON PROPERTY TAX EXEMPTION FOR WATER FACILITIES, be lifted from the Revenue and Taxation Committee and be placed at the bottom of the Second Reading Calendar.

Margaret Dayton
Rules Committee Chair

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

SECOND READING CALENDAR

H.B. 88, ELECTRONIC CIGARETTE RESTRICTIONS, was read the second time. Senator Dayton explained the bill. Senators Jenkins, Liljenquist, and Buttars commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Niederhauser

* * *

H.B. 200, INFORMED CONSENT AMENDMENTS, was read the second time.

Senator Buttars proposed the following amendment:

1. Page 4, Lines 95 through 98

95 (1) [~~No abortion may be performed unless~~] A person may not perform an abortion.

96 unless, before performing the abortion, the { ~~attending~~
~~physician~~ } physician who will perform the abortion obtains a
 voluntary and

97 informed written consent[;] from the woman on whom the abortion
is performed, that is

98 consistent with:

2. Page 4, Lines 105 through 108:

105 (a) at least 24 hours [~~prior to~~] before the abortion, the physician
 who is to perform the

106 abortion, the referring physician, a registered nurse, nurse
 practitioner, advanced practice

107 registered nurse, certified nurse midwife, genetic counselor, or
 physician's assistant, in a face-to-face consultation,

108 orally informs the woman:

3. Page 5, Lines 125 through 130
 House Committee Amendments
 1-29-2010:

125 (b) at least 24 hours prior to the abortion the physician who is to
 perform the abortion,

126 the referring physician, or, as specifically delegated by either of
 those physicians, a registered

127 nurse, licensed practical nurse, certified nurse-midwife, advanced
 practice registered nurse,

128 clinical laboratory technologist, psychologist, marriage and family
 therapist, clinical social

129 worker, genetic counselor, or certified social worker \hat{H}
 [has] $\leftarrow \hat{H}$ orally, in a face-to-face consultation, [~~informed~~]

129a informs

130 the pregnant woman that:

4. Page 13, Lines 395 through 396
 House Committee Amendments
 1-29-2010:

395 (2) Each physician who performs an abortion shall provide the
following to the

396 Department of Health within {~~10~~} 30 days after the day
on which the abortion is performed:

5. Page 14, Lines 405 through 409:

405 (i) whether the unborn child was or was not {~~capable of~~
~~survival outside of the mother's~~

406 ~~womb~~} [~~must be filed by the physician with the state~~
~~Department of Health within 10 days~~

407 ~~after~~] viable, as defined in Subsection 76-7-302(1), at the time
of the abortion[-]; and

408 (ii) if the unborn child was {~~capable of survival outside of~~
~~the mother's womb~~} viable, as defined in Subsection
76-7-302(1), at the

409 time of the abortion, the reason for the abortion.

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

Yeas, 23; Nays, 3; Absent, 3.

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Dayton
Greiner	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Davis	Robles	Romero
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Absent or not voting were: Senators

Bramble	Goodfellow	McAdams
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On motion of Senator Dayton, the circle was removed from **H.B. 12**, CRIMINAL HOMICIDE AND ABORTION AMENDMENTS, and it was before the Senate. Senator Dayton explained the bill. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 6; Absent, 2.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Dayton
Greiner	Hillyard	Hinkins	Jenkins
Knudson	Liljenquist	Madsen	Morgan
Niederhauser	Okerlund	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Davis	Jones	Mayne	McAdams
Robles	Romero		

Absent or not voting were: Senators

Christensen	Goodfellow
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H.J.R. 11, JOINT RESOLUTION REGARDING FEDERAL HEALTH INSURANCE REFORM, was read the second time. Senator Dayton explained the bill. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 6; Absent, 3.

Voting in the affirmative were: Senators

Adams	Bramble	Dayton	Greiner
Hillyard	Hinkins	Jenkins	Knudson
Liljenquist	Madsen	Morgan	Niederhauser
Okerlund	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

Davis	Jones	Mayne	McAdams
Robles	Romero		

Absent or not voting were: Senators

Buttars	Christensen	Goodfellow
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On motion of Senator Dayton, **H.B. 81**, SCHOOL EMPLOYEE CRIMINAL BACKGROUND CHECK, was read the second time and circled.

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On motion of Senator Jenkins, **1st Sub. H.B. 94**, UNIFORM FISCAL PROCEDURES ACT AMENDMENTS FOR TOWNS, CITIES, AND COUNTIES AMENDMENTS, was read the second time and circled.

* * *

H.B. 110, COUNTY JAIL INMATE MEDICAL COSTS, was read the second time. Senator Greiner explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Dayton	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Buttars	Christensen	Davis	Goodfellow
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On motion of Senator Urquhart, legislative staff was authorized to draft bills regarding home owner associations and adequacy of reserves and Social Security fraud.

* * *

2nd Sub. H.B. 100, HEBER VALLEY HISTORIC RAILROAD AUTHORITY, was read the second time. Senator Van Tassell explained the bill. Senator Hillyard commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Davis	Dayton
Goodfellow	Hillyard	Hinkins	Jenkins

Jones	Knudson	Liljenquist	Madsen
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Buttars	Christensen	Greiner	Mayne
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On motion of Senator Knudson, the circle was removed from **1st Sub. H.B. 94, UNIFORM FISCAL PROCEDURES ACT AMENDMENTS FOR TOWNS, CITIES, AND COUNTIES AMENDMENTS**, and it was before the Senate. Senator Knudson explained the bill. Senator Stephenson commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Buttars	Urquhart
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H.C.R. 3, ITALIAN-AMERICAN HERITAGE MONTH CONCURRENT RESOLUTION, was read the second time. Senator Hinkins explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams

Morgan	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Niederhauser	Urquhart
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H.B. 226, WELL DRILLER'S LICENSE – PUMP INSTALLATION, was read the second time. Senator Hinkins explained the bill. Senator Jenkins commented. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Dayton	Liljenquist	Niederhauser	Urquhart
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On motion of Senator Greiner, **H.B. 10**, COURT FEES FOR INMATES, was read the second time and circled.

* * *

H.B. 19, POST CONVICTION REMEDIES AMENDMENTS, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones

Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator Niederhauser

* * *

On motion of Senator Greiner, the circle was removed from **H.B. 10, COURT FEES FOR INMATES**, and it was before the Senate. Senator Greiner explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators Niederhauser Urquhart

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On motion of Senator Hillyard, **H.B. 21, EXPUNGEMENT REVISIONS**, was read the second time and circled.

* * *

H.B. 37, CRIMINAL BACKGROUND CHECKS ON MOTOR VEHICLE DEALERS AND SALESPERSONS, was read the second time. Senator Madsen explained the bill. Senators Jenkins, Bramble, and Knudson commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard

Hinkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Valentine
Van Tassell			

Voting in the negative were: Senators

Christensen	Jenkins	Waddoups
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Absent or not voting was: Senator

Urquhart

THIRD READING CALENDAR

On motion of Senator Liljenquist, **H.B. 11, H.B. 73, H.B. 200, and H.B. 37** were placed on Third Reading Table due to fiscal impact.

SECOND READING CALENDAR

On motion of Senator Stephenson, the Senate voted to lift **S.B. 142, DRIVER LICENSE AMENDMENTS**, to the top of the Second Reading Calendar.

S.B. 142, DRIVER LICENSE AMENDMENTS, was read the second time.

Senator Stephenson proposed the following amendment:

1. Page 3, Line 77:
After "who" insert "accompanies and"

Senator Stephenson's motion to amend passed on a voice vote.

Senator Stephenson made the motion to have the bill considered read for the second and third time. The motion failed on the following roll call vote:

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

Voting in the negative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble Urquhart

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On motion of Senator Stephenson, the circle was removed from **S.B. 119**, SPECIAL ELECTIONS MODIFICATIONS, and it was before the Senate.

On motion of Senator Stephenson, the bill was circled.

* * *

On motion of Senator Stephenson, the Senate voted to reconsider its action on **S.B. 142**.

S.B. 142, DRIVER LICENSE AMENDMENTS, was before the Senate, explained by Senator Stephenson, and passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble Madsen Urquhart

* * *

On motion of Senator Jenkins and at 4:20 p.m., the Senate adjourned until 10:00 a.m., Thursday, February 18, 2010.

TWENTY-FOURTH DAY

MORNING SESSION

February 18, 2010

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

Prayer – President Steve Miles, Granite View Stake

Pledge of Allegiance – Senator Dennis Stowell

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 72)

SPECIAL RECOGNITION

The Senate recognized the Department of Technology Services and the website Utah.gov as the Number One Government Website. Those recognized were Steve Fletcher, Ken Petersen, Dave Fletcher and Bob Woolley.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 17, 2010

The House passed, **S.J.R. 9**, JOINT RESOLUTION APPROVING COMPENSATION OF IN-SESSION EMPLOYEES, by Senator S. Jenkins, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.J.R. 9 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President:

February 17, 2010

The House passed, as amended, **H.B. 68**, HABITUAL WANTON DESTRUCTION OF WILDLIFE, by Representative C. Oda, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 114**, DISCLOSURE OF DONATIONS TO HIGHER EDUCATION INSTITUTIONS, by Representative C. Wimmer, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 235**, CHILD SUPPORT FOR CHILDREN IN STATE CUSTODY, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.B. 250**, CRIMINAL PENALTIES AMENDMENTS – LEAVING THE SCENE OF AN ACCIDENT, by Representative C. Herrod, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 261**, FINANCIAL RESPONSIBILITY OF MOTOR VEHICLE OWNERS AND OPERATORS ACT AMENDMENTS, by Representative R. Greenwood, and it is transmitted for consideration; and

The House passed **H.B. 271**, HUNTING GUIDES AND OUTFITTERS LICENSING ACT AMENDMENTS, by Representative E. Vickers, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 277**, OVERDOSE REPORTING AMENDMENTS, by Representative C. Johnson, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.J.R. 9**, RESOLUTION IN SUPPORT OF VETERANS' NURSING HOME, by Representative C. Oda, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 68, 1st Sub. H.B. 114, 1st Sub. H.B. 235, H.B. 250, H.B. 261, H.B. 271, H.B. 277**, and **1st Sub. H.J.R. 9** were read the first time and referred to the Rules Committee.

* * *

Mr. President:

February 17, 2010

The House passed, as amended, **3rd Sub. S.B. 22**, NOTARY PUBLIC AMENDMENTS, by Senator P. Knudson, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

STANDING COMMITTEE REPORTS

Mr. President:

February 18, 2010

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 156**, ANTITRUST ACT AMENDMENTS, by Senator S. Urquhart; and

The Government Operations and Political Subdivisions Committee recommends **S.B. 199**, MUNICIPAL BOUNDARY CLARIFICATION, by Senator R. Okerlund, be replaced and favorably recommends **1st Sub. S.B. 199**, MUNICIPAL BOUNDARY CLARIFICATION.

Peter C. Knudson, Chair

On motion of Senator Dayton, the committee reports were adopted. **S.B. 156** and **1st Sub. S.B. 199** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 17, 2010

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 222**, LAND USE MEETING NOTICE, by Representative T. Beck, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 109**, VOLUNTEER GOVERNMENT WORKERS ACT DEFINITIONS, by Representative J. Biskupski, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

On motion of Senator Dayton, the committee reports were adopted. **H.B. 222** and **H.B. 109** were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 189, Capital Facilities Amendments (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 231, Medical Benefits Under Workers' Compensation (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

CONCURRENCE CALENDAR

On motion of Senator Knudson, the Senate voted to concur in the House amendments to **S.B. 53**, VOTER CHALLENGE REVISIONS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Van Tassell	Waddoups		

Absent or not voting were: Senators

Madsen	Urquhart	Valentine
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S.B. 53 was returned to the House for the signature of the Speaker.

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On motion of Senator Bramble, the Senate voted to concur in the House amendments to **S.B. 93**, GUBERNATORIAL APPOINTMENT POWERS AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Van Tassell	Waddoups		

Absent or not voting were: Senators

Madsen	Urquhart	Valentine
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S.B. 93 was returned to the House for the signature of the Speaker.

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On motion of Senator Stowell, the Senate voted to concur in the House amendments to **1st Sub. S.J.R. 1**, ESCALANTE HERITAGE HOLE-IN-THE-ROCK CENTER JOINT RESOLUTION. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Van Tassell	Waddoups		

Absent or not voting were: Senators

Madsen	Urquhart	Valentine
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1st Sub. S.J.R. 1 was returned to the House for the signature of the Speaker.

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On motion of Senator Hillyard, the Senate voted to concur in the House amendments to **1st Sub. S.B. 90**, MENTAL HEALTH PROFESSIONAL PRACTICE ACT AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting was: Senator

Valentine

1st Sub. S.B. 90 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

H.B. 46, MOTOR VEHICLE ACT AMENDMENTS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

H.B. 46 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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H.B. 45, STATE CONSTRUCTION CODE ADOPTION, was read the third time, explained by Senator Adams, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Waddoups

Absent or not voting was: Senator

Van Tassell

H.B. 45 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 23, WORKPLACE DRUG AND ALCOHOL TESTING, was read the third time, explained by Senator Mayne, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Waddoups	

Absent or not voting were: Senators

Buttars	Van Tassell
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H.B. 23 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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On motion of Senator Niederhauser, the circle was removed from **1st Sub. H.B. 39**, INSURANCE RELATED AMENDMENTS, and it was before the Senate.

Senator Niederhauser proposed the following amendment:

1. Page 1, Lines 22 through 24

22 ► clarifies language related to underinsured motorist coverage;

 ► addresses dependent coverage;

23 ► modifies provisions related to catastrophic coverage of mental health conditions;

24 ► addresses issuance of group or blanket accident and health insurance;

2. Page 2, Line 39:

39 This bill provides an effective date and limited retrospective operation .

3. Page 2, Line 56 through Page 3, Line 57:

56 31A-22-411, as last amended by Laws of Utah 1991, Chapter
74

31A-22-610.5, as last amended by Laws of Utah 2008, Chapter

3

57 31A-22-625, as last amended by Laws of Utah 2008, Chapters 345 and 382

4. Page 65, Lines 2005 through 2006:

2005 (ii) approval by a majority of the policyholders in the [segregated] separate account.

Section 16. Section 31A-22-610.5 is amended to read:

31A-22-610.5. Dependent coverage.

(1) As used in this section, "child" has the same meaning as defined in Section 78B-12-102.

(2) (a) Any individual or group accident and health insurance policy or health maintenance organization contract that provides coverage for a policyholder's or certificate holder's dependent ~~{-shall-}~~ may not terminate coverage of an unmarried dependent by reason of the dependent's age before the dependent's 26th birthday and shall, upon application, provide coverage for all unmarried dependents up to age 26.

(b) The cost of coverage for unmarried dependents 19 to 26 years of age shall be included in the premium on the same basis as other dependent coverage.

(c) This section does not prohibit the employer from requiring the employee to pay all or part of the cost of coverage for unmarried dependents.

(d) An individual health insurance policy, group health insurance policy, or health maintenance organization, shall continue in force coverage for a dependent through the last day of the month in which the dependent ceases to be a dependent:

(i) if premiums are paid; and

(ii) notwithstanding Section 31A-8-402.3, 31A-8-402.5, 31A-22-721, 31A-30-107.1, or 31A-30-107.3.

(3) An individual or group accident and health insurance policy or health maintenance organization contract shall reinstate dependent coverage, and for purposes of all exclusions and limitations, shall treat the dependent as if the coverage had been in force since it was terminated; if:

(a) the dependent has not reached the age of 26 by July 1, 1995;

(b) the dependent had coverage prior to July 1, 1994;

(c) prior to July 1, 1994, the dependent's coverage was terminated solely due to the age of the dependent; and

(d) the policy has not been terminated since the dependent's

coverage was terminated.

(4) (a) When a parent is required by a court or administrative order to provide health insurance coverage for a child, an accident and health insurer may not deny enrollment of a child under the accident and health insurance plan of the child's parent on the grounds the child:

(i) was born out of wedlock and is entitled to coverage under Subsection (5);

(ii) was born out of wedlock and the custodial parent seeks enrollment for the child under the custodial parent's policy;

(iii) is not claimed as a dependent on the parent's federal tax return; or

(iv) does not reside with the parent or in the insurer's service area.

(b) A child enrolled as required under Subsection (4)(a)(iv) is subject to the terms of the accident and health insurance plan contract pertaining to services received outside of an insurer's service area. A health maintenance organization must comply with Section 31A-8-502.

(5) When a child has accident and health coverage through an insurer of a noncustodial parent, and when requested by the noncustodial or custodial parent, the insurer shall:

(a) provide information to the custodial parent as necessary for the child to obtain benefits through that coverage, but the insurer or employer, or the agents or employees of either of them, are not civilly or criminally liable for providing information in compliance with this Subsection (5)(a), whether the information is provided pursuant to a verbal or written request;

(b) permit the custodial parent or the service provider, with the custodial parent's approval, to submit claims for covered services without the approval of the noncustodial parent; and

(c) make payments on claims submitted in accordance with Subsection (5)(b) directly to the custodial parent, the child who obtained benefits, the provider, or the state Medicaid agency.

(6) When a parent is required by a court or administrative order to provide health coverage for a child, and the parent is eligible for family health coverage, the insurer shall:

(a) permit the parent to enroll, under the family coverage, a child who is otherwise eligible for the coverage without regard to an enrollment season restrictions;

(b) if the parent is enrolled but fails to make application to obtain coverage for the child, enroll the child under family coverage

upon application of the child's other parent, the state agency administering the Medicaid program, or the state agency administering 42 U.S.C. 651 through 669, the child support enforcement program; and

(c) (i) when the child is covered by an individual policy, not disenroll or eliminate coverage of the child unless the insurer is provided satisfactory written evidence that:

(A) the court or administrative order is no longer in effect; or

(B) the child is or will be enrolled in comparable accident and health coverage through another insurer which will take effect not later than the effective date of disenrollment; or

(ii) when the child is covered by a group policy, not disenroll or eliminate coverage of the child unless the employer is provided with satisfactory written evidence, which evidence is also provided to the insurer, that Subsection (9)(c)(i), (ii) or (iii) has happened.

(7) An insurer may not impose requirements on a state agency that has been assigned the rights of an individual eligible for medical assistance under Medicaid and covered for accident and health benefits from the insurer that are different from requirements applicable to an agent or assignee of any other individual so covered.

(8) Insurers may not reduce their coverage of pediatric vaccines below the benefit level in effect on May 1, 1993.

(9) When a parent is required by a court or administrative order to provide health coverage, which is available through an employer doing business in this state, the employer shall:

(a) permit the parent to enroll under family coverage any child who is otherwise eligible for coverage without regard to any enrollment season restrictions;

(b) if the parent is enrolled but fails to make application to obtain coverage of the child, enroll the child under family coverage upon application by the child's other parent, by the state agency administering the Medicaid program, or the state agency administering 42 U.S.C. 651 through 669, the child support enforcement program;

(c) not disenroll or eliminate coverage of the child unless the employer is provided satisfactory written evidence that:

(i) the court order is no longer in effect;

(ii) the child is or will be enrolled in comparable coverage which will take effect no later than the effective date of disenrollment; or

(iii) the employer has eliminated family health coverage for all of its employees; and

(d) withhold from the employee's compensation the employee's

share, if any, of premiums for health coverage and to pay this amount to the insurer.

(10) An order issued under Section 62A-11-326.1 may be considered a “qualified medical support order” for the purpose of enrolling a dependent child in a group accident and health insurance plan as defined in Section 609(a), Federal Employee Retirement Income Security Act of 1974.

(11) This section does not affect any insurer’s ability to require as a precondition of any child being covered under any policy of insurance that:

(a) the parent continues to be eligible for coverage;

(b) the child shall be identified to the insurer with adequate information to comply with this section; and

(c) the premium shall be paid when due.

(12) The provisions of this section apply to employee welfare benefit plans as defined in Section 26-19-2.

(13) The commissioner shall adopt rules interpreting and implementing this section with regard to out-of-area court ordered dependent coverage.

2006 Section {~~46~~} 17 . Section 31A-22-625 is amended to read:

Renumber remaining sections accordingly.

5. Page 75, Line 2307 through Page 76, Line 2339:

2307 31A-22-722.5. Mini-COBRA election --- American Recovery and Reinvestment

2308 Act.

2309 (1) {~~An~~} (a) If the conditions of Subsection (1)(b) are met, an individual has a right {~~-, until [April 18, 2009] March 1, 2010,~~ } to contact the

2310 individual’s employer or the insurer for the employer to participate in a second election period

2311 for mini-COBRA benefits under Section 31A-22-722 in accordance with Section 3001 of the

2312 American Recovery and Reinvestment Act of 2009 (Pub. S. 111-5), as amended, until the later of:
(i) February 17, 2010; or

(ii) 30 days after the day on which the individual's insurer provides the notice described in Section 3001(a)(16)(D), of the American Recovery and Reinvestment Act of 2009, as amended by Pub. L. 111-118, Div. B, Sec. 1010(c).

(b) Subsection (1)(a) applies if the

2313 individual:

2314 {-(a)-} (i) was involuntarily terminated from employment between [~~September 1, 2008 and~~

2315 ~~February 17, 2009]~~ March 1, 2009 and April 30, 2009, as defined in Section 3001 of the

2316 American Recovery and Reinvestment Act of 2009 (Pub. S. 111-5), as amended;

2317 {-(b)-} (ii) is eligible for COBRA premium assistance under Section 3001 of the American

2318 Recovery and Reinvestment Act of 2009 (Pub. S. 111-5), as amended; [~~and~~]

2319 {-(c)-} (iii) was eligible for Utah mini-COBRA as provided in Section 31A-22-722 at the time

2320 of termination[-];

2321 {-(d)-} (iv) elected Utah mini-COBRA; and

2322 {-(e)-} (v) has the individual's coverage
 {~~-was~~} terminated between December 1, 2009 through February 1, 2010, for

2323 reasons other than those identified in Subsection 31A-22-722(7).

2324 (2) (a) An individual or the employer of the individual shall contact the insurer and

2325 inform the insurer that the individual wants to take advantage of the second election period for

2326 mini-COBRA coverage under the provisions of Section 3001 of the American Recovery and

2327 Reinvestment Act of 2009 (Pub. S. 111-5), as amended.

2328 (b) An individual or an employer on behalf of an eligible individual must submit the

2329 enrollment forms for coverage under Subsection (1) to the insurer [~~prior to May 1, 2009]~~

2330 { ~~before March 1, 2010.~~ } by no later than the later of:
 (i) March 19, 2010; or
 (ii) 30 days after the day on which the notice of the second election period is provided as described in Subsection (1)(a).

2331 (3) The provision regarding the application of pre-existing condition waivers to the

2332 extended second election period for federal COBRA under Section 3001 of the American

2333 Recovery and Reinvestment Act of 2009 (Pub. S. 111-5), as amended, shall apply to the

2334 extended second election for state mini-COBRA under this section.

2335 (4) An insured has the right to extend the employee's coverage under the current

2336 employer's group policy beyond 12 months to the period of time the insured is eligible to

2337 receive assistance in accordance with Section 3001 of the American Recovery and

2338 Reinvestment Act of 2009 (Pub. S. 111-5), as amended.

2339 ~~[(4)] (5)~~ An insurer that violates this section is subject to penalties in accordance with

6. Page 107, Lines 3298 through 3302:

3298 (1) (a) Except as provided in Subsections (2) and (3), this bill takes effect on May 11,

3299 2010, except that, if approved by two-thirds of all the members elected to each house, Sections

3300 31A-22-722 and 31A-22-722.5 take effect upon approval by the governor, or the day following

3301 the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor's

3302 signature, or in the case of a veto, the date of veto override.

(b) The amendments in this bill to Section 31A-22-722.5 have retrospective operation to February 17, 2010.

Senator Niederhauser’s motion to amend passed on a voice vote. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	Buttars
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1st Sub. H.B. 39 was returned to the House for further consideration.

* * *

H.B. 47, BOARD OF PARDONS AND PAROLE TECHNICAL AMENDMENTS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Buttars	Mayne
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H.B. 47 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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H.B. 51, FAMILY EMPLOYMENT PROGRAM – CASH ASSISTANCE TO SINGLE MINOR PARENT, was read the third time, explained by Senator Madsen, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Buttars	Mayne
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H.B. 51 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.J.R. 10, JOINT RESOLUTION OPPOSING THE ESTABLISHMENT OF A FEDERAL COMMISSION ON STATE WORKERS' COMPENSATION LAWS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Hillyard

H.J.R. 10 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.B. 20, AMENDMENTS TO HEALTH INSURANCE COVERAGE IN STATE CONTRACTS, was read the third time, explained by Senator Davis, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Hillyard	Madsen	Niederhauser
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1st Sub. H.B. 20, as amended, was returned to the House for further consideration.

* * *

H.B. 30, DRUG LAW AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Davis	Hillyard	Niederhauser
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H.B. 30 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 86, DEPARTMENT OF HUMAN SERVICES – REVIEW AND OVERSIGHT, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Liljenquist	Madsen
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H.B. 86 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Hillyard, the Senate voted to reconsider its action on **1st Sub. S.B. 90, MENTAL HEALTH PROFESSIONAL PRACTICE ACT AMENDMENTS.**

On motion of Senator Hillyard, the Senate refused to concur in the House amendments. **1st Sub. S.B. 90** was returned to the House for further consideration.

* * *

1st Sub. H.B. 216, INCORPORATION OF A TOWN AMENDMENTS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Liljenquist	Madsen
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1st Sub. H.B. 216 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

COMMITTEE OF THE WHOLE

On motion of Senator Jenkins, Mr. Dale Eisner, Consul General of Canada spoke in Committee of the Whole.

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

THIRD READING CALENDAR

1st Sub. H.B. 219, DELINQUENT PROPERTY TAX AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	Morgan	Niederhauser
Okerlund	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble	Madsen	McAdams	Robles
Valentine			

1st Sub. H.B. 219, as amended, was returned to the House for further consideration.

* * *

1st Sub. H.B. 75, ASSESSMENT AREA AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard

Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Waddoups		

Absent or not voting were: Senators

Buttars	Valentine	Van Tassell
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1st Sub. H.B. 75, as amended, was returned to the House for further consideration.

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H.B. 236, STATUTORY CONSTRUCTION AMENDMENTS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Waddoups

Absent or not voting were: Senators

Bramble	Davis	Madsen	McAdams
Van Tassell			

H.B. 236 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 248, GOVERNMENT RECORDS AMENDMENTS, was read the third time, explained by Senator Mayne, and passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Adams	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins

Jones	Knudson	Mayne	McAdams
Morgan	Niederhauser	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Waddoups		

Absent or not voting were: Senators

Bramble	Buttars	Hillyard	Liljenquist
Madsen	Okerlund	Van Tassell	

H.B. 248 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 88, ELECTRONIC CIGARETTE RESTRICTIONS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Mayne
McAdams	Morgan	Robles	Romero
J. Stevenson	Stowell	Urquhart	Valentine
Waddoups			

Absent or not voting were: Senators

Bramble	Buttars	Liljenquist	Madsen
Niederhauser	Okerlund	H. Stephenson	Van Tassell

H.B. 88, as amended, was returned to the House for further consideration.

* * *

H.B. 12, CRIMINAL HOMICIDE AND ABORTION AMENDMENTS, was read the third time and explained by Senator Dayton. Senators Robles, McAdams, Romero, Bramble commented.

Senator McAdams proposed the following amendment:

1. Page 1, Line 18c
House Committee Amendments
1-28-2010

18c treatment or a cesarean section or failed to follow medical advice;

←Ĥ

► provides that a woman is not guilty of criminal homicide of her own unborn child if the death of her unborn child:

• is caused by a criminally negligent or reckless act of the woman;

and

• is not caused by an intentional or knowing act of the woman;

- 2. Page 2, Line 48
House Committee Amendments
1-28-2010:

48 (1) (a) {~~A~~} Except as provided in Subsections (3) and (4), a person commits criminal homicide if [he] the person intentionally,

- 3. Page 2, Line 55f
House Committee Amendments
1-28-2010:

55f (b)failed to follow medical advice. ←Ĥ

(4) A woman is not guilty of criminal homicide of her own unborn child if the death of her unborn child:

(a) is caused by a criminally negligent or reckless act of the woman;

and

(b) is not caused by an intentional or knowing act of the woman.

Senator McAdams’ motion to amend failed on a voice vote. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	Morgan	Niederhauser
Okerlund	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

Davis	McAdams	Robles	Romero
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Absent or not voting was: Senator Goodfellow

H.B. 12 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

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

AFTERNOON SESSION

The Senate reassembled at 2:30 p.m., with President Waddoups presiding.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 18, 2010

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

Business and Labor Committee

- S.B. 161** Real Property Transfer Fee Amendments
(Sen. M. Madsen)
- S.B. 231** Medical Benefits Under Workers' Compensation
(Sen. D. C. Buttars)

Education Committee

- 1st Sub. H.B. 114** Disclosure of Donations to Higher Education Institutions
(Rep. C. Wimmer) (Sen. H. Stephenson)
- 1st Sub. H.B. 235** Child Support for Children in State Custody
(Rep. W. Harper) (Sen. M. Dayton)
- H.J.R. 3** Joint Resolution on Teacher Performance Pay
(Rep. M. Poulson) (Sen. H. Stephenson)

Government Operations and Political Subdivisions Committee

- S.B. 189** Capital Facilities Amendments (Sen. C. Bramble)
- H.B. 274** Statutory Construction Compliance Amendments
(Rep. R. Lockhart) (Sen. S. Urquhart)
- 1st Sub. H.J.R. 9** Resolution in Support of Veterans' Nursing Home
(Rep. C. Oda) (Sen. J. S. Adams)

Health and Human Services Committee

- H.B. 277** Overdose Reporting Amendments (Rep. C. Johnson)
(Sen. B. McAdams)

Judiciary, Law Enforcement, and Criminal Justice Committee

- S.B. 206** Access to Crime Victim's Medical Records
(Sen. J. Greiner)

H.B. 250 Criminal Penalties Amendments – Leaving the Scene of an Accident (Rep. C. Herrod) (Sen. C. Bramble)

Natural Resources, Agriculture and Environment Committee

S.B. 185 Adoption of Canal Safety Act (Sen. G. Davis)

H.B. 68 Habitual Wanton Destruction of Wildlife (Rep. C. Oda) (Sen. A. Christensen)

H.B. 271 Hunting Guides and Outfitters Licensing Act Amendments (Rep. E. Vickers) (Sen. A. Christensen)

H.J.R. 5 Joint Resolution on Clean Air (Rep. C. Moss) (Sen. P. Jones)

Transportation, Public Utilities and Technology Committee

S.B. 176 Utility Revisions (Sen. S. Jenkins)

H.B. 261 Financial Responsibility of Motor Vehicle Owners and Operators Act Amendments (Rep. R. Greenwood) (Sen. J. Greiner)

Workforce Services and Community and Economic Development Committee

H.B. 118 Economic Development Incentives Modifications (Rep. W. Harper) (Sen. J. Stevenson)

The Rules Committee recommends that, with the written consent of the sponsor, **1st Sub. H.B. 124**, Campaign Funds Expenditure Restrictions (Rep. T. Cosgrove) be replaced and favorably recommends that **2nd Sub. H.B. 124**, Campaign Funds Expenditure Restrictions, be adopted and assigned to the Ethics Committee.

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President:

February 18, 2010

The Business and Labor Committee recommends **S.B. 274**, ONLINE PHARMACY AMENDMENTS, by Senator C. Bramble, be replaced and favorably recommends **1st Sub. S.B. 274**, ONLINE PHARMACY AMENDMENTS with the following amendments:

1. Page 7, Line 209 through Page 8, Line 213:

209 Internet facilitator:

210 (a) an owner:

211 (b) an {~~employer~~ } employee :

212 (c) an officer:

213 (d) a director:

2. Page 9, Line 271 through Page 10, Line 275:

271 (k) submit documentation satisfactory to the board regarding public health, safety, and

272 welfare demonstrating:

273 (i) how the online prescriber will comply with the requirements of Section

{~~58-83-303~~ } 58-83-305 :

274 (ii) the contractual services arrangement between the online prescriber and:

275 (A) the Internet facilitator; and ; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 97**, AMENDMENTS RELATING TO DECEPTIVE PRACTICES INVOLVING CONSUMERS, by Representative M. Poulson.

John L. Valentine, Chair

Mr. President:

February 18, 2010

The Health and Human Services Committee reports a favorable recommendation on **S.B. 163**, HEALTH REGULATION OF GEOTHERMAL POOLS AND BATHS, by Senator M. Madsen, with the following amendments:

1. Page 6, Line 169:

169 (b) In regulating a public geothermal pool or bath, the department or a local health department :

2. Page 6, Line 180:

180 (c) In regulating a quasi-public geothermal pool or bath, the department or a local health department :

3. Page 7, Lines 187 through 188:

187 (ii) may not:

188 (A) except as provided in Subsection (2)(d), perform a test of bacterial levels in a pool or bath;

4. Page 7, Line 197:

197 (V) the type of water filtration used.

(d) (i) The department or a local health department may conduct a bacterial test of a quasi-public geothermal pool or bath if the test is requested by a person who, within 15 days before the day on which the request is made:

(A) was present in the pool or bath;

(B) became sick after being present in the pool or bath; and

(C) has reason to believe that the sickness described in Subsection (2)(d)(i)(B) was contracted from the pool or bath.

(ii) If a test performed under Subsection (2)(d)(i) reveals that the quasi-public geothermal pool or bath poses a health risk, the department or local health department:

(A) shall work with the owners of the pool or bath to assist the owners to restore the pool or bath to a safe condition; and

(B) may not shut down the pool or bath or take action against an owner of the pool or bath. ; and

The Health and Human Services Committee recommends **S.C.R. 8, FATHERS DO MATTER CONCURRENT RESOLUTION**, by Senator G. Davis, be replaced and favorably recommends **1st Sub. S.C.R. 8, FATHERS DO MATTER CONCURRENT RESOLUTION**.

D. Chris Butters, Chair

Mr. President:

February 18, 2010

The Education Committee recommends **S.B. 52, STATE BOARD OF REGENTS AMENDMENTS**, by Senator D. Stowell, be replaced and favorably recommends **1st Sub. S.B. 52, STATE BOARD OF REGENTS AMENDMENTS**; and

The Education Committee reports a favorable recommendation on **S.B. 175**, SCHOOL DISTRICT CAPITAL OUTLAY EQUALIZATION AMENDMENTS, by Senator B. McAdams.

Curtis S. Bramble, Chair

On motion of Senator Dayton, the committee reports were adopted. **1st Sub. S.B. 274**, as amended, **H.B. 97**, **S.B. 163**, as amended, **1st Sub. S.C.R. 8**, **1st Sub. S.B. 52**, and **S.B. 175** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 18, 2010

The Business and Labor Committee reports a favorable recommendation on **S.B. 173**, BUSINESS ENTITY AMENDMENTS, by Senator L. Hillyard, and recommends it be considered read for the second time and placed on the Consent Calendar.

John L. Valentine, Chair

Mr. President: February 18, 2010

The Health and Human Services Committee reports a favorable recommendation on **S.B. 213**, DIVISION OF SERVICES FOR PEOPLE WITH DISABILITIES ADVISORY COUNCIL, by Senator A. Christensen, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

On motion of Senator Dayton, the committee reports were adopted. **S.B. 173** and **S.B. 213** were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 66, Public School Extracurricular Activities for Home School and Private School Students (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 171, Higher Education Retirement Amendments (D. Liljenquist), read the first time by short title and referred to the Rules Committee.

S.B. 203, Vacancies in County Elected Offices (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 208, Jury Amendments (R. Okerlund), read the first time by short title and referred to the Rules Committee.

S.B. 218, Engine Coolant Bittering Agent Act (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.B. 272, Amendments to Transportation Provisions (J. Stevenson), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Liljenquist, the Senate voted to lift **H.B. 11, LICENSING OF ELEVATOR CONTRACTORS AND ELEVATOR MECHANICS**, and **H.B. 37, CRIMINAL BACKGROUND CHECKS ON MOTOR VEHICLE DEALERS AND SALESPERSONS**, from the Third Reading Table and place them on the Third Reading Calendar.

THIRD READING CALENDAR

H.J.R. 11, JOINT RESOLUTION REGARDING FEDERAL HEALTH INSURANCE REFORM, was read the third time, explained by Senator Dayton, and passed on the following roll call:

Yeas, 18; Nays, 8; Absent, 3.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Dayton
Greiner	Hillyard	Hinkins	Jenkins
Knudson	Liljenquist	Okerlund	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative were: Senators

Davis	Goodfellow	Jones	Mayne
McAdams	Morgan	Robles	Romero

Absent or not voting were: Senators

Buttars	Madsen	Niederhauser
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H.J.R. 11 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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On motion of Senator Bramble, the Senate voted to lift **1st Sub. H.B. 36, CONTROLLED SUBSTANCE DATABASE – REPORTING CONVICTIONS**

FOR DRIVING UNDER THE INFLUENCE OR IMPAIRED DRIVING, from the Third Reading Table and place it on the Third Reading Calendar.

1st Sub. H.B. 36, CONTROLLED SUBSTANCE DATABASE – REPORTING CONVICTIONS FOR DRIVING UNDER THE INFLUENCE OR IMPAIRED DRIVING, was before the Senate.

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

2nd Sub. H.B. 36 Controlled Substance Database – Reporting Convictions for Driving Under the Influence or Impaired Driving (B. Daw)

2nd Sub. H.B. 36 was placed on Third Reading Table due to fiscal impact.

* * *

H.B. 110, COUNTY JAIL INMATE MEDICAL COSTS, was read the third time and explained by Senator Greiner. Senators Goodfellow and Stowell commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Madsen	Niederhauser
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H.B. 110 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

2nd Sub. H.B. 100, HEBER VALLEY HISTORIC RAILROAD AUTHORITY, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Okerlund	Romero	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Madsen	Niederhauser	Robles	H. Stephenson
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2nd Sub. H.B. 100 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.B. 94, UNIFORM FISCAL PROCEDURES ACT AMENDMENTS FOR TOWNS, CITIES, AND COUNTIES AMENDMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Mayne	Morgan	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Liljenquist	Madsen	McAdams	Niederhauser
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1st Sub. H.B. 94 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.C.R. 3, ITALIAN-AMERICAN HERITAGE MONTH CONCURRENT RESOLUTION, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Madsen

H.C.R. 3, as amended, was returned to the House for further consideration.

* * *

H.B. 226, WELL DRILLER’S LICENSE – PUMP INSTALLATION, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Madsen

H.B. 226 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 19, POST CONVICTION REMEDIES AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Madsen	Urquhart
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H.B. 19 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 10, COURT FEES FOR INMATES, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Jenkins	Madsen	Urquhart
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H.B. 10 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Van Tassell, legislative staff was authorized to draft a bill regarding input on new national monuments in Utah.

* * *

S.B. 142, DRIVER LICENSE AMENDMENTS, was read the third time and explained by Senator Stephenson.

Senator Stephenson proposed the following amendment:

. Page 1, Lines 12 through 18

12 This bill:

13 ► provides that a regular license certificate or any endorsement to a regular license

14 certificate issued to an immediate family member or dependent of an individual who is ordered to active duty and stationed outside of Utah in any of the armed forces of the United States who is residing { -with

15 ~~an individual who is ordered to active duty and stationed-~~ outside of Utah { -in any of

16 ~~the armed forces of the United States-~~ } , which expires during the time period the

17 person is stationed outside of the state, is valid until 90 days after the person's orders have been terminated or the person has

18 been discharged { -or has left the service- } .

2. Page 3, Lines 75 through 80

Senate 2nd Reading Amendments
2-17-2010:

75 (e) A regular license certificate and any endorsement to the regular license certificate

76 held by a person ordered to active duty and stationed outside Utah in any of the armed forces of

77 the United States or by an immediate family member or dependent who { -~~Ŝ~~ → ~~accompanies and~~ ← ~~Ŝ~~ }

77a is residing { -with the

78 ~~individual who is ordered to active duty and stationed~~ } outside of the state, which expires during

79 the time period the person is stationed outside of the state, is valid until 90 days after the person's orders have been terminated or the

80 person has been discharged {~~–or has left the service–~~}, unless:

Senator Stephenson’s motion to amend passed on a voice vote. Senators Christensen and Okerlund commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Buttars	Jenkins	Madsen	Niederhauser
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S.B. 142 was transmitted to the House for consideration.

TIME CERTAIN CALENDAR

1st Sub. S.B. 43, POST-RETIREMENT EMPLOYMENT AMENDMENTS, was read the second time. Senator Liljenquist explained the bill. Senators Greiner, Goodfellow, Urquhart, Stowell, Dayton, Robles, Davis, and Buttars commented. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 8; Absent, 1.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Dayton	Hillyard	Hinkins	Jenkins
Knudson	Liljenquist	Madsen	Niederhauser
Okerlund	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

Davis	Goodfellow	Greiner	Jones
Mayne	McAdams	Robles	Romero

Absent or not voting was: Senator

Morgan

* * *

1st Sub. S.B. 63, NEW PUBLIC EMPLOYEES' TIER II CONTRIBUTORY RETIREMENT ACT, was read the second time. Senator Liljenquist explained the bill. Senators Greiner, Goodfellow, Mayne, Hillyard, Robles, Stephenson, Stowell, Adams, Davis, Jenkins, Buttars, Stevenson, Romero, Jones, and Urquhart commented. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 8; Absent, 1.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Dayton	Hillyard	Hinkins	Jenkins
Knudson	Liljenquist	Madsen	Niederhauser
Okerlund	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

Davis	Goodfellow	Greiner	Jones
Mayne	McAdams	Robles	Romero

Absent or not voting was: Senator Morgan

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 18, 2010
The Speaker of the House has signed **S.B. 53**, VOTER CHALLENGE REVISIONS, by Senator P. Knudson, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 93**, GUBERNATORIAL APPOINTMENT POWERS AMENDMENTS, by Senator C. Bramble, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.J.R. 1**, ESCALANTE HERITAGE HOLE-IN-THE-ROCK CENTER JOINT RESOLUTION, by Senator D. Stowell, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 53, S.B. 93, and 1st Sub. S.J.R. 1 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 18, 2010

The House passed, as amended, **H.B. 126**, STATE CONSTRUCTION REGISTRY AMENDMENTS, by Representative R. C. Webb, and it is transmitted for consideration; and

The House passed, as substituted and amended, **2nd Sub. H.B. 259**, PROPERTY TAX AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 269**, SOLEMNIZING MARRIAGES AMENDMENT, by Representative D. Aagard, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 279**, COUNTY RECORDER AMENDMENTS, by Representative R. C. Webb, and it is transmitted for consideration; and

The House passed **H.J.R. 13**, RECOGNITION OF COMMUNITY COUNCILS AND THE ASSOCIATION OF COMMUNITY COUNCILS TOGETHER JOINT RESOLUTION, by Representative S. Duckworth, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 126**, **2nd Sub. H.B. 259**, **H.B. 269**, **H.B. 279** and **H.J.R. 13** were read the first time and referred to the Rules Committee.

* * *

Mr. President: February 18, 2010

The House passed, as amended, **S.B. 122**, EMINENT DOMAIN REVISIONS, by Senator J. S. Adams, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

TIME CERTAIN CALENDAR

S.B. 94, SUPPLEMENTAL BENEFIT AMENDMENTS FOR NONCONTRIBUTORY PUBLIC EMPLOYEES, was read the second time. Senator Liljenquist explained the bill. Senator Greiner commented. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 6; Absent, 3.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Dayton
Greiner	Hillyard	Hinkins	Jones
Knudson	Liljenquist	Madsen	Niederhauser
Okerlund	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

Davis	Goodfellow	Mayne	McAdams
Robles	Romero		

Absent or not voting were: Senators

Buttars	Jenkins	Morgan
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* * *

On motion of Senator Jenkins and at 5:40 p.m., the Senate adjourned until 10:00 a.m., Friday, February 19, 2010.

TWENTY-FIFTH DAY

February 19, 2010

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

Prayer – Cara Das Adikari, Krishna Temple

Pledge of Allegiance – Senator John Valentine

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 72)

SPECIAL RECOGNITION

Ric Cantrell, Chief Deputy of the Senate, was recognized as Number One in the use of social media for legislative communication.

COMMITTEE OF THE WHOLE

On motion of Senator Van Tassell, Ric Cantrell spoke in Committee of the Whole. Senators Dayton, Hillyard, McAdams, Stowell, Urquhart, Jenkins, Valentine, Madsen, Bramble, and Jones commented.

On motion of Senator Van Tassell, the Committee of the Whole was dissolved.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 18, 2010

The House passed, as amended, **H.B. 115**, COUNSEL FOR INDIGENTS IN JUVENILE COURT PROCEEDINGS, by Representative K. Powell, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 181**, CONDOMINIUM ASSOCIATION COMMON EXPENSES, by Representative C. Moss, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 183**, CONSTRUCTION AND FIRE CODE RELATED AMENDMENTS, by Representative M. Morley, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 273**, UTAH INTERNATIONAL TRADE COMMISSION AMENDMENTS, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 283**, FEES IN SPECIAL SERVICE DISTRICTS, by Representative J. Mathis, and it is transmitted for consideration; and

The House passed **H.B. 302**, MINOR ADJUSTMENTS TO COUNTY BOUNDARIES, by Representative P. Painter, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 115**, **H.B. 181**, **H.B. 183**, **H.B. 273**, **1st Sub. H.B. 283**, and **H.B. 302** were read the first time and referred to the Rules Committee.

INTRODUCTION OF BILLS

S.B. 167, Alcoholic Beverage Control Act Recodification (J. Valentine), read the first time by short title and referred to the Rules Committee.

S.B. 194, Assessment Area Act Amendments (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 207, Tax Exemption for Cedar Band of Paiute Tribe (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 257, Health Care Facility Disclosure Requirements (P. Knudson), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

H.B. 262, REPORTING TO APPROPRIATION COMMITTEES, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Jones	Liljenquist	Madsen
Mayne	Morgan	Okerlund	Robles
Romero	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	Goodfellow	Knudson	McAdams
Niederhauser	H. Stephenson		

H.B. 262 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 98, STATE ENGINEER BONDING REQUIREMENTS, was read the third time, explained by Senator Christensen, and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Jones	Liljenquist	Madsen
Mayne	Morgan	Okerlund	Robles
Romero	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	Goodfellow	Knudson	McAdams
Niederhauser	H. Stephenson		

H.B. 98 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 229, WATER RIGHT GENERAL ADJUDICATION AMENDMENTS, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	Morgan	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Waddoups

Absent or not voting were: Senators

Bramble	Goodfellow	McAdams	Niederhauser
Van Tassell			

H.B. 229 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

CONCURRENCE CALENDAR

3rd Sub. S.B. 22, NOTARY PUBLIC AMENDMENTS, was before the Senate.

On motion of Senator Knudson, the Senate refused to concur in the House amendments. **3rd Sub. S.B. 22**, NOTARY PUBLIC AMENDMENTS, was returned to the House.

* * *

On motion of Senator Adams, the Senate voted to concur in the House amendments to **S.B. 122**, EMINENT DOMAIN REVISIONS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Okerlund	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Niederhauser	Robles
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S.B. 122 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

H.B. 11, LICENSING OF ELEVATOR CONTRACTORS AND ELEVATOR MECHANICS, was read the third time, explained by Senator Mayne, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Okerlund	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Hillyard	Niederhauser	Robles
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H.B. 11, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Liljenquist, the Senate voted to lift **1st Sub. S.B. 63, NEW PUBLIC EMPLOYEES' TIER II CONTRIBUTORY RETIREMENT ACT**, to the top of the Third Reading Calendar.

1st Sub. S.B. 63, NEW PUBLIC EMPLOYEES' TIER II CONTRIBUTORY RETIREMENT ACT, was read the third time.

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

2nd Sub. S.B. 63 New Public Employees' Tier II Contributory Retirement Act (D. Liljenquist)

On motion of Senator Liljenquist, the bill was circled.

* * *

H.B. 37, CRIMINAL BACKGROUND CHECKS ON MOTOR VEHICLE DEALERS AND SALESPERSONS, was read the third time, explained by Senator Madsen, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner

Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator Niederhauser

H.B. 37 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Liljenquist, **1st Sub. S.B. 43**, POST-RETIREMENT EMPLOYMENT AMENDMENTS, was read the third time and circled.

* * *

On motion of Senator Liljenquist, **S.B. 94**, SUPPLEMENTAL BENEFIT AMENDMENTS FOR NONCONTRIBUTORY PUBLIC EMPLOYEES, was read the third time and circled.

SECOND READING CALENDAR

On motion of Senator Valentine, **S.B. 136**, OPEN AND PUBLIC MEETINGS REVISIONS RELATED TO REVIEW OF ETHICS COMPLAINTS, was read the second time and circled.

* * *

On motion of Senator Hillyard, the circle was removed from **H.B. 21**, EXPUNGEMENT REVISIONS, and it was before the Senate. Senator Hillyard explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 33, Lines 1009 through 1019

1009 [(4)] (6) “Criminal court case” means a conviction entered in a single information or indictment as defined in Section 77-1-3.
 [“Division” means the Criminal Investigations and Technical Services
 1010 Division of]
 (7) “Department” means the Department of Public Safety established in Section

1011 ~~[53-10-103]~~ 53-1-103.

1012 ~~[(5) “Expungement” means the sealing or destruction of a criminal record, including~~

1013 ~~records of the investigation, arrest, detention, or conviction of the petitioner.]~~

1014 ~~{-(7) }~~ (8) “Expunge” means to seal or otherwise restrict access to the petitioner’s record of

1015 arrest, investigation, detention, or conviction held by an agency.

1016 ~~[(6)]~~ ~~{-(8) }~~ (9) “Jurisdiction” means [an area of authority] a state, district, province, political

1017 subdivision, territory, or possession of the United States or any foreign country.

1018 ~~[(7)]~~ ~~{-(9) }~~ (10) “Petitioner” means a person seeking expungement under this chapter.

1019 ~~[(8) Second degree forcible felony includes:]~~

2. Page 36, Line 1104 through Page 37, Line 1114
House Committee Amendments
1-28-2010:

1104 (4) {-(a) } $\hat{H} \rightarrow$ [A petitioner may expunge one felony conviction.

1105 (b) A petitioner may expunge three misdemeanor convictions, not arising out of a

1106 single criminal episode.

1107 (c) A petitioner may not expunge more than four convictions, not arising out of a single

1108 criminal episode. This restriction applies regardless of the jurisdiction in which the

1109 expungement was obtained.] { -A petitioner is not eligible to receive a certificate of eligibility from

1109a the bureau for any record of conviction if the petitioner’s criminal history contains:

1109b (i) more than one criminal episode which contains a conviction for a crime that would

1109c be a felony under Utah law;

1109d (ii) more than two criminal episodes which contain a conviction for a crime that would

1109e be a class A misdemeanor or felony under Utah law; or

1109f (iii) more than three criminal episodes which contain a conviction for a crime that

1109g would be a class B or A misdemeanor or felony under Utah law.

1109h (b) A petitioner may not expunge more than four criminal episodes which contain a

1109i conviction for a crime that would be any type of misdemeanor or felony under Utah law.

1110 ~~[(d)] (c)~~ ~~←~~ ~~→~~ Infractions are not included in determining the total number of

1110a ~~→~~ [convictions] criminal episodes ~~←~~ a person

1111 may expunge.

1111a ~~→~~ (d) The restrictions in this Subsection (4) apply regardless of whether the petitioner

1111b has expunged any convictions or any criminal episodes and regardless of the jurisdiction in

1111c which the expungement occurred. ~~←~~ ~~→~~ } The bureau may not issue a certificate of eligibility if, at the time the petitioner seeks a certificate of eligibility, the bureau determines that the petitioner's criminal history, including previously expunged convictions, contains any of the following:

(a) two or more felony convictions, each of which is contained in a separate criminal court case;

(b) any combination of three or more convictions that include two class A misdemeanor convictions, each of which is contained in a separate criminal court case;

(c) any combination of four or more convictions that include three class B misdemeanor convictions, each of which is contained in a separate criminal court case; or

(d) five or more convictions of any degree whether misdemeanor or felony, excluding infractions, each of which is contained in a separate criminal court case.

1112 (5) ~~{ - Notwithstanding Subsection (2), if a person }~~ If the petitioner has received a pardon from the Utah

1113 Board of Pardons and Parole, the {~~person~~ } petitioner is
entitled to a certificate of eligibility for all pardoned
 1114 crimes.

- 3. Page 37, Lines 1126a through 1126c
 House Committee Amendments
 1-28-2010:

1126a $\hat{H} \rightarrow$ (b) For purposes of determining eligibility under
this chapter, the bureau may

1126b review records of arrest, investigation, detention and
conviction that have been previously

1126c expunged , regardless of the jurisdiction in which the
expungement occurred .

Senator Hillyard’s motion to amend passed on a voice vote. Senators Greiner and Bramble commented.

On motion of Senator Hillyard, the bill was circled.

* * *

On motion of Senator Valentine, the circle was removed from **S.B. 132**, HIGHER EDUCATION SCHOLARSHIP AMENDMENTS, and it was before the Senate. Senator Valentine explained the bill. Senators Jones, Robles, Okerlund, Hillyard, Buttars, Morgan, Jenkins, and Goodfellow commented.

Senator Jenkins proposed the following amendment:

- 1. Page 3, Line 71:
 Delete “3.5” and insert “3.0”

Senator Jenkins’ motion to amend failed on a voice vote. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Valentine	Van Tassell	Waddoups	

The House passed, as amended, **H.B. 208**, DISPOSITION OF THE REMAINS OF A DECEASED MILITARY SERVICE MEMBER, by Representative J. Seelig, et al, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 234**, OPTING OUT OF THE REAL ID ACT, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed **H.B. 260**, CHILDREN'S HEALTH INSURANCE PLAN SIMPLIFIED RENEWAL, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 275**, DIVISION OF REAL ESTATE AMENDMENTS, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 284**, UNIFORM COLLABORATIVE LAW ACT, by Representative L. Fowlke, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 285**, PRACTICE OF VETERINARY MEDICINE, by Representative J. Mathis, and it is transmitted for consideration; and

The House passed **H.B. 299**, AMENDMENTS RELATED TO SUBSTANCES HARMFUL TO PREGNANCY, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as amended, **H.C.R. 9**, AUTISM, DISABILITIES, AND FAITH CONCURRENT RESOLUTION, by Representative R. Menlove, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 116, H.B. 120, H.B. 125, 1st Sub. H.B. 178, 1st Sub. H.B. 186, H.B. 208, 1st Sub. H.B. 234, H.B. 260, 1st Sub. H.B. 275, 1st Sub. H.B. 284, H.B. 285, H.B. 299**, and **H.C.R. 9** were read the first time and referred to the Rules Committee.

* * *

Mr. President:

February 18, 2010

The House passed, as amended, **S.B. 30**, LOCAL OPTION SALES AND USE TAXES FOR TRANSPORTATION ACT, by Senator W. Niederhauser, and it is transmitted for further consideration; and

The House substituted and passed, **2nd Sub. S.B. 114**, MOTOR VEHICLE ACCIDENT REPORTS, by Senator D. Stowell, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

* * *

Mr. President:

February 19, 2010

The House refuses to recede from its amendments to **1st Sub. S.B. 90**, MENTAL HEALTH PROFESSIONAL PRACTICE ACT AMENDMENTS, by Senator L. Hillyard, and has appointed a Conference Committee consisting of Representatives R. Menlove, B. Ferry, and R. Chavez–Houck to meet with a like committee from the Senate on this bill.

Sandy D. Tenney, Chief Clerk

On motion of Senator Knudson, the Senate voted to refuse to recede from its amendments to **1st Sub. S.B. 90**. President Waddoups appointed a conference committee consisting of Senators Hillyard, Buttars, and Davis to meet with a like committee from the House.

THIRD READING CALENDAR

On motion of Senator Liljenquist, the circle was removed from **1st Sub. S.B. 43**, POST–RETIREMENT EMPLOYMENT AMENDMENTS, and it was before the Senate. Senator Liljenquist explained the bill. The bill passed on the following roll call:

Yeas, 20; Nays, 8; Absent, 1.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Niederhauser	Okerlund	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

Davis	Goodfellow	Greiner	Mayne
McAdams	Morgan	Robles	Romero

Absent or not voting was: Senator
H. Stephenson

1st Sub. S.B. 43 was transmitted to the House for consideration.

* * *

On motion of Senator Liljenquist, the circle was removed from **2nd Sub. S.B. 63**, NEW PUBLIC EMPLOYEES' TIER II CONTRIBUTORY RETIREMENT ACT, and it was before the Senate. Senator Liljenquist explained the bill. Senator Greiner commented. The bill passed on the following roll call:

Yeas, 19; Nays, 9; Absent, 1.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Dayton	Hillyard	Hinkins	Jenkins
Knudson	Liljenquist	Madsen	Niederhauser
Okerlund	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Davis	Goodfellow	Greiner	Jones
Mayne	McAdams	Morgan	Robles
Romero			

Absent or not voting was: Senator

H. Stephenson

2nd Sub. S.B. 63 was transmitted to the House for consideration.

INTRODUCTION OF BILLS

S.B. 276, Promoting Healthy Lifestyles in Public Schools (P. Jones), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Jenkins and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Monday, February 22, 2010.

TWENTY-EIGHTH DAY

MORNING SESSION

February 22, 2010

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

Prayer – Bishop Devin Foster, Center Ward, Rose Park Stake

Pledge of Allegiance – Senator Lyle Hillyard

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 72)

SPECIAL RECOGNITION

The University of Utah’s Technology Commercialization Office was recognized for its #1 ranking in the nation in spinoffs generated per year. Those present were: Michael K. Young, President, Lorris Betz, David Pershing, Tom Parks, Jack Brittain, Brian Cummings, Glenn Prestwich, and Florian Solzbacher.

* * *

On motion of Senator Knudson, legislative staff was authorized to draft a bill regarding hospital associations.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 19, 2010

The House passed, as amended, **H.B. 240**, DEPARTMENT OF NATURAL RESOURCES AMENDMENTS, by Representative J. Draxler, and it is transmitted for consideration; and

The House passed **H.B. 276**, SEX OFFENDER REGISTRY AMENDMENT, by Representative P. Ray, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 304**, LIEUTENANT GOVERNOR AMENDMENTS, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed **H.J.R. 23**, JOINT RESOLUTION APPROVING THE SALE OF REAL PROPERTY AT THE UTAH STATE DEVELOPMENTAL CENTER, by Representative C. Frank, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 240**, **H.B. 276**, **1st Sub. H.B. 304**, and **H.J.R. 23** were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: February 19, 2010

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 222**, FEE EXEMPTIONS, by Senator B. Goodfellow; and

The Government Operations and Political Subdivisions Committee recommends **S.B. 275**, REMOVING SIGNATURE FROM INITIATIVE AND REFERENDUM PETITION, by Senator H. Stephenson, be replaced and favorably recommends **1st Sub. S.B. 275**, REMOVING SIGNATURE FROM INITIATIVE AND REFERENDUM PETITION; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **1st Sub. H.B. 205**, IMPACT FEE AMENDMENTS, by Representative S. Sandstrom; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 254**, VOTER IDENTIFICATION AMENDMENTS, by Representative B. Daw; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 258**, VOTING PRECINCT BOUNDARIES, by Representative K. Sumsion.

Peter C. Knudson, Chair

Mr. President: February 19, 2010

The Revenue and Taxation Committee recommends **S.B. 172**, LOCAL DISTRICT TAXING AUTHORITY AMENDMENTS, by Senator C. Bramble, be replaced and favorably recommends **2nd Sub. S.B. 172**, LOCAL DISTRICT TAXING AUTHORITY AMENDMENTS with the following amendments:

1. Page 3, Lines 67 through 71:

67 (B) the legislative body of the appointing authority; or

68 (C) the legislative body of:

69 (I) {~~each municipality~~ } a majority of the
municipalities partially or completely included within the boundary of
the

70 specified local district; or

71 (II) the county in which the specified local district is located, if
the county has some or ; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 244**, ANNEXATION AMENDMENTS, by Senator C. Bramble.

J. Stuart Adams, Chair

Mr. President: February 19, 2010

The Workforce Services and Community and Economic Development Committee recommends **S.B. 152**, UTAH STATE RAILROAD MUSEUM AUTHORITY ACT, by Senator P. Knudson, be replaced and favorably recommends **2nd Sub. S.B. 152**, UTAH STATE RAILROAD MUSEUM AUTHORITY ACT; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 242**, ECONOMIC DEVELOPMENT INCENTIVES FOR ALTERNATIVE ENERGY PROJECTS, by Senator K. Van Tassell; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.C.R. 1**, CONCURRENT RESOLUTION ON INTERNATIONAL TRADE AND STATE GOVERNMENTS, by Representative S. Allen, et al.

Jerry W. Stevenson, Chair

Mr. President: February 19, 2010

The Natural Resources, Agriculture, and Environment Committee recommends **S.B. 145**, MEDICAL MALPRACTICE AMENDMENTS, by Senator J. S. Adams, be replaced and favorably recommends **1st Sub. S.B. 145**, MEDICAL MALPRACTICE AMENDMENTS; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.J.R. 12**, CLIMATE CHANGE JOINT RESOLUTION, by Representative K. Gibson.

Dennis S. Stowell, Chair

Mr. President:

February 19, 2010

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 15**, UTAH SCENIC BYWAY AMENDMENTS, by Senator D. Stowell, with the following amendments:

1. Page 1, Line 18:

18 National Scenic Byway or All-American Road; ~~{-and-}~~

▶ provides that the Legislature may:

• approve the corridor management plan;

• approve the corridor management plan with conditions specified by the Legislature; or

• deny the corridor management plan;

“ provides that upon a decision by the Legislature, the nominating entity is not required to move forward with the nomination for the National Scenic Byway or All-American Road designation; and

2. Page 2, Line 56:

56 (1) Except as provided in Section 72-4-304, a highway or state scenic byway may not be

3. Page 3, Line 60:

60 All-American Road is approved by the Legislature.

(2)(a) In accordance with Subsection (1), the Legislature may:

(i) approve the corridor management plan;

(ii) approve the corridor management plan with conditions specified by the Legislature; or

(iii) deny the corridor management plan.

(b) Upon a decision by the Legislature under Subsection (2)(a), the nominating entity is not required to move forward with the nomination for the National Scenic Byway or All-American Road designation. ; and

The Transportation and Public Utilities and Technology Committee recommends **S.B. 106**, MOTOR VEHICLE NOISE EMISSION STANDARDS, by Senator P. Jones, be replaced and favorably recommends **1st Sub. S.B. 106**,

MOTOR VEHICLE NOISE EMISSION STANDARDS with the following amendments:

- 1. Page 1, Lines 18 through 20:

18 • is in compliance with federal law; and
 19 {~~→~~ provides that a person may not operate a motor vehicle
 which produces excessive or
 20 ~~unusual noise on a highway; and~~}

- 2. Page 2, Lines 42 through 45:

42 (iii) is in compliance with {~~federal law~~} 40 C.F.R.
Part 205 .
 43 (c) A person may not {~~;~~
 44 (i)} use a muffler cut-out, bypass, or similar device on a
 vehicle {~~+~~} . {~~+~~} {~~;~~or
 45 (ii) operate a motor vehicle which produces excessive or
unusual noise on a highway.} ; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 178**, UTAH EMERGENCY MEDICAL SERVICES SYSTEM ACT AMENDMENTS, by Senator D. Stowell; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 225**, MOTOR VEHICLE INSURANCE – NAMED DRIVER EXCLUSION, by Senator L. Hillyard, with the following amendments:

- 1. Page 1, Lines 14 through 17:

14 ▶ provides that a policy of personal lines insurance or
 combination of personal lines policies purchased to satisfy
 15 the owner’s or operator’s security requirement may specifically
 exclude from
 16 coverage a person who is a resident of the named insured’s
 household or a person
 17 who usually or customarily operates the motor vehicle;

- 2. Page 1, Lines 26 through 27:

26 security does not apply if the excluded person's license has been
denied, suspended, or

27 revoked {~~-, or disqualified-~~} ;

3. Page 2, Lines 56 through 58:

56 (1) A policy of personal lines insurance or combination of
personal lines policies purchased to satisfy the owner's or

57 operator's security requirement under Section 41-12a-301 may
specifically exclude from

58 coverage:

4. Page 3, Lines 71 through 73:

71 (3) The provisions of Subsection (2)(a) do not apply to the
named driver exclusion of

72 the person excluded from coverage if the person's driver license has
been denied, suspended, or

73 revoked {~~-, or disqualified~~} ; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 238**, LOW SPEED VEHICLE AMENDMENTS, by Representative J. Anderson.

Stephen H. Urquhart

Mr. President:

February 19, 2010

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 154**, POSTCONVICTION REMEDIES ACT AMENDMENTS, by Senator J. S. Adams, be replaced and favorably recommends **1st Sub. S.B. 154**, POSTCONVICTION REMEDIES ACT AMENDMENTS; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 200**, CAUSE OF ACTION AMENDMENTS, by Senator S. Urquhart; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 210**, JUDICIAL PERFORMANCE EVALUATION COMMISSION AMENDMENTS, by Senator D. C. Buttars, with the following amendments:

1. Page 5, Line 148:

148 (b) Litigants [~~and witnesses~~] may be surveyed only about judicial temperament integrity, and communication skills .; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 219**, CRIMINAL NUISANCE AMENDMENT, by Senator J. Greiner; and

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 252**, BAIL BOND ACT AMENDMENTS, by Senator D. Stowell, be replaced and favorably recommends **1st Sub. S.B. 252**, BAIL BOND ACT AMENDMENTS; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 195**, HOMICIDE PENALTY AMENDMENT, by Representative C. Wimmer; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **1st Sub. H.B. 207**, PROTECTION OF PROPERTY AMENDMENT, by Representative C. Wimmer; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 225**, COUNTERFEIT SUBSTANCE AMENDMENTS, by Representative P. Ray.

Mark B. Madsen, Chair

On motion of Senator Dayton, the committee reports were adopted. **S.B. 222**, **1st Sub. S.B. 275**, **1st Sub. H.B. 205**, **H.B. 254**, **H.B. 258**, **2nd Sub. S.B. 172**, **S.B. 244**, **2nd Sub. S.B. 152**, **S.B. 242**, **H.C.R. 1**, **1st Sub. S.B. 145**, **H.J.R. 12**, **S.B. 15**, as amended, **1st Sub. S.B. 106**, as amended, **S.B. 178**, **S.B. 225**, as amended, **H.B. 238**, **1st Sub. S.B. 154**, **S.B. 200**, **S.B. 210**, as amended, **S.B. 219**, **1st Sub. S.B. 252**, **H.B. 195**, **1st Sub. H.B. 207**, and **H.B. 225** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President:

February 19, 2010

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 189**, CAPITAL FACILITIES AMENDMENTS, by Senator C. Bramble, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 263**, TECHNICAL CROSS REFERENCE REVISIONS, by Representative J. Anderson, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 274**, STATUTORY CONSTRUCTION COMPLIANCE AMENDMENTS, by Representative R. Lockhart, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **1st Sub. H.J.R. 9**, RESOLUTION IN SUPPORT OF VETERANS' NURSING HOME, by Representative C. Oda, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

Mr. President:

February 19, 2010

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 123**, MOTION PICTURE INCENTIVE FUND AMENDMENTS, by Senator L. Hillyard, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 3, Lines 68 through 72:

68 (i) review the report from the motion picture company
described in Subsection (2)(b)

69 and verify that it was ~~{prepared}~~ reviewed by an
independent certified public accountant; and

70 (ii) based upon the certified public accountant's attestation
under Subsection (2)(b),

71 determine the amount of the incentive that the motion picture
company is entitled to under its

72 agreement with the office. ; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 181**, EMPLOYMENT SECURITY ADMINISTRATION FUND REPEALER, by Senator D. Hinkins, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 43**, UNEMPLOYMENT COMPENSATION AMENDMENTS, by Representative S. Mascaro, et al, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 188**, WORKERS' COMPENSATION BENEFITS – SOCIAL SECURITY OFFSET, by Representative W. Harper, and recommends it be considered read for the second time and placed on the Consent Calendar.

Jerry W. Stevenson, Chair

Mr. President:

February 19, 2010

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 89**, LICENSE FOR CONTROLLED SUBSTANCES AMENDMENTS, by Representative M. Morley, and recommends it be considered read for the second time and placed on the Consent Calendar.

Mark B. Madsen, Chair

On motion of Senator Dayton, the committee reports were adopted. **S.B. 189**, **H.B. 263**, **H.B. 274**, **1st Sub. H.J.R. 9**, **S.B. 123**, as amended, **S.B. 181**, **H.B. 43**, **H.B. 188**, and **H.B. 89** were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 157, Motor Vehicle Dealer Franchise Amendments (J. Valentine), read the first time by short title and referred to the Rules Committee.

S.B. 188, Charter School Amendments (H. Stephenson), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

1st Sub. S.B. 144, VISION SCREENING AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner

Hillyard	Hinkins	Jenkins	Jones
Knudson	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Liljenquist	Madsen	Robles
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1st Sub. S.B. 144 was transmitted to the House for consideration.

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H.B. 232, MEDICAL LANGUAGE INTERPRETER AMENDMENTS, was read the third time, explained by Senator Christensen, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Mayne	McAdams	Morgan
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Van Tassell
Waddoups			

Absent or not voting were: Senators

Liljenquist	Madsen	Niederhauser	Valentine
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H.B. 232 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 103, REDUCED SPEED SCHOOL ZONE AMENDMENTS, was read the third time, explained by Senator Dayton, and failed on the following roll call:

Yeas, 11; Nays, 15; Absent, 3.

Voting in the affirmative were: Senators

Adams	Buttars	Dayton	Goodfellow
Knudson	Mayne	Niederhauser	Okerlund
Robles	Urquhart	Waddoups	

Voting in the negative were: Senators

Bramble	Davis	Greiner	Hillyard
Hinkins	Jenkins	Jones	McAdams
Morgan	Romero	H. Stephenson	J. Stevenson
Stowell	Valentine	Van Tassell	

Absent or not voting were: Senators

Christensen	Liljenquist	Madsen
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On motion of Senator Valentine, **H.B. 103**, was held in the Senate.

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H.B. 192, RENEWABLE ENERGY – METHANE GAS, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Christensen	Liljenquist	Madsen
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H.B. 192, as amended, was returned to the House for further consideration.

CONCURRENCE CALENDAR

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to **S.B. 30**, LOCAL OPTION SALES AND USE TAXES FOR TRANSPORTATION ACT. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner

Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

S.B. 30 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Stowell, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 114**, MOTOR VEHICLE ACCIDENT REPORTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

2nd Sub. S.B. 114 was returned to the House for the signature of the Speaker.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February , 2010

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

Business and Labor Committee

S.B. 167	Alcoholic Beverage Control Act Recodification (Sen. J. Valentine)
H.B. 126	State Construction Registry Amendments (Rep. R. C. Webb) (Sen. J. S. Adams)
H.B. 181	Condominium Association Common Expenses (Rep. C. Moss) (Sen. R. Romero)
H.B. 183	Construction and Fire Code Related Amendments (Rep. M. Morley) (Sen. J. S. Adams)

Education Committee

- S.B. 66** Public School Extracurricular Activities for Home School and Private School Students (Sen. M. Madsen)
- S.B. 276** Promoting Healthy Lifestyles in Public Schools (Sen. P. Jones)

Government Operations and Political Subdivisions Committee

- S.B. 194** Assessment Area Act Amendments (Sen. W. Niederhauser)
- S.B. 203** Vacancies in County Elected Offices (Sen. H. Stephenson)
- H.B. 279** County Recorder Amendments (Rep. R. C. Webb) (Sen. J. S. Adams)
- 1st Sub. H.B. 283** Fees in Special Service Districts (Rep. J. Mathis) (Sen. R. Okerlund)
- H.B. 302** Minor Adjustments to County Boundaries (Rep. P. Painter) (Sen. R. Okerlund)
- H.J.R. 13** Recognition of Community Councils and the Association of Community Councils Together Joint Resolution (Rep. S. Duckworth) (Sen. M. Waddoups)

Health and Human Services Committee

- S.B. 257** Health Care Facility Disclosure Requirements (Sen. P. Knudson)

Judiciary, Law Enforcement, and Criminal Justice Committee

- S.B. 116** District Court Judges Amendments (Sen. S. Urquhart)
- S.B. 208** Jury Amendments (Sen. R. Okerlund)
- H.B. 115** Counsel for Indigents in Juvenile Court Proceedings (Rep. K. Powell) (Sen. K. Van Tassell)
- H.B. 269** Solemnizing Marriages Amendment (Rep. D. Aagard) (Sen. J. S. Adams)

Natural Resources, Agriculture and Environment Committee

- S.B. 218** Engine Coolant Bittering Agent Act (M. Waddoups)

Retirement and Independent Entities Committee

- S.B. 171** Higher Education Retirement Amendments (Sen. D. Liljenquist)

Revenue and Taxation Committee

S.B. 207 Tax Exemption for Cedar Band of Paiute Tribe
(Sen. D. Stowell)

2nd Sub. H.B. 259 Property Tax Amendments (Rep. W. Harper)
(Sen. W. Niederhauser)

Transportation, Public Utilities and Technology Committee

S.B. 272 Amendments to Transportation Provisions
(Sen. J. Stevenson)

Workforce Services and Community and Economic Development Committee

H.B. 273 Utah International Trade Commission Amendments
(Rep. E. Hutchings) (Sen. D. Liljenquist)

Margaret Dayton
Rules Committee Chair

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

THIRD READING CALENDAR

S.B. 132, HIGHER EDUCATION SCHOLARSHIP AMENDMENTS, was read the third time and explained by Senator Valentine. Senator Stephenson commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stephenson	Stowell
Urquhart	Valentine	Waddoups	

Absent or not voting were: Senators

Christensen Van Tassell

S.B. 132 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Urquhart, the circle was removed from **1st Sub. S.B. 89, LEGAL NOTICE AMENDMENTS**, and it was before the Senate.

Senator Urquhart proposed the following amendment:

- 1. Page 2, Line 26 through Page 2, Line 26

26 ~~{None}~~ This bill coordinates with H.B. 216, Incorporation of a Town Amendments, by providing superseding, technical amendments.

- 2. Page 4, Line 89:

89 75-1-401, as last amended by Laws of Utah 2009, Chapter 388 Utah Code Sections Affected by Coordination Clause: 10-2-125, as last amended by Laws of Utah 2009, Chapters 350 and 388

- 3. Page 9, Line 262 through Page 10, Line 277:

262 (B) ~~{subject to Subsection (3)(e)(ii)}~~ no later than 10 days after the clerk determines that a request complies with the requirements of Subsection (3)(b) , give notice of the public hearing on the proposed

263 incorporation by:

264 (I) posting notice of the public hearing on the county’s Internet website, if the county

265 has an Internet website; ~~{and}~~

266 (II) (Aa) ~~{(ii)}~~ publishing notice of the public hearing at least once a week for two

267 consecutive weeks in a newspaper of general circulation within the proposed town; ~~{and}~~ or

268 ~~{(iii) publishing notice of the public hearing [in accordance with Section 45-1-101] on~~

269 the Utah Public Notice Website created in Section 63F-1-701 for two weeks; or }

270 (Bb) ~~{in accordance with Subsection (3)(e)(i)(B)(II)(Aa)(ii),}~~ if there is no newspaper of

271 general circulation within the proposed town, posting notice of the public hearing in at least

272 five conspicuous public places within the proposed town ~~{.}~~ ; and

(III) publishing notice of the public hearing on the Utah Public Notice Website created in Section 63F-1-701.

273 ~~{-(ii) The posting of notice required under Subsection (3)(e)(i)(B)(I) and, if applicable,~~

274 ~~Subsection (3)(e)(i)(B)(II)(Bb) and the first publishing of notice required under Subsection~~

275 ~~(3)(e)(i)(B)(II)(Aa), if applicable, shall occur no later than 10 days after the clerk determines~~

276 ~~that a request complies with the requirements of Subsection (3)(b).-~~}

277 ~~{-(iii)-}~~ (ii) Each public hearing under Subsection (3)(e)(i)(A) shall be conducted by the chair

4. Page 17, Line 499:

499 clerk of the county in which the area proposed for annexation is located; ~~{-and-}~~

5. Page 19, Line 574:

574 in Section 63F-1-701 ~~is~~ for two weeks; and

6. Page 22, Line 655:

655 in Section 63F-1-701 ~~is~~ for three weeks;

7. Page 35, Line 1066:

1066 in the municipality; or

8. Page 37, Line 1114:

1114 in Section 63F-1-701 ~~is~~ for three weeks, at least three days before the first public hearing required

9. Page 39, Line 1175:

1175 in Section 63F-1-701 ~~is~~ for two weeks before the public hearing; and

10. Page 40, Line 1211:

1211 (B) on the Utah Public Notice Website created in Section 63F-1-701 ~~is~~ for 14 days before

11. Page 45, Line 1386:

1386 (B) covers at least 10% of the total private land area within the proposed township; and

12. Page 50, Line 1534:

1534 Section 63F-1-701 § for three consecutive weeks; and

13. Page 52, Line 1606:

1606 (B) on the Utah Public Notice Website created in Section 63F-1-701 § for three

14. Page 54, Line 1646:

1646 {~~and~~}

15. Page 55, Line 1685:

1685 in Section 63F-1-701 § for seven days before the hearing.

16. Page 63, Line 1927:

1927 in Section 63F-1-701 § for two weeks; or

17. Page 67, Line 2058:

2058 in Section 63F-1-701 § for 30 days before the public hearing; and

18. Page 82, Line 2514:

2514 in Section 63F-1-701 § for at least 20 days before the date fixed for the hearing; and

19. Page 83, Line 2553:

2553 (a) provisions for advertising standards to assure full and fair disclosure; and

10. Page 84, Line 2576:

2576 compliance with this {~~act~~} chapter or any rule or order hereunder. Upon proper showing, injunctive

21. Page 97, Line 2985:

2985 in Section 63F-1-701 § for two weeks preceding the earlier of the two public hearings.

22. Page 99, Line 3052:

3052 {~~Annexation to County~~} County Consolidations and Annexations .

23. Page 103, Line 3185:

3185 in Section 63F-1-701 Δ for four weeks before the hearing;
and

24. Page 105, Line 3239:

3239 in Section 63F-1-701 Δ for four weeks before the hearing;
or

25. Page 108, Line 3328:

3328 the said defendants under the same general designations, which shall be {~~deemed~~} considered sufficient to

26. Page 108, Line 3333:

3333 publishing the notice on the Utah Public Notice Website created in Section 63F-1-701 Δ for three

27. Page 110, Line 3379:

3379 [also] notify the public that any person aggrieved by [said] the decision may appeal {~~from~~} [said]

28. Page 110, Lines 3387 through 3388:

3387 hearing of any petition to be given to any interested person or {~~his~~} the person's attorney if {~~he~~} the person has appeared by

3388 attorney or requested that notice be sent to {~~his~~} the person's attorney. Notice shall be given by the clerk

29. Page 110, Line 3394:

3394 notified at the post-office address given in {~~his~~} the demand for notice, if any, or at {~~his~~} the person's office or

30. Page 110, Line 3404:

3404 in Section 63F-1-701 Δ for three weeks.

31. Page 111, Line 3408:

3408 proceeding.

Section 62. Coordinating S.B. 89 with H.B. 216 -- Superseding technical amendments.

If this S.B. 89 and H.B. 216, Incorporation of a Town Amendments, both pass, it is the intent of the Legislature that the amendments in this S.B. 89 to Subsection 10-2-125(3)(e) supersede the amendments to Subsection 10-2-125(3)(e) contained in H.B. 216 when the Office of Legislative Research and General Counsel prepares the Utah Code database for publication.

Senator Urquhart’s motion to amend passed on a voice vote. Senator Urquhart explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Goodfellow	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell			

Absent or not voting were: Senators

Davis	Dayton	Greiner	Waddoups
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* * *

On motion of Senator Morgan, the circle was removed from **S.B. 38, RESTRICTIONS ON HIGH OCCUPANCY VEHICLE LANE**, and it was before the Senate. Senator Morgan explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Goodfellow	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan

Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell		

Absent or not voting were: Senators
 Dayton Greiner Waddoups

* * *

On motion of Senator Valentine, **S.B. 138**, GRAMA REVISIONS RELATED TO REVIEW OF ETHICS COMPLAINTS, was read the second time and circled.

* * *

On motion of Senator Valentine, **1st Sub. S.J.R. 3**, JOINT RESOLUTION ON ETHICS COMPLAINT PROCEDURES, was read the second time and circled.

* * *

S.B. 61, SALES AND USE TAX EXEMPTION FOR A WEB SEARCH PORTAL, was read the second time. Senator Stephenson explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Goodfellow	Hillyard	Hinkins	Jenkins
Jones	Knudson	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators
 Christensen Dayton Greiner Liljenquist
 Robles

* * *

S.B. 73, SALES AND USE TAX EXEMPTION RELATING TO AIRCRAFT, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Goodfellow	Hillyard	Hinkins	Jenkins
Jones	Knudson	Madsen	Mayne
McAdams	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Christensen	Dayton	Greiner	Liljenquist
Morgan			

* * *

On motion of Senator Niederhauser, the circle was removed from **1st Sub. S.B. 45, UTAH FIT PREMISES ACT AMENDMENTS**, and it was before the Senate.

On motion of Senator Niederhauser, the bill was circled.

* * *

S.B. 133, QUALIFICATIONS OF STATE TAX COMMISSIONERS, was read the second time.

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

1st Sub. S.B. 133 Qualifications of State Tax Commissioners (S. Adams)

Senator Adams explained the bill. Senator Hillyard commented. Senator Bramble declared a conflict of interest. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Buttars

* * *

On motion of Senator Stephenson, **1st Sub. S.B. 275**, REMOVING SIGNATURE FROM INITIATIVE AND REFERENDUM PETITION, will be considered Tuesday, February 23, 2010 at 10:45 a.m.

* * *

S.B. 139, PHYSICIAN ASSISTANT AMENDMENTS, was read the second time. Senator Bramble explained the bill. Senator Waddoups commented. Senator Bramble declared a conflict of interest. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Mayne	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Buttars	Liljenquist	Madsen	McAdams
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* * *

S.B. 127, PUBLIC ASSISTANCE FRAUD AMENDMENTS, was read the second time. Senator Stephenson explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Buttars

Liljenquist

Madsen

Urquhart

* * *

On motion of Senator Bramble, the Senate voted to lift **1st Sub. S.B. 274**, ONLINE PHARMACY AMENDMENTS, to the top of the Second Reading Calendar.

1st Sub. S.B. 274, ONLINE PHARMACY AMENDMENTS, was read the second time.

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

2nd Sub. S.B. 274 Online Pharmacy Amendments (C. Bramble)

On motion of Senator Bramble, the bill was circled.

* * *

On motion of Senator Niederhauser, the circle was removed from **1st Sub. S.B. 45**, UTAH FIT PREMISES ACT AMENDMENTS, and it was before the Senate.

Senator McAdams proposed the following amendment:

1. Page 2, Lines 41 through 42

41 {~~A municipality may not limit to less than three~~ } (1)
As used in this section, "single-family limit" means the number of
unrelated individuals

42 allowed to occupy a unit in a zone permitting occupancy by a single
family.

(2) A municipality may not adopt a single-family limit that is
less than:

(a) three, if the municipality has within its boundary:

(A) a state university; or

(B) a private university with a student population of at least 20,000;

or

(b) four, for each other municipality.

2. Page 2, Lines 45 through 46:

45 { ~~A county may not limit to less than three~~ } (1) As used in this section, “single-family limit” means the number of unrelated individuals allowed to

46 occupy a unit in a zone permitting occupancy by a single family.

(2) A county may not adopt a single-family limit that is less than: (a) three, if the county has within its unincorporated area:

(A) a state university; or

(B) a private university with a student population of at least 20,000;

or

(b) four, for each other county.

3. Page 6, Line 153:

153 (b) provides the owner :

(i) written notice of termination; and

(ii) a protective order protecting the renter from a domestic

4. Page 6, Line 155:

155 (c) { ~~before~~ } no later than the date that the renter provides a notice of termination under Subsection (4)(b)(i) , pays the owner the equivalent of 45 days’ rent for the period beginning on the date that the renter provides the notice of termination .

5. Page 6, Lines 169 through 173:

169 { ~~(c) “Extended corrective period” means a period of time concluding at the end of the~~

170 ~~third calendar day after a tenant gives an owner a second notice.~~ }

171 { ~~(d) “First notice”~~ } (c) “Notice of deficient condition” means the notice described in Subsection (2).

172 { ~~(e)~~ } (d) ”Rent abatement remedy” means the remedy described in Subsection (4)(a)(i).

173 { ~~(f)~~ } (e) ”Renter remedy” means:

6. Page 6, Lines 176 through 178:

176 { ~~(g)~~ } (f) ”Repair and deduct remedy” means the remedy described in Subsection (4)(a)(ii).

177 { ~~(h) “Second notice” means the notice described in Subsection (3).~~ }

178 {~~(i)~~ } (g) ”Standard of habitability” means a standard:

7. Page 7, Line 192 through 204:

192 (v) be served on the owner as provided in :

(A) Section 78B-6-805 {~~-~~ } ; or

(B) the rental agreement.

(3)(a) As used in this Subsection (3), “dangerous condition” means a deficient condition that poses a substantial risk of:

(i) imminent loss of life; or

(ii) significant physical harm.

(b) If a renter believes that the renter’s residential rental unit has a dangerous condition, the renter may notify the owner of the dangerous condition by any means that is reasonable under the circumstances.

(c) An owner shall:

(i) within 24 hours after receiving notice under Subsection (3)(b) of a dangerous condition, commence remedial action to correct the dangerous condition; and

(ii) diligently pursue remedial action to completion.

(d) Notice under Subsection (3)(b) of a dangerous condition does not constitute a notice of deficient condition, unless the notice also meets the requirements of Subsection (2).

193 {~~(3)(a) If an owner does not, within the corrective period, take substantial action toward~~

194 ~~correcting a deficient condition, the renter may give the owner another written notice as~~

195 ~~provided in Subsection (3)(b).~~

196 (b) A notice under Subsection (3)(a) shall:

197 (i) recite the first notice;

198 (ii) state the number of days that have elapsed since the first notice was given;

199 (iii) describe each deficient condition described in the first notice with respect to which

200 ~~the renter claims that the owner has not taken substantial corrective action;~~

201 (iv) state that if the owner does not, within three calendar days, take substantial action

202 ~~toward correcting each deficient condition, the renter will be entitled to the renter remedy the~~

203 ~~renter stated in the first notice; and~~

204 ~~(v) be served on the owner as provided in Section 78B-6-805. }~~

8. Page 7, Lines 206 through 209:

206 ~~the end of the {~~extended~~ } corrective period, toward correcting a deficient condition described in a~~

207 ~~{~~second~~ } notice of deficient condition :~~

208 ~~(i) if the renter chose the rent abatement remedy in the {~~first~~ } notice of deficient condition :~~

209 ~~(A) the renter's rent is abated as of the date of the {~~first~~ } notice of deficient condition to the owner;~~

9. Page 8, Lines 214 through 217:

214 ~~period after the date on which the renter gave the owner the {~~first~~ } notice of deficient condition ; and~~

215 ~~(D) the renter shall vacate the residential rental unit within 10 calendar days after the~~

216 ~~expiration of the {~~extended~~ } corrective period; or~~

217 ~~(ii) if the renter chose the repair and deduct remedy in the {~~first~~ } notice of deficient condition , and subject to~~

10. Page 8, Line 220:

220 ~~(I) correct the deficient condition described in the {~~second~~ } notice of deficient condition ; and~~

11. Page 8, Lines 231 through 232:

231 ~~(A) determine not to correct a deficient condition described in a {~~first~~ } notice {~~or second~~~~

232 ~~notice } of deficient condition ; and~~

12. Page 8, Line 237:

237 ~~(I) notify the renter in writing no later than the end of the {~~extended~~ } corrective period;~~

13. Page 9, Lines 247 through 248:

247 (5)(a) After the {~~extended~~} corrective period expires, a
renter may bring an action in
 248 district court to enforce the renter remedy that the renter chose in
the {~~first~~} notice of deficient condition .

Senator McAdams’ motion to amend passed on a voice vote. Senator Niederhauser explained the bill. Senators Bramble, Valentine, Buttars, and Robles commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

Bramble	Dayton	Stowell	Urquhart
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Absent or not voting was: Senator Madsen

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 19, 2010

The House passed, **1st Sub. S.B. 48**, NONLAPSING AUTHORITY TECHNICAL AMENDMENTS, by Senator R. Okerlund, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 122**, EMINENT DOMAIN REVISIONS, by Senator J. S. Adams, and it is transmitted for the signature of the President; and

The House passed, **S.B. 125**, INTANGIBLE PROPERTY AMENDMENTS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 48, S.B. 122, and S.B. 125 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 19, 2010

The House concurred in the Senate amendments and passed **1st Sub. H.B. 20**, AMENDMENTS TO HEALTH INSURANCE COVERAGE IN STATE CONTRACTS, by Representative J. Dunnigan, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 39**, INSURANCE RELATED AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 75**, ASSESSMENT AREA AMENDMENTS, by Representative G. Froerer, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 88**, ELECTRONIC CIGARETTE RESTRICTIONS, by Representative R. Menlove, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 219**, DELINQUENT PROPERTY TAX AMENDMENTS, by Representative G. Froerer, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. H.B. 20, 1st Sub. H.B. 39, 1st Sub. H.B. 75, H.B. 88, and 1st Sub. H.B. 219 were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: February 19, 2010

The House passed **H.B. 132**, PIONEER TRAIL MEMORIAL HIGHWAY, by Representative R. Menlove, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 176**, CONTINUING EDUCATION REQUIREMENTS FOR ELECTRICIANS AND PLUMBERS, by Representative W. Harper, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 132** and **H.B. 176** were read the first time and referred to the Rules Committee.

* * *

On motion of Senator Bramble, the Senate voted to lift **H.B. 28**, CONTROLLED SUBSTANCE DATABASE AMENDMENTS, from the Third Reading Table and place it on the Third Reading Calendar.

THIRD READING CALENDAR

H.B. 28, CONTROLLED SUBSTANCE DATABASE AMENDMENTS, was read the third time.

Senator Bramble proposed the following amendment:

1. Page 22, Lines 650 through 652
Senate 2nd Reading Amendments
2-10-2010

650 (4) Beginning on ~~July~~ November ~~2010~~ 2012, in order to register to

650a use the

650a database, the individual

651 registering must participate in the online tutorial and pass the online test described in Section

652 58-37f-402.

Senator Bramble's motion to amend passed on a voice vote.

On motion of Senator Liljenquist, **H.B. 28** was placed on Third Reading Table due to fiscal impact.

* * *

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

AFTERNOON SESSION

The Senate reassembled at 2:15 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 22, 2010

The House passed, **S.C.R. 2**, REDUCING PRESCRIPTION DRUG MISUSE RESOLUTION, by Senator P. Jones, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.C.R. 4**, DENTAL HEALTH CARE CONCURRENT RESOLUTION, by Senator P. Jones, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.C.R. 2 and **S.C.R. 4** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

February 22, 2010

The House concurred in the Senate amendments and passed **H.B. 11**, LICENSING OF ELEVATOR CONTRACTORS AND ELEVATOR MECHANICS, by Representative L. Wiley, and it is transmitted for the signature of the President; and

Sandy D. Tenney, Chief Clerk

The House concurred in the Senate amendments and passed **H.C.R. 3**, ITALIAN-AMERICAN HERITAGE MONTH CONCURRENT RESOLUTION, by Representative C. Watkins, et al, and it is transmitted for the signature of the President.

H.B. 11 and **H.C.R. 3**, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President:

February 22, 2010

The House passed, as substituted and amended, **1st Sub. H.B. 92**, MOIST SNUFF TAXATION REVISIONS, by Representative B. Daw, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 107**, ANIMAL SHELTER AMENDMENTS, by Representative J. Seelig, et al, and it is transmitted for consideration; and

The House passed **H.B. 287**, LEGISLATOR SALARY AMENDMENTS, by Representative D. Litvack, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 308**, STATE FIRE CODE ADOPTION, by Representative T. Kiser, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 282**, LOCAL GOVERNMENT AMENDMENTS, by Representative S. Sandstrom, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk
Communications filed. **1st Sub. H.B. 92, H.B. 107, H.B. 287, H.B. 308**, and **1st Sub. H.B. 282** were read the first time and referred to the Rules Committee.

* * *

Mr. President: February 22, 2010

The House adopted the Joint Conference Committee Report dated February 22, 2010, and passed **2nd Sub. S.B. 90**, MENTAL HEALTH PROFESSIONAL PRACTICE ACT AMENDMENTS, by Senator L. Hillyard, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 126**, SUBDIVISION AMENDMENTS, by Senator J. S. Adams, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 22, 2010

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

Business and Labor Committee

1st Sub. H.B. 275 Division of Real Estate Amendments (Rep. G. Froerer)
(Sen. W. Niederhauser)

Education Committee

S.B. 188 Charter School Amendments (Sen. H. Stephenson)

Government Operations and Political Subdivisions Committee

H.B. 116 Political Subdivision Facility Energy Efficiency
(Rep. F. Hunsaker) (Sen. S. Jenkins)

H.B. 208 Disposition of the Remains of a Deceased Military
Service Member (Rep. J. Seelig) (Sen. C. Bramble)

H.B. 218 Municipal Disincorporation Revisions (Rep. G. Froerer)
(Sen. A. Christensen)

1st Sub. H.B. 304 Lieutenant Governor Amendments (Rep. E. Hutchings)
(Sen. K. Mayne)

Health and Human Services Committee

H.B. 260 Children’s Health Insurance Plan Simplified Renewal
(Rep. M. Newbold) (Sen. P. Knudson)

H.B. 299 Amendments Related to Substances Harmful to
Pregnancy (Rep. R. Menlove) (Sen. D. C. Buttars)

H.C.R. 9 Autism, Disabilities, and Faith Concurrent Resolution
(Rep. R. Menlove) (Sen. H. Stephenson)

Judiciary, Law Enforcement, and Criminal Justice Committee

H.B. 125 Kidnapping and Sex Offender Registry Amendments
(Rep. R. Bigelow) (Sen. K. Mayne)

1st Sub. H.B. 178 Bureau of Criminal Identification Fee Amendments
(Rep. E. Hutchings) (Sen. J. Greiner)

1st Sub. H.B. 186 Controlled Substance Database Revisions
(Rep. R. Menlove) (Sen. C. Bramble)

1st Sub. H.B. 234 Opting Out of the Real Id Act (Rep. S. Sandstrom)
(Sen. M. Dayton)

H.B. 276 Sex Offender Registry Amendment (Rep. P. Ray)
(Sen. J. Greiner)

1st Sub. H.B. 284 Uniform Collaborative Law Act (Rep. L. Fowlke)
(Sen. L. Hillyard)

Natural Resources, Agriculture and Environment Committee

H.B. 120 Underground Storage Tank Amendments (Rep. K. McIff)
(Sen. R. Okerlund)

H.B. 240 Department of Natural Resources Amendments
(Rep. J. Draxler) (Sen. K. Van Tassell)

H.B. 285 Practice of Veterinary Medicine (Rep. J. Mathis)
(Sen. D. Hinkins)

Transportation, Public Utilities and Technology Committee

S.B. 157 Motor Vehicle Dealer Franchise Amendments
(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. 186, Amendments to Emissions Inspections (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 198, Economic Development Incentive Amendments (J. Valentine), read the first time by short title and referred to the Rules Committee.

S.B. 223, Department of Environmental Quality Boards Amendments (M. Dayton), read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

On motion of Senator Urquhart, the circle was removed from **S.B. 105, MOTOR VEHICLE ACCIDENT ARBITRATION AMENDMENTS**, and it was before the Senate.

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

1st Sub. S.B. 105 Motor Vehicle Accident Arbitration Amendments (S. Urquhart)

Senator Urquhart explained the bill. Senators Van Tassell, Waddoups, Valentine, and Mayne commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Christensen	Davis	Madsen	Niederhauser
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* * *

On motion of Senator Valentine, the circle was removed from **S.B. 136, OPEN AND PUBLIC MEETINGS REVISIONS RELATED TO REVIEW OF ETHICS COMPLAINTS**, and it was before the Senate.

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

1st Sub. S.B. 136 Open and Public Meetings Revisions Related to Review of Ethics Complaints (J. Valentine)

Senator Valentine explained the bill. Senators Romero and Bramble commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Jenkins	Knudson	Liljenquist	Mayne
McAdams	Okerlund	Robles	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative were: Senators

Buttars	Hinkins	Jones	Morgan
Romero			

Absent or not voting were: Senators

Madsen	Niederhauser
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* * *

On motion of Senator Valentine, the circle was removed from **S.B. 138, GRAMA REVISIONS RELATED TO REVIEW OF ETHICS COMPLAINTS**, and it was before the Senate. Senator Valentine explained the bill.

Senator Valentine proposed the following amendment:

1. Page 1, Lines 15 through 16

15 ▶ provides {~~protected~~} private status to
certain records of the Independent Legislative Ethics

16 Commission;

2. Page 1, Lines 19 through 20:

19 ▶ permits private records related to review of an ethics
complaint to be classified as

20 public under legislative rule; {~~and~~}

 ▶ provides that certain information relating to committee meetings held for the purpose of reviewing ethics complaints be classified as public; and

3. Page 2, Lines 40 through 44:

40 (d) records received by or generated by or for ;

(i) the Independent Legislative Ethics

41 Commission ; or

(ii) a Senate or House Ethics Committee [concerning any alleged violation of the

42 rules on legislative ethics, prior to the meeting, and after the meeting, if the ethics committee

43 meeting was closed to the public] in relation to the review of ethics complaints, unless ;

(A) the

44 record is classified as public as provided in legislative rule; or

(B) the record is a designated is a summary of the dates, times, and agendas for meetings held to review ethics complaints, as required by legislative rule;

Senator Valentine’s motion to amend passed on a voice vote. Senators Davis, Butters, and Romero commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative was: Senator Butters

Absent or not voting were: Senators

Hillyard	Madsen	J. Stevenson
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* * *

On motion of Senator Valentine, the circle was removed from **1st Sub. S.J.R. 3, JOINT RESOLUTION ON ETHICS COMPLAINT PROCEDURES**, and it was before the Senate.

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

2nd Sub. S.J.R. 3 Joint Resolution on Ethics Complaint Procedures
(J. Valentine)

Senator Valentine proposed the following amendment:

1. Page 2, Line 30

30 ▶ provides procedures for calling a meeting of the commission;

 ▶ requires the commission to prepare a public summary data report on an annual basis and requires that the report be submitted a committee of the Legislature;

2. Page 10, Line 285:

285 (3) (a) The commission shall prepare, on an annual basis, a summary data report that contains:

(i) a general description of the activities of the commission during the past year;

(ii) the number of ethics complaints filed with the commission;

(iii) the number of ethics complaints reviewed by the commission;

(iv) the number of complaints filed against a member of the House of Representatives;

(v) the number of complaints filed against a member of the Senate;

(vi) a summary description of any ethics complaints that were recommended by the commission for review by a Legislative ethics committee; and

(vii) an accounting of the commission's budget and expenditures.

(b) The summary data report shall be submitted to an appropriate committee of the Legislature on an annual basis.

(c) The summary data report shall be a public record.

(4)(a) The Senate and the House of Representatives shall employ staff for the

Senator Valentine's motion to amend passed on a voice vote.

###

Senator McAdams proposed the following amendment:

- 1. Page 30, Lines 920 through 927

920 ~~{-(3) Notwithstanding any other provision of this title, the~~
 921 ~~commission may not release a~~

921 ~~recommendation during the 60 calendar days immediately~~
 922 ~~preceding:~~

922 ~~(a) a regular primary election, if the accused legislator is a~~
 923 ~~candidate in the primary~~

923 ~~election; or~~

924 ~~(b) a regular general election in which the accused legislator is a~~
 925 ~~candidate, unless the~~

925 ~~accused legislator is unopposed in the election. }~~

926 ~~{-(4) }~~ (3) The commission shall ensure that a copy
 927 of the recommendation is made publicly

927 available and promptly provided to:

Re-number remaining subsections accordingly.

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

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative was: Senator Buttar

Absent or not voting were: Senators

Hillyard Madsen

* * *

S.B. 147, EDUCATION RELATED PARENT ORGANIZATIONS, was read the second time. Senator Dayton explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Knudson	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative was: Senator

Jones

Absent or not voting were: Senators

Hillyard Liljenquist Madsen

* * *

On motion of Senator Stephenson, the circle was removed from **S.B. 119, SPECIAL ELECTIONS MODIFICATIONS**, and it was before the Senate.

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

2nd Sub. S.B. 119 Special Elections Modifications (H. Stephenson)

Senator Stephenson explained the bill. Senators Morgan and Niederhauser commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner

Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative was: Senator Hinkins

Absent or not voting were: Senators Hillyard Madsen

* * *

S.C.R. 7, CONCURRENT RESOLUTION APPROVING SOLID WASTE FACILITY CLASSIFICATION CHANGE, was read the second time. Senator Niederhauser explained the bill. Senators Jenkins and Buttars commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Waddoups			

Absent or not voting were: Senators

Hillyard	Liljenquist	Madsen	Van Tassell
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S.B. 60, VOLUNTARY SEARCH AND RESCUE FUNDING ACT, was read the second time.

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

1st Sub. S.B. 60 Voluntary Search and Rescue Funding Act
(R. Okerlund)

Senator Okerlund explained the bill. Senator Valentine declared a conflict of interest. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Buttars	Hillyard
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* * *

S.J.R. 5, JOINT RESOLUTION ON THE SPENDING OF FEDERAL ECONOMIC RENEWAL GRANTS, was read the second time. Senator Mayne explained the bill. Senator Greiner commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 6; Absent, 1.

Voting in the affirmative were: Senators

Adams	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	J. Stevenson	Stowell
Van Tassell	Waddoups		

Voting in the negative were: Senators

Bramble	Hillyard	Madsen	H. Stephenson
Urquhart	Valentine		

Absent or not voting was: Senator

Buttars

* * *

S.B. 135, SALES AND USE TAX EXEMPTION FOR AN ENERGY EFFICIENT STOVE OR ENERGY EFFICIENT STOVE FUEL, was read the

second time. Senator Davis explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

* * *

S.B. 148, GUARANTEED ASSET PROTECTION WAIVERS, was read the second time.

Senator Stevenson proposed the following amendment:

1. Page 14, Lines 400 through 403

400 appropriations by the Legislature, the commissioner shall use the
money deposited into the
401 restricted account to pay for a cost or expense incurred by the
commissioner in the
402 administration, investigation, and enforcement of this chapter.
403 ~~{ (4) The money in the restricted account is nonlapsing. }~~

Senator Stevenson’s motion to amend passed on a voice vote. Senator Stevenson explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Davis

* * *

On motion of Senator Urquhart, **S.B. 62**, MOTOR VEHICLE INSURANCE COVERAGE AMENDMENTS, was read the second time and circled.

* * *

S.B. 70, MOTOR VEHICLE LIABILITY AMENDMENTS – MINOR DRIVERS, was read the second time. Senator Urquhart explained the bill.

Senator Niederhauser proposed the following amendment:

1. Page 1, Lines 14 through 16

14 ▶ provides that if owner’s or operator’s security is in effect
in certain amounts, the

15 owner of the motor vehicle or the person who gave or furnished the
motor vehicle to

16 the minor is {~~not~~} subject to the joint and several liability
imposed but not to exceed a certain amount ;

2. Page 2, Lines 33 through 40:

33 (1) (a) {~~The~~} Subject to the provisions of Subsection
(1)(b), the owner of a motor vehicle causing or knowingly permitting a
person younger

34 than 18 years of age to drive the motor vehicle on a highway, or a
person who gives or

35 furnishes a motor vehicle to the minor, are each jointly and
severally liable with the minor for

36 any damages caused by the negligence of the minor in driving the
motor vehicle.

37 (b) If owner’s or operator’s security covering the minor’s
operation of the motor vehicle

38 is in effect in amounts as required under Section 31A-22-304, the
owner of the motor vehicle

39 or the person who gave or furnished the motor vehicle to the minor
under Subsection (1) (a) is {~~not~~}

40 ~~subject to the liability imposed under Subsection (1).~~ } subject to the liability imposed under Subsection (1)(a) but not to exceed \$100,000.

Senator Niederhauser’s motion to amend failed on a voice vote. Senators Hillyard and Valentine commented. Senators Hillyard and Valentine declared conflicts of interest. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator Bramble

* * *

On motion of Senator Adams, legislative staff was authorized to draft a bill regarding DNA amendments.

* * *

On motion of Senator Jenkins and at 4:10 p.m., the Senate adjourned until 10:00 a.m., Tuesday, February 23, 2010.

TWENTY-NINTH DAY

MORNING SESSION

February 23, 2010

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

Prayer – Father Peter Rogers, St. Catherine of Siena Newman Center

Pledge of Allegiance – Senator Gene Davis

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS

(PLEASE REFER TO DAY 1, PAGE 72)

SPECIAL RECOGNITION

The Senate recognized the Utah Department of Transportation for its Number One ranking in Forbes Magazine as the top “Commuter Friendly” city in the nation. Those receiving recognition were: John Njord, Executive Director of UDOT, Brad Humphreys, Tyson Vorwaller, Neil Lundell, Tracy Munson, Russ Scovil, Lane Murphy, and Lori Dabbling.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 22, 2010

The Speaker of the House has signed **S.B. 30**, LOCAL OPTION SALES AND USE TAXES FOR TRANSPORTATION ACT, by Senator W. Niederhauser, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 114**, MOTOR VEHICLE ACCIDENT REPORTS, by Senator D. Stowell, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 30 and **2nd Sub. S.B. 114** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 22, 2010

The House passed, as amended, **H.B. 138**, HAZING PENALTIES, by Representative C. Moss, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 315**, UTAH PUBLIC NOTICE WEBSITE AMENDMENTS, by Representative K. Powell, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 316**, DISABLED VETERANS PROPERTY TAX EXEMPTION AMENDMENTS, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed **H.B. 341**, UNIFORM ATHLETE AGENTS ACT, by Representative P. Ray, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 381**, MUNICIPAL LAND USE PROVISIONS, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed **H.J.R. 27**, AUTHENTIC CHARITY HEALTH CARE JOINT RESOLUTION, by Representative M. Newbold, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 138**, **H.B. 315**, **H.B. 316**, **H.B. 341**, **H.B. 381**, and **H.J.R. 27** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 22, 2010

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

Business and Labor Committee

H.B. 176 Continuing Education Requirements for Electricians and Plumbers (Rep. W. Harper) (Sen. K. Van Tassell)

Education Committee

1st Sub. H.B. 92 Moist Snuff Taxation Revisions (Rep. B. Daw)
(Sen. M. Dayton)

Government Operations and Political Subdivisions Committee

1st Sub. H.B. 282 Local Government Amendments (Rep. S. Sandstrom)
(Sen. J. Valentine)

H.B. 287 Legislator Salary Amendments (Rep. D. Litvack)
(Sen. L. Hillyard)

H.B. 308 State Fire Code Adoption (Rep. T. Kiser)
(Sen. C. Bramble)

Natural Resources, Agriculture and Environment Committee

S.B. 223 Department of Environmental Quality Boards
Amendments (Sen. M. Dayton)

H.B. 107 Animal Shelter Amendments (Rep. J. Seelig)
(Sen. C. Bramble)

Transportation, Public Utilities and Technology Committee

S.B. 186 Amendments to Emissions Inspections (Sen. M. Madsen)

H.B. 132 Pioneer Trail Memorial Highway (Rep. R. Menlove)
(Sen. W. Niederhauser)

Workforce Services and Community and Economic Development Committee

S.B. 198 Economic Development Incentive Amendments
(Sen. J. Valentine)

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 22, 2010

The Health and Human Services Committee reports a favorable recommendation on **S.B. 238**, LONG-TERM CARE FACILITY – MEDICAID CERTIFICATION FOR BED CAPACITY AMENDMENTS, by Senator L. Robles, with the following amendments:

1. Page 1, Lines 12 through 17:
 - 12 Highlighted Provisions:
 - 13 This bill:
 - 14 ► allows the Division of Health Care Financing within the Department of Health,
 - 15 under certain conditions, to renew Medicaid certification of a nursing care facility
 - 16 program that is not ~~{-currently-}~~ certified; and
 - 17 ► makes technical corrections.
2. Page 2, Lines 35 through 46:

35 (b) The division may renew Medicaid certification of a nursing
36 care facility program

37 that is not {~~currently~~ } certified if:

38 (i) since the program last operated with Medicaid certification:

39 (A) the physical facility where the program last operated with
40 Medicaid certification

41 has functioned continuously and only as a nursing care facility; and

42 (B) the owner of the program has not, under this section or
43 Section 26-18-505,

44 transferred to another nursing care facility program the license for
45 any of the Medicaid beds in

46 the program;

47 (ii) at the time the program last operated with Medicaid
48 certification, all beds in the

49 physical facility where the program operated were Medicaid
50 certified; and

51 (iii) the number of beds granted renewed Medicaid certification
52 does not exceed the

53 number of beds certified at the time the program last operated with
54 Medicaid certification. ; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 25**, HEALTH REFORM – ADMINISTRATIVE SIMPLIFICATION, by Representative M. Newbold; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 52**, HEALTH REFORM – UNIFORM ELECTRONIC STANDARDS – INSURANCE INFORMATION, by Representative M. Newbold; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 74**, ADOPTION AND CHILD CUSTODY AMENDMENTS, by Representative S. Allen; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 294**, HEALTH SYSTEM REFORM AMENDMENTS, by Representative D. Clark; and

The Health and Human Services Committee reports a favorable recommendation on **H.C.R. 8**, CONCURRENT RESOLUTION ON FEDERAL HEALTH CARE REFORM, by Representative D. Clark.

D. Chris Buttars, Chair

Mr. President: February 22, 2010

The Education Committee reports a favorable recommendation on **1st Sub. H.B. 114**, DISCLOSURE OF DONATIONS TO HIGHER EDUCATION INSTITUTIONS, by Representative C. Wimmer; and

The Education Committee reports a favorable recommendation on **1st Sub. H.B. 235**, CHILD SUPPORT FOR CHILDREN IN STATE CUSTODY, by Representative W. Harper.

Curtis S. Bramble, Chair

Mr. President: February 22, 2010

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 68**, HABITUAL WANTON DESTRUCTION OF WILDLIFE, by Representative C. Oda; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 108**, MEAT INSPECTION AMENDMENTS, by Representative J. Mathis, with the following amendments:

1. Page 14, Lines 401 through 404:

401 The department shall make rules pursuant to Title 63G, Chapter 3, Utah Administrative

402 Rulemaking Act, [~~regarding~~] concerning the following functions, powers, and duties, in

403 addition to those specified in {~~Title 4,-~~} {~~-~~} Chapter 1, {~~-~~} {~~Utah Agricultural Code~~} Short Title and General Provisions, for the

404 administration and enforcement of this chapter: ; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 228**, RENEWABLE ENERGY SOURCE AMENDMENTS, by Representative R. Barrus.

Dennis E. Stowell, Chair

Mr. President:

February 22, 2010

The Ethics Committee reports a favorable recommendation on **2nd Sub. H.B. 124**, CAMPAIGN FUNDS EXPENDITURE RESTRICTIONS, by Representative T. Cosgrove, with the following amendments:

1. Page 1, Line 25:

25 ▶ prohibits a candidate {~~-, a judge,~~} or an officeholder from using campaign contributions

2. Page 2, Line 39:

39 {~~20A-12-303, as enacted by Laws of Utah 2001, Chapter 166-~~}

3. Page 18, Lines 543 through 551:

543 {~~Section 7. Section 20A-12-303 is amended to read:~~

544 20A-12-303. Separate account for campaign funds.

545 (1) (a) The judge or the judge's personal campaign committee shall deposit each

546 contribution in one or more separate personal campaign accounts in a financial institution.

547 (b) A judge may not use money deposited in a campaign account for:

548 (i) a personal use expenditure, as defined in Section 20A-11-104; or

549 (ii) an expenditure prohibited by law.

550 (2) The judge or the judge's personal campaign committee may not deposit or mingle

551 any contributions received into a personal or business account. }

; and

The Ethics Committee recommends **H.B. 267**, LOBBYIST DISCLOSURE AND REGULATION ACT AMENDMENTS, by Representative K. Garn, be

replaced and favorably recommends **1st Sub. H.B. 267**, LOBBYIST DISCLOSURE AND REGULATION ACT AMENDMENTS; and

The Ethics Committee reports a favorable recommendation on **H.J.R. 15**, JOINT RESOLUTION ON LEGISLATIVE ETHICS COMMISSION, by Representative D. Clark.

Stephen H. Urquhart, Chair

On motion of Senator Dayton, the committee reports were adopted. **S.B. 238**, as amended, **H.B. 25**, **H.B. 52**, **H.B. 74**, **H.B. 294**, **H.C.R. 8**, **1st Sub. H.B. 114**, **1st Sub. H.B. 235**, **H.B. 68**, **H.B. 108**, as amended, **H.B. 228**, **2nd Sub. H.B. 124**, as amended, **1st Sub. H.B. 267**, and **H.J.R. 15**, were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 22, 2010

The Health and Human Services Committee reports a favorable recommendation on **H.B. 184**, MEDICAID AUTISM WAIVER, by Representative P. Ray, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 277**, OVERDOSE REPORTING AMENDMENTS, by Representative C. Johnson, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

Mr. President: February 22, 2010

The Education Committee reports a favorable recommendation on **H.J.R. 3**, JOINT RESOLUTION ON TEACHER PERFORMANCE PAY, by Representative M. Poulson, and recommends it be considered read for the second time and placed on the Consent Calendar.

Curtis S. Bramble, Chair

Mr. President: February 22, 2010

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 271**, HUNTING GUIDES AND OUTFITTERS LICENSING ACT AMENDMENTS, by Representative E. Vickers, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.J.R. 5**, JOINT RESOLUTION ON CLEAN AIR, by Representative C. Moss, and recommends it be considered read for the second time and placed on the Consent Calendar.

Dennis E. Stowell, Chair

On motion of Senator Dayton, the committee reports were adopted. **H.B. 184**, **H.B. 277**, **H.J.R. 3**, **H.B. 271**, and **H.J.R. 5** were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 155, Enhanced Penalties for HIV Positive Offender Amendments (J. Stevenson), read the first time by short title and referred to the Rules Committee.

S.B. 182, Utah Common Interest Ownership Act (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 224, Construction Contract Amendments (C. Bramble), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

H.B. 222, LAND USE MEETING NOTICE, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Knudson
Mayne	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stephenson	Stowell
Urquhart	Van Tassell	Waddoups	

Absent or not voting were: Senators

Jenkins	Liljenquist	Madsen	McAdams
Morgan	Valentine		

H.B. 222 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 109, VOLUNTEER GOVERNMENT WORKERS ACT DEFINITIONS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Van Tassell
Waddoups			

Absent or not voting were: Senators

Buttars	Jones	Madsen	Valentine
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H.B. 109 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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S.B. 173, BUSINESS ENTITY AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Van Tassell
Waddoups			

Absent or not voting were: Senators

Buttars	Madsen	Robles	Valentine
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S.B. 173 was transmitted to the House for consideration.

* * *

S.B. 213, DIVISION OF SERVICES FOR PEOPLE WITH DISABILITIES ADVISORY COUNCIL, was read the third time, explained by Senator Christensen, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Van Tassell
Waddoups			

Absent or not voting were: Senators

Buttars	Madsen	Robles	Valentine
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S.B. 213 was transmitted to the House for consideration.

CONCURRENCE CALENDAR

Mr. President: February 22, 2010

The Joint Conference Committee comprised of Sens. Hillyard, Buttars, and Davis, and Reps. Menlove, Ferry, and Chavez–Houck, recommends **1st Sub. S.B. 90**, MENTAL HEALTH PROFESSIONAL PRACTICE ACT AMENDMENTS, by Senator L. Hillyard, be replaced and favorably recommends **2nd Sub. S.B. 90**, MENTAL HEALTH PROFESSIONAL PRACTICE ACT AMENDMENTS.

Sen. Lyle Hillyard and
Rep. Ronda Menlove, Chairs

On motion of Senator Hillyard, the Senate voted to concur in the Joint Conference Committee report to **2nd Sub. S.B. 90**, MENTAL HEALTH PROFESSIONAL PRACTICE ACT AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hillyard

Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Dayton	Madsen	Robles
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2nd Sub. S.B. 90 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Adams, the Senate voted to concur in the House amendments to **S.B. 126**, SUBDIVISION AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Okerlund	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Christensen	Dayton	Niederhauser	Robles
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S.B. 126 was returned to the House for the signature of the Speaker.

TIME CERTAIN CALENDAR

1st Sub. S.B. 275, REMOVING SIGNATURE FROM INITIATIVE AND REFERENDUM PETITION, was read the second time.

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

2nd Sub. S.B. 275 Removing Signature from Initiative and Referendum Petition (H. Stephenson)

Senator McAdams proposed the following amendment:

- 1. Page 3, Lines 61 through 62

61 [(ii)] (d) In order for the signature to be removed, the statement
 must be received by the
 62 county clerk before [~~he delivers the petition to the lieutenant
 governor~~] {~~May~~ } April 15.

- 2. Page 6, Lines 167 through 169:

167 [(ii)] (d) In order for the signature to be removed, the statement
 must be received by the
 168 county clerk before [~~he delivers the petition to the lieutenant
 governor~~] the day which is {~~55~~ } 40
 169 days after the end of the legislative session at which the law passed.

Senator McAdams’ motion to amend failed on a voice vote. Senator Stephenson explained the bill. Senators Buttars, Madsen, Goodfellow, Jones, Romero, Robles, Greiner, and Davis commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 7; Absent, 0.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Greiner	Hillyard
Hinkins	Jenkins	Knudson	Liljenquist
Madsen	Niederhauser	Okerlund	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative were: Senators

Goodfellow	Jones	Mayne	McAdams
Morgan	Robles	Romero	

* * *

On motion of Senator Jones, **H.J.R. 5, JOINT RESOLUTION ON CLEAN AIR**, will be lifted from the Consent Calendar and will be placed on the Time Certain Calendar and considered Wednesday, February 24, 2010 at 10:30 a.m..

THIRD READING CALENDAR

On motion of Senator Niederhauser, **1st Sub. S.B. 89, LEGAL NOTICE AMENDMENTS**, was read the third time and circled.

* * *

S.B. 38, RESTRICTIONS ON HIGH OCCUPANCY VEHICLE LANE, was read the third time, explained by Senator Morgan, and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Dayton
Goodfellow	Greiner	Hinkins	Jones
Knudson	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars	Davis	Hillyard	Jenkins
Liljenquist	Madsen		

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

SPECIAL CITATION

A citation was read by Senator Knudson honoring the Community Covenant Program.

THIRD READING CALENDAR

S.B. 61, SALES AND USE TAX EXEMPTION FOR A WEB SEARCH PORTAL, was read the third time and explained by Senator Stephenson. Senator Jones commented and the bill passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	McAdams
Morgan	Niederhauser	Okerlund	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars	Hillyard	Liljenquist	Madsen
Mayne	Robles		

S.B. 61 was transmitted to the House for consideration.

* * *

On motion of Senator Urquhart, the circle was removed from **1st Sub. S.B. 89**, LEGAL NOTICE AMENDMENTS, and it was before the Senate. Senator Urquhart explained the bill. The bill passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Knudson	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars	Hillyard	Jones	Liljenquist
Madsen	Robles		

1st Sub. S.B. 89 was transmitted to the House for consideration.

* * *

On motion of Senator Greiner, the Senate voted to reconsider its action on **H.B. 103**, REDUCED SPEED SCHOOL ZONE AMENDMENTS.

H.B. 103 was placed on the top of the Third Reading Calendar.

* * *

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

AFTERNOON SESSION

The Senate reassembled at 2:35 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 23, 2010

The House refuses to recede from its amendments to **3rd Sub. S.B. 22**, NOTARY PUBLIC AMENDMENTS, by Senator P. Knudson, and has appointed

a Conference Committee consisting of Representatives F. Hunsaker, R. Bigelow, and B. King to meet with a like committee from the Senate on this bill.

Sandy D. Tenney, Chief Clerk

On motion of Senator Knudson, the Senate voted to refuse to recede from its amendments to **3rd Sub. S.B. 22**. President Waddoups appointed a conference committee consisting of Senators Hillyard, Butters, and Romero to meet with a like committee from the House.

Mr. President:

February 23, 2010

The House concurred in the Senate amendments and passed **H.B. 192**, RENEWABLE ENERGY – METHANE GAS, by Representative C. Watkins, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 192 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President:

February 23, 2010

The House passed **H.B. 246**, RETIREMENT BENEFITS FOR CHARTER SCHOOL EMPLOYEES, by Representative C. Watkins, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 246** was read the first time and referred to the Rules Committee.

* * *

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 23, 2010

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

Business and Labor Committee

- | | |
|-----------------|---|
| S.B. 182 | Utah Common Interest Ownership Act
(Sen. W. Niederhauser) |
| S.B. 224 | Construction Contract Amendments (Sen. C. Bramble) |
| H.B. 341 | Uniform Athlete Agents Act (Rep. P. Ray)
(Sen. J. Stevenson) |

Government Operations and Political Subdivisions Committee

- H.B. 315** Utah Public Notice Website Amendments
(Rep. K. Powell) (Sen. K. Van Tassell)
- H.B. 381** Municipal Land Use Provisions (Rep. S. Sandstrom)
(Sen. W. Niederhauser)

Health and Human Services Committee

- S.B. 155** Enhanced Penalties for HIV Positive Offender
Amendments (Sen. J. Stevenson)
- H.B. 215** Amendments to Public Employees’ Benefit and Insurance
Program Act – Risk Pools (Rep. K. Garn)
(Sen. D. Liljenquist)
- H.J.R. 23** Joint Resolution Approving the Sale of Real Property At
the Utah State Developmental Center (Rep. C. Frank)
(Sen. J. Valentine)
- H.J.R. 27** Authentic Charity Health Care Joint Resolution
(Rep. M. Newbold) (Sen. W. Niederhauser)

Judiciary, Law Enforcement, and Criminal Justice Committee

- H.B. 138** Hazing Penalties (Rep. C. Moss) (Sen. P. Jones)

Revenue and Taxation Committee

- H.B. 316** Disabled Veterans Property Tax Exemption Amendments
(Rep. G. Hughes) (Sen. M. Dayton)

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 23, 2010

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 194, ASSESSMENT AREA ACT AMENDMENTS**, by Senator W. Niederhauser; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 203, VACANCIES IN COUNTY ELECTED OFFICES**, by Senator H. Stephenson; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 279, COUNTY RECORDER**

AMENDMENTS, by Representative R. C. Webb, with the following amendments:

1. Page 1, Lines 13 through 14

House Committee Amendments
2-9-2010:

13 { ~~•~~ permits a county recorder in certain
circumstances to ~~H~~ → [assign] require ← ~~H~~ a

13a different name ~~H~~ → [to] for ← ~~H~~

14 a subdivision on a plat; - }

2. Page 3, Lines 73 through 89

House Floor Amendments
2-18-2010:

73 (1) { ~~(a)~~ } Unless exempt under Section 10-9a-605 or
excluded from the definition of

74 subdivision under Subsection 10-9a-103(50), whenever any land
is laid out and platted, the

75 owner of the land shall provide an accurate plat that describes or
specifies:

76 { ~~-~~ } (a) { ~~-~~ } { ~~(i)~~ } a subdivision name [or
~~designation of the subdivision~~] that is distinct from any

77 subdivision name on a plat [already] recorded in the county
recorder's office;

78 { ~~-~~ } (b) { ~~-~~ } { ~~(ii)~~ } the boundaries, course,
and dimensions of all of the parcels of ground divided,

79 by their boundaries, course, and extent, whether the owner
proposes that any parcel of ground

80 is intended to be used as a street or for any other public use, and
whether any such area is

81 reserved or proposed for dedication for a public purpose;

82 { ~~-~~ } (c) { ~~-~~ } { ~~(iii)~~ } the lot or unit reference,
block or building reference, street or site address,

83 street name or coordinate address, acreage or square footage for all
parcels, units, or lots, and

84 length and width of the blocks and lots intended for sale; and

85 {~~[-]~~} (d) {~~-~~} {~~(iv)~~} every existing

86 right-of-way and easement grant of record for underground

87 facilities, as defined in Section 54-8a-2, and for other utility

88 facilities.

89 ~~{ (b) The county recorder may require a different name to a~~

90 ~~subdivision on a plat~~

91 ~~submitted for recording if necessary to make the plat comply with~~

92 ~~the requirement of~~

93 ~~Subsection (1)(a)(i). }~~

3. Page 17, Lines 506-507: Delete lines 506 and 507, and renumber accordingly.

4. Page 32a, Lines 966at through 966az
House Floor Amendments
2-18-2010

966at (10) (a) [~~Subject to federal bankruptcy law,]~~ Except

966au as required by federal law, or by

966av agreement between a borrower under the trust deed and a

966aw grantee under the trustee's deed, and subject to Subsection (10)(b),

966ax neither the recordation of an affidavit under Subsection (9) nor

966ay the reexecution and

966az rerecording of a document under Subsection (8):

966ax {~~(a)~~} (i) divests a grantee of any real

966ay property interest;

966az {~~(b)~~} (ii) alters an interest in real property;

966ax or

966ay {~~(e)~~} (iii) returns to the grantor an interest in

966az real property conveyed by statute. ←H

(b) A person who reexecutes and rerecords a document under

Subsection (8), or records an affidavit under Subsection (9), shall include

with the document or affidavit a notice containing the name and address

to which real property valuation and tax notices shall be mailed. ; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 302**, MINOR ADJUSTMENTS TO COUNTY BOUNDARIES, by Representative P. Painter.

Peter C. Knudson, Chair

Mr. President: February 23, 2010

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 272**, AMENDMENTS TO TRANSPORTATION PROVISIONS, by Senator J. Stevenson.

Stephen H. Urquhart, Chair

On motion of Senator Buttars, the committee reports were adopted. **S.B. 194**, **S.B. 203**, **H.B. 279**, as amended, **H.B. 302**, and **S.B. 272**, were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 23, 2010

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.J.R. 13**, RECOGNITION OF COMMUNITY COUNCILS AND THE ASSOCIATION OF COMMUNITY COUNCILS TOGETHER JOINT RESOLUTION, by Representative S. Duckworth, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

Mr. President: February 23, 2010

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 261**, FINANCIAL RESPONSIBILITY OF MOTOR VEHICLE OWNERS AND OPERATORS ACT AMENDMENTS, by Representative R. Greenwood, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 1, Line 20

House Committee Amendments
2-8-2010:

20 immediate possession ~~is~~ → [] ; { ~~and~~ }

► provides that a peace officer may not cite or arrest a person for violating the requirement to have evidence of owner's or operator's security for the vehicle in the person's immediate possession if the

Uninsured Motorist Identification Database Program information indicates that the vehicle or driver is insured; and

2. Page 4, Lines 90 through 92:

90 (c) (i) Evidence of owner's or operator's security from the Uninsured Motorist

91 Identification Database Program described under Subsection (2)(b)(vi) supercedes any

92 evidence of owner's or operator's security described under Subsection (2)(b)(i)(D) or (E).

(ii) A peace officer may not cite or arrest a person for a violation of Subsection (2)(a) if the Uninsured Motorist Identification Database Program created under Title 41, Chapter 12a, Part 8, information indicates that the vehicle or driver is insured.

Stephen H. Urquhart

On motion of Senator Butters, the committee reports were adopted. **H.J.R. 13** and **H.B. 261**, as amended, were considered read the second time and placed on the Consent Calendar.

* * *

Mr. President:

February 22, 2010

The Transportation and Public Utilities and Technology Committee has returned **S.B. 131**, ENERGY COST RECOVERY AND RENEWABLE ENERGY PROVISIONS, by Senator D. Hinkins, to the Rules Committee for interim study.

Stephen H. Urquhart, Chair

S.B. 131 was returned to the Rules Committee.

INTRODUCTION OF BILLS

S.B. 170, Suspension of Driving Privileges (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 220, Vehicle Impound Amendment (J. Greiner), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Jones, the Senate voted to move **S.B. 106**, MOTOR VEHICLE NOISE EMISSION STANDARDS, to the top of the Second Reading Calendar.

* * *

On motion of Senator Stevenson, **S.B. 124**, MILITARY INSTALLATION DEVELOPMENT AUTHORITY MODIFICATIONS, will be considered today, February 23, 2010 at 3:45 p.m.

THIRD READING CALENDAR

On motion of Senator Dayton, **H.B. 103**, REDUCED SPEED SCHOOL ZONE AMENDMENTS, was read the third time and circled.

* * *

S.B. 73, SALES AND USE TAX EXEMPTION RELATING TO AIRCRAFT, was read the third time and explained by Senator Bramble. Senators Stephenson and Madsen commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator Liljenquist

S.B. 73 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 133, QUALIFICATIONS OF STATE TAX COMMISSIONERS, was read the third time and explained by Senator Adams. Senator Bramble commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars	Liljenquist
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1st Sub. S.B. 133 was transmitted to the House for consideration.

* * *

S.B. 139, PHYSICIAN ASSISTANT AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hillyard
Hinkins	Jenkins	Jones	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative was: Senator

Knudson

Absent or not voting were: Senators

Greiner	Liljenquist
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S.B. 139 was transmitted to the House for consideration.

* * *

S.B. 127, PUBLIC ASSISTANCE FRAUD AMENDMENTS, was read the third time and explained by Senator Stephenson. Senator Jones commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Knudson	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Christensen	Hinkins	Liljenquist
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S.B. 127 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 45, UTAH FIT PREMISES ACT AMENDMENTS, was read the third time and explained by Senator Niederhauser. Senator Valentine commented and the bill passed on the following roll call:

Yeas, 16; Nays, 8; Absent, 5.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Goodfellow	Hinkins	Jones	Knudson
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Valentine	Van Tassell

Voting in the negative were: Senators

Dayton	Greiner	Jenkins	Madsen
H. Stephenson	Stowell	Urquhart	Waddoups

Absent or not voting were: Senators

Buttars	Hillyard	Liljenquist	Romero
J. Stevenson			

1st Sub. S.B. 45 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 105, MOTOR VEHICLE ACCIDENT ARBITRATION AMENDMENTS, was read the third time, explained by Senator Urquhart, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Buttars	Hillyard	Liljenquist	Romero
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1st Sub. S.B. 105 was transmitted to the House for consideration.

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1st Sub. S.B. 136, OPEN AND PUBLIC MEETINGS REVISIONS RELATED TO REVIEW OF ETHICS COMPLAINTS, was read the third time and explained by Senator Valentine.

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

2nd Sub. S.B. 136 Open and Public Meetings Revisions Related to Review of Ethics Complaints (J. Valentine)

Senator Davis commented and the bill passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Goodfellow	Greiner	Jenkins	Jones
Knudson	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars	Dayton	Hillyard	Hinkins
Liljenquist	Romero		

2nd Sub. S.B. 136 was transmitted to the House for consideration.

* * *

S.B. 138, GRAMA REVISIONS RELATED TO REVIEW OF ETHICS COMPLAINTS, was read the third time and explained by Senator Valentine.

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

1st Sub. S.B. 138 Grama Revisions Related to Review of Ethics Complaints (J. Valentine)

The bill passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Knudson	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	H. Stephenson	J. Stevenson	Stowell
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars	Dayton	Hillyard	Liljenquist
Romero	Urquhart		

1st Sub. S.B. 138 was transmitted to the House for consideration.

* * *

2nd Sub. S.J.R. 3, JOINT RESOLUTION ON ETHICS COMPLAINT PROCEDURES, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Knudson	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund

Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Buttars	Dayton	Hillyard	Liljenquist
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2nd Sub. S.J.R. 3 was transmitted to the House for consideration.

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On motion of Senator Niederhauser, **S.B. 147**, EDUCATION RELATED PARENT ORGANIZATIONS, was read the third time and circled.

* * *

2nd Sub. S.B. 119, SPECIAL ELECTIONS MODIFICATIONS, was read the third time and explained by Senator Stephenson.

Senator Stephenson proposed the following amendment:

1. Page 1, Lines 16 through 18

16 ▶ limits the date of a special election called by a local school board to the first

17 Tuesday after the first Monday in November except for a vote on a voted leeway or when creating a new school

18 district; and

2. Page 2, Line 30:

30 [~~20A-5-400.5~~, as last amended by Laws of Utah 2008, Chapter 80]

3. Page 13, Lines 375 through 381:

375 (ii) { ~~Notwithstanding the provisions of Subsection (1)(a)(i), and except~~ } Except as provided by

376 Subsection (1)(a)(iii), a local school board calling a local special election under Section

377 20A-1-203 shall schedule the special election to be held on the first Tuesday after the first

378 Monday in November.

379 (iii) The local school board calling a local special election under Section 20A-1-203

380 may schedule the special election to be held on the fourth Tuesday in June for :

(A) a vote on a voted leeway; or

(B) a vote to elect

381 members to local school district boards in a new school district and a remaining school district.

- 4. Page 14 through 16, Lines 413 through 474:
Delete lines 413 through 474 and renumber remaining section.

Senator Stephenson’s motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 24; Nays, 2; Absent, 3.

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Dayton
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Knudson	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

Hinkins	Romero
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Absent or not voting were: Senators

Bramble	Davis	Liljenquist
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2nd Sub. S.B. 119, as amended, was transmitted to the House for consideration.

* * *

On motion of Senator Dayton, the circle was removed from **H.B. 103**, REDUCED SPEED SCHOOL ZONE AMENDMENTS, and it was before the Senate.

Senator Dayton proposed the following amendment:

- 1. Page 1, Lines 14 through 16
Senate Committee Amendments
2-17-2010

14 ▶ provides that {~~notwithstanding any contrary rule made by the Department of~~

15 Transportation, a local highway authority may establish a reduced speed school

16 zone at a signalized intersection for a highway under its jurisdiction; and-} if a school crosswalk is established at a signalized intersection, a local highway authority may reduce the speed limit at the signalized intersection to 20 miles per hour for a highway under its jurisdiction; and

- 2. Page 3, Lines 69 through 71
Senate Committee Amendments
2-17-2010:

69 {~~(b) Notwithstanding any contrary rule made by the department under Subsection (6)(a).~~

70 a local highway authority may establish a reduced speed school zone at a signalized

71 intersection for a highway under its jurisdiction.-} (b) If a school crosswalk is established at a signalized intersection in accordance with the requirements of this section, a local highway authority may reduce the speed limit at the signalized intersection to 20 miles per hour for a highway under its jurisdiction.

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

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble Liljenquist

H.B. 103, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Dayton, the circle was removed from **S.B. 147**, EDUCATION RELATED PARENT ORGANIZATIONS, and it was before the Senate. Senator Dayton explained the bill. Senators Jones and Morgan commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative was: Senator

Romero

Absent or not voting were: Senators

Buttars Liljenquist

S.B. 147 was transmitted to the House for consideration.

TIME CERTAIN CALENDAR

S.B. 124, MILITARY INSTALLATION DEVELOPMENT AUTHORITY MODIFICATIONS, was read the second time. Senator Stevenson explained the bill.

Senator Stevenson proposed the following amendment:

1. Page 14, Line 430

430 (C) public or private land { ~~that is not contiguous~~ } whether or not it is contiguous to military land if:

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

Yeas, 27; Nays, 1; Absent, 1.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Van Tassell	Waddoups	

Voting in the negative was: Senator
Valentine

Absent or not voting was: Senator
Liljenquist

THIRD READING CALENDAR

S.C.R. 7, CONCURRENT RESOLUTION APPROVING SOLID WASTE FACILITY CLASSIFICATION CHANGE, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Dayton	Goodfellow	Hillyard	Hinkins
Jenkins	Jones	Knudson	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators
Christensen Greiner Liljenquist

S.C.R. 7 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 60, VOLUNTARY SEARCH AND RESCUE FUNDING ACT, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Christensen	Liljenquist	Niederhauser
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Senator Valentine declared a conflict of interest.

1st Sub. S.B. 60 was transmitted to the House for consideration.

* * *

S.J.R. 5, JOINT RESOLUTION ON THE SPENDING OF FEDERAL ECONOMIC RENEWAL GRANTS, was read the third time and explained by Senator Mayne.

Senator Mayne proposed the following amendment:

1. Page 2, Lines 54 through 57

54 BE IT FURTHER RESOLVED that the Legislature of the state of Utah expresses its

55 commitment to purchase only products and services that are made or performed in the United

56 States whenever and wherever possible with any economic recovery monies provided the state

57 of Utah by American taxpayers as long as the cost of the product or service is competitive and its quality is equal or comparable to others .

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

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Mayne	McAdams	Morgan
Okerlund	Robles	Romero	J. Stevenson
Stowell	Urquhart	Van Tassell	

Voting in the negative were: Senators

Madsen	H. Stephenson	Valentine	Waddoups
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Absent or not voting were: Senators

Liljenquist	Niederhauser
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S.J.R. 5 was transmitted to the House for consideration.

* * *

S.B. 135, SALES AND USE TAX EXEMPTION FOR AN ENERGY EFFICIENT STOVE OR ENERGY EFFICIENT STOVE FUEL, was read the third time and explained by Senator Davis. Senator Jones commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Madsen	Mayne	McAdams
Morgan	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Liljenquist	Niederhauser
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S.B. 135 was transmitted to the House for consideration.

* * *

S.B. 148, GUARANTEED ASSET PROTECTION WAIVERS, was read the third time, explained by Senator Stevenson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Madsen	Mayne	McAdams
Morgan	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Liljenquist	Niederhauser
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S.B. 148 was transmitted to the House for consideration.

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S.B. 70, MOTOR VEHICLE LIABILITY AMENDMENTS, was read the third time and explained by Senator Urquhart. Senator Niederhauser commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Christensen	Dayton	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Van Tassell	Waddoups		

Voting in the negative were: Senators

Davis	Goodfellow	Greiner
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Absent or not voting were: Senators

Bramble	Buttars	Liljenquist	Valentine
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S.B. 70 was transmitted to the House for consideration.

SECOND READING CALENDAR

S.B. 74, STATE PARK HIGHWAY ACCESS AMENDMENTS, was read the second time. Senator Hinkins explained the bill. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Adams	Davis	Dayton	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins
Jones	Knudson	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	Buttars	Christensen	Liljenquist
McAdams	Valentine		

* * *

On motion of Senator Jones, **1st Sub. S.B. 106**, MOTOR VEHICLE NOISE EMISSION STANDARDS, was read the second time and circled.

* * *

S.B. 113, WIRELESS TELEPHONE USE RESTRICTION FOR MINORS IN VEHICLES, was read the second time. Senator Romero explained the bill. Senators Greiner and Dayton commented. The bill passed second reading on the following roll call:

Yeas, 19; Nays, 7; Absent, 3.

Voting in the affirmative were: Senators

Christensen	Davis	Goodfellow	Greiner
Hillyard	Jenkins	Jones	Knudson
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	J. Stevenson
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Adams	Bramble	Dayton	Hinkins
Madsen	H. Stephenson	Stowell	

Absent or not voting were: Senators

Buttars	Liljenquist	Urquhart
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On motion of Senator Niederhauser, **S.B. 137**, COORDINATION OF REMOVING, RELOCATING, OR ALTERING UTILITIES, was read the second time and circled.

* * *

2nd Sub. S.B. 81, EMINENT DOMAIN AMENDMENTS, was read the second time. Senator Hillyard explained the bill. Senators Adams and Valentine commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jones	Knudson	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Valentine	Waddoups		

Absent or not voting were: Senators

Buttars	Jenkins	Liljenquist	Madsen
Stowell	Urquhart	Van Tassell	

* * *

S.B. 120, DISARMING A PEACE OFFICER AMENDMENTS, was read the second time. Senator Hinkins explained the bill. Senator Okerlund commented. Senator Greiner declared a conflict of interest. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jones	Knudson	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Buttars	Jenkins	Liljenquist	Urquhart
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S.B. 130, JUDICIARY AMENDMENTS, was read the second time.

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

1st Sub. S.B. 130 Judiciary Amendments (L. Hillyard)

Senator Hillyard explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Buttars	Liljenquist	H. Stephenson
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* * *

S.B. 140, JUVENILE DETENTION AMENDMENTS, was read the second time. Senator Greiner explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Buttars	Liljenquist	H. Stephenson	J. Stevenson
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COMMUNICATIONS FROM THE HOUSE

Mr. President: February 23, 2010

The Speaker of the House has signed **2nd Sub. S.B. 90**, MENTAL HEALTH PROFESSIONAL PRACTICE ACT AMENDMENTS, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 126**, SUBDIVISION AMENDMENTS, by Senator J. S. Adams, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

2nd Sub. S.B. 90 and **S.B. 126** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 23, 2010

The House passed **H.B. 82**, PROTECTION OF CHILDREN RIDING IN MOTOR VEHICLES, by Representative F.J. Seegmiller, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 106**, EXPEDITED BACKGROUND CHECKS FOR HUMAN SERVICES PROVIDERS, by Representative J. Seelig, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 141**, RECREATIONAL USE OF PUBLIC WATER ON PRIVATE PROPERTY, by Representative K. McIff, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 173**, 911 AMENDMENTS, by Representative B. Dee, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.C.R. 2**, CONCURRENT RESOLUTION ON STATES' RIGHTS, by Representative Julie Fisher, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 82**, **1st Sub. H.B. 106**, **1st Sub. H.B. 141**, **1st Sub. H.B. 173**, and **1st Sub. H.C.R. 2** were read the first time and referred to the Rules Committee.

SECOND READING CALENDAR

S.B. 141, UTAH SUBSTANCE ABUSE AND ANTI-VIOLENCE COORDINATING COUNCIL AMENDMENTS, was read the second time.

Senator Adams explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Knudson	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble	Buttars	Hinkins	Liljenquist
H. Stephenson			

* * *

On motion of Senator Jenkins and at 5:00 p.m., the Senate adjourned until 10:00 a.m., Wednesday, February 24, 2010.

THIRTIETH DAY

MORNING SESSION

February 24, 2010

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

Prayer – Mr. Richard Kemp

Pledge of Allegiance – Senator Brent Goodfellow

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 72)

SPECIAL RECOGNITION

The Senate recognized Maureen Riley, Executive Director of the Salt Lake Department of Airports.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 23, 2010

The House passed, as substituted, **1st Sub. H.B. 13**, DRUG LAW DEFINITIONS – AMENDMENTS, by Representative T. Beck, and it is transmitted for consideration; and

The House passed **H.B. 66**, PROSTHETIC LIMB HEALTH INSURANCE PARITY, by Representative D. Litvack, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 174**, LICENSE PLATES AMENDMENTS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed **H.B. 303**, PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed **H.B. 307**, GENERAL COUNTY POWERS AMENDMENTS, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed, as amended, **H.C.R. 7**, CREDIT SCORES CONCURRENT RESOLUTION, by Representative D. Aagard, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 13, H.B. 66, H.B. 174, H.B. 303, H.B. 307, and H.C.R. 7** were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: February 22, 2010

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 112**, SUPREME COURT REVIEW OF AN INITIATIVE OR REFERENDUM, by Representative B. Dee; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 202**, FIREWORKS AMENDMENTS, by Representative R. Menlove; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 230**, HUMAN TRAFFICKING AMENDMENTS, by Representative Julie Fisher; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 239**, CHILD PROTECTION REVISIONS, by Representative W. Harper; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 250**, CRIMINAL PENALTIES AMENDMENTS – LEAVING THE SCENE OF AN ACCIDENT, by Representative C. Herrod; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 251**, ADMISSION OF AFFIDAVITS INTO EVIDENCE, by Representative R. Lockhart; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.J.R. 6**, STRANGULATION AND DOMESTIC VIOLENCE JOINT RESOLUTION, by Representative J. Seelig.

Mark B. Madsen, Chair

On motion of Senator Dayton, the committee report was adopted. **H.B. 112, H.B. 202, H.B. 230, H.B. 239, H.B. 250, H.B. 251, and H.J.R. 6** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President:

February 22, 2010

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 206**, ACCESS TO CRIME VICTIM'S MEDICAL RECORDS, by Senator J. Greiner, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 96**, LIBEL AMENDMENTS, by Representative Julie Fisher, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 249**, EMANCIPATION AMENDMENTS, by Representative L. Fowlke, and recommends it be considered read for the second time and placed on the Consent Calendar.

Mark B. Madsen, Chair

On motion of Senator Dayton, the committee report was adopted. **S.B. 206**, **H.B. 96**, and **H.B. 249** were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 197, Community Development and Renewal Agency Amendments (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 204, Midterm Vacancy Amendments (B. McAdams), read the first time by short title and referred to the Rules Committee.

S.B. 251, Verification of Employment Eligibility (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

TIME CERTAIN CALENDAR

H.J.R. 5, JOINT RESOLUTION ON CLEAN AIR, was read the third time, explained by Senator Jones, and passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Goodfellow	Hillyard	Hinkins	Jenkins

Jones	Knudson	Madsen	McAdams
Morgan	Niederhauser	Okerlund	Romero
H. Stephenson	J. Stevenson	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Dayton	Greiner	Liljenquist
Mayne	Robles	Stowell	

H.J.R. 5 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

SPECIAL RECOGNITION

The Senate recognized Governor Gary R. Herbert for heading the “Best Managed State in America.”

COMMITTEE OF THE WHOLE

On motion of Senator Jenkins, Governor Gary R. Herbert spoke in Committee of the Whole.

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

SPECIAL RECOGNITION

Winners of the 38th Annual All–State High School Art Show were recognized by the Senate.

THIRD READING CALENDAR

2nd Sub. S.B. 275, REMOVING SIGNATURE FROM INITIATIVE AND REFERENDUM PETITION, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

Yeas, 21; Nays, 7; Absent, 1.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Knudson	Liljenquist	Madsen
Niederhauser	Okerlund	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Davis	Goodfellow	Jones	Mayne
McAdams	Morgan	Romero	

Absent or not voting was: Senator

Robles

2nd Sub. S.B. 275 was transmitted to the House for consideration.

* * *

S.B. 124, MILITARY INSTALLATION DEVELOPMENT AUTHORITY MODIFICATIONS, was read the third time, explained by Senator Stevenson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Robles

S.B. 124 was transmitted to the House for consideration.

* * *

S.B. 74, STATE PARK HIGHWAY ACCESS AMENDMENTS, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator Robles

S.B. 74 was transmitted to the House for consideration.

* * *

S.B. 113, WIRELESS TELEPHONE USE RESTRICTION FOR MINORS IN VEHICLES, was read the third time and explained by Senator Romero.

Senator Romero proposed the following amendment:

- 1. Page 1, Line 19

19 ▶ {~~requires~~} prohibits the Driver License
 Division {~~to assess~~} from assessing points against a person's
 driving

- 2. Page 2, Lines 51 through 53:

51 (b) Upon receiving a record of conviction under this section, the
 Driver License

52 Division {~~shall~~} may not assess points against the
driving record of the person who violates this section {~~convicted~~
in accordance

53 with -} under Section 53-3-221.

Senator Romero's motion to amend passed on a voice vote. Senators Waddoups and Van Tassell commented and the bill passed on the following roll call:

Yeas, 19; Nays, 8; Absent, 2.

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Goodfellow
Greiner	Hillyard	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Romero	J. Stevenson
Urquhart	Valentine	Van Tassell	

Voting in the negative were: Senators

Adams	Dayton	Hinkins	Jenkins
Madsen	H. Stephenson	Stowell	Waddoups

Absent or not voting were: Senators

Buttars Robles

S.B. 113 was transmitted to the House for consideration.

* * *

2nd Sub. S.B. 81, EMINENT DOMAIN AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Buttars Robles

2nd Sub. S.B. 81 was transmitted to the House for consideration.

* * *

S.B. 120, DISARMING A PEACE OFFICER AMENDMENTS, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Liljenquist Madsen Robles

S.B. 120 was transmitted to the House for consideration.

SPECIAL RECOGNITION

The Senate recognized National Board Certified Teachers from Utah.

THIRD READING CALENDAR

On motion of Senator Jenkins, **1st Sub. S.B. 130, JUDICIARY AMENDMENTS**, was read the third time and circled.

* * *

S.B. 140, JUVENILE DETENTION AMENDMENTS, was read the third time and explained by Senator Greiner.

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

1st Sub. S.B. 140 Juvenile Detention Amendments (J. Greiner)

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Liljenquist	Mayne	McAdams	Morgan
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Knudson	Madsen	Niederhauser
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1st Sub. S.B. 140 was transmitted to the House for consideration.

* * *

On motion of Senator Hillyard, the circle was removed from **1st Sub. S.B. 130, JUDICIARY AMENDMENTS**, and it was before the Senate. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Knudson
Liljenquist	Mayne	McAdams	Morgan
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Jones	Madsen	Niederhauser
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1st Sub. S.B. 130 was transmitted to the House for consideration.

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S.B. 141, UTAH SUBSTANCE ABUSE AND ANTI-VIOLENCE COORDINATING COUNCIL AMENDMENTS, was read the third time, explained by Senator Adams, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Knudson
Liljenquist	Mayne	McAdams	Morgan
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Jones	Madsen	Niederhauser
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S.B. 141 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Hillyard, the circle was removed from **H.B. 21**, EXPUNGEMENT REVISIONS, and it was before the Senate. Senator Hillyard explained the bill.

Senator Hillyard proposed the following amendment:

- 1. Page 33, Lines 1009 through 1011
Senate 2nd Reading Amendments
2-19-2010

1009 ~~[(4)] (6)~~ { ~~←~~ ~~Ŝ~~ ~~→~~ ”Criminal court case” means a conviction entered in a single information

1009a or indictment as defined in Section 77-1-3. ~~←~~ ~~Ŝ~~ ~~→~~ ”Division” means the Criminal Investigations and

1009b Technical Services

1010 Division of]

1010a ~~Ŝ~~ ~~→~~ ~~(7)~~ ~~←~~ ~~Ŝ~~ } ”Department” means the Department of Public Safety established in Section

1011 ~~[53-10-103]~~ 53-1-103.

Renumber the remaining subsections accordingly.

- 2. Page 36a, Lines 1111c through 1111n
Senate 2nd Reading Amendments
2-19-2010:

1111c which the expungement occurred. ~~←~~ ~~Ĥ~~ ~~→~~] The bureau may not issue a certificate of eligibility if, at

1111d the time the petitioner seeks a certificate of eligibility, the bureau determines that the

1111e petitioner’s criminal history, including previously expunged convictions, contains any of the

1111f following:

1111g (a) two or more felony convictions, each of which is contained in a separate criminal { ~~←~~ ~~court~~ ~~→~~

1111h case } episode ;

1111i (b) any combination of three or more convictions that include two class A misdemeanor

1111j convictions, each of which is contained in a separate criminal { ~~←~~ ~~court case~~ ~~→~~ } episode ;

1111k (c) any combination of four or more convictions that include three class B misdemeanor

1111l convictions, each of which is contained in a separate criminal
 {~~-court case~~ } episode ; or

1111m (d) five or more convictions of any degree whether
misdemeanor or felony, excluding

1111n infractions, each of which is contained in a separate criminal
 {~~-court case~~ } episode . ←Ŝ

Senator Hillyard's motion to amend passed on a voice vote.

###

Senator McAdams proposed the following amendment:

1. Page 33, Lines 1009 through 1019

1009 [(4)] (6) “Criminal event” means the larger of:
(a) all convictions entered in a single information or indictment as
defined in Section 77-1-3; or

(b) all convictions pertaining to a single criminal episode.

[“Division” means the Criminal Investigations and Technical Services

1010 Division of]

(7) “Department” means the Department of Public Safety
 established in Section

1011 [~~53-10-103~~] 53-1-103.

1012 [(5)] “Expungement” means the sealing or destruction of a
criminal record, including

1013 records of the investigation, arrest, detention, or conviction of
the petitioner.]

1014 {~~(7)~~ } (8) “Expunge” means to seal or otherwise
restrict access to the petitioner’s record of

1015 arrest, investigation, detention, or conviction held by an
agency.

1016 [(6)] {~~(8)~~ } (9) “Jurisdiction” means [an area of
authority] a state, district, province, political

1017 subdivision, territory, or possession of the United States or any
foreign country.

1018 [(7)] {~~(9)~~ } (10) “Petitioner” means a person
seeking expungement under this chapter.

1019 [(8) Second-degree forcible felony includes:]

2. Page 36, Line 1104 through Page 37, Line 1114
House Committee Amendments
1-28-2010:

1104 (4) {-(a)} $\hat{H} \rightarrow$ [~~A petitioner may expunge one felony conviction.~~

1105 (b) ~~A petitioner may expunge three misdemeanor convictions, not arising out of a~~

1106 ~~single criminal episode.~~

1107 (c) ~~A petitioner may not expunge more than four convictions, not arising out of a single~~

1108 ~~criminal episode. This restriction applies regardless of the jurisdiction in which the~~

1109 ~~expungement was obtained.]~~ {~~A petitioner is not eligible to receive a certificate of eligibility from~~

1109a ~~the bureau for any record of conviction if the petitioner's criminal history contains:~~

1109b (i) ~~more than one criminal episode which contains a conviction for a crime that would~~

1109c ~~be a felony under Utah law;~~

1109d (ii) ~~more than two criminal episodes which contain a conviction for a crime that would~~

1109e ~~be a class A misdemeanor or felony under Utah law; or~~

1109f (iii) ~~more than three criminal episodes which contain a conviction for a crime that~~

1109g ~~would be a class B or A misdemeanor or felony under Utah law.~~

1109h (b) ~~A petitioner may not expunge more than four criminal episodes which contain a~~

1109i ~~conviction for a crime that would be any type of misdemeanor or felony under Utah law.~~

1110 {-(d)} (c) $\leftarrow \hat{H}$ ~~Infractions are not included in determining the total number of~~

1110a $\hat{H} \rightarrow$ [~~convictions]~~ ~~criminal episodes~~ $\leftarrow \hat{H}$ ~~a person~~

1111 may expunge.

1111a ~~H→~~ (d) The restrictions in this Subsection (4) apply regardless of whether the petitioner

1111b has expunged any convictions or any criminal episodes and regardless of the jurisdiction in

1111c which the expungement occurred. ←H } The bureau may not issue a certificate of eligibility if, at the time the petitioner seeks a certificate of eligibility, the bureau determines that the petitioner's criminal history, including previously expunged convictions, contains any of the following:

(a) two or more felony convictions, each of which is contained in a separate criminal event;

(b) any combination of three or more convictions that include two class A misdemeanor convictions, each of which is contained in a separate criminal event;

(c) any combination of four or more convictions that include three class B misdemeanor convictions, each of which is contained in a separate criminal event; or

(d) five or more convictions of any degree whether misdemeanor or felony, excluding infractions, each of which is contained in a separate criminal event.

1112 (5) {~~Notwithstanding Subsection (2), if a person~~ } If the petitioner has received a pardon from the Utah

1113 Board of Pardons and Parole, the {person} petitioner is entitled to a certificate of eligibility for all pardoned

1114 crimes.

3. Page 37, Lines 1126a through 1126c
House Committee Amendments
1-28-2010:

1126a H→ (b) For purposes of determining eligibility under this chapter, the bureau may

1126b review records of arrest, investigation, detention and conviction that have been previously

1126c expunged, regardless of the jurisdiction in which the expungement occurred .

Senator McAdams' motion to amend failed on a voice vote. Senators Greiner, Buttars, and Bramble commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Okerlund	Robles	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative was: Senator
Greiner

Absent or not voting were: Senators

Madsen	Niederhauser	Romero
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COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 24, 2010

The House passed, as amended, **H.C.R. 11**, TAIWAN CONCURRENT RESOLUTION, by Representative R. Lockhart, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communication filed. **H.C.R. 11** was read the first time and referred to the Rules Committee.

On motion of Senator Knudson, the Senate voted to lift **H.C.R. 11** from the Rules Committee and place it at the top of the Second Reading Calendar.

On motion of Senator Knudson, under suspension of the rules, **H.C.R. 11**, TAIWAN CONCURRENT RESOLUTION, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins

Jenkins	Jones	Knudson	Liljenquist
Mayne	Morgan	Niederhauser	Okerlund
Robles	Romero	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Buttars	Christensen	Madsen	McAdams
H. Stephenson			

H.C.R. 11 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

COMMITTEE OF THE WHOLE

On motion of Senator Knudson, Thomas J. C. Chen, Director General, Taipei Economic and Cultural Office in San Francisco, spoke in Committee of the Whole.

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

* * *

On motion of Senator Romero, the Senate voted to hold **S.B. 113**, WIRELESS TELEPHONE USE RESTRICTION FOR MINORS IN VEHICLES, for 24 hours.

INTRODUCTION OF BILLS

S.B. 235, Agricultural Loan Authorization (R. Okerlund), read the first time by short title and referred to the Rules Committee.

S.B. 250, Political Party Bylaws – United States Senators (H. Stephenson), read the first time by short title and referred to the Rules Committee.

* * *

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

AFTERNOON SESSION

The Senate reassembled at 2:10 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 23, 2010

The House adopted the Joint Conference Committee Report dated February 24, 2010, and passed **4th Sub. S.B. 22**, NOTARY PUBLIC AMENDMENTS, by Senator P. Knudson, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

Mr. President: February 23, 2010

The Joint Conference Committee comprised of Sens. Hillyard, Buttars, and Romero, and Reps. Hunsaker, Bigelow, and King, recommends **3rd Sub. S.B. 22**, NOTARY PUBLIC AMENDMENTS, by Senator P. Knudson, be replaced and favorably recommends **4th Sub. S.B. 22**, NOTARY PUBLIC AMENDMENTS.

Sen. Lyle Hillyard and
Rep. Fred Hunsaker, Chairs

The bill was placed on the Concurrence Calendar.

* * *

Mr. President: February 24, 2010

The House passed, **S.B. 20**, LOCAL DISTRICT AMENDMENTS, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 58**, TRANSPORTATION EXPENSES FOR DEFENDANTS, by Senator J. S. Adams, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 20 and **S.B. 58** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 24, 2010

The House passed, as substituted, **1st Sub. H.B. 60**, WATER CONVEYANCE FACILITIES SAFETY ACT, by Representative F. Hunsaker, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 278**, GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT AMENDMENTS, by Representative C. Herrod, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 311**, AUTISM TREATMENT FUND, by Representative R. Lockhart, et al, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 378**, MOTOR VEHICLE INSURANCE REQUIREMENTS, by Representative T. Kiser, and it is transmitted for consideration; and

The House passed **H.C.R. 12**, PRINTING AND GRAPHIC ARTS RECOGNITION MONTH CONCURRENT RESOLUTION, by Representative B. Daw, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 60**, **2nd Sub. H.B. 278**, **1st Sub. H.B. 311**, **1st Sub. H.B. 378**, and **H.C.R. 12** were read the first time and referred to the Rules Committee.

* * *

Mr. President:

February 24, 2010

The House passed, as amended, **S.B. 12**, INDIVIDUAL INCOME TAX CONTRIBUTION FOR METHAMPHETAMINE HOUSING RECONSTRUCTION AND REHABILITATION FUND, by Senator K. Mayne, and it is transmitted for further consideration; and

The House passed, as amended, **1st Sub. S.B. 41**, DRUG UTILIZATION REVIEW BOARD AMENDMENTS, by Senator P. Knudson, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 85**, UTAH CONSTRUCTION TRADE LICENSING ACT AMENDMENTS, by Senator S. Jenkins, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 24, 2010

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

Business and Labor Committee

S.B. 251 Verification of Employment Eligibility
(Sen. D. C. Buttars)

H.C.R. 7 Credit Scores Concurrent Resolution (Rep. D. Aagard)
(Sen. P. Jones)

Education Committee

S.B. 250 Political Party Bylaws – United States Senators
(Sen. H. Stephenson)

Government Operations and Political Subdivisions Committee

S.B. 204 Midterm Vacancy Amendments (Sen. B. McAdams)
1st Sub. H.C.R. 2 Concurrent Resolution on States’ Rights
(Rep. Julie Fisher) (Sen. D. Hinkins)

Health and Human Services Committee

1st Sub. H.B. 106 Expedited Background Checks for Human Services
Providers (Rep. J. Seelig) (Sen. D. Liljenquist)

Judiciary, Law Enforcement, and Criminal Justice Committee

1st Sub. H.B. 13 Drug Law Definitions – Amendments (Rep. T. Beck)
(Sen. P. Knudson)
1st Sub. H.B. 173 911 Amendments (Rep. B. Dee) (Sen. J. Greiner)
H.B. 270 Financial Disclosure and Conflict of Interest
Amendments (Rep. G. Hughes) (Sen. W. Niederhauser)

Natural Resources, Agriculture and Environment Committee

1st Sub. H.B. 141 Recreational Use of Public Water on Private Property
(Rep. K. McIff) (Sen. D. Stowell)
S.B. 235 Agricultural Loan Authorization (Sen. R. Okerlund)

Retirement and Independent Entities Committee

H.B. 246 Retirement Benefits for Charter School Employees
(Rep. C. Watkins) (Sen. K. Morgan)

Revenue and Taxation Committee

S.B. 197 Community Development and Renewal Agency
Amendments (Sen. C. Bramble)

Transportation, Public Utilities and Technology Committee

S.B. 170 Suspension of Driving Privileges (Sen. L. Hillyard)
S.B. 220 Vehicle Impound Amendment (Sen. J. Greiner)

H.B. 174 License Plates Amendments (Rep. P. Ray)
(Sen. J. Greiner)

Margaret Dayton
Rules Committee Chair

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

* * *

The Rules Committee recommends that, with the written consent of the sponsor, **S.B. 128**, City and County Carbon Credits for Sequestration of Waste Stream Materials (Sen. R. Romero) be replaced and favorably recommends that **1st Sub. S.B. 128**, City and County Carbon Credits for Sequestration of Waste Stream Materials (Sen. R. Romero) be adopted and assigned to the Revenue and Taxation Committee.

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 24, 2010

The Business and Labor Committee recommends **S.B. 161**, REAL PROPERTY TRANSFER FEE AMENDMENTS, by Senator M. Madsen, be replaced and favorably recommends **1st Sub. S.B. 161**, REAL PROPERTY TRANSFER FEE AMENDMENTS with the following amendments:

1. Page 1, Lines 15 through 17:

15 General Description:

16 This bill enacts a provision relating to fees
{-association-} associated with the transfer of real property.

17 Highlighted Provisions: ; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 231**, MEDICAL BENEFITS UNDER WORKERS' COMPENSATION, by Senator D. C. Buttars, with the following amendments:

1. Page 2, Lines 41 through 46:

41 {- (b) For purposes of Subsection (1)(a), a medical expense is considered necessary to

42 ~~treat an industrial accident if the medical expense is for treatment of a disability that results~~

43 ~~from the industrial accident. }~~

44 ~~{-(e) An }~~ (b) For an industrial accident that occurs on or after July 1, 1988, and is the basis of a claim for a medical expense, an employee is entitled to be compensated for ~~{-a }~~ the medical expense if the employee

45 meets the requirements of ~~{-Subsections (1)(a) and (b) regardless of the industrial~~

46 ~~accident that is the basis of the claim occurred before April 30, 2007 }~~ Subsection (1)(a) ; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 257**, DIETITIAN CERTIFICATION ACT AMENDMENTS, by Representative M. Newbold; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 183**, CONSTRUCTION AND FIRE CODE RELATED AMENDMENTS, by Representative M. Morley.

John L. Valentine

Mr. President: February 24, 2010

The Health and Human Services Committee reports a favorable recommendation on **H.B. 260**, CHILDREN’S HEALTH INSURANCE PLAN SIMPLIFIED RENEWAL, by Representative M. Newbold.

D. Chris Buttars, Chair

On motion of Senator Dayton, the committee reports were adopted. **1st Sub. S.B. 161**, as amended, **S.B. 231**, as amended, **H.B. 257**, **H.B. 183**, and **H.B. 260** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 24, 2010

The Business and Labor Committee reports a favorable recommendation on **S.B. 167**, ALCOHOLIC BEVERAGE CONTROL ACT RECODIFICATION, by Senator J. Valentine, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

- 1. Page 2, Lines 38 through 39:

38 Other Special Clauses:

39 This bill provides an effective date.

This bill coordinates with H.B. 141, Utah Substance Abuse and Anti-violence Coordinating Council Amendments, to technically merge amendments.

This bill coordinates with H.B. 223, Alcoholic Beverage Control Act and Licenses, to technically merge amendments.

2. Page 23, Lines 688 through 689:

688 32A-15a-203, as enacted by Laws of Utah 2003, Chapter 314

Utah Code Sections Affected by Coordination Clause:

32B-2-402, Utah Code Annotated 1953

32B-6-203, Utah Code Annotated 1953

32B-6-303, Utah Code Annotated 1953

32B-6-703, Utah Code Annotated 1953

32B-7-305, Utah Code Annotated 1953

689

3. Page 24, Lines 718 through 719:

718 (6) A business license issued under this section
~~{-constitutes-}~~ does not constitute written consent of the local

719 authority within the meaning of Title [32A] 32B, Alcoholic Beverage Control Act.

4. Page 72, Line 2224 through Page 73, Line 2230:

2224 (5) ~~{-(a)}~~ A commissioner shall ~~{-; }~~

2225 ~~{-(i)}~~ take the oath of office ~~{-; and~~

2226 ~~(ii) give a bond to the state for faithful performance of duties;~~

2227 ~~(A) in an amount determined by the Division of Finance; and~~

2228 ~~(B) in a form approved by the attorney general.~~

2229 ~~(b) The state shall pay the premium for a bond required by this Subsection (5) }~~ .

2230 (6) (a) The governor may remove a commissioner from the commission for cause after

5. Page 403, Lines 12462 through 12464:

12462 Section 384. Effective date.

12463 This bill takes effect on July 1, 2011, except the amendments to Section

12464 58-82-102(Effective 07/01/12) take effect on July 1, 2012.

Section 385. Coordinating this S.B. 167 with H.B. 141 — Technically merging changes.

If this S.B. 167 and H.B. 141, Utah Substance Abuse and Anti-violence Coordinating Council Amendments, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication change the references from “Utah Substance Abuse and Anti-violence Coordinating Council” to “Utah Substance Abuse Coordinating Council” in the following subsections enacted in this bill to take effect July 1, 2011:

(1) Subsection 32B-2-402(1)(d); and

(2) Subsection 32B-7-305(5).

Section 386. Coordinating this S.B. 167 with H.B. 223 — Technically merging changes.

If this S.B. 167 and H.B. 223, Alcoholic Beverage Control Act and Licenses, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel in preparing the Utah Code database for publication make the following changes to the following subsections enacted in this bill to take effect on July 1, 2011:

(1) change the number in Subsection 32B-6-203(3)(a) from “5,200” to “5,000”;

(2) change the number in Subsection 32B-6-303(3)(a) from “9,300” to “8,700”; and

(3) change the number in Subsection 32B-6-703(3)(a) from “30,500” to “53,400”.

John L. Valentine, Chair

Mr. President:

February 24, 2010

The Health and Human Services Committee recommends **H.B. 299**, AMENDMENTS RELATED TO SUBSTANCES HARMFUL TO PREGNANCY, by Representative R. Menlove, be replaced and favorably recommends **1st Sub. H.B. 299**, AMENDMENTS RELATED TO SUBSTANCES HARMFUL TO PREGNANCY and that it be considered read for the second time and placed on the Consent Calendar; and

The Health and Human Services Committee reports a favorable recommendation on **H.C.R. 9**, AUTISM, DISABILITIES, AND FAITH

CONCURRENT RESOLUTION, by Representative R. Menlove, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

On motion of Senator Dayton, the committee reports were adopted. **S.B. 167**, as amended, **1st Sub. H.B. 299**, and **H.C.R. 9** were considered read the second time and placed on the Consent Calendar.

CONCURRENCE CALENDAR

On motion of Senator Knudson, the Senate voted to concur in the House amendments to **4th Sub. S.B. 22**, NOTARY PUBLIC AMENDMENTS. Senator Hillyard commented. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Madsen	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Liljenquist	Mayne	H. Stephenson
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4th Sub. S.B. 22 was returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

H.B. 193, OCCUPATIONS AND PROFESSIONS AMENDMENTS, was read the second time. Senator Valentine explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	McAdams	Niederhauser	Okerlund

Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Adams	Liljenquist	Mayne	Morgan
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On motion of Senator Niederhauser, **H.B. 17**, AMENDMENTS TO PROGRAMS FOR PEOPLE WITH DISABILITIES, was read the second time and circled.

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On motion of Senator Niederhauser, **1st Sub. H.B. 67**, HEALTH SYSTEM AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Niederhauser, **3rd Sub. H.B. 71**, NICOTINE PRODUCT RESTRICTIONS, was read the second time and circled.

* * *

2nd Sub. H.B. 70, RETROFIT COMPRESSED NATURAL GAS VEHICLES AMENDMENTS, was read the second time. Senator Madsen explained the bill. Senator Waddoups commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Liljenquist	Mayne	McAdams
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* * *

On motion of Senator Buttars, **H.B. 93**, MOTORCYCLE AND OFF-HIGHWAY VEHICLE AMENDMENTS, was read the second time and circled.

* * *

1st Sub. H.B. 78, WEAPONS REVISIONS, was read the second time.

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

3rd Sub. H.B. 78 Weapons Revisions (S. Sandstrom)

Senator Valentine explained the bill. Senators Goodfellow and Madsen commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Madsen	McAdams	Morgan
Niederhauser	Okerlund	Robles	H. Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Liljenquist	Mayne	Romero	J. Stevenson
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* * *

On motion of Senator Bramble, the circle was removed from **H.B. 93**, MOTORCYCLE AND OFF-HIGHWAY VEHICLE AMENDMENTS, and it was before the Senate.

Senator Goodfellow proposed the following amendment:

1. Page 1, Line 22e
Senate Committee Amendments
2-17-2010

22e negligence, injuries, or the mitigation of damages: {~~and~~ }
←§

► provides that a court may not waive \$8 of a fine charged to a person for a driving under the influence violation; and

- 2. Page 2, Line 50e
House Committee Amendments
2-2-2010:

50e injuries, or the mitigation of damages. ←§
(6) Notwithstanding Subsection (4), a court may not waive \$8 of a fine charged to a person operating a motorcycle or motor-driven cycle for a driving under the influence violation of Section 41-6a-502.

- 3. Page 3, Line 71e
Senate Committee Amendments
2-17-2010:

71e injuries, or the mitigation of damages. ←§
(7) Notwithstanding Subsection (5), a court may not waive \$8 of a fine charged to a person operating an off-highway vehicle on public land for a driving under the influence violation of Section 41-6a-502.

Senator Goodfellow’s motion to amend passed on a voice vote. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Liljenquist

* * *

On motion of Senator Bramble, the Senate voted to assign **S.B. 273, HOSPITAL ASSESSMENTS**, to the Transportation, Public Utilities and Technology Committee.

* * *

H.B. 201, STATE FIRE MARSHAL MODIFICATIONS, was read the second time. Senator Bramble explained the bill. Senator Greiner commented. The bill passed second reading on the following roll call:

Yeas, 18; Nays, 8; Absent, 3.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Goodfellow	Hillyard	Hinkins	Jones
Knudson	Mayne	McAdams	Morgan
Okerlund	Robles	Romero	J. Stevenson
Valentine	Waddoups		

Voting in the negative were: Senators

Greiner	Jenkins	Madsen	Niederhauser
H. Stephenson	Stowell	Urquhart	Van Tassell

Absent or not voting were: Senators

Buttars	Dayton	Liljenquist
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1st Sub. H.B. 214, CONCEALED FIREARM PERMIT MODIFICATIONS, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Madsen
McAdams	Morgan	Niederhauser	Okerlund
Robles	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Buttars	Hillyard	Liljenquist	Mayne
Romero			

* * *

H.B. 54, PROPERTY TAX EXEMPTION FOR WATER FACILITIES, was read the second time. Senator Valentine explained the bill. Senators Greiner.

Jenkins, Van Tassell, Stephenson, Okerlund, and Stowell commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Hillyard	Niederhauser
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On motion of Senator Jenkins, and at 3:20 p.m., the Senate sauntered.

The Senate was called to order at 3:35 p.m., with President Waddoups presiding.

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H.J.R. 2, JOINT RESOLUTION ON PROPERTY TAX EXEMPTION FOR WATER FACILITIES, was read the second time. Senator Stephenson explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Van Tassell
Waddoups			

Absent or not voting were: Senators

Hillyard	Liljenquist	Urquhart	Valentine
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H.B. 97, AMENDMENTS RELATING TO DECEPTIVE PRACTICES INVOLVING CONSUMERS, was read the second time. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
J. Stevenson	Stowell	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Liljenquist	H. Stephenson	Urquhart
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On motion of Senator Knudson, **1st Sub. H.B. 205**, IMPACT FEE AMENDMENTS, was read the second time and circled.

* * *

H.B. 254, VOTER IDENTIFICATION AMENDMENTS, was read the second time. Senator Knudson explained the bill. Senator Dayton commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Niederhauser
Okerlund	Romero	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble	Hillyard	Morgan	Robles
H. Stephenson			

* * *

On motion of Senator Liljenquist, the circle was removed from **H.B. 17, AMENDMENTS TO PROGRAMS FOR PEOPLE WITH DISABILITIES**, and it was before the Senate. Senator Liljenquist explained the bill. Senators Buttars, Greiner, Christensen, and Madsen commented.

On motion of Senator Liljenquist, the bill was circled.

* * *

On motion of Senator Liljenquist, the circle was removed from **S.B. 137, COORDINATION OF REMOVING, RELOCATING, OR ALTERING UTILITIES**, and it was before the Senate. Senator Liljenquist explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator Robles

* * *

On motion of Senator Jenkins and at 4:00 p.m., the Senate adjourned until 10:00 a.m., Thursday, February 25, 2010.

THIRTY–FIRST DAY

MORNING SESSION

February 25, 2010

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

Prayer – Former Senator Karen Hale

Pledge of Allegiance – Senator Karen Morgan

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 72)

SPECIAL RECOGNITION

The Senate recognized the Mormon Tabernacle Choir and their newest CD “Heavensong” for reaching #1 on Billboard’s Classical Crossover chart. Those representing the choir were Mac Christensen, Mack Wilberg and Scott Barrick.

* * *

The Senate recognized Utah State Treasurer Richard Ellis and Utah’s AAA Bond Rating.

COMMUNICATIONS FROM THE GOVERNOR

ADVISE AND CONSENT

Mr. President:

December 28, 2009

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

COURT OF APPEALS

Stephen L. Roth is appointed as a Judge of the Court of Appeals. See Utah Const. art. VIII, 8; Utah Code Section 78A–10–101.

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

Gary R. Herbert
Governor

Mr. President: February 22, 2010

The Senate Judicial Confirmation committee met on February 22, 2010 and reports a favorable recommendations for Judge Stephen L. Roth to be confirmed to the position of Judge in the Court of Appeals.

Scott K. Jenkins, Chair

On motion of Senator Hillyard, the Senate voted to consent to the Governor’s appointment as listed in his communication dated December 28, 2009, as read by Leslie McLean on the following roll call vote:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble	Dayton	Liljenquist	Madsen
Stowell			

COMMITTEE OF THE WHOLE

On motion of Senator Jenkins, Judge Stephen L. Roth spoke in Committee of the Whole. Senators Hillyard and Urquhart commented.

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

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 24, 2010

The House passed, **S.B. 50**, VICTIMS’ RIGHTS REVISIONS, by Senator J. S. Adams, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 102**, RESTRICTING THE MOVEMENT OF A MOTOR VEHICLE, by Senator B. Goodfellow, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 121**, UTAH UNIFORM PROBATE CODE AMENDMENTS, by Senator J. Valentine, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 50, S.B. 102 and **1st Sub. S.B. 121** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

Mr. President:

February 24, 2010

The House passed, as amended, **H.B. 190**, DISCLOSURE OF METHAMPHETAMINE CONTAMINATED PROPERTY ACT AMENDMENTS, by Representative S. Mascaro, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 227**, LICENSING ELIGIBILITY, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed **H.C.R. 13**, CONCURRENT RESOLUTION ON PROVIDING CONTINUING FEDERAL FINANCIAL ASSISTANCE FOR THE DELIVERY OF BASIC SERVICES TO DUTCH JOHN, U, by Representative M. Brown, and it is transmitted for consideration; and

The House passed **H.J.R. 21**, JOINT RESOLUTION ON ENERGY POLICY, by Representative M. Noel, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 190, 1st Sub. H.B. 227, H.C.R. 13,** and **H.J.R. 21** were read the first time and referred to the Rules Committee.

* * *

Mr. President:

February 24, 2010

The House passed, as amended, **S.B. 39**, HEALTH INSURANCE PRIOR AUTHORIZATION AMENDMENTS, by Senator K. Mayne, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 55**, AUTHORIZATION OF CHARTER SCHOOLS BY HIGHER EDUCATION INSTITUTIONS, by Senator J. S. Adams, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

STANDING COMMITTEE REPORTS

Mr. President:

February 24, 2010

The Education Committee reports a favorable recommendation on **S.B. 66**, PUBLIC SCHOOL EXTRACURRICULAR ACTIVITIES FOR HOME SCHOOL AND PRIVATE SCHOOL STUDENTS, by Senator M. Madsen, with the following amendments:

1. Page 4, Lines 120 through 121:

120 (ii) retain academic eligibility { ~~throughout the activity~~
~~season and~~ } for all extracurricular

121 activities during the activity season for which the affidavit is
submitted . until:

2. Page 5, Lines 144 through 147:

144 (b) (i) If { ~~a~~ } in response to a request made under
Subsection (9)(a), test scores are submitted and the home school
student's test scores on a basic skills competency test meet the

145 requirement necessary for public school students to receive a basic
high school diploma, as

146 provided in Subsection 53A-1-611(2), the home school student
shall be considered to be in

147 compliance with the academic eligibility requirements.

(ii) A home school student who meets academic eligibility
requirements pursuant to Subsection (9)(b)(i) retains academic
eligibility for all extracurricular activities during the activity season for
which an affidavit is submitted pursuant to Subsection (6).

3. Page 5, Line 152 through Page 6, Line 157:

152 (10) (a) A school district superintendent shall:

153 { ~~(a)~~ } (i) appoint a panel of three { ~~to five~~ }
individuals who have experience in home schooling

154 high school–age students to verify a home school student’s compliance with academic eligibility

155 requirements when requested by a principal pursuant to Subsection (9); and

156 ~~{(b)}~~ (ii) select the panel members from nominees submitted by national, state, or regional

157 organizations whose members are home school students and parents.

(b) One member of the panel appointed under Subsection (10) shall have experience teaching in a public school.

4. Page 6, Lines 166 through 168:

166 (12) A home school student who meets academic eligibility requirements pursuant to

167 Subsection ~~{(9) or}~~ (11), retains academic eligibility ~~{throughout the activity season and}~~ for all

168 extracurricular activities during the activity season for which an affidavit is submitted pursuant to Subsection (6) .

5. Page 7, Line 186:

186 eligible to try out for and participate in the activity as provided in this section.

(16)(a) If a student exits a public school to enroll in a private or home school midsemester or during an activity season, and the student desires to participate in an extracurricular activity at the public school, the public school shall issue an interim academic assessment based on the student’s work in each class.

(b) A student’s academic eligibility to participate in an extracurricular activity under the circumstances described in Subsection (16)(a) shall be based on the student meeting public school academic eligibility standards at the time of exiting public school.

(c) A student may appeal an academic eligibility determination made under Subsection (16)(b) in accordance with procedures for appealing a public school student’s academic eligibility. ; and

The Education Committee reports a favorable recommendation on **S.B. 188**, CHARTER SCHOOL AMENDMENTS, by Senator H. Stephenson.

Curtis S. Bramble, Chair

Mr. President: February 24, 2010
The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 120**, UNDERGROUND STORAGE TANK AMENDMENTS, by Representative K. McIff; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 285**, PRACTICE OF VETERINARY MEDICINE, by Representative J. Mathis; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 240**, DEPARTMENT OF NATURAL RESOURCES AMENDMENTS, by Representative J. Draxler.

Dennis E. Stowell, Chair

On motion of Senator Dayton, the committee reports were adopted. **S.B. 66**, as amended, **S.B. 188**, **H.B. 120**, **H.B. 285**, and **H.B. 240** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 24, 2010
The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 218**, ENGINE COOLANT BITTERING AGENT ACT, by Senator M. Waddoups, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 107**, ANIMAL SHELTER AMENDMENTS, by Representative J. Seelig, and recommends it be considered read for the second time and placed on the Consent Calendar.

Dennis E. Stowell, Chair

On motion of Senator Dayton, the committee reports were adopted. **S.B. 218** and **H.B. 107** were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 227, Interlocal Energy Amendments (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.C.R. 11, Concurrent Resolution Expressing Opposition to the Creation of New National Monuments in Utah (K. Van Tassell), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

President Waddoups reported that three Senators have requested **1st Sub. H.J.R. 9, RESOLUTION IN SUPPORT OF VETERANS' NURSING HOME**, be removed from the Consent Calendar. **1st Sub. H.J.R. 9** was placed at the top of the Second Reading Calendar.

* * *

S.B. 189, CAPITAL FACILITIES AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hillyard
Hinkins	Jones	Knudson	Mayne
McAdams	Niederhauser	Okerlund	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Greiner	Jenkins	Liljenquist	Madsen
Morgan	Robles		

S.B. 189 was transmitted to the House for consideration.

* * *

H.B. 263, TECHNICAL CROSS REFERENCE REVISIONS, was read the third time, explained by Senator McAdams, and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Hillyard	Hinkins
Jones	Knudson	Mayne	McAdams
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Adams	Greiner	Jenkins	Liljenquist
Madsen	Morgan		

H.B. 263 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 274, STATUTORY CONSTRUCTION COMPLIANCE AMENDMENTS, under suspension of the rules. was read the first, second and third time, explained by Senator Urquhart, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Hillyard	Hinkins
Jenkins	Jones	Knudson	Mayne
McAdams	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Adams	Greiner	Liljenquist	Madsen
Morgan			

H.B. 274 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

S.B. 123, MOTION PICTURE INCENTIVE FUND AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Davis	Dayton
Goodfellow	Hillyard	Hinkins	Jones
Knudson	Madsen	Mayne	McAdams
Niederhauser	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Adams	Christensen	Greiner	Jenkins
Liljenquist	Morgan	Okerlund	Robles

S.B. 123 was transmitted to the House for consideration.

* * *

S.B. 181, EMPLOYMENT SECURITY ADMINISTRATION FUND REPEALER, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bramble	Buttars	Davis	Dayton
Goodfellow	Hillyard	Hinkins	Jones
Knudson	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Adams	Christensen	Greiner	Jenkins
Liljenquist	Robles		

S.B. 181 was transmitted to the House for consideration.

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H.B. 43, UNEMPLOYMENT COMPENSATION AMENDMENTS, was read the third time, explained by Senator Madsen, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Adams	Christensen	Liljenquist	Robles
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H.B. 43 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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H.B. 188, WORKERS' COMPENSATION BENEFITS – SOCIAL SECURITY OFFSET, was read the third time, explained by Senator Mayne, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Valentine
Van Tassell	Waddoups		

Voting in the negative was: Senator
Urquhart

Absent or not voting were: Senators

Christensen	Liljenquist
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H.B. 188 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 89, LICENSE FOR CONTROLLED SUBSTANCES AMENDMENTS, was read the third time, explained by Senator Madsen, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Adams	Liljenquist	McAdams	Morgan
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H.B. 89 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

CONCURRENCE CALENDAR

On motion of Senator Mayne, the Senate voted to concur in the House amendments to **S.B. 12**, INDIVIDUAL INCOME TAX CONTRIBUTION FOR METHAMPHETAMINE HOUSING RECONSTRUCTION AND REHABILITATION FUND. The bill, as amended, passed on the following roll call:

Yeas, 15; Nays, 11; Absent, 3.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Goodfellow	Hinkins	Jones
Knudson	Mayne	Robles	Romero
J. Stevenson	Urquhart	Van Tassell	

Voting in the negative were: Senators

Dayton	Greiner	Hillyard	Jenkins
Madsen	Niederhauser	Okerlund	H. Stephenson
Stowell	Valentine	Waddoups	

S.B. 85 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

On motion of Senator Hillyard, **H.B. 21**, EXPUNGEMENT REVISIONS, was read the third time and circled.

* * *

On motion of Senator Hillyard, the circle was removed from **S.B. 27**, SALES AND USE TAX DEFINITION OF TANGIBLE PERSONAL PROPERTY, and it was before the Senate. On motion of Senator Hillyard, the bill was returned to the Rules Committee.

* * *

H.B. 193, OCCUPATIONS AND PROFESSIONS AMENDMENTS, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Knudson	Mayne	Niederhauser
Okerlund	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Christensen	Jones	Liljenquist
Madsen	McAdams	Morgan	Robles

H.B. 193 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Jenkins, **2nd Sub. H.B. 70**, RETROFIT COMPRESSED NATURAL GAS VEHICLES AMENDMENTS, was read the third time and circled.

* * *

3rd Sub. H.B. 78, WEAPONS REVISIONS, was read the third time and explained by Senator Valentine. Senator Buttars and Romero commented and the bill passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Knudson
Madsen	Mayne	Niederhauser	Okerlund
Romero	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Jones	Liljenquist	McAdams	Morgan
Robles	H. Stephenson		

3rd Sub. H.B. 78, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Hillyard, the circle was removed from **H.B. 21**, EXPUNGEMENT REVISIONS, and it was before the Senate. The bill passed on the following roll call:

Yeas, 22; Nays, 1; Absent, 6.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hillyard
Hinkins	Jenkins	Knudson	Madsen
Mayne	Okerlund	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative was: Senator

Greiner

Absent or not voting were: Senators

Jones	Liljenquist	McAdams	Morgan
Niederhauser	Robles		

H.B. 21 was returned to the House for further consideration.

* * *

On motion of Senator Madsen, the circle was removed from **2nd Sub. H.B. 70**, RETROFIT COMPRESSED NATURAL GAS VEHICLES

AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Knudson	Madsen
Mayne	McAdams	Okerlund	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars	Jones	Liljenquist	Morgan
Niederhauser	Robles		

2nd Sub. H.B. 70 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 93, MOTORCYCLE AND OFF-HIGHWAY VEHICLE AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Waddoups

Absent or not voting were: Senators

Buttars	Liljenquist	Morgan	Niederhauser
Van Tassell			

H.B. 93, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Bramble, **H.B. 201, STATE FIRE MARSHAL MODIFICATIONS**, was read the third time and circled.

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On motion of Senator Bramble, **1st Sub. H.B. 214, CONCEALED FIREARM PERMIT MODIFICATIONS**, was read the third time and circled.

* * *

H.B. 54, PROPERTY TAX EXEMPTION FOR WATER FACILITIES, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Buttars	Liljenquist	Morgan	Niederhauser
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H.B. 54 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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On motion of Senator Romero, the Senate voted to reconsider its action on **S.B. 113, WIRELESS TELEPHONE USE RESTRICTION FOR MINORS IN VEHICLES**.

S.B. 113, WIRELESS TELEPHONE USE RESTRICTION FOR MINORS IN VEHICLES, was before the Senate and explained by Senator Romero.

Senator Romero proposed the following amendment:

1. Page 1, Lines 18 through 20
Senate 3rd Reading Amendments
2-24-2010

18 ▶ provides that a violation is a reportable violation;
 {~~and~~}

19 ▶ ~~Ŝ~~ → [requires] prohibits ← ~~Ŝ~~ the Driver License Division
~~Ŝ~~ → [to-assess] from

19a assessing ← ~~Ŝ~~ points against a person's driving

20 record for being convicted of violating the wireless telephone prohibition ; and

▶ provides that enforcement for a violation of the prohibition on using a wireless telephone while operating a motor vehicle shall only be as a secondary action when the vehicle has been detained for a suspected violation of certain offenses .

2. Page 2, Lines 52a through 53
 Senate 3rd Reading Amendments
 2-24-2010:

52a ~~Ŝ~~ → [~~convicted in accordance~~

53 ~~with~~] who violates this section under ← ~~Ŝ~~ Section 53-3-221.
(5) Enforcement of this section by a state or local law enforcement officer shall be only as a secondary action when the vehicle has been detained for a suspected violation by any person in the vehicle of Title 41, Motor Vehicles, other than this section, or for another offense.

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

Yeas, 12; Nays, 15; Absent, 2.

Voting in the affirmative were: Senators

Christensen	Davis	Goodfellow	Greiner
Hillyard	Jones	Mayne	McAdams
Robles	Romero	Van Tassell	Waddoups

Voting in the negative were: Senators

Adams	Bramble	Buttars	Dayton
Hinkins	Jenkins	Knudson	Madsen
Niederhauser	Okerlund	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	

Absent or not voting were: Senators

Liljenquist	Morgan
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S.B. 113 was filed.

* * *

On motion of Senator Bramble, the circle was removed from **1st Sub. H.B. 214, CONCEALED FIREARM PERMIT MODIFICATIONS**, and it was before the Senate. Senator Valentine commented. The bill passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Knudson	Madsen
Mayne	McAdams	Okerlund	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars	Hinkins	Liljenquist	Morgan
Niederhauser	Robles		

1st Sub. H.B. 214 was returned to the House for further consideration.

* * *

H.J.R. 2, JOINT RESOLUTION ON PROPERTY TAX EXEMPTION FOR WATER FACILITIES, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Jenkins	Jones	Knudson
Madsen	Mayne	Niederhauser	Okerlund
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Hinkins	Liljenquist	McAdams	Morgan
Robles			

H.J.R. 2 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 97, AMENDMENTS RELATING TO DECEPTIVE PRACTICES INVOLVING CONSUMERS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Madsen	Mayne	McAdams
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Liljenquist	Morgan
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H.B. 97 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, the circle was removed from **H.B. 201**, STATE FIRE MARSHAL MODIFICATIONS, and it was before the Senate. Senators Greiner, Valentine, Jenkins, Madsen, Romero, and Christensen commented. The bill failed on the following roll call:

Yeas, 10; Nays, 15; Absent, 4.

Voting in the affirmative were: Senators

Christensen	Davis	Goodfellow	Jones
Mayne	McAdams	Okerlund	Robles
Romero	Valentine		

Voting in the negative were: Senators

Adams	Bramble	Dayton	Greiner
Hillyard	Hinkins	Jenkins	Knudson
Madsen	Niederhauser	H. Stephenson	Stowell
Urquhart	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars	Liljenquist	Morgan	J. Stevenson
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H.B. 201 was filed.

* * *

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

AFTERNOON SESSION

The Senate reassembled at 2:30 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 25, 2010

The House passed, **S.B. 10**, CRIMINAL OFFENSE PENALTIES AMENDMENTS, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **4th Sub. S.B. 22**, NOTARY PUBLIC AMENDMENTS, by Senator P. Knudson, and it is transmitted for the signature of the President; and

The House passed, **S.B. 117**, PETE SUAZO MEMORIAL HIGHWAY, by Senator L. Robles, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.C.R. 6**, CONCURRENT RESOLUTION APPROVING CLASSIFICATION OF SOLID WASTE FACILITY SOLID WASTE PERMIT, by Senator B. Goodfellow, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 6**, JOINT RESOLUTION – STATE SOVEREIGNTY AND TENTH AMENDMENT, by Senator H. Stephenson, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 10, 4th Sub. S.B. 22, S.B. 117, S.C.R. 6, and S.J.R. 6 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 25, 2010

The House concurred in the Senate amendments and passed **H.B. 103**, REDUCED SPEED SCHOOL ZONE AMENDMENTS, by Representative S. Sandstrom, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 103 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: February 25, 2010

The House passed, as amended, **H.B. 91**, TRAFFIC CONTROL SIGNS FOR BICYCLES, by Representative C. Moss, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 179**, OFF-HIGHWAY VEHICLE AND STREET-LEGAL ALL-TERRAIN VEHICLE REVISIONS, by Representative M. Noel, and it is transmitted for consideration; and

The House passed **H.B. 310**, SPENDING LIMITS AMENDMENTS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed **H.B. 318**, REVOLVING LOAN FUND FOR CERTAIN ENERGY EFFICIENT PROJECTS AMENDMENTS, by Representative R. Barrus, and it is transmitted for consideration; and

The House passed **H.B. 340**, SEXUAL ASSAULT VICTIM PROTOCOLS, by Representative J. Biskupski, and it is transmitted for consideration; and

The House passed **H.B. 426**, BAIL BOND LICENSEE REPRESENTATION AMENDMENTS, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed **H.J.R. 31**, HOUSE JOINT RULES LEGISLATIVE REVIEW NOTE PROCEDURES AMENDMENTS, by Representative B. Ferry, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 91**, **H.B. 179**, **H.B. 310**, **H.B. 318**, **H.B. 340**, **H.B. 426**, and **H.J.R. 31** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 25, 2010

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

Education Committee

- 1st Sub. H.B. 227** Licensing Eligibility (Rep. S. Sandstrom)
(Sen. M. Dayton)
- H.C.R. 12** Printing and Graphic Arts Recognition Month Concurrent Resolution (Rep. B. Daw) (Sen. C. Bramble)

Government Operations and Political Subdivisions Committee

- 2nd Sub. H.B. 278** Government Records Access and Management Act Amendments (Rep. C. Herrod) (Sen. C. Bramble)
- H.C.R. 13** Concurrent Resolution on Providing Continuing Federal Financial Assistance for the Delivery of Basic Services to Dutch John, Utah (Rep. M. Brown) (Sen. K. Van Tassell)

Health and Human Services Committee

- H.B. 66** Prosthetic Limb Health Insurance Parity (Rep. D. Litvack) (Sen. J. Valentine)
- 1st Sub. H.B. 311** Autism Treatment Fund (Rep. R. Lockhart) (Sen. C. Bramble)

Natural Resources, Agriculture and Environment Committee

- S.C.R. 11** Concurrent Resolution Expressing Opposition to the Creation of New National Monuments in Utah (Sen. K. Van Tassell)
- 1st Sub. H.B. 60** Water Conveyance Facilities Safety Act (Rep. F. Hunsaker) (Sen. R. Okerlund)
- H.J.R. 21** Joint Resolution on Energy Policy (Rep. M. Noel) (Sen. S. Urquhart)

Transportation, Public Utilities and Technology Committee

- S.B. 227** Interlocal Energy Amendments (Sen. C. Bramble)
- 1st Sub. H.B. 378** Motor Vehicle Insurance Requirements (Rep. T. Kiser) (Sen. K. Van Tassell)

Margaret Dayton
Rules Committee Chair

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

INTRODUCTION OF BILLS

S.B. 165, Allocation and Apportionment of Income and Deduction of a Net Loss (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 278, Homeowners' Association Amendments (S. Urquhart), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

H.B. 254, VOTER IDENTIFICATION AMENDMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Adams	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Niederhauser	Okerlund	Robles
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Waddoups		

Absent or not voting were: Senators

Bramble	Buttars	Hillyard	Madsen
Morgan	Romero	Van Tassell	

H.B. 254 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

S.B. 137, COORDINATION OF REMOVING, RELOCATING, OR ALTERING UTILITIES, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Niederhauser	Okerlund
Robles	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Waddoups	

Absent or not voting were: Senators

Bramble	Hillyard	Madsen	Morgan
Romero	Van Tassell		

S.B. 137 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Adams, **1st Sub. H.J.R. 9**, RESOLUTION IN SUPPORT OF VETERANS’ NURSING HOME, was read the second time and circled.

* * *

H.B. 258, VOTING PRECINCT BOUNDARIES, was read the second time. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Mayne
McAdams	Niederhauser	Okerlund	Robles
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Waddoups		

Absent or not voting were: Senators

Bramble	Hillyard	Liljenquist	Madsen
Morgan	Romero	Van Tassell	

* * *

On motion of Senator Valentine, **H.C.R. 1**, CONCURRENT RESOLUTION ON INTERNATIONAL TRADE AND STATE GOVERNMENTS, was read the second time and circled.

* * *

H.J.R. 12, CLIMATE CHANGE JOINT RESOLUTION, was read the second time. Senator Jenkins explained the bill. Senators Robles, Hillyard, Niederhauser, McAdams, and Stowell commented. The bill passed second reading on the following roll call:

Yeas, 18; Nays, 8; Absent, 3.

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Dayton
Greiner	Hinkins	Jenkins	Knudson
Madsen	Niederhauser	Okerlund	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative were: Senators

Davis	Goodfellow	Hillyard	Jones
Mayne	McAdams	Robles	Romero

Absent or not voting were: Senators

Bramble	Liljenquist	Morgan
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SPECIAL RECOGNITION

The Senate recognized Utah State University and the Space Dynamics Laboratory. Those recognized were: Erik Stromberg, Justin Koeln, Douglas K. Lemon, Alice May Lemon, Eric Warren, Charles Swenson, Jan Sojka, and Doran Baker.

SECOND READING CALENDAR

On motion of Senator Adams, the circle was removed from **1st Sub. H.J.R. 9, RESOLUTION IN SUPPORT OF VETERANS' NURSING HOME**, and it was before the Senate. Senator Adams explained the bill. Senator Hillyard commented. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Adams	Buttars	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Madsen
Mayne	McAdams	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Waddoups	

Absent or not voting were: Senators

Bramble	Christensen	Liljenquist	Morgan
Niederhauser	Van Tassell		

* * *

H.B. 238, LOW SPEED VEHICLE AMENDMENTS, was read the second time. Senator Urquhart explained the bill. Senators Greiner and Jenkins commented.

On motion of Senator Urquhart, the bill was circled.

* * *

On motion of Senator Dayton, the circle was removed from **H.B. 81**, SCHOOL EMPLOYEE CRIMINAL BACKGROUND CHECKS, and it was before the Senate.

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

1st Sub. H.B. 81 School Employee Criminal Background Checks
(S. Allen)

Senator Dayton explained the bill. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jones	Knudson	Madsen	Mayne
McAdams	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Waddoups		

Absent or not voting were: Senators

Bramble	Hillyard	Jenkins	Liljenquist
Morgan	Niederhauser	Van Tassell	

* * *

H.B. 195, HOMICIDE PENALTY AMENDMENT, was read the second time. Senator Greiner explained the bill. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hinkins
Jones	Knudson	Madsen	Mayne
McAdams	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Waddoups		

Absent or not voting were: Senators

Davis	Hillyard	Jenkins	Liljenquist
Morgan	Niederhauser	Van Tassell	

* * *

On motion of Senator Knudson, **H.J.R. 19**, JOINT RESOLUTION APPROVING REAPPOINTMENT OF LEGISLATIVE AUDITOR GENERAL, was lifted from the Government Operations and Political Subdivisions standing committee and placed at the top of the Second Reading Calendar.

* * *

On motion of Senator Madsen, **1st Sub. H.B. 207**, PROTECTION OF PROPERTY AMENDMENT, was read the second time and circled.

* * *

On motion of Senator Greiner, **H.B. 225**, COUNTERFEIT SUBSTANCE AMENDMENTS, was read the second time and circled.

* * *

H.B. 25, HEALTH REFORM – ADMINISTRATIVE SIMPLIFICATION, was read the second time. Senator Knudson explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Greiner	Hillyard	Hinkins
Jones	Knudson	Madsen	McAdams
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Waddoups		

Absent or not voting were: Senators

Dayton	Goodfellow	Jenkins	Liljenquist
Mayne	Morgan	Van Tassell	

* * *

On motion of Senator Knudson, under suspension of the rules, **H.J.R. 19**, JOINT RESOLUTION APPROVING REAPPOINTMENT OF LEGISLATIVE AUDITOR GENERAL, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hillyard
Hinkins	Jones	Knudson	Madsen
Niederhauser	Okerlund	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Waddoups			

Absent or not voting were: Senators

Dayton	Jenkins	Liljenquist	Mayne
McAdams	Morgan	Robles	Van Tassell

H.J.R. 19 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, under suspension of the rules, the Senate voted to reconsider its action on **S.B. 113**.

S.B. 113, WIRELESS TELEPHONE USE RESTRICTION FOR MINORS IN VEHICLES, was placed at the top of the Third Reading Calendar.

* * *

On motion of Senator Greiner, the circle was removed from **H.B. 225**, COUNTERFEIT SUBSTANCE AMENDMENTS, and it was before the Senate. Senator Greiner explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Knudson
Madsen	Mayne	McAdams	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Waddoups			

Absent or not voting were: Senators

Jenkins	Liljenquist	Morgan	Van Tassell
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* * *

On motion of Senator Madsen, the circle was removed from **H.C.R. 1**, CONCURRENT RESOLUTION ON INTERNATIONAL TRADE AND STATE GOVERNMENTS, and it was before the Senate. Senator Madsen explained the bill. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Knudson
Madsen	McAdams	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Waddoups

Absent or not voting were: Senators

Jenkins	Liljenquist	Mayne	Morgan
Van Tassell			

* * *

On motion of Senator Madsen, the circle was removed from **1st Sub. H.B. 207**, PROTECTION OF PROPERTY AMENDMENT, and it was before the Senate. Senator Madsen explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.**Voting in the affirmative were:** Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard

Jones	Knudson	Madsen	Mayne
McAdams	Niederhauser	Okerlund	Robles
Romero	J. Stevenson	Stowell	Urquhart
Valentine	Waddoups		

Absent or not voting were: Senators

Adams	Hinkins	Jenkins	Liljenquist
Morgan	H. Stephenson	Van Tassell	

* * *

H.B. 52, HEALTH REFORM – UNIFORM ELECTRONIC STANDARDS – INSURANCE INFORMATION, was read the second time. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.**Voting in the affirmative were:** Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Mayne	McAdams	Niederhauser
Okerlund	Robles	Romero	J. Stevenson
Stowell	Urquhart	Waddoups	

Absent or not voting were: Senators

Liljenquist	Madsen	Morgan	H. Stephenson
Valentine	Van Tassell		

* * *

On motion of Senator Knudson, **H.J.R. 13, RECOGNITION OF COMMUNITY COUNCILS AND THE ASSOCIATION OF COMMUNITY COUNCILS TOGETHER JOINT RESOLUTION**, will be considered Friday, February 26, 2010 at 3:30 p.m.

* * *

On motion of Senator Niederhauser, **H.B. 74, ADOPTION AND CHILD CUSTODY AMENDMENTS**, was read the second time and circled.

* * *

On motion of Senator Niederhauser, **H.B. 294, HEALTH SYSTEM REFORM AMENDMENTS**, was read the second time and circled.

* * *

H.C.R. 8, CONCURRENT RESOLUTION ON FEDERAL HEALTH CARE REFORM, was read the second time. Senator Niederhauser explained the bill. Senators Davis, McAdams, and Robles commented. The bill passed second reading on the following roll call:

Yeas, 17; Nays, 6; Absent, 6.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Dayton
Greiner	Jenkins	Jones	Knudson
Liljenquist	Madsen	Niederhauser	Okerlund
H. Stephenson	J. Stevenson	Urquhart	Valentine
Waddoups			

Voting in the negative were: Senators

Davis	Goodfellow	Mayne	McAdams
Robles	Romero		

Absent or not voting were: Senators

Christensen	Hillyard	Hinkins	Morgan
Stowell	Van Tassell		

* * *

On motion of Senator Urquhart, the circle was removed from **S.B. 62**, MOTOR VEHICLE INSURANCE COVERAGE AMENDMENTS, and it was before the Senate. Senator Urquhart explained the bill.

Senator Urquhart proposed the following amendment:

1. Page 1, Lines 14 through 16

14 ▶ provides that an uninsured and underinsured motorist coverage carrier shall provide

15 a written response to a covered person's demand for uninsured or underinsured

16 motorist compensation {~~within 30 days~~} within a reasonable period of time ;

2. Page 10, Lines 286 through 288:

286 (9) (a) (i) { ~~Within 30 days of a covered person~~
~~making~~ } An uninsured motorist carrier that receives a specific
demand for uninsured

287 motorist compensation { ~~the uninsured motorist carrier shall~~
~~provide a written response to the~~

288 demand } from a covered person shall have a reasonable
period of time, but not to exceed 60 days, to provide a written response to
the covered person's written demand for a specific amount of
compensation .

3. Page 10, Line 305 through Page 11, Line 313:

305 (d) (i) { ~~If the fact finder determines that the award is greater~~
~~than the uninsured motorist~~

306 carrier's last offer, the uninsured motorist carrier shall pay the
following: } If the final award is greater than the uninsured motorist
carrier's offer existing 120 days after the covered person's initial written
demand, the uninsured motorist carrier shall pay the entire award
including any amount in excess of the uninsured motorist policy that is
the subject of the arbitration or litigation, not to exceed three times the
amount of the subject uninsured motorist policy.

(ii) If the judge or arbitrator determines that the covered person
intentionally withheld a material fact prior to the initial demand:

(A) the award may not exceed the uninsured motorist policy limits;
and

(B) no costs may be awarded to the covered person under
Subsection (9)(d)(iii).

(iii) If the award is greater than the uninsured motorist carrier's
offer described in Subsection (9)(a)(i), the uninsured motorist carrier
shall pay the following:

307 { ~~(A) the fact finder's award, including any amount in excess~~
~~of the subject's uninsured~~

308 motorist policy limit;

309 ~~(B)~~ } (A) any costs set forth in Rule 54(d) of the Utah
Rules of Civil Procedure; and

310 { ~~(C)~~ } (B) the costs of expert witnesses and
depositions.

311 (ii) (A) The judge or arbitrator in a separate, later proceeding
shall make a

312 determination of the costs described in
 { ~~Subsection~~ } Subsections (9)(d)(i) (A) and (B).

313 (B) The costs described in
 { ~~Subsection~~ } Subsections (9)(d)(i) { ~~(C)~~ } (A) and
(B) shall become a part of the award.

4. Page 18, Lines 551 through 553:

551 (8) (a) (i) { ~~Within 30 days of a covered person~~
~~making~~ } An underinsured motorist carrier that receives a
specific demand for

552 underinsured motorist compensation { ~~the underinsured~~
motorist carrier shall provide a written

553 response to the demand. } from a covered person shall have a
reasonable period of time, but not to exceed 60 days, to provide a written
response to the covered person's written demand for a specific amount of
compensation.

5. Page 19, Lines 571 through 580:

571 (d) (i) { ~~If the fact finder determines that the award is greater~~
~~than the underinsured~~

572 motorist carrier's last offer, the underinsured motorist carrier shall
pay the following: } If the final award is greater than the
underinsured motorist carrier's offer existing 120 days after the covered
person's initial written demand, the underinsured motorist carrier shall
pay the entire award including any amount in excess of the underinsured
motorist policy that is the subject of the arbitration or litigation, not to
exceed three times the amount of the subject underinsured motorist
policy.

(ii) If the judge or arbitrator determines that the covered person
intentionally withheld a material fact prior to the initial demand:

(A) the award may not exceed the underinsured motorist policy
limits; and

(B) no costs may be awarded to the covered person under
Subsection (8)(d)(iii).

(iii) If the award is greater than the underinsured motorist carrier's
offer described in Subsection (8)(a)(i), the underinsured motorist carrier
shall pay the following:

573 { ~~(A) the fact finder's award, including any amount in excess~~
~~of the subject~~

574 underinsured's motorist policy limit;

575 ~~(B)~~ } (A) any costs set forth in Rule 54(d) of the Utah Rules of Civil Procedure; and

576 {~~(C)~~} (B) the costs of expert witnesses and depositions.

577 (ii) (A) The judge or arbitrator in a separate, later proceeding shall make a

578 determination of the costs described in {~~Subsection~~} Subsections (8)(d)(i) (A) and (B).

579 (B) The costs described in {~~Subsection~~} Subsections (8)(d)(i) {~~(C)~~} (A) and (B) shall become a part of the award.

580 (e) This Subsection (8) does not limit any other cause of action that arose or may arise

Senator Urquhart's motion to amend passed on a voice vote. Senators Romero, Mayne, Jones, and Valentine commented. Senators Hillyard and Valentine declared conflicts of interest. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Adams	Bramble	Davis	Dayton
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Knudson	Madsen	Mayne
McAdams	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine		

Absent or not voting were: Senators

Buttars	Christensen	Hinkins	Liljenquist
Morgan	Van Tassell	Waddoups	

* * *

Senator Bramble made a request that **H.B. 210**, EMINENT DOMAIN MODIFICATIONS, be held in the Senate for 24 hours.

* * *

1st Sub. H.B. 114, DISCLOSURE OF DONATIONS TO HIGHER EDUCATION INSTITUTIONS, was read the second time. Senator Stephenson

explained the bill. Senators Urquhart, Greiner, Goodfellow, Knudson, and Valentine commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Davis	Dayton
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Niederhauser	Okerlund
Robles	H. Stephenson	J. Stevenson	Stowell
Valentine	Waddoups		

Voting in the negative were: Senators

Romero	Urquhart
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Absent or not voting were: Senators

Buttars	Christensen	Hinkins	Morgan
Van Tassell			

INTRODUCTION OF BILLS

S.B. 67, Public Safety Services Crossing State Borders (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 158, Utah Venture Capital Enhancement Act Amendments (J. S. Adams), read the first time by short title and referred to the Rules Committee.

S.B. 191, Governmental Accounting Amendments (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 209, Humanitarian Service and Educational and Cultural Exchange Support Special Group License Plate (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 216, Absentee Voting by Military Personnel Amendments (B. McAdams), read the first time by short title and referred to the Rules Committee.

S.B. 240, Retirement Participation Amendments (D. Liljenquist), read the first time by short title and referred to the Rules Committee.

S.B. 254, Motor Vehicle Insurance – Unfair Claim Settlement Practices (G. Davis), read the first time by short title and referred to the Rules Committee.

S.B. 277, DNA Modifications (J. S. Adams), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Jenkins and at 5:00 p.m., the Senate adjourned until 10:00 a.m., Friday, February 26, 2010.

THIRTY-SECOND DAY

MORNING SESSION

February 26, 2010

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

Prayer – Bishop Ray Adams

Pledge of Allegiance – Senator Ben McAdams

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS

(PLEASE REFER TO DAY 1, PAGE 72)

SPECIAL RECOGNITION

A citation was read recognizing Primary Children’s Medical Center. Senators Morgan and Robles commented.

The Senate recognized members of Utah’s Division of Finance and the Utah Transparency Advisory Board for receiving a “Best Fit Intergrator Award” from the Center for Digital Government. Those recognized included: Brenda Lee, Mary Lee Hickey, John Reidhead, Jonathan Ball, John Nixon, Stephen Fletcher, Myron March, Michael Rice, Art Krahenbuhl, and Jonathan Higley.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 25, 2010

The Speaker of the House has signed **S.B. 12**, INDIVIDUAL INCOME TAX CONTRIBUTION FOR METHAMPHETAMINE HOUSING RECONSTRUCTION AND REHABILITATION FUND, by Senator K. Mayne, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 41**, DRUG UTILIZATION REVIEW BOARD AMENDMENTS, by Senator P. Knudson, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 85**, UTAH CONSTRUCTION TRADE LICENSING ACT AMENDMENTS, by Senator S. Jenkins, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 12, **1st Sub. S.B. 41**, and **S.B. 85** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

February 25, 2010

The House passed **H.B. 161**, VOTER REGISTRATION AMENDMENTS, by Representative R. Chavez–Houck, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 187**, PEACE OFFICER STANDARDS AND TRAINING AMENDMENTS, by Representative C. Wimmer, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 265**, REAL PROPERTY AMENDMENTS, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 298**, LAND USE AUTHORITY NOTIFICATION OF CANAL DEVELOPMENT, by Representative B. Ferry, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 348**, SHERIFFS FEES, by Representative R. Greenwood, and it is transmitted for consideration; and

The House passed **H.B. 349**, SALES AND USE TAX AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 388**, MOBILE HOME REVISIONS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 398**, SEXUALLY ORIENTED BUSINESS LICENSE AMENDMENTS, by Representative F.J. Seegmiller, and it is transmitted for consideration; and

The House passed **H.B. 401**, RESIDENTIAL FACILITIES FOR ELDERLY PERSONS, by Representative B. Daw, and it is transmitted for consideration; and

The House passed **H.J.R. 16**, JOINT RESOLUTION SUPPORTING KANE COUNTY EXPANSION OF CORRECTIONAL FACILITIES, by Representative M. Noel, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 161**, **1st Sub. H.B. 187**, **1st Sub. H.B. 265**, **1st Sub. H.B. 298**, **H.B. 348**, **H.B. 349**, **2nd Sub. H.B. 388**, **H.B. 398**, **H.B. 401**, and **H.J.R. 16** were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: February 25, 2010

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 116**, POLITICAL SUBDIVISION FACILITY ENERGY EFFICIENCY, by Representative F. Hunsaker; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **1st Sub. H.B. 282**, LOCAL GOVERNMENT AMENDMENTS, by Representative S. Sandstrom; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **1st Sub. H.B. 304**, LIEUTENANT GOVERNOR AMENDMENTS, by Representative E. Hutchings; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 308**, STATE FIRE CODE ADOPTION, by Representative T. Kiser; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 315**, UTAH PUBLIC NOTICE WEBSITE AMENDMENTS, by Representative K. Powell; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 381**, MUNICIPAL LAND USE PROVISIONS, by Representative S. Sandstrom.

Peter C. Knudson, Chair

Mr. President: February 25, 2010

The Revenue and Taxation Committee recommends **S.B. 207**, TAX EXEMPTION FOR CEDAR BAND OF PAIUTE TRIBE, by Senator D. Stowell, be replaced and favorably recommends **1st Sub. S.B. 207**, TAX EXEMPTION FOR CEDAR BAND OF PAIUTE TRIBE.

J. Stuart Adams, Chair

Mr. President: February 25, 2010

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 198**, ECONOMIC DEVELOPMENT INCENTIVE AMENDMENTS, by Senator J. Valentine; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 118**, ECONOMIC

DEVELOPMENT INCENTIVES MODIFICATIONS, by Representative W. Harper.

Jerry W. Stephenson, Chair

Mr. President: February 24, 2010

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 157**, MOTOR VEHICLE DEALER FRANCHISE AMENDMENTS, by Senator C. Bramble; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 186**, AMENDMENTS TO EMISSIONS INSPECTIONS, by Senator M. Madsen, with the following amendments:

1. Page 6, Lines 164 through 168:

164 (2) (a) If a certified emissions inspector with simple negligence
violates the inspection

165 and maintenance program requirements established in rules made
under Subsection

166 41-6a-1642(2), a county identified in Subsection 41-6a-1642(1)
shall:

167 (i) for a first offense, require the inspector to complete up to
eight hours of related

168 training at the expense of the {~~county~~} entity that issued
an inspector certificate to the inspector ;

Stephen H. Urquhart

Mr. President: February 24, 2010

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 116**, DISTRICT COURT JUDGES AMENDMENTS, by Senator S. Urquhart, be replaced and favorably recommends **1st Sub. S.B. 116**, DISTRICT COURT JUDGES AMENDMENTS; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 115**, COUNSEL FOR INDIGENTS IN JUVENILE COURT PROCEEDINGS, by Representative K. Powell, with the following amendments:

1. Page 8, Lines 215a through 215d
House Committee Amendments
2-16-2010:

215a ~~H~~→ (b) The court may not order reimbursement of the county pursuant to Subsection (a) for

215b the cost of appointed counsel arising from any work of counsel ;
(i) that is specifically undertaken

215c to defend against the filing of a petition to terminate parental rights , regardless of who filed the petition; and
(ii) that is undertaken after the petition to terminate parental rights has been

215d filed { ~~, regardless of who filed the petition~~ } ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 125**, KIDNAPPING AND SEX OFFENDER REGISTRY AMENDMENTS, by Representative R. Bigelow; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **1st Sub. H.B. 178**, BUREAU OF CRIMINAL IDENTIFICATION FEE AMENDMENTS, by Representative E. Hutchings; and

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **1st Sub. H.B. 197**, CUSTODIAL INTERFERENCE AMENDMENTS, by Representative C. Wimmer, be replaced and favorably recommends **4th Sub. H.B. 197**, CUSTODIAL INTERFERENCE AMENDMENTS; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **1st Sub. H.B. 234**, OPTING OUT OF THE REAL ID ACT, by Representative S. Sandstrom, with the following amendments:

1. Page 1, Lines 14 through 21:

14 ► prohibits the state from participating in the implementation of {→

15 ———•} the REAL ID Act of 2005; {←or

16 •—any national identification card system that may be enacted by the United States

17 Congress;—}

18 ► prohibits the Driver License Division from implementing the provisions of {—}

19 ———► } the REAL ID Act of 2005; {—or

20 ~~► any national identification card system that may be enacted by the United States~~

21 Congress;—}

2. Page 1, Line 23 through Page 2, Line 26:

23 implement the provisions of {—

24 ———► } the REAL ID Act of 2005; {—or

25 ~~► any national identification card system that may be enacted by the United States~~

26 Congress;—} and

3. Page 2, Lines 51 through 54:

51 (3) (a) The state may not participate in the implementation of {—

52 (i) } the REAL ID Act {—or

53 (ii) any national identification card system that may be enacted by the United States

54 Congress } .

4. Page 2, Line 55 through Page 3, Line 64:

55 (b) The division:

56 (i) may not implement {—

57 (A) } the provisions of the REAL ID Act {—or

58 (B) any national identification card system that may be enacted by the United States

59 Congress } ; and

60 (ii) shall report to the governor any attempt by an agency or an agent of the United

61 States Department of Homeland Security to secure the implementation of {—

62 (A) } the REAL ID Act {—or

63 ~~(B) any national identification card system that may be enacted by the United States~~

64 ~~Congress~~ } . ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 276**, SEX OFFENDER REGISTRY AMENDMENT, by Representative P. Ray; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **1st Sub. H.B. 284**, UNIFORM COLLABORATIVE LAW ACT, by Representative L. Fowlke, with the following amendments:

1. Page 1, Line 23:

23 ▶ authorizes ~~{-tribunals-}~~ courts to approve settlements arising out of a collaborative law

2. Page 7, Line 208:

208 During a collaborative law process, a
~~{-tribunal }~~ court may issue emergency orders, including

3. Page 8, Line 214:

214 A ~~{-tribunal }~~ court may approve an agreement
resulting from a collaborative law process.

4. Page 10, Lines 277 through 278:

277 (2) If a ~~{-tribunal }~~ court makes the findings
specified in Subsection (1), and the interests of

278 justice require, the ~~{-tribunal }~~ court may:

Mark B. Madsen, Chair

On motion of Senator Knudson, the committee reports were adopted. **H.B. 116, 1st Sub. H.B. 282, 1st Sub. H.B. 304, H.B. 308, H.B. 315, H.B. 381, 1st Sub. S.B. 207, S.B. 198, H.B. 118, S.B. 157, S.B. 186**, as amended, **1st Sub. S.B. 116, H.B. 115**, as amended, **H.B. 125, 1st Sub. H.B. 178, 4th Sub. H.B. 197, 1st Sub. H.B. 234**, as amended, **H.B. 276**, and **1st Sub. H.B. 284**, as amended, were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President:

February 25, 2010

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 208**, DISPOSITION OF THE REMAINS OF

A DECEASED MILITARY SERVICE MEMBER, by Representative J. Seelig, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 287**, LEGISLATOR SALARY AMENDMENTS, by Representative D. Litvack, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

Mr. President: February 25, 2010

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 316**, DISABLED VETERANS PROPERTY TAX EXEMPTION AMENDMENTS, by Representative G. Hughes, and recommends it be considered read for the second time and placed on the Consent Calendar.

J. Stuart Adams, Chair

Mr. President: February 25, 2010

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 273**, UTAH INTERNATIONAL TRADE COMMISSION AMENDMENTS, by Representative E. Hutchings, and recommends it be considered read for the second time and placed on the Consent Calendar.

Jerry W. Stevenson, Chair

Mr. President: February 24, 2010

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 132**, PIONEER TRAIL MEMORIAL HIGHWAY, by Representative R. Menlove, and recommends it be considered read for the second time and placed on the Consent Calendar.

Stephen H. Urquhart, Chair

Mr. President: February 24, 2010

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 269**, SOLEMNIZING MARRIAGES AMENDMENT, by Representative D. Agard, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **1st Sub. H.B. 186**, CONTROLLED SUBSTANCE

DATABASE REVISIONS, by Representative R. Menlove, and recommends it be considered read for the second time and placed on the Consent Calendar.

Mark B. Madsen, Chair

On motion of Senator Knudson, the committee reports were adopted. **H.B. 208, H.B. 287, H.B. 316, H.B. 273, H.B. 132, H.B. 269, and 1st Sub. H.B. 186** were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 217, Increase in Surcharge on Fines (S. Jenkins), read the first time by short title and referred to the Rules Committee.

SPECIAL RECOGNITION

The Senate recognized Utah’s Mother of the Year, Mother of Young Children, and Merit Mothers. Those honored included Shirley Tong, Shauna Bird Dunn, Patricia Adams, Georgia Richie, Claudine Gordon, and Jenny Condie.

CONSENT CALENDAR

H.B. 184, MEDICAID AUTISM WAIVER, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Greiner	Hinkins	Jenkins	Jones
Knudson	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Buttars	Dayton	Goodfellow	Hillyard
Liljenquist			

H.B. 184 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 277, OVERDOSE REPORTING AMEMDMENTS, was read the third time, explained by Senator McAdams, and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Goodfellow	Hinkins	Jenkins	Jones
Knudson	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars	Dayton	Greiner	Hillyard
Liljenquist	Valentine		

H.B. 277 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.J.R. 3, JOINT RESOLUTION ON TEACHER PERFORMANCE PAY, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins
Jones	Knudson	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting were: Senators

Buttars	Davis	Dayton	Liljenquist
Valentine			

H.J.R. 3 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 271, HUNTING GUIDES AND OUTFITTERS LICENSING ACT AMENDMENTS, was read the third time, explained by Senator Christensen, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Dayton Liljenquist

H.B. 271 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 261, FINANCIAL RESPONSIBILITY OF MOTOR VEHICLE OWNERS AND OPERATORS ACT AMENDMENTS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Dayton Liljenquist

H.B. 261, as amended, was returned to the House for further consideration.

CONCURRENCE CALENDAR

On motion of Senator Mayne, the Senate voted to concur in the House amendments to **S.B. 39, HEALTH INSURANCE PRIOR AUTHORIZATION**. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Christensen	Dayton	Liljenquist
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S.B. 39 was returned to the House for the signature of the Speaker.

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On motion of Senator Adams, the Senate voted to concur in the House amendments to **S.B. 55**, AUTHORIZATION OF CHARTER SCHOOLS BY HIGHER EDUCATION INSTITUTIONS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Davis	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins
Jones	Knudson	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Buttars	Christensen	Dayton	Liljenquist
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S.B. 55 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

S.B. 113, WIRELESS TELEPHONE USE RESTRICTION FOR MINORS IN VEHICLES, was before the Senate and explained by Senator Romero.

Senator Romero proposed the following amendment:

1. Page 2, Lines 36 through 42
Senate 3rd Reading Amendments
2-25-2010
- 36 (2) Subsection (1) does not prohibit a person younger than 18
years of age from using a
37 wireless telephone while operating a motor vehicle:
38 (a) during a medical emergency;
39 (b) when reporting a safety hazard or requesting assistance
relating to a safety hazard;
40 {~~or~~ }
41 (c) when reporting a criminal activity or requesting assistance
relating to a criminal
42 activity ;or
(d) when communicating with a parent or legal guardian .

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

Yeas, 18; Nays, 7; Absent, 4.

Voting in the affirmative were: Senators

Bramble	Davis	Goodfellow	Greiner
Hillyard	Jones	Knudson	Mayne
McAdams	Morgan	Niederhauser	Robles
Romero	J. Stevenson	Stowell	Urquhart
Valentine	Waddoups		

Voting in the negative were: Senators

Adams	Buttars	Hinkins	Jenkins
Madsen	Okerlund	H. Stephenson	

Absent or not voting were: Senators

Christensen	Dayton	Liljenquist	Van Tassell
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S.B. 113 was transmitted to the House.

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President Waddoups reported that three senators have requested that **H.B. 287, LEGISLATOR SALARY AMENDMENTS**, be removed from the Consent Calendar and placed at the top of the Second Reading Calendar.

* * *

On motion of Senator Bramble, the Senate voted to reconsider its action on **H.B. 201, STATE FIRE MARSHAL MODIFICATIONS**. The bill was placed at the top of the Third Reading Calendar.

On motion of Senator Bramble, the bill was circled.

* * *

H.B. 258, VOTING PRECINCT BOUNDARIES, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bramble	Buttars	Davis	Goodfellow
Greiner	Hinkins	Jenkins	Jones
Knudson	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Waddoups	

Absent or not voting were: Senators

Adams	Christensen	Dayton	Hillyard
Liljenquist	Van Tassell		

H.B. 258 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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H.J.R. 12, CLIMATE CHANGE JOINT RESOLUTION, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

Yeas, 15; Nays, 8; Absent, 6.

Voting in the affirmative were: Senators

Bramble	Buttars	Greiner	Hinkins
Jenkins	Knudson	Madsen	Okerlund
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Davis	Goodfellow	Jones	Mayne
McAdams	Morgan	Robles	Romero

Absent or not voting were: Senators

Adams	Christensen	Dayton	Hillyard
Liljenquist	Niederhauser		

H.J.R. 12 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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1st Sub. H.J.R. 9, RESOLUTION IN SUPPORT OF VETERANS' NURSING HOME, was read the third time, explained by Senator Adams, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Madsen
Mayne	McAdams	Morgan	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Christensen	Dayton	Liljenquist	Niederhauser
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1st Sub. H.J.R. 9 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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On motion of Senator Buttars, **1st Sub. H.B. 81, SCHOOL EMPLOYEE CRIMINAL BACKGROUND CHECK,** was read the third time and circled.

* * *

H.B. 195, HOMICIDE PENALTY AMENDMENT, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Goodfellow	Greiner	Hillyard	Hinkins

Jenkins	Jones	Knudson	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Christensen	Dayton	Liljenquist
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H.B. 195 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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H.B. 25, HEALTH REFORM – ADMINISTRATIVE SIMPLIFICATION, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Liljenquist	Stowell
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H.B. 25 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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H.B. 225, COUNTERFEIT SUBSTANCE AMENDMENTS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner

Hillyard	Hinkins	Jenkins	Jones
Knudson	Madsen	Mayne	McAdams
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Liljenquist Morgan

H.B. 225 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.C.R. 1, CONCURRENT RESOLUTION ON INTERNATIONAL TRADE AND STATE GOVERNMENTS, was read the third time and explained by Senator Madsen. Senator Goodfellow commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Greiner Liljenquist

H.C.R. 1 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Dayton, the circle was removed from **1st Sub. H.B. 81, SCHOOL EMPLOYEE CRIMINAL BACKGROUND CHECK**, and it was before the Senate. Senator Mayne commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Liljenquist

1st Sub. H.B. 81 was returned to the House for further consideration.

* * *

1st Sub. H.B. 207, PROTECTION OF PROPERTY AMENDMENT, was read the third time, explained by Senator Madsen, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Buttars	Liljenquist	H. Stephenson
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1st Sub. H.B. 207 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 52, HEALTH REFORM – UNIFORM ELECTRONIC STANDARDS – INSURANCE INFORMATION, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars	Liljenquist
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H.B. 52 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.C.R. 8, CONCURRENT RESOLUTION ON FEDERAL HEALTH CARE REFORM, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Madsen
Mayne	Morgan	Niederhauser	Okerlund
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Goodfellow	McAdams	Robles	Romero
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Absent or not voting were: Senators

Buttars	Liljenquist
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H.C.R. 8 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

S.B. 62, MOTOR VEHICLE INSURANCE COVERAGE AMENDMENTS, was read the third time and explained by Senator Urquhart. Senators Romero,

Hillyard, Jenkins, Jones, and Valentine commented. Senator Valentine declared a conflict of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Davis	Dayton
Goodfellow	Hillyard	Hinkins	Jenkins
Knudson	Madsen	Mayne	McAdams
Niederhauser	Okerlund	Robles	Romero
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative were: Senators

Christensen	Greiner	Jones	Morgan
H. Stephenson			

Absent or not voting were: Senators

Buttars	Liljenquist
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S.B. 62 was transmitted to the House for consideration.

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On motion of Senator Stephenson, **1st Sub. H.B. 114**, DISCLOSURE OF DONATIONS TO HIGHER EDUCATION INSTITUTIONS, was read the third time and circled.

* * *

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

AFTERNOON SESSION

The Senate reassembled at 2:25 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 26, 2010

The House passed, **S.J.R. 2**, JOINT RESOLUTION ON COMBATING AND REDUCING GANG ACTIVITY, by Senator L. Robles, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.J.R. 2 was signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 26, 2010

The House concurred in the Senate amendments and passed **H.B. 21**, EXPUNGEMENT REVISIONS, by Representative Julie Fisher, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 78**, WEAPONS REVISIONS, by Representative S. Sandstrom, et al, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 93**, MOTORCYCLE AND OFF-HIGHWAY VEHICLE AMENDMENTS, by Representative R. Menlove, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 214**, CONCEALED FIREARM PERMIT MODIFICATIONS, by Representative R. Lockhart, and it is transmitted for the signature of the President.

H.B. 21, **3rd Sub. H.B. 78**, **H.B. 93**, and **1st Sub. H.B. 214**, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: February 26, 2010

The House substituted, amended, and passed, **3rd Sub. S.B. 43**, POST-RETIREMENT EMPLOYMENT AMENDMENTS, by Senator D. Liljenquist, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 26, 2010

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

Business and Labor Committee

S.B. 254 Motor Vehicle Insurance – Unfair Claim Settlement Practices (Sen. G. Davis)

S.B. 278 Homeowners' Association Amendments
(Sen. S. Urquhart)

2nd Sub. H.B. 388 Mobile Home Revisions (Rep. J. Dunnigan)
(Sen. J. Valentine)

Government Operations and Political Subdivisions Committee

S.B. 191 Governmental Accounting Amendments
(Sen. L. Hillyard)

S.B. 216 Absentee Voting by Military Personnel Amendments
(Sen. B. McAdams)

H.B. 161 Voter Registration Amendments (Rep. R. Chavez–Houck)
(Sen. S. Jenkins)

H.B. 310 Spending Limits Amendments (Rep. R. Bigelow)
(Sen. L. Hillyard)

H.J.R. 16 Joint Resolution Supporting Kane County Expansion of
Correctional Facilities (Rep. M. Noel) (Sen. D. Stowell)

Health and Human Services Committee

H.B. 82 Protection of Children Riding in Motor Vehicles
(Rep. F.J. Seegmiller) (Sen. P. Knudson)

H.B. 401 Residential Facilities for Elderly Persons (Rep. B. Daw)
(Sen. M. Dayton)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 67 Public Safety Services Crossing State Borders
(Sen. L. Hillyard)

S.B. 217 Increase in Surcharge on Fines (Sen. S. Jenkins)

S.B. 277 Dna Modifications (Sen. J. S. Adams)

1st Sub. H.B. 187 Peace Officer Standards and Training Amendments
(Rep. C. Wimmer) (Sen. J. Greiner)

H.B. 340 Sexual Assault Victim Protocols (Rep. J. Biskupski)
(Sen. J. Valentine)

H.B. 348 Sheriffs Fees (Rep. R. Greenwood) (Sen. R. Okerlund)

H.B. 426 Bail Bond Licensee Representation Amendments
(Rep. S. Sandstrom) (Sen. M. Madsen)

Natural Resources, Agriculture and Environment Committee

1st Sub. H.B. 298 Land Use Authority Notification of Canal Development
(Rep. B. Ferry) (Sen. D. Stowell)

Retirement and Independent Entities Committee

S.B. 240 Retirement Participation Amendments
(Sen. D. Liljenquist)

Revenue and Taxation Committee

S.B. 165 Allocation and Apportionment of Income and Deduction
of a Net Loss (Sen. W. Niederhauser)

1st Sub. H.B. 265 Real Property Amendments (Rep. G. Froerer)
(Sen. C. Bramble)

H.B. 349 Sales and Use Tax Amendments (Rep. W. Harper)
(Sen. C. Bramble)

Transportation, Public Utilities and Technology Committee

S.B. 209 Humanitarian Service and Educational and Cultural
Exchange Support Special Group License Plate
(Sen. P. Knudson)

H.B. 91 Traffic Control Signs for Bicycles (Rep. C. Moss)
(Sen. W. Niederhauser)

H.B. 179 Off-highway Vehicle and Street-legal All-terrain Vehicle
Revisions (Rep. M. Noel) (Sen. R. Okerlund)

H.B. 318 Revolving Loan Fund for Certain Energy Efficient
Projects Amendments (Rep. R. Barrus) (Sen. D. Stowell)

**Workforce Services and Community and Economic Development
Committee**

S.B. 158 Utah Venture Capital Enhancement Act Amendments
(Sen. J. S. Adams)

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 26, 2010

The Business and Labor Committee reports a favorable recommendation on **S.B. 251, VERIFICATION OF EMPLOYMENT ELIGIBILITY**, by Senator D. C. Buttars; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 176, CONTINUING EDUCATION REQUIREMENTS FOR ELECTRICIANS AND PLUMBERS**, by Representative W. Harper; and

The Business and Labor Committee reports a favorable recommendation on **1st Sub. H.B. 275**, DIVISION OF REAL ESTATE AMENDMENTS, by Representative G. Froerer.

John L. Valentine, Chair

Mr. President:

February 26, 2010

The Health and Human Services Committee recommends **S.B. 68**, LOCAL HEALTH AUTHORITY FUNDING AMENDMENTS, by Senator D. Stowell, be replaced and favorably recommends **1st Sub. S.B. 68**, LOCAL HEALTH AUTHORITY FUNDING AMENDMENTS with the following amendments:

1. Page 1, Lines 16 through 18:

16 including {~~;~~
 17 ~~————•~~} committee membership; and
 18 {~~—•— committee duties; and—~~}

2. Page 2, Line 54 through Page 3, Line 61:

54 (b) (i) The department shall establish a committee
 consisting of:

55 {~~-(i)-~~} (A) the executive director, or the executive
 director's designee;

56 {~~-(ii)-~~} (B) two representatives of the department,
 appointed by the executive director; ~~and~~

57 {~~-(iii)-~~} (C) three representatives of local health
 departments, appointed by all local health

58 departments~~[-];~~

59 {~~-(iv)-~~} (D) subject to Subsection (3)(b)(i), a
member of the Senate appointed by the president of the Senate; and

60 {~~-(v)-~~} (E) subject to Subsection (3)(b)(i), a member
of the House of Representatives appointed by the speaker of the House of

61 Representatives.

(ii) A member described in Subsection (3)(b)(i)(D) or (E) shall
attend at least two committee meetings each year.

3. Page 3, Lines 62 through 76:

62 (c) The committee shall:

63 ~~{(i) recommend to the department or a local health department the department's or the~~

64 ~~local health department's responsibilities;~~

65 ~~(ii) recommend minimum performance standards for a local health department;~~

66 ~~(iii) recommend funding formulas to direct federal grant funds or state general funds to~~

67 ~~the department or a local health department: }~~

68 {~~+~~} (i) {~~+~~} {~~(iv)~~} evaluate:

69 (A) the allocation of public health resources between the department and local health

70 departments; and

71 (B) policies that affect local health departments;

72 {~~+~~} (ii) {~~+~~} {~~(v)~~} consider policy changes proposed by the department or local health

73 departments;

74 {~~+~~} (iii) {~~+~~} {~~(vi)~~} establish criteria by which an application for a federal grant may be judged

75 to determine whether it should be exempt from the requirements under Subsection (3)(d); and

76 {~~+~~} (iv) {~~+~~} {~~(vii)~~} establish criteria by which an application for a federal grant may be judged ; and

The Health and Human Services Committee reports a favorable recommendation on **H.J.R. 23**, JOINT RESOLUTION APPROVING THE SALE OF REAL PROPERTY AT THE UTAH STATE DEVELOPMENTAL CENTER, by Representative C. Frank; and

The Health and Human Services Committee reports a favorable recommendation on **H.J.R. 27**, AUTHENTIC CHARITY HEALTH CARE JOINT RESOLUTION, by Representative M. Newbold.

D. Chris Butters, Chair

Mr. President:

February 26, 2010

The Education Committee reports a favorable recommendation on **S.B. 250**, POLITICAL PARTY BYLAWS – UNITED STATES SENATORS, by Senator H. Stephenson; and

The Education Committee reports a favorable recommendation on **1st Sub. H.B. 92**, MOIST SNUFF TAXATION REVISIONS, by Representative B. Daw, et al.

Curtis S. Bramble, Chair

On motion of Senator Jenkins, the committee reports were adopted. **S.B. 251**, **H.B. 176**, **1st Sub. H.B. 275**, **1st Sub. S.B. 68**, as amended, **H.J.R. 23**, **H.J.R. 27**, **S.B. 250**, and **1st Sub. H.B. 92** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President:

February 26, 2010

The Health and Human Services Committee reports a favorable recommendation on **S.B. 155**, ENHANCED PENALTIES FOR HIV POSITIVE OFFENDER AMENDMENTS, by Senator J. Stevenson, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 3, Line 61:

61 (2) "HIV positive individual" means a person who
 {~~is~~} has been tested and diagnosed as HIV positive [~~and has~~
 actual ; and

The Health and Human Services Committee reports a favorable recommendation on **1st Sub. H.B. 106**, EXPEDITED BACKGROUND CHECKS FOR HUMAN SERVICES PROVIDERS, by Representative J. Seelig, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 215**, AMENDMENTS TO PUBLIC EMPLOYEES' BENEFIT AND INSURANCE PROGRAM ACT – RISK POOLS, by Representative K. Garn, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Butters, Chair

On motion of Senator Dayton, the committee reports were adopted. **S.B. 155**, as amended, **1st Sub. H.B. 106**, and **H.B. 215** were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 247, John M. Browning State Holiday (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 248, Child Registry Amendments (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 279, Identity Fraud and Related Amendments (S. Urquhart), read the first time by short title and referred to the Rules Committee.

SPECIAL RECOGNITION

The Senate recognized the Milford Wind Kids for energy conservation.

SECOND READING CALENDAR

On motion of Senator Jenkins, **H.B. 287, LEGISLATOR SALARY AMENDMENTS**, was read the second time and circled.

* * *

2nd Sub. S.B. 99, WATER COMPANIES AND WATER RIGHT CHANGE REQUESTS, was read the second time. Senator Valentine explained the bill. Senators Jenkins, Stowell, Okerlund, Van Tassell, and Stephenson commented. Senator Valentine declared a conflict of interest. The bill passed second reading on the following roll call:

Yeas, 16; Nays, 9; Absent, 4.

Voting in the affirmative were: Senators

Bramble	Buttars	Davis	Dayton
Goodfellow	Jenkins	Knudson	Madsen
Mayne	McAdams	Morgan	Robles
Romero	H. Stephenson	Urquhart	Valentine

Voting in the negative were: Senators

Adams	Greiner	Hinkins	Niederhauser
Okerlund	J. Stevenson	Stowell	Van Tassell
Waddoups			

Absent or not voting were: Senators

Christensen	Hillyard	Jones	Liljenquist
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S.B. 160, UTAH STATE DEVELOPMENTAL CENTER AMENDMENTS, was read the second time. Senator Bramble declared a conflict of interest. Senator Dayton explained the bill. Senators Robles, Bramble, and Davis commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Dayton	Greiner	Jenkins	Knudson
Madsen	Mayne	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative were: Senators

Goodfellow	Hinkins	McAdams
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Absent or not voting were: Senators

Christensen	Hillyard	Jones	Liljenquist
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1st Sub. S.B. 69, COLLEGE OF EASTERN UTAH AFFILIATION WITH UTAH STATE UNIVERSITY, was read the second time. Senator Hinkins explained the bill. Senators Van Tassell, Jenkins, Valentine, and Romero commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hinkins
Jenkins	Knudson	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Greiner	Hillyard	Jones	Liljenquist
Stowell			

TIME CERTAIN CALENDAR

On motion of Senator Jenkins, under suspension of the rules, **H.J.R. 13**, RECOGNITION OF COMMUNITY COUNCILS AND THE ASSOCIATION OF COMMUNITY COUNCILS TOGETHER JOINT RESOLUTION, was considered read the second and third time, explained by Senator Jenkins, and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Goodfellow	Hinkins	Jenkins
Knudson	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Dayton	Greiner	Hillyard	Jones
Liljenquist	H. Stephenson		

H.J.R. 13 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Niederhauser, **H.B. 270**, FINANCIAL DISCLOSURE AND CONFLICT OF INTEREST AMENDMENTS, was lifted from the Judiciary, Law Enforcement, and Criminal Justice standing committee and referred to the Ethics standing committee.

SECOND READING CALENDAR

On motion of Senator Niederhauser, the circle was removed from **H.B. 294**, HEALTH SYSTEM REFORM AMENDMENTS, and it was before the Senate. Senator Niederhauser explained the bill. Senators Valentine, Davis, Greiner and Waddoups commented. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 5; Absent, 4.

Voting in the affirmative were: Senators

Adams	Bramble	Davis	Dayton
Goodfellow	Hinkins	Jenkins	Knudson

Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
J. Stevenson	Stowell	Urquhart	Van Tassell

Voting in the negative were: Senators

Greiner	Madsen	H. Stephenson	Valentine
Waddoups			

Absent or not voting were: Senators

Buttars	Christensen	Hillyard	Jones
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On motion of Senator Bramble, the circle was removed from **2nd Sub. S.B. 274, ONLINE PHARMACY AMENDMENTS**, and it was before the Senate. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Christensen	Hillyard	Jones	Niederhauser
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On motion of Senator Jenkins and at 4:20 p.m., the Senate adjourned until 9:30 a.m., Monday, March 1, 2010.

THIRTY-FIFTH DAY

MORNING SESSION

March 1, 2010

The Senate was called to order at 9:40 a.m., with President Michael Waddoups presiding.

Prayer – Reverend Handi Jo Dolloff–Holt, Trinity United Methodist Church

Pledge of Allegiance – Senator Howard Stephenson

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS

(PLEASE REFER TO DAY 1, PAGE 72)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 26, 2010

The House requests the return of **1st Sub. S.B. 48**, NONLAPSING AUTHORITY TECHNICAL AMENDMENTS, by Senator R. Okerlund, for reconsideration.

Sandy D. Tenney, Chief Clerk

On motion of Senator Okerlund, **1st Sub. S.B. 48** was returned to the House for further consideration.

* * *

Mr. President: February 26, 2010

The Speaker of the House has signed **S.B. 39**, HEALTH INSURANCE PRIOR AUTHORIZATION AMENDMENTS, by Senator K. Mayne, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 55**, AUTHORIZATION OF CHARTER SCHOOLS BY HIGHER EDUCATION INSTITUTIONS, by Senator J. S. Adams, and it is transmitted for the signature of the President; and

The House passed, **S.B. 124**, MILITARY INSTALLATION DEVELOPMENT AUTHORITY MODIFICATIONS, by Senator J. Stevenson, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 39, **S.B. 55**, and **S.B. 124** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

February 26, 2010

The House passed, as substituted, **2nd Sub. H.B. 139**, EMERGENCY AND DISASTER MANAGEMENT AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 150**, ADMINISTRATIVE SUBPOENA AMENDMENTS, by Representative B. Daw, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 306**, TERRORISM AMENDMENTS, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 324**, PUBLIC LANDS LITIGATION, by Representative K. Sumsion, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **2nd Sub. H.B. 139**, **1st Sub. H.B. 150**, **H.B. 306**, and **1st Sub. H.B. 324** were read the first time and referred to the Rules Committee.

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Mr. President:

February 26, 2010

The House substituted and passed, **3rd Sub. S.B. 63**, NEW PUBLIC EMPLOYEES' TIER II CONTRIBUTORY RETIREMENT ACT, by Senator D. Liljenquist, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

INTRODUCTION OF BILLS

S.C.R. 12, Responsible Development of Public Lands Concurrent Resolution (K. Van Tassell), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

S.B. 206, ACCESS TO CRIME VICTIM'S MEDICAL RECORDS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Liljenquist	Madsen
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S.B. 206 was transmitted to the House for consideration.

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H.B. 96, LIBEL AMENDMENTS, was read the third time, explained by Senator Jones, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Liljenquist	Madsen
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H.B. 96 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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On motion of Senator Niederhauser, **H.B. 249**, EMANCIPATION AMENDMENTS, was read the third time and circled.

* * *

S.B. 167, ALCOHOLIC BEVERAGE CONTROL ACT RECODIFICATION, was read the third time, explained by Senator Valentine, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Liljenquist	Madsen
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S.B. 167 was transmitted to the House for consideration.

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1st Sub. H.B. 299, AMENDMENTS RELATED TO SUBSTANCES HARMFUL TO PREGNANCY, was read the third time, explained by Senator Buttars, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Davis	Dayton
Goodfellow	Hillyard	Hinkins	Jenkins
Jones	Knudson	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble	Christensen	Greiner	Liljenquist
Madsen			

1st Sub. H.B. 299, as amended, was returned to the House for further consideration.

* * *

H.C.R. 9, AUTISM, DISABILITIES, AND FAITH CONCURRENT RESOLUTION, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Dayton	Goodfellow	Hillyard	Hinkins
Jenkins	Jones	Knudson	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Christensen	Greiner	Liljenquist	Madsen
Stowell			

H.C.R. 9 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, the circle was removed from **H.B. 249**, EMANCIPATION AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Christensen	Liljenquist	Madsen
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H.B. 249 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

CONCURRENCE CALENDAR

3rd Sub. S.B. 43, POST-RETIREMENT EMPLOYMENT AMENDMENTS, was before the Senate.

On motion of Senator Valentine, the bill was circled.

* * *

On motion of Senator Liljenquist, the circle was removed from **3rd Sub. S.B. 43, POST–RETIREMENT EMPLOYMENT AMENDMENTS**, and it was before the Senate.

On motion of Senator Liljenquist, the Senate voted to concur in the House amendments to **3rd Sub. S.B. 43, POST–RETIREMENT EMPLOYMENT AMENDMENTS**. Senators Hillyard, Greiner, Jones, Dayton, and Buttars commented. The bill, as amended, passed on the following roll call:

Yeas, 20; Nays, 8; Absent, 1.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Dayton	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Niederhauser
Okerlund	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

Davis	Goodfellow	Greiner	Mayne
McAdams	Morgan	Robles	Romero

Absent or not voting was: Senator Madsen

3rd Sub. S.B. 43 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Liljenquist, under suspension of the rules, the Senate voted to concur in the House amendments to **3rd Sub. S.B. 63, NEW PUBLIC EMPLOYEES’ TIER II CONTRIBUTORY RETIREMENT ACT**. Senator Valentine commented. The bill, as amended, passed on the following roll call:

Yeas, 18; Nays, 8; Absent, 3.

Voting in the affirmative were: Senators

Adams	Christensen	Dayton	Hillyard
Hinkins	Jenkins	Knudson	Liljenquist
Madsen	Niederhauser	Okerlund	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative were: Senators

Davis	Goodfellow	Jones	Mayne
McAdams	Morgan	Robles	Romero

Absent or not voting were: Senators

Bramble	Buttars	Greiner
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3rd Sub. S.B. 63 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

On motion of Senator Valentine, **2nd Sub. S.B. 99**, WATER COMPANIES AND WATER RIGHT CHANGE REQUESTS, was read the third time and circled.

* * *

S.B. 160, UTAH STATE DEVELOPMENTAL CENTER AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Davis	Dayton	Goodfellow
Hillyard	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Hinkins	McAdams
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Absent or not voting were: Senators

Bramble	Buttars	Christensen	Greiner
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S.B. 160 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 69, COLLEGE OF EASTERN UTAH AFFILIATION WITH UTAH STATE UNIVERSITY, was read the third time, explained by Senator Hinkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Christensen	Davis	Goodfellow
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Buttars	Dayton	Greiner
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1st Sub. S.B. 69 was transmitted to the House for consideration.

INTENT LANGUAGE

On motion of Senator Hinkins the following intent language was included in the Senate Journal.

It is the intent of the Legislature in enacting 1st Sub. S.B. 69, College of Eastern Utah Affiliation with Utah State University, that, in order to ensure a smooth transition, all parties act in good faith to follow the provisions of the Memorandum of Understanding negotiated between Utah State University, the College of Eastern Utah, and approved by both institution’s Board of Trustees and the State Board of Education.

* * *

On motion of Senator Niederhauser, **H.B. 294**, HEALTH SYSTEM REFORM AMENDMENTS, was read the third time and circled.

* * *

2nd Sub. S.B. 274, ONLINE PHARMACY AMENDMENTS, was read the third time and explained by Senator Bramble. Senator Knudson commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard

Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Buttars

2nd Sub. S.B. 274 was transmitted to the House for consideration.

* * *

On motion of Senator Liljenquist, the Senator voted to lift **2nd Sub. H.B. 35**, CONTROLLED SUBSTANCE DATABASE – REPORTING FOR OVERDOSE OF A PRESCRIBED CONTROLLED SUBSTANCE, **2nd Sub. H.B. 36**, CONTROLLED SUBSTANCE DATABASE – REPORTING CONVICTIONS FOR DRIVING UNDER THE INFLUENCE OR IMPAIRED DRIVING, and **H.B. 28**, CONTROLLED SUBSTANCE DATABASE AMENDMENTS, from the Third Reading Table and place them on the Third Reading Calendar.

* * *

On motion of Senator Liljenquist, the circle was removed from **S.B. 94**, SUPPLEMENTAL BENEFIT AMENDMENTS FOR NONCONTRIBUTORY PUBLIC EMPLOYEES, and it was before the Senate.

On motion of Senator Liljenquist the Senate voted to strike the enacting clause on **S.B. 94**.

CONSENT CALENDAR

On motion of Senator Bramble, under suspension of the rules, the Senate voted to lift **H.B. 208**, DISPOSITION OF THE REMAINS OF A DECEASED MILITARY SERVICE MEMBER, from the Consent Calendar and place it at the bottom of the Third Reading Calendar.

President Waddoups announced that three senators have requested **H.B. 215**, AMENDMENTS TO PUBLIC EMPLOYEES' BENEFIT AND INSURANCE PROGRAM ACT – RISK POOLS, be lifted from the Consent Calendar and be placed on the Second Reading Calendar.

SECOND READING CALENDAR

S.B. 150, READING REQUIREMENTS FOR STUDENT ADVANCEMENT, was read the second time. Senator Morgan explained the bill.

Senators Jones, Stephenson, Bramble, Davis, Waddoups, Buttars, Okerlund, Robles, and Stevenson commented. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 3; Absent, 5.

Voting in the affirmative were: Senators

Bramble	Buttars	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Madsen
McAdams	Morgan	Okerlund	Romero
H. Stephenson	J. Stevenson	Urquhart	Valentine
Waddoups			

Voting in the negative were: Senators

Mayne	Robles	Stowell
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Absent or not voting were: Senators

Adams	Christensen	Liljenquist	Niederhauser
Van Tassell			

SPECIAL RECOGNITION

The Senate recognized Miss Deaf Utah Ambassador, Andrea Vigil and welcomed her to the Senate.

* * *

On motion of Senator Jones, the circle was removed from **1st Sub. S.B. 106, MOTOR VEHICLE NOISE EMISSION STANDARDS**, and it was before the Senate. On motion of Senator Jones, the enacting clause was struck on **1st Sub. S.B. 106**.

* * *

S.B. 169, NAVAJO REVITALIZATION FUND AMENDMENTS, was read the second time. Senator Hinkins explained the bill. Senators Waddoups, Hillyard, Valentine and Jenkins commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner

Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	McAdams
Morgan	Niederhauser	Okerlund	Robles
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators
Mayne Romero

* * *

1st Sub. S.B. 51, BIOPROSPECTING, was read the second time.

Senator Hillyard proposed the following amendment:

1. Page 2, Lines 45 through 46

45 (ii) information concerning a naturally occurring
microorganism's, plant's, or {~~fungus's~~ } fungus'
46 physical or genetic properties.

2. Page 3, Lines 65 through 67:

65 (1) This chapter does not modify or replace any other
requirement under federal, state
66 or local law related to an act that under this chapter is considered
bioprospecting, including any
67 requirement to obtain the permission of a landowner.

3. Page 3, Lines 76 through 77:

76 (1) (a) On and after July 1, 2011, before engaging in an act of
bioprospecting a person
77 shall register with the division.

4. Page 3, Lines 83 through 84:

83 (3) The division shall create, by rule made in accordance with
Title 63G, Chapter 3, Utah
84 Administrative Rulemaking Act, a registration form for purposes of
this chapter that includes:

5. Page 4, Lines 96 through 97:

96 (a) the act of {~~bioprospecting~~} bioprospecting ;

97 (b) a microorganism, plant, or {~~fungi~~} fungus
removed from a natural environment in the state;

6. Page 4, Lines 110 through 112:

110 (2) If found guilty of a violation under this chapter, a court may
in addition to a penalty

111 imposed under Section 76-6-206 order restitution that is
proportional to the economic interests

112 the state may have under Section 65A-14-202.

Senator Hillyard’s motion to amend passed on a voice vote.

On motion of Senator Hillyard, under suspension of the rules, **1st Sub. S.B. 51**, BIOPROSPECTING, was considered read the second and third times. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Madsen Niederhauser

1st Sub. S.B. 51 was transmitted to the House.

SPECIAL RECOGNITION

The Senate recognized the Special Olympics. Those recognized included: Brett Banford, Karen Kunder, and Tony Marino. Sgt. Mike Nelsen from Brigham City was recognized as the winner of the “Unsung Hero Award” this year.

* * *

On motion of Senator Hinkins, under suspension of the rules, **S.B. 149**, UTAH FOREST PRACTICES ACT AMENDMENTS, was considered read the second

and third times. Senator Hinkins explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Hillyard

S.B. 149 was transmitted to the House.

* * *

On motion of Senator Urquhart, under suspension of the rules, **S.J.R. 11**, UTAH ATHLETIC FOUNDATION RESOLUTION, was considered read the second and third times. Senator Urquhart explained the bill. Senator Jenkins commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators
Hillyard J. Stevenson

S.J.R. 11 was transmitted to the House.

* * *

On motion of Senator Romero, under suspension of the rules, **S.B. 71**, SMALL BUSINESS ACCESS TO JUSTICE ACT, was considered read the

second and third times. Senator Romero explained the bill. Senator Valentine declared a conflict of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Hillyard	Morgan	Urquhart
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S.B. 71 was transmitted to the House.

* * *

On motion of Senator Van Tassell, **S.B. 118**, UNIFORM PROBATE CODE AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Van Tassell, **S.B. 143**, GRAND JURY AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Van Tassell, under suspension of the rules, **S.J.R. 10**, JOINT RESOLUTION SUPPORTING THE EXPANSION OF CORRECTIONAL FACILITIES IN UINTAH COUNTY, was considered read the second and third times. Senator Van Tassell explained the bill. Senator Buttars commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Dayton	Goodfellow	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Niederhauser	Okerlund

Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Christensen	Greiner	Hillyard	Morgan
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S.J.R. 10 was transmitted to the House.

INTRODUCTION OF BILLS

S.B. 215, Highway Project Funding – Salt Lake County (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 230, Pharmaceutical Marketing to Consumers Amendment (D. Liljenquist), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Jenkins, and at 11:50 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:10 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 1, 2010

The House concurred in the Senate amendments and passed **1st Sub. H.B. 81, SCHOOL EMPLOYEE CRIMINAL BACKGROUND CHECK**, by Representative S. Allen, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 261, FINANCIAL RESPONSIBILITY OF MOTOR VEHICLE OWNERS AND OPERATORS ACT AMENDMENTS**, by Representative R. Greenwood, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. H.B. 81 and **H.B. 261**, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: March 1, 2010

The House passed, as amended, **H.B. 189, CLOSED MEETINGS AMENDMENTS**, by Representative P. Painter, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 331**, WASTE FEE AND RELATED AMENDMENTS, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed **H.B. 332**, UTAH AGRICULTURAL CODE AMENDMENTS, by Representative C. Watkins, and it is transmitted for consideration; and

The House passed **H.B. 364**, RIGHT OF IDENTITY THEFT VICTIM TO CIVIL CAUSE OF ACTION, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 406**, STATE FAIR PARK AMENDMENTS, by Representative J. Gowans, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 419**, ALCOHOLIC BEVERAGE CONTROL AND SIGNAGE AT STATE STORES, by Representative K. Powell, and it is transmitted for consideration; and

The House passed **H.B. 435**, DIXIE STATE COLLEGE – NONPROFIT ENTITIES, by Representative D. Ipson, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 189, 2nd Sub. H.B. 331, H.B. 332, H.B. 364, H.B. 406, H.B. 419, and H.B. 435** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate:

March 1, 2010

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

Business and Labor Committee

- S.B. 215** Highway Project Funding – Salt Lake County
(Sen. W. Niederhauser)
- S.B. 279** Identity Fraud and Related Amendments
(Sen. S. Urquhart)

Education Committee

- S.B. 230** Pharmaceutical Marketing to Consumers Amendment
(Sen. D. Liljenquist)
- 1st Sub. H.B. 150** Administrative Subpoena Amendments (Rep. B. Daw)
(Sen. M. Dayton)

H.B. 306 Terrorism Amendments (Rep. E. Hutchings)
(Sen. D. Liljenquist)

Health and Human Services Committee

2nd Sub. H.B. 139 Emergency and Disaster Management Amendments
(Rep. C. Oda) (Sen. J. Valentine)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 247 John M. Browning State Holiday (Sen. M. Madsen)

S.B. 248 Child Registry Amendments (Sen. M. Madsen)

**Workforce Services and Community and Economic Development
Committee**

S.C.R. 12 Responsible Development of Public Lands Concurrent
Resolution (Sen. K. Van Tassell)

Margaret Dayton
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: March 1, 2010

The Revenue and Taxation Committee reports a favorable recommendation on **1st Sub. H.B. 265**, REAL PROPERTY AMENDMENTS, by Representative G. Froerer.

J. Stuart Adams, Chair

Mr. President: February 26, 2010

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 235**, AGRICULTURAL LOAN AUTHORIZATION, by Senator R. Okerlund; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.C.R. 11**, CONCURRENT RESOLUTION

EXPRESSING OPPOSITION TO THE CREATION OF NEW NATIONAL MONUMENTS IN UTAH, by Senator K. Van Tassell.

Dennis E. Stowell, Chair

Mr. President:

February 26, 2010

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 170**, SUSPENSION OF DRIVING PRIVILEGES, by Senator L. Hillyard; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 227**, INTERLOCAL ENERGY AMENDMENTS, by Senator C. Bramble, with the following amendments:

1. Page 5, Line 143 through Page 6, Line 162:

143 if :

(i) the energy services interlocal entity:

144 ~~{-(i)} (A)~~ enters into a written agreement with each public utility holding a certificate of

145 public convenience and necessity issued by the Public Service Commission for the energy

146 services interlocal entity to be responsible to provide electric service in the agreed upon geographic area

147 outside the municipal boundaries of the members of the energy services interlocal entity; and

148 ~~{-(ii)} (B)~~ obtains a franchise agreement, with the legislative body of the county or other

149 governmental entity for the geographic area in which the energy services interlocal entity

150 provides service outside the municipal boundaries of its members; and

151 ~~{-(iii)} (i)~~ (i) each public utility described in Subsection (7)(a)(i)(A) applies for and obtains from the Public Service Commission approval of the

152 agreement specified in Subsection (7)(a) ~~{-(ii)} (i)(A)~~ .

153 (b) (i) The Public Service Commission shall approve an agreement described in

154 Subsection (7)(a)(ii) unless it determines, based upon substantial evidence, that the agreement

155 is contrary to the public interest.

156 (ii) In approving an agreement, the
 {~~commission~~} Public Service Commission shall also amend
 the certificate of

157 public convenience and necessity of any public utility described in Subsection (7)(a)(i) to

158 delete from the geographic area specified in the certificate or certificates of the public utility

159 the geographic area that the energy services interlocal entity has agreed to serve.

160 (c) In providing retail electric service to customers outside of the municipal boundaries

161 of its members, but not within the municipal boundaries of another municipality that grants a franchise agreement in accordance with Subsection (7)(a)(i)(B) , an energy

162 services interlocal entity shall comply with the following: ; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 273**, HOSPITAL ASSESSMENTS, by Senator L. Hillyard.

Stephen H. Urquhart, Chair

On motion of Senator Dayton, the committee reports were adopted. **1st Sub. H.B. 265, S.B. 235, S.C.R. 11, S.B. 170, S.B. 227**, as amended, and **S.B. 273** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President:

March 1, 2010

The Revenue and Taxation Committee reports a favorable recommendation on **2nd Sub. H.B. 259**, PROPERTY TAX AMENDMENTS, by Representative W. Harper, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 11, Lines 321 through 322:

321 assessing and {~~collection~~} collecting levy authorized
in Subsection 59-2-1602(2)(a), the certified revenue

322 levy, or the minimum basic tax rate established in
 {~~Subsection~~} Section 53A-17a-135.

2. Page 15, Line 442:

442 under Article XIII, {~~See.~~} Section 2 of the Utah
Constitution that is based on the value of the property

3. Page 18, Line 549:

549 multicounty assessing and collecting levy in accordance with
 Subsection (3)(c) (i) shall levy ; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 349**, SALES AND USE TAX AMENDMENTS, by Representative W. Harper, and recommends it be considered read for the second time and placed on the Consent Calendar.

J. Stuart Adams, Chair

Mr. President:

February 26, 2010

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 220**, VEHICLE IMPOUND AMENDMENT, by Senator J. Greiner, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **1st Sub. H.B. 378**, MOTOR VEHICLE INSURANCE REQUIREMENTS, by Representative T. Kiser, and recommends it be considered read for the second time and placed on the Consent Calendar.

Stephen H. Urquhart, Chair

On motion of Senator Dayton, the committee reports were adopted. **2nd Sub. H.B. 259**, as amended, **H.B. 349**, **S.B. 220**, and **1st Sub. H.B. 378** as amended, were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 237, Transition for Repealed Navajo Trust Fund Act Amendments (D. Hinkins), read the first time by short title and referred to the Rules Committee.

S.J.R. 16, Health Care Facility Disclosure Joint Resolution (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.J.R. 18, Gang Crime Awareness and Enforcement Joint Resolution (M. Madsen), read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

On motion of Senator Hillyard, the circle was removed from **S.B. 118, UNIFORM PROBATE CODE AMENDMENTS**, and it was before the Senate.

On motion of Senator Hillyard, under suspension of the rules, **S.B. 118, UNIFORM PROBATE CODE AMENDMENTS**, was considered read the second and third times. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Christensen	Davis	Dayton
Goodfellow	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Buttars	Greiner	Urquhart
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S.B. 118 was transmitted to the House.

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On motion of Senator Liljenquist, the circle was removed from **S.B. 143, GRAND JURY AMENDMENTS**, and it was before the Senate.

On motion of Senator Liljenquist, under suspension of the rules, **S.B. 143, GRAND JURY AMENDMENTS**, was considered read the second and third times. Senator Liljenquist explained the bill. Senator Valentine commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner

Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators
 Hillyard Madsen Urquhart

S.B. 143 was transmitted to the House.

* * *

On motion of Senator Niederhauser, **S.B. 179**, UTAH REVISED BUSINESS CORPORATION ACT AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Niederhauser, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Niederhauser, the circle was removed from **H.B. 294**, HEALTH SYSTEM REFORM AMENDMENTS, and it was before the Senate. Senators Greiner, Jones, Jenkins, Valentine, Robles, Buttars, Stowell, Liljenquist, Bramble, and Romero commented.

Senator Waddoups proposed the following amendment:

1. Page 3, Lines 83 through 84

83 { ~~► effective January 1, 2013, imposes a risk adjuster~~
~~mechanism on the small group~~
 84 ~~market inside and outside of the Health Insurance Exchange; }~~

2. Page 5, Line 122
 - a. House Floor Amendments
 - b. 2-16-2010:

122 { ~~63I-2-231, as last amended by Laws of Utah 2009,~~
~~Chapter 11 }~~

3. Page 5, Lines 131 through 137

a. House Floor Amendments

b. 2-16-2010:

131 { ~~31A-42a-101, Utah Code Annotated 1953~~
 132 ~~31A-42a-102, Utah Code Annotated 1953~~
 133 ~~31A-42a-103, Utah Code Annotated 1953~~
 134 ~~31A-42a-201, Utah Code Annotated 1953~~
 135 ~~31A-42a-202, Utah Code Annotated 1953~~
 136 ~~31A-42a-203, Utah Code Annotated 1953~~
 137 ~~31A-42a-204, Utah Code Annotated 1953~~ }

4. Page 57, Line 1736 through Page 62, Line 1913

House Floor Amendments

2-16-2010:

Delete Lines 1736 through Page 62, Line 1913.

5. Page 64, Lines 1962 through 1967

House Floor Amendments

2-16-2010:

1962 ~~Section 41. Section 63I-2-231 is amended to read:~~
 1963 ~~63I-2-231. Repeal dates, Title 31A.~~
 1964 ~~(1) Section 31A-23a-415 is repealed July 1, 2011.~~
 1965 ~~(2) Section 31A-22-619 is repealed July 1, 2010.~~
 1966 ~~(3) Title 31A, Chapter 42, Defined Contribution Risk Adjuster~~
 ~~Act, is repealed January~~
 1967 ~~1, 2013.~~

Senator Waddoups' motion to amend failed on a voice vote.

###

Senator Valentine proposed the following amendment:

- 1. Page , Line 121 through Page 5, Line 121

121 31A-42-202, as enacted by Laws of Utah 2009, Chapter 12
63I-1-231, as renumbered and amended by Laws of Utah 2008,
Chapter 382

- 2. Page 64, Line 19611
 House Floor Amendments
 2-16-2010:

19611 (b) prompt payment of billed charges. ←^H
Section 41. Section 63I-1-231 is amended to read:
 63I-1-231. Repeal dates, Title 31A.

(1) Section 31A-2-208.5, Comparison tables, is repealed July 1, 2010.

(2) Section 31A-2-217, Coordination with other states, is repealed July 1, 2013.

(3) Section 31A-22-315, Motor vehicle insurance reporting -- Penalty, is repealed July 1, 2010.

(4) Section 31A-22-625, Catastrophic coverage of mental health conditions, is repealed July 1, 2011.

(5) Chapter 42a, Utah Statewide Risk Adjuster Act, is repealed July 1, 2016.

Renumber remaining sections accordingly.

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

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Hinkins	Madsen	H. Stephenson	J. Stevenson
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Absent or not voting were: Senators

Greiner	Hillyard
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Senator Bramble requested that a 24-hour hold be placed on the bill.

H.B. 294 was held in the Senate.

SECOND READING CALENDAR

On motion of Senator Robles, under suspension of the rules, **S.B. 59**, AT-RISK STUDENT PROVISIONS, was considered read the second and third times. Senator Robles explained the bill. The bill passed on the following roll call:

Yeas, 22; Nays, 1; Absent, 6.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Greiner	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Robles
Romero	H. Stephenson	J. Stevenson	Urquhart
Valentine	Van Tassell		

Voting in the negative was: Senator
Stowell

Absent or not voting were: Senators

Goodfellow	Hillyard	Madsen	Niederhauser
Okerlund	Waddoups		

S.B. 59 was transmitted to the House.

* * *

On motion of Senator Stowell, under suspension of the rules, **S.B. 164**, SURETY REQUIREMENTS FOR MINING, was considered read the second and third times. Senator Stowell explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell			

Absent or not voting were: Senators

Hillyard Niederhauser Okerlund Waddoups

S.B. 164 was transmitted to the House.

* * *

1st Sub. S.B. 129, NEW MOTOR VEHICLE FRANCHISE AMENDMENTS, was read the second time.

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

2nd Sub. S.B. 129 New Motor Vehicle Franchise Amendments
(D. Liljenquist)

On motion of Senator Liljenquist, under suspension of the rules, **2nd Sub. S.B. 129, NEW MOTOR VEHICLE FRANCHISE AMENDMENTS,** was considered read the second and third times. Senator Liljenquist explained the bill. The bill passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Adams	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble Buttars Hillyard Morgan
Niederhauser Okerlund

2nd Sub. S.B. 129 was transmitted to the House.

* * *

S.B. 180, SEXUAL EXPLOITATION OF A VULNERABLE ADULT, was read the second time.

Senator Hinkins proposed the following amendment:

1. Page 3, Line 63

63 (h) "Exploitation" means {~~the~~} an offense described in Subsection (4) or (5) .

Senator Hinkins' motion to amend passed on a voice vote.

On motion of Senator Hinkins, under suspension of the rules, **S.B. 180**, SEXUAL EXPLOITATION OF A VULNERABLE ADULT was considered read the second and third times. Senator Hinkins explained the bill. The bill passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Adams	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Waddoups	

Absent or not voting were: Senators

Bramble	Buttars	Hillyard	Niederhauser
Okerlund	Van Tassell		

S.B. 180 was transmitted to the House.

* * *

On motion of Senator Greiner, under suspension of the rules, **S.B. 212**, PAWN SHOP AMENDMENTS, was considered read the second and third times. Senator Greiner explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell			

Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell			

Absent or not voting were: Senators

Adams	Hillyard	Hinkins	Waddoups
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S.B. 232 was transmitted to the House.

* * *

On motion of Senator Jenkins, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Jenkins, the circle was removed from **3rd Sub. S.B. 108, JUDICIAL NOMINATING COMMISSION STAFF AMENDMENTS**, and it was before the Senate.

Senator Jenkins proposed the following amendment:

- 1. Page 3, Lines 81 through 84

81 (2) In determining which of the applicants are the most
qualified, the nominating
82 commissions shall determine by a majority vote of the
commissioners present which of the
83 {~~candidates~~ } applicants best possess the ability,
temperament, training, and experience that qualifies them
84 for the office.

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

Yeas, 18; Nays, 9; Absent, 2.

Voting in the affirmative were: Senators

Adams	Dayton	Greiner	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	Morgan	Niederhauser
Okerlund	Robles	H. Stephenson	J. Stevenson
Stowell	Waddoups		

Voting in the negative were: Senators

Bramble	Christensen	Davis	Goodfellow
McAdams	Romero	Urquhart	Valentine
Van Tassell			

Absent or not voting were: Senators

Buttars	Hillyard
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3rd Sub. S.B. 108 was transmitted to the House for consideration.

INTRODUCTION OF BILLS

S.B. 241, Health Code Amendments (A. Christensen), read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

On motion of Senator Jenkins, the Senate voted to reconsider its action on **S.B. 232, JUDICIAL ADMINISTRATION AMENDMENTS.**

S.B. 232, JUDICIAL ADMINISTRATION AMENDMENTS, was before the Senate.

Senator Valentine proposed the following amendment:

- 1. Page 2, Lines 32 through 38

32 (2) During a General Fund budget deficit, the governor, president of the Senate,

33 speaker of the House, and chief justice of the Supreme Court, may, by [majority] unanimous vote,

34 implement a judicial hiring freeze for judicial vacancies for
35 {-the entire } :

35 (a) a juvenile court district with three or more juvenile court judges :

36 (b) a district court district with three or more district court judges :

37 (c) all appellate court judges ; or

38 (d) any combination of Subsections (2)(a) through (c).

Senator Valentine’s motion to amend passed on a voice vote.

On motion of Senator Jenkins, under suspension of the rules, **S.B. 232**, JUDICIAL ADMINISTRATION AMENDMENTS, was considered read the second and third times. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Buttars	Hillyard	Liljenquist
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S.B. 232 was transmitted to the House.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 1, 2010

The Speaker of the House has signed **3rd Sub. S.B. 43**, POST-RETIREMENT EMPLOYMENT AMENDMENTS, by Senator D. Liljenquist, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **3rd Sub. S.B. 63**, NEW PUBLIC EMPLOYEES' TIER II CONTRIBUTORY RETIREMENT ACT, by Senator D. Liljenquist, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

3rd Sub. S.B. 43 and **3rd Sub. S.B. 63** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 1, 2010

The House passed, as amended, **H.B. 143**, EMINENT DOMAIN AUTHORITY, by Representative C. Herrod, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 170**, FOSTER CARE REVISIONS, by Representative K. Gibson, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 289**, JUDICIAL NOMINATING COMMISSION AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 379**, BARBER, COSMETOLOGIST/BARBER, ESTHETICIAN, ELECTROLOGIST, AND NAIL TECHNICIAN LICENSING ACT AMENDMENTS, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed **H.B. 402**, DEPARTMENT OF ADMINISTRATIVE SERVICES MODIFICATIONS, by Representative S. Clark, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 143, 2nd Sub. H.B. 170, 2nd Sub. H.B. 289, H.B. 379**, and **H.B. 402** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate:

March 1, 2010

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

Education Committee

S.B. 237 Transition for Repealed Navajo Trust Fund Act Amendments (Sen. D. Hinkins)

H.B. 189 Closed Meetings Amendments (Rep. P. Painter)
(Sen. C. Bramble)

Health and Human Services Committee

S.B. 241 Health Code Amendments (Sen. A. Christensen)

S.J.R. 16 Health Care Facility Disclosure Joint Resolution
(Sen. P. Knudson)

Workforce Services and Community and Economic Development Committee

S.J.R. 18 Gang Crime Awareness and Enforcement Joint Resolution
(Sen. M. Madsen)

Margaret Dayton

Rules Committee Chair

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

SECOND READING CALENDAR

On motion of Senator Jenkins, **S.B. 156**, ANTITRUST ACT AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Okerlund, **1st Sub. S.B. 199**, MUNICIPAL BOUNDARY CLARIFICATION was read the second time and circled.

* * *

S.B. 163, HEALTH REGULATION OF GEOTHERMAL POOLS AND BATHS, was read the second time.

Senator Madsen proposed the following amendment:

- 1. Page 1, Line 11

11 minimum health and safety standards relating to public and
 {~~quasi-public~~} member-owned geothermal

- 2. Page 1, Line 15:

15 ▶ defines the term
 {~~quasi-public~~} member-owned geothermal pool and bath;

- 3. Page 1, Line 17:

17 may regulate or inspect a public or
 {~~quasi-public~~} member-owned geothermal pool or bath;

- 4. Page 5, Line 122:

122 (xxii) subject to Subsection 26-15-2(2)(b),
 {~~quasi-public~~} member-owned geothermal pools and
 baths;

- 5. Page 6, Line 163

Senate Committee Amendments
 2-18-2010:

163 (2) (a) As used in this Subsection (2), a
 {~~quasi-public~~} member-owned geothermal pool or bath is a
 pool

- 6. Page 6, Line 180

Senate Committee Amendments
 2-18-2010:

180 (c) In regulating a {~~quasi-public~~} member-owned
geothermal pool or bath, the department ~~S~~→ or a local

- 7. Page 7, Line 197b
Senate Committee Amendments
2-18-2010:

197b {~~quasi-public~~} member-owned geothermal pool or
bath if the test is requested by a person who, within 15 days

- 8. Page 7, Line 197h
Senate Committee Amendments
2-18-2010:

197h (ii) If a test performed under Subsection (2)(d)(i) reveals that
the {~~quasi-public~~} member-owned geothermal pool

Senator Madsen’s motion to amend passed on a voice vote. Senator Madsen explained the bill. Senator Stowell commented.

On motion of Senator Madsen, the bill was circled.

* * *

On motion of Senator Jenkins and at 4:20 p.m., the Senate adjourned until 9:00 a.m., Tuesday, March 2, 2010.

THIRTY-SIXTH DAY

MORNING SESSION

March 2, 2010

The Senate was called to order at 9:35 a.m., with President Michael Waddoups presiding.

Prayer – Pastor Stan Arias, World Vision Assembly of God Church

Pledge of Allegiance – Senator Peter Knudson

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 72)

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 1, 2010

The House passed, as amended, **H.B. 171**, WATER RIGHTS REVISIONS, by Representative K. Gibson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 231**, WATER RIGHTS PRIORITIES IN TIMES OF SHORTAGE, by Representative K. Gibson, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 256**, CHILD ABUSE DATABASE AMENDMENTS, by Representative L. Fowlke, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 314**, WATER RIGHTS ADDENDUMS TO DEEDS, by Representative B. Ferry, and it is transmitted for consideration; and

The House passed **H.B. 337**, UNIFORM DRIVER LICENSE ACT AMENDMENTS, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed **H.C.R. 15**, RESOLUTION TO THE SECRETARY OF TRANSPORTATION ON REVOCATION OF DRIVER LICENSES, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.J.R. 26**, JOINT RESOLUTION APPROVING WATER RIGHTS ADDENDUM FORM, by Representative B. Ferry, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 171, H.B. 231, 1st Sub. H.B. 256, 1st Sub. H.B. 314, H.B. 337, H.C.R. 15, and 1st Sub. H.J.R. 26** were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: March 1, 2010

The Business and Labor Committee reports a favorable recommendation on **S.B. 278**, HOMEOWNERS' ASSOCIATION AMENDMENTS, by Senator S. Urquhart; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 181**, CONDOMINIUM ASSOCIATION COMMON EXPENSES, by Representative C. Moss.

John L. Valentine, Chair

Mr. President: March 1, 2010

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 204**, MIDTERM VACANCY AMENDMENTS, by Senator B. McAdams, with the following amendments:

1. Page 2, Line 52:

52 (i) establish a date. that is before date for a candidate to be certified for the ballot under Section 20A-9-701 and no later than 21 days after the day on which the vacancy occurred.

2. Page 3, Line 65:

65 (B) qualified as an {~~independent~~} unaffiliated candidate as provided by Chapter 9, Candidate Qualifications and ;
and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 216**, ABSENTEE VOTING BY MILITARY PERSONNEL AMENDMENTS, by Senator B. McAdams, with the following amendments:

1. Page 1, Line 15:

15 ▶ allows an overseas military voter to apply for an absentee ballot electronically; {–and–}

 ▶ authorizes a county clerk to accept a ballot application for one general election instead of two general elections; and

2. Page 2, Line 33:

Delete the word, “Friday“ and reinstate the word “day”

3. Page 2, Line 39:

39 filed electronically as provided in Section 20A–3–408.5 .

4. Page 3, Line 64:

64 for ballots for each election for federal office held in the next {–two even–numbered years–} general election and ; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **2nd Sub. H.B. 278**, GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT AMENDMENTS, by Representative C. Herrod; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **1st Sub. H.C.R. 2**, CONCURRENT RESOLUTION ON STATES’ RIGHTS, by Representative Julie Fisher; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.C.R. 13**, CONCURRENT RESOLUTION ON PROVIDING CONTINUING FEDERAL FINANCIAL ASSISTANCE FOR THE DELIVERY OF BASIC SERVICES TO DUTCH JOHN, UTAH, by Representative M. Brown.

Peter C. Knudson, Chair

Mr. President:

March 1, 2010

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 165**, ALLOCATION AND APPORTIONMENT OF INCOME AND DEDUCTION OF A NET LOSS, by Senator W. Niederhauser.

J. Stuart Adams, Chair

Mr. President:

March 1, 2010

The Retirement and Independent Entities Committee recommends **S.B. 240**, RETIREMENT PARTICIPATION AMENDMENTS, by Senator D. Liljenquist, be replaced and favorably recommends **1st Sub. S.B. 240**, RETIREMENT PARTICIPATION AMENDMENTS; and

The Retirement and Independent Entities Committee reports a favorable recommendation on **S.B. 171, HIGHER EDUCATION RETIREMENT AMENDMENTS**, by Senator D. Liljenquist, with the following amendments:

1. Page 1, Lines 17 through 19:

17 ▶ provides a one-time irrevocable election until June 30, 2010, to a regular full-time

18 employee of an institution of higher education who has URS service credit to transfer to a Public Employees’

19 Retirement System;

2. Page 3, Lines 70 through 73:

70 (5) (a) Notwithstanding any other provision of this section, a regular full-time

71 employee of an institution of higher education shall have a one-time irrevocable election to participate in this system if the employee:

(i) was hired after January 1, 1979;

(ii), whose employment classification assignment

72 under Subsection (2)(b) required participation in a retirement program other than this system

{-

73 shall have a one-time irrevocable election to participate in this system } ; and

(iii) has service credit in a system under this title .

3. Page 3, Lines 80 through 83:

80 (6) A regular full-time employee of an institution of higher education who elects to be

81 covered by this system under Subsection (2)(c) or (5)(a), may purchase periods of employment

82 while covered under another retirement program sponsored by the institution of higher education by complying with the requirements of

83 Section 49-11-403. ; and

The Retirement and Independent Entities Committee reports a favorable recommendation on **H.B. 233**, RETIREMENT OFFICE AMENDMENTS, by Representative D. Ipson.

Daniel R. Liljenquist, Chair

On motion of Senator Dayton, the committee reports were adopted. **S.B. 278**, **H.B. 181**, **S.B. 204**, as amended, **S.B. 216**, as amended, **2nd Sub. H.B. 278**, **1st Sub. H.C.R. 2**, **H.C.R. 13**, **S.B. 165**, **1st Sub. S.B. 240**, **S.B. 171**, as amended, and **H.B. 233** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President:

March 1, 2010

The Business and Labor Committee reports a favorable recommendation on **H.B. 341**, UNIFORM ATHLETE AGENTS ACT, by Representative P. Ray, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Business and Labor Committee reports a favorable recommendation on **2nd Sub. H.B. 388**, MOBILE HOME REVISIONS, by Representative J. Dunnigan, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 3, Lines 75 through 78:

75 home park[.]; or

76 (e) harass or threaten a resident association { ~~-or~~ } ;

77 {~~-(f) engage in unfair or deceptive conduct to inhibit or~~
~~interfere with the creation or~~

78 operation of a resident association. }

2. Page 3, Lines 79 through 81:

79 [(4)] (7) A resident association may not ;

(a) impose fees, dues, or assessments, upon its

80 members unless a majority of the members agree to the
[assessment] imposition of fees, dues,

81 or assessments {---} ;or
(b) harass or threaten a park operator.

John L. Valentine, Chair

Mr. President:

March 1, 2010

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 191**, GOVERNMENTAL ACCOUNTING AMENDMENTS, by Senator L. Hillyard, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 161**, VOTER REGISTRATION AMENDMENTS, by Representative R. Chavez–Houck, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 310**, SPENDING LIMITS AMENDMENTS, by Representative R. Bigelow, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

On motion of Senator Dayton, the committee reports were adopted. **H.B. 341**, **2nd Sub. H.B. 388**, as amended, **S.B. 191**, **H.B. 161**, and **H.B. 310**, were considered read the second time and placed on the Consent Calendar.

CONSENT CALENDAR

S.B. 218, ENGINE COOLANT BITTERING AGENT ACT, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Romero	H. Stephenson
J. Stevenson	Stowell	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Adams	Liljenquist	Robles	Urquhart
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S.B. 218 was transmitted to the House for consideration.

* * *

H.B. 107, ANIMAL SHELTER AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Romero	H. Stephenson
J. Stevenson	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Adams	Liljenquist	Robles	Stowell
Urquhart			

H.B. 107 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

2nd Sub. H.B. 35, CONTROLLED SUBSTANCE DATABASE – REPORTING OF PRESCRIBED CONTROLLED SUBSTANCE OVERDOSE OR POISONING, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Christensen	Liljenquist	Urquhart
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2nd Sub. H.B. 35, as amended, was returned to the House for further consideration.

* * *

2nd Sub. H.B. 36, CONTROLLED SUBSTANCE DATABASE – REPORTING CONVICTIONS FOR DRIVING UNDER THE INFLUENCE OR IMPAIRED DRIVING, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Hillyard	Liljenquist	Urquhart
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2nd Sub. H.B. 36, as amended, was returned to the House for further consideration.

* * *

H.B. 28, CONTROLLED SUBSTANCE DATABASE AMENDMENTS, was read the third time and explained by Senator Bramble.

Senator Bramble proposed the following amendment:

1. Page 2, Lines 41 through 42
Senate 2nd Reading Amendments
2–10–2010

41 Other Special Clauses:

42 {~~None~~} This bill coordinates with S.B. 191 by providing technical amendments.

2. Page 3, Line 69:

69 58-37-7.5, as last amended by Laws of Utah 2009, Chapter 41
Utah Code Sections Affected by Coordination Clause:
58-37f-501, Utah Code Annotated 1953

3. Page 36, Lines 1099 through 1102:

1099 Section 20. Repealer.

1100 This bill repeals:

1101 Section 58-37-7.5, Controlled substance database --
 Pharmacy reporting

1102 requirements -- Access -- Penalties.

Section 21. Coordinating H.B. 28 with S.B. 191 -- Technical
 amendments.

If this H.B. 28 and S.B. 191, Governmental Accounting Amendments,
 both pass, it is the intent of the Legislature that the Office of Legislative
 Research and General Counsel shall prepare the Utah Code database for
 publication by amending Subsection 58-37f-501(1)(a) to read as
 follows:

“(a) the Commerce Service Account;”

Senator Bramble’s motion to amend passed on a voice vote. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Romero	H. Stephenson	J. Stevenson
Stowell	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Adams	Hillyard	Liljenquist	Robles
Urquhart			

H.B. 28, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Bramble, **H.B. 208**, DISPOSITION OF THE REMAINS OF A DECEASED MILITARY SERVICE MEMBER, was read the third time and circled.

* * *

On motion of Senator Morgan, **S.B. 150**, READING REQUIREMENTS FOR STUDENT ADVANCEMENT, was read the third time and circled.

* * *

S.B. 169, NAVAJO REVITALIZATION FUND AMENDMENTS, was read the third time and explained by Senator Hinkins. Senator Valentine commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Christensen	Davis	Dayton
Goodfellow	Hinkins	Jenkins	Jones
Knudson	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble	Buttars	Greiner	Hillyard
Liljenquist			

S.B. 169 was transmitted to the House for consideration.

* * *

On motion of Senator Morgan, the circle was removed from **S.B. 150**, READING REQUIREMENTS FOR STUDENT ADVANCEMENT, and it was before the Senate.

Senator Robles proposed the following amendment:

- 1. Page 2, Lines 35 through 38

35 (b) Subsection (1)(a) does not apply to ;
(i) a student with disabilities who may be exempt
36 by an individualized education plan covered under the Individuals
with Disabilities Education
37 Act or Section 504 of the Rehabilitation Act { - } ; or
(ii) a student that has limited English proficiency.

38 (2) At the beginning of each school year, a school district or charter school shall

Senator Robles’ motion to amend failed on a voice vote. Senator Morgan explained the bill. Senators Valentine, Romero, Okerlund, Hinkins, Stowell, Jones, Stephenson, and Buttars commented.

On motion of Senator Morgan, the bill was circled.

SECOND READING CALENDAR

On motion of Senator Davis, under suspension of the rules, **1st Sub. S.C.R. 8, FATHERS DO MATTER CONCURRENT RESOLUTION**, was considered read the second and third times. Senator Davis explained the bill. Senator Buttars commented. The bill passed on the following roll call:

Yeas, 20; Nays, 5; Absent, 4.

Voting in the affirmative were: Senators

Christensen	Davis	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	Stowell	Urquhart	Waddoups

Voting in the negative were: Senators

Adams	Buttars	Dayton	Madsen
Valentine			

Absent or not voting were: Senators

Bramble	Hillyard	J. Stevenson	Van Tassell
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1st Sub. S.C.R. 8 was transmitted to the House.

* * *

On motion of Senator Stowell, **1st Sub. S.B. 52, STATE BOARD OF REGENTS AMENDMENTS**, was read the second time and circled.

* * *

S.B. 175, SCHOOL DISTRICT CAPITAL OUTLAY EQUALIZATION AMENDMENTS, was read the second time.

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

2nd Sub. S.B. 175 School District Capital Outlay Equalization Amendments (B. McAdams)

On motion of Senator McAdams, the bill was circled.

* * *

On motion of Senator Goodfellow, under suspension of the rules, **S.B. 222, FEE EXEMPTIONS**, was considered read the second and third times. Senator Goodfellow explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Waddoups			

Absent or not voting were: Senators

Bramble	Hillyard	Madsen	Van Tassell
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S.B. 222 was transmitted to the House.

* * *

On motion of Senator Christensen, **2nd Sub. S.B. 172, LOCAL DISTRICT TAXING AUTHORITY AMENDMENTS**, was read the second time and circled.

* * *

On motion of Senator Christensen, **S.B. 244, ANNEXATION AMENDMENTS**, was read the second time and circled.

* * *

On motion of Senator Knudson, **2nd Sub. S.B. 152, UTAH STATE RAILROAD MUSEUM AUTHORITY ACT**, was read the second time and circled.

* * *

On motion of Senator Van Tassell, **S.B. 242, ECONOMIC DEVELOPMENT INCENTIVES FOR ALTERNATIVE ENERGY PROJECTS**, was read the second time and circled.

* * *

1st Sub. S.B. 145, MEDICAL MALPRACTICE AMENDMENTS, was read the second time.

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

3rd Sub. S.B. 145 Medical Malpractice Amendments (J.S. Adams)

Senator Adams explained the bill. Senators Christensen, Valentine, Buttars, and Romero commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Mayne	McAdams	Okerlund
Robles	Romero	H. Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative was: Senator Morgan

Absent or not voting were: Senators

Liljenquist	Madsen	Niederhauser	J. Stevenson
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* * *

On motion of Senator Bramble, the circle was removed from **2nd Sub. S.B. 172**, LOCAL DISTRICT TAXING AUTHORITY AMENDMENTS, and it was before the Senate.

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

3rd Sub. S.B. 172 Local District Taxing Authority Amendments (C. Bramble)

On motion of Senator Bramble, under suspension of the rules, **3rd Sub. S.B. 172**, LOCAL DISTRICT TAXING AUTHORITY AMENDMENTS, was

considered read the second and third times. Senator Bramble explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	Stowell	Urquhart	Van Tassell
Waddoups			

Absent or not voting were: Senators

Davis	Liljenquist	J. Stevenson	Valentine
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3rd Sub. S.B. 172 was transmitted to the House.

* * *

On motion of Senator Bramble, the circle was removed from **S.B. 244**, ANNEXATION AMENDMENTS, and it was before the Senate.

On motion of Senator Bramble, the Senate voted to strike the enacting clause on the bill.

* * *

On motion of Senator Knudson, the circle was removed from **2nd Sub. S.B. 152**, UTAH STATE RAILROAD MUSEUM AUTHORITY ACT, and it was before the Senate.

Senator Knudson proposed the following amendment:

1. Page 1, Lines 23 through 24

23 Other Special Clauses:

24 {~~None~~} This bill takes effect on July 1, 2010.

2. Page 14, Lines 405 through 408:

405 [~~w~~] (x) a grant to the Utah Comprehensive Health Insurance Pool created in Section

406 31A-29-104; {~~1~~} or {~~1~~}

407 [~~(x)~~] (y) a grant to the Military Installation Development Authority created in Section

408 63H-1-201[~~1~~] {~~1~~~~0~~} 1

3. Page 14, Lines 412 through 413:

412 (b) the grant is donated to the agency to assist disaster victims under Subsection

413 63K-4-201(2).

Section 14. Effective date.

This bill takes effect on July 1, 2010.

Senator Knudson’s motion to amend passed on a voice vote.

On motion of Senator Knudson, under suspension of the rules, **2nd Sub. S.B. 152**, UTAH STATE RAILROAD MUSEUM AUTHORITY ACT, was considered read the second and third times. Senator Knudson explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Davis	Dayton
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Waddoups

Absent or not voting were: Senators

Buttars	Christensen	Hinkins	Morgan
Van Tassell			

2nd Sub. S.B. 152 was transmitted to the House.

* * *

On motion of Senator Stowell, under suspension of the rules, **S.B. 15**, UTAH SCENIC BYWAY AMENDMENTS, was considered read the second and third times. Senator Stowell explained the bill. Senator Valentine commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Davis	Dayton
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Waddoups			

Absent or not voting were: Senators

Buttars	Christensen	Hinkins	Van Tassell
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S.B. 15 was transmitted to the House.

* * *

On motion of Senator Madsen, the circle was removed from **S.B. 163**, HEALTH REGULATION OF GEOTHERMAL POOLS AND BATHS, and it was before the Senate. Senator Madsen explained the bill. Senators Hillyard, Knudson, Jones, Goodfellow, Christensen, Davis, Buttars, and Okerlund commented.

Senator Madsen proposed the following amendment:

1. Page 6, Line 176:
After "bath." insert "or"
2. Page 6, Line 177 and 178:
Delete lines 177 and 178 and renumber accordingly

Senator Madsen’s motion to amend passed on a voice vote.

On motion of Senator Madsen, under suspension of the rules, **S.B. 163**, HEALTH REGULATION OF GEOTHERMAL POOLS AND BATHS, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 23; Nays, 6; Absent, 0.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hinkins

Jenkins	Knudson	Liljenquist	Madsen
Mayne	McAdams	Niederhauser	Okerlund
Robles	H. Stephenson	J. Stevenson	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Christensen	Hillyard	Jones	Morgan
Romero	Stowell		

S.B. 163 was transmitted to the House.

* * *

On motion of Senator Van Tassell, the circle was removed from **S.B. 242**, ECONOMIC DEVELOPMENT INCENTIVES FOR ALTERNATIVE ENERGY PROJECTS, and it was before the Senate.

Senator Van Tassell proposed the following amendment:

1. Page 3, Line 68

68 (b) “Alternative energy” does not mean conventional natural gas or petroleum.

Senator Van Tassell’s motion to amend passed on a voice vote.

###

Senator Van Tassell proposed the following amendment:

1. Page 3, Line 66:

Delete “uranium” and insert “nuclear fuel”

Senator Van Tassell’s motion to amend passed on a voice vote.

On motion of Senator Van Tassell, under suspension of the rules, **S.B. 242**, ECONOMIC DEVELOPMENT INCENTIVES FOR ALTERNATIVE ENERGY PROJECTS, was considered read the second and third times. Senator Van Tassell explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner

Hillyard	Hinkins	Jenkins	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Valentine
Van Tassell	Waddoups		

Voting in the negative was: Senator McAdams

Absent or not voting were: Senators Jones Urquhart

S.B. 242 was transmitted to the House.

THIRD READING CALENDAR

On motion of Senator Bramble, the circle was removed from **H.B. 208**, DISPOSITION OF THE REMAINS OF A DECEASED MILITARY SERVICE MEMBER, and it was before the Senate.

Senator Bramble proposed the following amendment:

- 1. Page 1, Lines 14 through 16
House Committee Amendments
2-11-2010

14 ▶ provides that a person designated {~~by~~} ~~is~~ ~~an~~
~~active duty military service member in a~~

15 ~~federal DD Form 93, Record of Emergency Data,]~~ in a federal
Record of Emergency Data, DD Form 93 or subsequent form by a
service member while serving in a branch of

15a the United States Armed Forces as defined in 10 U.S.C. Sec. 1481
~~is~~ is a first priority person in

16 determining the disposition of the remains of the military service
member upon the

- 2. Page 2, Lines 46 through 48
House Committee Amendments
2-11-2010:

46 (b) ~~is~~ ~~by~~ [a federal DD Form 93, Record of Emergency Data,]
~~is~~ ~~by~~ a

46a ~~Ĥ~~ → ~~[military]~~ ← ~~Ĥ~~ service member

47 ~~Ĥ~~ → ~~[on active duty]~~ while serving in a branch of the United States Armed Forces as defined in

47a 10 U.S.C. Sec. 1481 in a federal Record of Emergency Data, DD Form 93 or subsequent form ← ~~Ĥ~~ ;

48 (2) the surviving, legally recognized spouse of the decedent;

Senator Bramble's motion to amend passed on a voice vote.

###

Senator Greiner proposed the following amendment:

1. Page 1, Lines 15 through 17
House Committee Amendments
2-11-2010

15 ~~federal DD Form 93, Record of Emergency Data,]~~ a service member while serving in a branch of

15a the United States Armed Forces as defined in 10 U.S.C. Sec. 1481
← ~~Ĥ~~ is a {~~—first—~~} priority person in

16 determining the disposition of the remains of the military service member upon the

17 service member's death; and

2. Page 2, Lines 37 through 48
House Committee Amendments
2-11-2010:

37 [(a)] {~~—(i)—~~} (a) the name and address of the decedent;

38 [(b)] {~~—(ii)—~~} (b) the name and address of the person designated under this Subsection (1)(a);

39 [(c)] {~~—(iii)—~~} (c) directions that the person designated in this Subsection (1) is authorized to

40 carry out the disposition of the decedent's remains;

41 [(d)] {~~—(iv)—~~} (d) the signature of the decedent;

42 [(e)] {~~—(v)—~~} (e) the signatures of at least two unrelated individuals who are not the person

43 designated under this Subsection (1), each of whom signed within a reasonable time after

44 witnessing the signing of the form by the decedent; and

45 ~~[(f)]~~ ~~{—(vi)—}~~ (f) the date or dates the written instrument was prepared and signed ~~{—; or~~

46 ~~(b) H→ [a federal DD Form 93, Record of Emergency Data,]~~
~~←H by a~~

46a ~~H→ [military]~~ ~~←H service member~~

47 ~~H→ [on active duty] while serving in a branch of the United States Armed Forces as defined in~~

47a ~~10 U.S.C. Sec. 1481~~ ~~←H—}~~ ;

48 (2) the surviving, legally recognized spouse of the decedent;

3. Page 3, Lines 68 through 69:

68 (7) a person designated in a federal DD Form 93, Record of Emergency Data, by a service member while serving in a branch of the United States Armed Forces as defined in 10 U.S.C. Sec. 1481;

(8) any public official charged with arranging the disposition of deceased persons; and

69 ~~{—(8)—}~~ (9) in the absence of any person under Subsections (1) through ~~{—(7)—}~~ (8) , any other person

4. Page 3, Line 73:

73 made to no avail to contact the individuals referred to in Subsections (1) through ~~{—(7)—}~~ (8) .

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

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Okerlund	Robles	Romero
H. Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Davis Niederhauser J. Stevenson

H.B. 208, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Jenkins, and at 12:20 p.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:35 p.m., with President Waddoups presiding.

SPECIAL RECOGNITION

Representatives of Turkmenistan were introduced to the Senate by Senator Valentine.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 2, 2010

The House concurred in the Senate amendments and passed **1st Sub. H.B. 299**, AMENDMENTS RELATED TO SUBSTANCES HARMFUL TO PREGNANCY, by Representative R. Menlove, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. H.B. 299, was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

Mr. President: March 2, 2010

The House passed, as substituted and amended, **1st Sub. H.B. 133**, RELEASE OF COURT DOCUMENTS AND CHILD INTERVIEWS, by Representative L. Fowlke, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 166**, REDUCTIONS TO EDUCATION MANDATES, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 185**, ANIMAL EUTHANASIA STANDARDS, by Representative F.J. Seegmiller, et al, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 243**, FORECLOSURE PROCESSES ON RESIDENTIAL RENTAL PROPERTIES, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 280**, REAL PROPERTY – TRANSFER FEES, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 327**, AUTISM AWARENESS SUPPORT SPECIAL GROUP LICENSE PLATE, by Representative R. Edwards, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 355**, LEGAL GUARDIANSHIP AMENDMENTS, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed **H.B. 380**, FIREARM LAWS AMENDMENTS, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 395**, LIMITATION OF ACTIONS AMENDMENTS, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 409**, CIVIL ACTION FOR DAMAGES RELATED TO ADDICTION FROM ILLEGAL DRUG SALE, by Representative C. Herrod, et al, and it is transmitted for consideration; and

The House passed **H.B. 431**, IDENTITY VERIFICATION BY DEPARTMENT OF COMMERCE, by Representative M. Morley, and it is transmitted for consideration; and

The House passed **H.C.R. 14**, R.S. 2477 HISTORIC ROADS CONCURRENT RESOLUTION, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as amended, **H.J.R. 33**, MARKING OF UNDERGROUND UTILITIES JOINT RESOLUTION, by Representative M. Brown, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 133**, **1st Sub. H.B. 166**, **1st Sub. H.B. 185**, **2nd Sub. H.B. 243**, **1st Sub. H.B. 280**, **H.B. 327**, **1st Sub. H.B. 355**, **H.B. 380**, **H.B. 395**, **H.B. 409**, **H.B. 431**, **H.C.R. 14**, and **H.J.R. 33** were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President:

March 2, 2010

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **1st Sub. H.B. 60**, WATER CONVEYANCE FACILITIES SAFETY ACT, by Representative F. Hunsaker; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **1st Sub. H.B. 298**, LAND USE AUTHORITY NOTIFICATION OF CANAL DEVELOPMENT, by Representative B. Ferry, with the following amendments:

1. Page 3, Line 76:

76 land , subject to Subsection (1)(b)(iv)(C), located within 100 feet of the center line of a canal, the land use authority shall:

2. Page 3, Line 85:

85 10-9a-211.

(C) The location of land described in Subsection (1)(b)(iv)(A) shall be:

(I) provided by a canal company or canal operator to the land use authority; and

(II) (Aa) determined by use of mapping-grade global positioning satellite units; or

(Bb) digitized from the most recent a _____ aerial photo available to the canal company or canal operator.

3. Page 6, Line 179:

179 land , subject to Subsection (1)(b)(iv)(C), located within 100 feet of the center line of a canal, the land use authority shall:

4. Page 7, Line 188:

188 17-27a-211.

(C) The location of land described in Subsection (1)(b)(iv)(A) shall be:

(I) provided by a canal company or canal operator to the land use authority; and

(II) (Aa) determined by use of mapping-grade global positioning satellite units; or

(Bb) digitized from the most recent aerial photo available to the canal company or canal operator. ; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.J.R. 21**, JOINT RESOLUTION ON ENERGY POLICY, by Representative M. Noel

Dennis E. Stowell, Chair

Mr. President: March 2, 2010

The Transportation and Public Utilities and Technology Committee recommends **S.B. 47**, ELECTRICAL UTILITY AMENDMENTS – EFFICIENCY AND CONSERVATION TARIFF, by Senator K. Van Tassell, be replaced and favorably recommends **1st Sub. S.B. 47**, ELECTRICAL UTILITY AMENDMENTS – EFFICIENCY AND CONSERVATION TARIFF; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 209**, HUMANITARIAN SERVICE AND EDUCATIONAL AND CULTURAL EXCHANGE SUPPORT SPECIAL GROUP LICENSE PLATE, by Senator P. Knudson; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 91**, TRAFFIC CONTROL SIGNS FOR BICYCLES, by Representative C. Moss.

Stephen H. Urquhart

Mr. President: March 2, 2010

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 67**, PUBLIC SAFETY SERVICES CROSSING STATE BORDERS, by Senator L. Hillyard; and

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 217**, INCREASE IN SURCHARGE ON FINES, by Senator S. Jenkins, be replaced and favorably recommends **1st Sub. S.B. 217**, INCREASE IN SURCHARGE ON FINES with the following amendments:

1. Page 4, Lines 100 through 101:

100 (6) (a) From the surcharge, the Division of Finance shall allocate the first 9% to the Law Enforcement Services Account for the purposes described in Section 51-9-412 and the remainder in the manner and for

101 the purposes described in Sections 51-9-403 through 51-9-411.

2. Page 4, Lines 115 through 116:

115 (3) (a) The Division of Finance shall allocate {~~the first 9%~~
of } funds from the collected surcharge
116 under Section 51-9-401 to the account in accordance with
Section 51-9-402 , to be appropriated by the Legislature.

3. Page 5, Lines 127 through 141:

127 (6) {~~The commission may retain up to 1% of the amount~~
appropriated to cover the costs

128 of administering the fund.

129 (7) } For each fiscal year, any law enforcement agency that
receives a grant from the

130 commission under this section shall prepare, and file with the
commission and the state auditor.

* * * *Some lines not shown* * * *

141 {~~(8)~~ } (7) The commission shall report in writing to
the legislative Law Enforcement and ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 247**, JOHN M. BROWNING STATE HOLIDAY, by Senator M. Madsen, be replaced and favorably recommends **3rd Sub. S.B. 247**, JOHN M. BROWNING COMMEMORATIVE DAY; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 248**, CHILD REGISTRY AMENDMENTS, by Senator M. Madsen, with the following amendments:

1. Page 1, Line 26:

26 (1) (a) A person may not send, cause to be sent, or conspire
with a third party to send a

2. Page 2, Lines 29 through 36:

29 {~~(a)~~} (i) has the primary purpose of advertising or
promoting a product or service that a

30 minor {~~;~~

31 (ii) } is prohibited by law from purchasing except as
provided in Subsection (1)(b) ; {~~+~~} or {~~-~~} {~~and~~

32 (ii) is able to purchase or use without a face-to-face transaction
in which the minor's

- 33 ~~age can be objectively verified; or~~ }
- 34 {~~(b)~~} (ii) contains or has the primary purpose of advertising or promoting material that:
- 35 {~~(i)~~} (A) is harmful to minors, as defined in Section 76-10-1201[~~]; or~~
- 36 {~~(ii)~~} (B) {~~exposes~~} would expose a minor to an enticement to consume alcohol or use tobacco .
- (b) Subsection (1)(a)(i) does not prohibit a communication that advertises or promotes gambling if:
- (i) the gambling that is advertised or promoted:
- (A) is to occur outside the state; and
- (B) is lawful where it occurs; and
- (ii) the communication does not advertise or promote material that:
- (A) is harmful to minors, as defined in Section 76-10-1201; or
- (B) would expose a minor to an enticement to consume alcohol or use tobacco. ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 277**, DNA MODIFICATIONS, by Senator J. S. Adams, with the following amendments:

1. Page 1, Line 21:

21 Department of Public Safety for the processing of the DNA specimens; {~~and~~}
2. Page 1, Line 24:

24 issues an indictment ; and
clarifies that only DNA markers used for forensic purposes may be included when establishing a donor's DNA profile .
3. Page 8, Line 226:

226 specimen from the person upon booking at the jail {~~or upon admission to a detention facility~~} .
4. Page 8, Line 228:

228 (b) If at the time of booking {~~or admission to a detention facility~~} the acting law
5. Page 8, Line 242 through Page 9, Line 248:

242 processed until {~~—~~}

243 ~~(a)~~ } regarding the alleged violent offense for which
the person was booked:

244 {~~(i)~~} (a) the court has bound the person over for trial
following a preliminary hearing:

245 {~~(ii)~~} (b) after the person has waived the
preliminary hearing; or

246 {~~(iii)~~} (c) after a grand jury has returned an
indictment {~~—~~~~or~~}

247 (b) if the person is a minor under Subsection 53–10–403(3), the
person is found to be

248 within the jurisdiction of the juvenile court due to the commission
of the violent offense } ~~—~~

6. Page 10, Line 289:

(g) ensure that only DNA markers routinely used or accepted in the
field of forensic science are used to establish the profile of the donor;

and

290 [(f)] {~~(g)~~} (h) make rules in accordance with Title
 63G, Chapter 3, Utah Administrative

Mark B. Madsen, Chair

On motion of Senator Dayton, the committee reports were adopted. **1st Sub. H.B. 60, 1st Sub. H.B. 298**, as amended, **H.J.R. 21, 1st Sub. S.B. 47, S.B. 209, H.B. 91, S.B. 67, 1st Sub. S.B. 217**, as amended, **3rd Sub. S.B. 247, S.B. 248**, as amended, and **S.B. 277**, as amended, were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President:

March 1, 2010

The Education Committee reports a favorable recommendation on **H.C.R. 12, PRINTING AND GRAPHIC ARTS RECOGNITION MONTH CONCURRENT RESOLUTION**, by Representative B. Daw, and recommends it be considered read for the second time and placed on the Consent Calendar.

Curtis S. Bramble, Chair

On motion of Senator Dayton, the committee report was adopted. **H.C.R. 12** was considered read the second time and placed on the Consent Calendar.

STANDING COMMITTEE REPORTS

Mr. President:

March 2, 2010

The Natural Resources, Agriculture, and Environment Committee deleted **S.B. 185**, ADOPTION OF CANAL SAFETY ACT, by Senator G. Davis, and replaced it with **1st Sub. S.B. 185**, ADOPTION OF CANAL SAFETY ACT, and has returned it to the Rules Committee and recommends the bill be sent to interim study and also recommends that the Water Development Commission study the issue; and

The Natural Resources, Agriculture, and Environment Committee has returned **S.B. 223**, DEPARTMENT OF ENVIRONMENTAL QUALITY BOARDS AMENDMENTS, by Senator M. Dayton, to the Rules Committee, and recommends that it be sent to interim study; and

Without committee review, the Natural Resources, Agriculture, and Environment Committee has returned **1st Sub. H.B. 141**, RECREATIONAL USE OF PUBLIC WATER ON PRIVATE PROPERTY, by Representative K. McIff, to the Rules Committee.

Dennis E. Stowell, Chair

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **S.B. 72**, ENHANCED 911 FOR MULTI-LINE TELEPHONE SYSTEMS, by Senator J. Greiner, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **S.B. 208**, JURY AMENDMENTS, by Senator R. Okerlund, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **1st Sub. H.B. 13**, DRUG LAW DEFINITIONS – AMENDMENTS, by Representative T. Beck, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **H.B. 138**, HAZING PENALTIES, by Representative C. Moss, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **1st Sub. H.B. 173**, 911 AMENDMENTS, by Representative B. Dee, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **1st Sub. H.B. 187**, PEACE OFFICER

STANDARDS AND TRAINING AMENDMENTS, by Representative C. Wimmer, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **H.B. 340**, SEXUAL ASSAULT VICTIM PROTOCOLS, by Representative J. Biskupski, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **H.B. 348**, SHERIFFS FEES, by Representative R. Greenwood, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **H.B. 426**, BAIL BOND LICENSEE REPRESENTATION AMENDMENTS, by Representative S. Sandstrom, to the Rules Committee.

Mark B. Madsen, Chair

Mr. President:

March 2, 2010

Without committee review, the Retirement and Independent Entities Committee has returned **H.B. 246**, RETIREMENT BENEFITS FOR CHARTER SCHOOL EMPLOYEES, by Representative C. Watkins, to the Rules Committee.

Daniel L. Liljenquist, Chair

On motion of Senator Dayton, the committee reports were adopted. **1st Sub. S.B. 185, S.B. 223, 1st Sub. H.B. 141, S.B. 72, S.B. 208, 1st Sub. H.B. 13, H.B. 138, 1st Sub. H.B. 173, 1st Sub. H.B. 187, H.B. 340, H.B. 348, H.B. 426, and H.B. 246** were returned to the Rules Committee.

* * *

On motion of Senator Hillyard, the Senate voted to lift **S.B. 191**, GOVERNMENTAL ACCOUNTING AMENDMENTS, from the Consent Calendar and place it on the Second Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Morgan, the circle was removed from **S.B. 150**, READING REQUIREMENTS FOR STUDENT ADVANCEMENT, and it was before the Senate. Senator Morgan explained the bill.

Senator Stephenson proposed the following amendment:

1. Page 1, Lines 18 through 20

18 intervention; ~~{and}~~

19 ▶ requires the State Board of Education to make rules ~~{-}~~ ; and

 ▶ establishes the Reading Education Stipend Program to award students, reading below grade level, stipends to pay for remediation.

20 Monies Appropriated in this Bill:

2. Page 1, Lines 25 through 27:

25 ENACTS:

26 53A-1-606.6, Utah Code Annotated 1953

53A-1-606.7, Utah Code Annotated 1953

27

3. Page 2, Lines 41 through 48:

41 (3) Prior to exercising its authority under Subsection (1)(a), a school district or charter

42 school shall:

43 (a) notify a student and the student’s parent or guardian, prior to the midpoint of the

44 school year, that there is a possibility that the student may not be promoted under Subsection

45 (1)(a) at the conclusion of the school year; ~~{and}~~ }

(b) provide information regarding the Reading Education Stipend Program described in Section 53A-1-606.7 to a student and the student’s parent or guardian;

(c) assist a student and the students’ parent or guardian to qualify for the Reading Education Stipend Program; and

46 ~~{(b)}~~ (d) provide focused reading remediation through interventions that may include

47 tutoring, before and after school programs, or summer school assistance.

48 (4) A parent or guardian may reverse the decision to not promote a student by

4. Page 2, Line 58:

58 (b) eligibility standards for students described in Subsection (1)(b).

Section 2. Section 53A-1-606.7 is enacted to read:
53A-1-606.7. Reading Education Stipend Program.

(1) As used in this section:

(a) "Reading education" means individual or group instruction designed to develop the skills and knowledge necessary for a student to read at or above grade level as required in Section 53A-1-606.6.

(b) "Program" means the Reading Education Stipend Program.

(c) "Reading skills provider" means:

(i) a school district;

(ii) a charter school;

(iii) an accredited public or private educational institution; or

(iv) other entity that meets board requirements pursuant to Subsection (12).

(d) "Reading at or above grade level" means the requirement for students to read at or above grade level in the first, second, and third grades pursuant to Section 53A-1-606.6.

(e) "Stipend recipient" means a student who receives a stipend under this section.

(2) The Reading Education Stipend Program is created to provide students who are not reading at or above grade level the skills and knowledge necessary to improve reading ability.

(3) The State Board of Education shall administer the Reading Education Stipend Program.

(4) (a) A student may receive a stipend for reading education if:

(i) during the second or third grade, the student fails to read at or above grade level;

(ii) the student's parent or guardian is a Utah resident; and

(iii) the student is enrolled full-time in a public school in the state.

(b) A student who meets the criteria of Subsection (4)(a) may receive a stipend for reading education.

(c) Depending upon the number of reading tests failed, a student may receive up to two stipends.

(5) Stipend amounts shall be based on a student's reading level as follows:

(a) \$500, if:

(i) the student's reading level was below grade level for one year;

and

(ii) the student fails to read at or above grade level in the second

grade:

(b) \$1,000, if:

(i) the student's reading level was below grade level for one year;

and

(ii) the student is in the third grade; or

(c) \$1,500, if:

(i) the student's reading level was below grade level for two years;

and

(ii) the student is in the third grade.

(6) A stipend recipient may apply for reading education from any reading skills provider.

(7) Each reading skills provider shall accept stipend recipients on a first come/first served basis.

(8) A stipend recipient shall give the following to the reading skills provider selected to provide reading education:

(a) a voucher in the amount of the stipend which the reading skills educator may present for payment by the board if the stipend recipient demonstrates standards of proficiency to read at or above grade level as required in Subsection 53A-1-606.6(6); and

(b) an authorization signed by the stipend recipient's parent or guardian for the stipend recipient's school to release records of the stipend recipient to the reading skills provider, if the reading skills provider is not the school district or charter school in which the stipend recipient is enrolled.

(9) A reading skills provider who possesses a voucher shall receive payment from the board in the amount of the stipend, if the stipend recipient demonstrates standards of proficiency to read at or above grade level as required in Subsection 53A-1-606.6(6).

(10) (a) A reading skills provider may charge a stipend recipient an amount in addition to that paid by the board.

(b) The additional amount charged by a reading skills provider shall be:

(i) consistent with the restriction in Utah Constitution Article X, Section 2;

(ii) disclosed to the stipend recipient's parent or guardian when the stipend recipient applies for reading education; and

(iii) reported to the board before receiving payment from the board.

(c) A reading skills provider may not make any additional charge or refund of a charge contingent upon a stipend recipient's demonstrating standards of proficiency to read at or above grade level as required in

Subsection 53A-1-606.6(6).

(11) (a) Stipends shall be awarded by the board subject to the availability of money appropriated by the Legislature for that purpose.

(b) The Legislature shall annually appropriate money to the board from the General Fund to make stipend payments.

(c) If monies are not available to pay for all stipends requested, the stipends shall be allocated according to rules adopted by the State Board of Education.

(12) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall make rules:

(a) establishing qualifications for reading skills providers who are not school districts, high schools, or accredited public or private educational institutions;

(b) establishing procedures for the administration of the Reading Education Stipend Program; and

(c) requiring the parent or guardian of a stipend recipient who selects a reading skills provider other than the school district or charter school in which the stipend recipient is enrolled to sign:

(i) an acknowledgment that the school district or charter school is released from further remediation responsibility for the stipend recipient; and

(ii) if the student has an IEP, an acknowledgment that offering a voucher to the reading skills provider has the same effect as a parental refusal to consent to services pursuant to Section 614(a)(1) of the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

(13) School districts and charter schools shall:

(a) provide each student who qualifies for a reading skills education stipend information about the Reading Education Stipend Program, including:

(i) voucher applications; and

(ii) how to access a list of approved public and private providers;

and

(b) provide a potential reading skills provider that is not a school district or charter school an opportunity to provide information to stipend recipient's regarding their remediation services.

Senator Stephenson's motion to amend failed on a voice vote. Senators Madsen, Jones, and Romero commented. The bill passed on the following roll call:

Yeas, 18; Nays, 8; Absent, 3.

Voting in the affirmative were: Senators

Bramble	Buttars	Davis	Goodfellow
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Okerlund	J. Stevenson
Valentine	Waddoups		

Voting in the negative were: Senators

Adams	Dayton	Madsen	Robles
Romero	H. Stephenson	Stowell	Van Tassell

Absent or not voting were: Senators

Christensen	Greiner	Urquhart
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S.B. 150 was transmitted to the House for consideration.

* * *

On motion of Senator Stephenson, the circle was removed from **1st Sub. H.B. 114**, DISCLOSURE OF DONATIONS TO HIGHER EDUCATION INSTITUTIONS, and it was before the Senate.

Senator Valentine proposed the following amendment:

- 1. Page 3, Lines 68 through 78

68 (1) (a) {~~On~~} Except as provided in Subsection (1)(c),
on or before July 31 of each year, a higher education institution shall
disclose to

69 the board, by filing a disclosure report described in Subsection (2),
a gift received by the higher

70 education institution of \$50,000 or more from a foreign person,
considered alone or in

71 combination with all other gifts from the foreign person, during the
period beginning July 1

72 and ending on June 30 immediately preceding the July 31 deadline.

73 (b) A higher education institution may rely on the following
address of a foreign person

74 to determine the citizenship or nationality of the foreign person if
the citizenship or nationality

75 is unknown:

76 (i) for a foreign person that is an individual, the principal residence; and

77 (ii) for a foreign person that is not an individual, the principal place of business.

(c) The \$50,000 amount described in Subsection (1)(a) is increased to \$250,000 if the gift, considered alone or in combination with all other gifts, described in Subsection (1)(a) is from a foreign person:

(i) with a principal residence or principal place of business located in the United States; and

(ii) with a permanent resident status:

(A) under Section 245 of the Immigration and Nationality Act; and

(B) for 10 years or more.

78 (2) A disclosure report regarding all gifts described in Subsection (1) shall include:

- 2. Page 4, Lines 102 through 105
House Floor Amendments
2-17-2010:

102 (5) On or before the November interim meeting of each year, the board shall report to

103 the Education Interim Committee and provide a summary of all gifts ~~{-and conditional gifts }~~ ^{H→} ~~{-as }~~

103a described in Subsection (1) ^{←H}

104 received by higher education institutions during the prior fiscal year.

105 (6) The board shall make rules for the administration of this section in accordance with

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

Yeas, 22; Nays, 6; Absent, 1.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Dayton	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne

McAdams	Morgan	Niederhauser	Okerlund
H. Stephenson	J. Stevenson	Stowell	Valentine
Van Tassell	Waddoups		

Voting in the negative were: Senators

Davis	Goodfellow	Greiner	Hillyard
Robles	Romero		

Absent or not voting was: Senator

Urquhart

1st Sub. H.B. 114, as amended, was returned to the House for further consideration.

* * *

1st Sub. S.B. 77, SCHOOL DISTRICT LEAVE POLICIES, was read the third time, explained by Senator Dayton and passed on the following roll call:

Yeas, 17; Nays, 11; Absent, 1.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Dayton	Hillyard	Jenkins	Knudson
Liljenquist	Niederhauser	Okerlund	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Waddoups			

Voting in the negative were: Senators

Davis	Goodfellow	Greiner	Hinkins
Jones	Mayne	McAdams	Morgan
Robles	Romero	Van Tassell	

Absent or not voting was: Senator

Madsen

1st Sub. S.B. 77 was transmitted to the House for consideration.

* * *

On motion of Senator Valentine, the circle was removed from **2nd Sub. S.B. 99**, WATER COMPANIES AND WATER RIGHT CHANGE REQUESTS, and it was before the Senate. Senator Valentine explained the bill. Senators Okerlund, Hinkins, Stowell, and Van Tassell commented.

Senator Valentine proposed the following amendment:

1. Page 6, Line 153:
After "Section 73-1-4;" delete "or" and insert "and" and renumber accordingly

Senator Valentine's motion to amend passed on a voice vote. Senators Okerlund and Stowell declared conflicts of interest. The bill failed on the following roll call:

Yeas, 9; Nays, 19; Absent, 1.

Voting in the affirmative were: Senators

Bramble	Davis	Greiner	Madsen
Mayne	Robles	H. Stephenson	Urquhart
Valentine			

Voting in the negative were: Senators

Adams	Buttars	Christensen	Goodfellow
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	McAdams	Morgan
Niederhauser	Okerlund	Romero	J. Stevenson
Stowell	Van Tassell	Waddoups	

Absent or not voting was: Senator

Dayton

2nd Sub. S.B. 99 was filed.

SECOND READING CALENDAR

S.B. 191, GOVERNMENTAL ACCOUNTING AMENDMENTS, was read the second time.

Senator Hillyard proposed the following amendment:

1. Page 1, Line 18
18 Fund;
▶ provides that certain highway special revenue funds are within the Transportation Investment Fund of 2005:

Page 2, Line 28:

~~{-None-}~~ This bill coordinates with S.B. 123 by providing technical amendments.

Page 5, Line 125:

Utah Code Sections Affected by Coordination Clause:
63M-1-1803, Utah Code Annotated 1953

Page 138, Lines 4267-4270:

Section 92. Coordinating S.B. 191 with S.B. 123 -- Technical amendments.

If this S.B. 191 and S.B. 123, Motion Picture Incentive Fund Amendments, both pass, it is the intent of the Legislature that the Office of Legislative Research and General shall prepare the Utah Code database for publication by:

(1) amending Subsection 63M-1-1803(1) to read as follows:

“ (1) (a) There is created within the General Fund a restricted account known as the Motion Picture Incentive ~~{-Fund-}~~ Account, which shall be used to provide cash rebate incentives for:

(i) ~~within-the-state production of television series[-];~~

(ii) ~~made-for-television movies[-];~~ and

(iii) motion pictures, including feature films and independent films.

(b) All interest generated from investment of money in the ~~{-fund-}~~ restricted account shall be deposited in the ~~{-fund-}~~ restricted account.

(c) The ~~{-fund-}~~ restricted account shall consist of an annual appropriation by the Legislature.

(d) The ~~[Division of Finance]~~ office shall:

(i) with the advice of the board, administer the ~~{-fund}~~ restricted account; and

(ii) make payments from the [account] { -fund } restricted account as required under this section. ”; and

(2) amending Subsection 63M-1-1803(2)(g) to read:

” (g) Subject to Subsection (3), if the incentive is in the form of a cash rebate, the office shall ~~[submit to the Division of Finance:]~~ pay the incentive from the ~~{-fund}~~ restricted account to the motion picture company, notwithstanding Subsections 51-5-3(23)(b) and 63J-1-104(4)(c). “

2. Page 126, Line 3890:

3890 Transportation Investment Fund {~~know~~} of 2005
known as the “Critical Highway Needs Fund.”

Senator Hillyard’s motion to amend passed on a voice vote.

On motion of Senator Hillyard, under suspension of the rules, **S.B. 191**, GOVERNMENTAL ACCOUNTING AMENDMENTS, was considered read the second and third times. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Davis	Dayton
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	J. Stevenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble	Christensen	Hinkins	H. Stephenson
Valentine			

S.B. 191 was transmitted to the House.

* * *

On motion of Senator Liljenquist, the circle was removed from **S.B. 179**, UTAH REVISED BUSINESS CORPORATION ACT AMENDMENTS, and it was before the Senate. Senator Liljenquist explained the bill.

On motion of Senator Liljenquist, under suspension of the rules, **S.B. 179**, UTAH REVISED BUSINESS CORPORATION ACT AMENDMENTS, was considered read the second and third times. Senator Liljenquist explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Jenkins

Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Van Tassell
Waddoups			

Absent or not voting were: Senators

Adams	Bramble	Hinkins	Valentine
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S.B. 179 was transmitted to the House.

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On motion of Senator Knudson, **S.B. 209**, HUMANITARIAN SERVICE AND EDUCATIONAL AND CULTURAL EXCHANGE SUPPORT SPECIAL GROUP LICENSE PLATE, will be considered Thursday, March 4, 2010 at 2:30 p.m.

* * *

On motion of Senator Stowell, under suspension of the rules, **S.B. 178**, UTAH EMERGENCY MEDICAL SERVICES SYSTEM ACT AMENDMENTS, was considered read the second and third times. Senator Stowell explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Christensen	J. Stevenson
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S.B. 178 was transmitted to the House.

* * *

On motion of Senator Bramble, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Bramble, the circle was removed from **H.B. 201, STATE FIRE MARSHAL MODIFICATIONS**, and it was before the Senate.

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

1st Sub. H.B. 201 State Fire Marshal Modifications (R. Menlove)

Senator Bramble explained the bill. The bill passed on the following roll call:

Yeas, 16; Nays, 11; Absent, 2.

Voting in the affirmative were: Senators

Bramble	Buttars	Goodfellow	Hillyard
Hinkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Okerlund
Robles	Romero	Valentine	Van Tassell

Voting in the negative were: Senators

Adams	Christensen	Dayton	Greiner
Jenkins	Madsen	Niederhauser	H. Stephenson
Stowell	Urquhart	Waddoups	

Absent or not voting were: Senators

Davis	J. Stevenson
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1st Sub. H.B. 201 was returned to the House for further consideration.

* * *

On motion of Senator Hillyard, under suspension of the rules, **S.B. 225, MOTOR VEHICLE INSURANCE – NAMED DRIVER EXCLUSION**, was considered read the second and third times. Senator Hillyard explained the bill. Senator Mayne commented. Senators Bramble and Christensen declared conflicts of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones

Knudson	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Madsen

S.B. 225 was transmitted to the House.

* * *

On motion of Senator Jenkins and at 4:00 p.m., the Senate adjourned until 9:00 a.m., Wednesday, March 3, 2010.

THIRTY-SEVENTH DAY

MORNING SESSION

March 3, 2010

The Senate was called to order at 9:10 a.m., with President Michael Waddoups presiding.

Prayer – Senator Karen Mayne

Pledge of Allegiance – Senator Wayne Niederhauser

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 72)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 2, 2010

The House passed, as substituted and amended, **1st Sub. H.B. 140**, HUMAN RESOURCE MANAGEMENT AMENDMENTS, by Representative B. Dee, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 145**, RENEWABLE ENERGY FINANCING PROVISIONS, by Representative B. Last, et al, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 293**, VICTIMS' RIGHTS AMENDMENTS, by Representative R. C. Webb, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 335**, UTILITY RELATED EXEMPTIONS, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 404**, MOTOR VEHICLE BUSINESS AMENDMENTS, by Representative D. Ipson, and it is transmitted for consideration; and

The House passed **H.C.R. 4**, VETERANS FREEDOM MEMORIAL CONCURRENT RESOLUTION, by Representative G. Hughes, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 140**, **2nd Sub. H.B. 145**, **1st Sub. H.B. 293**, **1st Sub. H.B. 335**, **1st Sub. H.B. 404**, and **H.C.R. 4** were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: March 1, 2010

The Health and Human Services Committee recommends **S.B. 44**, HEALTH AMENDMENTS FOR LEGAL IMMIGRANT CHILDREN, by Senator L. Robles, be replaced and favorably recommends **2nd Sub. S.B. 44**, HEALTH AMENDMENTS FOR LEGAL IMMIGRANT CHILDREN; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 66**, PROSTHETIC LIMB HEALTH INSURANCE PARITY, by Representative D. Litvack; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 82**, PROTECTION OF CHILDREN RIDING IN MOTOR VEHICLES, by Representative F.J. Seegmiller.

D. Chris Buttars, Chair

Mr. President: March 2, 2010

The Revenue and Taxation Committee reports a favorable recommendation on **1st Sub. S.B. 128**, CITY AND COUNTY CARBON CREDITS FOR SEQUESTRATION OF WASTE STREAM MATERIALS, by Senator R. Romero; and

The Revenue and Taxation Committee recommends **S.B. 197**, COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AMENDMENTS, by Senator C. Bramble, be replaced and favorably recommends **1st Sub. S.B. 197**, COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AMENDMENTS.

J. Stuart Adams, Chair

Mr. President: March 2, 2010

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.C.R. 12**, RESPONSIBLE

DEVELOPMENT OF PUBLIC LANDS CONCURRENT RESOLUTION, by Senator K. Van Tassell, with the following amendments:

1. Page 2, Lines 29 through 32:

29 WHEREAS, the Legislature and the Governor of the state of Utah are deeply concerned

30 over recently announced United States Department of the Interior (DOI) policies that will have

31 a negative effect on state and local economies in Utah and put at risk many of the {~~300,000~~} 30,000 jobs

32 in the region that are dependent on the oil and gas industry; ; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.J.R. 18**, GANG CRIME AWARENESS AND ENFORCEMENT JOINT RESOLUTION, by Senator M. Madsen, with the following amendments:

1. Page 2, Lines 50 through 56:

50 WHEREAS, the Salt Lake County Sheriff's Office has recently identified two trends

51 within Utah Hispanic gang culture, including more transplants from California gangs and an

52 increase in gang members from {~~Mexico's~~} large international drug cartel gangs;

53 WHEREAS, the Salt Lake County Sheriff's Office reports that as much as 70% to 80%

54 of the area's street level narcotics have been imported either from or through Mexico and drug

55 gang members in Utah are involved in the distribution of drugs like cocaine, {~~Mexican~~} black tar

56 heroin, marijuana, and methamphetamines;

Jerry W. Stevenson, Chair

Mr. President:

March 2, 2010

The Ethics Committee recommends **H.B. 270**, FINANCIAL DISCLOSURE AND CONFLICT OF INTEREST AMENDMENTS, by Representative G. Hughes, et al, be replaced and favorably recommends **1st Sub. H.B. 270**,

FINANCIAL DISCLOSURE AND CONFLICT OF INTEREST AMENDMENTS; and

The Ethics Committee reports a favorable recommendation on **H.J.R. 14**, JOINT RULES RESOLUTION ON FINANCIAL DISCLOSURES, by Representative G. Hughes, et al.

Stephen H. Urquhart, Chair

On motion of Senator Dayton, the committee reports were adopted. **2nd Sub. S.B. 44, H.B. 66, H.B. 82, 1st Sub. S.B. 128, 1st Sub. S.B. 197, S.C.R. 12**, as amended, **S.J.R. 18**, as amended, **1st Sub. H.B. 270**, and **H.J.R. 14** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: March 1, 2010

The Health and Human Services Committee reports a favorable recommendation on **1st Sub. H.B. 311**, AUTISM TREATMENT FUND, by Representative R. Lockhart, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

On motion of Senator Dayton, the committee report was adopted. **1st Sub. H.B. 311** was considered read the second time and placed on the Consent Calendar.

STANDING COMMITTEE REPORTS

Mr. President: March 1, 2010

The Health and Human Services Committee has returned **H.B. 401**, RESIDENTIAL FACILITIES FOR ELDERLY PERSONS, by Representative B. Daw, to the Rules Committee and recommends that it be sent to interim study.

D. Chris Buttars, Chair

Mr. President: March 2, 2010

Without committee review, the Government Operations and Political Subdivisions Committee has returned **S.B. 269**, COUNTY POWERS TO RESOLVE LAWSUITS VIA DEVELOPMENT AGREEMENTS, by Senator J. S. Adams, to the Rules Committee; and

With committee review, the Government Operations and Political Subdivisions Committee has returned **H.B. 218**, MUNICIPAL

DISINCORPORATION REVISIONS, by Representative G. Froerer, to the Rules Committee without recommendation; and

Without committee review, the Government Operations and Political Subdivisions Committee has returned **1st Sub. H.B. 283**, FEES IN SPECIAL SERVICE DISTRICTS, by Representative J. Mathis, to the Rules Committee.

Peter C. Knudson, Chair

Mr. President:

March 2, 2010

Without committee review, the Workforce Services and Community and Economic Development Committee has returned **S.B. 158**, UTAH VENTURE CAPITAL ENHANCEMENT ACT AMENDMENTS, by Senator J. S. Adams, to the Rules Committee.

Jerry W. Stevenson, Chair

On motion of Senator Dayton, the committee reports were adopted. **H.B. 401, S.B. 269, H.B. 218, 1st Sub. H.B. 283**, and **S.B. 158** were returned to the Rules Committee.

* * *

On motion of Senator Dayton, the Senate voted to return all bills that have not had committee hearings to the Rules Committee.

CONSENT CALENDAR

H.B. 316, DISABLED VETERANS PROPERTY TAX EXEMPTION AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	J. Stevenson	Stowell	Urquhart
Valentine	Waddoups		

Absent or not voting were: Senators

Hillyard	H. Stephenson	Van Tassell
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H.B. 316 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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H.B. 273, UTAH INTERNATIONAL TRADE COMMISSION AMENDMENTS, was read the third time, explained by Senator Madsen, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Romero
J. Stevenson	Stowell	Urquhart	Waddoups

Absent or not voting were: Senators

Hillyard	Robles	H. Stephenson	Valentine
Van Tassell			

H.B. 273 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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H.B. 132, PIONEER TRAIL MEMORIAL HIGHWAY, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Hillyard	Jones
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H.B. 132 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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H.B. 269, SOLEMNIZING MARRIAGES AMENDMENT, was read the third time, explained by Senator Adams, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Christensen	Hillyard	Jones
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H.B. 269 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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1st Sub. H.B. 186, CONTROLLED SUBSTANCE DATABASE REVISIONS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Hillyard	Jones	Niederhauser
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1st Sub. H.B. 186 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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S.B. 155, ENHANCEMENT PENALTIES FOR HIV POSITIVE OFFENDER AMENDMENTS, was read the third time, explained by Senator Stevenson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Hillyard	Jones
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S.B. 155 was transmitted to the House for consideration.

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1st Sub. H.B. 106, EXPEDITED BACKGROUND CHECKS FOR HUMAN SERVICES PROVIDERS, was read the third time, explained by Senator Liljenquist, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Jones	Robles
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1st Sub. H.B. 106 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

3rd Sub. S.B. 145, MEDICAL MALPRACTICE AMENDMENTS, was read the third time and explained by Senator Adams.

Senator Adams proposed the following amendment:

1. Page 9, Lines 246 through 248

246 (i) { ~~if the claimant received a finding that there was no~~
~~breach of the applicable standard~~

247 ~~of care, that~~ } there are reasonable grounds to believe that the
applicable standard of care was

248 breached:

Senator Adams' motion to amend passed on a voice vote. Senators Valentine and Dayton commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Hillyard	Hinkins
Jenkins	Jones	Knudson	Madsen
Mayne	McAdams	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Buttars	Greiner	Liljenquist	Morgan
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3rd Sub. S.B. 145 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Dayton, under suspension of the rules, **1st Sub. H.B. 235**, CHILD SUPPORT FOR CHILDREN IN STATE CUSTODY, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Okerlund
Robles	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Buttars	Hinkins	Morgan	Niederhauser
Romero			

1st Sub. H.B. 235 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Stowell, the circle was removed from **1st Sub. S.B. 52**, STATE BOARD OF REGENTS AMENDMENTS, and it was before the Senate.

Senator Stowell proposed the following amendment:

1. Page 1, Lines 12 through 14
 - 12 ▶ requires the governor to appoint at least two members who do not reside within a
 - 13 metropolitan statistical area to the Board of Regents;
 - ▶ when making appointments to the Board of Regents, requires the governor to consider certain factors;
 - 14 ▶ provides for transition provisions; and
2. Page 2, Lines 37 through 44:
 - 37 (iv) In making appointments to the board, the governor shall select:
 - 38 (A) at least two individuals who do not reside within a metropolitan statistical area, as
 - 39 designated by the United States Census Bureau;
 - 40 ~~(A)~~ (B) the remaining individuals from the state at large with due consideration for
 - 41 geographical representation and diversity of exposure to the various institutions in the Utah System of Higher Education ; and

42 [~~B~~] (C) at least three individuals with personal experience in career and technical

43 education, which could include service on a campus board of directors.

44 (c) (i) In addition to the members designated under Subsection (1)(b), two members of

Senator Stowell’s motion to amend passed on a voice vote. Senator Stowell explained the bill. Senator Romero commented.

On motion of Senator Stowell, under suspension of the rules, **1st Sub. S.B. 52, STATE BOARD OF REGENTS AMENDMENTS**, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 21; Nays, 2; Absent, 6.

Voting in the affirmative were: Senators

Adams	Christensen	Davis	Dayton
Goodfellow	Hinkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Van Tassell
Waddoups			

Voting in the negative were: Senators

Greiner Hillyard

Absent or not voting were: Senators

Bramble	Buttars	Jenkins	Madsen
Niederhauser	Valentine		

1st Sub. S.B. 52 was transmitted to the House.

SPECIAL RECOGNITION

A citation was read honoring John E. Ulibarri, Utah’s first Latino Legislator.

COMMITTEE OF THE WHOLE

On motion of Senator Robles, John E. Ulibarri spoke in Committee of the Whole. Senators Robles and Romero commented.

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

SPECIAL RECOGNITION

The Senate recognized Vernon Law, former Major League baseball player.

SECOND READING CALENDAR

On motion of Senator Jenkins, **H.B. 68**, HABITUAL WANTON DESTRUCTION OF WILDLIFE, was read the second time and circled.

* * *

On motion of Senator Van Tassell, under suspension of the rules, **H.B. 108**, MEAT INSPECTION AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Hillyard	Jenkins
Knudson	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Robles
Romero	J. Stevenson	Stowell	Urquhart
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Greiner	Hinkins	Jones
McAdams	H. Stephenson	Valentine	

H.B. 108 was returned to the House for further consideration.

* * *

On motion of Senator Urquhart, the circle was removed from **H.B. 238**, LOW SPEED VEHICLE AMENDMENTS, and it was before the Senate.

On motion of Senator Urquhart, under suspension of the rules, **H.B. 238**, LOW SPEED VEHICLE AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard

Hinkins	Jenkins	Knudson	Liljenquist
Madsen	Mayne	Morgan	Niederhauser
Okerlund	Robles	Romero	J. Stevenson
Stowell	Urquhart	Van Tassell	

Absent or not voting were: Senators

Bramble	Jones	McAdams	H. Stephenson
Valentine	Waddoups		

H.B. 238 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Christensen, the circle was removed from **H.B. 68**, HABITUAL WANTON DESTRUCTION OF WILDLIFE, and it was before the Senate. Senator Christensen explained the bill. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.**Voting in the affirmative were:** Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	Morgan
Okerlund	Robles	Romero	J. Stevenson
Stowell	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	McAdams	Niederhauser	H. Stephenson
Urquhart	Valentine		

* * *

H.B. 228, RENEWABLE ENERGY SOURCE AMENDMENTS, was read the second time. Senator Adams explained the bill. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.**Voting in the affirmative were:** Senators

Adams	Buttars	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins

Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	Morgan	Okerlund
Robles	Romero	J. Stevenson	Stowell
Urquhart	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	Christensen	McAdams	Niederhauser
H. Stephenson	Valentine		

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On motion of Senator Mayne, **2nd Sub. H.B. 124**, CAMPAIGN FUNDS EXPENDITURE RESTRICTIONS, was read the second time and circled.

* * *

On motion of Senator Jenkins, **1st Sub. H.B. 267**, LOBBYIST DISCLOSURE AND REGULATION ACT AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Jenkins, **H.J.R. 15**, JOINT RESOLUTION ON LEGISLATIVE ETHICS COMMISSION, was read the second time and circled.

* * *

On motion of Senator Buttars, under suspension of the rules, **S.B. 210**, JUDICIAL PERFORMANCE EVALUATION COMMISSION AMENDMENTS, was considered read the second and third times. Senator Buttars explained the bill. The bill passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Adams	Buttars	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Okerlund	Robles	J. Stevenson	Stowell
Urquhart	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	Christensen	Niederhauser	Romero
H. Stephenson	Valentine		

S.B. 210 was transmitted to the House.

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On motion of Senator Adams, **H.B. 279**, COUNTY RECORDER AMENDMENTS, was read the second time and circled.

* * *

H.B. 302, MINOR ADJUSTMENTS TO COUNTY BOUNDARIES, was read the second time. Senator Okerlund explained the bill. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Adams	Buttars	Dayton	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Okerlund
Robles	J. Stevenson	Stowell	Urquhart
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Christensen	Davis	Niederhauser
Romero	H. Stephenson	Valentine	

* * *

On motion of Senator Christensen, **H.B. 112**, SUPREME COURT REVIEW OF AN INITIATIVE OR REFERENDUM, was read the second time and circled.

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On motion of Senator Christensen, **H.B. 202**, FIREWORKS AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Adams, the circle was removed from **H.B. 279**, COUNTY RECORDER AMENDMENTS, and it was before the Senate. Senator Adams explained the bill. The bill passed second reading on the following roll call:

Yeas, 19; Nays, 0; Absent, 10.

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Dayton
Goodfellow	Greiner	Hinkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Okerlund	J. Stevenson	Stowell
Urquhart	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	Davis	Hillyard	Jenkins
Madsen	Niederhauser	Robles	Romero
H. Stephenson	Valentine		

* * *

On motion of Senator Liljenquist, the circle was removed from **H.B. 17, AMENDMENTS TO PROGRAMS FOR PEOPLE WITH DISABILITIES**, and it was before the Senate. Senator Liljenquist explained the bill. Senators Greiner, Buttars, Jones, Madsen, Robles, Jenkins, and Romero commented. The bill failed second reading on the following roll call:

Yeas, 14; Nays, 11; Absent, 4.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Goodfellow
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Robles	Romero		

Voting in the negative were: Senators

Adams	Dayton	Greiner	Madsen
Okerlund	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	Hillyard	Niederhauser	H. Stephenson
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The bill was filed.

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H.B. 230, HUMAN TRAFFICKING AMENDMENTS, was read the second time. Senator Adams explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Madsen
Mayne	McAdams	Morgan	Okerlund
Robles	Romero	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble	Hillyard	Liljenquist	Niederhauser
H. Stephenson			

* * *

H.B. 239, CHILD PROTECTION REVISIONS, was read the second time. Senator Dayton explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Robles	Romero	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble	Hillyard	Liljenquist	McAdams
H. Stephenson			

* * *

On motion of Senator Jenkins, **H.B. 250, CRIMINAL PENALTIES AMENDMENTS – LEAVING THE SCENE OF AN ACCIDENT,** was read the second time and circled.

* * *

On motion of Senator Christensen, **H.B. 251, ADMISSION OF AFFIDAVITS INTO EVIDENCE,** was read the second time and circled.

* * *

H.J.R. 6, STRANGULATION AND DOMESTIC VIOLENCE JOINT RESOLUTION, was read the second time. Senator Greiner explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Robles	Romero	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Hillyard	Knudson	Liljenquist	McAdams
H. Stephenson			

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H.B. 257, DIETITIAN CERTIFICATION ACT AMENDMENTS, was read the second time. Senator Christensen explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	Morgan	Niederhauser
Okerlund	Robles	Romero	J. Stevenson
Valentine	Waddoups		

Voting in the negative were: Senators

Dayton	H. Stephenson	Stowell
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Absent or not voting were: Senators

Liljenquist	McAdams	Urquhart	Van Tassell
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* * *

On motion of Senator Bramble, the circle was removed from **H.B. 250**, CRIMINAL PENALTIES AMENDMENTS – LEAVING THE SCENE OF AN

ACCIDENT, and it was before the Senate. Senator Bramble explained the bill. Senator Greiner commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Romero
Stowell	Urquhart	Valentine	Waddoups

Absent or not voting were: Senators

Hillyard	Robles	H. Stephenson	J. Stevenson
Van Tassell			

* * *

On motion of Senator Bramble, the circle was removed from **H.B. 202**, FIREWORKS AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

Yeas, 19; Nays, 5; Absent, 5.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hinkins
Jones	Knudson	Madsen	Mayne
McAdams	Morgan	Okerlund	Romero
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Dayton	Jenkins	Niederhauser	Stowell
Urquhart			

Absent or not voting were: Senators

Hillyard	Liljenquist	Robles	H. Stephenson
J. Stevenson			

* * *

H.B. 183, CONSTRUCTION AND FIRE CODE RELATED AMENDMENTS, was read the second time. Senator Adams explained the bill.

Senator Knudson commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Christensen	Liljenquist	J. Stevenson
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H.B. 260, CHILDREN’S HEALTH INSURANCE PLAN SIMPLIFIED RENEWAL, was read the second time. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Adams	Bramble	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Knudson	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	J. Stevenson	Stowell
Urquhart	Waddoups		

Absent or not voting were: Senators

Buttars	Christensen	Hillyard	Liljenquist
H. Stephenson	Valentine	Van Tassell	

* * *

H.B. 120, UNDERGROUND STORAGE TANK AMENDMENTS, was read the second time. Senator Okerlund explained the bill. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Okerlund
Robles	Romero	J. Stevenson	Stowell
Urquhart	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars	Hillyard	Jenkins	Niederhauser
H. Stephenson	Valentine		

* * *

H.B. 285, PRACTICE OF VETERINARY MEDICINE, was read the second time. Senator Hinkins explained the bill. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Buttars	Hillyard	Jenkins	Madsen
H. Stephenson			

* * *

H.B. 240, DEPARTMENT OF NATURAL RESOURCES AMENDMENTS, was read the second time. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist

Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Buttars	Greiner	Madsen	H. Stephenson
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On motion of Senator Jenkins, **H.B. 116**, POLITICAL SUBDIVISION FACILITY ENERGY EFFICIENCY, was read the second time and circled.

* * *

On motion of Senator Valentine, **1st Sub. H.B. 282**, LOCAL GOVERNMENT AMENDMENTS, was read the second time and circled.

* * *

1st Sub. H.B. 304, LIEUTENANT GOVERNOR AMENDMENTS, was read the second time. Senator Mayne explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Knudson	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Buttars	Hinkins	Liljenquist	Madsen
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H.B. 308, STATE FIRE CODE ADOPTION, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Buttars

* * *

H.B. 315, UTAH PUBLIC NOTICE WEBSITE AMENDMENTS, was read the second time. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators
Hillyard Madsen

* * *

On motion of Senator Jenkins, the circle was removed from **H.B. 116**, POLITICAL SUBDIVISION FACILITY ENERGY EFFICIENCY, and it was before the Senate. Senator Jenkins explained the bill. Senators Dayton and Romero commented. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 2; Absent, 7.

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Goodfellow
Greiner	Jenkins	Jones	Knudson

Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Romero	J. Stevenson
Stowell	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators
Dayton H. Stephenson

Absent or not voting were: Senators
Bramble Davis Hillyard Hinkins
Liljenquist Robles Urquhart

* * *

On motion of Senator Adams, the circle was removed from **1st Sub. H.B. 67**, HEALTH SYSTEM AMENDMENTS, and it was before the Senate. Senator Adams explained the bill.

Senator Adams proposed the following amendment:

- 1. Page 3, Lines 60a through 61
House Floor Amendments
2-11-2010

60a Congress after March 1, 2010, unless {~~;~~

61 {~~ii~~} the department or agency reports to the Legislature's
H→ Business and Labor Interim

- 2. Page 3, Lines 62 through 63
House Floor Amendments
2-11-2010:

62 the Legislative Executive Appropriations Committee in
accordance with Subsection (2) {~~(b); and~~ } (c).

63 {~~(ii) — the~~ } (a) The Legislature
{~~passes~~} may pass legislation specifically authorizing or
prohibiting the state's compliance

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

Yeas, 16; Nays, 7; Absent, 6.

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Dayton
Greiner	Hinkins	Jenkins	Knudson
Madsen	Niederhauser	Okerlund	J. Stevenson
Stowell	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

Goodfellow	Jones	Mayne	McAdams
Morgan	Robles	Romero	

Absent or not voting were: Senators

Bramble	Davis	Hillyard	Liljenquist
H. Stephenson	Urquhart		

COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 3, 2010

The House passed, **2nd Sub. S.B. 275**, REMOVING SIGNATURE FROM INITIATIVE AND REFERENDUM PETITION, by Senator H. Stephenson, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

2nd Sub. S.B. 275 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

On motion of Senator Buttars, **S.B. 251**, VERIFICATION OF EMPLOYMENT ELIGIBILITY, will be considered Friday, March 5, 2010 at 10:00 a.m.

* * *

On motion of Senator Jenkins, and at 11:45 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:45 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 3, 2010

The House passed, **1st Sub. S.B. 32**, RAINWATER HARVESTING, by Senator S. Jenkins, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 60**, SEARCH AND RESCUE FUNDING, by Senator R. Okerlund, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 96**, UINTAH BASIN REVITALIZATION FUND AMENDMENTS, by Senator K. Van Tassell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 105**, MOTOR VEHICLE ACCIDENT ARBITRATION AMENDMENTS, by Senator S. Urquhart, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 120**, DISARMING A PEACE OFFICER AMENDMENT, by Senator D. Hinkins, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 127**, PUBLIC ASSISTANCE FRAUD AMENDMENTS, by Senator H. Stephenson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 130**, JUDICIARY AMENDMENTS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 133**, QUALIFICATIONS OF STATE TAX COMMISSIONERS, by Senator J. S. Adams, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 134**, PARTNERSHIP TAX RETURN FILING DEADLINES, by Senator J. S. Adams, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 137**, COORDINATION OF REMOVING, RELOCATING, OR ALTERING UTILITIES, by Senator D. Liljenquist, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 140**, JUVENILE DETENTION AMENDMENTS, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 142**, DRIVER LICENSE AMENDMENTS, by Senator H. Stephenson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 148**, GUARANTEED ASSET PROTECTION WAIVERS, by Senator J. Stevenson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 189**, CAPITAL FACILITIES AMENDMENTS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 32, 1st Sub. S.B. 60, S.B. 96, 1st Sub. S.B. 105, S.B. 120, S.B. 127, 1st Sub. S.B. 130, 1st Sub. S.B. 133, S.B. 134, S.B. 137, 1st Sub. S.B. 140, S.B. 142, S.B. 148, and S.B. 189 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

March 3, 2010

The House concurred in the Senate amendments and passed **H.B. 28**, CONTROLLED SUBSTANCE DATABASE AMENDMENTS, by Representative B. Daw, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 35**, CONTROLLED SUBSTANCE DATABASE – REPORTING OF PRESCRIBED CONTROLLED SUBSTANCE OVERDOSE OR POISONING, by Representative B. Daw, et al, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 36**, CONTROLLED SUBSTANCE DATABASE – REPORTING CONVICTIONS FOR DRIVING UNDER THE INFLUENCE OR IMPAIRED DRIVING, by Representative B. Daw, et al, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 208**, DISPOSITION OF THE REMAINS OF A DECEASED MILITARY SERVICE MEMBER, by Representative J. Seelig, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 294**, HEALTH SYSTEM REFORM AMENDMENTS, by Representative D. Clark, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 28, 2nd Sub. H.B. 35, 2nd Sub. H.B. 36, H.B. 208, and H.B. 294, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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Mr. President:

March 3, 2010

The House passed **H.B. 117**, PUBLIC EDUCATION CAPITAL OUTLAY ACT, by Representative M. Brown, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 136**, JAIL CONTRACTING AND REIMBURSEMENT, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 146**, LAW ENFORCEMENT BY FEDERAL LAND MANAGEMENT AGENCY, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 209**, SEX OFFENDER REGULATION AMENDMENTS, by Representative C. Watkins, and it is transmitted for consideration; and

The House passed **H.B. 363**, MUNICIPAL ELECTION AMENDMENTS, by Representative C. Frank, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 117, H.B. 136, H.B. 146, H.B. 209, and H.B. 363** were read the first time and referred to the Rules Committee.

* * *

STANDING COMMITTEE REPORTS

Mr. President:

March 3, 2010

The Business and Labor Committee reports a favorable recommendation on **S.B. 215, HIGHWAY PROJECT FUNDING – SALT LAKE COUNTY**, by Senator W. Niederhauser; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 279, IDENTITY FRAUD AND RELATED AMENDMENTS**, by Senator S. Urquhart, with the following amendments:

1. Page 1, Line 9:

9 This bill modifies {~~the Utah Workforce Services Code and~~} the Utah Criminal Code to

2. Page 1, Line 13:

13 {~~addresses the new hire registry;~~}

3. Page 1, Line 24:

24 {~~35A-7-107, as last amended by Laws of Utah 2008, Chapter 382~~}

4. Page 2, Lines 28 through 50:

{~~28~~ Section 1. Section 35A-7-107 is amended to read:

29 35A-7-107. Use and access to the registry records.

30 (1)(a) ~~The records of the registry shall be maintained as private records under Section~~

31 63G-2-202.

32 (b) ~~In addition to those persons granted access to private records under Sections~~

33 63G-2-202 and 63G-2-206, state or federal agencies may access data from the registry for the

34 following purposes:

35 (i) ~~the Office of Recovery Services for use related to locating, establishing, and~~

36 enforcing child, medical, and spousal support obligations and other services;

37 (ii) ~~state agencies [which] that use financial information in determining eligibility for~~

38 ~~public assistance programs; and~~

39 (iii) ~~federal agencies responsible for periodic matches of new hire registry information~~

40 ~~with federal data bases.~~

41 (2) ~~Information that is received under this chapter shall be kept by the department for at~~

42 ~~least six months.~~

43 (3) (a) ~~As used in this Subsection (3), "personal identifying information" has the same~~

44 ~~meaning as defined in Section 76-6-1102.~~

45 (b) ~~Notwithstanding Section 35A-4-312 and the other provisions of this section, if the~~

46 ~~registry records disclose a suspected misuse of personal identifying information by an~~

47 ~~individual other than the purported owner of the information, the department may:~~

48 (i) ~~inform an employer of the suspected misuse; and~~

49 (ii) ~~provide information of the suspected misuse to an appropriate law enforcement~~

50 ~~agency responsible for investigating an identity fraud violation.~~
-}

Renumber remaining sections accordingly

John L. Valentine, Chair

Mr. President: March 3, 2010

The Health and Human Services Committee reports a favorable recommendation on **2nd Sub. H.B. 139**, EMERGENCY AND DISASTER MANAGEMENT AMENDMENTS, by Representative C. Oda.

D. Chris Buttars, Chair

Mr. President: March 3, 2010

The Education Committee reports a favorable recommendation on **S.B. 237**, TRANSITION FOR REPEALED NAVAJO TRUST FUND ACT AMENDMENTS, by Senator D. Hinkins; and

The Education Committee reports a favorable recommendation on **H.B. 189**, CLOSED MEETINGS AMENDMENTS, by Representative P. Painter.

Curtis S. Bramble, Chair

Mr. President: March 2, 2010

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.J.R. 16**, JOINT RESOLUTION SUPPORTING KANE COUNTY EXPANSION OF CORRECTIONAL FACILITIES, by Representative M. Noel.

Peter C. Knudson, Chair

On motion of Senator Dayton, the committee reports were adopted. **S.B. 215**, **S.B. 279**, as amended, **2nd Sub. H.B. 139**, **S.B. 237**, **H.B. 189** and **H.J.R. 16** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: March 3, 2010

The Health and Human Services Committee reports a favorable recommendation on **S.J.R. 16**, HEALTH CARE FACILITY DISCLOSURE

JOINT RESOLUTION, by Senator P. Knudson, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

On motion of Senator Dayton, the committee report was adopted. **S.J.R. 16** was considered read the second time and placed on the Consent Calendar.

STANDING COMMITTEE REPORTS

Mr. President:

March 3, 2010

Without committee review, the Business and Labor Committee has returned **S.B. 75, CONSTRUCTION TRADES LICENSE AMENDMENTS**, by Senator D. C. Buttars, to the Rules Committee without recommendation; and

Without committee review, the Business and Labor Committee has returned **S.B. 112, TERMINATION OF A BILLBOARD AND ASSOCIATED RIGHTS AMENDMENTS**, by Senator P. Knudson, to the Rules Committee; and

The Business and Labor Committee has returned **S.B. 115, UNEMPLOYMENT INSURANCE REVISIONS**, by Senator L. Robles, to the Rules Committee without recommendation with the following amendments:

1. Page 2, Lines 37 through 42:

37 (c) the individual is able to work and is available for full-time
work during each and

38 every week for which the individual made a claim for benefits
under this chapter, except the

39 division may not deny benefits to an individual solely on the fact
that the individual is seeking

40 only part-time work, so long as a majority of the weeks of
work in the individual's base period consists

41 of part-time work;

42 (d) the individual has been unemployed for a waiting period of
one week for each

; and

With committee review, the Business and Labor Committee has returned **S.B. 182, UTAH COMMON INTEREST OWNERSHIP ACT**, by Senator W. Niederhauser, to the Rules Committee without recommendation; and

With committee review, the Business and Labor Committee has returned **S.B. 224**, CONSTRUCTION CONTRACT AMENDMENTS, by Senator C. Bramble, to the Rules Committee without recommendation; and

Without committee review, the Business and Labor Committee has returned **S.B. 253**, UNINSURED MOTORIST IDENTIFICATION DATABASE PROGRAM AMENDMENTS, by Senator J. Greiner, to the Rules Committee; and

With committee review, the Business and Labor Committee has returned **S.B. 254**, MOTOR VEHICLE INSURANCE – UNFAIR CLAIM SETTLEMENT PRACTICES, by Senator G. Davis, to the Rules Committee without recommendation; and

With committee review, the Business and Labor Committee has returned **H.B. 65**, AMENDMENTS RELATED TO REGULATION OF INSURANCE TYPE PRODUCTS, by Representative J. Bird, to the Rules Committee without recommendation; and

Without committee review, the Business and Labor Committee has returned **H.B. 126**, STATE CONSTRUCTION REGISTRY AMENDMENTS, by Representative R. C. Webb, to the Rules Committee; and

Without committee review, the Business and Labor Committee has returned **H.C.R. 7**, CREDIT SCORES CONCURRENT RESOLUTION, by Representative D. Aagard, to the Rules Committee.

John L. Valentine, Chair

Mr. President: March 3, 2010

The Health and Human Services Committee has returned **S.B. 241**, HEALTH CODE AMENDMENTS, by Senator A. Christensen, to the Rules Committee; and

Without committee review, the Health and Human Services Committee has returned **S.B. 257**, HEALTH CARE FACILITY DISCLOSURE REQUIREMENTS, by Senator P. Knudson, to the Rules Committee.

D. Chris Butters, Chair

Mr. President: March 3, 2010

The Education Committee deleted **2nd Sub. S.B. 49**, VENDING MACHINES IN PUBLIC SCHOOLS, by Senator P. Jones, and replaced it with **4th Sub. S.B. 49**, VENDING MACHINES IN PUBLIC SCHOOLS, and has returned it to the Rules Committee without recommendation; and

With committee review, the Education Committee has returned **S.B. 54**, HEALTH EDUCATION AMENDMENTS, by Senator S. Urquhart, to the Rules Committee without recommendation; and

Without committee review, the Education Committee has returned **S.B. 230**, PHARMACEUTICAL MARKETING TO CONSUMERS AMENDMENT, by Senator D. Liljenquist, to the Rules Committee; and

With committee review, the Education Committee has returned **S.B. 276**, PROMOTING HEALTHY LIFESTYLES IN PUBLIC SCHOOLS, by Senator P. Jones, to the Rules Committee without recommendation; and

With committee review, the Education Committee has returned **1st Sub. H.B. 150**, ADMINISTRATIVE SUBPOENA AMENDMENTS, by Representative B. Daw, to the Rules Committee without recommendation; and

The Education Committee has returned **1st Sub. H.B. 227**, LICENSING ELIGIBILITY, by Representative S. Sandstrom, to the Rules Committee without recommendation with the following amendments:

1. Page 2, Lines 53 through 53d
House Floor Amendments
2-24-2010:

53 United States.

53a ~~Ĥ→ (ii) {If the applicant is a business entity with officers, directors, or partners who reside~~

53b ~~within the United States, then the affidavit referred to in Subsection (2)(c)(i) shall also attest~~

53c ~~that those officers, directors, or partners who reside within the United States are either United~~

53d ~~States citizens or lawfully present in the United States.~~

~~←Ĥ} Subsection (2)(c)(i) does not apply to:~~

~~(A) an applicant that is a business entity licensed or regulated by a state or federal agency located within the United States;or~~

~~(B) the business entity applicant's officers, directors, or partners.~~

2. Page 8, Lines 230 through 230d
House Floor Amendments
2-24-2010:

230 States.

230a ~~H→~~ (ii) ~~{ If the applicant is a business entity with officers, directors, or partners who reside~~

230b ~~within the United States, then the affidavit referred to in Subsection (2)(c)(i) shall also attest~~

230c ~~that those officers, directors, or partners who reside within the United States are either~~

230d ~~United States citizens or lawfully present in the United States.~~

~~←H}~~ Subsection (2)(c)(i) does not apply to:

(A) an applicant that is a business entity licensed or regulated by a state or federal agency located within the United States; or

(B) the business entity applicant's officers, directors, or partners. ; and

Without committee review, the Education Committee has returned **H.B. 306**, TERRORISM AMENDMENTS, by Representative E. Hutchings, to the Rules Committee.

Curtis S. Bramble, Chair

Mr. President:

March 3, 2010

Without committee review, the Transportation and Public Utilities and Technology Committee has returned **S.B. 153**, MARKING OF UNDERGROUND UTILITIES, by Senator J. Greiner, to the Rules Committee; and

Without committee review, the Transportation and Public Utilities and Technology Committee has returned **S.B. 176**, UTILITY REVISIONS, by Senator S. Jenkins, to the Rules Committee; and

Without committee review, the Transportation and Public Utilities and Technology Committee has returned **H.B. 174**, LICENSE PLATES AMENDMENTS, by Representative P. Ray, to the Rules Committee; and

Without committee review, the Transportation and Public Utilities and Technology Committee has returned **H.B. 179**, OFF-HIGHWAY VEHICLE AND STREET-LEGAL ALL-TERRAIN VEHICLE REVISIONS, by Representative M. Noel, to the Rules Committee; and

Without committee review, the Transportation and Public Utilities and Technology Committee has returned **H.B. 318**, REVOLVING LOAN FUND FOR

CERTAIN ENERGY EFFICIENT PROJECTS AMENDMENTS, by Representative R. Barrus, to the Rules Committee.

Stephen H. Urquhart, Chair

On motion of Senator Dayton, the committee reports were adopted. **S.B. 75, S.B. 112, S.B. 115**, as amended, **S.B. 182, S.B. 224, S.B. 253, S.B. 254, H.B. 65, H.B. 126, H.C.R. 7, S.B. 241, S.B. 257, 4th Sub. S.B. 49, S.B. 54, S.B. 230, S.B. 276, 1st Sub. H.B. 150, 1st Sub. H.B. 227**, as amended, **H.B. 306, S.B. 153, S.B. 176, H.B. 174, H.B. 179**, and **H.B. 318** were returned to the Rules Committee.

SECOND READING CALENDAR

On motion of Senator Niederhauser, **H.B. 381, MUNICIPAL LAND USE PROVISIONS**, was read the second time and circled.

* * *

H.B. 118, ECONOMIC DEVELOPMENT INCENTIVES MODIFICATIONS, was read the second time. Senator Stevenson explained the bill. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Knudson	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Robles	J. Stevenson	Stowell	Urquhart
Van Tassell	Waddoups		

Absent or not voting were: Senators

Christensen	Jones	Liljenquist	McAdams
Romero	H. Stephenson	Valentine	

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H.B. 115, COUNSEL FOR INDIGENTS IN JUVENILE COURT PROCEEDINGS, was read the second time. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

H. Stephenson

* * *

H.B. 125, KIDNAPPING AND SEX OFFENDER REGISTRY AMENDMENTS, was read the second time. Senator Mayne explained the bill. Senator Greiner commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Knudson
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Jenkins Liljenquist Robles

* * *

On motion of Senator Greiner, **1st Sub. H.B. 178**, BUREAU OF CRIMINAL IDENTIFICATION FEE AMENDMENTS, was read the second time and circled.

* * *

4th Sub. H.B. 197, CUSTODIAL INTERFERENCE AMENDMENTS, was read the second time.

On motion of Senator Madsen, the bill was circled.

* * *

1st Sub. H.B. 234, OPTING OUT OF THE REAL ID ACT, was read the second time. Senator Dayton explained the bill. The bill passed second reading on the following roll call:

Yeas, 19; Nays, 8; Absent, 2.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Dayton
Hinkins	Jones	Knudson	Madsen
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Urquhart	Valentine	Waddoups	

Voting in the negative were: Senators

Davis	Goodfellow	Greiner	Hillyard
Liljenquist	Mayne	Stowell	Van Tassell

Absent or not voting were: Senators

Adams	Jenkins
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H.B. 276, SEX OFFENDER REGISTRY AMENDMENT, was read the second time. Senator Greiner explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Adams	Buttars	Hinkins	Urquhart
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1st Sub. H.B. 284, UNIFORM COLLABORATIVE LAW ACT, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Buttars

* * *

On motion of Senator Greiner, the circle was removed from **1st Sub. H.B. 178, BUREAU OF CRIMINAL IDENTIFICATION FEE AMENDMENTS**, and it was before the Senate. Senator Greiner explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Buttars

* * *

H.B. 176, CONTINUING EDUCATION REQUIREMENTS FOR ELECTRICIANS AND PLUMBERS, was read the second time. Senator Van Tassell explained the bill. Senator Okerlund commented. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 3; Absent, 3.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Okerlund
Romero	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Dayton	Hillyard	H. Stephenson
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Absent or not voting were: Senators

Buttars	Niederhauser	Robles
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On motion of Senator Madsen, the circle was removed from **4th Sub. H.B. 197, CUSTODIAL INTERFERENCE AMENDMENTS**, and it was before the Senate.

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

5th Sub. H.B. 197 Custodial Interference Amendments (C. Wimmer)

Senator Madsen explained the bill. Senators Valentine and Greiner commented.

On motion of Senator Madsen, the bill was circled.

* * *

1st Sub. H.B. 275, DIVISION OF REAL ESTATE AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
J. Stevenson	Stowell	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Buttars	Hillyard	H. Stephenson	Urquhart
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H.J.R. 23, JOINT RESOLUTION APPROVING THE SALE OF REAL PROPERTY AT THE UTAH STATE DEVELOPMENTAL CENTER, was read the second time. Senator Valentine explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
J. Stevenson	Stowell	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Buttars	Hillyard	H. Stephenson	Urquhart
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H.J.R. 27, AUTHENTIC CHARITY HEALTH CARE JOINT RESOLUTION, was read the second time. Senator Niederhauser explained the bill. Senator Jones commented. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.**Voting in the affirmative were:** Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	Morgan	Niederhauser
Okerlund	Robles	Romero	J. Stevenson
Stowell	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Buttars	Hillyard	McAdams	H. Stephenson
Urquhart			

* * *

1st Sub. H.B. 92, MOIST SNUFF TAXATION REVISIONS, was read the second time.

Senator Bramble proposed the following amendment:

- 1. Page 5, Lines 119 through 121

119 (b) A manufacturer who distributes a tobacco product in, or
 120 into, Utah, shall:

120 (i) for a period of three years after the last day on which the
manufacturer distributes the tobacco product in, or into, Utah, keep
 121 valid scientific evidence of the moisture content of the tobacco product

121 available for review by the commission, upon demand; and

- 2. Page 5, Lines 128 through 131:

128 (d) A person described in Subsection (3) who is required to pay
 129 tax on a tobacco

129 product:

130 (i) shall for a period of three years after the last day on which
the person pays the tax on the tobacco product, keep the document
 131 described in Subsection (6)(b)(ii) available for review by

131 the commission, upon demand; and

Senator Bramble’s motion to amend passed on a voice vote. Senator Bramble explained the bill. Senators Jenkins and Greiner commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Okerlund
Romero	J. Stevenson	Stowell	Valentine
Van Tassell	Waddoups		

Voting in the negative were: Senators

Madsen	H. Stephenson
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Absent or not voting were: Senators

Buttars Hillyard Niederhauser Robles
Urquhart

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On motion of Senator Jenkins, and at 4:15 p.m., the Senate sauntered.

The Senate was called to order at 4:30 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 3, 2010

The House passed, as substituted, **1st Sub. H.B. 196**, TOBACCO TAX REVISIONS, by Representative P. Ray, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 196** was read the first time and referred to the Rules Committee.

* * *

Mr. President: March 3, 2010

The House substituted and passed, **2nd Sub. S.B. 48**, NONLAPSING AUTHORITY TECHNICAL AMENDMENTS, by Senator R. Okerlund, and it is transmitted for further consideration; and

The House substituted and passed, **1st Sub. S.B. 76**, TRUST DEED AMENDMENTS, by Senator J. Valentine, and it is transmitted for further consideration; and

The House substituted and passed, **5th Sub. S.B. 88**, PHARMACY PRACTICE ACT AMENDMENTS, by Senator C. Bramble, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

STANDING COMMITTEE REPORTS

Mr. President: March 3, 2010

Without committee review, the Revenue and Taxation Committee has returned **S.B. 34**, MUNICIPAL DISINCORPORATION AMENDMENTS, by Senator A. Christensen, to the Rules Committee; and

With committee review, the Revenue and Taxation Committee has returned **S.B. 40**, CIGARETTE AND TOBACCO TAX AMENDMENTS, by Senator A. Christensen, to the Rules Committee without recommendation; and

The Revenue and Taxation Committee deleted **S.B. 92**, AMENDMENTS TO REVENUE AND TAXATION TITLE, by Senator C. Bramble, and replaced it with 1st Sub. S.B. 92, AMENDMENTS TO REVENUE AND TAXATION TITLE, and has returned it to the Rules Committee without recommendation; and

Without committee review, the Revenue and Taxation Committee has returned **S.B. 151**, COLLECTION, REMITTANCE, AND RETENTION OF CERTAIN TAXES, FEES, OR CHARGES, by Senator C. Bramble, to the Rules Committee; and

The Revenue and Taxation Committee deleted **S.B. 196**, COMMUNITY DEVELOPMENT AND RENEWAL AMENDMENTS, by Senator G. Davis, and replaced it with **2nd Sub. S.B. 196**, COMMUNITY DEVELOPMENT AND RENEWAL AMENDMENTS, and has returned it to the Rules Committee without recommendation.

J. Stuart Adams, Chair

On motion of Senator Dayton, the committee reports were adopted. **S.B. 34**, **S.B. 40**, **1st Sub. S.B. 92**, **S.B. 151**, and **2nd Sub. S.B. 196** were placed on Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Christensen, **H.B. 215**, AMENDMENTS TO PUBLIC EMPLOYEES' BENEFIT AND INSURANCE PROGRAM ACT – RISK POOLS, was read the second time and circled.

* * *

On motion of Senator Jenkins, the Senate voted to lift **S.B. 40**, CIGARETTE AND TOBACCO TAX AMENDMENTS, from the Rules Committee and place it at the top of the Second Reading Calendar.

* * *

On motion of Senator Jenkins, the Senate voted to lift **1st Sub. H.B. 196**, TOBACCO TAX REVISIONS, from the Rules Committee and place it at the top of the Second Reading Calendar.

On motion of Senator Jenkins, **1st Sub. H.B. 196**, TOBACCO TAX REVISIONS, was read the second time and circled.

* * *

H.B. 181, CONDOMINIUM ASSOCIATION COMMON EXPENSES, was read the second time. Senator Romero explained the bill. Senator Waddoups commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	Morgan	Okerlund
Robles	Romero	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Davis	Madsen	McAdams	Niederhauser
H. Stephenson			

* * *

On motion of Senator Liljenquist, the circle was removed from **H.B. 215**, AMENDMENTS TO PUBLIC EMPLOYEES' BENEFIT AND INSURANCE PROGRAM ACT – RISK POOLS, and it was before the Senate.

Senator Liljenquist proposed the following amendment:

1. Page 1, Line 15

15 must have in order to participate in the program's risk pools and
 ► requires the program to create a rate for an institute of higher education with 1,000 or more plan enrollees based 100% on experience; and
 ► requires a separate risk pool for institutes of higher education that have experience rating that is higher than the state employees risk pool experience rating .

2. Page 2, Line 32:

32 (a) in accordance with Subsection (3)(b), an institution of higher education designated under Section 53B-1-102 with a total

3. Page 2, Lines 35 through 36:

35 (3) (a) The program shall create risk pools for other covered employers separate from

36 those created in Subsection (1) as determined by the program.

(b)(i) If an institution of higher education described in Subsection (2)(a) has 1,000 or more plan enrollees, the program shall establish a rate for the institution of higher education based 100% on experience; and

(ii) if the rate established under Subsection (3)(b)(i) is:

(A) less than the risk pool rate established for the state employees' risk pool, the program may include the institution of higher education in the state employees' risk pool described in Subsection (1)(a); or

(B) more than the risk pool rate established for the state employees' risk pool, the program shall create a risk pool for the institution of higher education that is separate from the state employees' risk pool under Subsection (1)(a).

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

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator Dayton

* * *

2nd Sub. H.B. 278, GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT AMENDMENTS, was read the second time. Senator Bramble explained the bill. Senator Greiner commented. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative was: Senator Greiner

Absent or not voting was: Senator Romero

* * *

On motion of Senator Bramble, the circle was removed from **1st Sub. H.B. 265**, REAL PROPERTY AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator Romero

* * *

Senator McAdams made a motion for the Senate to reconsider its action on **2nd Sub. S.B. 99**. Senators Stowell, Okerlund, Valentine, Bramble, and Van Tassell commented. The motion failed on a voice vote.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 3, 2010

The House passed, as substituted, **3rd Sub. H.B. 329**, CAMPAIGN FINANCE AMENDMENTS, by Representative B. Ferry, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 366**, MOTOR VEHICLE BUSINESS REGULATION ACT AMENDMENTS, by Representative B. Daw, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.J.R. 30**, WAR VETERANS' MEMORIAL ON CAPITOL HILL JOINT RESOLUTION, by Representative R. Chavez-Houck, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **3rd Sub. H.B. 329**, **H.B. 366**, and **1st Sub. H.J.R. 30** were read the first time and referred to the Rules Committee.

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On motion of Senator Jenkins and at 5:00 p.m., the Senate adjourned until 8:30 a.m., Thursday, March 4, 2010.

THIRTY-EIGHTH DAY

MORNING SESSION

March 4, 2010

The Senate was called to order at 8:35 a.m., with President Michael Waddoups presiding.

Prayer – Senator Daniel Liljenquist

Pledge of Allegiance – Senator Scott Jenkins

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS

(PLEASE REFER TO DAY 1, PAGE 72)

CONSENT CALENDAR

On motion of Senator Bramble, **2nd Sub. H.B. 259**, PROPERTY TAX AMENDMENTS, was read the third time and circled.

* * *

H.B. 349, SALES AND USE TAX AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	Morgan	Niederhauser
Okerlund	Romero	H. Stephenson	J. Stevenson
Stowell	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Hillyard	Madsen	McAdams	Robles
Urquhart			

H.B. 349 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Niederhauser, the circle was removed from **2nd Sub. H.B. 259, PROPERTY TAX AMENDMENTS**, and it was before the Senate. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Romero	H. Stephenson
J. Stevenson	Stowell	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Goodfellow	Robles	Urquhart
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2nd Sub. H.B. 259, as amended, was returned to the House for further consideration.

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S.B. 220, VEHICLE IMPOUND AMENDMENTS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Greiner	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Romero	H. Stephenson	J. Stevenson
Stowell	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Goodfellow	Hillyard	Madsen	Robles
Urquhart			

S.B. 220 was transmitted to the House for consideration.

* * *

1st Sub. H.B. 378, MOTOR VEHICLE INSURANCE REQUIREMENTS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Romero	H. Stephenson
J. Stevenson	Stowell	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Goodfellow	Robles	Urquhart
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1st Sub. H.B. 378 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

CONCURRENCE CALENDAR

On motion of Senator Okerlund, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 48**, UTAH HISTORICAL SOCIETY – NONLAPSING AUTHORITY. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Madsen	Robles
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2nd Sub. S.B. 48 was returned to the House for the signature of the Speaker.

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On motion of Senator Valentine, the Senate refused to concur in the House amendments. **1st Sub. S.B. 76**, TRUST DEED AMENDMENTS, was returned to the House.

* * *

5th Sub. S.B. 88, PHARMACY PRACTICE ACT AMENDMENTS, was before the Senate.

On motion of Senator Jenkins, the bill was circled.

* * *

On motion of Senator Goodfellow, legislative staff was authorized to draft a resolution encouraging GOOGLE to build a fiber optic infrastructure system in Utah.

* * *

On motion of Senator Jenkins, the Senate voted to move to Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Mayne, the circle was removed from **2nd Sub. H.B. 124**, CAMPAIGN FUNDS EXPENDITURE RESTRICTIONS, and it was before the Senate. Senator Mayne explained the bill.

Senator Valentine proposed the following amendment:

1. Page 13, Line 394

394 (m) for one or more guests of an officeholder or candidate
 {~~-at~~ } to attend an event , meeting, or conference
 described in this

Senator Valentine's motion to amend passed on a voice vote.

On motion of Senator Mayne, under suspension of the rules, **2nd Sub. H.B. 124**, CAMPAIGN FUNDS EXPENDITURE RESTRICTIONS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Buttars	Goodfellow
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2nd Sub. H.B. 124, as amended, was returned to the House for further consideration. President Waddoups noted that all the senators report a conflict of interest.

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On motion of Senator Jenkins, the circle was removed from **1st Sub. H.B. 267**, LOBBYIST DISCLOSURE AND REGULATION ACT AMENDMENTS, and it was before the Senate.

On motion of Senator Jenkins, under suspension of the rules, **1st Sub. H.B. 267**, LOBBYIST DISCLOSURE AND REGULATION ACT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Buttars

1st Sub. H.B. 267, as amended, was returned to the House for further consideration.

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On motion of Senator Stowell, the circle was removed from **H.J.R. 15**, JOINT RESOLUTION ON LEGISLATIVE ETHICS COMMISSION, and it was before the Senate. Senators Hillyard, Valentine, Romero, McAdams, and Jones commented.

Senator Romero proposed the following amendment:

- 1. Page 2, Line 40:
After "rule" insert "for the citizens may by initiative"

Senator Romero’s motion to amend failed on a voice vote.

On motion of Senator Stowell, under suspension of the rules, **H.J.R. 15**, JOINT RESOLUTION ON LEGISLATIVE ETHICS COMMISSION, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Buttars	McAdams	Robles	Romero
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H.J.R. 15 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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On motion of Senator Niederhauser the Senate vote to lift **H.J.R. 14** and **1st Sub. H.B. 270** to the top of the Second Reading Calendar.

* * *

On motion of Senator Niederhauser, under suspension of the rules, **H.J.R. 14**, JOINT RULES RESOLUTION ON FINANCIAL DISCLOSURES, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell		

Voting in the negative were: Senators

Buttars Waddoups

Absent or not voting was: Senator

Greiner

H.J.R. 14 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Niederhauser, under suspension of the rules, **1st Sub. H.B. 270, FINANCIAL DISCLOSURE AND CONFLICT OF INTEREST AMENDMENTS**, was considered read the second and third times and passed on the following roll call:

Yeas, 24; Nays, 2; Absent, 3.

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell

Voting in the negative were: Senators

Buttars Waddoups

Absent or not voting were: Senators

Adams Knudson H. Stephenson

1st Sub. H.B. 270, as amended, was returned to the House for further consideration.

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On motion of Senator Jenkins, and at 9:45 a.m., the Senate sauntered.

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

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 4, 2010

The House substituted and passed, **1st Sub. S.B. 32**, RAINWATER HARVESTING, by S. Jenkins, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

THIRD READING CALENDAR

On motion of Senator Bramble, **H.B. 68**, HABITUAL WANTON DESTRUCTION OF WILDLIFE, was read the third time and circled.

CONCURRENCE CALENDAR

On motion of Senator Bramble, the circle was removed from **5th Sub. S.B. 88**, PHARMACY PRACTICE ACT AMENDMENTS , and it was before the Senate.

On motion of Senator Bramble, the Senate voted to concur in the House amendments to **5th Sub. S.B. 88**, PHARMACY PRACTICE ACT AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Van Tassell
Waddoups			

Absent or not voting were: Senators

Christensen	Hillyard	Madsen	Valentine
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5th Sub. S.B. 88 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

On motion of Senator Christensen, the circle was removed from **H.B. 68**, HABITUAL WANTON DESTRUCTION OF WILDLIFE, and it was before the Senate. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Buttars	Hillyard
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H.B. 68 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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On motion of Senator Liljenquist, the Senate voted to lift **H.B. 73**, UTAH CONSTRUCTION TRADES CONTINUING EDUCATION AMENDMENTS, **H.B. 18**, UNEMPLOYMENT INSURANCE AMENDMENTS, and **H.B. 200**, INFORMED CONSENT AMENDMENTS, from the Third Reading Table and place them on the bottom of the Third Reading Calendar.

* * *

H.B. 228, RENEWABLE ENERGY SOURCE AMENDMENTS, was read the third time, explained by Senator Adams, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen

Mayne	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative was: Senator
McAdams

Absent or not voting were: Senators
Buttars Christensen Hillyard

H.B. 228 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 302, MINOR ADJUSTMENTS TO COUNTY BOUNDARIES, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators
Christensen Hillyard Niederhauser

H.B. 302 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Liljenquist, **H.B. 118**, ECONOMIC DEVELOPMENT INCENTIVES MODIFICATIONS, was placed on Third Reading Table due to fiscal impact.

On motion of Senator Liljenquist, **H.B. 250**, CRIMINAL PENALTIES AMENDMENTS – LEAVING THE SCENE OF AN ACCIDENT, was placed on Third Reading Table due to fiscal impact.

* * *

H.B. 279, COUNTY RECORDER AMENDMENTS, was read the third time, explained by Senator Adams, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Okerlund
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble	Christensen	Hillyard	Niederhauser
Robles			

H.B. 279, as amended, was returned to the House for further consideration.

* * *

H.B. 230, HUMAN TRAFFICKING AMENDMENTS, was read the third time, explained by Senator Adams, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Dayton	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Christensen	Davis	Goodfellow
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H.B. 230 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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H.B. 239, CHILD PROTECTION REVISIONS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Davis	Dayton
Greiner	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Christensen	Goodfellow	Hillyard
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H.B. 239 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.J.R. 6, STRANGULATION AND DOMESTIC VIOLENCE JOINT RESOLUTION, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	J. Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Hillyard	Hinkins	H. Stephenson
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H.J.R. 6 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Niederhauser, **H.B. 257, DIETITIAN CERTIFICATION ACT AMENDMENTS**, was read the third time and circled.

* * *

On motion of Senator Christensen, the circle was removed from **H.B. 257**, DIETITIAN CERTIFICATION ACT AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Jenkins
Jones	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	J. Stevenson	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Dayton	Stowell
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Absent or not voting were: Senators

Hillyard	Hinkins	Knudson	H. Stephenson
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H.B. 257 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 202, FIREWORKS AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Jenkins
Jones	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	J. Stevenson	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Dayton	Stowell
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Absent or not voting were: Senators

Hillyard	Hinkins	Knudson	H. Stephenson
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H.B. 202 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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H.B. 183, CONSTRUCTION AND FIRE CODE RELATED AMENDMENTS, was read the third time, explained by Senator Adams, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Jenkins	Jones	Liljenquist	Madsen
Mayne	McAdams	Morgan	Okerlund
Robles	Romero	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Hillyard	Hinkins	Knudson	Niederhauser
H. Stephenson			

H.B. 183 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Jenkins, **H.B. 260, CHILDREN’S HEALTH INSURANCE PLAN SIMPLIFIED RENEWAL**, was read the third time and circled.

* * *

H.B. 120, UNDERGROUND STORAGE TANK AMENDMENTS, was read the third time, explained by Senator Okerlund, and passed on the following roll call:

Yeas, 18; Nays, 0; Absent, 11.

Voting in the affirmative were: Senators

Adams	Buttars	Davis	Dayton
Goodfellow	Jenkins	Jones	Liljenquist
McAdams	Morgan	Okerlund	Robles
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Christensen	Greiner	Hillyard
Hinkins	Knudson	Madsen	Mayne
Niederhauser	Romero	H. Stephenson	

H.B. 120 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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On motion of Senator Jenkins, **H.B. 285**, PRACTICE OF VETERINARY MEDICINE, was read the third time and circled.

* * *

H.B. 240, DEPARTMENT OF NATURAL RESOURCES AMENDMENTS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

Yeas, 23; Nays, 1; Absent, 5.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Jenkins
Jones	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative was: Senator

Dayton

Absent or not voting were: Senators

Hillyard	Hinkins	Knudson	Madsen
H. Stephenson			

H.B. 240 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.B. 304, LIEUTENANT GOVERNOR AMENDMENTS, was read the third time and explained by Senator Mayne. Senator Stowell commented and the bill passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jones
Knudson	Liljenquist	Mayne	Morgan
Niederhauser	Okerlund	Robles	Romero
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Adams	Buttars	Hillyard	Jenkins
Madsen	McAdams	H. Stephenson	

1st Sub. H.B. 304 was signed by the President of the Senate and returned to the House for signature of the Speaker.

SPECIAL RECOGNITION

A citation was read honoring Utah's fallen soldiers. Those soldiers honored included: Michael B. Alleman, Cory Jenkins, Kurt Curtiss, Kimble Han, and Aaron T. Nemelka.

THIRD READING CALENDAR

H.B. 308, STATE FIRE CODE ADOPTION, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Buttars	Christensen	Hillyard	Madsen
Niederhauser			

H.B. 308 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Knudson, the circle was removed from **H.B. 260**, CHILDREN'S HEALTH INSURANCE PLAN SIMPLIFIED RENEWAL, and it was before the Senate. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Buttars	Christensen	Hillyard	Madsen
Niederhauser			

H.B. 260 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Hinkins, the circle was removed from **H.B. 285**, PRACTICE OF VETERINARY MEDICINE, and it was before the Senate. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Hillyard	Madsen	Niederhauser
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H.B. 285 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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H.B. 315, UTAH PUBLIC NOTICE WEBSITE AMENDMENTS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Liljenquist
Mayne	McAdams	Morgan	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative was: Senator
Dayton

Absent or not voting were: Senators

Knudson	Madsen	Niederhauser
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H.B. 315 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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H.B. 116, POLITICAL SUBDIVISION FACILITY ENERGY EFFICIENCY, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Liljenquist	Mayne	McAdams	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Knudson	Madsen	Morgan
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H.B. 116 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.B. 67, HEALTH SYSTEM AMENDMENTS, was read the third time and explained by Senator Adams. Senators Robles, Greiner, McAdams, Goodfellow, Mayne, and Bramble commented.

On motion of Senator Bramble, the bill was circled.

* * *

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

AFTERNOON SESSION

The Senate reassembled at 2:45 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 4, 2010

The House passed, **S.B. 38**, RESTRICTIONS ON HIGH OCCUPANCY VEHICLE LANE, by Senator K. Morgan, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 69**, COLLEGE OF EASTERN UTAH AFFILIATION WITH UTAH STATE UNIVERSITY, by Senator D. Hinkins, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 70**, MOTOR VEHICLE LIABILITY AMENDMENTS – MINOR DRIVERS, by Senator S. Urquhart, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 74**, STATE PARK HIGHWAY ACCESS AMENDMENTS, by Senator D. Hinkins, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **2nd Sub. S.B. 136**, OPEN AND PUBLIC MEETINGS REVISIONS RELATED TO REVIEW OF ETHICS COMPLAINTS, by Senator J. Valentine, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 138**, GRAMA REVISIONS RELATED TO REVIEW OF ETHICS COMPLAINTS, by Senator J. Valentine, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 141**, UTAH SUBSTANCE ABUSE AND ANTI-VIOLENCE COORDINATING COUNCIL AMENDMENTS, by Senator J. S. Adams, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 173**, BUSINESS ENTITY AMENDMENTS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 10**, JOINT RESOLUTION SUPPORTING THE EXPANSION OF CORRECTIONAL FACILITIES IN UINTAH COUNTY, by Senator K. Van Tassell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 11**, UTAH ATHLETIC FOUNDATION RESOLUTION, by Senator S. Urquhart, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 38, 1st Sub. S.B. 69, S.B. 70, S.B. 74, 2nd Sub. S.B. 136, 1st Sub. S.B. 138, S.B. 141, S.B. 173, S.J.R. 10, and S.J.R. 11 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

March 4, 2010

The House concurred in the Senate amendments and passed **H.B. 108**, MEAT INSPECTION AMENDMENTS, by Representative J. Mathis, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 114**, DISCLOSURE OF DONATIONS TO HIGHER EDUCATION INSTITUTIONS, by Representative C. Wimmer, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 201**, STATE FIRE MARSHAL MODIFICATIONS, by Representative R. Menlove, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 108, **1st Sub. H.B. 114**, and **1st Sub. H.B. 201** were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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Mr. President:

March 4, 2010

The House passed, as amended, **H.B. 343**, GREAT SALT LAKE ADVISORY COUNCIL, by Representative B. Ferry, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 365**, DEPARTMENT OF CORRECTIONS REGISTRY AMENDMENTS, by Representative D. Aagard, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 343** and **H.B. 365** were read the first time and referred to the Rules Committee.

* * *

Mr. President:

March 4, 2010

The House passed, as amended, **2nd Sub. S.J.R. 3**, JOINT RESOLUTION ON ETHICS COMPLAINT PROCEDURES, by Senator J. Valentine, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

RULES COMMITTEE REPORTS

To the Members of the Senate:

March 4, 2010

The Rules Committee recommends that **H.B. 221**, Sunset Act and Repealers Reauthorization, (Rep. K. Garn) be replaced and favorably recommends that **1st Sub. H.B. 221**, Sunset Act and Repealers Reauthorization be adopted and be placed at the bottom of the Second Reading Calendar.

Margaret Dayton

Rules Committee Chair

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

TIME CERTAIN CALENDAR

On motion of Senator Knudson, under suspension of the rules, **S.B. 209**, HUMANITARIAN SERVICE AND EDUCATIONAL AND CULTURAL EXCHANGE SUPPORT SPECIAL GROUP LICENSE PLATE, was considered read the second and third times. Senators Bramble, Van Tassell, Davis, and Knudson declared conflicts of interest. Senator Knudson explained the bill. Senators Bramble, Davis, and Van Tassell commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Jones	Madsen	Romero
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S.B. 209 was transmitted to the House.

THIRD READING CALENDAR

On motion of Senator Van Tassell, the Senate voted to reconsider its action on **H.B. 17**, AMENDMENTS TO PROGRAMS FOR PEOPLE WITH DISABILITIES. Senators Robles and Liljenquist commented.

H.B. 17, AMENDMENTS TO PROGRAMS FOR PEOPLE WITH DISABILITIES, was read the third time and explained by Senator Liljenquist. Senators Urquhart, Greiner, Jenkins, Jones, and Robles commented and the bill passed on the following roll call:

Yeas, 16; Nays, 11; Absent, 2.

Voting in the affirmative were: Senators

Christensen	Davis	Goodfellow	Hillyard
Hinkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Robles	Romero	Urquhart	Van Tassell

Voting in the negative were: Senators

Adams	Buttars	Dayton	Greiner
Jenkins	Madsen	Okerlund	H. Stephenson
J. Stevenson	Stowell	Valentine	

Absent or not voting were: Senators

Bramble	Waddoups
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H.B. 17 was signed by the President of the Senate and returned to the House for the signature of the Speaker.

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H.B. 115, COUNSEL FOR INDIGENTS IN JUVENILE COURT PROCEEDINGS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell		

Absent or not voting were: Senators

Bramble	H. Stephenson	Waddoups
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H.B. 115, as amended, was returned to the House for further consideration.

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H.B. 125, KIDNAPPING AND SEX OFFENDER REGISTRY AMENDMENTS, was read the third time and explained by Senator Mayne. Senators Greiner and Hillyard commented and the bill failed on the following roll call:

Yeas, 13; Nays, 14; Absent, 2.

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Goodfellow	Jones	Madsen	Mayne
McAdams	Morgan	Robles	Valentine
Van Tassell			

Voting in the negative were: Senators

Adams	Greiner	Hillyard	Hinkins
Jenkins	Knudson	Liljenquist	Okerlund
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Waddoups		

Absent or not voting were: Senators

Buttars	Niederhauser
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H.B. 125 was filed

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On motion of Senator Dayton, **1st Sub. H.B. 234**, OPTING OUT OF THE REAL ID ACT, was read the third time and circled.

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H.B. 276, SEX OFFENDER REGISTRY AMENDMENTS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Goodfellow	Niederhauser
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H.B. 276 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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1st Sub. H.B. 284, UNIFORM COLLABORATIVE LAW ACT, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Buttars	Mayne
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1st Sub. H.B. 284 was returned to the House for further consideration.

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1st Sub. H.B. 178, BUREAU OF CRIMINAL IDENTIFICATION FEE AMENDMENTS, was read the third time and explained by Senator Greiner. Senators Buttars and Bramble commented.

On motion of Senator Greiner, the bill was circled.

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H.B. 176, CONTINUING EDUCATION REQUIREMENTS FOR ELECTRICIANS AND PLUMBERS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

Yeas, 23; Nays, 6; Absent, 0.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Knudson	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	J. Stevenson	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Buttars	Dayton	Hillyard	Liljenquist
H. Stephenson	Stowell		

H.B. 176 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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1st Sub. H.B. 275, DIVISION OF REAL ESTATE AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Adams	Goodfellow	H. Stephenson
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1st Sub. H.B. 275 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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On motion of Senator Greiner, the circle was removed from **1st Sub. H.B. 178**, BUREAU OF CRIMINAL IDENTIFICATION FEE AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Buttars	Dayton
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Absent or not voting were: Senators

Madsen	H. Stephenson
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1st Sub. H.B. 178 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.J.R. 23, JOINT RESOLUTION APPROVING THE SALE OF REAL PROPERTY AT THE UTAH STATE DEVELOPMENTAL CENTER, was read the third time, explained by Senator Valentine, and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	Hillyard	Liljenquist	Madsen
Mayne	H. Stephenson		

H.J.R. 23 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.J.R. 27, AUTHENTIC CHARITY HEALTH CARE JOINT RESOLUTION, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	J. Stevenson
Stowell	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Hillyard	Liljenquist	Madsen	H. Stephenson
Urquhart			

H.J.R. 27 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Adams, the circle was removed from **1st Sub. H.B. 67**, HEALTH SYSTEM AMENDMENTS, and it was before the Senate.

Senator Adams proposed the following amendment:

- 1. Page 1, Lines 16 through 17

16 federal health care reform unless the {~~Legislature approves the implementation in~~

17 statute after receiving a report regarding } agency reports to the Legislature :

- 2. Page 1, Lines 21 through 23:

21 provision; {~~and~~}

22 • impact to the citizens of the state if reform efforts are implemented or not

23 implemented ; and
▶ prohibits an individual in this state from being required to purchase health insurance .

- 3. Page 3, Lines 76i through 76j
Senate 2nd Reading Amendments
3-3-2010:

76i (e) creates new insurance coverage mandates;
{~~and~~} or

76j (f) creates a new government run, public insurance program.

←H

(4) (a) An individual in this state may not be required to obtain or maintain health insurance as defined in Section 31A-1-301, regardless of whether the individual has or is eligible for health insurance coverage under any policy or program provided by or through the individual's employer or a plan sponsored by the state or federal government.

(b) The provisions of this title may not be used to hold an individual in this state liable for any penalty, assessment, fee, or fine as a result of the individual's failure to procure or obtain health insurance coverage.

(c)This section does not apply to an individual who voluntarily applies for coverage under a state administered program pursuant to Title XIX or Title XXI of the Social Security Act.

Senator Adams' motion to amend passed on a voice vote. Senators Robles, Jones, Davis, Bramble, McAdams, and Buttars commented. The bill passed on the following roll call:

Yeas, 22; Nays, 7; Absent, 0.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Niederhauser	Okerlund	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative were: Senators

Davis	Goodfellow	Mayne	McAdams
Morgan	Robles	Romero	

1st Sub. H.B. 67, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Dayton, the circle was removed from **1st Sub. H.B. 234**, OPTING OUT OF THE REAL ID ACT, and it was before the Senate. The bill passed on the following roll call:

Yeas, 23; Nays, 5; Absent, 1.

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Dayton
Goodfellow	Hinkins	Jenkins	Jones
Knudson	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Waddoups	

Voting in the negative were: Senators

Davis	Greiner	Hillyard	Liljenquist
Van Tassell			

Absent or not voting was: Senator
Bramble

1st Sub. H.B. 234, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Christensen, **1st Sub. H.B. 92**, MOIST SNUFF TAXATION REVISIONS, was read the third time and circled.

* * *

H.B. 181, CONDOMINIUM ASSOCIATION COMMON EXPENSES, was read the third time, explained by Senator Romero, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Hillyard	Hinkins	Morgan
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H.B. 181 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Liljenquist, **H.B. 215**, AMENDMENTS TO PUBLIC EMPLOYEES' BENEFIT AND INSURANCE PROGRAM ACT – RISK POOLS, was read the third time and circled.

* * *

On motion of Senator Christensen, **2nd Sub. H.B. 278**, GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT AMENDMENTS, was read the third time and circled.

* * *

On motion of Senator Christensen, **1st Sub. H.B. 265**, REAL PROPERTY AMENDMENTS, was read the third time and circled.

* * *

On motion of Senator Niederhauser, the Senate voted to suspend the 24-hour rule and consider bills on the Third Reading Calendar below the line.

* * *

H.B. 73, UTAH CONSTRUCTION TRADES CONTINUING EDUCATION AMENDMENTS, was read the third time, explained by Senator Adams, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative was: Senator
Buttars

Absent or not voting were: Senators

Bramble	Hillyard	McAdams
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H.B. 73, as amended, was returned to the House for further consideration.

* * *

H.B. 18, UNEMPLOYMENT INSURANCE AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

Yeas, 20; Nays, 6; Absent, 3.

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Goodfellow
Greiner	Hinkins	Jones	Madsen

Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	J. Stevenson
Stowell	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

Adams	Buttars	Dayton	Jenkins
Liljenquist	Urquhart		

Absent or not voting were: Senators

Hillyard	Knudson	H. Stephenson
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H.B. 18, as amended, was returned to the House for further consideration.

* * *

H.B. 200, INFORMED CONSENT AMENDMENTS, was read the third time, explained by Senator Buttars, and passed on the following roll call:

Yeas, 20; Nays, 7; Absent, 2.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Dayton	Greiner	Hinkins	Jenkins
Knudson	Liljenquist	Morgan	Niederhauser
Okerlund	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

Davis	Goodfellow	Jones	Mayne
McAdams	Robles	Romero	

Absent or not voting were: Senators

Hillyard	Madsen
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H.B. 200, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Bramble, the circle was removed from **1st Sub. H.B. 265**, REAL PROPERTY AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Dayton	Hillyard	Madsen
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1st Sub. H.B. 265 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, the circle was removed from **2nd Sub. H.B. 278, GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT AMENDMENTS**, and it was before the Senate. Senator Greiner commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Hillyard	Madsen
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2nd Sub. H.B. 278 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, the circle was removed from **1st Sub. H.B. 92, MOIST SNUFF TAXATION REVISIONS**, and it was before the Senate. The bill passed on the following roll call:

Yeas, 20; Nays, 6; Absent, 3.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Goodfellow	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
J. Stevenson	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

Buttars	Dayton	Greiner	Hinkins
Madsen	H. Stephenson		

Absent or not voting were: Senators

Hillyard	Stowell	Urquhart
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1st Sub. H.B. 92, as amended, was returned to the House for further consideration.

SECOND READING CALENDAR

S.B. 40, CIGARETTE AND TOBACCO TAX AMENDMENTS, was read the second time.

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

1st Sub. S.B. 40 Cigarette and Tobacco Tax Amendments (A. Christensen)

Senator Christensen proposed the following amendment:

1. Page 1, Lines 20 through 23

20 • for tobacco products, except moist snuff and
cigars , from 35% to 86% of the

21 manufacturer’s sale price; {~~and~~}

22 • for moist snuff, from \$.75 to \$1.83 per ounce; and
• for cigars, the lesser of 86% of the manufacturer’s sale price or \$10
per cigar;

23 {~~► allocates money from funds generated by the tax~~
~~increase described in this bill; -}~~

► modifies allocation of funds from the Cigarette Tax Restricted
Account;

2. Page 2, Line 34:

34 AMENDS:

59-14-102, as last amended by Laws of Utah 2008, Chapter 204

3. Page 2, Line 47:

47 Be it enacted by the Legislature of the state of Utah:

Section 1. Section 59-14-102 is amended to read:

59-14-102. Definitions.

As used in this chapter:

(1) "Cigar" means a roll for smoking made wholly or in part of tobacco:

(a) regardless of:

(i) the size of the roll;

(ii) the shape of the roll; or

(iii) whether the tobacco is:

(A) flavored;

(B) adulterated; or

(C) mixed with any other ingredient; and

(b) that is wrapped in leaf tobacco or any substance or material containing tobacco.

~~{-(1)-}~~ (2) "Cigarette" means a roll for smoking made wholly or in part of tobacco:

(a) regardless of:

(i) the size of the roll;

(ii) the shape of the roll; or

(iii) whether the tobacco is:

(A) flavored;

(B) adulterated; or

(C) mixed with any other ingredient; and

(b) if the wrapper or cover of the roll is made of paper or any other substance or material except tobacco.

~~{-(2)-}~~ (3) "Consumer" means a person that is not required:

(a) under Section 59-14-201 to obtain a license under Section 59-14-202; or

(b) under Section 59-14-301 to obtain a license under Section 59-14-202.

~~{-(3)-}~~ (4) "Counterfeit cigarette" means:

(a) a cigarette that has a false manufacturing label; or

(b) a package of cigarettes bearing a counterfeit tax stamp.

~~{-(4)-}~~ (5) “Importer” means a person who imports into the United States, either directly or indirectly, a finished cigarette for sale or distribution.

~~{-(5)-}~~ (6) “Indian tribal entity” means a federally recognized Indian tribe, tribal entity, or any other person doing business as a distributor or retailer of cigarettes on tribal lands located in the state.

~~{-(6)-}~~ (7) “Manufacturer” means a person who manufactures, fabricates, assembles, processes, or labels a finished cigarette.

~~{-(7)-}~~ (8) “Moist snuff” means tobacco that is:

(a) finely:

(i) cut;

(ii) ground; or

(iii) powdered; and

(b) not intended to be:

(i) smoked; or

(ii) placed in the nasal cavity.

~~{-(8)-}~~ (9) “Retailer” means a person that:

(a) sells or distributes a cigarette to a consumer in the state; or

(b) intends to sell or distribute a cigarette to a consumer in the

state.

~~{-(9)-}~~ (10) “Stamp” means the indicia required to be placed on a cigarette package that evidences payment of the tax on cigarettes required by Section 59-14-205.

~~{-(10)-}~~ (11) (a) “Tobacco product” means a product made of, or containing tobacco.

(b) “Tobacco product” includes moist snuff.

(c) “Tobacco product” does not include a cigarette.

~~{-(11)-}~~ (12) “Tribal lands” means land held by the United States in trust for a federally recognized Indian tribe.

4. Page 3, Lines 80 through 87:

80 ~~{-(e)-} \$250,000 of the revenue generated from the tax increase imposed under this section~~

81 ~~during the 2010 General Session shall be annually appropriated to the Department of Health for~~

82 ~~use in the Gold Medal Schools Program.~~

83 ~~{-(e)-}~~ (f) Any balance remaining in the Cigarette Tax Restricted Account at the end of

84 the fiscal year shall be appropriated during the next fiscal year for the purposes set forth in

85 Subsections (5)(d)(i) through (5)(d)(iii) in proportion to the amount of revenue deposited into

86 the account for each purpose. }

87 [(f)] { ~~(g)~~ } (e) The Legislature shall give particular consideration to appropriating any

5. Page 4, Line 91:

91 [~~(g)~~] { ~~(h)~~ } (f) Any program or entity that receives funding under Subsection (5)(d) { ~~or (e)~~ }

6. Page 5, Lines 147 through 149:

147 (a) for tobacco products except for moist snuff and cigars , [35% of] .86 multiplied by the

148 manufacturer's sales price; [or] { ~~and~~ }

149 (b) subject to Subsection (5), for moist snuff, [\$.75] \$1.83 per ounce { ~~—~~ } ; and

(c) for cigars, the lesser of:

(i) .86 multiplied by the manufacturer's sales price; or

(ii) \$10 per cigar.

Renumber remaining sections accordingly.

Senator Christensen's motion to amend passed on a voice vote. Senator Christensen explained the bill. Senators Jones, Valentine, and Bramble commented.

On motion of Senator Christensen, under suspension of the rules, **1st Sub. S.B. 40, CIGARETTE AND TOBACCO TAX AMENDMENTS**, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 20; Nays, 9; Absent, 0.

Voting in the affirmative were: Senators

Bramble	Christensen	Hillyard	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

Adams	Buttars	Davis	Dayton
Goodfellow	Greiner	Hinkins	Madsen
H. Stephenson			

1st Sub. S.B. 40 was transmitted to the House.

* * *

On motion of Senator Bramble, the Senate voted to move **S.B. 227** to the top of the Second Reading Calendar.

* * *

S.B. 227, INTERLOCAL ENERGY AMENDMENTS, was read the second time.

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

1st Sub. S.B. 227 Interlocal Energy Amendments (C. Bramble)

On motion of Senator Bramble, the bill was circled.

* * *

Senator Romero requested that **H.B. 125, KIDNAPPING AND SEX OFFENDER REGISTRY AMENDMENTS**, be held in the Senate for 24 hours.

* * *

On motion of Senator Okerlund, the circle was removed from **1st Sub. S.B. 199, MUNICIPAL BOUNDARY CLARIFICATION**, and it was before the Senate.

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

2nd Sub. S.B. 199 Municipal Boundary Clarification (K. Okerlund)

On motion of Senator Okerlund, the bill was circled.

* * *

On motion of Senator Niederhauser and at 5:10 p.m., the Senate adjourned until 9:00 a.m., Friday, March 5, 2010.

THIRTY-NINTH DAY

MORNING SESSION

March 5, 2010

The Senate was called to order at 9:10 a.m., with President Michael Waddoups presiding.

Prayer – President Bart Olson, Santaquin LDS Stake

Pledge of Allegiance – Senator Stephen Urquhart

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS

(PLEASE REFER TO DAY 1, PAGE 72)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 4, 2010

The Speaker of the House has signed **2nd Sub. S.B. 48**, NONLAPSING AUTHORITY TECHNICAL AMENDMENTS, by Senator R. Okerlund, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **5th Sub. S.B. 88**, PHARMACY PRACTICE ACT AMENDMENTS, by Senator C. Bramble, and it is transmitted for the signature of the President; and

The House passed, **2nd Sub. S.B. 274**, ONLINE PHARMACY AMENDMENTS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

2nd Sub. S.B. 48, **5th Sub. S.B. 88**, and **2nd Sub. S.B. 274** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

March 4, 2010

The House passed **H.B. 450**, FISHING LICENSE AMENDMENTS – DISABLED VETERANS, by Representative T. Cosgrove, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 450** was read the first time and referred to the Rules Committee.

* * *

Mr. President: March 4, 2010

The House passed, as amended, **S.B. 113**, WIRELESS TELEPHONE USE RESTRICTION FOR MINORS IN VEHICLES, by Senator R. Romero, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 143**, GRAND JURY AMENDMENTS, by Senator D. Liljenquist, and it is transmitted for further consideration; and

The House passed, as amended, **1st Sub. S.B. 144**, VISION SCREENING AMENDMENTS, by Senator W. Niederhauser, and it is transmitted for further consideration; and

The House passed, as amended, **3rd Sub. S.B. 145**, MEDICAL MALPRACTICE AMENDMENTS, by Senator J. S. Adams, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

* * *

Mr. President: March 4, 2010

The House refuses to recede from its amendments to **1st Sub. S.B. 76**, TRUST DEED AMENDMENTS, by Senator J. Valentine, and has appointed a Conference Committee consisting of Representatives L. Fowlke, R. C. Webb, and B. King to meet with a like committee from the Senate on this bill.

Sandy D. Tenney, Chief Clerk

On motion of Senator Valentine, the Senate voted to refuse to recede from its amendments to **1st Sub. S.B. 76**. President Waddoups appointed a conference committee consisting of Senators Valentine, Christensen, and Davis to meet with a like committee from the House.

CONSENT CALENDAR

H.B. 341, UNIFORM ATHLETE AGENTS ACT, was read the third time, explained by Senator Stevenson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner

Hillyard	Hinkins	Jenkins	Jones
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Romero	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Knudson	McAdams	Robles	H. Stephenson
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H.B. 341 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, **2nd Sub. H.B. 388**, MOBILE HOME REVISIONS, was read the third time and circled.

* * *

On motion of Senator Jenkins, **H.B. 161**, REGISTRATION AMENDMENTS, was read the third time and circled.

* * *

H.B. 310, SPENDING LIMITS AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Goodfellow	Knudson	Mayne	Robles
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H.B. 310 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.C.R. 12, PRINTING AND GRAPHIC ARTS RECOGNITION MONTH CONCURRENT RESOLUTION, was read the third time and explained by Senator Bramble. Senator Bramble declared a conflict of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Liljenquist	Madsen	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Knudson	Mayne
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H.C.R. 12 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Jenkins, the circle was removed from **H.B. 161, VOTER REGISTRATION AMENDMENTS**, and it was before the Senate. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Liljenquist	Madsen	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Knudson	Mayne
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H.B. 161 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Valentine, the circle was removed from **2nd Sub. H.B. 388, MOBILE HOME REVISIONS**, and it was before the Senate. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Knudson

2nd Sub. H.B. 388 was returned to the House for further consideration.

CONCURRENCE CALENDAR

On motion of Senator Jenkins, the Senate voted to concur in the House amendments to **1st Sub. S.B. 32, RAINWATER HARVESTING**. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Jenkins	Jones	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Van Tassell	Waddoups		

Voting in the negative was: Senator

Hinkins

Absent or not voting were: Senators

Knudson Valentine

1st Sub. S.B. 32 was returned to the House for the signature of the Speaker.

* * *

2nd Sub. S.J.R. 3, JOINT RESOLUTION ON ETHICS COMPLAINT PROCEDURES, was before the Senate.

On motion of Senator Jenkins, the bill was circled.

* * *

On motion of Senator Romero, the Senate voted to concur in the House amendments to **S.B. 113, WIRELESS TELEPHONE USE RESTRICTION FOR MINORS IN VEHICLES**. The bill, as amended, passed on the following roll call:

Yeas, 20; Nays, 7; Absent, 2.

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Goodfellow
Greiner	Hillyard	Jones	Knudson
Liljenquist	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	J. Stevenson
Stowell	Urquhart	Van Tassell	Waddoups

Voting in the negative were: Senators

Adams	Buttars	Dayton	Hinkins
Jenkins	Madsen	H. Stephenson	

Absent or not voting were: Senators

Mayne Valentine

S.B. 113 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Liljenquist, the Senate voted to concur in the House amendments to **S.B. 143, GRAND JURY AMENDMENTS**. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard

Hinkins	Jenkins	Jones	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Knudson	Valentine
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S.B. 143 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to **1st Sub. S.B. 144**, VISION SCREENING AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Waddoups		

Absent or not voting were: Senators

Davis	Valentine	Van Tassell
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1st Sub. S.B. 144 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Adams, the Senate voted to concur in the House amendments to **3rd Sub. S.B. 145**, MEDICAL MALPRACTICE AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner

Hillyard	Hinkins	Jenkins	Jones
Knudson	Madsen	Mayne	McAdams
Okerlund	Robles	Romero	J. Stevenson
Stowell	Urquhart	Valentine	Waddoups

Voting in the negative was: Senator Morgan

Absent or not voting were: Senators Liljenquist Niederhauser H. Stephenson Van Tassell

3rd Sub. S.B. 145 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Valentine, the circle was removed from **2nd S.J.R. 3**, JOINT RESOLUTION ON ETHICS COMPLAINT PROCEDURES, and it was before the Senate.

On motion of Senator Valentine, the Senate refused to concur in the House amendments. **2nd Sub. S.J.R. 3** was returned to the House.

INTRODUCTION OF BILLS

S.B. 259, Amendments to Tobacco Tax (A. Christensen), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Christensen, the Senate voted to lift **S.B. 259**, AMENDMENTS TO TOBACCO TAX, from the Rules Committee and placed it at the top of the Second Reading Calendar.

TIME CERTAIN CALENDAR

COMMITTEE OF THE WHOLE

On motion of Senator Buttars, Lynette Weed and Christopher Campbell, victims of identity theft, spoke in Committee of the Whole.

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

S.B. 251, VERIFICATION OF EMPLOYMENT ELIGIBILITY, was read the second time.

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

1st Sub. S.B. 251 Verification of Employment Eligibility (D. C. Buttars)

Senator Buttars explained the bill.

Senator Robles proposed the following amendment:

- 1. Page 3, Lines 77 through 78

77 (1) A private employer who employs {~~15~~} 500 or
more employees as of July 1, 2010, may not
78 hire a new employee on or after July 1, 2010, unless the private
employer.

Senator Robles' motion to amend failed on a voice vote. Senators Knudson, Stevenson, Romero, Greiner, Valentine, Jones, and Hinkins commented.

On motion of Senator Buttars, under suspension of the rules, **1st Sub. S.B. 251, VERIFICATION OF EMPLOYMENT ELIGIBILITY**, was considered read the second and third times. Senator Valentine declared a conflict of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Dayton	Goodfellow	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	Morgan	Niederhauser
Okerlund	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

Davis	McAdams	Robles	Romero
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Absent or not voting was: Senator Greiner

1st Sub. S.B. 251 was transmitted to the House.

* * *

On motion of Senator Hillyard, legislative staff was authorized to draft a bill regarding bonding for USTAR and University of Utah buildings.

THIRD READING CALENDAR

On motion of Senator Hillyard, the Senate voted to reconsider its action on **H.B. 125, HEALTH REFORM – ADMINISTRATIVE SIMPLIFICATION**. The bill was placed on the Third Reading Calendar.

On motion of Senator Hillyard, the bill was circled.

* * *

On motion of Senator Liljenquist, the circle was removed from **H.B. 215, AMENDMENTS TO PUBLIC EMPLOYEES’ BENEFIT AND INSURANCE PROGRAM ACT – RISK POOLS**, and it was before the Senate. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Dayton
Greiner	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble	Davis	Goodfellow	Hillyard
Morgan			

H.B. 215 was returned to the House for further consideration.

* * *

On motion of Senator Valentine, **1st Sub. S.B. 154, POSTCONVICTION REMEDIES ACT AMENDMENTS**, was read the second time and circled.

* * *

S.B. 200, CAUSE OF ACTION AMENDMENTS, was read the second time.

On motion of Senator Urquhart the enacting clause was struck.

SECOND READING CALENDAR

On motion of Senator Christensen, under suspension of the rules, **S.B. 259, AMENDMENTS TO TOBACCO TAX**, was considered read the second and third

times. Senator Christensen explained the bill. The bill passed on the following roll call:

Yeas, 21; Nays, 5; Absent, 3.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Okerlund	Robles	Romero	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Buttars	Davis	Dayton	Madsen
H. Stephenson			

Absent or not voting were: Senators

Goodfellow	Hillyard	Niederhauser
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S.B. 259 was transmitted to the House.

* * *

On motion of Senator Greiner, under suspension of the rules, **S.B. 219**, CRIMINAL NUISANCE AMENDMENT, was considered read the second and third times. Senator Greiner explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Dayton	Hillyard	Romero
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S.B. 219 was transmitted to the House.

* * *

On motion of Senator Okerlund, the circle was removed from **2nd Sub. S.B. 199, MUNICIPAL BOUNDARY CLARIFICATION**, and it was before the Senate.

On motion of Senator Okerlund, under suspension of the rules, **2nd Sub. S.B. 199, MUNICIPAL BOUNDARY CLARIFICATION**, was considered read the second and third times. Senator Okerlund explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Dayton	Hillyard	Knudson
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2nd Sub. S.B. 199 was transmitted to the House.

* * *

On motion of Senator Adams, the circle was removed from **1st Sub. S.B. 154, POSTCONVICTION REMEDIES ACT AMENDMENTS**, and it was before the Senate.

On motion of Senator Adams, under suspension of the rules, **1st Sub. S.B. 154, POSTCONVICTION REMEDIES ACT AMENDMENTS**, was considered read the second and third times. Senator Adams explained the bill. The bill passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Dayton
Goodfellow	Greiner	Jenkins	Jones
Liljenquist	Madsen	McAdams	Morgan

Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Davis	Hillyard	Hinkins
Knudson	Mayne	Niederhauser	

1st Sub. S.B. 154 was transmitted to the House.

* * *

On motion of Senator Dayton, and at 11:05 a.m., the Senate sauntered.

The Senate was called to order at 11:30 a.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 5, 2010

The House passed, **S.B. 123**, MOTION PICTURE INCENTIVE FUND AMENDMENTS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 139**, PHYSICIAN ASSISTANT AMENDMENTS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 123 and **S.B. 139** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 5, 2010

The House concurred in the Senate amendments and passed **H.B. 115**, COUNSEL FOR INDIGENTS IN JUVENILE COURT PROCEEDINGS, by Representative K. Powell, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 124**, CAMPAIGN FUNDS EXPENDITURE RESTRICTIONS, by Representative T. Cosgrove, et al, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 259**, PROPERTY TAX AMENDMENTS, by Representative W. Harper, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 267**, LOBBYIST DISCLOSURE AND REGULATION ACT AMENDMENTS, by Representative K. Garn, et al, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 270**, FINANCIAL DISCLOSURE AND CONFLICT OF INTEREST AMENDMENTS, by Representative G. Hughes, et al, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 279**, COUNTY RECORDER AMENDMENTS, by Representative R. C. Webb, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 284**, UNIFORM COLLABORATIVE LAW ACT, by Representative L. Fowlke, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 115, 2nd Sub. H.B. 124, 2nd Sub. H.B. 259, 1st Sub. H.B. 267, 1st Sub. H.B. 270, H.B. 279, and 1st Sub. H.B. 284, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President:

March 5, 2010

The House passed, as substituted and amended, **1st Sub. H.B. 72**, UTAH SCHOOL SEISMIC HAZARD INVENTORY, by Representative L. Wiley, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 155**, AGRICULTURAL ADVISORY BOARD AND LIVESTOCK RELATED POLICY, by Representative J. Mathis, and it is transmitted for consideration; and

The House passed **H.B. 462**, CRIMINAL HOMICIDE AND ABORTION REVISIONS, by Representative C. Wimmer, and it is transmitted for consideration; and

The House passed **H.C.R. 16**, STATUE OF RESPONSIBILITY MONUMENT CONCURRENT RESOLUTION, by Representative M. Morley, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk
Communications filed. **1st Sub. H.B. 72**, **1st Sub. H.B. 155**, **H.B. 462**, and **H.C.R. 16** were read the first time and referred to the Rules Committee.

INTRODUCTION OF BILLS

S.B. 265, Budget Revisions – Drug Court Expansion (D. Liljenquist), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Valentine, **H.C.R. 16**, STATUE OF RESPONSIBILITY MONUMENT CONCURRENT RESOLUTION, will be considered today at 11:50 a.m.

SECOND READING CALENDAR

On motion of Senator Jenkins, under suspension of the rules, the Senate voted to consider Senate bills on the Second Reading Calendar read for the second and third time.

* * *

On motion of Senator Dayton, under suspension of the rules, the Senate voted to lift **H.B. 462**, CRIMINAL HOMICIDE AND ABORTION REVISIONS, from the Rules Committee and place it at the top of the Second Reading Calendar.

* * *

On motion of Senator Dayton, under suspension of the rules, **H.B. 462**, CRIMINAL HOMICIDE AND ABORTION REVISIONS, was considered read the second and third times. Senator Robles, Romero and Buttars commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Knudson	Liljenquist

Madsen	Mayne	Morgan	Okerlund
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Davis	McAdams	Robles	Romero
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Absent or not voting were: Senators

Hinkins	Niederhauser
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H.B. 462 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Stowell, under suspension of the rules, **1st Sub. S.B. 252**, BAIL BOND ACT AMENDMENTS, was considered read the second and third times. Senator Stowell explained the bill. The bill passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Knudson	Madsen	Mayne
McAdams	Morgan	Okerlund	Robles
Romero	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Adams	Buttars	Hinkins	Liljenquist
Niederhauser	H. Stephenson		

1st Sub. S.B. 252 was transmitted to the House.

* * *

On motion of Senator Robles, under suspension of the rules, **S.B. 238**, LONG-TERM CARE FACILITY – MEDICAID CERTIFICATION FOR BED CAPACITY AMENDMENTS, was considered read the second and third times. Senator Robles explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Buttars

S.B. 238 was transmitted to the House.

TIME CERTAIN CALENDAR

On motion of Senator Valentine the Senate voted to lift **H.C.R. 16, STATUE OF RESPONSIBILITY MONUMENT CONCURRENT RESOLUTION**, from rules and placed it on the Time Certain Calendar.

On motion of Senator Valentine, under suspension of the rules, **H.C.R. 16, STATUE OF RESPONSIBILITY MONUMENT CONCURRENT RESOLUTION**, was considered read the second and third times. Senator Valentine explained the bill. Senators Dayton and Urquhart commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Buttars Robles

H.C.R. 16 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Liljenquist the Senate voted to recall **H.B. 17**, AMENDMENTS TO PROGRAMS FOR PEOPLE WITH DISABILITIES, and placed it at the top of the Second Reading Calendar.

* * *

On motion of Senator Romero, the Senate voted to recall **S.B. 113**, WIRELESS TELEPHONE USE RESTRICTION FOR MINORS IN VEHICLES, and place it at the top of the Second Reading Calendar.

* * *

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

AFTERNOON SESSION

The Senate reassembled at 2:20 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 5, 2010

The Speaker of the House has signed **1st Sub. S.B. 32**, RAINWATER HARVESTING, by Senator S. Jenkins, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 143**, GRAND JURY AMENDMENTS, by Senator D. Liljenquist, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 144**, VISION SCREENING AMENDMENTS, by Senator W. Niederhauser, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **3rd Sub. S.B. 145**, MEDICAL MALPRACTICE AMENDMENTS, by Senator J. S. Adams, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 32, **S.B. 143**, **1st Sub. S.B. 144**, and **3rd Sub. S.B. 145** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 5, 2010

The House passed, as amended, **H.B. 62**, PENALTIES FOR VIOLENT CRIME IN PRESENCE OF A CHILD, by Representative Janice Fisher, and it is transmitted for consideration; and

The House passed **H.B. 130**, CANCER RESEARCH SPECIAL GROUP LICENSE PLATE, by Representative B. Dee, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 370**, CAPITAL PROJECT AMENDMENTS, by Representative S. Clark, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 408**, HOSPITAL CLAIMS MANAGEMENT, by Representative B. Last, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 425**, BUDGETARY PROCEDURES ACT – FEE AMENDMENTS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.J.R. 34**, JOINT RESOLUTION ON HOSPITAL CLAIMS MANAGEMENT, by Representative B. Last, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 62**, **H.B. 130**, **1st Sub. H.B. 370**, **1st Sub. H.B. 408**, **1st Sub. H.B. 425**, and **1st Sub. H.J.R. 34** were read the first time and referred to the Rules Committee.

* * *

Mr. President: March 5, 2010

The House transmits **H.B. 17**, AMENDMENTS TO PROGRAMS FOR PEOPLE WITH DISABILITIES, by Representative S. Mascaro, for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: March 5, 2010

With committee review, the Government Operations and Political Subdivisions Committee has returned **S.R. 1**, SENATE RULES RESOLUTION

ALLOWING ABSTAINING FROM VOTING, by Senator C. Bramble, to the Rules Committee with recommendation; and

With committee review, the Government Operations and Political Subdivisions Committee has returned **S.J.R. 8**, RESOLUTION AMENDING LEGISLATIVE RULES TO ALLOW ABSTAINING FROM VOTING, by Senator C. Bramble, to the Rules Committee with recommendation.

Peter C. Knudson, Chair

On motion of Senator Dayton, the committee reports were adopted. **S.R. 1** and **S.J.R. 8** were returned to the Rules Committee.

* * *

Mr. President:

March 5, 2010

The Joint Conference Committee comprised of Sens. Valentine, Christensen, and Davis, and Reps. Fowlke, Webb, and King, recommends **1st Sub. S.B. 76**, TRUST DEED AMENDMENTS, by Senator J. Valentine, with the following amendments:

1. Page 3, Line 82, After "request is" delete "made" and insert "received"
2. Page 3, Line 85, After "request is" delete "made" and insert "received"

Sen. John L. Valentine and
Rep. Lorie Fowlke

On motion of Senator Valentine, the Senate voted to adopt the committee report.

SECOND READING CALENDAR

On motion of Senator Romero, **S.B. 113**, WIRELESS TELEPHONE USE RESTRICTION FOR MINORS IN VEHICLES, was before the Senate and circled.

* * *

On motion of Senator Niederhauser, **S.B. 194**, ASSESSMENT AREA ACT AMENDMENTS, was read the second time and circled.

* * *

S.B. 203, VACANCIES IN COUNTY ELECTED OFFICES, was read the second time.

Senator Stephenson proposed the following amendment:

- 1. Page 1, Lines 13 through 16

13 ▶ provides that in the case of a vacancy in a county elected
 office, including a county

14 or district attorney with more than 15 attorneys , the county
 central committee of the party to which the vacating

15 office holder belongs submits one nominee instead of three to the
 county legislative

16 body;

- 2. Page 2, Line 28:

28 {~~20A-1-509.2, as enacted by Laws of Utah 1997, Chapter
 439-~~}

- 3. Page 8, Line 225: Delete lines 225 through 275.

Senator Stephenson’s motion to amend passed on a voice vote.

On motion of Senator Stephenson, under suspension of the rules, **S.B. 203**, VACANCIES IN COUNTY ELECTED OFFICES, was considered read the second and third times. Senator Stephenson explained the bill. Senators Okerlund and Jenkins commented. The bill failed on the following roll call:

Yeas, 9; Nays, 14; Absent, 6.

Voting in the affirmative were: Senators

Bramble	Christensen	Liljenquist	Madsen
Robles	H. Stephenson	J. Stevenson	Valentine
Waddoups			

Voting in the negative were: Senators

Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Mayne	Morgan	Okerlund
Romero	Van Tassell		

Absent or not voting were: Senators

Adams	Buttars	McAdams	Niederhauser
Stowell	Urquhart		

S.B. 203 was filed.

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1st Sub. S.B. 161, REAL PROPERTY TRANSFER FEE AMENDMENTS, was read the second time.

Senator Madsen proposed the following amendment:

- 1. Page 3, Lines 86 through 87

86 (B) includes articles of incorporation, bylaws, plats, charters,
the nonprofit association’s rules, and declarations of covenants,
 87 conditions, and restrictions { ~~and the nonprofit association’s~~
~~rules~~ } .

Senator Madsen’s motion to amend passed on a voice vote.

#

Senator Madsen proposed the following amendment:

- 1. Page 4, Lines 90 through 91

90 (ii) { ~~upon and as a result of a transfer of the real~~
~~property,~~ } obligates a future buyer or
 91 seller of the real property to pay to a common interest
association upon and as a result of a transfer of the real property, a
fee that is dedicated to

- 2. Page 5, Line 150:

150 effective date of this section is not enforceable after May 31,
2010, unless:

- 3. Page 6, Line 174:

174 (e) the transfer of burdened property by a financial
institution except to the extent that the reinvestment fee covenant
requires the payment of a common interest association’s costs directly
related to the transfer of the burdened property, not to exceed \$250 .

Senator Madsen’s motion to amend passed on a voice vote. Senator Madsen explained the bill. Senators Waddoups, Valentine, Greiner, Mayne, Romero, Adams, Liljenquist, Stowell, and Dayton commented.

On motion of Senator Madsen, under suspension of the rules, **1st Sub. S.B. 161**, REAL PROPERTY TRANSFER FEE AMENDMENTS, was considered read the second and third times. Senators Romero and Robles declared conflicts of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Hinkins	McAdams	Urquhart
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1st Sub. S.B. 161 was transmitted to the House.

SPECIAL RECOGNITION

The Senate recognized "Utah Schools to Watch." Those schools recognized included: Cedar Middle School, Ft. Herriman Middle School, South Hills Middle School, Eisenhower Junior High School, Tonaquint Intermediate School, Mount Logan Middle School, Sunset Ridge Middle School, and Syracuse Junior High School.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 5, 2010

The House passed, **S.B. 259**, AMENDMENTS TO TOBACCO TAX, by Senator A. Christensen, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 259 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

SECOND READING CALENDAR

On motion of Senator Christensen, the circle was removed from **1st Sub. H.B. 196**, TOBACCO TAX REVISIONS, and it was before the Senate.

On motion of Senator Christensen, under suspension of the rules, **1st Sub. H.B. 196**, TOBACCO TAX REVISIONS, was considered read the second and third times and passed on the following roll call:

Yeas, 19; Nays, 8; Absent, 2.

Voting in the affirmative were: Senators

Bramble	Christensen	Hillyard	Jenkins
Jones	Knudson	Liljenquist	Mayne
Morgan	Niederhauser	Okerlund	Robles
Romero	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Adams	Buttars	Davis	Dayton
Goodfellow	Greiner	Madsen	H. Stephenson

Absent or not voting were: Senators

Hinkins	McAdams
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1st Sub. H.B. 196 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Okerlund, the Senate voted to lift **S.B. 235** to the top of the Second Reading Calendar.

S.B. 235, AGRICULTURAL LOAN AUTHORIZATION, was read the second time.

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

2nd Sub. S.B. 235 Agricultural Loan Authorization (K. Okerlund)

On motion of Senator Okerlund, the bill was circled.

* * *

On motion of Senator Bramble, the circle was removed from **1st Sub. S.B. 227**, INTERLOCAL ENERGY AMENDMENTS, and it was before the Senate.

Senator Bramble proposed the following amendment:

1. Page 6, Lines 155 through 159

155 (b) (i) The Public Service Commission shall .after a public
hearing held in accordance with Title 52, Chapter 4, Open and Public
Meetings Act. approve an agreement described in

156 Subsection (7)(a)(ii) if it determines that the agreement is in the
public interest in that it

157 incorporates the customer protections described in Subsection
(7)(c) and the franchise

158 agreement described in Subsection (7)(a)(i)(B) provides a
reasonable mechanism using a neutral arbiter or ombudsman for
resolving

159 potential future complaints by customers of the energy services
interlocal entity.

2. Page 6, Line 179 through Page 7, Line 183:

179 (v) before implementation of any rate increase. the governing
body of the energy

180 services interlocal entity shall first hold a public meeting to take
public comment on the

181 proposed increase. after providing at least 20 days and not more
than 60 days' advance written notice to

182 its customers on the ordinary billing and on the Utah Public Notice
Website. created by Section

183 63F-1-701; and

Senator Bramble's motion to amend passed on a voice vote.

On motion of Senator Bramble, under suspension of the rules, **1st Sub. S.B. 227, INTERLOCAL ENERGY AMENDMENTS**, was considered read the second and third times. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Davis	Dayton
Goodfellow	Greiner	Hillyard	Jenkins

Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Adams	Christensen	Hinkins	Okerlund
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1st Sub. S.B. 227 was transmitted to the House.

* * *

S.B. 231, MEDICAL BENEFITS UNDER WORKERS’ COMPENSATION, was read the second time.

Senator Buttars proposed the following amendment:

1. Page 1, Line 13:
After “benefits” delete “made”
2. Page 1, Line 14:
Before “are to be” delete “in 2007”
3. Page 1, Line 15 and 16:
Delete lines 15 and 16

Senator Buttars’ motion to amend passed on a voice vote.

On motion of Senator Buttars, under suspension of the rules, **S.B. 231, MEDICAL BENEFITS UNDER WORKERS’ COMPENSATION,** was considered read the second and third times. Senator Buttars explained the bill. Senators Hillyard commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Waddoups			

Absent or not voting were: Senators

Christensen

Hinkins

Okerlund

Van Tassell

S.B. 231 was transmitted to the House.

* * *

S.B. 66, PUBLIC SCHOOL EXTRACURRICULAR ACTIVITIES FOR HOME SCHOOL AND PRIVATE SCHOOL STUDENTS, was read the second time.

Senator Madsen proposed the following amendment:

1. Page 3, Lines 76 through 83

76 ~~{ (b) “Basic skills competency test” means:~~

77 ~~(i) the tenth grade basic skills competency test described in~~
~~Section 53A-1-611; or~~

78 ~~(ii) an assessment that is an alternative to the tenth grade basic~~
~~skills competency test~~

79 ~~which is:~~

80 ~~(A) administered by a school district or charter school piloting~~
~~an assessment system~~

81 ~~described in Subsection 53A-1-603(5); and~~

82 ~~(B) approved by the State Board of Education.~~

83 ~~(c) } (b) “Principal” means the principal of the school in~~
~~which a home school student~~

2. Page 4, Lines 102 through 104
 Senate Committee Amendments
 2-25-2010:

102 ~~(3) (a) Except as provided in Subsections (4) through (13), a~~
~~private school or home~~

103 ~~school student shall be eligible to participate in an extracurricular~~
~~activity at a public school~~

104 ~~consistent with eligibility standards ;~~

~~(i) applied to a fully enrolled public school student { - } ;~~

~~(ii) of the public school where the private school or home school~~
~~student participates in an extracurricular activity; and~~

(iii) for the extracurricular activity in which the private school or home school student participates.

- 3. Page 4, Line 107
Senate Committee Amendments
2-25-2010:

107 imposed on a fully enrolled public school student.

(c)(i) A private school or home school student who participates in an extracurricular activity at a public school shall pay the same fees as required of a fully enrolled public school student to participate in an extracurricular activity.

(ii) If a local school board or charter school governing board imposes a mandatory student activity fee for a student enrolled in a public school, the fee may be imposed on a private school or home school student who participates in an extracurricular activity at the public school if the same benefits of paying the mandatory student activity fee that are available to a fully enrolled public school student are available to a private school or home school student who participates in an extracurricular activity at the public school.

- 4. Page 5, Lines 139 through 151
Senate Committee Amendments
2-25-2010:

139 (9) (a) A principal shall review the affidavit submitted under Subsection (8), and if the

140 principal determines it contains information which constitutes probable cause to believe a

141 home school student may not meet academic eligibility requirements, the principal shall

142 request {the student's parent or guardian to submit the student's test scores for a basic skills

143 competency test, if taken.

144 (b) ~~→~~ (i) ~~←~~ If ~~→~~ [a] in response to a request made under Subsection (9)(a), test

144a scores are submitted and the ~~←~~ home school student's test scores on a basic skills competency

144b test meet the

145 ~~requirement necessary for public school students to receive a basic high school diploma, as~~

146 ~~provided in Subsection 53A-1-611(2), the home school student shall be considered to be in~~

147 ~~compliance with the academic eligibility requirements.~~

147a ~~Ŝ → (ii) A home school student who meets academic eligibility requirements pursuant to~~

147b ~~Subsection (9)(b)(i) retains academic eligibility for all extracurricular activities during the~~

147c ~~activity season for which an affidavit is submitted pursuant to Subsection (6).~~ ←Ŝ

148 ~~(c) If a home school student who is the subject of an affidavit submitted under~~

149 ~~Subsection (8) has not taken or passed a basic skills competency test, the principal shall request }~~

150 ~~a panel established pursuant to Subsection (10) to verify the student's compliance with~~

151 ~~academic eligibility requirements.~~

5. Page 6, Lines 153 through 157b:

153 ~~Ŝ → [(a)] (i) ←Ŝ appoint a panel of three Ŝ → [to five] ←Ŝ individuals { -who have experience~~

153a ~~in home~~

153a ~~schooling~~

154 ~~high school age students } to verify a home school student's compliance with academic eligibility~~

155 ~~requirements when requested by a principal pursuant to Subsection (9); and~~

156 ~~Ŝ → [(b)] (ii) ←Ŝ select the panel members from nominees submitted by national, state, or~~

156a ~~regional~~

157 ~~organizations whose members are home school students and parents. { -~~

157a ~~Ŝ → (b) One member of the panel appointed under Subsection (10) shall have experience~~

157b ~~teaching in a public school.~~ ←Ŝ }

(b) Of the members appointed to a panel under Subsection (10)(a):

(i) one member shall have experience teaching in a public school as a licensed teacher and in home schooling high school–age students;

(ii) one member shall have experience teaching in a higher education institution and in home schooling; and

(iii) one member shall have experience in home schooling high school–age students.

- 6. Page 7, Lines 186a through 186b
Senate Committee Amendments
2–25–2010:

186a Ŝ→ (16)(a) If a student exits a public school to enroll in a private or home school

186b { ~~midsemester~~ } mid-semester or during an activity season, and the student desires to participate in an

- 7. Page 7, Lines 186h through 186j
Senate Committee Amendments
2–25–2010:

186h (c) A student may appeal an academic eligibility determination made under Subsection

186i (16)(b) in accordance with procedures for appealing a public school student’s academic

186j { ~~—eligibility—~~ } eligibility . ←Ŝ

Senator Madsen’s motion to amend passed on a voice vote.

On motion of Senator Madsen, under suspension of the rules, **S.B. 66, PUBLIC SCHOOL EXTRACURRICULAR ACTIVITIES FOR HOME SCHOOL AND PRIVATE SCHOOL STUDENTS**, was considered read the second and third times. Senator Madsen explained the bill. Senator Stowell commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams

Morgan	Niederhauser	Robles	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative was: Senator
Romero

Absent or not voting were: Senators
Hinkins Okerlund

S.B. 66 was transmitted to the House.

INTENT LANGUAGE

On motion of Senator Madsen, the Senate voted to include the following intent language in the Senate Journal.

Nothing in S. B. 66, Public School Extracurricular Activities for Home School and Private School Students, shall be construed to confer a right to public school, home school or private school students to participate in extracurricular activities in a public school. Participation in extracurricular activities in a public school is a privilege offered equally to all students, including public school, home school, and private school students.

* * *

S.B. 188, CHARTER SCHOOL AMENDMENTS, was read the second time.

Senator Stephenson proposed the following amendment:

1. Page 1, Lines 12 through 13

12 ▶ ~~{ expands the membership of the State Board of
Education by including a member of~~

13 ~~the State Charter School Board as a nonvoting
member; }~~ provides for nonvoting delegates to the State Board of
Education;

2. Page 2, Lines 30 through 31:

30 53A-1-101, as last amended by Laws of Utah 2009, Chapter
346

53A-1-202, as last amended by Laws of Utah 1997, Chapter 314

31 53A-1a-502.5, as last amended by Laws of Utah 2009, Chapter
391

3. Page 2, Lines 42 through 52:

42 (2) (a) In addition to the members designated under Subsection
 (1), the following

43 ~~{- members-}~~ individuals shall serve as nonvoting
~~{-members of-}~~ delegates to the State Board of Education:

44 (i) two members of the State Board of Regents, appointed by the
 chair of the State

45 Board of Regents; ~~[and]~~

46 (ii) one member of the Utah College of Applied Technology
 Board of Trustees,

47 appointed by the chair of the board of trustees~~[-]; and~~

48 ~~(iii) one member of the State Charter School Board, appointed
 by the chair of the State~~

49 Charter School Board.

50 (b) A nonvoting ~~{-member-}~~ delegate shall continue
 to serve as a ~~{-member-}~~ delegate without a set term until

51 the ~~{-member-}~~ delegate is replaced by the chair of the
 State Board of Regents ~~[or the]~~, chair of the Utah

52 College of Applied Technology Board of Trustees, or chair of the
 State Charter School Board.

4. Page 2, Line 53:

53 as applicable.

Section 2. Section 53A-1-202 is amended to read:

53A-1-202. Compensation for services -- ~~{-Additional per
 diem-}~~ Per diem and travel expenses -- Insurance -- Certified
 statements of expenses.

(1) ~~{-Each-}~~ A member of the State Board of
 Education shall receive \$3,000 per year, payable monthly, as
 compensation for services ~~{-, in addition to necessary travel
 expenses-}~~ .

(2) ~~{-Each member may receive additional per diem
 compensation as established by the director of the Division of
 Finance-}~~ A member of, or delegate to, the State Board of
 Education may receive per diem and travel expenses for attendance at
 meetings or activities related to ~~{-any-}~~ business of the board, not

to exceed 12 per year ~~{--}~~ , in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(3) ~~{Board members}~~ A board member may participate in ~~{any}~~ a group insurance plan provided to employees of the State Office of Education as part of ~~{their}~~ the member's compensation on the same basis as required for employee participation.

(4) The state superintendent shall certify statements of actual and necessary travel expenses incurred by ~~{board members}~~ a member of, or delegate to, the State Board of Education in attending board meetings or performing duties authorized by the board.

Renumber remaining sections accordingly.

Senator Stephenson's motion to amend failed on a voice vote.

###

Senator Stephenson proposed the following amendment:

1. Page 3, Lines 69 through 75

69 ~~[(3) An]~~ (1) The State Board of Education may approve an
increase in charter school

70 enrollment capacity in the 2011-12 school year or thereafter ~~[shall~~
~~receive: (a) tentative~~

71 ~~approval by the State Board of Education by November 30 of the~~
~~year that is two years before~~

72 ~~the year that the increase in charter school enrollment capacity~~
~~takes effect; and (b) final~~

73 ~~approval by the State Board of Education by the following April 1,~~
~~subject to legislative~~

74 ~~authorization of]~~ subject to the Legislature appropriating funds for
the increase in charter

75 school enrollment capacity.

(2)(a) If the Legislature does not appropriate funds for an increase
in charter school enrollment capacity that is tentatively approved by the

State Board of Education, the State Board of Education shall request a chartering entity to prioritize its tentatively approved schools and expansions based on approved funds.

(b) A chartering entity shall submit a prioritized list of tentatively approved schools and expansions to the State Board of Education for final approval.

(c) A charter school or expansion that is tentatively approved, but not funded, shall be considered to be tentatively approved for the next application year and receive priority status for available funding.

Senator Stephenson’s motion to amend passed on a voice vote. Senator Stephenson explained the bill. Senators Morgan and Jenkins commented.

On motion of Senator Stephenson, under suspension of the rules, **S.B. 188**, CHARTER SCHOOL AMENDMENTS, was considered read the second and third times. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Hinkins	Okerlund
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S.B. 188 was transmitted to the House.

* * *

On motion of Senator Jenkins, the Senate voted to lift **S.B. 273** to the top of the Second Reading Calendar.

S.B. 273, HOSPITAL ASSESSMENTS, was read the second time.

Senator Hillyard proposed the following amendment:

1. Page 5, Lines 126 through 132

126 { ~~(2)~~ } For a hospital subject to the assessment imposed by this chapter, and also subject to

127 the corporate franchise or income tax under Title 59, Chapter 7, Corporate Franchise and

128 Income Taxes, all assessments paid under this chapter shall be allowed as a deductible expense

129 under Title 59, Chapter 7, Corporate Franchise and Income Taxes.

130 ~~(3)~~ } (2) All assessments paid under this chapter may be included as an allowable cost of a

131 hospital for purposes of any applicable Medicaid reimbursement formula.

132 { ~~(4)~~ } (3) This chapter does not authorize a political subdivision of the state to:

2. Page 6, Line 161:

161 (2) (a) An annual assessment is { ~~imposed~~ } payable
on a quarterly basis for each hospital in an

3. Page 6, Lines 169 through 170:

169 (d) The annual uniform assessment rate :

(i) may not generate more than the non-federal

170 share of the annual upper payment limit gap for { ~~each applicable~~ } fiscal year 2012; and

(ii) for fiscal year 2010-2011 only;

(A) may not generate more than the non-federal share of the annual upper payment limit gap for the fiscal year; and

(B) \$2,000,000. of the assessment shall be used by the department and the division to offset Medicaid mandatory expenditures.

4. Page 12, Lines 343 through 344:

343 { ~~(3)~~ } The fund shall be separate and distinct from any other special revenue funds.

344 ~~(4)~~ } (3) Money in the fund shall be used:

5. Page 12, Line 348:

348 { ~~(5)~~ } The money in the fund is non-lapsing. }

6. Page 13, Lines 369 through 375:

369 appropriated for fiscal year 2008: {~~or~~ }
(iii) approval of any change in the state Medicaid plan that requires a greater percentage of Medicaid patients to enroll in Medicaid managed care plans than what is required on January 1, 2010:

370 {~~(iii)~~ } (iv) a division change in rules that reduces any of the following below July 1, 2010

371 payments:

372 (A) aggregate hospital inpatient payments:

373 (B) {~~– aggregate outpatient payments:~~

374 ~~(C) –} adjustment payment rates: or~~

375 {~~(D)~~ } (C) any cost settlement protocol ;or
(v) a division change in rules that reduces the aggregate outpatient payments below July 1, 2011 payments .

Senator Hillyard’s motion to amend passed on a voice vote.

On motion of Senator Hillyard, under suspension of the rules, **S.B. 273**, HOSPITAL ASSESSMENTS, was considered read the second and third times. Senator Hillyard explained the bill. Senators Dayton, Bramble, Stowell, and Goodfellow commented. Senators Bramble, Goodfellow, Jones, Robles, Romero, Stevenson, and Greiner declared conflicts of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Dayton Madsen

Absent or not voting were: Senators

Hinkins Okerlund

S.B. 273 was transmitted to the House.

* * *

On motion of Senator McAdams, the circle was removed from **2nd Sub. S.B. 175, SCHOOL DISTRICT CAPITAL OUTLAY EQUALIZATION AMENDMENTS**, and it was before the Senate.

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

3rd Sub. S.B. 175 School District Capital Outlay Equalization Amendments (B. McAdams)

Senator McAdams explained the bill. Senators Niederhauser, Stephenson, Jones, Buttars, and Morgan commented.

On motion of Senator McAdams, under suspension of the rules, **3rd Sub. S.B. 175, SCHOOL DISTRICT CAPITAL OUTLAY EQUALIZATION AMENDMENTS**, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 23; Nays, 1; Absent, 5.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative was: Senator Christensen

Absent or not voting were: Senators

Hillyard	Hinkins	Madsen	Niederhauser
Okerlund			

3rd Sub. S.B. 175 was transmitted to the House.

* * *

1st Sub. S.B. 207, TAX EXEMPTION FOR CEDAR BAND OF PAIUTE TRIBE, was read the second time.

Senator Stowell proposed the following amendment:

- 1. Page 1, Lines 22 through 23

22 ▶ provides for termination of an exemption; ~~{-and-}~~
 ▶ addresses appropriation to the class B and class C road account;
and

23 ▶ makes technical and conforming changes.

- 2. Page 2, Lines 33 through 34:

33 59-14-204.5, as enacted by Laws of Utah 2004, Chapter 217
72-2-107, as last amended by Laws of Utah 2008, Chapters 109
and 389

34 ENACTS:

- 3. Page 3, Line 62:

62 special fuel that is sold, used, or received for sale or
~~{-used }~~ use on Cedar Band reservation land; or

- 4. Page 5, Lines 123 through 125:

123 (III) ~~{ if it is impractical to meet the requirements of~~
~~Subsection (1)(g)(ii)(B)(I) or (II). }~~

124 provide a government service that meets a critical need of the Cedar
Band, whether provided

125 by the Cedar Band or through contract with another governmental
body;

- 5. Page 6, Lines 171 through 174:

171 (f) addresses any other issue related to the commission's
administration of an

172 exemption from an applicable tax; ~~{-and }~~

173 (g) provides for procedures and conditions related to
terminating the agreement ~~{- }~~ ; and

(h) addresses the administration of an exemption under this part
when, on the basis of a law other than this part, the state is not authorized
to impose an applicable tax on a transaction located on Cedar Band
reservation land involving a member of the Paiute Indian Tribe of
Utah.

174 (2) The agreement described in Subsection (1):

6. Page 7, Lines 204 through 211:

204 (3) A transaction that occurs on Cedar Band reservation land
may be exempt from

205 taxation under this part only:

206 (a) on or after July 1, 2011; {~~and~~ }

207 (b) for an applicable tax other than a tax imposed under
Chapter 13, Motor and Special Fuel Tax Act, to the following extent:

208 (i) on and after July 1, 2011, but on and before June 30, 2012, an
exemption is 50% of

209 the combined state and local tax rate; and

210 (ii) on and after July 1, 2012, an exemption is 100% of the
combined state and local

211 tax rate { } ; and

(c) for an applicable tax imposed under Chapter 13, Motor and
Special Fuel Tax Act, on and after July 1, 2011, an exemption is equal to
percentage used to determine the appropriation under Section 72-2-107
from the Transportation Fund to the class B and class C roads account.

7. Page 8, Lines 221 through 222:

221 Cedar Band on the transaction.

(5) In accordance with Section 72-2-107, in calculating the
amount of the appropriation under Section 72-2-107 the Division of
Finance may not include the revenue collected under Chapter 13, Motor
and Special Fuel Tax Act, on a transaction subject to an exemption under
this part.

222 Section 7. Section 59-1-1507 is enacted to read:

8. Page 41, Line 1262:

1262 Related to the Cedar Band of the Paiute Tribe Act.

Section 14. Section 72-2-107 is amended to read:

72-2-107. Appropriation from Transportation Fund --- Deposit in
class B and class C roads account.

(1) There is appropriated to the department from the Transportation
Fund annually an amount equal to 30% of an amount which the director
of finance shall compute in the following manner: The total revenue

deposited into the Transportation Fund during the fiscal year from state highway-user taxes and fees, minus:

(a) those amounts appropriated or transferred from the Transportation Fund during the same fiscal year to:

(i) the Department of Public Safety;

(ii) the State Tax Commission;

(iii) the Division of Finance;

(iv) the Utah Travel Council; and

(v) any other amounts appropriated or transferred for any other state agencies not a part of the department; ~~{-and-}~~

(vi) revenue collected under Title 59, Chapter 13, Motor and Special Fuel Tax Act, for a transaction on Cedar Band reservation land if the partial exemption from a tax imposed under Title 59, Chapter 13, is in effect in accordance with Title 59, Chapter 1, Part 15, Exemptions Related to the Cedar Band of the Paiute Tribe Act; and

(b) the amount of sales and use tax revenue deposited in the Transportation Fund in accordance with Section 59-12-103.

(2) (a) Except as provided in Subsection (2)(b), all of this money shall be placed in an account to be known as the class B and class C roads account to be used as provided in this title.

(b) The director of finance shall annually transfer \$500,000 of the amount calculated under Subsection (1) to the department as nonlapsing dedicated credits for the State Park Access Highways Improvement Program created in Section 72-3-207.

(3) Each quarter of every year the director of finance shall make the necessary accounting entries to transfer the money appropriated under this section to the class B and class C roads account.

(4) The funds in the class B and class C roads account shall be expended under the direction of the department as the Legislature shall provide.

Senator Stowell’s motion to amend passed on a voice vote.

On motion of Senator Stowell, the bill was circled.

* * *

S.B. 198, ECONOMIC DEVELOPMENT INCENTIVE AMENDMENTS, was read the second time.

Senator Valentine proposed the following amendment:

1. Page 1, Line 2, Lines 29 through 30

29 This bill has retrospective operation for a taxable year beginning on or after January 1,

30 2010.

This bill coordinates with H.B. 24, Economic Development Incentives Act Amendments, by merging substantive amendments.

2. Page 2, Line 41:

41 63M-1-2409, Utah Code Annotated 1953

Utah Code Sections Affected by Coordination Clause:

63M-1-2405, as enacted by Laws of Utah 2008, Chapter 372

3. Page 17, Line 514:

514 2010.

Section 10. Coordinating S.B. 198 with H.B. 24 -- Merging substantive amendments.

If this S.B. 198 and H.B. 24, Economic Development Incentives Act Amendments, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, modify Subsection 63M-1-2405(2) to read:

“(2) A business entity or local government entity seeking to receive a tax credit shall provide the office with:

(a) an application for a tax credit certificate;

(b) (i) for a business entity, documentation of the new state revenues from the business entity’s new commercial project that were paid during the preceding calendar year; ~~and~~ or

(ii) for a local government entity, documentation of the new state revenues from the new commercial project within the local government entity that were paid during the preceding calendar year;

(c) if a local government entity seeks to assign the tax credit to a community development and renewal agency in accordance with Section 63M-1-2404, a statement providing the name and taxpayer identification number of the community development and renewal agency to which the local government entity seeks to assign the tax credit;

~~[(e)]~~ (d) (i) with respect to a business entity, a document that expressly directs and authorizes the State Tax Commission to disclose the business entity’s returns and other information ~~[concerning the business entity]~~ that would otherwise be subject to confidentiality under Section 59-1-403 or Section 6103, Internal Revenue Code, to the

office[-];

(ii) with respect to a local government entity that seeks to claim the tax credit:

(A) a document that expressly directs and authorizes the State Tax Commission to disclose the local government entity's returns and other information that would otherwise be subject to confidentiality under Section 59-1-403 or Section 6103, Internal Revenue Code, to the office; and

(B) if the new state revenues collected as a result of a new commercial project are attributable in whole or in part to a new or expanded industrial, manufacturing, distribution, or business service within a new commercial project within the local government, a document signed by an authorized representative of the new or expanded industrial, manufacturing, distribution, or business service that:

(I) expressly directs and authorizes the State Tax Commission to disclose the returns of that new or expanded industrial, manufacturing, distribution, or business service and other information that would otherwise be subject to confidentiality under Section 59-1-403 or Section 6103, Internal Revenue Code, to the office; and

(II) lists the taxpayer identification number of that new or expanded industrial, manufacturing, distribution, or business service; or

(iii) with respect to a local government entity that seeks to assign the tax credit to a community development and renewal agency:

(A) a document signed by the members of the governing body of the community development and renewal agency that expressly directs and authorizes the State Tax Commission to disclose the returns of the community development and renewal agency and other information that would otherwise be subject to confidentiality under Section 59-1-403 or Section 6103, Internal Revenue Code, to the office; and

(B) if the new state revenues collected as a result of a new commercial project are attributable in whole or in part to a new or expanded industrial, manufacturing, distribution, or business service within a new commercial project within the community development and renewal agency, a document signed by an authorized representative of the new or expanded industrial, manufacturing, distribution, or business service that:

(I) expressly directs and authorizes the State Tax Commission to disclose the returns of that new or expanded industrial, manufacturing, distribution, or business service and other information that would otherwise be subject to confidentiality under Section 59-1-403 or

Section 6103, Internal Revenue Code, to the office; and

(II) lists the taxpayer identification number of that new or expanded industrial, manufacturing, distribution, or business service; and

(e) for a business entity only, documentation that the business entity has satisfied the performance benchmarks outlined in the agreement described in Subsection 63M-1-2404(3)(a), including:

(i) significant capital investment;

(ii) the creation of high paying jobs;

(iii) significant purchases from Utah vendors and providers; or

(iv) any combination of Subsections (2)(e)(i), (ii), and (iii).”

Senator Valentine’s motion to amend passed on a voice vote.

On motion of Senator Valentine, under suspension of the rules, **S.B. 198**, ECONOMIC DEVELOPMENT INCENTIVE AMENDMENTS, was considered read the second and third times. Senator Valentine explained the bill. The bill passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Jenkins
Knudson	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars	Hillyard	Hinkins	Jones
Madsen	Okerlund		

S.B. 198 was transmitted to the House.

* * *

S.B. 157, MOTOR VEHICLE DEALER FRANCHISE AMENDMENTS, was read the second time.

Senator Bramble proposed the following amendment:

1. Page 2, Line 54

- 54 (g) “Reinstated franchisee” means a covered franchisee ;
(i) whose franchise became a terminated franchise with less than 90
days notice prior to termination; and
(ii) that becomes entitled to a
2. Page 3, Lines 71 through 72:
- 71 ~~{-(3) A reinstated franchisee may resume operating as a~~
~~franchisee under a reinstated~~
72 ~~franchise upon the issuance of a reinstatement order. }~~
3. Page 3, Line 75:
- 75 (1) A franchisee has a private right of action for actual damages
and ~~{-an }~~ reasonable attorney ~~{-fee }~~ fees
4. Page 3, Line 82:
- ~~{-an }~~ reasonable
82 attorney ~~{-fee }~~ fees against a new franchisor ~~{- for~~
~~any action of the new franchisor that }~~ if:
(i) the new franchisor:
(A) establishes a new franchisee of the same line-make as a
line-make of the reinstated franchisee within the relevant market area of
the reinstated franchisee; or
(B) adds a line-make to another franchisor’s existing franchisee
within the relevant market area of the reinstated franchisee that is the
same line-make as a line-make of the reinstated franchisee; and
(ii) the franchisor’s action under Subsection (2)(b)(i) causes a
5. Page 3, Line 83:
- 83 substantial diminution in value of the reinstated franchisee’s
reinstated franchisee.
(c) A new franchisor may not be held liable under Subsection (2)(b)
based on a franchisee’s purchase of another existing franchise, both of
which are within the relevant market area of a reinstated franchisee, for
the purpose of combining the purchased franchise with the franchise of
the purchasing franchisee.

Senator Bramble’s motion to amend passed on a voice vote. Senator Bramble explained the bill. Senators Niederhauser, Romero, and Adams commented.

On motion of Senator Bramble, under suspension of the rules, **S.B. 157**, MOTOR VEHICLE DEALER FRANCHISE AMENDMENTS, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Jenkins
Jones	Liljenquist	Mayne	Morgan
Niederhauser	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Buttars	Hillyard	Hinkins	Knudson
Madsen	McAdams	Okerlund	

S.B. 157 was transmitted to the House.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 5, 2010

The House receded from its amendments and passed **1st Sub. S.J.R. 3**, JOINT RESOLUTION ON ETHICS COMPLAINT PROCEDURES, by Senator J. Valentine, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.J.R. 3 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 5, 2010

The House passed, as substituted and amended, **3rd Sub. H.B. 121**, EMERGENCY MEDICAL SERVICES ACT TRANSPORT AMENDMENTS, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed, as substituted and amended, **2nd Sub. H.B. 295**, EXPANDED USES OF SCHOOL DISTRICT PROPERTY TAX REVENUE, by Representative K. Sumsion, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 386**, INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed, as substituted and amended, **2nd Sub. H.B. 397**, MEDICAID PROGRAM AMENDMENTS, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed **H.B. 421**, MEDICAL FINANCIAL RECORDS AMENDMENTS, by Representative B. Last, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 429**, NEWSPAPER PUBLICATION REQUIREMENTS, by Representative J. Anderson, and it is transmitted for consideration; and

The House passed **H.B. 433**, FOREIGN EXCHANGE STUDENT AMENDMENTS, by Representative C. Wimmer, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 459**, HEALTH AMENDMENTS, by Representative D. Clark, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **3rd Sub. H.B. 121**, **2nd Sub. H.B. 295**, **H.B. 386**, **2nd Sub. H.B. 397**, **H.B. 421**, **H.B. 429**, **H.B. 433**, and **1st Sub. H.B. 459** were read the first time and referred to the Rules Committee.

* * *

Mr. President:

March 5, 2010

The House adopted the Joint Conference Committee Report dated March 5, 2010, and passed **1st Sub. S.B. 76**, TRUST DEED AMENDMENTS, by Senator J. Valentine, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

* * *

On motion of Senator Jenkins and at 5:20 p.m., the Senate adjourned until 9:00 a.m., Monday, March 8, 2010.

FORTY-SECOND DAY

MORNING SESSION

March 8, 2010

The Senate was called to order at 9:10 a.m., with President Michael Waddoups presiding.

Prayer – Georgia Beth Thompson, Cedar City Councilwoman

Pledge of Allegiance – Senator Pat Jones

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 72)

SPECIAL RECOGNITION

The Senate recognized Wasatch High School’s Boys Basketball team for winning the AAA State Championship. Those players and coaches honored included: Head Coach – Norm Hayter, Assistant Head Coaches – Lonnie Magnuson, Aaron Preece, Brad Foster, Bill Farr, Glenn Holmes.

Seniors: Trevor Bamgartner, Jake Hobbs, Cory Nielson, Arjune Shibonis, Chad Holmes, and Josh Savage

Juniors: Mike Brown, McKay Murdock, Alex Probst, Oly Hayter, Gavin Jones, Keefer Babbit, Cody Parker, Brady Scott, and Taylor Richards

Sophomores: Matt Pelo, Cale Strong, Parker Davis, Jake Segara, Nate Lee, and Adom Johnston

CONSENT CALENDAR

1st Sub. H.B. 311, AUTISM TREATMENT FUND, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Jenkins	Jones	Knudson	Liljenquist

Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Romero	H. Stephenson
J. Stevenson	Urquhart	Valentine	Waddoups

Absent or not voting was: Senator

Hillyard	Hinkins	Robles	Stowell
Van Tassell			

1st Sub. H.B. 311 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

S.J.R. 16, HEALTH CARE FACILITY DISCLOSURE JOINT RESOLUTION, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Hillyard	Hinkins	Mayne	Robles
Stowell			

S.J.R. 16 was transmitted to the House for consideration.

* * *

On motion of Senator Valentine, legislative staff was authorized to draft a resolution regarding changing provisions of S.J.R. 3.

CONCURRENCE CALENDAR

Mr. President: March 5, 2010

The Joint Conference Committee comprised of Sens. Valentine, Christensen, and Davis, and Reps. Fowlke, Webb, and King, recommends **1st Sub. S.B. 76**, TRUST DEED AMENDMENTS, by Senator J. Valentine, with the following amendments:

1. Pages 3, Lines 82, After “request is” delete “made” and insert “received”
2. Pages 3, Lines 85, After “request is” delete “made” and insert “received”; and

Sen. John Valentine and
Rep. Lorie Fowlke, Chairs

On motion of Senator Valentine, the Senate voted to adopt the Conference Committee report.

On motion of Senator Valentine, the Senate voted to concur in the House amendments to **1st Sub. S.B. 76**, TRUST DEED AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Okerlund
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble	Hillyard	Hinkins	Niederhauser
Robles			

1st Sub. S.B 76 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

On motion of Senator Mayne, **H.B. 125**, KIDNAPPING AND SEX OFFENDER REGISTRY AMENDMENTS, was read the third time and circled.

* * *

On motion of Senator Jenkins, the Senate voted to suspend the rules for all Senate bills and have them considered read for the second and third times.

SECOND READING CALENDAR

On motion of Senator Madsen, under suspension of the rules, **S.B. 186**, AMENDMENTS TO EMISSIONS INSPECTIONS, was considered read the

second and third times. Senator Madsen explained the bill. Senator Buttars commented. The bill passed on the following roll call:

Yeas, 15; Nays, 11; Absent, 3.

Voting in the affirmative were: Senators

Adams	Bramble	Davis	Goodfellow
Jones	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Robles
J. Stevenson	Urquhart	Van Tassell	

Voting in the negative were: Senators

Buttars	Christensen	Dayton	Greiner
Jenkins	Knudson	Okerlund	Romero
H. Stephenson	Stowell	Waddoups	

Absent or not voting were: Senators

Hillyard	Hinkins	Valentine
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S.B. 186 was transmitted to the House.

* * *

On motion of Senator Okerlund, the circle was removed from **2nd Sub. S.B. 235, AGRICULTURAL LOAN AUTHORIZATION**, and it was before the Senate. Senator Okerlund explained the bill.

On motion of Senator Okerlund, under suspension of the rules, **2nd Sub. S.B. 235, AGRICULTURAL LOAN AUTHORIZATION**, was considered read the second and third times. Senator explained the bill. Senator Stowell commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

2nd Sub. S.B. 235 was transmitted to the House.

* * *

On motion of Senator Urquhart, under suspension of the rules, **1st Sub. S.B. 116, DISTRICT COURT JUDGES AMENDMENTS**, was considered read the second and third times. Senator Urquhart explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator Christensen

1st Sub. S.B. 116 was transmitted to the House.

* * *

On motion of Senator Stowell, **1st Sub. S.B. 68, LOCAL HEALTH AUTHORITY FUNDING AMENDMENTS**, was read the second time and circled.

* * *

On motion of Senator Stephenson, under suspension of the rules, **S.B. 250, POLITICAL PARTY BYLAWS – UNITED STATES SENATORS**, was considered read the second and third times. Senator Stephenson explained the bill. Senators Greiner and Jones commented. The bill passed on the following roll call:

Yeas, 20; Nays, 8; Absent, 1.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Dayton	Greiner	Hinkins	Jenkins
Knudson	Liljenquist	Madsen	Mayne
Niederhauser	Okerlund	H. Stephenson	J. Stevenson
Stowell	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

Christensen	Goodfellow	Hillyard	Jones
McAdams	Morgan	Robles	Romero

Absent or not voting was: Senator

Urquhart

S.B. 250 was transmitted to the House.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 8, 2010

The House passed, **1st Sub. S.B. 51**, BIOPROSPECTING, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 149**, UTAH FOREST PRACTICES ACT AMENDMENTS, by Senator D. Hinkins, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.C.R. 7**, CONCURRENT RESOLUTION APPROVING SOLID WASTE FACILITY CLASSIFICATION CHANGE, by Senator W. Niederhauser, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 51, S.B. 149, and S.C.R. 7 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 8, 2010

The House concurred in the Senate amendments and passed **H.B. 18**, UNEMPLOYMENT INSURANCE AMENDMENTS, by Representative S. Mascaro, et al, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 67**, HEALTH SYSTEM AMENDMENTS, by Representative C. Wimmer, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 73**, UTAH CONSTRUCTION TRADES CONTINUING EDUCATION AMENDMENTS, by Representative M. Morley, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 92**, MOIST SNUFF TAXATION REVISIONS, by Representative B. Daw, et al, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 200**, INFORMED CONSENT AMENDMENTS, by Representative C. Wimmer, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 215**, AMENDMENTS TO PUBLIC EMPLOYEES' BENEFIT AND INSURANCE PROGRAM ACT – RISK POOLS, by Representative K. Garn, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 234**, OPTING OUT OF THE REAL ID ACT, by Representative S. Sandstrom, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 388**, MOBILE HOME REVISIONS, by Representative J. Dunnigan, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 18**, **1st Sub. H.B. 67**, **H.B. 73**, **1st Sub. H.B. 92**, **H.B. 200**, **H.B. 215**, **1st Sub. H.B. 234**, and **2nd Sub. H.B. 388** were signed by the President in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President:

March 8, 2010

The House passed, as amended, **S.B. 167**, ALCOHOLIC BEVERAGE CONTROL ACT RECODIFICATION, by Senator J. Valentine, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

SPECIAL RECOGNITION

A citation was read by Senator Robles recognizing UNICEF/RED STUDENTS. Those students recognized included Sayra Moran and Matt Beckstead.

SECOND READING CALENDAR

On motion of Senator Van Tassell, under suspension of the rules, **S.C.R. 11**, CONCURRENT RESOLUTION EXPRESSING OPPOSITION TO THE CREATION OF NEW NATIONAL MONUMENTS IN UTAH, was considered read the second and third times. Senator Van Tassell explained the bill. The bill passed on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative was: Senator
Goodfellow

Absent or not voting was: Senator
Niederhauser

S.C.R. 11 was transmitted to the House.

* * *

On motion of Senator Hillyard, under suspension of the rules, **S.B. 170**, SUSPENSION OF DRIVING PRIVILEGES, was considered read the second and third times. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator Niederhauser

S.B. 170 was transmitted to the House.

* * *

On motion of Senator Hillyard, the Senate voted to lift **S.B. 67** to the top of the Second Reading Calendar.

On motion of Senator Hillyard, under suspension of the rules, **S.B. 67**, PUBLIC SAFETY SERVICES CROSSING STATE BORDERS, was considered read the second and third times. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Hinkins	Niederhauser
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S.B. 67 was transmitted to the House.

* * *

S.B. 278, HOMEOWNERS’ ASSOCIATION AMENDMENTS, was read the second time.

Senator Urquhart proposed the following amendment:

1. Page 1, Line 12

12 ▶ requires a reserve {~~study~~} analysis to be
conducted and a review of a reserve {~~study~~} analysis on a

2. Page 1, Line 27 through Page 2, Line 28:

27 57-8-7.5. Reserve {~~study~~} analysis -- Reserve fund.

28 (1) As used in this section, “reserve {~~study~~} analysis” means {~~a study~~} an analysis to determine:

3. Page 2, Line 35:

35 (a) (i) subject to Subsection (2)(a)(ii), cause a reserve {~~study~~} analysis to be conducted no less

4. Page 2, Line 37:

37 (ii) if no reserve {~~study~~} analysis has been conducted since March 1, 2008, cause a reserve {~~study~~} analysis

5. Page 2, Line 39:

39 (b) review and, if necessary, update a previously conducted reserve {~~study~~} analysis no less

6. Page 2, Line 41:

41 (3) The management committee may conduct a reserve {~~study~~} analysis itself or may engage a

7. Page 2, Line 43:

43 reserve {~~study~~} analysis .

8. Page 2, Line 45:

45 (i) for daily maintenance expenses, unless a majority of the members of the association of unit owners

9. Page 2, Lines 56 through 57:

56 57-8a-211. Reserve {~~study~~} analysis -- Reserve fund.

57 (1) As used in this section, “reserve {~~study~~} analysis” means {~~a study~~} an analysis to determine:

10. Page 3, Line 64:

64 (a) (i) subject to Subsection (2)(a)(ii), cause a reserve {~~study~~} analysis to be conducted no less

11. Page 3, Line 66:

66 (ii) if no reserve {~~study~~} analysis has been
conducted since March 1, 2008, cause a reserve
{~~study~~} analysis

12. Page 3, Line 68:

68 (b) review and, if necessary, update a previously conducted
reserve {~~study~~} analysis no less

13. Page 3, Lines 70 through 71:

70 (3) The board may conduct a reserve
{~~study~~} analysis itself or may engage a reliable person or
71 organization, as determined by the board, to conduct the reserve
{~~study~~} analysis .

14. Page 3, Line 73:

73 (i) for daily maintenance expenses, unless a majority
of association members vote to approve the use

Senator Urquhart’s motion to amend passed on a voice vote.

On motion of Senator Urquhart, under suspension of the rules, **S.B. 278**, HOMEOWNERS’ ASSOCIATION AMENDMENTS, was considered read the second and third times. Senator Urquhart explained the bill. Senators Waddoups and Mayne commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Buttars	Greiner	Hillyard	Hinkins
Niederhauser			

S.B. 278 was transmitted to the House.

* * *

S.B. 204, MIDTERM VACANCY AMENDMENTS, was read the second time. Senator McAdams explained the bill. Senator Bramble commented.

On motion of Senator McAdams, the bill was circled.

* * *

On motion of Senator McAdams, under suspension of the rules, **S.B. 216**, ABSENTEE VOTING BY MILITARY PERSONNEL AMENDMENTS, was considered read the second and third times. Senator McAdams explained the bill. Senator Jenkins commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Greiner	Niederhauser
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S.B. 216 was transmitted to the House.

* * *

On motion of Senator Stowell, the circle was removed from **1st Sub. S.B. 207**, TAX EXEMPTION FOR CEDAR BAND OF PAIUTE TRIBE, and it was before the Senate. Senator Stowell explained the bill.

On motion of Senator Stowell, under suspension of the rules, **1st Sub. S.B. 207**, TAX EXEMPTION FOR CEDAR BAND OF PAIUTE TRIBE, was considered read the second and third times. Senators Greiner, Madsen, and Buttars commented. The bill passed on the following roll call:

Yeas, 18; Nays, 11; Absent, 0.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Goodfellow	Hinkins	Jones	Mayne

McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	J. Stevenson	Stowell
Valentine	Van Tassell		

Voting in the negative were: Senators

Buttars	Dayton	Greiner	Hillyard
Jenkins	Knudson	Liljenquist	Madsen
H. Stephenson	Urquhart	Waddoups	

1st Sub. S.B. 207 was transmitted to the House.

* * *

On motion of Senator McAdams, the circle was removed from **S.B. 204**, MIDTERM VACANCY AMENDMENTS, and it was before the Senate.

On motion of Senator McAdams, under suspension of the rules, **S.B. 204**, MIDTERM VACANCY AMENDMENTS, was considered read the second and third times. Senator McAdams explained the bill. Senator Bramble commented. The bill passed on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Waddoups	

Voting in the negative was: Senator

Van Tassell

Absent or not voting was: Senator

Hillyard

S.B. 204 was transmitted to the House.

* * *

On motion of Senator Niederhauser, **S.B. 165**, ALLOCATION AND APPORTIONMENT OF INCOME AND DEDUCTION OF A NET LOSS, was read the second time and circled.

* * *

1st Sub. S.B. 240, RETIREMENT PARTICIPATION AMENDMENTS, was read the second time.

Senator Liljenquist proposed the following amendment:

- 1. Page 1, Line 14

14 ▶ allows senior staff of USTAR {~~employees~~}
to elect to opt out of a defined benefit retirement system

- 2. Page 3, Line 60:

60 (j) {~~an employee with~~} senior staff of the Utah
Science Technology and Research Initiative created

- 3. Page 4, Line 99:

99 ~~49-13-202.~~
(c) Nothing in this section shall be construed to diminish an
employer's right to recover past retirement benefits other than Social
Security, paid to an employee or retiree, in error or under mistaken belief
that the employer was not a participating employer.

- 4. Page 5, Line 144:

144 (ii) On or before July 1, 2010, an employer described in
{~~Subsections~~} Subsection (2)(d) may make

Senator Liljenquist's motion to amend passed on a voice vote. Senator Liljenquist explained the bill. Senators Valentine and Buttars commented.

On motion of Senator Liljenquist, the bill was circled.

* * *

On motion of Senator Liljenquist, under suspension of the rules, **S.B. 171**, HIGHER EDUCATION RETIREMENT AMENDMENTS, was considered read the second and third times. Senator Liljenquist explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hillyard

Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator Davis

S.B. 171 was transmitted to the House.

* * *

1st Sub. S.B. 47, ELECTRICAL UTILITY AMENDMENTS – EFFICIENCY AND CONSERVATION TARIFF, was read the second time.

Senator Van Tassell proposed the following amendment:

- 1. Page 2, Lines 32 through 34

32 (a) “Demand side management program” means an activity or
program designed to
33 promote electric energy efficiency {– or } [±]
conservation , or direct load control. {– or more efficient
management of electric
34 loads. }

- 2. Page 2, Lines 35 through 37:

35 (b) “Direct load control program” means a demand side
management program that
36 allows an electrical corporation to interrupt a customer’s load
during a period of high demand
37 or incremental cost by directly controlling a customer’s appliance
or equipment , if the customer is served under a tariff of general
applicability .

- 3. Page 3, Lines 60 through 65:

60 (7) A direct load control program tariff proposed by an electric
corporation that passes
61 the cost benefit test utilized by the commission and that permits a
customer to choose not to

62 participate in the program without adverse consequence to that
63 customer, other than foregoing

64 a credit or benefit available for participation in the program
65 tariff , shall be presumed to be in the public interest and

66 shall be approved by the commission absent a showing by a person
67 that may be affected by the

68 tariff that the proposed tariff is not in the public interest.

4. Page 3, Lines 66 through 68:

66 (8) A direct load control program may require participation by
67 all customers or all of a

68 group of customers of the electrical corporation served under a
69 tariff of general applicability so long as any customer may
70 affirmatively

71 choose not to participate in the program.

Senator Van Tassell's motion to amend passed on a voice vote. Senator Van Tassell explained the bill.

###

Senator Valentine proposed the following amendment:

1. Page 2, Lines 40 through 42

40 (3) (a) The commission shall ensure that an electrical
41 corporation recovers all costs

42 prudently incurred by the electrical corporation for demand side
43 management programs

44 approved by the commission including the imposition of a
45 surcharge for a customer who opts out of a program described in
46 Subsection (7) .

2. Page 3, Lines 60 through 65:

60 (7) A direct load control program tariff proposed by an electric
61 corporation that passes

62 the cost benefit test utilized by the commission and that permits a
63 customer to choose not to

- 62 participate in the program { ~~- without adverse consequence to that customer, other than foregoing~~
- 63 ~~a credit or benefit available for participation~~ } . shall be presumed to be in the public interest and
- 64 shall be approved by the commission absent a showing by a person that may be affected by the
- 65 tariff that the proposed tariff is not in the public interest.

Senator Valentine’s motion to amend failed on a voice vote. Senators Greiner, Buttars, Romero, Bramble, Waddoups, and Madsen commented.

On motion of Senator Van Tassell, under suspension of the rules, **1st Sub. S.B. 47, ELECTRICAL UTILITY AMENDMENTS – EFFICIENCY AND CONSERVATION TARIFF**, was considered read the second and third times. The bill failed on the following roll call:

Yeas, 12; Nays, 17; Absent, 0.

Voting in the affirmative were: Senators

Davis	Goodfellow	Hinkins	Jones
Mayne	McAdams	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart

Voting in the negative were: Senators

Adams	Bramble	Buttars	Christensen
Dayton	Greiner	Hillyard	Jenkins
Knudson	Liljenquist	Madsen	Morgan
Niederhauser	Okerlund	Valentine	Van Tassell
Waddoups			

1st Sub. S.B. 47 was filed.

* * *

1st Sub. S.B. 217, INCREASE IN SURCHARGE ON FINES, was read the second time.

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

2nd Sub. S.B. 217 Increase in Surcharge on Fines (S. Jenkins)

On motion of Senator Jenkins, the bill was circled.

* * *

On motion of Senator Liljenquist, the circle was removed from **1st Sub. S.B. 240**, RETIREMENT PARTICIPATION AMENDMENTS, and it was before the Senate.

On motion of Senator Liljenquist, under suspension of the rules, **1st Sub. S.B. 240**, RETIREMENT PARTICIPATION AMENDMENTS, was considered read the second and third times. Senator Liljenquist explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Okerlund	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Niederhauser	Robles
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1st Sub. S.B. 240 was transmitted to the House.

* * *

On motion of Senator Hillyard, **3rd Sub. S.B. 247**, JOHN M. BROWNING COMMEMORATIVE DAY, was read the second time and circled.

* * *

On motion of Senator Hillyard, **S.B. 248**, CHILD REGISTRY AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Adams, **S.B. 277**, DNA MODIFICATIONS, was read the second time and circled.

* * *

On motion of Senator Bramble, **2nd Sub. S.B. 44**, HEALTH AMENDMENTS FOR LEGAL IMMIGRANT CHILDREN, was read the second time and circled.

* * *

On motion of Senator Romero, the circle was removed from **S.B. 113**, WIRELESS TELEPHONE USE RESTRICTION FOR MINORS IN VEHICLES, and it was before the Senate.

On motion of Senator Romero, under suspension of the rules, the Senate voted to reconsider its action on **S.B. 113**.

On motion of Senator Romero, the Senate refused to concur in the House amendments. **S.B. 113** was returned to the House.

* * *

On motion of Senator Romero, under suspension of the rules, **1st Sub. S.B. 128**, CITY AND COUNTY CARBON CREDITS FOR SEQUESTRATION OF WASTE STREAM MATERIALS, was considered read the second and third times. Senator Romero explained the bill. Senators Hillyard, Bramble, Jenkins, and Buttars commented.

Senator Romero proposed the following amendment:

- 1. Page 4, Line 99:
After "garbage collection and" insert "/or"

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

Yeas, 11; Nays, 14; Absent, 4.

Voting in the affirmative were: Senators

Davis	Goodfellow	Greiner	Jones
Mayne	McAdams	Morgan	Robles
Romero	Stowell	Van Tassell	

Voting in the negative were: Senators

Bramble	Buttars	Christensen	Dayton
Hillyard	Jenkins	Knudson	Liljenquist
Madsen	Niederhauser	Okerlund	J. Stevenson
Valentine	Waddoups		

Absent or not voting were: Senators

Adams	Hinkins	H. Stephenson	Urquhart
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1st Sub. S.B. 128 was filed.

* * *

On motion of Senator Jenkins, the Senate voted to lift from the calendar all house bills and return them to the Rules Committee to reprioritize. The following bills were sent back to the Rules Committee: **H.B. 17, H.B. 287, 3rd Sub. H.B. 71, 1st Sub. H.B. 205, H.B. 74, H.B. 112, H.B. 251, 1st Sub. H.B. 282, H.B. 381, 5th Sub. H.B. 197, 1st Sub. H.C.R. 2, H.C.R. 13, H.B. 233, 1st Sub. H.B. 60, 1st Sub. H.B. 298, H.J.R. 21, H.B. 91, H.B. 66, H.B. 82, 2nd Sub. H.B. 139, H.B. 189, H.J.R. 16, and 1st Sub. H.B. 221**

COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 8, 2010

The House passed, as substituted and amended, **1st Sub. H.B. 286**, RETIREMENT SYSTEM DIVESTMENT, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 396**, SPEECH–LANGUAGE PATHOLOGY AND AUDIOLOGY LICENSING ACT AMENDMENTS, by Representative D. Ipson, and it is transmitted for consideration; and

The House passed, as amended, **H.C.R. 17**, CONCURRENT RESOLUTION OPPOSING THE USE OF PRESIDENTIAL POWER TO CREATE NEW NATIONAL MONUMENTS IN UTAH, by Representative M. Noel, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 286, 1st Sub. H.B. 396, and H.C.R. 17** were read the first time and referred to the Rules Committee.

* * *

On motion of Senator Jenkins, and at 12:10 p.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 3:35 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 8, 2010

The House passed, as amended, **H.B. 456**, AMENDMENTS TO DEPARTMENT OF ENVIRONMENTAL QUALITY, by Representative R. Edwards, and it is transmitted for consideration; and

The House passed **H.B. 461**, CHILDREN'S HEALTH INSURANCE PROGRAM, by Representative J. Dougall, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk
Communications filed. **H.B. 456** and **H.B. 461** were read the first time and referred to the Rules Committee.

SECOND READING CALENDAR

On motion of Senator Adams, the circle was removed from **S.B. 277**, DNA MODIFICATIONS, and it was before the Senate.

Senator McAdams proposed the following amendment:

1. Page 1, Lines 24 through 24b
Senate Committee Amendments
3-2-2010

24 issues an indictment $\hat{S} \rightarrow$; {~~and~~ }

24a ► clarifies that only DNA markers used for forensic purposes may be included when

24b establishing a donor's {~~DNA profile~~ } gender and unique individual identification by DNA analysis; and ► requires that the DNA analysis be consistent with and not exceed FBI forensic DNA analysis procedures. $\leftarrow \hat{S}$

2. Page 10, Lines 289b through 290
Senate Committee Amendments
3-2-2010:

289b markers routinely used or accepted in the field of forensic science are used to establish the {~~profile~~ } gender and unique individual identification of

289c the donor: $\leftarrow \hat{S}$

(h) utilize only those DNA analysis procedures that are consistent with, and do not exceed, procedures established and used by the Federal Bureau of Investigation for the forensic analysis of DNA;
and

290 [(f)] $\hat{S} \rightarrow$ [(g)] {~~(h)~~ } (i) $\leftarrow \hat{S}$ make rules in accordance with Title 63G, Chapter 3, Utah

3. Page 11, Line 324:

324 conviction, judgment, or order, a certified copy of a court order to set aside the conviction, or a certified copy of the dismissal or acquittal of the charge

Senator McAdams' motion to amend passed on a voice vote.

On motion of Senator Adams, under suspension of the rules, **S.B. 277**, DNA MODIFICATIONS, was considered read the second and third times. Senator Adams explained the bill. Senators Greiner and Romero commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative was: Senator Romero

Absent or not voting were: Senators

Bramble	Christensen	Hillyard	Knudson
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S.B. 277 was transmitted to the House.

* * *

On motion of Senator Robles, the circle was removed from **2nd Sub. S.B. 44**, HEALTH AMENDMENTS FOR LEGAL IMMIGRANT CHILDREN, and it was before the Senate. Senator Robles explained the bill.

On motion of Senator Robles, under suspension of the rules, **2nd Sub. S.B. 44**, HEALTH AMENDMENTS FOR LEGAL IMMIGRANT CHILDREN, was considered read the second and third times. Senator Greiner commented. The bill failed on the following roll call:

Yeas, 13; Nays, 14; Absent, 2.

Voting in the affirmative were: Senators

Buttars	Davis	Goodfellow	Greiner
Jones	Madsen	Mayne	McAdams
Morgan	Robles	Romero	Van Tassell
Waddoups			

Voting in the negative were: Senators

Adams	Bramble	Christensen	Dayton
Hinkins	Jenkins	Knudson	Liljenquist
Niederhauser	Okerlund	H. Stephenson	J. Stevenson
Stowell	Urquhart		

Absent or not voting were: Senators

Hillyard	Valentine
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2nd Sub. S.B. 44 was filed.

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On motion of Senator Jenkins, the circle was removed from **2nd Sub. S.B. 217**, INCREASE IN SURCHARGE ON FINES, and it was before the Senate.

Senator Jenkins proposed the following amendment:

1. Page 1, Lines 21 through 22

21 Monies Appropriated in this Bill:

22 {~~None~~} This bill appropriates as an ongoing appropriation subject to future budget constraints, \$619,000 from the Law Enforcement Services Account for fiscal year 2010–11 to the Commission on Criminal and Juvenile Justice.

1. Page 5, Lines 142 through 143:

142 Section 4. Effective date.

143 This bill takes effect on July 1, 2010.

Section 5. Appropriation.

As an ongoing appropriation subject to future budget constraints, there is appropriated from the Law Enforcement Services Account established in Section 51–9–412 for fiscal year 2010–11, \$619,000 to the Commission on Criminal and Juvenile Justice to allocate for the purposes set forth in Section 51–9–412.

Senator Jenkins' motion to amend passed on a voice vote. Senators Greiner, Adams, Buttar, and Valentine commented.

On motion of Senator Jenkins, the bill was circled.

* * *

On motion of Senator Bramble, the Senate voted to reconsider its action on **1st Sub. S.B. 47**.

On motion of Senator Bramble, **1st Sub. S.B. 47**, ELECTRICAL UTILITY AMENDMENTS – EFFICIENCY AND CONSERVATION TARIFF, was placed at the top of the Second Reading Calendar and circled.

* * *

On motion of Senator Liljenquist, the Senate voted to lift **S.B. 265** from the Rules Committee and place it at the top of the Second Reading Calendar.

* * *

On motion of Senator Liljenquist, under suspension of the rules, **S.B. 265**, BUDGET REVISIONS – DRUG COURT EXPANSION, was considered read the second and third times. Senator Liljenquist explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
Okerlund	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

McAdams	Morgan	Niederhauser	Robles
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S.B. 265 was transmitted to the House.

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On motion of Senator Stowell, the circle was removed from **1st Sub. S.B. 68**, LOCAL HEALTH AUTHORITY FUNDING AMENDMENTS, and it was before the Senate.

On motion of Senator Stowell, the Senate voted to strike the enacting clause.

* * *

On motion of Senator Stowell, legislative staff was authorized to draft a bill regarding public access to stream beds.

* * *

On motion of Senator Bramble, under suspension of the rules, **1st Sub. S.B. 197**, COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AMENDMENTS, was considered read the second and third times. Senator Bramble explained the bill. Senator Davis commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars	Morgan
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1st Sub. S.B. 197 was transmitted to the House.

* * *

On motion of Senator Madsen, the circle was removed from **3rd Sub. S.B. 247**, JOHN M. BROWNING COMMEMORATIVE DAY, and it was before the Senate. Senator Madsen explained the bill.

On motion of Senator Madsen, under suspension of the rules, **3rd Sub. S.B. 247**, JOHN M. BROWNING COMMEMORATIVE DAY, was considered read the first, second, and third times. Senator Madsen explained the bill. The bill passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Goodfellow	Greiner	Hinkins	Jones
Knudson	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Christensen	Dayton	Hillyard	Jenkins
Liljenquist	Robles		

3rd Sub. S.B. 247 was transmitted to the House.

* * *

On motion of Senator Bramble, legislative staff was authorized to draft a bill regarding capital facilities amendments.

* * *

On motion of Senator Urquhart, the circle was removed from **S.B. 156, ANTITRUST ACT AMENDMENTS**, and it was before the Senate.

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

1st Sub. S.B. 156 Antitrust Act Amendments (S. Urquhart)

On motion of Senator Urquhart, under suspension of the rules, **1st Sub. S.B. 156, ANTITRUST ACT AMENDMENTS**, was considered read the second and third times. Senator Urquhart explained the bill. Senators McAdams and Niederhauser commented. The bill passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Adams	Buttars	Davis	Goodfellow
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Urquhart
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Christensen	Dayton	Greiner
Hillyard	Stowell	Valentine	

1st Sub. S.B. 156 was transmitted to the House.

INTENT LANGUAGE for 1st Sub. S.B. 156

On motion of Senator Urquhart, the Senate voted to include the following intent language in the Senate Journal:

Section 76–10–919(4) of the Utah Antitrust Act has been challenged as being unconstitutional in violation of the Open Courts provision of the Utah Constitution because it lacks sufficient Utah legislative history. Section 76–10–919(4) provides that no damages, costs, or attorney fees may be collected against political subdivisions or their employees acting in an official capacity. The Legislature wanted to avoid antitrust lawsuits and threatened suits that could undermine a local government’s ability to govern in the public interest.

* * *

On motion of Senator Jenkins, the Senate voted to reconsider its action on **S.B. 203**.

On motion of Senator Jenkins, **S.B. 203**, VACANCIES IN COUNTY ELECTED OFFICES, was placed at the top of the Second Reading Calendar and circled.

* * *

On motion of Senator Stevenson, the circle was removed from **S.B. 272**, AMENDMENTS TO TRANSPORTATION PROVISIONS, and it was before the Senate.

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

2nd Sub. S.B. 272 Amendments to Transportation Provisions
(J. Stevenson)

On motion of Senator Stevenson, under suspension of the rules, **2nd Sub. S.B. 272**, AMENDMENTS TO TRANSPORTATION PROVISIONS, was considered read the second and third times. Senator Stevenson explained the bill. Senators Jones, Van Tassell, Buttars, Mayne, and Madsen commented. The bill passed on the following roll call:

Yeas, 16; Nays, 10; Absent, 3.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Hinkins	Jones	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Romero	J. Stevenson	Urquhart	Van Tassell

Voting in the negative were: Senators

Buttars	Goodfellow	Greiner	Hillyard
Jenkins	Knudson	Madsen	Robles
H. Stephenson	Waddoups		

Absent or not voting were: Senators

Dayton

Stowell

Valentine

2nd Sub. S.B. 272 was transmitted to the House.

* * *

On motion of Senator Niederhauser, the circle was removed from **S.B. 165**, ALLOCATION AND APPORTIONMENT OF INCOME AND DEDUCTION OF A NET LOSS, and it was before the Senate.

Senator Niederhauser proposed the following amendment:

- 1. Page 2, Line 33

33 59–7–311, as last amended by Laws of Utah 2008, Chapter 382
59–7–319, as last amended by Laws of Utah 2008, Chapters 105
and 283

- 2. Page 21, Line 647 through Page 22, Line 666:

647 (k) Subject to Subsection (2), “sales factor weighted taxpayer”
means:

648 (i) for a taxpayer that is not a unitary group, regardless of the
number of economic

649 activities the taxpayer performs, a taxpayer {~~that~~
attributes } having greater than 50% of the taxpayer’s

650 total sales everywhere {~~to~~ } generated by economic
activities:

651 (A) performed by the taxpayer; and

652 (B) classified in a NAICS {~~sector~~ } code of the 2002
or 2007 North American Industry

653 Classification System of the federal Executive Office of the
President, Office of Management

654 and Budget, except for:

655 (I) a NAICS code within NAICS Sector 21, Mining;

656 (II) a NAICS code within NAICS Sector 31–33,
Manufacturing; {~~or~~ }

(III) a NAICS code within NAICS Sector 48–49, Transportation
and Warehousing;

(IV) NAICS Code 515210, Cable and Other Subscription Programming;

(V) NAICS Code 517510, Cable and Other Program Distribution;

or

657 {~~(III)~~ } (VI) a NAICS code within NAICS Sector
52, Finance and Insurance; or

658 (ii) for a taxpayer that is a unitary group, a taxpayer {~~that~~
attributes } having greater than 50% of

659 the taxpayer's total sales everywhere {~~to~~ } generated
by economic activities;

660 (A) performed by the unitary group; and

661 (B) classified in a NAICS {~~sector~~ } code of the 2002
or 2007 North American Industry

662 Classification System of the federal Executive Office of the
President, Office of Management

663 and Budget, except for:

664 (I) a NAICS code within NAICS Sector 21, Mining;

665 (II) a NAICS code within NAICS Sector 31–33,
Manufacturing; {~~or~~ }

(III) a NAICS code within NAICS Sector 48–49, Transportation
and Warehousing;

(IV) NAICS Code 515210, Cable and Other Subscription
Programming;

(V) NAICS Code 517510, Cable and Other Program Distribution;

or

666 {~~(III)~~ } (VI) a NAICS code within NAICS Sector
52, Finance and Insurance.

3. Page 26, Line 773:

773 (ii) ends on the last day of the taxable year described in
Subsection (4)(b)(i).

Section 5. Section 59–7–319 is amended to read:

59–7–319. Receipt, rent, royalty, or sale in connection with
other than tangible personal property -- When considered to be in this
state.

(1) As used in this section:

(a) "Facilities-based communications operator" means a taxpayer

that:

(i) is a unitary group;

(ii) operates in more than one state;

(iii) owns and operates more than \$100,000,000 of property everywhere as determined in accordance with this part in or over a public right of way; and

(iv) has greater than 50% of the taxpayer's total sales everywhere as determined in accordance with this part generated by economic activities:

(A) performed by the taxpayer; and

(B) classified in at least one of the following NAICS codes of the 2002 or 2007 North American Industry Classification System of the federal Executive Office of the President, Office of Management and Budget:

(I) NAICS Code 515210, Cable and Other Subscription Programming; or

(II) NAICS Code 517510, Cable and Other Program Distribution.

~~{-(1)-(a)-}~~ (b) (i) Subject to Subsection (1)(b) (ii), ~~{-as used in this section,-}~~ "regulated investment company" is as defined in Section 851(a), Internal Revenue Code, in effect for the taxable year.

~~{-(b)-}~~ (ii) "Regulated investment company" includes a trustee or sponsor of an employee benefit plan that has an account in a regulated investment company.

(2) The following are considered to be in this state:

(a) a rent in connection with real property if the real property is in this state;

(b) a royalty in connection with real property if the real property is in this state;

(c) a sale in connection with real property if the real property is in this state; or

(d) other income in connection with real property if the real property is in this state.

(3) (a) Subject to Subsection (3)(b), a receipt from the performance of a service is considered to be in this state if the purchaser of the service receives a greater benefit of the service in this state than in any other state.

(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may by rule prescribe the circumstances under which a purchaser of a service receives a greater

benefit of the service in this state than in any other state.

(4) (a) Subject to Subsection (4)(b), a receipt in connection with intangible property is considered to be in this state if the intangible property is used in this state.

(b) If the intangible property described in Subsection (4)(a) is used in this state and outside this state, a receipt in connection with the intangible property shall be apportioned to this state in accordance with Subsection (4)(c).

(c) For purposes of Subsection (4)(b), for a taxable year the percentage of a receipt in connection with intangible property that is considered to be in this state is the percentage of the use of the intangible property that occurs in this state during the taxable year.

(5) (a) Notwithstanding Subsections (2) through (4), for purposes of a facilities-based communications operator only, sales, other than sales of tangible personal property, are in this state if the income-producing activity is performed both in and outside this state and a greater proportion of the income-producing activity is performed in this state than in any other state, based on costs of performance.

(b) For purposes of this Subsection (5) only, a sale of a product delivered electronically is not considered to be a sale of tangible personal property.

~~{-(5)-}~~ (6) (a) Notwithstanding Subsections (2) through ~~{-(4)-}~~ (5), a sale, other than a sale of tangible personal property, derived, directly or indirectly, from the sale of management, distribution, or administration services to, or on behalf of a regulated investment company, is considered to be in this state:

(i) to the extent that shareholders of the regulated investment company are domiciled in the state; and

(ii) as provided in this Subsection ~~{-(5)-}~~ (6).

(b) For purposes of Subsection ~~{-(5)-}~~ (6) (a), the amount of a sale, other than a sale of tangible personal property, that is considered to be in this state is calculated by determining the product of:

(i) the taxpayer's total dollar amount of sales of the services; and

(ii) a fraction, the numerator of which is the average of the sum of the beginning of the year and the end of year balance of shares owned by the investment company shareholders domiciled in this state and the denominator of which is the average of the sum of the beginning of the year and end of year balance of shares owned by the investment company shareholders.

(c) A separate computation shall be made to determine the sales for each investment company.

~~{-(6)-}~~ (7) (a) Notwithstanding Subsections (2) through ~~{-(4)-}~~ (5) and subject to Subsection ~~{-(6)-}~~ (7) (b), the following sales are considered to be in this state to the extent that customers of a securities brokerage business are domiciled in the state:

(i) a sale, other than a sale of tangible personal property, derived, directly or indirectly, from the sale of a securities brokerage service by a taxpayer if that taxpayer is primarily engaged in providing a service in this state to a regulated investment company; or

(ii) a sale, other than a sale of tangible personal property, derived, directly or indirectly, from the sale of a securities brokerage service by a taxpayer that is an affiliate of a taxpayer that provides a service in this state to a regulated investment company.

(b) For purposes of Subsection ~~{-(6)-}~~ (7) (a), the amount of a sale, other than a sale of tangible personal property, that is considered to be in this state is calculated by determining the product of:

(i) the taxpayer’s total dollar amount of sales of securities brokerage services; and

(ii) a fraction, the numerator of which is the receipts from securities brokerage services from customers of the taxpayer domiciled in this state, and the denominator of which is the receipts from securities brokerage services from all customers of the taxpayer.

~~{-(7)-}~~ (8) Whether sales by an airline, other than sales of tangible personal property, are in this state is determined as provided in this section, subject to the calculation required by Subsection 59-7-317(2).

Renumber remaining sections accordingly.

Senator Niederhauser’s motion to amend passed on a voice vote.

On motion of Senator Niederhauser, under suspension of the rules, **S.B. 165, ALLOCATION AND APPORTIONMENT OF INCOME AND DEDUCTION OF A NET LOSS**, was considered read the second and third times. Senator Niederhauser explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hillyard

Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Dayton	Mayne	McAdams
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S.B. 165 was transmitted to the House.

* * *

On motion of Senator Van Tassell, under suspension of the rules, **S.C.R. 12**, RESPONSIBLE DEVELOPMENT OF PUBLIC LANDS CONCURRENT RESOLUTION, was considered read the second and third times. Senator Van Tassell explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Christensen	Dayton	Mayne
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S.C.R. 12 was transmitted to the House.

* * *

On motion of Senator Knudson, the Senate voted to lift the following bills from the Rules Committee and place them on the Second Reading Calendar in the following order: **H.C.R. 7, 1st Sub. H.B. 13, 1st Sub. H.B. 459, 2nd Sub. H.B. 397, 2nd Sub. H.B. 331, 1st Sub. H.B. 280, H.B. 340, H.B. 429, H.B. 318, H.B. 402, 1st Sub. H.B. 150, H.B. 307, 1st Sub. H.B. 140, 1st Sub. H.B. 166, 1st Sub. H.B. 173, 1st Sub. H.B. 314, 1st Sub. H.J.R. 26, 1st Sub. H.C.R. 2, 1st Sub. H.B. 408, 1st Sub. H.J.R. 34, H.B. 143, 1st Sub. H.B. 324, H.B. 138, H.B. 363, H.B. 117, H.B. 380, H.B. 189, H.B. 431, H.B. 179, H.B. 337,**

H.C.R. 15, 1st Sub. H.B. 396, 2nd Sub. H.B. 170, H.B. 209, H.B. 74, H.B. 130, H.B. 287, and 1st Sub. H.B. 187

* * *

On motion of Senator Madsen, under suspension of the rules, **S.J.R. 18, GANG CRIME AWARENESS AND ENFORCEMENT JOINT RESOLUTION**, was considered read the second and third times. Senator Madsen explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator Dayton

S.J.R. 18 was transmitted to the House.

* * *

On motion of Senator Niederhauser, **S.B. 215, HIGHWAY PROJECT FUNDING – SALT LAKE COUNTY**, was read the second time and circled.

* * *

On motion of Senator Urquhart, under suspension of the rules, **S.B. 279, IDENTITY FRAUD AND RELATED AMENDMENTS**, was considered read the second and third times.

Senator Urquhart proposed the following amendment:

1. Page 3, Line 79:
After “(B)” insert “willfully and”

Senator Urquhart’s motion to amend passed on a voice vote. Senator Urquhart explained the bill. Senator Greiner commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hillyard
Hinkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Dayton	Jenkins
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S.B. 279 was transmitted to the House.

* * *

On motion of Senator Hinkins, under suspension of the rules, **S.B. 237**, TRANSITION FOR REPEALED NAVAJO TRUST FUND ACT AMENDMENTS, was considered read the second and third times.

Senator Hinkins proposed the following amendment:

- 1. Page 1, Lines 12 through 15

12 This bill:

13 ► addresses receipt of litigation related monies;
14 {–and–} ;

15 ► addresses expenditures on certain projects; and

16 ► modifies a date related to qualifying for receipt of
17 money for postsecondary

18 education.

- 2. Page 4, Lines 103 through 104:

103 (a) subject to Subsection (8), fulfill the liabilities and
104 obligations of the repealed Navajo Trust Fund as of June

105 30, 2008;

- 3. Page 5, Lines 127 through 128:

127 necessary and reasonable to comply with the requirements of this
128 Subsection (7).

(8) To fulfill the liabilities and obligations of the repealed Navajo Trust Fund as of June 30, 2008, the Division of Finance may expend monies from the fund:

(a) for a liability or obligation incurred before March 17, 2008, to the extent that the expenditure was expressly a liability or obligation of the repealed Navajo Trust Fund as of March 17, 2008; and

(b) on and after March 11, 2010, for a project approved under Subsection (1)(b)(i) by the repealed board of trustees, except that the Division of Finance may not expend monies from the fund for a project approved under Subsection (1)(b)(i):

(i) in excess of \$100,000 in the aggregate for the project; or

(ii) to fulfill a liability or obligation related to the project if the expenditure would be on or after the earlier of:

(A) the day on which monies from the fund are transferred as authorized by congressional action to designate a new recipient of the Utah Navajo royalties; or

(B) January 1, 2012.

128 {-(8)-} (9) Unless expressly prohibited by this part, the state may take any action with regard

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

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

Voting in the affirmative were: Senators

- | | | | |
|---------------|--------------|----------|-------------|
| Adams | Buttars | Davis | Dayton |
| Goodfellow | Greiner | Hillyard | Hinkins |
| Jenkins | Jones | Knudson | Liljenquist |
| Madsen | Mayne | McAdams | Morgan |
| Niederhauser | Okerlund | Robles | Romero |
| H. Stephenson | J. Stevenson | Stowell | Urquhart |
| Van Tassell | Waddoups | | |

Absent or not voting were: Senators

- | | | |
|---------|-------------|-----------|
| Bramble | Christensen | Valentine |
|---------|-------------|-----------|

S.B. 237 was transmitted to the House.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 8, 2010
The Speaker of the House has signed **1st Sub. S.B. 76**, TRUST DEED AMENDMENTS, by Senator J. Valentine, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 76 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 8, 2010
The House refuses to recede from its amendments to **S.B. 113**, WIRELESS TELEPHONE USE RESTRICTION FOR MINORS IN VEHICLES, by Senator R. Romero, and has appointed a Conference Committee consisting of Representatives J. Dougall, E. Hutchings, and P. Riesen to meet with a like committee from the Senate on this bill.

Sandy D. Tenney, Chief Clerk

On motion of Senator Romero, the Senate voted to refuse to recede from its amendments to **S.B. 113**. President Waddoups appointed a conference committee consisting of Senators Romero, Mayne, and Adams to meet with a like committee from the House.

* * *

Mr. President: March 8, 2010
The House passed **H.B. 149**, SCHOOL FINANCE AMENDMENTS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 320**, UTAH CONSTRUCTION TRADES LICENSING ACT – ALARM COMPANIES AMENDMENTS, by Representative C. Herrod, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 353**, NONLAPSING DEDICATED CREDIT AMENDMENTS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed **H.B. 452**, COLLECTION FEES, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed **H.C.R. 18**, WORKFORCE NEEDS CONCURRENT RESOLUTION, by Representative B. Dee, and it is transmitted for consideration; and

The House passed **H.J.R. 32**, JOINT RESOLUTION APPROVING THE PELT CASE FINAL SETTLEMENT AGREEMENT, by Representative D. Clark, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 149, 2nd Sub. H.B. 320, H.B. 353, H.B. 452, H.C.R. 18, H.J.R. 32** were read the first time and referred to the Rules Committee.

* * *

On motion of Senator Jenkins and at 5:30 p.m., the Senate adjourned until 9:00 a.m., Tuesday, March 9, 2010.

FORTY-THIRD DAY

MORNING SESSION

March 9, 2010

The Senate was called to order at 9:20 a.m., with President Michael Waddoups presiding.

Prayer – Venerable Israt, (Ritiron) Venerable Nong (Suprachat Yotjai), Venerable Krain–Krai (Patiwet) from Thailand; live and work at Wat Dhammagunaram Buddhist Temple in Layton, Utah

Pledge of Allegiance – Senator Ross Romero

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 72)

COMMUNICATIONS FROM THE GOVERNOR

Mr. President: March 8, 2010

The Utah House of Representatives has presented me with two bills for my consideration: **H.B. 12**, CRIMINAL HOMICIDE AND ABORTION AMENDMENTS, and **H.B. 462**, CRIMINAL HOMICIDE AND ABORTION REVISIONS. I have closely followed the progress of these bills and have taken keen interest in the debate over the consequences, both intended and unintended, of these measures.

I appreciate the willingness of Representative Wimmer to reevaluate the impact of potential unintended consequences from the inclusion of “reckless” behavior in **H.B. 12**. **H.B. 462** is more consistent with the true intent of the legislation and addresses those situations in which the termination of a pregnancy is intentional and is not conducted at a physician’s direction.

For these reasons, I have signed **H.B. 462** and vetoed **H.B. 12**.

Gary R. Herbert
Governor

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 8, 2010

The House passed, as substituted and amended, **2nd Sub. H.B. 153**, RECYCLING OF ELECTRONIC ITEMS, by Representative R. Edwards, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 169**, REFINERY AMENDMENTS, by Representative R. Edwards, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 321**, BOND ELECTION NOTIFICATION REVISIONS, by Representative G. Hughes, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **2nd Sub. H.B. 153, H.B. 169, and H.B. 321** were read the first time and referred to the Rules Committee.

CONCURRENCE CALENDAR

On motion of Senator Valentine, the Senate voted to concur in the House amendments to **S.B. 167**, ALCOHOLIC BEVERAGE CONTROL ACT RECODIFICATION. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Greiner	Hillyard	Madsen	J. Stevenson
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S.B. 167 was returned to the House for the signature of the Speaker.

SPECIAL RECOGNITION

Members of the Tintic High School Boys Basketball team were honored as winners of the 1-A State Tournament

* * *

Members of the Legislative Fiscal Analyst Office, the Office of Legislative Research and General Counsel and the Legislative Auditor General Office were recognized by the Senate. Senator Bramble commented.

THIRD READING CALENDAR

On motion of Senator Liljenquist, the Senate voted to recall **1st Sub. H.B. 235**, CHILD SUPPORT FOR CHILDREN IN STATE CUSTODY, for the purpose of placing it on the Third Reading Calendar.

* * *

On motion of Senator Liljenquist, the Senate voted to lift **H.B. 24**, ECONOMIC DEVELOPMENT INCENTIVES ACT AMENDMENTS, from the Third Reading Table and place it on the Third Reading Calendar

* * *

H.B. 24, ECONOMIC DEVELOPMENT INCENTIVES ACT AMENDMENTS, was before the Senate and explained by Senator Stevenson. Senator Mayne commented.

On motion of Senator Stevenson, the bill was circled.

* * *

On motion of Senator Jones, under suspension of the rules, **H.C.R. 7**, CREDIT SCORE CONCURRENT RESOLUTION, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator Madsen

H.C.R. 7 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Knudson, under suspension of the rules, **1st Sub. H.B. 13**, DRUG LAW DEFINITIONS – AMENDMENTS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Hinkins	Madsen
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1st Sub. H.B. 13 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Niederhauser, **1st Sub. H.B. 459, HEALTH AMENDMENTS**, was read the second time and circled.

* * *

On motion of Senator Liljenquist, under suspension of the rules, **2nd Sub. H.B. 397, MEDICAID PROGRAM AMENDMENTS**, was considered read the second and third times.

Senator Liljenquist proposed the following amendment:

1. Page 9, Line 252b:
Change "2012" to "2010"

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

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator Madsen

2nd Sub. H.B. 397, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Bramble, under suspension of the rules, **2nd Sub. H.B. 331**, WASTE FEE AND RELATED AMENDMENTS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars Madsen

2nd Sub. H.B. 331 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Jenkins, **1st Sub. H.B. 280**, REAL PROPERTY – TRANSFER FEES, was read the second time and circled.

* * *

On motion of Senator Valentine, under suspension of the rules, **H.B. 340**, SEXUAL ASSAULT VICTIM PROTOCOLS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Hillyard	Hinkins

Jenkins	Jones	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Buttars	Greiner	Knudson	Madsen
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H.B. 340 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Niederhauser, under suspension of the rules, **H.B. 429**, NEWSPAPER PUBLICATION REQUIREMENTS, was considered read the second and third times. Senators Jones, Romero, Urquhart, Bramble, and Valentine commented. The bill failed on the following roll call:

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

Voting in the affirmative were: Senators

Morgan	Niederhauser	Stowell	Waddoups
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Voting in the negative were: Senators

Bramble	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Urquhart
Valentine	Van Tassell		

Absent or not voting were: Senators

Adams	Buttars	Madsen
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H.B. 429 was filed.

* * *

On motion of Senator Stowell, under suspension of the rules, **H.B. 318**, REVOLVING LOAN FUND FOR CERTAIN ENERGY EFFICIENT PROJECTS AMENDMENTS, was considered read the second and third times. Senator Valentine commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Adams	Buttars	Madsen
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H.B. 318 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Niederhauser, under suspension of the rules, **H.B. 402**, DEPARTMENT OF ADMINISTRATIVE SERVICES MODIFICATIONS, was considered read the second and third times. Senator Greiner commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Adams	Buttars	J. Stevenson
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H.B. 402 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.B. 150, ADMINISTRATIVE SUBPOENA AMENDMENTS, was read the second time. Senator Dayton explained the bill. Senators Greiner, McAdams, and Hillyard commented.

On motion of Senator Dayton, the bill was circled.

* * *

On motion of Senator Stephenson, under suspension of the rules, **H.B. 307**, GENERAL COUNTY POWERS AMENDMENTS, was considered read the second and third times.

Senator Stephenson proposed the following amendment:

- 1. Page 2, Line 42

42 without first entering into an agreement under Title 11, Chapter 13, Interlocal Cooperation Act, or other contract

Senator Stephenson’s motion to amend passed on a voice vote. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Christensen	Dayton	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Waddoups

Absent or not voting were: Senators

Bramble	Buttars	Davis	Niederhauser
Van Tassell			

H.B. 307 was returned to the House for further consideration.

* * *

On motion of Senator Dayton, the circle was removed from **1st Sub. H.B. 150**, ADMINISTRATIVE SUBPOENA AMENDMENTS, and it was before the Senate.

On motion of Senator Dayton, under suspension of the rules, **1st Sub. H.B. 150**, ADMINISTRATIVE SUBPOENA AMENDMENTS, was considered read the second and third times. Senators Hillyard, Goodfellow, Valentine, and Romero commented and the bill passed on the following roll call:

Yeas, 19; Nays, 10; Absent, 0.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Morgan	Niederhauser	Okerlund	J. Stevenson
Stowell	Valentine	Waddoups	

Voting in the negative were: Senators

Davis	Goodfellow	Madsen	Mayne
McAdams	Robles	Romero	H. Stephenson
Urquhart	Van Tassell		

1st Sub. H.B. 150 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

ADVISE AND CONSENT

Mr. President: February 23, 2010

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

Labor Commission Appeals Board:

Colleen S. Colton is appointed as chair of the Labor Commission Appeals Board, a term to expire March 1, 2016. See Utah Code Ann. 34A-1-205.

Utah Athletic Foundation Board of Directors :

John Bennion is reappointed as a member of the Utah Athletic Foundation Board of Directors, a term to expire August 15, 2012. See SJR 1 Passed February 3, 2007 and Bylaws of Utah Athletic Foundation.

Gordon Strachan is reappointed as a member of the Utah Athletic Foundation Board of Directors, a term to expire August 15, 2012. See SJR 1 Passed February 3, 2007 and Bylaws of Utah Athletic Foundation.

Robert H. Garff is reappointed as a member of the Utah Athletic Foundation Board of Directors, a term to expire August 15, 2012. See SJR 1 Passed February 3, 2007 and Bylaws of Utah Athletic Foundation.

Utah Comprehensive Health Insurance Pool Board of Directors:

Steve Bateman is appointed to replace Byron Okutsu as a member of the Utah Comprehensive Health Insurance Pool Board of Directors, a term to expire June 30, 2011. See Utah Code Ann. 31A-29-104.

Robert “Chet” Loftis is appointed to replace Andy Galano as a member of the Utah Comprehensive Health Insurance Pool Board of Directors, a term to expire June 30, 2011. See Utah Code Ann. 31A–29–104.

Health Data Committee:

Scott Baxter is appointed as a member of the Health Data Committee, a term to expire June 30, 2014. See Utah Code Ann. 26–33a–103.

Patricia Richards is appointed as a member of the Health Data Committee, a term to expire June 30, 2014. See Utah Code Ann. 26–33a–103.

Health Facilities Committee:

Bryan Erickson is appointed as a member of the Health Facilities Committee, a term to expire July 1, 2014. See Utah Code Ann. 26–1–7 & 26–21–3.

Ezra Lamonte Segura is appointed as a member of the Health Facilities Committee, a term to expire July 1, 2014. See Utah Code Ann. 26–1–7 & 26–21–3.

Gerald Russell Nichols is appointed as a member of the Health Facilities Committee, a term to expire July 1, 2014. See Utah Code Ann. 26–1–7 & 26–21–3.

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

Gary R. Herbert
Governor

On motion of Senator Hillyard, the Senate consented to the above appointments on the following roll call vote:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Waddoups	

Absent or not voting were: Senators

Buttars	Van Tassell
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SECOND READING CALENDAR

1st Sub. H.B. 140, HUMAN RESOURCE MANAGEMENT AMENDMENTS, was read the second time.

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

2nd Sub. H.B. 140 Human Resource Management Amendments (B. Dee)

On motion of Senator Liljenquist, under suspension of the rules, **2nd Sub. H.B. 140, HUMAN RESOURCE MANAGEMENT AMENDMENTS,** was considered read the second and third times. Senators Greiner and Romero commented and the bill passed on the following roll call:

Yeas, 20; Nays, 5; Absent, 4.

Voting in the affirmative were: Senators

Adams	Christensen	Dayton	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Morgan
Niederhauser	Okerlund	Romero	H. Stephenson
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

Davis	Goodfellow	Mayne	McAdams
Robles			

Absent or not voting were: Senators

Bramble	Buttars	J. Stevenson	Stowell
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2nd Sub. H.B. 140 was returned to the House for further consideration.

* * *

1st Sub. H.B. 166, REDUCTIONS TO EDUCATION MANDATES, was read the second time. Senator Niederhauser explained the bill. Senators Greiner, Jones and Mayne commented.

Senator Niederhauser proposed the following amendment:

1. Page 2, Lines 30 through 33

30 ► amends provisions related to the transportation
 levy; and

31 {~~→ amends provisions related to a school district's or~~
 charter school's requirement to

32 file certain information on the Utah Public Finance Website to
 allow a public school

33 two years before complying with the requirements; and }

2. Page 2, Line 51:

51 {~~63A-3-405, as enacted by Laws of Utah 2009, Chapter~~
 340-}

3. Page 13, Lines 383 through 389:

383 (1) A student eligible for state-supported transportation means:

384 (a) a student enrolled in {~~[-]~~} kindergarten through grade
 six {~~[-]~~} {~~an elementary school~~} who

385 lives at least 1-1/2 miles from school;

386 (b) a student enrolled in {~~[-]~~} grades seven through
 12 {~~[-]~~} {~~a secondary school~~} who lives at

387 least {~~[-]~~} two {~~[-]~~} {~~three~~} miles from school;
 and

388 (c) a student enrolled in a special program offered by a school
 district and approved by

389 the State Board of Education for trainable, motor,
 multiple-disabled, or other students with

4. Page 15, Line 434 through Page 16, Line 468:

434 {~~Section 11. Section 63A-3-405 is amended to read:~~

435 63A-3-405. Participation by local entities.

436 (1) (a) Not later than May 15, 2010, ~~[the following participating~~
 local entities] public

437 transit districts created under Title 17B, Chapter 2a, Part 8, Public
Transit District Act, in

438 ~~conformity with the rules established under Section 63A-3-404,~~
 shall provide public financial

439 ~~information through the Utah Public Finance Website or their own~~
 website and provide a link

440 to their website through the Utah Public Finance Website[.];

441 [(i) school districts;]

442 [(ii) charter schools; and]

443 [(iii) public transit districts created under Title 17B, Chapter 2a,
Part 8, Public Transit

444 District Act.]

445 (b) Participating local entities subject to this Subsection (1)
shall permit information

446 that is generated not later than the fiscal year that begins July 1,
2009 to be accessible via the

447 website.

448 (2) (a) Not later than May 15, 2011, the following participating
local entities, in

449 conformity with the rules established under Section 63A-3-404,
shall be required to provide

450 public financial information through the Utah Public Finance
Website or their own website and

451 provide a link to their website through the Utah Public Finance
Website:

452 (i) counties;

453 (ii) municipalities;

454 (iii) local districts under Title 17B, Limited Purpose Local
Government Entities – Local

455 Districts, that are not already required to report; and

456 (iv) special service districts under Title 17D, Chapter 1, Special
Service District Act.

457 (b) Participating local entities subject to this Subsection (2)
shall permit information

458 that is generated not later than the fiscal year that begins July 1,
2010 to be accessible via the

459 website.

460 (3) (a) Not later than May 15, 2012, the following participating
local entities, in

461 conformity with the rules established under Section 63A-3-404,
shall be required to provide

462 public financial information through the Utah Public Finance
Website or their own website and

463 provide a link to their website through the Utah Public Finance
Website:

464 (i) school districts; and

465 (ii) charter schools.

466 (b) Participating local entities subject to this Subsection (3)
shall permit information

467 that is generated not later than the fiscal year that begins July 1,
2011, to be accessible via the

468 website.

Senator Niederhauser’s motion to amend passed on a voice vote. The bill
passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Dayton	Goodfellow	Hillyard	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Valentine	Van Tassell
Waddoups			

Voting in the negative was: Senator
Greiner

Absent or not voting were: Senators

Christensen	Hinkins	Urquhart
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* * *

1st Sub. H.B. 173, 911 AMENDMENTS, was read the second time.

Senator Greiner proposed the following amendment:

1. Page 5, Line 123

123 operational efficiencies including full redundancy for taking calls and dispatching for public agencies within Salt Lake County.

2. Page 12, Line 347:

347 (i) may be used by the { ~~primary public safety answering point~~ } public agency for the purposes under

Senator Greiner’s motion to amend passed on a voice vote.

On motion of Senator Greiner, the bill was circled.

* * *

1st Sub. H.B. 314, WATER RIGHTS ADDENDUMS TO DEEDS, was read the second time. Senator Stowell explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

Yeas, 16; Nays, 8; Absent, 5.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Dayton
Hinkins	Jenkins	Knudson	Liljenquist
Madsen	Okerlund	H. Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

Davis	Goodfellow	Greiner	Jones
McAdams	Morgan	Robles	Romero

Absent or not voting were: Senators

Christensen	Hillyard	Mayne	Niederhauser
J. Stevenson			

* * *

1st Sub. H.J.R. 26, JOINT RESOLUTION APPROVING WATER RIGHTS ADDENDUM FORM, was read the second time. Senator Stowell explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hinkins

Jenkins	Jones	Knudson	Madsen
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Christensen	Hillyard	Liljenquist	Mayne
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* * *

On motion of Senator Hinkins, under suspension of the rules, **1st Sub. H.C.R. 2, CONCURRENT RESOLUTION ON STATES' RIGHTS**, was considered read the second and third times and passed on the following roll call:

Yeas, 24; Nays, 3; Absent, 2.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Dayton	Greiner	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

Goodfellow	McAdams	Robles
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Absent or not voting were: Senators

Christensen	Hillyard
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1st Sub. H.C.R. 2 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Urquhart, under suspension of the rules, **1st Sub. H.B. 408, HOSPITAL CLAIMS MANAGEMENT**, was considered read the second and third times. Senator Valentine commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hinkins

Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Christensen Hillyard

1st Sub. H.B. 408 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Urquhart, under suspension of the rules, **1st Sub. H.J.R. 34**, JOINT RESOLUTION ON HOSPITAL CLAIMS MANAGEMENT, was considered read the second and third times. Senator Stephenson commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Dayton	Goodfellow	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Christensen Greiner Hillyard

1st Sub. H.J.R. 34 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Niederhauser, the circle was removed from **1st Sub. H.B. 459**, HEALTH AMENDMENTS, and it was before the Senate.

On motion of Senator Niederhauser, under suspension of the rules, **1st Sub. H.B. 459**, HEALTH AMENDMENTS, was considered read the second and third times.

Senator Liljenquist proposed the following amendment:

- 1. Page 13, Lines 380 through 382

380 (d) on or before January 1, 2011, one health benefit plan that is a
 381 federally qualified

381 high deductible health plan that has a deductible that is within
 382 \$250 of the highest deductible that qualifies as a federally qualified

382 high deductible health plan as adjusted by federal law, and does not
 383 exceed an annual

Senator Liljenquist’s motion to amend passed on a voice vote.

###

Senator Liljenquist proposed the following amendment:

- 1. Page 8, Lines 212 through 219

212 ~~{-(c) An insurer shall provide the enrollee with notice of an~~
 213 ~~increase in costs for~~

213 ~~prescription drug coverage due to a change in benefit design under~~
 214 ~~Subsection (2)(a)(i)(A):~~

214 ~~(i) either:~~

215 ~~(A) in writing; or~~

216 ~~(B) on the insurer’s website; and~~

217 ~~(ii) at least 30 days prior to the date of the implementation of the~~
 218 ~~increase in cost, or as~~

218 ~~soon as reasonably possible.~~

219 ~~(d)-}~~ (c) If under Subsection (2)(a)(i)(A) a formulary is
 220 used, the insurer shall make

- 2. Page 8, Line 226:

226 ~~{-(e)-}~~ (d) (i) The department shall develop
 227 examples of limitations or exclusions of a

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

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Christensen	Davis	Hillyard
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1st Sub. H.B. 459 was returned to the House for further consideration.

* * *

On motion of Senator Bramble, the Senate voted to reconsider its action on **2nd Sub. S.B. 44**, HEALTH AMENDMENTS FOR LEGAL IMMIGRANT CHILDREN.

The bill was placed on the Second Reading Calendar.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 9, 2010

The House passed, **S.B. 67**, PUBLIC SAFETY SERVICES CROSSING STATE BORDERS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 157**, MOTOR VEHICLE DEALER FRANCHISE AMENDMENTS, by Senator C. Bramble, et al, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 161**, REAL PROPERTY TRANSFER FEE AMENDMENTS, by Senator M. Madsen, et al, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 67, **S.B. 157**, and **1st Sub. S.B. 161** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

March 9, 2010

The House passed, as substituted, **2nd Sub. H.B. 312**, MEDICAL EXPENSES FOR OFFENDERS, by Representative P. Ray, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **2nd Sub. H.B. 312** was read the first time and referred to the Rules Committee.

INTRODUCTION OF BILLS

S.B. 280, 2010 General Obligation Bond Authorization (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.J.R. 19, Joint Rules Resolution on Ethics Complaints (J. Valentine), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Knudson, the Senate voted to lift **S.J.R. 19**, JOINT RULES RESOLUTION ON ETHICS COMPLAINTS, from the Rules Committee and place it at the top of the Second Reading Calendar.

* * *

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

AFTERNOON SESSION

The Senate reassembled at 3:20 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 9, 2010

The House passed, **S.B. 71**, SMALL BUSINESS ACCESS TO JUSTICE ACT, by Senator R. Romero, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **2nd Sub. S.B. 81**, EMINENT DOMAIN AMENDMENTS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 71 and **2nd Sub. S.B. 81** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

March 9, 2010

The House passed, as amended, **H.B. 2**, FISCAL YEAR 2010 AND FISCAL YEAR 2011 SUPPLEMENTAL APPROPRIATIONS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed **H.B. 6**, STATE AGENCY COMPENSATION APPROPRIATIONS, by Representative B. Dee, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 2** and **H.B. 6** were read the first time and referred to the Rules Committee.

INTRODUCTION OF BILLS

S.B. 281, Public Access to Stream Beds – Utah Waterways Task Force (D. Stowell), read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

H.B. 143, EMINENT DOMAIN AUTHORITY, was read the second time. Senator Urquhart explained the bill. Senators Jones, Romero, Adams, Madsen, Liljenquist, and Dayton commented.

On motion of Senator Urquhart, the bill was circled.

* * *

On motion of Senator Valentine, under suspension of the rules, **S.J.R. 19, JOINT RULES RESOLUTION ON ETHICS COMPLAINTS**, was considered read the second and third times. Senator Valentine explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell			

Absent or not voting were: Senators

Bramble

Buttars

Hillyard

Waddoups

S.J.R. 19 was transmitted to the House.

* * *

On motion of Senator Greiner, the circle was removed from **1st Sub. H.B. 173**, 911 AMENDMENTS, and it was before the Senate.

On motion of Senator Greiner, the bill was circled.

* * *

On motion of Senator Urquhart, the circle was removed from **H.B. 143**, EMINENT DOMAIN AUTHORITY, and it was before the Senate.

Senator Urquhart proposed the following amendment:

- 1. Page 1, Line 16
House Committee Amendments
2-23-2010

16 the federal government unless the property ~~{-is owned-}~~ was acquired by the federal government with the consent of the Legislature and in

- 2. Page 2, Line 29
House Floor Amendments
3-1-2010:

29 **H**→ [Property] (1) Subject to
 ~~{-Subsection }~~ Subsections (2) and (3) , property ←**H**
which may be taken under this

- 3. Page 2, Line 31b
House Floor Amendments
3-1-2010:

31b condemn property described in Subsection (1). ←**H**
(3) The following do not apply to an action authorized under Subsection (1):

- (a) Section 78B-6-505;
- (b) Section 78B-6-520;
- (c) Section 78B-6-521; and
- (d) Title 57, Chapter 12, Relocation Assistance.

Senator Urquhart's motion to amend passed on a voice vote.

On motion of Senator Urquhart, under suspension of the rules, **H.B. 143**, EMINENT DOMAIN AUTHORITY, was considered read the second and third times and passed on the following roll call:

Yeas, 21; Nays, 6; Absent, 2.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Dayton	Greiner	Hinkins	Jenkins
Knudson	Liljenquist	Madsen	Morgan
Niederhauser	Okerlund	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Davis	Goodfellow	Jones	Mayne
Robles	Romero		

Absent or not voting were: Senators

Hillyard	McAdams
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H.B. 143 was returned to the House for further consideration.

* * *

On motion of Senator Niederhauser, under suspension of the rules, **1st Sub. H.B. 324**, PUBLIC LANDS LITIGATION, was considered read the second and third times. Senators Davis and Romero commented.

Senator Niederhauser proposed the following amendment:

1. Page 1, Lines 23 through 25
House Floor Amendments
2-26-2010

23 This bill appropriates \$1,000,000 from the Land Exchange Distribution Account for

24 fiscal years 2010-11, 2011-12, and 2012-13 only to the Constitutional Defense {~~Council~~}

25 Restricted Account.

2. Page 8, Line 221:

221 (c) the purposes described in Subsection (2).

Section 5. Appropriation.

(1) There is appropriated from the General Fund Restricted – Constitutional Defense Restricted Account \$1,000,000 to the Governor’s Office – Constitutional Defense Council.

(2) The Legislature intends that the appropriation under Subsection (1) is:

(a) ongoing, subject to availability of funds;

(b) for fiscal years 2010–11, 2011–12, and 2012–13 only;

(c) to be used to carry out the requirements of Section 67–5–29; and

(d) nonlapsing.

Senator Niederhauser’s motion to amend passed on a voice vote and the bill passed on the following roll call:

Yeas, 20; Nays, 7; Absent, 2.

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Dayton
Greiner	Hinkins	Jenkins	Knudson
Liljenquist	Madsen	Morgan	Niederhauser
Okerlund	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

Davis	Goodfellow	Jones	Mayne
McAdams	Robles	Romero	

Absent or not voting were: Senators

Bramble	Hillyard
---------	----------

1st Sub. H.B. 324 was and returned to the House for further consideration.

SPECIAL RECOGNITION

A citation was read honoring James V. Olsen, President and CEO of Utah Food Industry Association.

* * *

On motion of Senator Jones, under suspension of the rules, **H.B. 138, HAZING PENALTIES**, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Goodfellow	Hillyard	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

Dayton	Greiner	Hinkins	H. Stephenson
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Absent or not voting was: Senator

Adams

H.B. 138 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Dayton, under suspension of the rules, the Senate voted to lift **H.B. 2, H.B. 141, S.B. 282,** and **S.B. 31** from the Rules Committee and place them on the Second Reading Calendar.

* * *

On motion of Senator Knudson, under suspension of the rules, **H.B. 363, MUNICIPAL ELECTION AMENDMENTS,** was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Urquhart

H.B. 363 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

INTRODUCTION OF BILLS

S.B. 282, Capital Facilities Appropriations (C. Bramble), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Bramble, the Senate voted to lift **S.B. 282, CAPITAL FACILITIES APPROPRIATIONS**, from the Rules Committee and place it on the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Hillyard, under suspension of the rules, **H.B. 2, FISCAL YEAR 2010 AND FISCAL YEAR 2011 SUPPLEMENTAL APPROPRIATIONS**, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Dayton	Niederhauser
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H.B. 2 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.B. 141, RECREATIONAL USE OF PUBLIC WATER ON PRIVATE PROPERTY, was read the second time.

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

2nd Sub. H.B. 141 Recreational Use of Public Water on Private Property
(K. McIff)

On motion of Senator Stowell, under suspension of the rules, **2nd Sub. H.B. 141, RECREATIONAL USE OF PUBLIC WATER ON PRIVATE PROPERTY**, was considered read the second and third times. Senators Jones, Davis, Romero, McAdams, Goodfellow, and Mayne commented. Senator Valentine declared a conflict of interest. The bill passed on the following roll call:

Yeas, 19; Nays, 10; Absent, 0.

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Dayton
Greiner	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Morgan	Okerlund	H. Stephenson	J. Stevenson
Stowell	Van Tassell	Waddoups	

Voting in the negative were: Senators

Bramble	Davis	Goodfellow	Mayne
McAdams	Niederhauser	Robles	Romero
Urquhart	Valentine		

2nd Sub. H.B. 141 was returned to the House for further consideration.

* * *

On motion of Senator Valentine, **H.B. 117, PUBLIC EDUCATION CAPITAL OUTLAY ACT**, was read the second time and circled.

* * *

On motion of Senator Dayton, **H.B. 380, FIREARM LAWS AMENDMENTS**, was read the second time and circled.

* * *

On motion of Senator Hillyard, the Senate voted to lift **S.B. 280, 2010 GENERAL OBLIGATION BOND AUTHORIZATION**, from the Rules Committee and be placed on the Second Reading Calendar.

* * *

On motion of Senator Greiner, the circle was removed from **1st Sub. H.B. 173, 911 AMENDMENTS**, and it was before the Senate.

Senator Niederhauser proposed the following amendment:

1. Page 1, Lines 14 through 17

14 ▶ provides additional uses for the 911 surcharge funds {~~;~~ and

15 ▶~~—~~ creates a 911 Coordination Committee that is to evaluate public safety answering

16 point plans in Salt Lake County and report to the Legislature; and

17 ▶~~—~~ provides that the committee will exist through December 2011 } .

2. Page 2, Lines 28 through 29:

28 {~~—~~ ENACTS:

29 ~~53-10-607, Utah Code Annotated 1953-}~~

3. Page 4, Line 97 through Page 5, Line 128

House Floor Amendments

2-23-2010:

97 {~~—~~ Section 3. Section 53-10-607 is enacted to read:

98 ~~53-10-607. 911 Coordination Committee -- Membership --~~
Function --

99 ~~Termination.~~

100 ~~(1) (a) There is created within the division the 911 Coordination Committee.~~

101 ~~(b) As used in this section, "committee" means the 911 Coordination Committee.~~

102 ~~(2) (a) The members of the committee are:~~

103 ~~(i) a member of the Salt Lake City Council, appointed by the council;~~

104 ~~(ii) the chair of the Utah 911 Committee created under Section 53-10-601;~~

105 ~~(iii) the chair of the board of trustees of the Valley Emergency Communication Center;~~

106 ~~(iv) a member of the Salt Lake County ~~↗~~ [Commission] Council ~~↖~~, appointed by the~~

106a ~~Ĥ → [commission] council ← Ĥ ;~~

107 ~~(v) a member of the board of directors of the Unified Police Department or the county~~

108 ~~sheriff who serves as the chief executive officer of the department, as designated by the board~~

109 ~~of the department; and~~

110 ~~(vi) the president of the Salt Lake County Council of Governments.~~

111 ~~(b) Each vacancy shall be filled in the same manner as an appointment under~~

112 ~~Subsection (2)(a).~~

113 ~~(c) No member may receive compensation or benefits for the member's service on the~~

114 ~~committee.~~

115 ~~(3) The committee shall meet monthly and also at the call of the committee chair.~~

116 ~~(4) (a) The committee members shall elect a chair from their number and establish~~

117 ~~rules for the organization and operation of the committee.~~

118 ~~(b) The committee shall elect a new chair one calendar year after the committee's first~~

119 ~~meeting.~~

120 ~~(c) Staff services for the committee shall be provided by the Utah 911 Committee.~~

121 ~~(5) The committee shall evaluate the current plan regarding public safety answering~~

122 ~~points in Salt Lake County and make recommendations for public safety answering point~~

123 ~~operational efficiencies for public agencies within Salt Lake County.~~

124 ~~(6) The committee shall report its recommendations under Subsection (5), including a~~

125 ~~written report, to the November 2010 meeting of the legislative Government Operations and~~

126 ~~Political Subdivisions Interim Committee.~~

127 ~~(7) The committee shall function through December 31, 2011. }~~

128 Section {-4-} 3 . Section 69-2-2 is amended to read:

4. Page 6, Line 168:

168 Section {-5-} 4 . Section 69-2-5 is amended to read:

Senator Niederhauser’s motion to amend passed on a voice vote.

###

Senator Greiner proposed the following amendment:

- 1. Page 12, Line 359:
After “include the” delete “primary”

Senator Greiner’s motion to amend passed on a voice vote.

On motion of Senator Greiner, under suspension of the rules, **1st Sub. H.B. 173**, 911 AMENDMENTS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars	Urquhart
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1st Sub. H.B. 173 was returned to the House for further consideration.

On motion of Senator Dayton, the circle was removed from **H.B. 380**, FIREARM LAWS AMENDMENTS, and it was before the Senate.

On motion of Senator Dayton, under suspension of the rules, **H.B. 380**, FIREARM LAWS AMENDMENTS, was considered read the second and third times. Senator Hillyard commented and the bill passed on the following roll call:

Yeas, 23; Nays, 3; Absent, 3.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	Morgan	Niederhauser
Okerlund	H. Stephenson	J. Stevenson	Stowell
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

McAdams	Robles	Romero
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Absent or not voting were: Senators

Buttars	Davis	Urquhart
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H.B. 380 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, under suspension of the rules, **H.B. 189**, CLOSED MEETINGS AMENDMENTS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Buttars	Jones	Urquhart
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H.B. 189 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Hinkins, under suspension of the rules, **H.B. 431**, IDENTIFY VERIFICATION BY DEPARTMENT OF COMMERCE, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars	Urquhart
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H.B. 431 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Okerlund, under suspension of the rules, **H.B. 179**, OFF-HIGHWAY VEHICLE AND STREET-LEGAL ALL-TERRAIN VEHICLE REVISIONS, was considered read the second and third times. Senators Jenkins and Greiner commented and the bill passed on the following roll call:

Yeas, 22; Nays, 6; Absent, 1.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Dayton	Goodfellow	Hinkins	Jenkins
Knudson	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Robles
H. Stephenson	J. Stevenson	Stowell	Valentine
Van Tassell	Waddoups		

Voting in the negative were: Senators

Davis	Greiner	Hillyard	Jones
McAdams	Romero		

Absent or not voting was: Senator
Urquhart

H.B. 179 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, under suspension of the rules, **H.B. 337**, UNIFORM DRIVER LICENSE ACT AMENDMENTS, was considered read the second and third times. Senator Greiner commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Liljenquist	Urquhart
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H.B. 337 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, under suspension of the rules, **H.C.R. 15**, RESOLUTION TO THE SECRETARY OF TRANSPORTATION ON REVOCATION OF DRIVER LICENSES, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Madsen	Mayne	McAdams

Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Van Tassell	Waddoups		

Absent or not voting were: Senators

Liljenquist	Urquhart	Valentine
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H.C.R. 15 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Christensen, **1st Sub. H.B. 396**, SPEECH–LANGUAGE PATHOLOGY AND AUDIOLOGY LICENSING ACT AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Jenkins, under suspension of the rules, the Senate voted to consider Senate bills.

THIRD READING CALENDAR

On motion of Senator Robles, the Senate voted to move **2nd Sub. S.B. 44** to the top of the Third Reading Calendar.

2nd Sub. S.B. 44, HEALTH AMENDMENTS FOR LEGAL IMMIGRANT CHILDREN, was before the Senate. On motion of Senator Robles, the Senate voted to table the bill and send it to interim study.

SECOND READING CALENDAR

On motion of Senator Bramble, under suspension of the rules, **S.B. 282**, CAPITAL FACILITIES APPROPRIATIONS, was considered read the second and third times. Senator Bramble explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	McAdams	Morgan

Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars	Mayne
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S.B. 282 was transmitted to the House.

* * *

On motion of Senator Hillyard, under suspension of the rules, **S.B. 280**, 2010 GENERAL OBLIGATION BOND AUTHORIZATION, was considered read the second and third times. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Hillyard	H. Stephenson
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S.B. 280 was transmitted to the House.

* * *

S.B. 31, ADMINISTRATIVE RULES REAUTHORIZATION, was read the second time.

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

1st Sub. S.B. 31 Administrative Rules Reauthorization (H. Stephenson)

On motion of Senator Stephenson, under suspension of the rules, **1st Sub. S.B. 31**, ADMINISTRATIVE RULES REAUTHORIZATION, was considered

read the second and third times. Senator Stephenson explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Okerlund	Robles
Romero	H. Stephenson	J. Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator Niederhauser

1st Sub. S.B. 31 was transmitted to the House.

* * *

On motion of Senator Stephenson, the circle was removed from **S.B. 203, VACANCIES IN COUNTY ELECTED OFFICES**, and it was before the Senate.

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

2nd Sub. S.B. 203 Vacancies in County Elected Offices (H. Stephenson)

On motion of Senator Stephenson, under suspension of the rules, **2nd Sub. S.B. 203, VACANCIES IN COUNTY ELECTED OFFICES**, was considered read the second and third times. Senator Stephenson explained the bill. Senators Hillyard, Jones, and Romero commented.

Senator Hillyard proposed the following amendment:

1. Page 1, Line 10

10 vacancy in the membership of a county legislative body of a first {~~—~~} or second {~~—, or third class~~}

2. Page 1, Line 15:

15 first {~~—~~} or second {~~—, or third~~} class, the county central committee of the party to which the

- 3. Page 6, Lines 176 through 177:

176 (i) a position as a member of the county legislative body of a county of the first {~~1~~} or

177 second {~~1, or third~~} class; or

- 4. Page 10, Lines 279 through 281:

279 first {~~1~~} or second {~~1, and third~~} class.

280 (1) As used in this section “vacant office” means a position that is vacated by an office

281 holder of a county legislative body of a county of the first {~~1~~} or second {~~1, or third~~} class.

Senator Hillyard’s motion to amend passed on a voice vote.

###

Senator Romero proposed the following amendment:

- 1. Page 1, Line 10:
Delete “first, ”
- 2. Page 1, Line 15:
Delete “first, ”
- 3. Page 6, Line 176:
Delete “first. ”
- 4. Page 10, Line 281:
Delete “first. ”

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

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Hillyard
Hinkins	Jenkins	Knudson	Liljenquist
McAdams	Niederhauser	Okerlund	H. Stephenson
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

Christensen	Davis	Dayton	Goodfellow
Greiner	Jones	Mayne	Morgan
Robles	Romero	J. Stevenson	Stowell

Absent or not voting was: Senator Madsen

2nd Sub. S.B. 203 was transmitted to the House.

* * *

On motion of Senator Jenkins, the circle was removed from **2nd Sub. S.B. 217, INCREASE IN SURCHARGE ON FINES**, and it was before the Senate.

Senator Jenkins proposed the following amendment:

1. Page 2, Lines 49 through 51

49 (c) The Division of Finance shall allocate { ~~the first 4.5%~~
of } the collected 90% surcharge

50 in Subsection (1)(b)(i) in the following order:

(i) the first \$30,000 to the General Fund;

(ii) the next 4.5% to the Law Enforcement Services Account established in Section

51 51-9-412 ; and

(iii) the remainder as prescribed in Sections 51-9-403 through 51-9-411.

Senator Jenkins' motion to amend passed on a voice vote.

On motion of Senator Jenkins, under suspension of the rules, **2nd Sub. S.B. 217, INCREASE IN SURCHARGE ON FINES**, was considered read the second and third times. Senator Jenkins explained the bill. Senators Valentine, Buttars, and Hillyard commented. Senators Greiner and McAdams declared conflicts of interest. The bill passed on the following roll call:

Yeas, 15; Nays, 11; Absent, 3.

Voting in the affirmative were: Senators

Adams	Bramble	Davis	Dayton
Greiner	Jenkins	Knudson	Liljenquist
McAdams	Okerlund	Robles	J. Stevenson
Urquhart	Valentine	Van Tassell	

Voting in the negative were: Senators

Buttars	Christensen	Goodfellow	Hillyard
Hinkins	Jones	Mayne	Morgan
H. Stephenson	Stowell	Waddoups	

Absent or not voting were: Senators

Madsen Niederhauser Romero

2nd Sub. S.B. 217 was transmitted to the House.

* * *

On motion of Senator Van Tassell, the circle was removed from **1st Sub. S.B. 47, ELECTRICAL UTILITY AMENDMENTS – EFFICIENCY AND CONSERVATION TARIFF**, and it was before the Senate. Senator Van Tassell explained the bill.

On motion of Senator Van Tassell, under suspension of the rules, **1st Sub. S.B. 47, ELECTRICAL UTILITY AMENDMENTS – EFFICIENCY AND CONSERVATION TARIFF**, was considered read the second and third times. Senator Van Tassell explained the bill. Senators Hinkins, Bramble, Jones, Buttars, and Stowell commented. The bill passed on the following roll call:

Yeas, 21; Nays, 7; Absent, 1.**Voting in the affirmative were:** Senators

Adams	Bramble	Davis	Goodfellow
Hillyard	Hinkins	Jones	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell			

Voting in the negative were: Senators

Buttars	Christensen	Dayton	Greiner
Jenkins	Knudson	Waddoups	

Absent or not voting was: Senator

Madsen

1st Sub. S.B. 47 was transmitted to the House.

* * *

On motion of Senator Knudson, the Senate voted to lift the following bills from the Rules Committee and place them on the Second Reading Calendar in the following order: **2nd Sub. H.B. 289, H.J.R. 31, H.B. 16, 2nd Sub. H.B. 145, 1st Sub. H.B. 298, H.B. 365, H.C.R. 18, 1st Sub. H.B. 370, H.B. 366, H.B. 169, H.B. 450, 1st Sub. H.J.R. 30, H.B. 231, H.B. 348, 2nd Sub. H.B. 243, H.B. 343,**

1st Sub. H.B. 335, 1st Sub. H.B. 404, H.B. 91, 1st Sub. H.B. 155, H.B. 332, H.B. 66, H.J.R. 32, H.B. 146, 2nd Sub. H.B. 139, 3rd Sub. H.B. 71, 1st Sub. H.B. 205, H.B. 381, H.J.R. 33, H.B. 364, H.B. 435, H.B. 126, 5th Sub. H.B. 197, 1st Sub. H.B. 185, H.B. 421, H.B. 233, and H.B. 419

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 9, 2010

The House passed, as amended, **1st Sub. S.B. 45**, UTAH FIT PREMISES ACT AMENDMENTS, by Senator W. Niederhauser, and it is transmitted for further consideration; and

The House substituted and passed, **3rd Sub. S.B. 107**, LIEN AMENDMENTS, by Senator C. Bramble, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

* * *

Mr. President: March 9, 2010

The House has rejected **1st Sub. S.B. 77**, SCHOOL DISTRICT LEAVE POLICIES, by Senator M. Dayton, and it is transmitted for filing.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 77 was filed.

* * *

Mr. President: March 9, 2010

The House refuses to adopt the Joint Conference Committee Report for **S.B. 113**, WIRELESS TELEPHONE USE RESTRICTION FOR MINORS IN VEHICLES, by Senator R. Romero, and the Speaker of the House has appointed a second Conference Committee consisting of Representatives B. Wright, K. Sumsion, and P. Riesen to meet with a like committee from the Senate to consider or amend **S.B. 113**, WIRELESS TELEPHONE USE RESTRICTION FOR MINORS IN VEHICLES, by Senator R. Romero.

Sandy D. Tenney, Chief Clerk

On motion of Senator Romero, the Senate voted to refuse to recede from its amendments to **S.B. 113**. President Waddoups appointed a conference committee

consisting of Senators Romero, Stephenson, and Okerlund to meet with a like committee from the House.

* * *

On motion of Senator Jenkins and at 6:40 p.m., the Senate adjourned until 8:00 a.m., Wednesday, March 10, 2010.

FORTY-FOURTH DAY

MORNING SESSION

March 10, 2010

The Senate was called to order at 8:20 a.m., with President Michael Waddoups presiding.

Prayer – Senator Jerry Stevenson

Pledge of Allegiance – Senator Karen Mayne

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS

(PLEASE REFER TO DAY 1, PAGE 72)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 9, 2010

The House passed, **S.B. 56**, SCHOOL REPORTING AMENDMENTS, by Senator K. Morgan, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **2nd Sub. S.B. 129**, NEW MOTOR VEHICLE FRANCHISE AMENDMENTS, by Senator D. Liljenquist, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 132**, HIGHER EDUCATION SCHOLARSHIP AMENDMENTS, by Senator J. Valentine, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 160**, UTAH STATE DEVELOPMENTAL CENTER AMENDMENTS, by Senator M. Dayton, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 167**, ALCOHOLIC BEVERAGE CONTROL ACT RECODIFICATION, by Senator J. Valentine, and it is transmitted for the signature of the President; and

The House passed, **S.B. 178**, UTAH EMERGENCY MEDICAL SERVICES SYSTEM ACT AMENDMENTS, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 242**, ECONOMIC DEVELOPMENT INCENTIVES FOR ALTERNATIVE ENERGY PROJECTS, by Senator K. Van Tassell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 56, 2nd Sub. S.B. 129, S.B. 132, S.B. 160, S.B. 167, S.B. 178, and S.B. 242 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

March 9, 2010

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 124**, CAMPAIGN FUNDS EXPENDITURE RESTRICTIONS, by Representative T. Cosgrove, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

2nd Sub. H.B. 124, was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President:

March 9, 2010

The House passed, as substituted, **2nd Sub. H.B. 5**, REVENUE BOND AND CAPITAL FACILITIES AUTHORIZATIONS, by Representative S. Clark, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 464**, FAMILY HEALTH SERVICES RFPS – TOBACCO SETTLEMENT FUNDS, by Representative J. Dougall, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **2nd Sub. H.B. 5** and **H.B. 464** were read the first time and referred to the Rules Committee.

* * *

Mr. President:

March 9, 2010

The House passed, as amended, **2nd Sub. S.B. 152**, UTAH STATE RAILROAD MUSEUM AUTHORITY ACT, by Senator P. Knudson, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

CONCURRENCE CALENDAR

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to **1st Sub. S.B. 45**, UTAH FIT PREMISES ACT AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Niederhauser	Okerlund	Robles
H. Stephenson	J. Stevenson	Stowell	Van Tassell
Waddoups			

Absent or not voting were: Senators

Morgan	Romero	Urquhart	Valentine
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1st Sub. S.B. 45 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, the Senate voted to concur in the House amendments to **3rd Sub. S.B. 107**, LIEN AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Van Tassell	Waddoups		

Absent or not voting were: Senators

Morgan	Urquhart	Valentine
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3rd Sub. S.B. 107 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Knudson, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 152**, UTAH STATE RAILROAD MUSEUM AUTHORITY. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Hinkins	Morgan	Urquhart
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2nd Sub. S.B. 152 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

On motion of Senator Niederhauser, **1st Sub. H.B. 166**, REDUCTIONS TO EDUCATION MANDATES, was read the third time and circled.

* * *

1st Sub. H.B. 314, WATER RIGHTS ADDENDUMS TO DEEDS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Hinkins	Madsen	Morgan	Urquhart
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1st Sub. H.B. 314 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.J.R. 26, JOINT RESOLUTION APPROVING WATER RIGHTS ADDENDUM FORM, was read the third time and explained by Senator Stowell. Senator Valentine commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Hinkins	Madsen
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1st Sub. H.J.R. 26 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Stevenson, the circle was removed from **H.B. 24, ECONOMIC DEVELOPMENT INCENTIVES ACT AMENDMENTS**, and it was before the Senate. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative was: Senator

Dayton

Absent or not voting were: Senators

Bramble Hinkins Madsen

H.B. 24 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Mayne, the circle was removed from **H.B. 125, KIDNAPPING AND SEX OFFENDER REGISTRY AMENDMENTS**, and it was before the Senate.

Senator Greiner proposed the following amendment:

1. Page 1, Lines 12 through 17
House Committee Amendments
2-10-2010

12 Highlighted Provisions:

13 This bill:

* * * *Some lines not shown* * * *

16 ▶ removes certain acts of simple kidnapping from the list of offenses for the registry; and

17 ▶ makes technical changes.

2. Page 2, Lines 47 through 53:

47 (g) “Kidnap offender” means any person other than a natural parent of the victim who:

48 (i) has been convicted in this state of a violation of:

49 {~~+~~} (A) Section 76-5-301, Subsections (c) or (d), kidnapping; {~~+~~}

50 {~~+~~} (B) {~~+~~} {~~(A)~~} Section 76-5-301.1, child kidnapping;

51 {~~+~~} (C) {~~+~~} {~~(B)~~} Section 76-5-302, aggravated kidnapping; or

52 {~~+~~} (D) {~~+~~} {~~(C)~~} attempting, soliciting, or conspiring to commit any felony offense listed in

53 [Subsections] Subsection (1)(g)(i)(A) {~~+~~} through (C) {~~+~~} {~~or (B)~~} ;

Senator Greiner’s motion to amend passed on a voice vote. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Waddoups

Absent or not voting were: Senators

Bramble	Hinkins	Madsen	Niederhauser
Van Tassell			

H.B. 125, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Knudson, the Senate voted to lift **1st Sub. H.B. 221, SUNSET ACT AND REPEALERS REAUTHORIZATION**, from the Rules Committee and place it at the top of the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Jenkins, **1st Sub. H.B. 221, SUNSET ACT AND REPEALERS REAUTHORIZATION**, was read the second time and circled.

* * *

On motion of Senator Jenkins, under suspension of the rules, **2nd Sub. H.B. 170, FOSTER CARE REVISIONS**, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting were: Senators

Adams	Bramble	Hinkins	Madsen
Valentine			

2nd Sub. H.B. 170 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Urquhart, the circle was removed from **1st Sub. H.B. 396**, SPEECH–LANGUAGE PATHOLOGY AND AUDIOLOGY LICENSING ACT AMENDMENTS, and it was before the Senate.

On motion of Senator Urquhart, under suspension of the rules, **1st Sub. H.B. 396**, SPEECH–LANGUAGE PATHOLOGY AND AUDIOLOGY LICENSING ACT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Hinkins	Madsen	Valentine
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1st Sub. H.B. 396 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Jones, under suspension of the rules, **H.B. 209**, SEX OFFENDER REGULATION AMENDMENTS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard

Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Hinkins	Madsen	Valentine
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H.B. 209 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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On motion of Senator Liljenquist, under suspension of the rules, **H.B. 74**, ADOPTION AND CHILD CUSTODY AMENDMENTS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	Stowell	Urquhart	Van Tassell
Waddoups			

Absent or not voting were: Senators

Hinkins	Madsen	J. Stevenson	Valentine
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H.B. 74 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Niederhauser, the circle was removed from **S.B. 215**, HIGHWAY PROJECT FUNDING – SALT LAKE COUNTY, and it was before the Senate.

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

1st Sub. S.B. 215 Highway Project Funding – Salt Lake County
(W. Niederhauser)

On motion of Senator Niederhauser, under suspension of the rules, **1st Sub. S.B. 215, HIGHWAY PROJECT FUNDING – SALT LAKE COUNTY**, was considered read the second and third times. Senator Niederhauser explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Dayton	Madsen	J. Stevenson
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1st Sub. S.B. 215 was transmitted to the House.

* * *

On motion of Senator Niederhauser, under suspension of the rules, **H.B. 130, CANCER RESEARCH SPECIAL GROUP LICENSE PLATE**, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Christensen	Davis	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Buttars	Dayton	Madsen
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H.B. 130 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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H.B. 287, LEGISLATIVE SALARY AMENDMENTS, was read the second time.

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

1st Sub. H.B. 287 Legislator Salary Amendments (D. Litvack)

On motion of Senator Hillyard, under suspension of the rules, **1st Sub. H.B. 287, LEGISLATOR SALARY AMENDMENTS**, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Christensen	Davis	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative were: Senators

Buttars	Dayton
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Absent or not voting was: Senator

Bramble

1st Sub. H.B. 287, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Liljenquist, the Senate voted to lift **H.B. 6, STATE AGENCY COMPENSATION APPROPRIATIONS**, from the Rules Committee and place it at the top of the Second Reading Calendar.

* * *

On motion of Senator Liljenquist, **H.B. 6, STATE AGENCY COMPENSATION APPROPRIATIONS**, was read the second time and circled.

* * *

1st Sub. H.B. 187, PEACE OFFICER STANDARDS AND TRAINING AMENDMENTS, was read the second time.

Senator Greiner proposed the following amendment:

1. Page 1, Line 25

25 • violation of a state or federal criminal law, regardless of whether the conduct results in

2. Page 8, Line 220
House Floor Amendments
2-25-2010:

220 ~~(d) engages in conduct which is a~~ { ~~-violation of any~~ }
~~state or federal~~ { ~~-law~~ } criminal offense , but not

3. Page 8, Lines 227 through 228
House Floor Amendments
2-25-2010:

227 ~~(g) is discharged from~~ { ~~-military service with a bad conduct~~
~~discharge or a~~ } the armed forces of the United States under
dishonorable

228 { ~~-discharge~~ } conditions .

Senator Greiner's motion to amend passed on a voice vote.

###

Senator Greiner proposed the following amendment:

1. Page 1, Line 25 through Page 2, Line 26

25 • violation of a state or federal law { ~~-, regardless of~~
~~whether the conduct results in~~

26 ~~the filing of criminal charges-~~ } ;

2. Page 8, Lines 221 through 222
House Floor Amendments
2-25-2010:

221 including a traffic offense that is a class C misdemeanor or
infraction { ~~-, regardless of whether the~~

~~222 conduct results in the filing of criminal charges against the officer } :~~

- 3. Page 8, Lines 225 through 226
House Floor Amendments
2-25-2010:

225 (f) engages in sexual conduct { ~~which impairs the ability of the peace officer to~~

226 ~~objectively and diligently perform the duties and functions of a peace officer } while on duty ; or~~

Senator Greiner’s motion to amend passed on a voice vote.

On motion of Senator Greiner, under suspension of the rules, **1st Sub. H.B. 187, PEACE OFFICER STANDARDS AND TRAINING AMENDMENTS**, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	Knudson
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1st Sub. H.B. 187, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Jenkins, **2nd Sub. H.B. 289, JUDICIAL NOMINATING COMMISSION AMENDMENTS**, was read the second time and circled.

* * *

On motion of Senator Dayton, under suspension of the rules, **H.J.R. 31, HOUSE JOINT RULES LEGISLATIVE REVIEW NOTE PROCEDURES**

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

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Goodfellow	Morgan
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H.J.R. 31 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Christensen, **H.B. 16**, PARENT-TIME AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Urquhart, under suspension of the rules, **2nd Sub. H.B. 145**, RENEWABLE ENERGY FINANCING PROVISIONS was considered read the second and third times and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Greiner	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Adams	Buttars	Goodfellow	Madsen
Morgan	Niederhauser		

2nd Sub. H.B. 145 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, the circle was removed from **H.B. 16**, PARENT-TIME AMENDMENTS, and it was before the Senate.

On motion of Senator Bramble, under suspension of the rules, **H.B. 16**, PARENT-TIME AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 17; Nays, 7; Absent, 5.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Greiner	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	Morgan
Niederhauser	Okerlund	Romero	Urquhart
Valentine			

Voting in the negative were: Senators

Dayton	Hillyard	Robles	J. Stevenson
Stowell	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars	Goodfellow	Madsen	McAdams
H. Stephenson			

H.B. 16 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Stowell, under suspension of the rules, **1st Sub. H.B. 298**, LAND USE AUTHORITY NOTIFICATION OF CANAL DEVELOPMENT, was considered read the second and third times. Senator Stevenson commented and the bill passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Christensen	Davis	Dayton	Greiner
Hillyard	Hinkins	Jenkins	Jones

Knudson	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Adams	Bramble	Buttars	Goodfellow
Madsen	H. Stephenson		

1st Sub. H.B. 298 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Jenkins, the circle was removed from **2nd Sub. H.B. 289, JUDICIAL NOMINATING COMMISSION AMENDMENTS**, and it was before the Senate.

Senator Jenkins proposed the following amendment:

1. Page 8, Lines 226 through 227

226 (a) ensure that the commission follows the rules promulgated by the [~~Judicial Council~~]

227 {~~governor~~} Commission on Criminal and Juvenile Justice ; and

2. Page 9, Lines 270 through 271:

270 (a) ensure that each Trial Court Nominating Commission follows the rules

271 promulgated by the [~~Judicial Council~~]
{~~governor~~} Commission on Criminal and Juvenile Justice ;
and

Senator Jenkins' motion to amend passed on a voice vote.

On motion of Senator Jenkins, under suspension of the rules, **2nd Sub. H.B. 289, JUDICIAL NOMINATING COMMISSION AMENDMENTS**, was considered read the second and third times and passed on the following roll call:

Yeas, 18; Nays, 4; Absent, 7.

Voting in the affirmative were: Senators

Christensen	Davis	Dayton	Greiner
Hillyard	Hinkins	Jenkins	Knudson

Liljenquist	Mayne	Niederhauser	Okerlund
H. Stephenson	J. Stevenson	Stowell	Urquhart
Van Tassell	Waddoups		

Voting in the negative were: Senators

Jones	McAdams	Robles	Romero
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Absent or not voting were: Senators

Adams	Bramble	Buttars	Goodfellow
Madsen	Morgan	Valentine	

2nd Sub. H.B. 289, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Greiner, under suspension of the rules, **H.B. 365**, DEPARTMENT OF CORRECTIONS REGISTRY AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Greiner	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Niederhauser	Okerlund	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Adams	Bramble	Goodfellow	Madsen
Morgan	Robles		

H.B. 365 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Jenkins, under suspension of the rules, **H.C.R. 18**, WORKFORCE NEEDS CONCURRENT RESOLUTION, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Adams	Hillyard	Madsen	Morgan
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H.C.R. 18 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, under suspension of the rules, **1st Sub. H.B. 370**, CAPITAL PROJECT AMENDMENTS, was considered read the second and third times. Senator Hillyard commented and the bill passed on the following roll call:

Yeas, 21; Nays, 0; Absent, 8.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Mayne	McAdams
Niederhauser	Okerlund	Romero	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Adams	Hillyard	Knudson	Liljenquist
Madsen	Morgan	Robles	H. Stephenson

1st Sub. H.B. 370 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Van Tassell, under suspension of the rules, **H.B. 366**, MOTOR VEHICLE BUSINESS REGULATION ACT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

* * *

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Knudson	Mayne	McAdams
Niederhauser	Okerlund	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Adams	Bramble	Hillyard	Liljenquist
Madsen	Morgan	Robles	

H.B. 366 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Dayton, **H.B. 169**, REFINERY AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Knudson, under suspension of the rules, **H.B. 450**, FISHING LICENSE AMENDMENTS – DISABLED VETERANS, was considered read the second and third times.

Senator Knudson proposed the following amendment:

1. Page 1, Line 27 through Page 2, Line 29

27 (1) The division may make rules in accordance with Title 63G, Chapter 3, Utah

28 Administrative Rulemaking Act, under which a disabled veteran may receive a fishing license

29 free or at a reduced price.

(2) In making rules under this section, the division shall utilize the same guidelines for disability as the United States Department of Veterans Affairs.

Senator Knudson's motion to amend passed on a voice vote. Senators Dayton and Stowell commented and the bill passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Romero	H. Stephenson	J. Stevenson	Stowell
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	Dayton	Hillyard	Madsen
Robles	Urquhart		

H.B. 450, as amended, was returned to the House for further consideration.

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On motion of Senator McAdams, under suspension of the rules, **1st Sub. H.J.R. 30**, WAR VETERANS' MEMORIAL ON CAPITOL HILL JOINT RESOLUTION, was considered read the second and third times and passed on the following roll call:

Yeas, 19; Nays, 6; Absent, 4.

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Goodfellow	Hillyard	Hinkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Romero
J. Stevenson	Stowell	Van Tassell	

Voting in the negative were: Senators

Dayton	Greiner	Jenkins	H. Stephenson
Valentine	Waddoups		

Absent or not voting were: Senators

Bramble	Madsen	Robles	Urquhart
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1st Sub. H.J.R. 30 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Knudson, the Senate voted to lift **H.B. 395**, LIMITATION OF ACTIONS AMENDMENTS, **H.C.R. 13**, CONCURRENT RESOLUTION ON PROVIDING CONTINUING FEDERAL FINANCIAL ASSISTANCE FOR THE DELIVERY OF BASIC SERVICES TO DUTCH JOHN, UTAH, and **H.C.R. 14**, R.S. 2477 HISTORIC ROADS CONCURRENT RESOLUTION, from the Rules Committee and place them on the Second Reading Calendar.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 10, 2010

The House passed, **S.B. 282**, CAPITAL FACILITIES APPROPRIATIONS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 282 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 10, 2010

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 140**, HUMAN RESOURCE MANAGEMENT AMENDMENTS, by Representative B. Dee, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 141**, RECREATIONAL USE OF PUBLIC WATER ON PRIVATE PROPERTY, by Representative K. McIff, and it is transmitted for signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 143**, EMINENT DOMAIN AUTHORITY, by Representative C. Herrod, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 307**, GENERAL COUNTY POWERS AMENDMENTS, by Representative G. Hughes, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 324**, PUBLIC LANDS LITIGATION, by Representative K. Sumsion, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 397**, MEDICAID PROGRAM AMENDMENTS, by Representative J. Dougall, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 459**, HEALTH AMENDMENTS, by Representative D. Clark, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

2nd Sub. H.B. 140, 2nd Sub. H.B. 141, H.B. 143, H.B. 307, 1st Sub. H.B. 324, 2nd Sub. H.B. 397, and 1st Sub. H.B. 459, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President:

March 10, 2010

The House transmits **1st Sub. H.B. 235**, CHILD SUPPORT FOR CHILDREN IN STATE CUSTODY, by Representative W. Harper, for further consideration.

Sandy D. Tenney, Chief Clerk

On motion of Senator Hillyard, the bill was placed on the Third Reading Table.

* * *

On motion of Senator Jenkins, and at 10:30 a.m., the Senate sauntered.

The Senate was called to order at 12:30 p.m., with President Waddoups presiding.

* * *

On motion of Senator Jenkins, and at 12:30 p.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:35 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 10, 2010

The Speaker of the House has signed **1st Sub. S.B. 45**, UTAH FIT PREMISES ACT AMENDMENTS, by Senator W. Niederhauser, and it is transmitted for the signature of the President; and

The House passed, **S.B. 59**, AT-RISK STUDENT PROVISIONS, by Senator L. Robles, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 73**, SALES AND USE TAX EXEMPTION RELATING TO AIRCRAFT, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **3rd Sub. S.B. 107**, LIEN AMENDMENTS, by Senator C. Bramble, and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 116**, DISTRICT COURT JUDGES AMENDMENTS, by Senator S. Urquhart, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 152**, UTAH STATE RAILROAD MUSEUM AUTHORITY ACT, by Senator P. Knudson, and it is transmitted for the signature of the President; and

The House passed, **S.B. 210**, JUDICIAL PERFORMANCE EVALUATION COMMISSION AMENDMENTS, by Senator D. C. Buttars, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 219**, CRIMINAL NUISANCE AMENDMENT, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 265**, BUDGET REVISIONS – DRUG COURT EXPANSION, by Senator D. Liljenquist, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 278**, HOMEOWNERS' ASSOCIATION AMENDMENTS, by Senator S. Urquhart, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 45, S.B. 59, S.B. 73, 3rd Sub. S.B. 107, 1st Sub. S.B. 116, 2nd Sub. S.B. 152, S.B. 210, S.B. 219, S.B. 265, and S.B. 278 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

March 10, 2010

The House substituted, amended, and passed, **2nd Sub. S.B. 52**, STATE BOARD OF REGENTS AMENDMENTS, by Senator D. Stowell, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 191**, GOVERNMENTAL ACCOUNTING AMENDMENTS, by Senator L. Hillyard, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 218**, ENGINE COOLANT BITTERING AGENT ACT, by Senator M. Waddoups, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 222**, FEE EXEMPTIONS, by Senator B. Goodfellow, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 280**, 2010 GENERAL OBLIGATION BOND AUTHORIZATION, by Senator L. Hillyard, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

INTRODUCTION OF BILLS

S.B. 2, Minimum School Program and Public Education Budget Amendments (H. Stephenson), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

On motion of Senator Niederhauser, the circle was removed from **1st Sub. H.B. 166**, REDUCTIONS TO EDUCATION MANDATES, and it was before the Senate.

Senator Stephenson proposed the following amendment:

1. Page 7, Lines 181 through 182

181 assess the writing of students in grade 11.

(7)(a) On or before the 2010 October meeting of the Education

Interim Committee, the State Board of Education shall prepare and present its plan for a pilot program for the 2010–11 and 2011–12 school years to:

(i) replace the tenth grade basic skills competency test with computer adaptive testing of basic skills; and

(ii) administer the ACT exam to secondary students.

(b) The State Board of Education shall implement the pilot program described in Subsection (7)(a) for the 2010–11 and 2011–12 school years.

(c) The State Board of Education shall re–direct the money saved by not administering the tenth grade basic skills competency test pursuant to Subsection 53A–1–611(6) to fund the implementation of the pilot program described in Subsection (7)(b) for fiscal years 2010–11 and 2011–12.

182 Section 4. Section 53A–1–611 is amended to read:

Senator Stephenson’s motion to amend passed on a voice vote. Senators Romero, Buttars, Greiner, Robles, and Goodfellow commented. The bill passed on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative was: Senator Greiner

Absent or not voting was: Senator Bramble

1st Sub. H.B. 166 was returned to the House for further consideration.

SECOND READING CALENDAR

On motion of Senator Okerlund, under suspension of the rules, **H.B. 231, WATER RIGHTS PRIORITIES ON RESIDENTIAL RENTAL PROPERTIES,** was considered read the second and third times.

Senator Okerlund proposed the following amendment:

- 1. Page 2, Line 53:
After “shall pay” insert “annually”

Senator Okerlund’s motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Okerlund	Robles	Romero	H. Stephenson
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Adams	Bramble	Niederhauser	J. Stevenson
Stowell			

H.B. 231, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Okerlund, under suspension of the rules, **H.B. 348**, SHERIFFS FEES, was considered read the second and third times. Senators Goodfellow, Buttars, and Hillyard commented and passed on the following roll call:

Yeas, 23; Nays, 4; Absent, 2.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Romero	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Buttars	Dayton	Goodfellow	H. Stephenson
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Absent or not voting were: Senators

Davis Robles

H.B. 348 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Jenkins, the Senate voted to suspend the rules and read the bills for the second and third times.

* * *

On motion of Senator Dayton, the Senate voted to lift **3rd Sub. H.B. 329**, CAMPAIGN FINANCE AMENDMENTS, and **S.B. 281**, PUBLIC ACCESS TO STREAM BEDS – UTAH WATERWAYS TASK FORCE, from the Rules Committee and place them on the Second Reading Calendar.

* * *

On motion of Senator Liljenquist, the circle was removed from **H.B. 6**, STATE AGENCY COMPENSATION APPROPRIATIONS, and it was before the Senate.

On motion of Senator Liljenquist, under suspension of the rules, **H.B. 6**, STATE AGENCY COMPENSATION APPROPRIATIONS, was considered read the second and third times and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Dayton	Goodfellow	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Okerlund	Romero	H. Stephenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Davis Greiner Niederhauser Robles
J. Stevenson

H.B. 6 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Romero, under suspension of the rules, **2nd Sub. H.B. 243, FORECLOSURE PROCESSES ON RESIDENTIAL RENTAL PROPERTIES**, was considered read the second and third times. Senator Valentine commented and the bill passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Jenkins
Jones	Knudson	Madsen	Mayne
Morgan	Okerlund	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Bramble	Hillyard	Hinkins	Liljenquist
McAdams	Niederhauser	Robles	

2nd Sub. H.B. 243 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Knudson, under suspension of the rules, **H.B. 343, GREAT SALT LAKE ADVISORY COUNCIL**, was considered read the second and third times.

Senator Knudson proposed the following amendment:

1. Page 2, Lines 48 through 49
House Committee Amendments
3-2-2010

48 (iv) one representative of { ~~recreation~~ for sportsmen } a migratory bird protection area as defined in Section 23-28-102 ;

49 (v) one representative ~~H~~→ who is an elected { ~~representative~~ } official ←~~H~~ from municipal

Senator Knudson’s motion to amend passed on a voice vote. Senator Dayton commented and the bill passed on the following roll call:

Yeas, 21; Nays, 0; Absent, 8.

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jones	Knudson	Liljenquist	Mayne
Morgan	Niederhauser	Okerlund	Romero
H. Stephenson	Stowell	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Hillyard	Jenkins	Madsen
McAdams	Robles	J. Stevenson	Urquhart

H.B. 343, as amended, was returned to the House for further consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 10, 2010

The House passed, **S.J.R. 5**, JOINT RESOLUTION ON THE SPENDING OF FEDERAL ECONOMIC RENEWAL GRANTS, by Senator K. Mayne, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.J.R. 5 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 10, 2010

The House concurred in the Senate amendments and passed **H.B. 125**, KIDNAPPING AND SEX OFFENDER REGISTRY AMENDMENTS, by Representative R. Bigelow, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 173**, 911 AMENDMENTS, by Representative B. Dee, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 187**, PEACE OFFICER STANDARDS AND TRAINING AMENDMENTS, by Representative C. Wimmer, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 287**, LEGISLATOR SALARY AMENDMENTS, by Representative D. Litvack, et al, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 289**, JUDICIAL NOMINATING COMMISSION AMENDMENTS, by Representative C. Oda, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 298**, LAND USE AUTHORITY NOTIFICATION OF CANAL DEVELOPMENT, by Representative B. Ferry, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 450**, FISHING LICENSE AMENDMENTS – DISABLED VETERANS, by Representative T. Cosgrove, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B.125, 1st Sub. H.B. 173, 1st Sub. H.B. 187, 1st Sub. H.B. 287, 2nd Sub. H.B. 289, 1st Sub. H.B. 298, and H.B. 450, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President:

March 10, 2010

The House passed, as amended, **S.B. 273**, HOSPITAL ASSESSMENTS, by Senator L. Hillyard, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

SECOND READING CALENDAR

On motion of Senator Adams, under suspension of the rules, **1st Sub. H.B. 335**, UTILITY RELATED EXEMPTIONS, was considered read the second and third times and passed on the following roll call:

Yeas, 21; Nays, 0; Absent, 8.

Voting in the affirmative were: Senators

Adams	Buttars	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jones
Knudson	Liljenquist	Mayne	Morgan

Niederhauser	Okerlund	Romero	H. Stephenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Christensen	Hillyard	Jenkins
Madsen	McAdams	Robles	J. Stevenson

1st Sub. H.B. 335 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Urquhart, under suspension of the rules, **1st Sub. H.B. 404, MOTOR VEHICLE BUSINESS AMENDMENTS**, was considered read the second and third times.

Senator Urquhart proposed the following amendment:

1. Page 8, Lines 239 through 241

239 (b) shall remit payment to the lienholder sufficient to pay off the
lien on the traded in
240 motor vehicle prior to selling {~~or placing~~} the motor vehicle
{~~for sale~~} unless Subsection (2) is
241 complied with.

Senator Urquhart’s motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Adams	Buttars	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jones
Knudson	Liljenquist	Mayne	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Waddoups		

Absent or not voting were: Senators

Bramble	Christensen	Hillyard	Jenkins
Madsen	McAdams	Van Tassell	

1st Sub. H.B. 404, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Knudson, **H.B. 91**, TRAFFIC CONTROL SIGNS FOR BICYCLES, was read the second time and circled.

* * *

On motion of Senator Jenkins, and at 3:40 p.m., the Senate sauntered.

The Senate was called to order at 4:00 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 10, 2010

The House passed, **S.B. 179**, UTAH REVISED BUSINESS CORPORATION ACT AMENDMENTS, by Senator D. Liljenquist, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 179 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 10, 2010

The House passed **H.B. 463**, DIVIDED SCHOOL DISTRICT PROPERTY TAX AMENDMENTS, by Representative E. Hutchings, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 463** was read the first time and referred to the Rules Committee.

* * *

Mr. President: March 10, 2010

The House substituted and passed, **1st Sub. S.B. 62**, MOTOR VEHICLE INSURANCE COVERAGE AMENDMENTS, by Senator S. Urquhart, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 188**, CHARTER SCHOOL AMENDMENTS, by Senator H. Stephenson, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

SECOND READING CALENDAR

On motion of Senator Stowell, under suspension of the rules, **1st Sub. H.B. 155**, AGRICULTURAL ADVISORY BOARD AND LIVESTOCK RELATED POLICY, was considered read the second and third times and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Adams	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jones	Knudson	Liljenquist	Mayne
Morgan	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble	Buttars	Jenkins	Madsen
McAdams	Niederhauser		

1st Sub. H.B. 155 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Okerlund, under suspension of the rules, **H.B. 332**, UTAH AGRICULTURAL CODE AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Adams	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jones	Knudson	Liljenquist	Mayne

Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble	Buttars	Jenkins	Madsen
McAdams			

H.B. 332 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 66, PROSTHETIC LIMB HEALTH INSURANCE PARITY, was read the second time.

On motion of Senator Valentine, the following substitute bill replaced the original bill:

2nd Sub. H.B. 66 Prosthetic Limb Health Insurance Parity (D. Litvack)

Senator Valentine proposed the following amendment:

1. Page 3, Line 65

65 that the insurer contracts with or approves.

(d) For policies issued on or after July 1, 2010 until July 1, 2015, an insurer is exempt from the 30% index rating restrictions in Section 31A-30-106.1, and for the first year only that coverage under this section is chosen, the 15% annual adjustment restriction in Section 31A-30-106.1, for any small employer with 20 or less enrolled employees who chooses coverage that meets or exceeds the coverage under this section.

Senator Valentine's motion to amend passed on a voice vote. Senators Niederhauser, Dayton, Stephenson, and Liljenquist commented.

###

Senator Valentine proposed the following amendment:

1. Page 3, Line 72:
Delete "\$50,000" and insert "\$30,000"

Senator Valentine's motion to amend passed on a voice vote.

On motion of Senator Valentine, under suspension of the rules, **2nd Sub. H.B. 66**, PROSTHETIC LIMB HEALTH INSURANCE PARITY, was considered read the second and third times and passed on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Valentine	Van Tassell	Waddoups

Voting in the negative was: Senator
Urquhart

Absent or not voting were: Senators

Bramble	Dayton	Hinkins	Madsen
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2nd Sub. H.B. 66, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Stephenson, the Senate voted to lift **S.B. 2**, MINIMUM SCHOOL PROGRAM AND PUBLIC EDUCATION BUDGET AMENDMENTS, from the Rules Committee and place it on the Second Reading Calendar.

* * *

On motion of Senator Valentine, under suspension of the rules, **H.J.R. 32**, JOINT RESOLUTION APPROVING THE PELT CASE FINAL SETTLEMENT AGREEMENT, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Adams	Davis	Dayton	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Okerlund

Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Buttars	Christensen	Madsen
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H.J.R. 32 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Valentine, **H.B. 146**, ENFORCEMENT BY FEDERAL LAND MANAGEMENT AGENCY, was read the second time and circled.

* * *

2nd Sub. H.B. 139, EMERGENCY AND DISASTER MANAGEMENT AMENDMENTS, was read the second time.

Senator Valentine proposed the following amendment:

1. Page 11, Line 316

316 [~~during the declared~~] issues an executive order declaring a state of emergency ~~is authorized~~

2. Page 11, Line 327:

327 (e) in connection with evacuation ~~is~~ suspend or limit the sale, dispensing, or

3. Page 11, Line 333:

333 ~~state departments or agencies~~ {~~—~~} debris or wreckage [~~which may threaten~~] that is an immediate

4. Page 12, Line 351:

351 [(a)] (h) {~~to~~} enter into agreement with any agency of the United States;

5. Page 12, Line 357:

357 [(b)] (i) {~~to~~} assist any political subdivision of this state to acquire sites and utilities

6. Page 12, Lines 361 through 363:

361 ~~[(e)]~~ (j) subject to Sections 63K-4-401 and 63K-4-406,
~~{-to-}~~ temporarily suspend or
362 modify by ~~[proclamation]~~ executive order, during the ~~[period of~~
~~the]~~ state of emergency, any
363 public health, safety, zoning, transportation or other
requirement of ~~[the law or regulation]~~ a

7. Page 13, Line 370:

370 XIV, Sections 3 and 4, and Section 10-8-6 ~~{-, to-}~~ :

8. Page 13, Line 378:

378 ~~[(e)]~~ (l) ~~{-to-}~~ accept funds from the federal government and make grants to any political

9. Page 13, Line 384:

384 of assistance, ~~{-to-}~~ apply for, accept and expend a grant by the federal government to fund ~~[such]~~

Senator Valentine’s motion to amend passed on a voice vote.

On motion of Senator Valentine, under suspension of the rules, **2nd Sub. H.B. 139, EMERGENCY AND DISASTER MANAGEMENT AMENDMENTS**, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jones	Knudson	Liljenquist
Mayne	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Jenkins	Madsen	McAdams
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2nd Sub. H.B. 139, as amended was returned to the House for further consideration.

* * *

On motion of Senator Niederhauser, **3rd Sub. H.B. 71**, NICOTINE PRODUCT RESTRICTIONS, was read the second time and circled.

* * *

On motion of Senator Stephenson, under suspension of the rules, **1st Sub. H.B. 205**, IMPACT FEE AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Adams	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Buttars	Madsen	McAdams
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1st Sub. H.B. 205 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Niederhauser, under suspension of the rules, **H.B. 381**, MUNICIPAL LAND USE PROVISIONS, was considered read the second and third times. Senators Dayton and Valentine commented. Senator Valentine declared a conflict of interest. The bill passed on the following roll call:

Yeas, 23; Nays, 1; Absent, 5.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Knudson	Liljenquist	Mayne
Morgan	Niederhauser	Okerlund	Robles
Romero	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative was: Senator Dayton

Absent or not voting were: Senators

Christensen Jones Madsen McAdams
H. Stephenson

H.B. 381 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Knudson, under suspension of the rules, **H.J.R. 33**, MARKING OF UNDERGROUND UTILITIES JOINT RESOLUTION, was considered read the second and third times and passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Adams Bramble Davis Dayton
Goodfellow Greiner Hinkins Jenkins
Jones Knudson Liljenquist Mayne
McAdams Okerlund Robles Romero
H. Stephenson J. Stevenson Stowell Urquhart
Van Tassell Waddoups

Absent or not voting were: Senators

Buttars Christensen Hillyard Madsen
Morgan Niederhauser Valentine

H.J.R. 33 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Urquhart, under suspension of the rules, **H.B. 364**, RIGHT OF IDENTIFY THEFT VICTIM TO CIVIL CAUSE OF ACTION, was considered read the second and third times and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Adams Bramble Buttars Davis
Dayton Goodfellow Greiner Hillyard

Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Okerlund	Robles	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Christensen	Madsen	Niederhauser	Romero
H. Stephenson			

H.B. 364 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Urquhart, under suspension of the rules, **H.B. 435**, DIXIE STATE COLLEGE – NONPROFIT ENTITIES, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	Morgan	Niederhauser
Okerlund	Robles	Romero	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Christensen	Madsen	McAdams	H. Stephenson
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H.B. 435 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Adams, **H.B. 126**, STATE CONSTRUCTION REGISTRY AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Jenkins, the Senate voted to suspend the rules and consider Senate bills.

* * *

On motion of Senator Jenkins, **S.B. 2**, MINIMUM SCHOOL PROGRAM AND PUBLIC EDUCATION BUDGET AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Stowell, under suspension of the rules, **S.B. 281**, PUBLIC ACCESS TO STREAM BEDS – UTAH WATERWAYS TASK FORCE, was considered read the second and third times. Senator Stowell explained the bill. Senators Goodfellow, Mayne, and Jones commented. The bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Okerlund	Robles	Romero
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Hillyard	Niederhauser	H. Stephenson
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S.B. 281 was transmitted to the House.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 10, 2010

The House passed, **S.B. 170**, SUSPENSION OF DRIVING PRIVILEGES, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 170 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 10, 2010

The House passed **H.B. 438**, TRANSPORTATION MODIFICATIONS, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed **H.B. 440**, VETERANS' NURSING HOME REIMBURSEMENT RESTRICTED ACCOUNT, by Representative R. Bigelow, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 438** and **H.B. 440** were read the first time and referred to the Rules Committee.

* * *

Mr. President:

March 10, 2010

The House passed, as amended, **2nd Sub. S.B. 272**, AMENDMENTS TO TRANSPORTATION PROVISIONS, by Senator J. Stevenson, and it is transmitted for further consideration; and

The House passed, as amended, **S.J.R. 19**, JOINT RULES RESOLUTION ON ETHICS COMPLAINTS, by Senator J. Valentine, et al, and it is transmitted for further consideration; and

The House passed, as amended, **S.C.R. 3**, STATE SOVEREIGNTY CONCURRENT RESOLUTION, by Senator J. S. Adams, et al, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

SECOND READING CALENDAR

On motion of Senator Madsen, the circle was removed from **H.B. 146**, LAW ENFORCEMENT BY FEDERAL LAND MANAGEMENT AGENCY, and it was before the Senate.

Senator Madsen proposed the following amendment:

1. Page 1, Line 21
House Floor Amendments
3-3-2010

21 based on Utah law $\hat{H} \rightarrow$ by federal agencies, as defined in this bill. except as authorized by { - this bill } agreement with the appropriate state or local law enforcement agency $\leftarrow \hat{H}$;

2. Page 1, Line 24a
House Floor Amendments
3-3-2010:

24a agency as defined in this bill may not be for

- 3. Page 2, Line 54
House Floor Amendments
3-3-2010:

54 (4) federal officers. {~~as limited by Sections 53-13-106 and 53-13-106.5~~}

- 4. Page 3, Lines 67 through 71:

67 (b) (i) {~~Notwithstanding Subsection (2), federal~~} Federal officers listed in Subsection (1)(a) have

68 {~~+~~} statewide {~~+~~} law enforcement authority relating to felony offenses under the laws of this state

69 {~~only as established by agreement under Section 53-13-106.5~~} . This Subsection (1)(b)(i) takes precedence over Subsection (2).

(ii) Federal agencies and federal employees as defined in Subsection 53-13-106.5(1) may exercise law enforcement authority related to felony offenses under Utah law only as established by an agreement under Subsection 53-13-106.5(7). This Subsection (1)(b)(ii) takes precedence over Subsection (2).

70 (c) The council may designate other federal peace officers, as necessary {~~and as limited~~

71 by Section 53-13-106.5} , if the officers:

- 5. Page 5, Lines 122 through 123
House Floor Amendments
3-3-2010:

122 Utah Administrative Rules, or county or municipal ordinances as a basis to arrest {~~+~~} or cite {~~+~~~~or~~

123 prosecute} persons for prosecution in the federal criminal justice system, unless the action:

- 6. Page 5, Lines 125 through 131
House Floor Amendments
3-3-2010:

125 (b) is consistent with the Constitution of the United States.

126 {~~---(6)(a) Utah and its political subdivisions may choose to not comply with or implement~~

127 federal mandates which purport to require that state and local law enforcement agencies

128 enforce unconstitutional federal laws and related regulations, except as specifically provided in

129 Utah law and under Subsection (6)(b):

130 (b) This Subsection (6) does not prohibit state and local law enforcement agencies

131 from entering into contracts with the Secretary of Interior pursuant to 43 U.S.C. 1733(e)(1). }

7. Page 5, Lines 132 through 134
House Floor Amendments
3-3-2010:

132 {~~(7)~~ } (6) State and local government agencies may not allow any federal agency access to or

133 use of the correctional and communication facilities and equipment of any state or local law enforcement agency without the

134 express written consent of the {~~head~~ -} appropriate responsible official of the state or local law enforcement agency.

8. Page 5, Line 135
House Floor Amendments
3-3-2010:

135 {~~(8)~~ } (7) State and local law enforcement agencies may {~~not~~ -} enter into agreements with

9. Page 5, Lines 137 through 138
House Floor Amendments
3-3-2010:

137 {~~unless~~ -} provided the agreements are limited to a term not to exceed $\hat{H} \rightarrow$ [one year] two years $\leftarrow \hat{H}$.

138 {~~(9)~~ } (8) (a) County sheriffs shall regularly review the duties and activities of federal

10. Page 5, Line 143
House Floor Amendments
3-3-2010:

143 their jurisdiction the results of all reviews conducted under this Subsection {~~(9)~~ } (8) .

Senator Madsen’s motion to amend passed on a voice vote.

On motion of Senator Madsen, under suspension of the rules, **H.B. 146, LAW ENFORCEMENT BY FEDERAL LAND MANAGEMENT AGENCY**, was considered read the second and third times and passed on the following roll call:

Yeas, 23; Nays, 5; Absent, 1.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Dayton	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Davis	Goodfellow	Greiner	Robles
Romero			

Absent or not voting was: Senator

Hillyard

H.B. 146, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Knudson, the Senate voted to lift the following bills from the Rules Committee and place them on the Second Reading Calendar in the following order: **H.B. 149, 1st Sub. H.B. 425, H.B. 353, 2nd Sub. H.B. 5, H.B. 456, 3rd Sub. H.B. 121, 1st Sub. H.B. 293, H.B. 379, 1st Sub. H.B. 133, H.J.R. 21, H.B. 171, 1st Sub. H.B. 227, H.B. 386, H.B. 327, 1st Sub. H.B. 355, H.B. 112, H.C.R. 4, 2nd Sub. H.B. 295, H.B. 398, H.B. 246, 1st Sub. H.B. 60, H.B. 251, H.C.R. 17, 1st Sub. H.B. 282, H.B. 452, H.B. 426, H.B. 303, 1st Sub. H.B. 283, H.B. 461, and H.B. 464**

* * *

On motion of Senator Stephenson, the circle was removed from **S.B. 2, MINIMUM SCHOOL PROGRAM AND PUBLIC EDUCATION BUDGET AMENDMENTS**, and it was before the Senate.

Senator Stephenson proposed the following amendment:

- 1. Page 2, Line 28

28 ▶ modifies a funding formula to provide money to charter schools to replace local property tax revenue;

 ▶ provides that if monies appropriated to charter schools to replace local property

- 2. Page 33, Line 997:

997 may increase up to 7,467 students over the projected enrollment of {~~-42,411~~} 42,211 students in the

Senator Stephenson’s motion to amend passed on a voice vote.

###

Senator Morgan proposed the following amendment:

- 1. Page 32, Lines 980 through 985

980 Library Books &
Electronic Resources {~~-\$490,000~~} (\$240,000)

981 Critical Languages &
Dual Immersion {~~-\$750,000~~} \$200,000

982 USTAR Centers (Year-Round
Math & Science) \$124,200

983 Performance Based Compensation \$294,000

984 Teacher Supplies and Materials \$5,000,000

985 Beverly Taylor Sorenson Elementary Arts \$658,000
K-3 Reading Improvement Program \$300,000

Senator Morgan’s motion to amend failed on a voice vote.

###

Senator Romero proposed the following amendment:

- 1. Page 29, Lines 890 through 894

890 From Uniform School Fund (\$3,182,100)

891 From Education Fund {~~-\$7,119,400~~} \$6,518,000

892 Schedule of Programs:

893 Contracts and Grants
{-----\$4,883,500-} \$4,282,100

894 Item 3 To State Board of Education – State Charter School Board

2. Page 32, Lines 985 through 986:

985 Beverley Taylor Sorenson Elementary Arts \$658,000
Youth At-Risk \$565,400
English Language Learner Family Literacy Centers \$36,000

986 The Legislature intends that monies for the Flexible Allocation – WPU Distribution

Senator Romero’s motion to amend failed on a voice vote.

###

Senator Dayton proposed the following amendment:

1. Page 33, Lines 1012 through 1015

1012 Capital Outlay Enrollment Growth Program (\$983,500)

1013 The Legislature intends that a school district or charter school may not use money appropriated under this bill or H.B. 1, Minimum School Program Base Budget, to fund association leave described in Section 53A-3-425.

Section 12. Effective date.

1014 This bill takes effect on July 1, 2010, except Section 53A-1a-513.1 takes effect on July

1015 1, 2011.

Senator Dayton’s motion to amend failed on a voice vote.

On motion of Senator Stephenson, under suspension of the rules, **S.B. 2, MINIMUM SCHOOL PROGRAM AND PUBLIC EDUCATION BUDGET AMENDMENTS**, was considered read the second and third times. Senator Stephenson explained the bill. Senators Jones, Romero and Dayton commented. The bill passed on the following roll call:

Yeas, 19; Nays, 8; Absent, 2.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Dayton	Greiner	Hillyard	Hinkins

Jenkins	Knudson	Liljenquist	Okerlund
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Davis	Goodfellow	Jones	Mayne
McAdams	Morgan	Robles	Romero

Absent or not voting were: Senators

Madsen	Niederhauser
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S.B. 2 was transmitted to the House.

* * *

3rd Sub. H.B. 329, CAMPAIGN FINANCE AMENDMENTS, was read the second time.

On motion of Senator Jenkins, the following substitute bill replaced the original bill:

6th Sub. H.B. Campaign Finance Amendments (B. Ferry)

Senator Bramble proposed the following amendment:

1. Page 7, Line 210:
Delete "labor unions,"

Senator Bramble’s motion to amend passed on a voice vote.

On motion of Senator Jenkins, under suspension of the rules, **6th Sub. H.B. 329, CAMPAIGN FINANCE AMENDMENTS**, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Madsen	Mayne	McAdams
Morgan	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Liljenquist Niederhauser Urquhart

6th Sub. H.B. 329, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Valentine, the circle was removed from **H.B. 117**, PUBLIC EDUCATION CAPITAL OUTLAY ACT, and it was before the Senate.

On motion of Senator Valentine, under suspension of the rules, **H.B. 117**, PUBLIC EDUCATION CAPITAL OUTLAY ACT, was considered read the second and third times and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

H.B. 117 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 10, 2010

The House passed, **3rd Sub. S.B. 247**, JOHN M. BROWNING COMMEMORATIVE DAY, by Senator M. Madsen, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

3rd Sub. S.B. 247 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 10, 2010

The House passed, as amended, **S.B. 66**, PUBLIC SCHOOL EXTRACURRICULAR ACTIVITIES FOR HOME SCHOOL AND PRIVATE

SCHOOL STUDENTS, by Senator M. Madsen, et al, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

* * *

On motion of Senator Jenkins and at 6:00 p.m., the Senate adjourned until 8:00 a.m., Thursday, March 11, 2010.

FORTY-FIFTH DAY

MORNING SESSION

March 11, 2010

The Senate was called to order at 8:15 a.m., with President Michael Waddoups presiding.

Prayer – Senator David Hinkins

Pledge of Allegiance – Senator Karen Morgan

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 72)

CONCURRENCE CALENDAR

On motion of Senator Stowell, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 52**, STATE BOARD OF REGENTS AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	Morgan
Okerlund	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative was: Senator Hillyard

Absent or not voting were: Senators

McAdams Niederhauser Robles

2nd Sub. S.B. 52 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to **S.B. 191**, GOVERNMENTAL ACCOUNTING AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	McAdams
Morgan	Niederhauser	Okerlund	Romero
H. Stephenson	J. Stevenson	Stowell	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Mayne	Robles	Urquhart
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S.B. 191 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Dayton, the Senate voted to concur in the House amendments to **S.B. 218**, ENGINE COOLANT BITTERING AGENT ACT. The bill, as amended, passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	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

Christensen	Mayne	Robles
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S.B. 218 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Goodfellow, the Senate voted to concur in the House amendments to **S.B. 222**, FEE EXEMPTIONS. The bill, as amended, passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Hinkins Robles

S.B. 222 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Hillyard, the Senate refused to concur in the House amendments. **S.B. 280**, 2010 GENERAL OBLIGATION BOND AUTHORIZATION, was returned to the House.

* * *

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to **S.B. 273**, HOSPITAL ASSESSMENTS. The bill, as amended, passed on the following roll call:

Yeas, 25; Nays, 3; Absent, 1.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Goodfellow	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell			

Voting in the negative were: Senators

Dayton Greiner Waddoups

Absent or not voting was: Senator

Buttars

S.B. 273 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Urquhart, the Senate voted to concur in the House amendments to **1st Sub. S.B. 62**, MOTOR VEHICLE INSURANCE COVERAGE AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	Niederhauser
Okerlund	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative was: Senator Morgan

Absent or not voting were: Senators

Hillyard	McAdams	Robles
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1st Sub. S.B. 62 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Stephenson, the Senate voted to concur in the House amendments to **S.B. 188**, CHARTER SCHOOL AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Hillyard McAdams Robles

S.B. 188 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Stevenson, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 272**, AMENDMENTS TO TRANSPORTATION PROVISIONS. Senators Stephenson and Mayne commented. The bill, as amended, passed on the following roll call:

Yeas, 19; Nays, 7; Absent, 3.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Goodfellow	Hillyard	Hinkins
Jones	Knudson	Liljenquist	Mayne
Morgan	Okerlund	Romero	J. Stevenson
Urquhart	Valentine	Van Tassell	

Voting in the negative were: Senators

Dayton	Greiner	Jenkins	Madsen
H. Stephenson	Stowell	Waddoups	

Absent or not voting were: Senators

McAdams Niederhauser Robles

2nd Sub. S.B. 272 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Valentine, the Senate voted to concur in the House amendments to **S.J.R. 19**, JOINT RULES RESOLUTION ON ETHICS COMPLAINTS. The bill, as amended, passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

McAdams Okerlund Robles Romero
H. Stephenson

S.J.R. 19 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Adams, the Senate voted to concur in the House amendments to **S.C.R. 3**, STATE SOVEREIGNTY CONCURRENT RESOLUTION. The bill, as amended, passed on the following roll call:

Yeas, 20; Nays, 1; Absent, 8.

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Greiner	Hillyard	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	Morgan	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative was: Senator

Goodfellow

Absent or not voting were: Senators

Bramble	Hinkins	McAdams	Niederhauser
Okerlund	Robles	Romero	H. Stephenson

S.C.R. 3 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Madsen, the Senate refused to concur in the House amendments. Senator Jones commented. **S.B. 66**, PUBLIC SCHOOL EXTRACURRICULAR ACTIVITIES FOR HOME SCHOOL AND PRIVATE SCHOOL STUDENTS, was returned to the House.

THIRD READING CALENDAR

H.B. 17, AMENDMENTS TO PROGRAMS FOR PEOPLE WITH DISABILITIES, was before the Senate and explained by Senator Liljenquist. Senators Greiner, Robles, Valentine, and Bramble commented.

On motion of Senator Liljenquist, under suspension of the rules, **H.B. 17**, AMENDMENTS TO PROGRAMS FOR PEOPLE WITH DISABILITIES, was considered read the second and third times and passed on the following roll call:

Yeas, 16; Nays, 6; Absent, 7.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Goodfellow	Hillyard	Hinkins	Jones
Knudson	Liljenquist	McAdams	Morgan
Robles	Urquhart	Van Tassell	Waddoups

Voting in the negative were: Senators

Dayton	Greiner	Jenkins	J. Stevenson
Stowell	Valentine		

Absent or not voting were: Senators

Buttars	Madsen	Mayne	Niederhauser
Okerlund	Romero	H. Stephenson	

H.B. 17 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Jenkins, the Senate voted to consider all bills read today read for the second and third time.

* * *

On motion of Senator Jenkins, the circle was removed from **1st Sub. H.B. 221, SUNSET ACT AND REPEALERS REAUTHORIZATION**, and it was before the Senate.

On motion of Senator Jenkins, under suspension of the rules, **1st Sub. H.B. 221, SUNSET ACT AND REPEALERS REAUTHORIZATION**, was considered read the second and third times and passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	McAdams	Morgan	Robles
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Buttars	Madsen	Mayne	Niederhauser
Okerlund	Romero	H. Stephenson	

1st Sub. H.B. 221, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Hillyard, **5th Sub. H.B. 197**, CUSTODIAL INTERFERENCE AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Jones, under suspension of the rules, **1st Sub. H.B. 185**, ANIMAL EUTHANASIA STANDARDS, was considered read the second and third times.

Senator Jones proposed the following amendment:

1. Page 2, Lines 34 through 35
House Committee Amendments
2-26-2010

34 (2) (a) If an animal shelter must euthanize an animal, the animal shelter shall except as provided in Subsection (2)(b), euthanize the

35 animal by lethal injection → [~~, unless:] or carbon monoxide chamber.~~

(b) Subsection (2)(a) does not apply to an animal that must be euthanized outside of the animal shelter's place of business or facility by an animal control officer who:

(i) contracts with the animal shelter; and

(ii) must euthanize the animal in an emergency

situation.

2. Page 2, Line 54 through Page 3, Line 57
House Committee Amendments
2-26-2010:

54 (2) (a) If an animal shelter must euthanize an animal, the animal shelter shall except as provided in Subsection (2)(b), euthanize the

55 animal by lethal injection ~~Ĥ~~→ [~~-,unless:]~~ or carbon monoxide chamber.

56 ~~[(a) the animal presents a danger to staff performing the euthanization; or~~

57 ~~(b) a restraint required for lethal injection will cause undue stress on the animal.]~~ ←Ĥ

(b) Subsection (2)(a) does not apply to an animal that must be euthanized outside of the animal shelter’s place of business or facility by an animal control officer who:

(i) contracts with the animal shelter; and

(ii) must euthanize the animal in an emergency situation.

Senator Jones’ motion to amend passed on a voice vote. Senators Van Tassell and Christensen commented and the bill failed on the following roll call:

Yeas, 9; Nays, 15; Absent, 5.

Voting in the affirmative were: Senators

Davis	Goodfellow	Jones	Knudson
Mayne	McAdams	Morgan	Robles
Van Tassell			

Voting in the negative were: Senators

Adams	Bramble	Christensen	Dayton
Greiner	Hillyard	Hinkins	Jenkins
Liljenquist	Niederhauser	J. Stevenson	Stowell
Urquhart	Valentine	Waddoups	

Absent or not voting were: Senators

Buttars	Madsen	Okerlund	Romero
H. Stephenson			

1st Sub. H.B. 185 was filed.

* * *

On motion of Senator Liljenquist, **H.B. 421**, MEDICAL FINANCIAL RECORDS AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Liljenquist, under suspension of the rules, **H.B. 233**, RETIREMENT OFFICE AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 21; Nays, 0; Absent, 8.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	McAdams	Morgan	Niederhauser
Robles	Stowell	Urquhart	Valentine
Waddoups			

Absent or not voting were: Senators

Buttars	Madsen	Mayne	Okerlund
Romero	H. Stephenson	J. Stevenson	Van Tassell

H.B. 233 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

INTRODUCTION OF BILLS

S.J.R. 15, Master Study Resolution (S. Jenkins), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Jenkins, the Senate voted to lift **S.J.R. 15** from the Rules Committee and place it on the Second Reading Calendar.

* * *

On motion of Senator Jenkins, under suspension of the rules, **S.J.R. 15, MASTER STUDY RESOLUTION**, was considered read the second and third times. Senator Jenkins explained the bill. The bill passed on the following roll call:

Yeas, 21; Nays, 0; Absent, 8.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	McAdams	Morgan	Niederhauser
Robles	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Buttars	Madsen	Mayne	Okerlund
Romero	H. Stephenson	J. Stevenson	Stowell

S.J.R. 15 was transmitted to the House.

* * *

On motion of Senator Liljenquist, the circle was removed from **H.B. 421**, MEDICAL FINANCIAL RECORDS AMENDMENTS, and it was before the Senate.

Senator Liljenquist proposed the following amendment:

- 1. Page 1, Lines 19 through 20
Senate 2nd Reading Amendments
3-11-2010

19 Other Special Clauses:

20 {~~None~~} This bill takes effect on July 1, 2010

- 2. Page 2, Line 45a
Senate 2nd Reading Amendments
3-11-2010:

45a Section 2. Effective Date.

This bill takes effect on July 1, 2010.

Senator Liljenquist’s motion to amend passed on a voice vote.

On motion of Senator Liljenquist, under suspension of the rules, **H.B. 421**, MEDICAL FINANCIAL RECORDS AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 21; Nays, 0; Absent, 8.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Morgan	Niederhauser	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Buttars	Madsen	Mayne	McAdams
Okerlund	Robles	Romero	H. Stephenson

H.B. 421, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Knudson, the following bills were lifted from the Rules Committee and placed at the top of the Second Reading Calendar: **H.B. 62, H.B. 438, and H.B. 440**

On motion of Senator Knudson, the following bills were lifted from the Third Reading Table and placed on the Third Reading Calendar: **H.B. 250 and 1st Sub. H.B. 235**

On motion of Senator Knudson, the following bill was lifted to the top of the Second Reading Calendar: **H.B. 464**

* * *

On motion of Senator Liljenquist, under suspension of the rules, **H.B. 464, FAMILY HEALTH SERVICES RFPS – TOBACCO SETTLEMENT**, was considered read the second and third times and passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Morgan	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Buttars	Madsen	Mayne	McAdams
Niederhauser	Okerlund	Robles	

H.B. 464 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Romero, **H.B. 62, PENALTIES FOR VIOLENT CRIME IN PRESENCE OF A CHILD**, was read the second time and circled.

* * *

On motion of Senator Bramble, **H.B. 438, TRANSPORTATION MODIFICATIONS**, was read the second time and circled.

* * *

On motion of Senator Hillyard, **H.B. 440**, VETERANS’ NURSING HOME REIMBURSEMENT RESTRICTED ACCOUNT, was read the second time and circled.

* * *

On motion of Senator Van Tassell, under suspension of the rules, **H.B. 419**, ALCOHOLIC BEVERAGE CONTROL AND SIGNAGE AT STATE STORES, was considered read the second and third times. Senators Greiner and Stephenson commented and the bill passed on the following roll call:

Yeas, 21; Nays, 1; Absent, 7.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	Romero	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative was: Senator
H. Stephenson

Absent or not voting were: Senators

Buttars	Dayton	McAdams	Morgan
Niederhauser	Okerlund	Robles	

H.B. 419 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Jenkins, under suspension of the rules, **H.B. 395**, LIMITATION OF ACTIONS AMENDMENTS, was considered read the second and third times.

Senator Valentine proposed the following amendment:

1. Page 1, Line 17:
After “show” delete “that clearly” and insert “by clear and convincing evidence that”

2. Page 2, Line 44:

After “show” delete “that clearly” and insert “by clear and convincing evidence that”

Senator Valentine’s motion to amend passed on a voice vote. Senator Jones commented and the bill passed on the following roll call:

Yeas, 20; Nays, 8; Absent, 1.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Dayton
Greiner	Hillyard	Hinkins	Jenkins
Knudson	Liljenquist	Madsen	Niederhauser
Okerlund	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Voting in the negative were: Senators

Davis	Goodfellow	Jones	Mayne
McAdams	Morgan	Robles	Romero

Absent or not voting was: Senator
Buttars

H.B. 395, as amended, was returned to the House for further consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 11, 2010

The House passed, **S.B. 169**, NAVAJO REVITALIZATION FUND AMENDMENTS, by Senator D. Hinkins, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 216**, ABSENTEE VOTING BY MILITARY PERSONNEL AMENDMENTS, by Senator B. McAdams, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 169 and **S.B. 216** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 11, 2010

The House concurred in the Senate amendments and passed **H.B. 231**, WATER RIGHTS PRIORITIES IN TIMES OF SHORTAGE, by Representative K. Gibson, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 231, was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Jenkins, and at 10:05 a.m., the Senate sauntered.

The Senate was called to order at 10:15 a.m., with President Waddoups presiding.

* * *

On motion of Senator Knudson, the Senate voted to lift **H.B. 118**, ECONOMIC DEVELOPMENT INCENTIVES MODIFICATIONS, from the Third Reading Table and place it at the top of the Third Reading Calendar.

THIRD READING CALENDAR

H.B. 118, ECONOMIC DEVELOPMENT INCENTIVES MODIFICATIONS, was read the third time and explained by Senator Stevenson.

Senator Stevenson proposed the following amendment:

1. Page 5, Line 123:
Delete "120% of"

Senator Stevenson's motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 25; Nays, 3; Absent, 1.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hinkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser

Okerlund	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative were: Senators

Dayton	Hillyard	Jenkins
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Absent or not voting was: Senator

Robles

H.B. 118, as amended, was returned to the House for further consideration.

* * *

1st Sub. H.B. 235, CHILD SUPPORT FOR CHILDREN IN STATE CUSTODY, was read the third time, explained by Senator Dayton, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Liljenquist
Madsen	Mayne	McAdams	Morgan
Okerlund	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting were: Senators

Adams	Knudson	Niederhauser	Robles
Valentine			

1st Sub. H.B. 235 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, **H.B. 250**, CRIMINAL PENALTIES AMENDMENTS – LEAVING THE SCENE OF AN ACCIDENT, was read the third time and circled.

SECOND READING CALENDAR

On motion of Senator Romero, the circle was removed from **H.B. 62**, PENALTIES FOR VIOLENT CRIME IN PRESENCE OF A CHILD, and it was before the Senate.

On motion of Senator Romero, under suspension of the rules, **H.B. 62**, PENALTIES FOR VIOLENT CRIME IN PRESENCE OF A CHILD, was considered read the second and third times. Senator Greiner commented and the bill passed on the following roll call:

Yeas, 19; Nays, 8; Absent, 2.

Voting in the affirmative were: Senators

Christensen	Davis	Goodfellow	Hillyard
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Okerlund
Robles	Romero	J. Stevenson	Stowell
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Adams	Bramble	Buttars	Dayton
Greiner	Jenkins	H. Stephenson	Urquhart

Absent or not voting were: Senators

Hinkins	Niederhauser
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H.B. 62 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

On motion of Senator Bramble, the circle was removed from **H.B. 250**, CRIMINAL PENALTIES AMENDMENTS – LEAVING THE SCENE OF AN ACCIDENT, and it was before the Senate. The bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Hinkins	Niederhauser	Urquhart
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H.B. 250 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 11, 2010

The House passed, **1st Sub. S.B. 31**, ADMINISTRATIVE RULES REAUTHORIZATION, by Senator H. Stephenson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 154**, POSTCONVICTION REMEDIES ACT AMENDMENTS, by Senator J. S. Adams, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 237**, TRANSITION FOR REPEALED NAVAJO TRUST FUND ACT AMENDMENTS, by Senator D. Hinkins, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 250**, POLITICAL PARTY BYLAWS – UNITED STATES SENATORS, by Senator H. Stephenson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.C.R. 11**, CONCURRENT RESOLUTION EXPRESSING OPPOSITION TO THE CREATION OF NEW NATIONAL MONUMENTS IN UTAH, by Senator K. Van Tassell, et al, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 16**, HEALTH CARE FACILITY DISCLOSURE JOINT RESOLUTION, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 31, 1st Sub. S.B. 154, S.B. 237, S.B. 250, S.C.R. 11, and S.J.R. 16 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 11, 2010

The House concurred in the Senate amendments and passed **H.B. 343**, GREAT SALT LAKE ADVISORY COUNCIL, by Representative B. Ferry, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 404**, MOTOR VEHICLE BUSINESS AMENDMENTS, by Representative D. Ipson, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 343 and **1st Sub. H.B. 404**, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Van Tassell, under suspension of the rules, **H.C.R. 13**, CONCURRENT RESOLUTION ON PROVIDING CONTINUING FEDERAL FINANCIAL ASSISTANCE FOR THE DELIVERY OF BASIC SERVICES TO DUTCH JOHN, UTAH, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Dayton
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Davis	Hinkins	Robles
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H.C.R. 13 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.C.R 14, R.S. 2477 HISTORIC ROADS CONCURRENT RESOLUTION, was read the second time.

On motion of Senator Dayton, the following substitute bill replaced the original bill:

1st Sub. H.C.R. 14 R. S. 2477 Historic Roads Concurrent Resolution
(M. Noel)

On motion of Senator Dayton, under suspension of the rules, **1st Sub. H.C.R. 14**, R.S. 2477 HISTORIC ROADS CONCURRENT RESOLUTION, was considered read the second and third times and passed on the following roll call:

Yeas, 23; Nays, 1; Absent, 5.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Dayton	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	Morgan	Niederhauser
Okerlund	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Waddoups	

Voting in the negative was: Senator Romero

Absent or not voting were: Senators

Davis	Goodfellow	McAdams	Robles
Van Tassell			

1st Sub. H.C.R. 14, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Madsen, the circle was removed from **5th Sub. H.B. 197**, CUSTODIAL INTERFERENCE AMENDMENTS, and it was before the Senate.

Senator Hillyard proposed the following amendment:

1. Page 4, Lines 88 through 91

88 (xviii) custodial interference, under:

89 (A) Subsection 76-5-303(3), which suspension shall be for a period of 30 days , unless the court provides the division with an order of suspension for a shorter period of time ;

90 (B) Subsection 76-5-303(4), which suspension shall be for a period of 90 days , unless the court provides the division with an order of suspension for a shorter period of time ; or

91 (C) Subsection 76-5-303(5), which suspension shall be for a period of 180 days , unless the court provides the division with an order of suspension for a shorter period of time .

Senator Hillyard’s motion to amend passed on a voice vote.

On motion of Senator Madsen, under suspension of the rules, **5th Sub. H.B. 197**, CUSTODIAL INTERFERENCE AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Madsen	Mayne	Okerlund
Romero	H. Stephenson	Stowell	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Liljenquist	McAdams	Morgan	Niederhauser
Robles	J. Stevenson	Urquhart	

5th Sub. H.B. 197, as amended was returned to the House for further consideration.

* * *

On motion of Senator Jones, and at 11:00 a.m., the Senate sauntered.

The Senate was called to order at 11:15 a.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 11, 2010

The House passed, **S.B. 26**, UTAH E-COMMERCE INTEGRITY ACT, by Senator S. Urquhart, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 61**, SALES AND USE TAX EXEMPTION FOR A WEB SEARCH PORTAL, by Senator H. Stephenson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 251**, VERIFICATION OF EMPLOYMENT ELIGIBILITY, by Senator D. C. Buttars, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 26, S.B. 61, and 1st Sub. S.B. 251 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

March 11, 2010

The House concurred in the Senate amendments and passed **1st Sub. H.B. 166**, REDUCTIONS TO EDUCATION MANDATES, by Representative J. Dougall, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. H.B. 166 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Niederhauser, **H.B. 149**, SCHOOL FINANCE AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Niederhauser, **H.B. 425**, BUDGETARY PROCEDURES ACT – FEE AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Niederhauser, **H.B. 353**, NONLAPSING DEDICATED CREDIT AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Bramble, **2nd Sub. H.B. 5**, REVENUE BOND AND CAPITAL FACILITIES AUTHORIZATIONS, was read the second time and circled.

* * *

On motion of Senator Niederhauser, **H.B. 456**, AMENDMENTS TO DEPARTMENT OF ENVIRONMENTAL QUALITY, was read the second time and circled.

* * *

On motion of Senator Niederhauser, **3rd Sub. H.B. 121**, EMERGENCY MEDICAL SERVICES ACT TRANSPORT AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Hinkins, under suspension of the rules, **1st Sub. H.B. 293, VICTIMS’ RIGHTS AMENDMENTS**, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Robles	Romero
J. Stevenson	Stowell	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Madsen	Okerlund	H. Stephenson	Urquhart
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1st Sub. H.B. 293 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Hillyard, the circle was removed from **1st Sub. H.B. 425, BUDGETARY PROCEDURES ACT – FEE AMENDMENTS**, and it was before the Senate.

Senator Hillyard proposed the following amendment:

1. Page 4, Line 88:
Delete “financial processing” and insert “transactional”
2. Page 4, Line 91:
Delete “financial processing” and insert “transactional”

Senator Hillyard’s motion to amend passed on a voice vote.

On motion of Senator Hillyard, under suspension of the rules, **1st Sub. H.B. 425, BUDGETARY PROCEDURES ACT – FEE AMENDMENTS**, was considered read the second and third times and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Okerlund

1st Sub. H.B. 425, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Hillyard, the circle was removed from **H.B. 353**, NONLAPSING DEDICATED CREDIT AMENDMENTS, and it was before the Senate.

On motion of Senator Hillyard, under suspension of the rules, **H.B. 353**, NONLAPSING DEDICATED CREDIT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator

Okerlund

H.B. 353 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, the circle was removed from **2nd Sub. H.B. 5**, REVENUE BOND AND CAPITAL FACILITIES AUTHORIZATIONS, and it was before the Senate.

On motion of Senator Bramble, the following substitute bill replaced the original bill:

3rd Sub. H.B. 5 Revenue Bond and Capital Facilities Authorizations
(S. Clark)

On motion of Senator Bramble, the bill was circled.

* * *

On motion of Senator Christensen, under suspension of the rules, **H.B. 379, BARBER, COSMETOLOGIST/BARBER, ESTHETICIAN, ELECTROLOGIST, AND NAIL TECHNICIAN LICENSING ACT AMENDMENTS**, was considered read the second and third times.

Senator Christensen proposed the following amendment:

1. Page 4, Lines 111 through 112
 - a. House Floor Amendments
 - b. 3-1-2010

111 (c) removing superfluous hair by means other than electrolysis , except that an individual is not required to be licensed as an esthetician to engage in the practice of threading ;

112 (d) other esthetic preparations or procedures with the use of the hands, a

2. Page 5, Lines 137 through 138:

137 (ii) the practice of nail technology.

(c) An individual is not required to be licensed as a cosmetologist/barber to engage in the practice of threading.

138 (27) "Practice of cosmetology/barbering instruction" means instructing

3. Page 6, Line 180:

180 (c) The term "practice of master-level esthetics" includes the practice of esthetics , but an individual is not required to be licensed as an esthetician or master-level esthetician to engage in the practice of threading .

Senator Christensen's motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	Stowell
Urquhart	Van Tassell	Waddoups	

Absent or not voting were: Senators

Adams	Bramble	Hillyard	Madsen
J. Stevenson	Valentine		

H.B. 379, as amended, was returned to the House for further consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 11, 2010

The House refuses to recede from its amendments to **S.B. 66**, PUBLIC SCHOOL EXTRACURRICULAR ACTIVITIES FOR HOME SCHOOL AND PRIVATE SCHOOL STUDENTS, by Senator M. Madsen, et al, and has appointed a Conference Committee consisting of Representatives K. Grover, C. Herrod, and S. Duckworth to meet with a like committee from the Senate on this bill.

Sandy D. Tenney, Chief Clerk

On motion of Senator Madsen, the Senate voted to refuse to recede from its amendments to **S.B. 66**. President Waddoups appointed a conference committee consisting of Senators Madsen, Robles, and Jenkins to meet with a like committee from the House.

* * *

The Joint Conference Committee comprised of Sens. Romero, Stephenson, and Okerlund, and Reps. Wright, Sumsion, and Riesen, to which was referred **S.B. 113**, WIRELESS TELEPHONE USE RESTRICTION FOR MINORS IN VEHICLES, by Senator R. Romero, reports that the Conference Committee met and was unable to reach any agreement.

Sen. Romero and
Rep. Wright, Chairs

President Waddoups appointed a conference committee consisting of Senators Romero, Jones, and Greiner to meet with a like committee from the House.

SECOND READING CALENDAR

On motion of Senator Dayton, **1st Sub. H.B. 133**, RELEASE OF COURT DOCUMENTS AND CHILD INTERVIEWS, was read the second time and circled.

* * *

On motion of Senator Urquhart, under suspension of the rules, **H.J.R. 21**, JOINT RESOLUTION ON ENERGY POLICY, was considered read the second and third times and passed on the following roll call:

Yeas, 19; Nays, 8; Absent, 2.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Dayton
Greiner	Hillyard	Hinkins	Knudson
Liljenquist	Madsen	Niederhauser	Okerlund
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative were: Senators

Davis	Goodfellow	Jones	Mayne
McAdams	Morgan	Robles	Romero

Absent or not voting were: Senators

Christensen	Jenkins
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H.J.R. 21 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Okerlund, **H.B. 171**, WATER RIGHTS REVISIONS, was read the second time and circled.

* * *

1st Sub. H.B. 227, LICENSING ELIGIBILITY, was read the second time. Senator Dayton explained the bill. Senator Bramble commented.

On motion of Senator Dayton, the bill was circled.

* * *

On motion of Senator Hillyard, the circle was removed from **H.B. 440**, VETERANS' NURSING HOME REIMBURSEMENT RESTRICTED ACCOUNT, and it was before the Senate.

Senator Hillyard proposed the following amendment:

- 1. Page 2, Lines 36 and 37:
Delete lines 36 and 37

Senator Hillyard’s motion to amend passed on a voice vote.

On motion of Senator Hillyard, under suspension of the rules, **H.B. 440, VETERANS’ NURSING HOME REIMBURSEMENT RESTRICTED ACCOUNT**, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Adams	Madsen	Niederhauser
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H.B. 440, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Bramble, the circle was removed from **1st Sub. H.B. 133, RELEASE OF COURT DOCUMENTS AND CHILD INTERVIEWS**, and it was before the Senate.

On motion of Senator Bramble, under suspension of the rules, **1st Sub. H.B. 133, RELEASE OF COURT DOCUMENTS AND CHILD INTERVIEWS**, was considered read the second and third times and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Jenkins

Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Okerlund	Robles
Romero	H. Stephenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Adams	Hillyard	Hinkins	Madsen
Niederhauser	J. Stevenson		

1st Sub. H.B. 133 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, the circle was removed from **3rd Sub. H.B. 121**, EMERGENCY MEDICAL SERVICES ACT TRANSPORT AMENDMENTS, and it was before the Senate.

On motion of Senator Bramble, the following substitute bill replaced the original bill:

4th Sub. H.B. 121 Emergency Medical Services Act Transport Amendments (G. Hughes)

On motion of Senator Bramble, under suspension of the rules, **4th Sub. H.B. 121**, EMERGENCY MEDICAL SERVICES ACT TRANSPORT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Adams	Madsen	Niederhauser
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4th Sub. H.B. 121, as amended, was returned to the House for further consideration.

SECOND READING CALENDAR

On motion of Senator Dayton, under suspension of the rules, **H.B. 386**, INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN, was considered read the second and third times and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Waddoups	

Absent or not voting were: Senators

Adams	Bramble	Madsen	Niederhauser
Okerlund	Van Tassell		

H.B. 386 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Liljenquist, under suspension of the rules, **H.B. 327**, AUTISM AWARENESS SUPPORT SPECIAL GROUP LICENSE PLATE, was considered read the second and third times and passed on the following roll call:

Yeas, 21; Nays, 0; Absent, 8.

Voting in the affirmative were: Senators

Christensen	Davis	Dayton	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Okerlund	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Waddoups			

Absent or not voting were: Senators

Adams	Bramble	Buttars	Madsen
Niederhauser	Robles	Valentine	Van Tassell

H.B. 327 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Jenkins, and at 12:00 noon, the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:50 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 11, 2010

The House substituted and passed, **1st Sub. S.B. 2**, MINIMUM SCHOOL PROGRAM AND PUBLIC EDUCATION BUDGET AMENDMENTS, by Senator H. Stephenson, and it is transmitted for further consideration; and

The House substituted and passed, **1st Sub. S.B. 165**, ALLOCATION AND APPORTIONMENT OF INCOME AND DEDUCTION OF A NET LOSS, by Senator W. Niederhauser, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

* * *

Mr. President: March 11, 2010

The House refused to concur with the Senate Amendments to **6th Sub. H.B. 329**, CAMPAIGN FINANCE AMENDMENTS, by Representative B. Ferry, and requests the Senate recede from its amendments.

Sandy D. Tenney, Chief Clerk

On motion of Senator Jenkins, the Senate voted to refuse to recede from its amendments to **6th Sub. H.B. 329**. President Waddoups appointed a conference committee consisting of Senators Jenkins, Bramble, and McAdams to meet with a like committee from the House.

* * *

Mr. President: March 11, 2010

The Speaker of the House has signed **2nd Sub. S.B. 52**, STATE BOARD OF REGENTS AMENDMENTS, by Senator D. Stowell, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 62**, MOTOR VEHICLE INSURANCE COVERAGE AMENDMENTS, by Senator S. Urquhart, and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 89**, LEGAL NOTICE AMENDMENTS, by Senator S. Urquhart, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 188**, CHARTER SCHOOL AMENDMENTS, by Senator H. Stephenson, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 191**, GOVERNMENTAL ACCOUNTING AMENDMENTS, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 218**, ENGINE COOLANT BITTERING AGENT ACT, by Senator M. Waddoups, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 222**, FEE EXEMPTIONS, by Senator B. Goodfellow, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 272**, AMENDMENTS TO TRANSPORTATION PROVISIONS, by Senator J. Stevenson, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 273**, HOSPITAL ASSESSMENTS, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.C.R. 3**, STATE SOVEREIGNTY CONCURRENT RESOLUTION, by Senator J. S. Adams, et al, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.J.R. 19**, JOINT RULES RESOLUTION ON ETHICS COMPLAINTS, by Senator J. Valentine, et al, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

2nd Sub. S.B. 52, 1st Sub. S.B. 62, 1st Sub. S.B. 89, S.B. 188, S.B. 191, S.B. 218, S.B. 222, 2nd Sub S.B. 272, S.B. 273, S.C.R. 3, and S.J.R. 19 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

March 11, 2010

The House has rejected **S.B. 135**, SALES AND USE TAX EXEMPTION FOR AN ENERGY EFFICIENT STOVE OR ENERGY EFFICIENT STOVE FUEL, by Senator G. Davis, and it is transmitted for filing.

Sandy D. Tenney, Chief Clerk

S.B. 135 was filed.

CONCURRENCE CALENDAR

On motion of Senator Stephenson, the Senate refused to concur in the House amendments. **1st Sub. S.B. 2**, MINIMUM SCHOOL PROGRAM AND PUBLIC EDUCATION BUDGET AMENDMENTS, was returned to the House.

* * *

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to **1st Sub. S.B. 165**, ALLOCATION AND APPORTIONMENT OF INCOME AND DEDUCTION OF A NET LOSS. The bill, as amended, passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

- | | | | |
|----------|-------------|---------------|--------------|
| Adams | Bramble | Buttars | Christensen |
| Davis | Dayton | Goodfellow | Greiner |
| Hillyard | Hinkins | Jenkins | Jones |
| Knudson | Liljenquist | Madsen | Mayne |
| McAdams | Morgan | Niederhauser | Okerlund |
| Robles | Romero | H. Stephenson | J. Stevenson |
| Stowell | Urquhart | Valentine | Van Tassell |
| Waddoups | | | |

1st Sub. S.B. 165 was returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Valentine, under suspension of the rules, **1st Sub. H.B. 355**, LEGAL GUARDIANSHIP AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Hillyard	Jenkins
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1st Sub. H.B. 355 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Niederhauser, **H.B. 112**, SUPREME COURT REVIEW OF AN INITIATIVE OR REFERENDUM, was read the second time and circled.

* * *

On motion of Senator Dayton, under suspension of the rules, **H.C.R. 4**, VETERANS FREEDOM MEMORIAL CONCURRENT RESOLUTION, was considered read the second and third times and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jones	Knudson	Liljenquist
McAdams	Morgan	Niederhauser	Okerlund
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Hillyard	Jenkins	Madsen	Mayne
Robles			

H.C.R. 4 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, the circle was removed from **3rd Sub. H.B. 5**, REVENUE BOND AND CAPITAL FACILITIES AUTHORIZATIONS, and it was before the Senate.

On motion of Senator Bramble, under suspension of the rules, **3rd Sub. H.B. 5**, REVENUE BOND AND CAPITAL FACILITIES AUTHORIZATIONS, was considered read the second and third times and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Liljenquist	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Adams	Davis	Hillyard	Knudson
Madsen	Robles		

3rd Sub. H.B. 5, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Liljenquist, the circle was removed from **H.B. 169**, REFINERY AMENDMENTS, and it was before the Senate.

On motion of Senator Liljenquist, under suspension of the rules, **H.B. 169**, REFINERY AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 20; Nays, 0; Absent, 9.

Voting in the affirmative were: Senators

Buttars	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	Morgan	Niederhauser
Okerlund	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Waddoups

Absent or not voting were: Senators

Adams	Bramble	Christensen	Davis
Hillyard	Madsen	McAdams	Robles
Van Tassell			

H.B. 169 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Knudson, **2nd Sub. H.B. 295**, EXPANDED USES OF SCHOOL DISTRICT PROPERTY TAX REVENUE, was read the second time and circled.

* * *

On motion of Senator Mayne, under suspension of the rules, **H.B. 398**, SEXUALLY ORIENTED BUSINESS LICENSE AMENDMENTS, was considered read the second and third times. Senators Jenkins and Greiner commented and the bill passed on the following roll call:

Yeas, 22; Nays, 2; Absent, 5.

Voting in the affirmative were: Senators

Bramble	Buttars	Dayton	Goodfellow
Greiner	Hinkins	Jenkins	Jones
Liljenquist	Madsen	Mayne	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Waddoups		

Voting in the negative were: Senators

Christensen	Knudson
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Absent or not voting were: Senators

Adams	Davis	Hillyard	McAdams
Van Tassell			

H.B. 398 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Morgan, under suspension of the rules, **H.B. 246**, RETIREMENT BENEFITS FOR CHARTER SCHOOL EMPLOYEES, was considered read the second and third times and passed on the following roll call:

Yeas, 22; Nays, 2; Absent, 5.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Goodfellow
Greiner	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
Morgan	Niederhauser	Okerlund	Robles
Romero	J. Stevenson	Stowell	Urquhart
Valentine	Waddoups		

Voting in the negative were: Senators

Dayton H. Stephenson

Absent or not voting were: Senators

Adams	Davis	Hillyard	McAdams
Van Tassell			

H.B. 246 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Niederhauser, the circle was removed from **H.B. 112, SUPREME COURT REVIEW OF AN INITIATIVE OR REFERENDUM**, and it was before the Senate.

On motion of Senator Niederhauser, under suspension of the rules, **H.B. 112, SUPREME COURT REVIEW OF AN INITIATIVE OR REFERENDUM**, was considered read the second and third times and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Dayton
Goodfellow	Greiner	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Waddoups

Absent or not voting were: Senators

Adams	Davis	Hillyard	McAdams
Van Tassell			

H.B. 112 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Okerlund, under suspension of the rules, **1st Sub. H.B. 60**, WATER CONVEYANCE FACILITIES SAFETY ACT, was considered read the second and third times. Senator Niederhauser commented and the bill passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	Morgan	Niederhauser
Okerlund	Romero	H. Stephenson	J. Stevenson
Stowell	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Bramble	Hillyard	McAdams	Robles
Urquhart			

1st Sub. H.B. 60 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 11, 2010

The House refuses to recede from its amendments to **S.B. 280**, 2010 GENERAL OBLIGATION BOND AUTHORIZATION, by Senator L. Hillyard, and has appointed a Conference Committee consisting of Representatives F. Hunsaker, B. Last, and J. Gowans to meet with a like committee from the Senate on this bill.

Sandy D. Tenney, Chief Clerk

On motion of Senator Hillyard, the Senate voted to refuse to recede from its amendments to **S.B. 280**. President Waddoups appointed a conference committee consisting of Senators Hillyard, Niederhauser, and Goodfellow to meet with a like committee from the House.

* * *

Mr. President: March 11, 2010

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 66**, PROSTHETIC LIMB HEALTH INSURANCE PARITY, by

Representative D. Litvack, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 118**, ECONOMIC DEVELOPMENT INCENTIVES MODIFICATIONS, by Representative W. Harper, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 139**, EMERGENCY AND DISASTER MANAGEMENT AMENDMENTS, by Representative C. Oda, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 146**, LAW ENFORCEMENT BY FEDERAL LAND MANAGEMENT AGENCY, by Representative M. Noel, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **5th Sub. H.B. 197**, CUSTODIAL INTERFERENCE AMENDMENTS, by Representative C. Wimmer, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 395**, LIMITATION OF ACTIONS AMENDMENTS, by Representative M. Noel, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.C.R. 14**, R.S. 2477 HISTORIC ROADS CONCURRENT RESOLUTION, by Representative M. Noel, and it is transmitted for the signature of the President.

2nd Sub. H.B. 66, H.B. 118, 2nd Sub. H.B. 139, H.B. 146, 5th Sub. H.B. 197, H.B. 395, and H.C.R. 14, was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

H.B. 251, ADMISSION OF AFFIDAVITS INTO EVIDENCE, was before the Senate. On motion of Senator Valentine, the bill was returned to the Rules Committee.

* * *

On motion of Senator Hinkins, under suspension of the rules, **H.C.R. 17**, CONCURRENT RESOLUTION OPPOSING THE USE OF PRESIDENTIAL

POWER TO CREATE NEW NATIONAL MONUMENTS IN UTAH, was considered read the second and third times and passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Dayton
Goodfellow	Hillyard	Hinkins	Jenkins
Jones	Knudson	Mayne	McAdams
Morgan	Niederhauser	Okerlund	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Buttars	Davis	Greiner	Liljenquist
Madsen	Robles	Romero	

H.C.R. 17 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Valentine, under suspension of the rules, **1st Sub. H.B. 282, LOCAL GOVERNMENT AMENDMENTS**, was considered read the second and third times and passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Dayton
Goodfellow	Hillyard	Jenkins	Jones
Knudson	Madsen	McAdams	Morgan
Niederhauser	Okerlund	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Buttars	Davis	Greiner	Hinkins
Liljenquist	Mayne	Robles	

1st Sub. H.B. 282 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Stevenson, under suspension of the rules, **H.B. 452, COLLECTION FEES**, was considered read the second and third times.

Senator Valentine proposed the following amendment:

- 1. Page 2, Line 40:
After “agency” insert “or licensed attorney”
- 2. Page 2, Line 48:
After “agency” insert “or licensed attorney”
- 3. Page 2, Line 52:
After “agency” insert “or licensed attorney”

Senator Valentine’s motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Hillyard	Hinkins
Jenkins	Jones	Knudson	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Romero	H. Stephenson	J. Stevenson
Urquhart	Valentine	Van Tassell	

Absent or not voting were: Senators

Buttars	Greiner	Liljenquist	Robles
Stowell	Waddoups		

H.B. 452, as amended, was returned to the House for further consideration.

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COMMUNICATIONS FROM THE HOUSE

Mr. President: March 11, 2010

The House refused to concur with the Senate Amendments to **H.B. 440, VETERANS’ NURSING HOME REIMBURSEMENT RESTRICTED ACCOUNT**, by Representative R. Bigelow, and requests the Senate recede from its amendments.

Sandy D. Tenney, Chief Clerk

On motion of Senator Hillyard, the Senate voted to refuse to recede from its amendments to **H.B. 440**. President Waddoups appointed a conference committee consisting of Senators Hillyard, Valentine, and Romero to meet with a like committee from the House.

SECOND READING CALENDAR

On motion of Senator Madsen, **1st Sub. H.B. 425**, BUDGETARY PROCEDURES ACT – FEE AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Knudson, the Senate voted to place the following bills on the Second Reading Calendar: **H.B. 409, 2nd Sub. H.B. 312, H.B. 433, H.B. 321, H.B. 306, H.B. 401, H.B. 463, H.B. 65, H.J.R. 16, and H.B. 406**

* * *

On motion of Senator Knudson, **H.B. 303**, PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE, was read the second time and circled.

* * *

On motion of Senator Okerlund, **1st Sub. H.B. 283**, FEES IN SPECIAL SERVICE DISTRICTS, was read the second time and circled.

* * *

On motion of Senator Valentine, **H.B. 461**, CHILDREN'S HEALTH INSURANCE PROGRAM, was read the second time and circled.

* * *

On motion of Senator Madsen, the circle was removed from **H.B. 426**, BAIL BOND LICENSEE REPRESENTATION AMENDMENTS, and it was before the Senate.

Senator Madsen proposed the following amendment:

1. Page 1, Line 14

14 design authorized and approved by the Bail Bond Recovery
 Licensure Board if the licensee also displays lettering on clothing that
 indicates the licensee is a bail enforcement or recovery agent ; and

2. Page 2, Lines 34 through 35:

34 (2) (a) A licensee may possess, wear, and display a badge of
 a design approved by the

35 board for use by a licensee.

(b) The licensee may wear or display the badge under Subsection

(2)(a) only if the licensee is also at the same time wearing an article of clothing that conspicuously displays on the chest and back of the article of clothing lettering that clearly identifies the licensee as a bail enforcement or recovery agent.

Senator Madsen’s motion to amend passed on a voice vote. Senators Greiner and Romero commented.

On motion of Senator Madsen, under suspension of the rules, **H.B. 426**, BAIL BOND LICENSEE REPRESENTATION AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 23; Nays, 1; Absent, 5.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hinkins
Jones	Knudson	Liljenquist	Madsen
Mayne	Morgan	Niederhauser	Okerlund
Romero	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Voting in the negative was: Senator Greiner

Absent or not voting were: Senators

Hillyard	Jenkins	McAdams	Robles
H. Stephenson			

H.B. 426, as amended, was returned to the House for further consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 11, 2010

The House concurred in the Senate amendments and passed **4th Sub. H.B. 121**, EMERGENCY MEDICAL SERVICES ACT TRANSPORT AMENDMENTS, by Representative G. Hughes, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 379**, BARBER, COSMETOLOGIST/BARBER, ESTHETICIAN, ELECTROLOGIST, AND NAIL TECHNICIAN LICENSING ACT AMENDMENTS, by Representative M. Newbold, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 421**, MEDICAL FINANCIAL RECORDS AMENDMENTS, by Representative B. Last, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 425**, BUDGETARY PROCEDURES ACT – FEE AMENDMENTS, by Representative R. Bigelow, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

4th Sub. H.B. 121, H.B. 379, H.B. 421, and 1st Sub. H.B. 425, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Jenkins, and at 4:15 p.m., the Senate sauntered.

The Senate was called to order at 4:30 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 11, 2010

The House passed, as amended, **S.B. 277**, DNA MODIFICATIONS, by Senator J. S. Adams, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

* * *

Mr. President: March 11, 2010

The Joint Conference Committee comprised of Sens. Mark Madsen, Scott Jenkins, and Luz Robles, and Reps. Keith Grover, Susan Duckworth, and Chris Herrod, recommends **S.B. 66**, PUBLIC SCHOOL EXTRACURRICULAR ACTIVITIES FOR HOME SCHOOL AND PRIVATE SCHOOL STUDENTS, by Senator M. Madsen, et al, be replaced and favorably recommends **1st Sub. S.B. 66**, PUBLIC SCHOOL EXTRACURRICULAR ACTIVITIES FOR HOME SCHOOL AND PRIVATE SCHOOL STUDENTS.

Sen. Mark Madsen and
Rep. Keith Grover, Chairs

The House adopted the Joint Conference Committee Report dated March 11, 2010, and passed **1st Sub. S.B. 66**, PUBLIC SCHOOL EXTRACURRICULAR

ACTIVITIES FOR HOME SCHOOL AND PRIVATE SCHOOL STUDENTS, by Senator M. Madsen, et al, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

On motion of Senator Madsen, the Senate voted to adopt the Conference Committee report and the bill passed on the following roll call vote:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Hillyard	H. Stephenson
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1st Sub. S.B. 66 was returned to the House for the signature of the Speaker.

* * *

Mr. President: March 11, 2010

The House requests the return of **S.B. 135, SALES AND USE TAX EXEMPTION FOR AN ENERGY EFFICIENT STOVE OR ENERGY EFFICIENT STOVE FUEL**, by Senator G. Davis, for reconsideration.

On motion of Senator Davis, **S.B. 135** was returned to the House

SECOND READING CALENDAR

On motion of Senator Waddoups, the circle was removed from **2nd Sub. H.B. 295, EXPANDED USES OF SCHOOL DISTRICT PROPERTY TAX REVENUE**, and it was before the Senate. Senators Valentine and Hinkins commented.

On motion of Senator Waddoups, under suspension of the rules, **2nd Sub. H.B. 295, EXPANDED USES OF SCHOOL DISTRICT PROPERTY TAX REVENUE**, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Adams	Greiner	Hillyard	H. Stephenson
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2nd Sub. H.B. 295 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Liljenquist, the circle was removed from **H.B. 461, CHILDREN’S HEALTH INSURANCE PROGRAM**, and it was before the Senate.

On motion of Senator Liljenquist, under suspension of the rules, **H.B. 461, CHILDREN’S HEALTH INSURANCE PROGRAM**, was considered read the second and third times and passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Greiner	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Adams	Goodfellow	Hillyard	Madsen
Niederhauser	H. Stephenson	J. Stevenson	

H.B. 461 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Urquhart, the circle was removed from **H.B. 303, PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE**, and it was before the Senate.

On motion of Senator Urquhart, the following substitute bill replaced the original bill:

1st Sub. H.B. 303 Projections for Victims of Domestic Violence
(E. Hutchings)

On motion of Senator Urquhart, under suspension of the rules, **1st Sub. H.B. 303, PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE**, was considered read the second and third times and passed on the following roll call:

Yeas, 22; Nays, 1; Absent, 6.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hinkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Okerlund	Robles
Romero	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative was: Senator Greiner

Absent or not voting were: Senators

Hillyard	Jenkins	Madsen	Niederhauser
H. Stephenson	J. Stevenson		

1st Sub. H.B. 303, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Okerlund, the circle was removed from **1st Sub. H.B. 283, FEES IN SPECIAL SERVICE DISTRICTS**, and it was before the Senate. On motion of Senator Okerlund, the bill was returned to the Rules Committee.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 11, 2010

The Speaker of the House has appointed a Conference Committee consisting of Representatives B. Ferry, C. Frank, and J. Gowans to meet with a like

committee from the Senate to consider or amend **6th Sub. H.B. 329**, CAMPAIGN FINANCE AMENDMENTS, by Representative B. Ferry.

Sandy D. Tenney, Chief Clerk

* * *

Mr. President: March 11, 2010

The Joint Conference Committee comprised of Sens. S. Jenkins, C. Bramble, and B. McAdams, and Reps. B. Ferry, C. Frank, and J. Gowans, recommends **6th Sub. H.B. 329**, CAMPAIGN FINANCE AMENDMENTS, by Representative B. Ferry, be replaced and favorably recommends **7th Sub. H.B. 329**, CAMPAIGN FINANCE AMENDMENTS.

Sen. Scott Jenkins and
Rep. Ben Ferry, Chairs

On motion of Senator Bramble, the Senate voted to adopt the conference committee report on the following roll call vote:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Hinkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Okerlund	Robles
Romero	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Buttars	Greiner	Hillyard	Jenkins
Niederhauser	H. Stephenson		

7th Sub. H.B. 329, as amended, was returned to the House for further action.

SECOND READING CALENDAR

On motion of Senator Bramble, under suspension of the rules, **H.B. 409**, CIVIL ACTION FOR DAMAGES RELATED TO ADDICTION FROM ILLEGAL DRUG SALE, was considered read the second and third times and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Hinkins
Jones	Knudson	Liljenquist	Mayne
McAdams	Morgan	Okerlund	Robles
Romero	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Greiner	Hillyard	Jenkins	Madsen
Niederhauser	H. Stephenson		

H.B. 409 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

2nd Sub. H.B. 312, MEDICAL EXPENSES FOR OFFENDERS, was read the second time.

On motion of Senator Bramble, the following substitute bill replaced the original bill:

3rd Sub. H.B. 312 Medical Expenses for Offenders (P. Ray)

On motion of Senator Bramble, the bill was circled.

* * *

On motion of Senator Bramble, the circle was removed from **H.B. 438, TRANSPORTATION MODIFICATIONS,** and it was before the Senate.

On motion of Senator Bramble, under suspension of the rules, **H.B. 438, TRANSPORTATION MODIFICATIONS,** was considered read the second and third times and passed on the following roll call:

Yeas, 21; Nays, 0; Absent, 8.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Dayton
Goodfellow	Greiner	Hinkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Okerlund	Robles	Romero
J. Stevenson	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Adams	Davis	Hillyard	Jenkins
Madsen	Niederhauser	H. Stephenson	Stowell

H.B. 438 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, the circle was removed from **3rd Sub. H.B. 312, MEDICAL EXPENSES FOR OFFENDERS**, and it was before the Senate.

On motion of Senator Bramble, under suspension of the rules, **3rd Sub. H.B. 312, MEDICAL EXPENSES FOR OFFENDERS**, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hinkins	Jones	Knudson	Liljenquist
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Hillyard	Jenkins	Madsen	H. Stephenson
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3rd Sub. H.B. 312, as amended, was returned to the House for further consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 11, 2010

The House substituted and passed, **3rd Sub. S.B. 119, SPECIAL ELECTIONS MODIFICATIONS**, by Senator H. Stephenson, and it is transmitted for further consideration; and

The House substituted and passed, **5th Sub. S.B. 175**, SCHOOL DISTRICT CAPITAL OUTLAY EQUALIZATION AMENDMENTS, by Senator B. McAdams, et al, and it is transmitted for further consideration

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

SECOND READING CALENDAR

On motion of Senator Niederhauser the Senate voted to consider bills below the line.

* * *

On motion of Senator Knudson, under suspension of the rules, **H.B. 433**, FOREIGN EXCHANGE STUDENT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 19; Nays, 0; Absent, 10.

Voting in the affirmative were: Senators

Christensen	Davis	Dayton	Goodfellow
Greiner	Hinkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	J. Stevenson
Stowell	Valentine	Waddoups	

Absent or not voting were: Senators

Adams	Bramble	Buttars	Hillyard
Jenkins	Robles	Romero	H. Stephenson
Urquhart	Van Tassell		

H.B. 433 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 321, BOND ELECTION NOTIFICATION REVISIONS, was read the second time.

On motion of Senator Valentine, the following substitute bill replaced the original bill:

1st Sub. H.B. 321 Bond Election Notification Revisions (G. Hughes)

On motion of Senator Liljenquist, under suspension of the rules, **1st Sub. H.B. 321, BOND ELECTION NOTIFICATION REVISIONS**, was considered read the second and third times and passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Goodfellow	Greiner	Hinkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Okerlund	Romero
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Adams	Bramble	Hillyard	Jenkins
Niederhauser	Robles	H. Stephenson	

1st Sub. H.B. 321, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Liljenquist, under suspension of the rules, **H.B. 306, TERRORISM AMENDMENTS**, was considered read the second and third times. Senator Greiner commented and the bill passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Van Tassell
Waddoups			

Absent or not voting were: Senators

Adams	Hillyard	Robles	Valentine
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H.B. 306 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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H.B. 401, RESIDENTIAL FACILITIES FOR ELDERLY PERSONS, was read the second time.

On motion of Senator Dayton, the bill was returned to the Rules Committee.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 11, 2010

The House passed, **S.B. 15**, UTAH SCENIC BYWAY AMENDMENTS, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 47**, ELECTRICAL UTILITY AMENDMENTS – EFFICIENCY AND CONSERVATION TARIFF, by Senator K. Van Tassell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 165**, ALLOCATION AND APPORTIONMENT OF INCOME AND DEDUCTION OF A NET LOSS, by Senator W. Niederhauser, and it is transmitted for the signature of the President; and

The House passed, **3rd Sub. S.B. 172**, LOCAL DISTRICT TAXING AUTHORITY AMENDMENTS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 212**, PAWN SHOP AMENDMENTS, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **2nd Sub. S.B. 217**, INCREASE IN SURCHARGE ON FINES, by Senator S. Jenkins, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 225**, MOTOR VEHICLE INSURANCE – NAMED DRIVER EXCLUSION, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 232**, JUDICIAL ADMINISTRATION AMENDMENTS, by Senator S. Jenkins, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 240**, RETIREMENT PARTICIPATION AMENDMENTS, by Senator D. Liljenquist, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 252**, BAIL BOND ACT AMENDMENTS, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 15, 1st Sub. S.B. 47, 1st Sub. S.B. 165, 3rd Sub. S.B. 172, S.B. 212, 2nd Sub. S.B. 217, S.B. 225, S.B. 232, 1st Sub. S.B. 240, and 1st Sub. S.B. 252 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

On motion of Senator Jenkins, and at 5:40 p.m., the Senate recessed.

EVENING SESSION

The Senate reassembled at 7:35 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 11, 2010

The House refuses to recede from its amendments to **1st Sub. S.B. 2**, MINIMUM SCHOOL PROGRAM AND PUBLIC EDUCATION BUDGET AMENDMENTS, by Senator H. Stephenson, and has appointed a Conference Committee consisting of Representatives K. Garn, R. Bigelow, and D. Litvack to meet with a like committee from the Senate on this bill.

Sandy D. Tenney, Chief Clerk

On motion of Senator Stephenson, the Senate voted to refuse to recede from its amendments to **1st Sub. S.B. 2**. President Waddoups appointed a conference committee consisting of Senators Stephenson, Jenkins, and Morgan to meet with a like committee from the House.

SPECIAL RECOGNITION

The Senate recognized members of the Utah Meth Cops Project

COMMITTEE OF THE WHOLE

On motion of Senator Buttars, Vincent D'Onofrio spoke in Committee of the Whole.

On motion of Senator Buttars, the Committee of the Whole was dissolved.

SECOND READING CALENDAR

On motion of Senator Buttars, **H.B. 463**, DIVIDED SCHOOL DISTRICT PROPERTY TAX AMENDMENTS, was read the second time and circled.

* * *

On motion of Senator Van Tassell, **H.B. 65**, AMENDMENTS RELATED TO REGULATION OF INSURANCE TYPE PRODUCTS, was read the second time and circled.

* * *

On motion of Senator Knudson, the Senate voted to lift **2nd Sub. H.B. 320**, UTAH CONSTRUCTION TRADES LICENSING ACT – ALARM COMPANIES AMENDMENTS, from Rules and place it at the top of the Second Reading Calendar.

* * *

On motion of Senator Bramble, under suspension of the rules, **2nd Sub. H.B. 320**, UTAH CONSTRUCTION TRADES LICENSING ACT – ALARM COMPANIES AMENDMENTS, was considered read the second and third times.

Senator Bramble proposed the following amendment:

- 1. Page 2, Line 53

53 (b) A temporary license under this section expires the earliest of:

(i) 90 days after it is issued {~~or~~} ;

(ii) the date on which the individual to whom the temporary license is issued leaves the employment of the alarm company that employs the individual at the time the temporary license is issued; and

(iii) the date

- 2. Page 2, Line 55:

55 application {~~, whichever is earlier~~} .

- 3. Page 5, Line 138:

138 (2), (3), (4), (5), (6), (7), (9), (10), (12), (14), [~~or~~] (15), (22), or (23) . or Subsection

4. Page 6, Line 168:

168 Subsection 58–55–501(1), (2), (3), (9), (10), (12), (14), (19), [Ø] (21), (22), or (23) ³ or

5. Page 8, Line 216:

216 Subsection (4) {-(i)-} (h), an offense constitutes a second or subsequent offense if:

Senator Bramble’s motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Niederhauser
Okerlund	Robles	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting were: Senators

Adams	Jenkins	Morgan	Romero
H. Stephenson			

2nd Sub. H.B. 320, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Stowell, under suspension of the rules, **H.J.R. 16**, JOINT RESOLUTION SUPPORTING KANE COUNTY EXPANSION OF CORRECTIONAL FACILITIES, was considered read the second and third times and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
H. Stephenson

H.J.R. 16 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 406, STATE FAIR PARK AMENDMENTS, was read the second time.

On motion of Senator Stowell, the following substitute bill replaced the original bill:

1st Sub. H.B. 406 State Fair Park Amendments (J. Gowans)

On motion of Senator Stowell, under suspension of the rules, **1st Sub. H.B. 406, STATE FAIR PARK AMENDMENTS,** was considered read the second and third times and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Van Tassell	Waddoups

Absent or not voting was: Senator
Valentine

1st Sub. H.B. 406, as amended, was returned to the House for further consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 11, 2010

The Speaker of the House has appointed a Conference Committee consisting of Representatives B. Dee, G. Hughes, and J. Biskupski to meet with a like committee from the Senate to consider or amend **H.B. 440, VETERANS' NURSING HOME REIMBURSEMENT RESTRICTED ACCOUNT,** by Representative R. Bigelow.

Sandy D. Tenney, Chief Clerk

On motion of Senator Hillyard, the Senate voted to refuse to recede from its amendments to **H.B. 440.** President Waddoups appointed a conference committee

consisting of Senators Hillyard, Valentine, and Romero to meet with a like committee from the House.

* * *

Mr. President: March 11, 2010
The House passed, as amended, **H.B. 3**, APPROPRIATIONS ADJUSTMENTS, by Representative R. Bigelow, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 3** was read the first time and referred to the Rules Committee.

* * *

Mr. President: March 11, 2010
The House passed, **S.B. 198**, ECONOMIC DEVELOPMENT INCENTIVE AMENDMENTS, by Senator J. Valentine, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 198 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 11, 2010
The House adopted the Joint Conference Committee Report dated March 11, 2010, and passed **1st Sub. S.B. 280**, 2010 GENERAL OBLIGATION BOND AUTHORIZATION, by Senator L. Hillyard, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

* * *

On motion of Senator Knudson, the Senate voted to lift **H.B. 3** from the Rules Committee and place it at the top of the Second Reading Calendar.

H.B. 3, APPROPRIATIONS ADJUSTMENTS, was read the second time. Senator Bramble commented.

Senator Okerlund proposed the following amendment:

1. Page 36, Line 1357:
After line 1357, insert:
“ITEM 172A To Department of Agriculture and Food – Utah
Rural Rehabilitation Fund
From Agriculture Resource Development Fund \$2,000,000
Schedule of Programs:
Utah Rural Rehabilitation Fund
The Legislature intends that these funds be appropriated to
securitize, at a discounted rate, funding for emergency relief
loans to the dairy sector, as determined by the Agricultural
Advisory Board to be under severe distress. The Legislature
intends that these emergency relief loans be secured with
United States Department of Agriculture loan protection
guarantees, be approved and administered by the Agricultural
Advisory Board, and be secured with sufficient funds or other
collateral to assure revenue bond payment.”

Senator Okerlund’s motion to amend passed on a voice vote.

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Senator Stowell proposed the following amendment:

1. Page 34, Line 1280:
Delete “4,500” and insert “304,500”
2. Page 34, Line 1282:
Delete “100,000” and insert “400,000”
3. Page 34, Line 1283:
After line 1283 insert:
“The Legislature intends that the \$300,000 appropriation to the
Division of Wildlife Resources be used to identify conflict areas
between landowners and fishermen on Utah streams and rivers, and to
purchase easements through the Walk-in Access Program.”

Senator Stowell’s motion to amend passed on a voice vote.

On motion of Senator Hillyard, the bill was circled.

CONCURRENCE CALENDAR

On motion of Senator Adams, the Senate voted to concur in the House amendments to **S.B. 277**, DNA MODIFICATIONS. The bill, as amended, passed on the following roll call:

Yeas, 19; Nays, 2; Absent, 8.

Voting in the affirmative were: Senators

Adams	Christensen	Dayton	Goodfellow
Greiner	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Mayne	McAdams
Morgan	Okerlund	Robles	J. Stevenson
Urquhart	Van Tassell	Waddoups	

Voting in the negative were: Senators

Bramble	H. Stephenson
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Absent or not voting were: Senators

Buttars	Davis	Hillyard	Madsen
Niederhauser	Romero	Stowell	Valentine

S.B. 277 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator McAdams, the Senate voted to concur in the House amendments to **5th Sub. S.B. 175**, SCHOOL DISTRICT CAPITAL OUTLAY EQUALIZATION AMENDMENTS. Senator Stephenson commented. The bill, as amended, passed on the following roll call:

Yeas, 19; Nays, 3; Absent, 7.

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Goodfellow
Greiner	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	J. Stevenson
Urquhart	Van Tassell	Waddoups	

Voting in the negative were: Senators

Dayton	Madsen	H. Stephenson
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Absent or not voting were: Senators

Bramble	Davis	Hillyard	Hinkins
Romero	Stowell	Valentine	

5th Sub. S.B. 175 was returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Niederhauser, the circle was removed from **H.B. 91**, TRAFFIC CONTROL SIGNS FOR BICYCLES, and it was before the Senate. Senators Greiner, Buttars, Christensen, Bramble, and Goodfellow commented.

On motion of Senator Niederhauser, under suspension of the rules, **H.B. 91**, TRAFFIC CONTROL SIGNS FOR BICYCLES, was considered read the second and third times and failed on the following roll call:

Yeas, 14; Nays, 14; Absent, 1.

Voting in the affirmative were: Senators

Adams	Buttars	Davis	Goodfellow
Hinkins	Jones	Liljenquist	Mayne
McAdams	Morgan	Niederhauser	Robles
Romero	Urquhart		

Voting in the negative were: Senators

Bramble	Christensen	Dayton	Greiner
Jenkins	Knudson	Madsen	Okerlund
H. Stephenson	J. Stevenson	Stowell	Valentine
Van Tassell	Waddoups		

Absent or not voting was: Senator

Hillyard

H.B. 91 was filed.

CONCURRENCE CALENDAR

3rd Sub. S.B. 119, SPECIAL ELECTIONS MODIFICATIONS, was before the Senate.

On motion of Senator Stephenson, the bill was circled.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 11, 2010

The Joint Conference Committee comprised of Sens. Hillyard, Niederhauser, and Goodfellow, and Reps. Hunsaker, Last, and Gowans, recommends **S.B. 280**, 2010 GENERAL OBLIGATION BOND AUTHORIZATION, by Senator L. Hillyard, be replaced and favorably recommends **1st Sub. S.B. 280**, 2010 GENERAL OBLIGATION BOND AUTHORIZATION.

Sen. Lyle Hillyard and
Rep. Fred Hunsaker, Chairs

On motion of Senator Hillyard, the Senate voted to adopt the Conference Committee report and the bill passed on the following roll call vote:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Morgan	Niederhauser	Okerlund	Robles
Romero	H. Stephenson	J. Stevenson	Stowell
Urquhart	Valentine	Van Tassell	Waddoups

Absent or not voting was: Senator
Jenkins

1st Sub. S.B. 280 was returned to the House for further action.

INTENT LANGUAGE

On motion of Senator Hillyard, the Senate voted to include the following intent language in the Senate Journal.

The 2010 Legislature intends that the 2011 Legislature and the State Building Board consider, subject to budget constraints, funding the design and construction of the Department of Human Services State Hospital Building as the highest capital development priority for fiscal year 2011–12

* * *

Mr. President: March 11, 2010

The Speaker of the House has signed **1st Sub. S.B. 66**, PUBLIC SCHOOL EXTRACURRICULAR ACTIVITIES FOR HOME SCHOOL AND PRIVATE SCHOOL STUDENTS, by Senator M. Madsen, and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 15**, MASTER STUDY RESOLUTION, by Senator S. Jenkins, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 66 and **S.J.R. 15** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

CONCURRENCE CALENDAR

On motion of Senator Stephenson, the circle was removed from **3rd Sub. S.B. 119**, SPECIAL ELECTIONS MODIFICATIONS, and it was before the Senate.

On motion of Senator Stephenson, the Senate voted to concur in the House amendments to **3rd Sub. S.B. 119**, SPECIAL ELECTIONS MODIFICATIONS. The bill, as amended, passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Dayton	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Madsen	Mayne	McAdams
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Absent or not voting were: Senators

Davis	Morgan	Niederhauser
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3rd Sub. S.B. 119 was returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Stephenson, the circle was removed from **H.B. 149**, SCHOOL FINANCE AMENDMENTS, and it was before the Senate.

Senator Stephenson proposed the following amendment:

1. Page 2, Lines 50 through 56

50 [~~3~~-An] The State Board of Education may approve an increase
in charter school

51 enrollment capacity in the {~~2011-12~~} 2012-13 school
year or thereafter [~~shall receive: (a) tentative~~

52 ~~approval by the State Board of Education by November 30 of the~~
~~year that is two years before~~

53 ~~the year that the increase in charter school enrollment capacity~~
~~takes effect; and (b) final~~

54 ~~approval by the State Board of Education by the following April 1,~~
~~subject to legislative~~

55 ~~authorization of]~~ subject to the Legislature appropriating funds for
the increase in charter

56 school enrollment capacity.

Senator Stephenson’s motion to amend passed on a voice vote.

On motion of Senator Stephenson, under suspension of the rules, **H.B. 149, SCHOOL FINANCE AMENDMENTS**, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Dayton	Hinkins	Morgan	Niederhauser
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H.B. 149, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Jenkins, and at 8:55 p.m., the Senate sauntered.

The Senate was called to order at 9:20 p.m., with President Waddoups presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 11, 2010

The House passed, as amended, **1st Sub. S.B. 215, HIGHWAY PROJECT FUNDING – SALT LAKE COUNTY**, by Senator W. Niederhauser, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

* * *

Mr. President: March 11, 2010

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 5, REVENUE BOND AND CAPITAL FACILITIES AUTHORIZATIONS**, by Representative S. Clark, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 221**, SUNSET ACT AND REPEALERS REAUTHORIZATION, by Representative K. Garn, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 303**, PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE, by Representative E. Hutchings, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 312**, MEDICAL EXPENSES FOR OFFENDERS, by Representative P. Ray, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 320**, UTAH CONSTRUCTION TRADES LICENSING ACT – ALARM COMPANIES AMENDMENTS, by Representative C. Herrod, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 321**, BOND ELECTION NOTIFICATION REVISIONS, by Representative G. Hughes, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 426**, BAIL BOND LICENSEE REPRESENTATION AMENDMENTS, by Representative S. Sandstrom, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 452**, COLLECTION FEES, by Representative S. Sandstrom, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 406**, STATE FAIR PARK AMENDMENTS, by Representative J. Gowans, and it is transmitted for the signature of the President.

The House concurred in the Senate amendments and passed **H.B. 149**, SCHOOL FINANCE AMENDMENTS, by Representative R. Bigelow, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

3rd Sub. H.B. 5, 1st Sub. H.B. 221, 1st Sub. H.B. 303, 3rd Sub. H.B. 312, 2nd Sub. H.B. 320, 1st Sub. H.B. 321, H.B. 426, H.B. 452, 1st Sub. H.B. 406 and H.B. 149 were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: March 11, 2010

The House adopted the Joint Conference Committee Report dated March 11, 2010, and passed **7th Sub. H.B. 329**, CAMPAIGN FINANCE AMENDMENTS, by Representative B. Ferry, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

7th Sub. H.B. 329 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: March 11, 2010

The House has refused to reconsider **S.B. 135**, SALES AND USE TAX EXEMPTION FOR AN ENERGY EFFICIENT STOVE OR ENERGY EFFICIENT STOVE FUEL, by Senator G. Davis, and it is transmitted for filing.

Sandy D. Tenney, Chief Clerk

S.B. 135 was filed.

Mr. President: March 11, 2010

The House adopted the Joint Conference Committee Report dated March 11, 2010, and passed **2nd Sub. S.B. 2**, MINIMUM SCHOOL PROGRAM AND PUBLIC EDUCATION BUDGET AMENDMENTS, by Senator H. Stephenson, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

SECOND READING CALENDAR

On motion of Senator Hillyard, the circle was removed from **H.B. 3**, APPROPRIATIONS ADJUSTMENTS, and it was before the Senate.

Senator Hillyard proposed the following amendment:

1. Page 26, Line 949:
Delete "30,000" and insert "40,000"
2. Page 26, Line 951:
After line 951a, insert:
"Outreach 10,000"

- 3. Page 26, Line 954:
Delete “30,000” and insert “40,000”
- 4. Page 26, Line 956:
Delete “30,000” and insert “40,000”
- 5. Page 27, Line 1019:
After line 1019, insert:
“From General Fund 60,000”
- 6. Page 28, Line 1022:
Delete “50,000” and insert “110,000”
- 7. Page 37, Line 1386:
Delete “25,000” and insert “71,000”
- 8. Page 37, Line 1388:
Delete “25,000” and insert “71,000”

Senator Hillyard’s motion to amend passed on a voice vote.

On motion of Senator Hillyard, the bill was circled.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 11, 2010

The Joint Conference Committee comprised of Sens. L. Hillyard, J. Valentine, and R. Romero, and Reps. B. Dee, G. Hughes, and J. Biskupski, recommends **H.B. 440, VETERANS’ NURSING HOME REIMBURSEMENT RESTRICTED ACCOUNT**, by Representative R. Bigelow, be replaced and favorably recommends **1st Sub. H.B. 440, VETERANS’ NURSING HOME REIMBURSEMENT RESTRICTED ACCOUNT**.

Sen. L. Hillyard and
Rep. B. Dee

On motion of Senator Hillyard, the Senate voted to adopt the Conference Committee report and the bill passed on the following roll call vote:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Jones	Knudson	Liljenquist	Madsen

Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Urquhart	Valentine	Van Tassell
Waddoups			

Absent or not voting were: Senators

Buttars	Hinkins	Jenkins	Stowell
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1st Sub. H.B. 440, as amended, was returned to the House for further action.

* * *

Mr. President:

March 11, 2010

The Joint Conference Committee comprised of Sens. Stephenson, Jenkins, and Morgan, and Reps. Garn, Bigelow, and Litvack, recommends **1st Sub. S.B. 2**, MINIMUM SCHOOL PROGRAM AND PUBLIC EDUCATION BUDGET AMENDMENTS, by Senator H. Stephenson, be replaced and favorably recommends **2nd Sub. S.B. 2**, MINIMUM SCHOOL PROGRAM AND PUBLIC EDUCATION BUDGET AMENDMENTS.

Sen. H. Stephenson and
Rep. K. Garn

On motion of Senator Stephenson, the Senate voted to adopt the Conference Committee report and the bill passed on the following roll call vote:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Van Tassell	Waddoups		

Voting in the negative was: Senator

Dayton

Absent or not voting were: Senators

Bramble	Morgan
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2nd Sub. S.B. 2 was returned to the House for further action.

* * *

On motion of Senator Hillyard, the circle was removed from **H.B. 3, APPROPRIATIONS ADJUSTMENTS**, and it was before the Senate. Senators Goodfellow, Christensen, Stowell, Stephenson, Liljenquist, Buttars, Greiner, and McAdams commented.

Senator Stevenson proposed the following amendment:

- 1. Page 35, Line 1301–1306:
Delete lines 1301–1306

Senator Stevenson’s motion to amend failed on a voice vote.

On motion of Senator Hillyard, under suspension of the rules, **H.B. 3, APPROPRIATIONS ADJUSTMENTS**, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Greiner	Hillyard	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

Voting in the negative was: Senator Goodfellow

Absent or not voting were: Senators

Bramble	Hinkins	Morgan
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H.B. 3, as amended, was returned to the House for further consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 11, 2010

The House passed, **S.B. 209, HUMANITARIAN SERVICE AND EDUCATIONAL AND CULTURAL EXCHANGE SUPPORT SPECIAL GROUP LICENSE PLATE**, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 209 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

CONCURRENCE CALENDAR

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to **1st Sub. S.B. 215**, HIGHWAY PROJECT FUNDING – SALT LAKE COUNTY. The bill, as amended, passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Adams	Buttars	Christensen	Davis
Dayton	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Van Tassell	Waddoups	

Absent or not voting were: Senators

Bramble Hinkins

1st Sub. S.B. 215 was returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 11, 2010

The House passed, as amended, **1st Sub. S.B. 150**, READING REQUIREMENTS FOR STUDENT ADVANCEMENT, by Senator K. Morgan, et al, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 281**, PUBLIC ACCESS TO STREAM BEDS – UTAH WATERWAYS TASK FORCE, by Senator D. Stowell, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

* * *

On motion of Senator Morgan, the Senate voted to concur in the House amendments to **1st Sub. S.B. 150**, READING REQUIREMENTS FOR STUDENT ADVANCEMENT. The bill, as amended, passed on the following roll call:

Yeas, 23; Nays, 6; Absent, 0.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Goodfellow	Greiner	Hillyard
Hinkins	Jenkins	Jones	Knudson
Liljenquist	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
J. Stevenson	Urquhart	Waddoups	

Voting in the negative were: Senators

Dayton	Madsen	H. Stephenson	Stowell
Valentine	Van Tassell		

1st Sub. S.B. 150 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Stowell, the Senate voted to concur in the House amendments to **S.B. 281**, PUBLIC ACCESS TO STREAM BEDS – UTAH WATERWAYS TASK FORCE. The bill, as amended, passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Adams	Bramble	Buttars	Christensen
Davis	Dayton	Goodfellow	Greiner
Hillyard	Hinkins	Jenkins	Jones
Knudson	Liljenquist	Madsen	Mayne
McAdams	Morgan	Niederhauser	Okerlund
Robles	Romero	H. Stephenson	J. Stevenson
Stowell	Urquhart	Valentine	Van Tassell
Waddoups			

S.B. 281 was returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 11, 2010

The House passed, **S.B. 118**, UNIFORM PROBATE CODE AMENDMENTS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 156**, ANTITRUST ACT AMENDMENTS, by Senator S. Urquhart, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 171**, HIGHER EDUCATION RETIREMENT AMENDMENTS, by Senator D. Liljenquist, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 181**, EMPLOYMENT SECURITY ADMINISTRATION FUND REPEALER, by Senator D. Hinkins, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 197**, COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AMENDMENTS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st sub. S.B. 215**, HIGHWAY PROJECT FUNDING – SALT LAKE COUNTY, by Senator W. Niederhauser, and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 227**, INTERLOCAL ENERGY AMENDMENTS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 231**, MEDICAL BENEFITS UNDER WORKERS' COMPENSATION, by Senator D. C. Buttars, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 118, S.B. 171, S.B. 181, 1st Sub. S.B. 197, 1st Sub. S.B. 227, S.B. 231, 1st Sub. S.B. 156, and 1st Sub. S.B. 215 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

March 11, 2010

The House adopted the Joint Conference Committee Report dated March 11, 2010, and passed **1st Sub. H.B. 440**, VETERANS' NURSING HOME REIMBURSEMENT RESTRICTED ACCOUNT, by Representative R. Bigelow, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. H.B. 440, was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

Mr. President: March 11, 2010

The House concurred in the Senate amendments and passed **H.B. 3**, APPROPRIATIONS ADJUSTMENTS, by Representative R. Bigelow, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 3, was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: March 11, 2010

The Speaker of the House has signed **2nd Sub. S.B. 2**, MINIMUM SCHOOL PROGRAM AND PUBLIC EDUCATION BUDGET AMENDMENTS, by Senator H. Stephenson, and it is transmitted for the signature of the President; and

The House passed, **3rd Sub. S.B. 119**, SPECIAL ELECTIONS MODIFICATIONS, by Senator H. Stephenson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 150**, READING REQUIREMENTS FOR STUDENT ADVANCEMENT, by Senator K. Morgan, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **5th Sub. S.B. 175**, SCHOOL DISTRICT CAPITAL OUTLAY EQUALIZATION AMENDMENTS, by Senator B. McAdams, and it is transmitted for the signature of the President; and

The House passed, **S.B. 204**, MIDTERM VACANCY AMENDMENTS, by Senator B. McAdams, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 277**, DNA MODIFICATIONS, by Senator J. S. Adams, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 280**, 2010 GENERAL OBLIGATION BOND AUTHORIZATION, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 281**, PUBLIC ACCESS TO STREAM BEDS – UTAH WATERWAYS TASK FORCE, by Senator D. Stowell, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

2nd Sub. S.B. 2, 3rd Sub. S.B. 119, 1st Sub. S.B. 150, 5th Sub. S.B. 175, S.B. 204, S.B. 277, 1st Sub. S.B. 280, and S.B. 281 were signed by the President of

the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

On motion of Senator Scott Jenkins, the Senate struck the enacting clause on all House bills and Senate bills and resolutions remaining on the calendar and with the Rules Committee and ordered them filed.

President Michael Waddoups directed Annette Moore and Leslie McLean to read, revise, and make minor corrections to the Daily Senate Journals and be responsible for certifying the indexed and bound copy as the accurate record of the proceedings of the 2010 General Session of the Fifty–Eighth Legislature.

President Waddoups appointed Senators Dan Liljenquist, David Hinkins, and Ben McAdams to wait upon the Governor and ask if he has any further business to bring before the Senate.

President Waddoups appointed Senators Curtis Bramble, Ralph Okerlund and Brent Goodfellow to notify the House of Representatives that the Senate has concluded its business and is ready to adjourn sine die.

Senator Scott Jenkins and Senator Patricia Jones expressed appreciation to the opposite party.

Senator Allen Christensen, Chairman of the Employee Committee, asked that all Senate employees stand and receive the thanks of the Senators. He also expressed thanks to all the legislative employees serving in the Office of Legislative Research and General Counsel, Fiscal Analyst, Auditor General, and to the employees in Legislative Printing.

Senator Christensen also expressed appreciation to the Senate interns for the exceptional work they have done throughout the session.

On motion of Senator Christensen, the Senate voted to give each member of the Senate staff an additional 8 hours' compensation at the rates established for each employee.

President Waddoups expressed appreciation to Senator Scott Jenkins, Senator Wayne Niederhauser, Senator Peter Knudson, Senator Margaret Dayton, and Senator Lyle Hillyard for his excellent service as Appropriations Chairman and Senator Dan Liljenquist for his service as Appropriations Vice–Chairman.

Senator Bramble reported the House has been notified that the business of the Senate has concluded and the Senate is ready to adjourn sine die.

Senator Liljenquist reported that his committee, with a like committee from the House of Representatives had notified the Governor. The Governor asked that the committee convey to each house that he has no further business to bring before the legislature but that he would like to speak before each house prior to their adjournment sine die.

COMMITTEE OF THE WHOLE

On motion of Senator Jenkins, Governor Gary R. Herbert spoke in Committee of the Whole.

On motion of Senator Jenkins, the Committee of the Whole was dissolved.

On motion of Senator Jenkins and at 11:35 p.m., the Senate adjourned sine die.

SENATE STRUCK ENACTING CLAUSE (HOUSE BILLS AND RESOLUTIONS)

Mr. President:

March 11, 2010

I am directed to inform the House of Representatives that the Senate on this day struck the enacting clause on the following House Bills and Resolutions:

- | | |
|--------------------------|--|
| H.B. 65 | Amendments Related to Regulation of Insurance Type Products (Rep. J. Bird) |
| 3rd Sub. H.B. 71 | Nicotine Product Restrictions (Rep. P. Ray) |
| 1st Sub. H.B. 72 | Utah School Seismic Hazard Inventory (Rep. L. Wiley) |
| H.B. 82 | Protection of Children Riding in Motor Vehicles (Rep. F.J. Seegmiller) |
| H.B. 91 | Traffic Control Signs for Bicycles (Rep. C. Moss) |
| H.B. 126 | State Construction Registry Amendments (Rep. R. C. Webb) |
| H.B. 136 | Jail Contracting and Reimbursement (Rep. M. Noel) |
| 2nd Sub. H.B. 153 | Recycling of Electronic Items (Rep. R. Edwards) |
| H.B. 171 | Water Rights Revisions (Rep. K. Gibson) |
| H.B. 174 | License Plates Amendments (Rep. P. Ray) |
| 1st Sub. H.B. 185 | Animal Euthanasia Standards (Rep. F.J. Seegmiller) |
| H.B. 190 | Disclosure of Methamphetamine Contaminated Property Act Amendments (Rep. S. Mascaró) |

- H.B. 218** Municipal Disincorporation Revisions (Rep. G. Froerer)
- 1st Sub. H.B. 227** Licensing Eligibility (Rep. S. Sandstrom)
- H.B. 251** Admission of Affidavits into Evidence (Rep. R. Lockhart)
- 1st Sub. H.B. 256** Child Abuse Database Amendments (Rep. L. Fowlke)
- 1st Sub. H.B. 280** Real Property – Notice of Transfer Fees
(Rep. R. Lockhart)
- 1st Sub. H.B. 283** Fees and Assessment Levies in Local and Special Service
Districts (Rep. J. Mathis)
- 1st Sub. H.B. 286** Retirement System Divestment (Rep. Julie Fisher)
- H.B. 401** Residential Facilities for Elderly Persons (Rep. B. Daw)
- H.B. 456** Amendments to Department of Environmental Quality
(Rep. R. Edwards)
- H.B. 463** Divided School District Property Tax Amendments
(Rep. E. Hutchings)

Annette B. Moore
Secretary of the Senate

**HOUSE STRUCK ENACTING CLAUSE
(SENATE BILLS AND RESOLUTIONS)**

Mr. President:

March 11, 2010

I am directed to inform the Utah State Senate that the House Committee on Rules has struck the enacting clause on the following Senate Bills and Resolutions:

- 1st Sub. S.B. 40** Tobacco Tax Amendments (A. Christensen)
- S.B. 83** Bail Bond Recovery Amendments (J. Greiner)
- 3rd Sub. S.B. 108** Judicial Nominating Commission Staff Amendments
(S. Jenkins)
- S.B. 147** Education Related Parent Organizations (M. Dayton)
- S.B. 155** Enhanced Penalties for HIV Positive Offender
Amendments (J. Stevenson)
- S.B. 163** Health Regulation of Geothermal Pools and Baths
(M. Madsen)
- S.B. 164** Surety Requirements for Mining (D. Stowell)
- S.B. 180** Sexual Exploitation of a Vulnerable Adult (D. Hinkins)

- S.B. 186** Amendments to Emissions Inspections (M. Madsen)
- 2nd Sub. S.B. 199** Municipal Boundary Clarification (R.Okerlund)
- 2nd Sub. S.B. 203** Vacancies in County Elected Offices (H. Stephenson)
- S.B. 206** Access to Crime Victim’s Medical Records (J. Greiner)
- 1st Sub. S.B. 207** Tax Exemption for Cedar Band of Paiute Tribe (D. Stowell)
- SB. 213** Division of Services for People with Disabilities Advisory Council (A. Christensen)
- S.B. 220** Vehicle Impound Amendment (J. Greiner)
- 2nd Sub. S. B. 235** Agricultural Loan Authorization (R. Okerlund)
- S.B. 238** Long–Term Care Facility – Medicaid Certification for Bed Capacity Amendments (L. Robles)
- S.B. 279** Identify Fraud and Related Amendments (S.Urquhart)
- 1st Sub. S.C.R.8** Fathers Do Matter Concurrent Resolution (G. Davis)
- S.C.R. 12** Responsible Development of Public Lands Concurrent Resolution (K. Van Tassell)
- S.J.R. 18** Gang Crime Awareness and Enforcement Joint Resolution (M. Madsen)

Ben Ferry
Rules Chair

Mr. President:

March 11, 2010

The Rules Committee recommends the enacting clause be stricken on the following Senate Bills and Resolutions and they be filed:

- S.B. 27** Sales and Use Tax Definition of Tangible Personal Property (Sen. L. Hillyard)
- S.B. 34** Municipal Disincorporation Amendments (Sen. A. Christensen)
- S.B. 35** Capital Facilities Bonds Amendments (Sen. W. Niederhauser)
- S.B. 42** Retirement Eligibility Modifications (Sen. D. Liljenquist)
- 2nd Sub. S.B. 44** Health Amendments for Legal Immigrant Children (Sen. L. Robles)
- S.B. 46** Utah Child Care Licensing Act Amendments (Sen. R. Romero)

- 1st Sub. S.B. 49** Vending Machines in Public Schools (Sen. P. Jones)
- S.B. 54** Health Education Amendments (Sen. S. Urquhart)
- 1st Sub. S.B. 68** Local Health Authority Funding Amendments
(Sen. D. Stowell)
- S.B. 72** Enhanced 911 for Multi-line Telephone Systems
(Sen. J. Greiner)
- S.B. 75** Construction Trades License Amendments
(Sen. D. C. Buttars)
- 1st Sub. S.B. 77** School District Leave Policies (Sen. M. Dayton)
- S.B. 80** Physician Licensing – Visiting Professors
(Sen. P. Knudson)
- S.B. 86** Fleeing in a Stolen Vehicle – Penalty (Sen. J. Greiner)
- S.B. 87** School Property Tax Equalization Revisions
(Sen. G. Davis)
- 1st Sub. S.B. 92** Amendments to Revenue and Taxation Title
(Sen. C. Bramble)
- S.B. 94** Supplemental Benefit Amendments for Noncontributory
Public Employees (Sen. D. Liljenquist)
- S.B. 98** Dangerous Weapons Restrictions Amendments
(Sen. D. Hinkins)
- 2nd Sub. S.B. 99** Water Companies and Water Right Change Requests
(Sen. J. Valentine)
- S.B. 101** Drugs Amendments (Sen. P. Knudson)
- S.B. 106** Motor Vehicle Noise Emission Standards (Sen. P. Jones)
- 1st Sub. S.B. 109** Chief Justice of the Utah Supreme Court Appointment
(Sen. S. Jenkins)
- S.B. 112** Termination of a Billboard and Associated Rights
Amendments (Sen. P. Knudson)
- S.B. 113** Wireless Telephone Use Restriction for Minors in
Vehicles (Sen. R. Romero)
- S.B. 115** Unemployment Insurance Revisions (Sen. L. Robles)
- 1st Sub. S.B. 128** City and County Carbon Credits for Sequestration of
Waste Stream Materials (Sen. R. Romero)
- S.B. 131** Energy Cost Recovery and Renewable Energy Provisions
(Sen. D. Hinkins)

- S.B. 135** Sales and Use Tax Exemption for an Energy Efficient Stove or Energy Efficient Stove Fuel (Sen. G. Davis)
- S.B. 146** Wrongful Death Amendments (Sen. B. McAdams)
- S.B. 151** Collection, Remittance, and Retention of Certain Taxes, Fees, or Charges (Sen. C. Bramble)
- S.B. 153** Marking of Underground Utilities (Sen. J. Greiner)
- S.B. 158** Utah Venture Capital Enhancement Act Amendments (Sen. J. S. Adams)
- S.B. 176** Utility Revisions (Sen. S. Jenkins)
- S.B. 182** Utah Common Interest Ownership Act (Sen. W. Niederhauser)
- 1st Sub. S.B. 185** Adoption of Canal Safety Act (Sen. G. Davis)
- S.B. 194** Assessment Area Act Amendments (Sen. W. Niederhauser)
- S.B. 196** Community Development and Renewal Amendments (Sen. G. Davis)
- S.B. 200** Cause of Action Amendments (Sen. S. Urquhart)
- S.B. 208** Jury Amendments (Sen. R. Okerlund)
- S.B. 223** Department of Environmental Quality Boards Amendments (Sen. M. Dayton)
- S.B. 224** Construction Contract Amendments (Sen. C. Bramble)
- S.B. 230** Pharmaceutical Marketing to Consumers Amendment (Sen. D. Liljenquist)
- S.B. 241** Health Code Amendments (Sen. A. Christensen)
- S.B. 244** Annexation Amendments (Sen. C. Bramble)
- S.B. 248** Child Registry Amendments (Sen. M. Madsen)
- S.B. 253** Uninsured Motorist Identification Database Program Amendments (Sen. J. Greiner)
- S.B. 254** Motor Vehicle Insurance – Unfair Claim Settlement Practices (Sen. G. Davis)
- S.B. 257** Health Care Facility Disclosure Requirements (Sen. P. Knudson)
- S.B. 269** County Powers to Resolve Lawsuits via Development Agreements (Sen. J. S. Adams)

- S.B. 276** Promoting Healthy Lifestyles in Public Schools
(Sen. P. Jones)
- S.C.R. 9** Declaration of the Family Concurrent Resolution
(Sen. W. Niederhauser)
- S.J.R. 4** State Sovereignty Joint Resolution (Sen. S. Jenkins)
- S.J.R. 7** Joint Resolution on the United Nations Children’s Fund
(Sen. L. Robles)
- S.J.R. 8** Resolution Amending Legislative Rules to Allow
Abstaining from Voting (Sen. C. Bramble)
- S.R. 1** Senate Rules Resolution Allowing Abstaining from
Voting (Sen. C. Bramble)

Margaret Dayton
Rules Chair

**SUMMARY OF LEGISLATION
2010 GENERAL SESSION**

	House	Senate	Total
Bills Introduced	395	231	626
Bills Passed	255	163	418
Bills Vetoed	1	2	3
Line Items Vetoed	1		1
<i>Total Bills Enacted</i>	254	161	415
Concurrent Resolutions Introduced	18	11	29
Joint Resolutions Introduced	33	15	48
House & Senate Resolutions Introduced	9	1	10
<i>Total Resolutions Introduced</i>	60	27	87
Concurrent Resolutions Passed	16	8	24
Joint Resolutions Passed	23	11	34
House & Senate Resolutions Passed	5	0	5
<i>Total Resolutions Passed</i>	44	18	62

**STATISTICAL SUMMARY OF GENERAL SESSIONS
2003-2009**

	2003	2004	2005	2006	2007	2008	2009
Bills Introduced	706	673	670	663	685	694	630
Bills Passed	392	419	370	371	392	400	400
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 Political Subdivision Facility Energy Efficiency, Hunsaker, F. HB 116 (P)
 Renewable Energy – Methane Gas, Watkins, C. HB 192 (P)
 Renewable Energy Financing Provisions, Last, B. HB 145 (P)
 Renewable Energy Modifications, Urquhart, S. SB 104 (P)
 Renewable Energy Source Amendments, Barrus, R. HB 228 (P)
 Resolution Recognizing Energy Innovation in the
 State of Utah, Hutchings, E. HR 08 (P)
 Responsible Development of Nuclear Power
 Generation, Seegmiller, F.J. HB 85 (F)

Revolving Loan Fund for Certain Energy Efficient Projects Amendments, Barrus, R.	HB 318 (P)
Utah Generated Renewable Energy Electricity Network Authority Board Amendments, Barrus, R.	HB 58 (P)
Utility Related Exemptions, Hughes, G.	HB 335 (P)

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Climate Change Joint Resolution, Gibson, K.	HJR 12 (P)
Department of Environmental Quality Boards Amendments, Dayton, M.	SB 223 (F)
Engine Coolant Bittering Agent Act, Waddoups, M.	SB 218 (P)
Great Salt Lake Advisory Council, Ferry, B.	HB 343 (P)
Green Schools Joint Resolution, Wheatley, M.	HJR 20 (F)
Joint Resolution on Clean Air, Moss, C.	HJR 5 (P)
Limitation of Actions Amendments, Noel, M.	HB 395 (P)
Radioactive and Hazardous Waste Amendments, Bramble, C.	SB 226 (F)
Recycling of Electronic Items, Edwards, R.	HB 153 (F)
Refinery Amendments, Edwards, R.	HB 169 (P)
Renewable Energy Financing Provisions, Last, B.	HB 145 (P)
Tire Recycling Fee Modification, Hendrickson, N.	HB 63 (F)
Utah Generated Renewable Energy Electricity Network Authority Board Amendments, Barrus, R.	HB 58 (P)
Waste Fee and Related Amendments, Menlove, R.	HB 331 (P)

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Joint Resolution on Ethics Complaint Procedures, Valentine, J.	SJR 3 (P)
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Joint Rules Resolution on Financial Disclosures, Hughes, G.	HJR 14 (P)
Joint Rules Resolution on the Selection of Ethics Committee Members, Hansen, N.	HJR 8 (F)
Lobbyist Disclosure and Regulation Act Amendments, Garn, K.	HB 267 (P)
Open and Public Meetings Revisions Related to Review of Ethics Complaints, Valentine, J.	SB 136 (P)
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- Capital Project Amendments, Clark, S. HB 370 (P)
 Certification of Voting Equipment Modifications, Aagard, D. HB 95 (P)
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 Zero Based Budgets for State Agencies, Frank, C. HB 392 (F)

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- Declaration of the Family Concurrent Resolution,
 Niederhauser, W. SCR 9 (F)
 Family Health Services Rfps – Tobacco Settlement
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 Fathers Do Matter Concurrent Resolution, Davis, G. SCR 8 (F)
 Healthy Family Partnership House Resolution, Oda, C. HR 01 (P)

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- Family Employment Program – Cash Assistance to
 Single Minor Parent, Dunnigan, J. HB 51 (P)

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- Compact Agreement among the States to Elect the President by
 National Popular Vote, Hansen, N. HB 297 (F)
 Concurrent Resolution Expressing Opposition to the Creation
 of New National Monuments in Utah, Van Tassell, K. SCR 11 (P)
 Concurrent Resolution on Providing Continuing Federal
 Financial Assistance for the Delivery of Basic Services
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 Concurrent Resolution on States' Rights, Fisher, Julie HCR 2 (P)
 Concurrent Resolution Opposing the Use of Presidential Power
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- Concurrent Resolution Regarding Federal Programs
 Adversely Impacting Utah, Dayton, M. SCR 10 (F)
 Daylight Saving Time, Sumsion, K. HB 288 (F)
 Hate Crime Amendments, Sandstrom, S. HB 432 (F)
 Joint Resolution – State Sovereignty and Tenth
 Amendment, Stephenson, H. SJR 6 (P)
 Joint Resolution on the Protection of States’ Rights, Romero, R. . . SJR 14 (F)
 Joint Resolution on the Spending of Federal Economic
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 Joint Resolution on the United Nations Children’s
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 Joint Resolution Urging Ratification of the Comprehensive
 Nuclear Test Ban Treaty, Seelig, J. HJR 18 (F)
 Law Enforcement Amendments, Wimmer, C. HB 264 (F)
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 in Evaluating and Recommending Sitting Senators and
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 H. SJR 17 (F)
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 Utah State–made Firearms Protection Act, Dayton, M. SB 11 (P)
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- Nonlapsing Authority Technical Amendments, Okerlund, R. SB 48 (P)

FINANCIAL INSTITUTIONS

- Fraudulent Transfer Amendments, Valentine, J. SB 79 (P)
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FIRE PROTECTION

- Construction and Fire Code Related Amendments, Morley, M. HB 183 (P)

Fireworks Amendments, Menlove, R. HB 202 (P)
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 State Fire Marshal Modifications, Menlove, R. HB 201 (P)

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Meat Inspection Amendments, Mathis, J. HB 108 (P)

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Utah Forest Practices Act Amendments, Hinkins, D. SB 149 (P)

FOSTER CARE

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Identity Fraud and Related Amendments, Urquhart, S. SB 279 (F)
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- Budget Revisions, Hillyard, L. SB 264 (F)
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- Campaign Funds Expenditure Restrictions, Cosgrove, T. HB 124 (P)
- Candidate Vacancies Amendments, Grover, K. HB 369 (F)
- Capital Facilities Amendments, Bramble, C. SB 189 (P)
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- Capital Project Amendments, Clark, S. HB 370 (P)
- Certification of Voting Equipment Modifications, Aagard, D. HB 95 (P)
- Closed Meetings Amendments, Painter, P. HB 189 (P)
- Compact Agreement among the States to Elect the President
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- Concurrent Resolution Expressing Opposition to the Creation
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- Concurrent Resolution on Providing Continuing Federal
Financial Assistance for the Delivery of Basic
Services to Dutch John, Utah, Brown, M. HCR 13 (P)
- Concurrent Resolution Opposing the Use of Presidential Power
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- Concurrent Resolution Regarding Federal Programs Adversely
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- Constitutional Revision Commission Duties, Valentine, J. SB 78 (P)
- Daylight Saving Time, Sumsion, K. HB 288 (F)
- Department of Administrative Services Modifications, Clark, S. HB 402 (P)
- Disposition of the Remains of a Deceased Military
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- Election Day Voting Centers, Chavez–Houck, R. HB 368 (F)
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- Elections, Lobbying, and Campaign Finance Enforcement
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- Email Communications, Powell, K. HB 415 (F)
- Emergency and Disaster Management Amendments, Oda, C. HB 139 (P)
- Eminent Domain Authority, Herrod, C. HB 143 (P)
- Ethics Amendments, Jenkins, S. SB 261 (F)
- Financial Disclosure and Conflict of Interest
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- Political Party Bylaws – United States Senators, Stephenson, H. . . . SB 250 (P)
- Protecting Identity of Children, Hutchings, E. HB 387 (F)
- Provisional Ballot Amendments for Unregistered
 Voters, Chavez–Houck, R. HB 244 (F)
- Public Lands Litigation, Sumsion, K. HB 324 (P)
- Redistricting Advisory Committee, Bramble, C. SB 193 (F)
- Referendum Ballot Proposition Amendments, Hunsaker, F. HB 44 (P)
- Release of Court Documents and Child Interviews, Fowlke, L. . . . HB 133 (P)
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- Revisions to Government Law, Gibson, K. HB 172 (F)
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- Senate Rules Resolution Allowing Abstaining
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- Spending Limits Amendments, Bigelow, R. HB 310 (P)
- State Agency and Higher Education Base Budget, Hillyard, L. SB 1 (P)
- State Capitol Preservation Board Fee Amendments, Madsen, M. SB 33 (P)
- State Engineer Bonding Requirements, Wilcox, R. HB 98 (P)
- State Fair Park Amendments, Gowans, J. HB 406 (P)
- State Officers’ Salary Amendments, Hansen, N. HB 436 (F)
- State Sovereignty Concurrent Resolution, Adams, J. S. SCR 3 (P)
- State Symbols Amendments, Davis, G. SB 255 (F)
- Statue of Responsibility Monument Concurrent
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- Statutory Construction Compliance Amendments, Lockhart, R. . . . HB 274 (P)
- Sunset Act and Repealers Reauthorization, Garn, K. HB 221 (P)
- Supreme Court Review of an Initiative or Referendum, Dee, B. . . . HB 112 (P)
- Task Force on Balanced Federalism, Wimmer, C. HB 382 (F)
- Utah Emergency Medical Services System Act
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- Vacancies in County Elected Offices, Stephenson, H. SB 203 (F)
- Valid Voter Identification Amendments, Poulson, M. HB 79 (F)
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- Verification of Employment Eligibility, Buttars, D. C. SB 251 (P)
- Volunteer Government Workers Act Definitions, Biskupski, J. HB 109 (P)

Voter Challenge Amendments, Hansen, N.	HB 245 (F)
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Amendments to Social Worker Licensing, Buttars, D. C.	SB 21 (P)

- Amendments to the Integrated Health System Fair
 Practices Act, Madsen, M. SB 168 (F)
 Authentic Charity Health Care Joint Resolution, Newbold, M. . . . HJR 27 (P)
 Ban on Sale of Smoking Paraphernalia to Minors, Ray, P. HB 206 (P)
 Children's Health Insurance Plan Simplified
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 Concurrent Resolution on Federal Health Care Reform, Clark, D. . . HCR 8 (P)
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 Controlled Substance Database – Reporting Convictions for
 Driving Under the Influence or Impaired Driving, Daw, B. HB 36 (P)
 Controlled Substance Database – Reporting of Prescribed
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 Disclosure of Methamphetamine Contaminated Property
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 Drug Utilization Review Board Amendments, Knudson, P. SB 41 (P)
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- Healthy Family Partnership House Resolution, Oda, C. HR 01 (P)
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 Medical Malpractice Amendments, Adams, J. S. SB 145 (P)
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- Unlawful Provision of Identifiable Prescription
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- Authentic Charity Health Care Joint Resolution, Newbold, M. HJR 27 (P)
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- Children’s Health Insurance Plan Simplified
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- Concurrent Resolution on Federal Health
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- Concurrent Resolution Recognizing the 100 Year Anniversary
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- Controlled Substance Database Amendments, Daw, B. HB 28 (P)
- Controlled Substance Database Revisions, Menlove, R. HB 186 (P)
- County Jail Inmate Medical Costs, Daw, B. HB 110 (P)
- Dental Health Care Concurrent Resolution, Jones, P. SCR 4 (P)
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\ Oversight, Lockhart, R. HB 86 (P)
- Drug Utilization Review Board Amendments, Knudson, P. SB 41 (P)
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- Health Amendments for Legal Immigrant Children, Robles, L. SB 44 (F)
- Hospital Licensing Amendments – Emergency Medical
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- Hospital Lien Revisions, King, B. HB 144 (F)
- Joint Resolution Regarding Federal Health
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- Maternity Leave for School Employees, Fisher, Janice HB 454 (F)
- Medicaid Autism Waiver, Ray, P. HB 184 (P)
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- Medical Financial Records Amendments, Last, B. HB 421 (P)
- Pharmaceutical Marketing to Consumers
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Medical Language Interpreter Amendments, Chavez–Houck, R.	HB 232 (P)
Medical Malpractice Amendments, Adams, J. S.	SB 145 (P)
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- Physician Licensing – Visiting Professors, Knudson, P. SB 80 (F)
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- Vehicle Safety Flags on Off–highway Vehicles, Goodfellow, B. SB 19 (P)

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- Joint Resolution Approving Water Rights
 Addendum Form, Ferry, B. HJR 26 (P)
- Joint Resolution on Clean Air, Moss, C. HJR 5 (P)
- Joint Resolution on Combating and Reducing
 Gang Activity, Robles, L. SJR 2 (P)
- Joint Resolution on Energy Policy, Noel, M. HJR 21 (P)
- Joint Resolution on Equal Treatment by Government, Oda, C. HJR 24 (F)
- Joint Resolution on Ethics Complaint Procedures, Valentine, J. SJR 3 (P)
- Joint Resolution on Hospital Claims Management, Last, B. HJR 34 (P)
- Joint Resolution on Legislative Ethics Commission, Clark, D. HJR 15 (P)
- Joint Resolution on Property Tax Exemption for
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- Joint Resolution on Teacher Performance Pay, Poulson, M. HJR 3 (P)

- Joint Resolution on the Protection of States' Rights, Romero, R. . . . SJR 14 (F)
- Joint Resolution on the Spending of Federal Economic
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- Joint Resolution on the United Nations
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- Joint Resolution Opposing the Establishment of a
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- Joint Resolution Prohibiting Property Transfer Tax, Froerer, G. HJR 7 (F)
- Joint Resolution Recognizing the 75th Anniversary of the
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- Joint Resolution Regarding Federal Health Insurance
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- Joint Resolution Regarding School Fees and Supplies, Powell, K. HJR 25 (F)
- Joint Resolution Supporting Kane County Expansion
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- Joint Resolution Supporting the Expansion of Correctional
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- Joint Resolution Urging an End to the U.s. Military's Don't
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- Joint Resolution Urging Ratification of the Comprehensive
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- Joint Rules Resolution for Fiscal Notes on Criminal
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- Joint Rules Resolution on Ethics Complaints, Valentine, J. SJR 19 (P)
- Joint Rules Resolution on Expenses and
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- Joint Rules Resolution on Financial Disclosures, Hughes, G. HJR 14 (P)
- Joint Rules Resolution on Fiscal Note Process, Niederhauser, W. SJR 12 (F)
- Joint Rules Resolution on the Selection of Ethics
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- Jurisdiction over Navigable Waters Joint Resolution, Grover, K. HJR 29 (F)
- Marking of Underground Utilities Joint Resolution, Brown, M. HJR 33 (P)
- Master Study Resolution, Jenkins, S. SJR 15 (P)
- Printing and Graphic Arts Recognition Month
Concurrent Resolution, Daw, B. HCR 12 (P)
- R.S. 2477 Historic Roads Concurrent Resolution, Noel, M. HCR 14 (P)
- Recognition of Community Councils and the Association
of Community Councils Together Joint
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- Reducing Prescription Drug Misuse Resolution, Jones, P. SCR 2 (P)

- Resolution Amending Legislative Rules to Allow
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- Resolution Governing Distribution of Items on the
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- Resolution in Support of Veterans’ Nursing Home, Oda, C. HJR 9 (P)
- Resolution Recognizing Energy Innovation in the
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- Resolution Regarding the Tenth Amendment to the
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- Resolution to the Secretary of Transportation on Revocation
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- Senate Joint Rules Resolution on Legislative Involvement
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- Senate Resolution on Responsible Development of
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- State Sovereignty Joint Resolution, Jenkins, S. SJR 4 (F)
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- Strangulation and Domestic Violence Joint Resolution, Seelig, J. HJR 6 (P)
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- Taiwan Concurrent Resolution, Lockhart, R. HCR 11 (P)
- Utah Athletic Foundation Resolution, Urquhart, S. SJR 11 (P)
- Veterans Freedom Memorial Concurrent Resolution, Hughes, G. HCR 4 (P)
- War Veterans’ Memorial on Capitol Hill Joint
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- Joint Resolution Amending Provision on Municipal
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- Joint Resolution on Equal Treatment by Government, Oda, C. HJR 24 (F)
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- Joint Resolution on Property Tax Exemption for
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- Joint Resolution Prohibiting Property Transfer Tax, Froerer, G. HJR 7 (F)
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- House Rules Resolution – Recodification and Revisions, Ferry, B. . . HR 03 (P)
- Joint Rules Resolution for Fiscal Notes on
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- Legislator – Benefit Plan, Hutchings, E. HB 142 (F)
- Post–retirement Employment Amendments, Liljenquist, D. SB 43 (P)
- Public Employees’ Health Care, Litvack, D. HB 177 (F)
- Public Employees’ Retirement – Spousal Election, Wallis, C. B. . . . HB 83 (F)
- Reemployed Retiree Contribution Amendments, Litvack, D. HB 333 (F)
- Retirement Benefits for Charter School Employees, Watkins, C. . . HB 246 (P)
- Retirement Disability Amendments, Duckworth, S. HB 448 (F)
- Retirement Eligibility Modifications, Liljenquist, D. SB 42 (F)
- Retirement Office Amendments, Ipson, D. HB 233 (P)
- Retirement Participation Amendments, Liljenquist, D. SB 240 (P)
- Retirement System Divestment, Fisher, Julie HB 286 (F)
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Post-retirement Employment Amendments, Liljenquist, D.	SB 43 (P)
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Allocation and Apportionment of Income and Deduction of a Net Loss, Niederhauser, W.	SB 165 (P)
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- Income Tax Amendments – Veterans, Cosgrove, T. HB 449 (F)
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- Methamphetamine Housing Reconstruction and
- Rehabilitation Fund, Mayne, K. SB 12 (P)
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- Water Facilities, Painter, P. HJR 2 (P)
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- Opinion Question to Fund Arts and Museums, Mascaro, S. HB 453 (F)
- Partnership Tax Return Filing Deadlines, Adams, J. S. SB 134 (P)
- Property Tax – Home Owner Exemption
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- Property Tax Amendments, Harper, W. HB 259 (P)
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- Property Tax Valuation Amendments, Hansen, N. HB 322 (F)
- Qualifications of State Tax Commissioners, Adams, J. S. SB 133 (P)
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- to Mining, Watkins, C. HB 203 (F)
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- Enhanced 911 for Multi–line Telephone Systems, Greiner, J. SB 72 (F)
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 - Vehicles by Minors, Riesen, P. HB 237 (F)
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- Amendments to Tobacco Tax, Christensen, A. SB 259 (P)
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Transmitted to the House	767
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S.B. 41 — DRUG UTILIZATION REVIEW BOARD AMENDMENTS (<i>P. Knudson</i>)	
Read the first time by short title and referred to the Rules Committee.	81
Assigned to standing committee	90
Substituted	139
Committee report adopted and placed on calendar	139
Read the second time	170
Circled	170
Uncircled	173
Read the third time	181
Transmitted to the House	182
Placed on Concurrence Calendar	526
Concurrence	551
Returned to the House	551
Signed by the President and transmitted to the Governor	576
S.B. 42 — RETIREMENT ELIGIBILITY MODIFICATIONS (<i>D. Liljenquist</i>)	
Read the first time by short title and referred to the Rules Committee.	81
Enacting Clause Stricken	1019
S.B. 43 — POST-RETIREMENT EMPLOYMENT AMENDMENTS (<i>D. Liljenquist</i>)	
Read the first time by short title and referred to the Rules Committee.	81
Assigned to standing committee	90
Substituted	323
Amendments	323
Committee report adopted and placed on calendar	327
Placed on Time Certain Calendar	332
Read the second time	412
Read the third time	421
Circled	421, 611
Uncircled	427, 611
Transmitted to the House	428
Placed on Concurrence Calendar	596

Before the Senate	610
Concurrence	611
Returned to the House	611
Signed by the President and transmitted to the Governor	636
S.B. 44 — HEALTH AMENDMENTS FOR LEGAL IMMIGRANT CHILDREN (<i>L. Robles</i>)	
Read the first time by short title and referred to the Rules Committee	81
Assigned to standing committee	176
Substituted	683
Committee report adopted and placed on calendar	685
Read the second time	831
Circled	831
Uncircled	835
Read the second and third time	835
Failed	835
Filed	836
Reconsideration	870
Placed on calendar	870
Before the Senate	885
Referred to Rules Committee for interim study	885
Enacting Clause Stricken	1019
S.B. 45 — UTAH FIT PREMISES ACT AMENDMENTS (<i>W. Niederhauser</i>)	
Read the first time by short title and referred to the Rules Committee	95
Assigned to standing committee	126
Substituted	224
Committee report adopted and placed on calendar	226
Read the second time	254
Circled	254, 449
Uncircled	449, 451
Amendments	451
Read the third time	494
Transmitted to the House	494
Placed on Concurrence Calendar	891
Concurrence	895
Returned to the House	895
Signed by the President and transmitted to the Governor	915
S.B. 46 — UTAH CHILD CARE LICENSING ACT AMENDMENTS (<i>R. Romero</i>)	
Read the first time by short title and referred to the Rules Committee	95
Enacting Clause Stricken	1019
S.B. 47 — ELECTRICAL UTILITY AMENDMENTS – EFFICIENCY AND CONSERVATION TARIFF (<i>K. Van Tassel</i>)	
Read the first time by short title and referred to the Rules Committee	96
Assigned to standing committee	127
Substituted	663
Committee report adopted and placed on calendar	666
Read the second time	828
Amendments	828
Read the second and third time	830
Failed	830
Filed	830
Reconsideration	836
Placed on calendar	837
Circled	837
Uncircled	890
Transmitted to the House	890
Signed by the President and transmitted to the Governor	996
S.B. 48 — UTAH HISTORICAL SOCIETY – NONLAPSING AUTHORITY (<i>R. Okerlund</i>)	
Read the first time by short title and referred to the Rules Committee	115
Assigned to standing committee	128
Substituted	180
Read the second time and placed on Consent Calendar	180
Read the third time	226
Transmitted to the House	227
Reconsideration	242
Before the Senate	242
Transmitted to the House	242
Signed by the President and transmitted to the Governor	455
Returned to the House	606
Placed on Concurrence Calendar	724
Concurrence	732
Returned to the House	733
Signed by the President and transmitted to the Governor	768

S.B. 49 — VENDING MACHINES IN PUBLIC SCHOOLS (<i>P. Jones</i>)	
Read the first time by short title and referred to the Rules Committee.	130
Assigned to standing committee	162
Substituted	190, 714
Returned to the Rules Committee	717
Enacting Clause Stricken	1020
S.B. 50 — VICTIMS' RIGHTS REVISIONS (<i>J. S. Adams</i>)	
Read the first time by short title and referred to the Rules Committee.	130
Assigned to standing committee	138
Committee report adopted and placed on calendar	196
Read the second time	250
Circled	250
Uncircled	308
Read the third time	331
Transmitted to the House	331
Signed by the President and transmitted to the Governor	542
S.B. 51 — BIOPROSPECTING (<i>L. Hillyard</i>)	
Read the first time by short title and referred to the Rules Committee.	130
Assigned to standing committee	138
Substituted	322
Committee report adopted and placed on calendar	327
Read the second time	616
Amendments	616
Read the second and third time	617
Transmitted to the House	617
Signed by the President and transmitted to the Governor	819
S.B. 52 — STATE BOARD OF REGENTS AMENDMENTS (<i>D. Stowell</i>)	
Read the first time by short title and referred to the Rules Committee.	130
Assigned to standing committee	320
Substituted	404
Committee report adopted and placed on calendar	405
Read the second time	650
Circled	650
Uncircled	691
Amendments	691
Read the second and third time	692
Transmitted to the House	692
Placed on Concurrence Calendar	916
Concurrence	943
Returned to the House	943
Signed by the President and transmitted to the Governor	974
S.B. 53 — VOTER CHALLENGE REVISIONS (<i>P. Knudson</i>)	
Read the first time by short title and referred to the Rules Committee.	140
Assigned to standing committee	162
Committee report adopted and placed on calendar	180
Read the second time	234
Read the third time	244
Transmitted to the House	245
Placed on Concurrence Calendar	361
Concurrence	382
Returned to the House	383
Signed by the President and transmitted to the Governor	413
S.B. 54 — HEALTH EDUCATION AMENDMENTS (<i>S. Urquhart</i>)	
Read the first time by short title and referred to the Rules Committee.	149
Assigned to standing committee	162
Returned to the Rules Committee	717
Enacting Clause Stricken	1020
S.B. 55 — AUTHORIZATION OF CHARTER SCHOOLS BY HIGHER EDUCATION INSTITUTIONS (<i>J. S. Adams</i>)	
Read the first time by short title and referred to the Rules Committee.	149
Assigned to standing committee	162
Committee report adopted and placed on calendar	180
Read the second time	232
Amendments	232
Read the third time	244
Circled	244
Uncircled	264
Transmitted to the House	264
Placed on Concurrence Calendar	543
Concurrence	587
Returned to the House	587
Signed by the President and transmitted to the Governor	606
S.B. 56 — SCHOOL REPORTING AMENDMENTS (<i>K. Morgan</i>)	
Read the first time by short title and referred to the Rules Committee.	157

Assigned to standing committee 192

Amendments 225

Committee report adopted and placed on calendar 226

Read the second time 255

Read the third time 268

Transmitted to the House 268

Signed by the President and transmitted to the Governor 894

S.B. 57 — LOCAL SCHOOL BOARD BUDGET PROCEDURES (D. Stowell)

Read the first time by short title and referred to the Rules Committee. 167

Assigned to standing committee 176

Committee report adopted and placed on calendar 226

Read the second time 256

Read the third time 268

Transmitted to the House 269

Signed by the President and transmitted to the Governor 425

S.B. 58 — TRANSPORTATION EXPENSES FOR DEFENDANTS (J. S. Adams)

Read the first time by short title and referred to the Rules Committee. 180

Assigned to standing committee 193

Committee report adopted and placed on calendar 226

Read the second time 257

Circled 257

Uncircled 292

Read the third time 306

Transmitted to the House 306

Signed by the President and transmitted to the Governor 525

S.B. 59 — AT-RISK STUDENT PROVISIONS (L. Robles)

Read the first time by short title and referred to the Rules Committee. 196

Assigned to standing committee 222

Amendments 343

Committee report adopted and placed on calendar 346

Read the second and third time 630

Transmitted to the House 630

Signed by the President and transmitted to the Governor 915

S.B. 60 — VOLUNTARY SEARCH AND RESCUE FUNDING ACT (R. Okerlund)

Read the first time by short title and referred to the Rules Committee. 196

Assigned to standing committee 208

Committee report adopted and placed on calendar 286

Read the second time 467

Substituted 467

Read the third time 501

Transmitted to the House 502

Signed by the President and transmitted to the Governor 708

S.B. 61 — SALES AND USE TAX EXEMPTION FOR A WEB SEARCH PORTAL (H. Stephenson)

Read the first time by short title and referred to the Rules Committee. 196

Assigned to standing committee 209

Committee report adopted and placed on calendar 241

Read the second time 448

Read the third time 484

Transmitted to the House 485

Signed by the President and transmitted to the Governor 963

S.B. 62 — MOTOR VEHICLE INSURANCE COVERAGE AMENDMENTS (S. Urquhart)

Read the first time by short title and referred to the Rules Committee. 211

Assigned to standing committee 223

Committee report adopted and placed on calendar 287

Read the second time 470

Circled 470

Uncircled 570

Amendments 570

Read the third time 594

Transmitted to the House 595

Placed on Concurrence Calendar 924

Concurrence 946

Returned to the House 946

Signed by the President and transmitted to the Governor 974

S.B. 63 — NEW PUBLIC EMPLOYEES' TIER II CONTRIBUTORY RETIREMENT ACT (D. Liljenquist)

Read the first time by short title and referred to the Rules Committee. 211

Assigned to standing committee 223

Substituted 326, 420

Committee report adopted and placed on calendar 327

Placed on Time Certain Calendar 332

Read the second time 413

Read the third time 420

Circled 420

Uncircled	428
Transmitted to the House	428
Placed on Concurrence Calendar	607
Concurrence	611
Returned to the House	612
Signed by the President and transmitted to the Governor	636
S.B. 66 — PUBLIC SCHOOL EXTRACURRICULAR ACTIVITIES FOR HOME SCHOOL AND PRIVATE SCHOOL STUDENTS (<i>M. Madsen</i>)	
Read the first time by short title and referred to the Rules Committee.	405
Assigned to standing committee	441
Amendments	543, 794
Committee report adopted and placed on calendar	545
Read the second time	794
Read the second and third time	797
Intent Language	798
Transmitted to the House	798
Placed on Concurrence Calendar	941
Refuse to Concur	948, 968
Returned to the House	948
Refuse to Recede	968
Substituted	986
Returned to the House	987
Signed by the President and transmitted to the Governor	1004
S.B. 67 — PUBLIC SAFETY SERVICES CROSSING STATE BORDERS (<i>L. Hillyard</i>)	
Read the first time by short title and referred to the Rules Committee.	574
Assigned to standing committee	597
Committee report adopted and placed on calendar	666
Read the second and third time	822
Transmitted to the House	822
Signed by the President and transmitted to the Governor	870
S.B. 68 — LOCAL HEALTH AUTHORITY FUNDING AMENDMENTS (<i>D. Stowell</i>)	
Read the first time by short title and referred to the Rules Committee.	211
Assigned to standing committee	223
Substituted	599
Amendments	599
Committee report adopted and placed on calendar	601
Read the second time	818
Circled	818
Uncircled	837
Enacting Clause Stricken	837, 1020
S.B. 69 — COLLEGE OF EASTERN UTAH AFFILIATION WITH UTAH STATE UNIVERSITY (<i>D. Hinkins</i>)	
Read the first time by short title and referred to the Rules Committee.	211
Assigned to standing committee	222
Substituted	302
Committee report adopted and placed on calendar	302
Read the second time	603
Read the third time	612
Transmitted to the House	613
Intent Language	613
Signed by the President and transmitted to the Governor	749
S.B. 70 — MOTOR VEHICLE LIABILITY AMENDMENTS – MINOR DRIVERS (<i>S. Urquhart</i>)	
Read the first time by short title and referred to the Rules Committee.	211
Assigned to standing committee	223
Committee report adopted and placed on calendar	287
Read the second time	470
Amendments	470
Read the third time	504
Transmitted to the House	504
Signed by the President and transmitted to the Governor	749
S.B. 71 — SMALL BUSINESS ACCESS TO JUSTICE ACT (<i>R. Romero</i>)	
Read the first time by short title and referred to the Rules Committee.	211
Assigned to standing committee	252
Committee report adopted and placed on calendar	327
Read the second and third time	618
Transmitted to the House	619
Signed by the President and transmitted to the Governor	871
S.B. 72 — ENHANCED 911 FOR MULTI-LINE TELEPHONE SYSTEMS (<i>J. Greiner</i>)	
Read the first time by short title and referred to the Rules Committee.	196
Assigned to standing committee	208
Returned to the Rules Committee	668
Enacting Clause Stricken	1020

S.B. 73 — SALES AND USE TAX EXEMPTION RELATING TO AIRCRAFT (*C. Bramble*)

- Read the first time by short title and referred to the Rules Committee. 196
- Assigned to standing committee 209
- Committee report adopted and placed on calendar 241
- Read the second time 448
- Read the third time 492
- Transmitted to the House 492
- Signed by the President and transmitted to the Governor 915

S.B. 74 — STATE PARK HIGHWAY ACCESS AMENDMENTS (*D. Hinkins*)

- Read the first time by short title and referred to the Rules Committee. 180
- Assigned to standing committee 194
- Committee report adopted and placed on calendar 287
- Read the second time 504
- Read the third time 514
- Transmitted to the House 515
- Signed by the President and transmitted to the Governor 749

S.B. 75 — CONSTRUCTION TRADES LICENSE AMENDMENTS (*D. C. Buttars*)

- Read the first time by short title and referred to the Rules Committee. 180
- Assigned to standing committee 192
- Returned to the Rules Committee 717
- Enacting Clause Stricken 1020

S.B. 76 — TRUST DEED AMENDMENTS (*J. Valentine*)

- Read the first time by short title and referred to the Rules Committee. 180
- Assigned to standing committee 192
- Committee report adopted and placed on calendar 226
- Read the second time 255
- Circled 255
- Uncircled 294
- Read the third time 307
- Transmitted to the House 307
- Placed on Concurrence Calendar 724, 813
- Refuse to Concur 733
- Refuse to Recede 769
- Returned to the House 733
- Joint Conference Committee Report 787, 815
- Amendments 787, 815
- Concurrence 816
- Returned to the House 816
- Signed by the President and transmitted to the Governor 850

S.B. 77 — SCHOOL DISTRICT LEAVE POLICIES (*M. Dayton*)

- Read the first time by short title and referred to the Rules Committee. 81
- Assigned to standing committee 89
- Committee report adopted and placed on calendar 180
- Read the second time 234
- Substituted 234
- Circled 234
- Uncircled 246
- Read the third time 675
- Transmitted to the House 675
- Filed 891
- Enacting Clause Stricken 1020

S.B. 78 — CONSTITUTIONAL REVISION COMMISSION DUTIES (*J. Valentine*)

- Read the first time by short title and referred to the Rules Committee. 81
- Placed on calendar 92
- Read the second time 122
- Read the third time 132
- Transmitted to the House 132
- Signed by the President and transmitted to the Governor 277

S.B. 79 — FRAUDULENT TRANSFER AMENDMENTS (*J. Valentine*)

- Read the first time by short title and referred to the Rules Committee. 81
- Placed on calendar 92
- Read the second time 123
- Read the third time 132
- Transmitted to the House 133
- Signed by the President and transmitted to the Governor 237

S.B. 80 — PHYSICIAN LICENSING – VISITING PROFESSORS (*P. Knudson*)

- Read the first time by short title and referred to the Rules Committee. 81
- Enacting Clause Stricken 1020

S.B. 81 — EMINENT DOMAIN AMENDMENTS (*L. Hillyard*)

- Read the first time by short title and referred to the Rules Committee. 81
- Assigned to standing committee 90
- Substituted 282

Committee report adopted and placed on calendar	287
Read the second time	506
Read the third time	516
Transmitted to the House	516
Signed by the President and transmitted to the Governor	871
S.B. 82 — PASSENGER ROPEWAY SYSTEMS ACT AMENDMENTS (<i>A. Christensen</i>)	
Read the first time by short title and referred to the Rules Committee	81
Assigned to standing committee	91
Committee report adopted and placed on calendar	115
Read the second time	134
Read the third time	141
Transmitted to the House	142
Signed by the President and transmitted to the Governor	277
S.B. 83 — BAIL BOND RECOVERY AMENDMENTS (<i>J. Greiner</i>)	
Read the first time by short title and referred to the Rules Committee	82
Assigned to standing committee	90
Committee report adopted and placed on calendar	115
Read the second time	135
Read the third time	142
Transmitted to the House	142
Enacting Clause Stricken	1018
S.B. 84 — SPECIAL SERVICE DISTRICT AMENDMENTS (<i>D. Hinkins</i>)	
Read the first time by short title and referred to the Rules Committee	82
Assigned to standing committee	89
Committee report adopted and placed on calendar	130
Read the second time	142
Read the third time	150
Transmitted to the House	151
Signed by the President and transmitted to the Governor	277
S.B. 85 — UTAH CONSTRUCTION TRADE LICENSING ACT AMENDMENTS (<i>S. Jenkins</i>)	
Read the first time by short title and referred to the Rules Committee	82
Assigned to standing committee	89
Read the second time and placed on the Consent Calendar	167
Read the third time	212
Transmitted to the House	213
Placed on Concurrence Calendar	526
Concurrence	551
Returned to the House	552
Signed by the President and transmitted to the Governor	576
S.B. 86 — FLEEING IN A STOLEN VEHICLE – PENALTY (<i>J. Greiner</i>)	
Read the first time by short title and referred to the Rules Committee	82
Enacting Clause Stricken	1020
S.B. 87 — SCHOOL PROPERTY TAX EQUALIZATION REVISIONS (<i>G. Davis</i>)	
Read the first time by short title and referred to the Rules Committee	82
Assigned to standing committee	89
Returned to the Rules Committee	167
Enacting Clause Stricken	1020
S.B. 88 — PHARMACY PRACTICE ACT AMENDMENTS (<i>C. Bramble</i>)	
Read the first time by short title and referred to the Rules Committee	82
Assigned to standing committee	90
Substituted	139
Committee report adopted and placed on calendar	139
Read the second time	170
Circled	170, 733
Uncircled	204, 737
Amendments	204
Read the third time	218
Transmitted to the House	218
Placed on Concurrence Calendar	724
Before the Senate	733
Concurrence	737
Returned to the House	738
Signed by the President and transmitted to the Governor	768
S.B. 89 — LEGAL NOTICE AMENDMENTS (<i>S. Urquhart</i>)	
Read the first time by short title and referred to the Rules Committee	82
Assigned to standing committee	90
Substituted	195
Committee report adopted and placed on calendar	196
Read the second time	250
Circled	250, 483
Uncircled	442, 485
Amendments	443

Read the third time 483
 Transmitted to the House 485
 Signed by the President and transmitted to the Governor 974

S.B. 90 — MENTAL HEALTH PROFESSIONAL PRACTICE ACT AMENDMENTS (*L. Hillyard*)
 Read the first time by short title and referred to the Rules Committee. 96
 Assigned to standing committee 127
 Amendments 163
 Committee report adopted and placed on calendar 166
 Read the second time 228
 Substituted 229, 481
 Read the third time 243
 Transmitted to the House 243
 Placed on Concurrence Calendar 361, 459
 Concurrence 384
 Returned to the House 384, 396
 Reconsideration 396
 Refuse to Recede 427
 Joint Conference Committee Report 481
 Returned to the House 482
 Signed by the President and transmitted to the Governor 508

S.B. 91 — PROSECUTOR APPEALS (*D. Liljenquist*)
 Read the first time by short title and referred to the Rules Committee. 82
 Assigned to standing committee 90
 Committee report adopted and placed on calendar 115
 Read the second time 135
 Read the third time 142
 Circled 142
 Uncircled 144
 Transmitted to the House 145
 Signed by the President and transmitted to the Governor 360

S.B. 92 — AMENDMENTS TO REVENUE AND TAXATION TITLE (*C. Bramble*)
 Read the first time by short title and referred to the Rules Committee. 82
 Assigned to standing committee 90
 Substituted 725
 Returned to the Rules Committee 725
 Enacting Clause Stricken 1020

S.B. 93 — GUBERNATORIAL APPOINTMENT POWERS AMENDMENTS (*C. Bramble*)
 Read the first time by short title and referred to the Rules Committee. 82
 Assigned to standing committee 89
 Committee report adopted and placed on calendar 130
 Read the second time 143
 Circled 143
 Uncircled 154
 Amendments 154
 Read the third time 169
 Transmitted to the House 169
 Placed on Concurrence Calendar 362
 Concurrence 383
 Returned to the House 383
 Signed by the President and transmitted to the Governor 413

S.B. 94 — SUPPLEMENTAL BENEFIT AMENDMENTS FOR NONCONTRIBUTORY PUBLIC EMPLOYEES
 (*D. Liljenquist*)
 Read the first time by short title and referred to the Rules Committee. 82
 Assigned to standing committee 90
 Amendments 326
 Committee report adopted and placed on calendar 327
 Placed on Time Certain Calendar 332
 Read the second time 414
 Read the third time 421
 Circled 421
 Uncircled 614
 Enacting Clause Stricken 614, 1020

S.B. 95 — UTAH EDUCATIONAL SAVINGS PLAN AMENDMENTS (*W. Niederhauser*)
 Read the first time by short title and referred to the Rules Committee. 82
 Assigned to standing committee 89
 Substituted 114
 Committee report adopted and placed on calendar 115
 Read the second time 134
 Read the third time 141
 Transmitted to the House 141
 Signed by the President and transmitted to the Governor 277

S.B. 96 — UINTAH BASIN REVITALIZATION FUND AMENDMENTS (*K. Van Tassell*)
 Read the first time by short title and referred to the Rules Committee. 82

Assigned to standing committee	91
Committee report adopted and placed on calendar	149
Read the second time	186
Read the third time	200
Transmitted to the House	201
Signed by the President and transmitted to the Governor	708
S.B. 97 — FARMLAND ASSESSMENT ACT AMENDMENTS (<i>D. Hinkins</i>)	
Read the first time by short title and referred to the Rules Committee.	82
Assigned to standing committee	90
Committee report adopted and placed on calendar	130
Read the second time	143
Substituted	143
Read the third time	151
Transmitted to the House	151
Signed by the President and transmitted to the Governor	339
S.B. 98 — DANGEROUS WEAPONS RESTRICTIONS AMENDMENTS (<i>D. Hinkins</i>)	
Read the first time by short title and referred to the Rules Committee.	82
Enacting Clause Stricken	1020
S.B. 99 — WATER COMPANIES AND WATER RIGHT CHANGE REQUESTS (<i>J. Valentine</i>)	
Read the first time by short title and referred to the Rules Committee.	83
Assigned to standing committee	162
Substituted	300
Amendments	300, 676
Committee report adopted and placed on calendar	302
Read the second time	602
Read the third time	612
Circled	612
Uncircled	675
Failed	676
Filed	676
Enacting Clause Stricken	1020
S.B. 100 — INCOME TAX CREDIT OR REFUND AMENDMENTS (<i>C. Bramble</i>)	
Read the first time by short title and referred to the Rules Committee.	83
Assigned to standing committee	90
Read the second time and placed on Consent Calendar	130
Read the third time	168
Transmitted to the House	169
Signed by the President and transmitted to the Governor	277
S.B. 101 — DRUGS AMENDMENTS (<i>P. Knudson</i>)	
Read the first time by short title and referred to the Rules Committee.	95
Enacting Clause Stricken	1020
S.B. 102 — RESTRICTING THE MOVEMENT OF A MOTOR VEHICLE (<i>B. Goodfellow</i>)	
Read the first time by short title and referred to the Rules Committee.	115
Assigned to standing committee	127
Committee report adopted and placed on calendar	180
Read the second time	246
Amendments	246, 310
Failed	247
Filed	247
Reconsideration	249
Before the Senate	249
Circled	249
Uncircled	310
Read the third time	331
Transmitted to the House	331
Signed by the President and transmitted to the Governor	542
S.B. 103 — ADVERSE POSSESSION OF REAL PROPERTY (<i>S. Urquhart</i>)	
Read the first time by short title and referred to the Rules Committee.	115
Assigned to standing committee	126
Committee report adopted and placed on calendar	180
Read the second time	234
Read the third time	245
Amendments	245
Transmitted to the House	245
Signed by the President and transmitted to the Governor	360
S.B. 104 — RENEWABLE ENERGY MODIFICATIONS (<i>S. Urquhart</i>)	
Read the first time by short title and referred to the Rules Committee.	115
Assigned to standing committee	127
Committee report adopted and placed on calendar	180
Read the second time	248
Read the third time	264
Amendments	264

Transmitted to the House	265
Signed by the President and transmitted to the Governor	425
S.B. 105 — MOTOR VEHICLE ACCIDENT ARBITRATION AMENDMENTS (S. Urquhart)	
Read the first time by short title and referred to the Rules Committee.	116
Assigned to standing committee	128
Committee report adopted and placed on calendar	180
Read the second time	248
Circled	248
Uncircled	461
Substituted	461
Read the third time	494
Transmitted to the House	495
Signed by the President and transmitted to the Governor	708
S.B. 106 — MOTOR VEHICLE NOISE EMISSION STANDARDS (P. Jones)	
Read the first time by short title and referred to the Rules Committee.	116
Assigned to standing committee	128
Substituted	432
Amendments	433
Committee report adopted and placed on calendar	435
Read the second time	505
Circled	505
Uncircled	615
Enacting Clause Stricken	615, 1020
S.B. 107 — LIEN AMENDMENTS (C. Bramble)	
Read the first time by short title and referred to the Rules Committee.	116
Assigned to standing committee	126
Committee report adopted and placed on calendar	166
Read the second time	228
Circled	228
Uncircled	311
Substituted	311
Read the third time	331
Amendments	332
Transmitted to the House	332
Placed on Concurrence Calendar	891
Concurrence	895
Returned to the House	895
Signed by the President and transmitted to the Governor	915
S.B. 108 — JUDICIAL NOMINATING COMMISSION STAFF AMENDMENTS (S. Jenkins)	
Read the first time by short title and referred to the Rules Committee.	116
Assigned to standing committee	127
Substituted	149, 189, 246
Committee report adopted and placed on calendar	149
Read the second time	189
Circled	189, 219, 227, 246
Uncircled	218, 219, 245, 634
Amendments	219, 634
Read the third time	227
Transmitted to the House	635
Enacting Clause Stricken	1018
S.B. 109 — CHIEF JUSTICE OF THE UTAH SUPREME COURT APPOINTMENT (S. Jenkins)	
Read the first time by short title and referred to the Rules Committee.	116
Assigned to standing committee	127
Substituted	226
Committee report adopted and placed on calendar	226
Read the second time	257
Read the third time	269
Circled	269
Enacting Clause Stricken	1020
S.B. 110 — REVISOR'S STATUTE (M. Dayton)	
Read the first time by short title and referred to the Rules Committee.	116
Assigned to standing committee	127
Read the second time and placed on Consent Calendar	167
Read the third time	213
Transmitted to the House	213
Signed by the President and transmitted to the Governor	360
S.B. 111 — REPEAL OF SEVERANCE TAX HOLDING ACCOUNT (L. Hillyard)	
Read the first time by short title and referred to the Rules Committee.	130
Assigned to standing committee	139
Committee report adopted and placed on calendar	149
Read the second time	174
Read the third time	182
Transmitted to the House	182
Signed by the President and transmitted to the Governor	317

S.B. 112 — TERMINATION OF A BILLBOARD AND ASSOCIATED RIGHTS AMENDMENTS (<i>P. Knudson</i>)	
Read the first time by short title and referred to the Rules Committee.	131
Assigned to standing committee	138
Returned to the Rules Committee	717
Enacting Clause Stricken	1020
S.B. 113 — WIRELESS TELEPHONE USE RESTRICTION FOR MINORS IN VEHICLES (<i>R. Romero</i>)	
Read the first time by short title and referred to the Rules Committee.	131
Assigned to standing committee	139
Committee report adopted and placed on calendar	287
Read the second time	505
Read the third time	515
Amendments	515
Transmitted to the House	516
Held in Senate	524
Reconsideration	555, 567
Before the Senate	555
Amendments	555
Failed	556
Filed	556
Placed on Third Reading Calendar	567
Before the Senate	587
Amendments	588
Transmitted to the House	588
Placed on Concurrence Calendar	769
Concurrence	773
Returned to the House	773
Recalled	785
Placed on calendar	785
Before the Senate	787
Circled	787
Uncircled	832
Reconsideration	832
Refuse to Concur	832
Returned to the House	832
Refuse to Recede	850
Refuse to Recede	891
Enacting Clause Stricken	1020
S.B. 114 — MOTOR VEHICLE ACCIDENT REPORTS (<i>D. Stowell</i>)	
Read the first time by short title and referred to the Rules Committee.	131
Assigned to standing committee	139
Amendments	179
Committee report adopted and placed on calendar	180
Read the second time	248
Substituted	248
Read the third time	266
Transmitted to the House	266
Placed on Concurrence Calendar	427
Concurrence	440
Returned to the House	440
Signed by the President and transmitted to the Governor	472
S.B. 115 — UNEMPLOYMENT INSURANCE REVISIONS (<i>L. Robles</i>)	
Read the first time by short title and referred to the Rules Committee.	150
Assigned to standing committee	162
Amendments	713
Returned to the Rules Committee	717
Enacting Clause Stricken	1020
S.B. 116 — DISTRICT COURT JUDGES AMENDMENTS (<i>S. Urquhart</i>)	
Read the first time by short title and referred to the Rules Committee.	150
Assigned to standing committee	441
Substituted	579
Committee report adopted and placed on calendar	582
Read the second and third time	818
Transmitted to the House	818
Signed by the President and transmitted to the Governor	915
S.B. 117 — PETE SUAZO MEMORIAL HIGHWAY (<i>L. Robles</i>)	
Read the first time by short title and referred to the Rules Committee.	150
Assigned to standing committee	163
Committee report adopted and placed on calendar	196
Placed on Time Certain Calendar	242
Read the second and third time	249
Transmitted to the House	249
Signed by the President and transmitted to the Governor	559
S.B. 118 — UNIFORM PROBATE CODE AMENDMENTS (<i>L. Hillyard</i>)	
Read the first time by short title and referred to the Rules Committee.	150

Assigned to standing committee	252
Committee report adopted and placed on calendar	327
Read the second time	619
Circled	619
Uncircled	626
Read the second and third time	626
Transmitted to the House	626
Signed by the President and transmitted to the Governor	1014
S.B. 119 — SPECIAL ELECTIONS MODIFICATIONS (<i>H. Stephenson</i>)	
Read the first time by short title and referred to the Rules Committee.	150
Assigned to standing committee	162
Read the second time	253
Circled	253, 379, 1003
Uncircled	379, 466, 1004
Substituted	466
Read the third time	497
Amendments	497
Transmitted to the House	498
Placed on Concurrence Calendar	992
Before the Senate	1003
Concurrence	1005
Returned to the House	1005
Signed by the President and transmitted to the Governor	1015
S.B. 120 — DISARMING A PEACE OFFICER AMENDMENT (<i>D. Hinkins</i>)	
Read the first time by short title and referred to the Rules Committee.	150
Assigned to standing committee	163
Amendments	282
Committee report adopted and placed on calendar	287
Read the second time	506
Read the third time	516
Transmitted to the House	517
Signed by the President and transmitted to the Governor	708
S.B. 121 — UTAH UNIFORM PROBATE CODE AMENDMENTS (<i>J. Valentine</i>)	
Read the first time by short title and referred to the Rules Committee.	157
Assigned to standing committee	176
Committee report adopted and placed on calendar	210
Read the second time	253
Circled	253
Uncircled	293
Substituted	293
Read the third time	306
Transmitted to the House	307
Signed by the President and transmitted to the Governor	542
S.B. 122 — EMINENT DOMAIN REVISIONS (<i>J. S. Adams</i>)	
Read the first time by short title and referred to the Rules Committee.	167
Assigned to standing committee	176
Committee report adopted and placed on calendar	210
Read the second time	254
Read the third time	266
Amendments	266
Transmitted to the House	267
Placed on Concurrence Calendar	414
Concurrence	419
Returned to the House	419
Signed by the President and transmitted to the Governor	455
S.B. 123 — MOTION PICTURE INCENTIVE FUND AMENDMENTS (<i>L. Hillyard</i>)	
Read the first time by short title and referred to the Rules Committee.	167
Assigned to standing committee	363
Amendments	436
Read the second time and placed on Consent Calendar	437
Read the third time	547
Transmitted to the House	548
Signed by the President and transmitted to the Governor	780
S.B. 124 — MILITARY INSTALLATION DEVELOPMENT AUTHORITY MODIFICATIONS (<i>J. Stevenson</i>)	
Read the first time by short title and referred to the Rules Committee.	167
Assigned to standing committee	176
Amendments	321
Committee report adopted and placed on calendar	327
Placed on Time Certain Calendar	492
Read the second time	500
Amendments	500
Read the third time	514
Transmitted to the House	514
Signed by the President and transmitted to the Governor	606

S.B. 125 — INTANGIBLE PROPERTY AMENDMENTS (<i>C. Bramble</i>)	
Read the first time by short title and referred to the Rules Committee.	167
Assigned to standing committee	176
Read the second time	254
Read the third time	267
Transmitted to the House	267
Signed by the President and transmitted to the Governor	455
S.B. 126 — SUBDIVISION AMENDMENTS (<i>J. S. Adams</i>)	
Read the first time by short title and referred to the Rules Committee.	168
Assigned to standing committee	176
Committee report adopted and placed on calendar	210
Read the second time	250
Circled	250
Uncircled	256
Read the third time	269
Transmitted to the House	269
Placed on Concurrence Calendar	459
Concurrence	482
Returned to the House	482
Signed by the President and transmitted to the Governor	508
S.B. 127 — PUBLIC ASSISTANCE FRAUD AMENDMENTS (<i>H. Stephenson</i>)	
Read the first time by short title and referred to the Rules Committee.	168
Assigned to standing committee	193
Committee report adopted and placed on calendar	260
Read the second time	450
Read the third time	493
Transmitted to the House	494
Signed by the President and transmitted to the Governor	708
S.B. 128 — CITY AND COUNTY CARBON CREDITS FOR SEQUESTRATION OF WASTE STREAM MATERIALS (<i>R. Romero</i>)	
Read the first time by short title and referred to the Rules Committee.	168
Assigned to standing committee	528
Substituted	528
Committee report adopted and placed on calendar	685
Read the second and third time	832
Amendments	832
Failed	832
Filed	833
Enacting Clause Stricken	1020
S.B. 129 — NEW MOTOR VEHICLE FRANCHISE AMENDMENTS (<i>D. Liljenquist</i>)	
Read the first time by short title and referred to the Rules Committee.	168
Assigned to standing committee	194
Substituted	343, 631
Amendments	344
Committee report adopted and placed on calendar	347
Read the second time	631
Read the second and third time	631
Transmitted to the House	631
Signed by the President and transmitted to the Governor	894
S.B. 130 — JUDICIARY AMENDMENTS (<i>L. Hillyard</i>)	
Read the first time by short title and referred to the Rules Committee.	168
Assigned to standing committee	193
Committee report adopted and placed on calendar	287
Read the second time	506
Substituted	507
Read the third time	517
Circled	517
Uncircled	517
Transmitted to the House	518
Signed by the President and transmitted to the Governor	708
S.B. 131 — ENERGY COST RECOVERY AND RENEWABLE ENERGY PROVISIONS (<i>D. Hinkins</i>)	
Read the first time by short title and referred to the Rules Committee.	168
Assigned to standing committee	194
Referred to Rules Committee for interim study	491
Enacting Clause Stricken	1020
S.B. 132 — HIGHER EDUCATION SCHOLARSHIP AMENDMENTS (<i>J. Valentine</i>)	
Read the first time by short title and referred to the Rules Committee.	181
Assigned to standing committee	192
Committee report adopted and placed on calendar	226
Read the second time	257
Circled	257
Uncircled	424
Amendments	424

	Read the third time	442
	Transmitted to the House	442
	Signed by the President and transmitted to the Governor	894
S.B. 133	— QUALIFICATIONS OF STATE TAX COMMISSIONERS (<i>J. S. Adams</i>)	
	Read the first time by short title and referred to the Rules Committee.	181
	Assigned to standing committee	194
	Committee report adopted and placed on calendar	241
	Read the second time	449
	Substituted	449
	Read the third time	492
	Transmitted to the House	493
	Signed by the President and transmitted to the Governor	708
S.B. 134	— PARTNERSHIP TAX RETURN FILING DEADLINES (<i>J. S. Adams</i>)	
	Read the first time by short title and referred to the Rules Committee.	181
	Assigned to standing committee	194
	Read the second time and placed on Consent Calendar	241
	Read the third time	304
	Transmitted to the House	304
	Signed by the President and transmitted to the Governor	708
S.B. 135	— SALES AND USE TAX EXEMPTION FOR AN ENERGY EFFICIENT STOVE OR ENERGY EFFICIENT STOVE FUEL (<i>G. Davis</i>)	
	Read the first time by short title and referred to the Rules Committee.	181
	Assigned to standing committee	194
	Amendments	280
	Committee report adopted and placed on calendar	287
	Read the second time	468
	Read the third time	503
	Transmitted to the House	503
	Filed	975, 1008
	Returned to the House	987
	Enacting Clause Stricken	1021
S.B. 136	— OPEN AND PUBLIC MEETINGS REVISIONS RELATED TO REVIEW OF ETHICS COMPLAINTS (<i>J. Valentine</i>)	
	Read the first time by short title and referred to the Rules Committee.	190
	Assigned to standing committee	208
	Committee report adopted and placed on calendar	241
	Read the second time	421
	Circled	421
	Uncircled	461
	Substituted	462, 495
	Read the third time	495
	Transmitted to the House	496
	Signed by the President and transmitted to the Governor	749
S.B. 137	— COORDINATION OF REMOVING, RELOCATING, OR ALTERING UTILITIES (<i>D. Liljenquist</i>)	
	Read the first time by short title and referred to the Rules Committee.	196
	Assigned to standing committee	209
	Amendments	281
	Committee report adopted and placed on calendar	287
	Read the second time	505
	Circled	505
	Uncircled	539
	Read the third time	562
	Transmitted to the House	563
	Signed by the President and transmitted to the Governor	708
S.B. 138	— GRAMA REVISIONS RELATED TO REVIEW OF ETHICS COMPLAINTS (<i>J. Valentine</i>)	
	Read the first time by short title and referred to the Rules Committee.	190
	Assigned to standing committee	208
	Committee report adopted and placed on calendar	241
	Read the second time	448
	Circled	448
	Uncircled	462
	Amendments	462
	Read the third time	496
	Substituted	496
	Transmitted to the House	496
	Signed by the President and transmitted to the Governor	749
S.B. 139	— PHYSICIAN ASSISTANT AMENDMENTS (<i>C. Bramble</i>)	
	Read the first time by short title and referred to the Rules Committee.	196
	Assigned to standing committee	208
	Committee report adopted and placed on calendar	260
	Read the second time	450
	Read the third time	493
	Transmitted to the House	493
	Signed by the President and transmitted to the Governor	780

S.B. 140 — JUVENILE DETENTION AMENDMENTS (<i>J. Greiner</i>)	
Read the first time by short title and referred to the Rules Committee.	196
Assigned to standing committee	209
Amendments	282
Committee report adopted and placed on calendar	287
Read the second time	507
Read the third time	517
Substituted	517
Transmitted to the House	517
Signed by the President and transmitted to the Governor	708
S.B. 141 — UTAH SUBSTANCE ABUSE AND ANTI-VIOLENCE COORDINATING COUNCIL AMENDMENTS (<i>J. S. Adams</i>)	
Read the first time by short title and referred to the Rules Committee.	196
Assigned to standing committee	209
Amendments	283
Committee report adopted and placed on calendar	287
Read the second time	508
Read the third time	518
Transmitted to the House	518
Signed by the President and transmitted to the Governor	749
S.B. 142 — DRIVER LICENSE AMENDMENTS (<i>H. Stephenson</i>)	
Read the first time by short title and referred to the Rules Committee.	211
Assigned to standing committee	223
Read the second time and placed on Consent Calendar	287
Placed on Second Reading Calendar	310
Read the second time	378
Amendments	378, 411
Reconsideration	379
Before the Senate	379
Read the third time	411
Transmitted to the House	412
Signed by the President and transmitted to the Governor	708
S.B. 143 — GRAND JURY AMENDMENTS (<i>D. Liljenquist</i>)	
Read the first time by short title and referred to the Rules Committee.	211
Assigned to standing committee	223
Committee report adopted and placed on calendar	327
Read the second time	619
Circled	619
Uncircled	626
Read the second and third time	626
Transmitted to the House	627
Placed on Concurrence Calendar	769
Concurrence	773
Returned to the House	774
Signed by the President and transmitted to the Governor	785
S.B. 144 — VISION SCREENING AMENDMENTS (<i>W. Niederhauser</i>)	
Read the first time by short title and referred to the Rules Committee.	212
Assigned to standing committee	223
Substituted	347
Amendments	347
Read the second time and placed on Consent Calendar	349
Read the third time	437
Transmitted to the House	438
Placed on Concurrence Calendar	769
Concurrence	774
Returned to the House	774
Signed by the President and transmitted to the Governor	785
S.B. 145 — MEDICAL MALPRACTICE AMENDMENTS (<i>J. S. Adams</i>)	
Read the first time by short title and referred to the Rules Committee.	212
Assigned to standing committee	238
Reassigned to standing committee	275
Substituted	431, 652
Committee report adopted and placed on calendar	435
Read the second time	652
Read the third time	690
Amendments	690
Transmitted to the House	690
Placed on Concurrence Calendar	769
Concurrence	774
Returned to the House	775
Signed by the President and transmitted to the Governor	785
S.B. 146 — WRONGFUL DEATH AMENDMENTS (<i>B. McAdams</i>)	
Read the first time by short title and referred to the Rules Committee.	212
Enacting Clause Stricken	1021

S.B. 147 — EDUCATION RELATED PARENT ORGANIZATIONS (*M. Dayton*)

 Read the first time by short title and referred to the Rules Committee. 212

 Assigned to standing committee 222

 Committee report adopted and placed on calendar 260

 Read the second time 466

 Read the third time 497

 Circled 497

 Uncircled 500

 Transmitted to the House 500

 Enacting Clause Stricken 1018

S.B. 148 — GUARANTEED ASSET PROTECTION WAIVERS (*J. Stevenson*)

 Read the first time by short title and referred to the Rules Committee. 212

 Assigned to standing committee 223

 Committee report adopted and placed on calendar 287

 Read the second time 469

 Amendments 469

 Read the third time 503

 Transmitted to the House 504

 Signed by the President and transmitted to the Governor 708

S.B. 149 — UTAH FOREST PRACTICES ACT AMENDMENTS (*D. Hinkins*)

 Read the first time by short title and referred to the Rules Committee. 226

 Assigned to standing committee 238

 Committee report adopted and placed on calendar 327

 Read the second and third time 617

 Transmitted to the House 618

 Signed by the President and transmitted to the Governor 819

S.B. 150 — READING REQUIREMENTS FOR STUDENT ADVANCEMENT (*K. Morgan*)

 Read the first time by short title and referred to the Rules Committee. 226

 Assigned to standing committee 252

 Committee report adopted and placed on calendar 302

 Read the second time 614

 Read the third time 649

 Circled 649, 650

 Uncircled 649, 668

 Amendments 649, 668

 Transmitted to the House 673

 Placed on Concurrence Calendar 1012

 Concurrence 1012

 Returned to the House 1013

 Signed by the President and transmitted to the Governor 1015

S.B. 151 — COLLECTION, REMITTANCE, AND RETENTION OF CERTAIN TAXES, FEES,
OR CHARGES (*C. Bramble*)

 Read the first time by short title and referred to the Rules Committee. 226

 Assigned to standing committee 238

 Returned to the Rules Committee 725

 Enacting Clause Stricken 1021

S.B. 152 — UTAH STATE RAILROAD MUSEUM AUTHORITY ACT (*P. Knudson*)

 Read the first time by short title and referred to the Rules Committee. 241

 Assigned to standing committee 253

 Substituted 431

 Committee report adopted and placed on calendar 435

 Read the second time 651

 Circled 651

 Uncircled 653

 Amendments 653

 Read the second and third time 654

 Transmitted to the House 654

 Placed on Concurrence Calendar 894

 Concurrence 896

 Returned to the House 896

 Signed by the President and transmitted to the Governor 915

S.B. 153 — MARKING OF UNDERGROUND UTILITIES (*J. Greiner*)

 Read the first time by short title and referred to the Rules Committee. 241

 Assigned to standing committee 253

 Returned to the Rules Committee 717

 Enacting Clause Stricken 1021

S.B. 154 — POSTCONVICTION REMEDIES ACT AMENDMENTS (*J. S. Adams*)

 Read the first time by short title and referred to the Rules Committee. 328

 Assigned to standing committee 341

 Substituted 434

 Committee report adopted and placed on calendar 435

 Read the second time 777

 Circled 777

Uncircled	779
Read the second and third time	779
Transmitted to the House	780
Signed by the President and transmitted to the Governor	960
S.B. 155 — ENHANCED PENALTIES FOR HIV POSITIVE OFFENDER AMENDMENTS (<i>J. Stevenson</i>)	
Read the first time by short title and referred to the Rules Committee.	479
Assigned to standing committee	487
Amendments	601
Read the second time and placed on Consent Calendar	601
Read the third time	689
Transmitted to the House	689
Enacting Clause Stricken	1018
S.B. 156 — ANTI-TRUST ACT AMENDMENTS (<i>S. Urquhart</i>)	
Read the first time by short title and referred to the Rules Committee.	241
Assigned to standing committee	252
Committee report adopted and placed on calendar	382
Read the second time	638
Circled	638
Uncircled	839
Substituted	839
Read the second and third time	839
Intent Language	839
Transmitted to the House	839
Signed by the President and transmitted to the Governor	1014
S.B. 157 — MOTOR VEHICLE DEALER FRANCHISE AMENDMENTS (<i>C. Bramble</i>)	
Read the first time by short title and referred to the Rules Committee.	437
Assigned to standing committee	460
Committee report adopted and placed on calendar	582
Read the second time	810
Amendments	810
Read the second and third time	811
Transmitted to the House	812
Signed by the President and transmitted to the Governor	870
S.B. 158 — UTAH VENTURE CAPITAL ENHANCEMENT ACT AMENDMENTS (<i>J. S. Adams</i>)	
Read the first time by short title and referred to the Rules Committee.	574
Assigned to standing committee	598
Returned to the Rules Committee	686
Enacting Clause Stricken	1021
S.B. 160 — UTAH STATE DEVELOPMENTAL CENTER AMENDMENTS (<i>M. Dayton</i>)	
Read the first time by short title and referred to the Rules Committee.	242
Assigned to standing committee	252
Committee report adopted and placed on calendar	302
Read the second time	603
Read the third time	612
Transmitted to the House	612
Signed by the President and transmitted to the Governor	894
S.B. 161 — REAL PROPERTY TRANSFER FEE AMENDMENTS (<i>M. Madsen</i>)	
Read the first time by short title and referred to the Rules Committee.	363
Assigned to standing committee	401
Substituted	528
Amendments	528, 789
Committee report adopted and placed on calendar	529
Read the second time	789
Read the second and third time	790
Transmitted to the House	790
Signed by the President and transmitted to the Governor	870
S.B. 163 — HEALTH REGULATION OF GEOTHERMAL POOLS AND BATHS (<i>M. Madsen</i>)	
Read the first time by short title and referred to the Rules Committee.	328
Assigned to standing committee	341
Amendments	403, 638, 655
Committee report adopted and placed on calendar	405
Read the second time	638
Circled	639
Uncircled	655
Read the second and third time	655
Transmitted to the House	656
Enacting Clause Stricken	1018
S.B. 164 — SURETY REQUIREMENTS FOR MINING (<i>D. Stowell</i>)	
Read the first time by short title and referred to the Rules Committee.	288
Assigned to standing committee	299
Committee report adopted and placed on calendar	347
Read the second and third time	630

Transmitted to the House	631
Enacting Clause Stricken	1018
S.B. 165 — ALLOCATION AND APPORTIONMENT OF INCOME AND DEDUCTION OF A NET LOSS	
<i>(W. Niederhauser)</i>	
Read the first time by short title and referred to the Rules Committee	562
Assigned to standing committee	598
Committee report adopted and placed on calendar	644
Read the second time	826
Circled	826
Uncircled	841
Amendments	841
Read the second and third time	845
Transmitted to the House	846
Placed on Concurrence Calendar	973
Concurrence	975
Returned to the House	975
Signed by the President and transmitted to the Governor	996
S.B. 167 — ALCOHOLIC BEVERAGE CONTROL ACT RECODIFICATION (J. Valentine)	
Read the first time by short title and referred to the Rules Committee	417
Assigned to standing committee	440
Amendments	529
Read the second time and placed on Consent Calendar	532
Read the third time	608
Transmitted to the House	609
Placed on Concurrence Calendar	820
Concurrence	853
Returned to the House	853
Signed by the President and transmitted to the Governor	894
S.B. 169 — NAVAJO REVITALIZATION FUND AMENDMENTS (D. Hinkins)	
Read the first time by short title and referred to the Rules Committee	242
Assigned to standing committee	253
Committee report adopted and placed on calendar	327
Read the second time	615
Read the third time	649
Transmitted to the House	649
Signed by the President and transmitted to the Governor	956
S.B. 170 — SUSPENSION OF DRIVING PRIVILEGES (L. Hillyard)	
Read the first time by short title and referred to the Rules Committee	491
Assigned to standing committee	527
Committee report adopted and placed on calendar	624
Read the second and third time	821
Transmitted to the House	822
Signed by the President and transmitted to the Governor	933
S.B. 171 — HIGHER EDUCATION RETIREMENT AMENDMENTS (D. Liljenquist)	
Read the first time by short title and referred to the Rules Committee	405
Assigned to standing committee	441
Amendments	643
Committee report adopted and placed on calendar	644
Read the second and third time	827
Transmitted to the House	828
Signed by the President and transmitted to the Governor	1014
S.B. 172 — LOCAL DISTRICT TAXING AUTHORITY AMENDMENTS (C. Bramble)	
Read the first time by short title and referred to the Rules Committee	262
Assigned to standing committee	278
Reassigned to standing committee	303
Substituted	430, 652
Amendments	430
Committee report adopted and placed on calendar	435
Read the second time	651
Circled	651
Uncircled	652
Read the second and third time	652
Transmitted to the House	653
Signed by the President and transmitted to the Governor	996
S.B. 173 — BUSINESS ENTITY AMENDMENTS (L. Hillyard)	
Read the first time by short title and referred to the Rules Committee	288
Assigned to standing committee	299
Read the second time and placed on Consent Calendar	405
Read the third time	480
Transmitted to the House	480
Signed by the President and transmitted to the Governor	749

S.B. 175 — SCHOOL DISTRICT CAPITAL OUTLAY EQUALIZATION AMENDMENTS (<i>B. McAdams</i>)	
Read the first time by short title and referred to the Rules Committee.	328
Assigned to standing committee	340, 405
Read the second time	650
Substituted	650, 804
Circled	651
Uncircled	804
Read the second and third time	804
Transmitted to the House	804
Placed on Concurrence Calendar	993
Concurrence	1002
Returned to the House	1002
Signed by the President and transmitted to the Governor	1015
S.B. 176 — UTILITY REVISIONS (<i>S. Jenkins</i>)	
Read the first time by short title and referred to the Rules Committee.	363
Assigned to standing committee	402
Returned to the Rules Committee	717
Enacting Clause Stricken	1021
S.B. 178 — UTAH EMERGENCY MEDICAL SERVICES SYSTEM ACT AMENDMENTS (<i>D. Stowell</i>)	
Read the first time by short title and referred to the Rules Committee.	328
Assigned to standing committee	341
Committee report adopted and placed on calendar	435
Read the second and third time	679
Transmitted to the House	679
Signed by the President and transmitted to the Governor	894
S.B. 179 — UTAH REVISED BUSINESS CORPORATION ACT AMENDMENTS (<i>D. Liljenquist</i>)	
Read the first time by short title and referred to the Rules Committee.	253
Assigned to standing committee	278
Committee report adopted and placed on calendar	346
Read the second time	627
Circled	627
Uncircled	678
Read the second and third time	678
Transmitted to the House	679
Signed by the President and transmitted to the Governor	924
S.B. 180 — SEXUAL EXPLOITATION OF A VULNERABLE ADULT (<i>D. Hinkins</i>)	
Read the first time by short title and referred to the Rules Committee.	288
Assigned to standing committee	299
Amendments	346, 631
Committee report adopted and placed on calendar	347
Read the second time	631
Read the second and third time	632
Transmitted to the House	632
Enacting Clause Stricken	1018
S.B. 181 — EMPLOYMENT SECURITY ADMINISTRATION FUND REPEALER (<i>D. Hinkins</i>)	
Read the first time by short title and referred to the Rules Committee.	328
Assigned to standing committee	342
Read the second time and placed on Consent Calendar	437
Read the third time	548
Transmitted to the House	548
Signed by the President and transmitted to the Governor	1014
S.B. 182 — UTAH COMMON INTEREST OWNERSHIP ACT (<i>W. Niederhauser</i>)	
Read the first time by short title and referred to the Rules Committee.	479
Assigned to standing committee	486
Returned to the Rules Committee	717
Enacting Clause Stricken	1021
S.B. 185 — ADOPTION OF CANAL SAFETY ACT (<i>G. Davis</i>)	
Read the first time by short title and referred to the Rules Committee.	363
Assigned to standing committee	402
Substituted	667
Returned to the Rules Committee	668
Enacting Clause Stricken	1021
S.B. 186 — AMENDMENTS TO EMISSIONS INSPECTIONS (<i>M. Madsen</i>)	
Read the first time by short title and referred to the Rules Committee.	461
Assigned to standing committee	474
Amendments	579
Committee report adopted and placed on calendar	582
Read the second and third time	816
Transmitted to the House	817
Enacting Clause Stricken	1019
S.B. 188 — CHARTER SCHOOL AMENDMENTS (<i>H. Stephenson</i>)	
Read the first time by short title and referred to the Rules Committee.	437

Assigned to standing committee	459
Committee report adopted and placed on calendar	545
Read the second time	798
Amendments	798
Read the second and third time	801
Transmitted to the House	801
Placed on Concurrence Calendar	925
Concurrence	946
Returned to the House	947
Signed by the President and transmitted to the Governor	974
S.B. 189 — CAPITAL FACILITIES AMENDMENTS (C. Bramble)	
Read the first time by short title and referred to the Rules Committee	382
Assigned to standing committee	401
Read the second time and placed on Consent Calendar	437
Read the third time	546
Transmitted to the House	546
Signed by the President and transmitted to the Governor	708
S.B. 191 — GOVERNMENTAL ACCOUNTING AMENDMENTS (L. Hillyard)	
Read the first time by short title and referred to the Rules Committee	574
Assigned to standing committee	597
Read the second time and placed on Consent Calendar	645
Placed on Second Reading Calendar	668
Read the second time	676
Amendments	676
Read the second and third time	678
Transmitted to the House	678
Placed on Concurrence Calendar	916
Concurrence	943
Returned to the House	944
Signed by the President and transmitted to the Governor	974
S.B. 194 — ASSESSMENT AREA ACT AMENDMENTS (W. Niederhauser)	
Read the first time by short title and referred to the Rules Committee	417
Assigned to standing committee	441
Committee report adopted and placed on calendar	490
Read the second time	787
Circled	787
Enacting Clause Stricken	1021
S.B. 196 — COMMUNITY DEVELOPMENT AND RENEWAL AMENDMENTS (G. Davis)	
Read the first time by short title and referred to the Rules Committee	349
Assigned to standing committee	363
Substituted	725
Returned to the Rules Committee	725
Enacting Clause Stricken	1021
S.B. 197 — COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AMENDMENTS (C. Bramble)	
Read the first time by short title and referred to the Rules Committee	512
Assigned to standing committee	527
Substituted	683
Committee report adopted and placed on calendar	685
Read the second and third time	838
Transmitted to the House	838
Signed by the President and transmitted to the Governor	1014
S.B. 198 — ECONOMIC DEVELOPMENT INCENTIVE AMENDMENTS (J. Valentine)	
Read the first time by short title and referred to the Rules Committee	461
Assigned to standing committee	474
Committee report adopted and placed on calendar	582
Read the second time	807
Amendments	807
Read the second and third time	810
Transmitted to the House	810
Signed by the President and transmitted to the Governor	1000
S.B. 199 — MUNICIPAL BOUNDARY CLARIFICATION (R. Okerlund)	
Read the first time by short title and referred to the Rules Committee	288
Assigned to standing committee	299
Substituted	382, 767
Committee report adopted and placed on calendar	382
Read the second time	638
Circled	638, 767
Uncircled	767, 779
Read the second and third time	779
Transmitted to the House	779
Enacting Clause Stricken	1019

S.B. 200 — CAUSE OF ACTION AMENDMENTS (<i>S. Urquhart</i>)	
Read the first time by short title and referred to the Rules Committee.	328
Assigned to standing committee	341
Committee report adopted and placed on calendar	435
Read the second time	777
Enacting Clause Stricken	777, 1021
S.B. 203 — VACANCIES IN COUNTY ELECTED OFFICES (<i>H. Stephenson</i>)	
Read the first time by short title and referred to the Rules Committee.	405
Assigned to standing committee	441
Committee report adopted and placed on calendar	490
Read the second time	787
Read the second and third time	788, 887
Amendments	788
Failed	788
Filed	789
Reconsideration	840
Placed on calendar	840
Circled	840
Uncircled	887
Substituted	887
Amendments	887
Transmitted to the House	889
Enacting Clause Stricken	1019
S.B. 204 — MIDTERM VACANCY AMENDMENTS (<i>B. McAdams</i>)	
Read the first time by short title and referred to the Rules Committee.	512
Assigned to standing committee	527
Amendments	641
Committee report adopted and placed on calendar	644
Read the second time	825
Circled	825
Uncircled	826
Read the second and third time	826
Transmitted to the House	826
Signed by the President and transmitted to the Governor	1015
S.B. 206 — ACCESS TO CRIME VICTIM'S MEDICAL RECORDS (<i>J. Greiner</i>)	
Read the first time by short title and referred to the Rules Committee.	363
Assigned to standing committee	401
Read the second time and placed on Consent Calendar	512
Read the third time	607
Transmitted to the House	608
Enacting Clause Stricken	1019
S.B. 207 — TAX EXEMPTION FOR CEDAR BAND OF PAIUTE TRIBE (<i>D. Stowell</i>)	
Read the first time by short title and referred to the Rules Committee.	417
Assigned to standing committee	442
Substituted	578
Committee report adopted and placed on calendar	582
Read the second time	804
Amendments	805
Circled	807
Uncircled	825
Read the second and third time	825
Transmitted to the House	826
Enacting Clause Stricken	1019
S.B. 208 — JURY AMENDMENTS (<i>R. Okerlund</i>)	
Read the first time by short title and referred to the Rules Committee.	406
Assigned to standing committee	441
Returned to the Rules Committee	668
Enacting Clause Stricken	1021
S.B. 209 — HUMANITARIAN SERVICE AND EDUCATIONAL AND CULTURAL EXCHANGE SUPPORT SPECIAL GROUP LICENSE PLATE (<i>P. Knudson</i>)	
Read the first time by short title and referred to the Rules Committee.	574
Assigned to standing committee	598
Committee report adopted and placed on calendar	666
Placed on Time Certain Calendar	679
Read the second and third time	751
Transmitted to the House	751
Signed by the President and transmitted to the Governor	1011
S.B. 210 — JUDICIAL PERFORMANCE EVALUATION COMMISSION AMENDMENTS (<i>D. C. Butters</i>)	
Read the first time by short title and referred to the Rules Committee.	328
Assigned to standing committee	341
Amendments	434
Committee report adopted and placed on calendar	435
Read the second and third time	695

Transmitted to the House	696
Signed by the President and transmitted to the Governor	915
S.B. 212 — PAWN SHOP AMENDMENTS (J. Greiner)	
Read the first time by short title and referred to the Rules Committee	288
Assigned to standing committee	299
Committee report adopted and placed on calendar	347
Read the second and third time	632
Transmitted to the House	633
Signed by the President and transmitted to the Governor	996
S.B. 213 — DIVISION OF SERVICES FOR PEOPLE WITH DISABILITIES ADVISORY COUNCIL (A. Christensen)	
Read the first time by short title and referred to the Rules Committee	328
Assigned to standing committee	341
Read the second time and placed on Consent Calendar	405
Read the third time	481
Transmitted to the House	481
Enacting Clause Stricken	1019
S.B. 215 — HIGHWAY PROJECT FUNDING – SALT LAKE COUNTY (W. Niederhauser)	
Read the first time by short title and referred to the Rules Committee	620
Assigned to standing committee	621
Committee report adopted and placed on calendar	712
Read the second time	847
Circled	847
Uncircled	901
Substituted	901
Transmitted to the House	902
Concurrence	1012
Returned to the House	1012
Signed by the President and transmitted to the Governor	1014
S.B. 216 — ABSENTEE VOTING BY MILITARY PERSONNEL AMENDMENTS (B. McAdams)	
Read the first time by short title and referred to the Rules Committee	574
Assigned to standing committee	597
Amendments	641
Committee report adopted and placed on calendar	644
Read the second and third time	825
Transmitted to the House	825
Signed by the President and transmitted to the Governor	956
S.B. 217 — INCREASE IN SURCHARGE ON FINES (S. Jenkins)	
Read the first time by short title and referred to the Rules Committee	584
Assigned to standing committee	597
Substituted	663
Amendments	663, 836, 889
Committee report adopted and placed on calendar	666
Read the second time	830
Substituted	830
Transmitted to the House	890
Circled	830, 836
Uncircled	836, 889
Read the second and third time	889
Signed by the President and transmitted to the Governor	996
S.B. 218 — ENGINE COOLANT BITTERING AGENT ACT (M. Waddoups)	
Read the first time by short title and referred to the Rules Committee	406
Assigned to standing committee	441
Read the second time and placed on Consent Calendar	545
Read the third time	645
Transmitted to the House	646
Placed on Concurrence Calendar	916
Concurrence	944
Returned to the House	944
Signed by the President and transmitted to the Governor	974
S.B. 219 — CRIMINAL NUISANCE AMENDMENT (J. Greiner)	
Read the first time by short title and referred to the Rules Committee	303
Assigned to standing committee	320
Committee report adopted and placed on calendar	435
Read the second and third time	778
Transmitted to the House	778
Signed by the President and transmitted to the Governor	915
S.B. 220 — VEHICLE IMPOUND AMENDMENT (J. Greiner)	
Read the first time by short title and referred to the Rules Committee	491
Assigned to standing committee	527
Read the second time and placed on Consent Calendar	625
Read the third time	731
Transmitted to the House	731
Enacting Clause Stricken	1019

S.B. 222 — FEE EXEMPTIONS (<i>B. Goodfellow</i>)	
Read the first time by short title and referred to the Rules Committee.	328
Assigned to standing committee	340
Committee report adopted and placed on calendar	435
Read the second and third time	651
Transmitted to the House	651
Placed on Concurrence Calendar	916
Concurrence	944
Returned to the House	945
Signed by the President and transmitted to the Governor	974
S.B. 223 — DEPARTMENT OF ENVIRONMENTAL QUALITY BOARDS AMENDMENTS (<i>M. Dayton</i>)	
Read the first time by short title and referred to the Rules Committee.	461
Assigned to standing committee	474
Returned to the Rules Committee	668
Enacting Clause Stricken	1021
S.B. 224 — CONSTRUCTION CONTRACT AMENDMENTS (<i>C. Bramble</i>)	
Read the first time by short title and referred to the Rules Committee.	479
Assigned to standing committee	486
Returned to the Rules Committee	717
Enacting Clause Stricken	1021
S.B. 225 — MOTOR VEHICLE INSURANCE – NAMED DRIVER EXCLUSION (<i>L. Hillyard</i>)	
Read the first time by short title and referred to the Rules Committee.	328
Assigned to standing committee	342
Amendments	433
Committee report adopted and placed on calendar	435
Read the second and third time	680
Transmitted to the House	681
Signed by the President and transmitted to the Governor	996
S.B. 227 — INTERLOCAL ENERGY AMENDMENTS (<i>C. Bramble</i>)	
Read the first time by short title and referred to the Rules Committee.	546
Assigned to standing committee	561
Amendments	623, 792
Committee report adopted and placed on calendar	624
Read the second time	767
Substituted	767
Circled	767
Uncircled	791
Read the second and third time	792
Transmitted to the House	793
Signed by the President and transmitted to the Governor	1014
S.B. 230 — PHARMACEUTICAL MARKETING TO CONSUMERS AMENDMENT (<i>D. Liljenquist</i>)	
Read the first time by short title and referred to the Rules Committee.	620
Assigned to standing committee	621
Returned to the Rules Committee	717
Enacting Clause Stricken	1021
S.B. 231 — MEDICAL BENEFITS UNDER WORKERS' COMPENSATION (<i>D. C. Butars</i>)	
Read the first time by short title and referred to the Rules Committee.	382
Assigned to standing committee	401
Amendments	528, 793
Committee report adopted and placed on calendar	529
Read the second time	793
Read the second and third time	793
Transmitted to the House	794
Signed by the President and transmitted to the Governor	1014
S.B. 232 — JUDICIAL ADMINISTRATION AMENDMENTS (<i>S. Jenkins</i>)	
Read the first time by short title and referred to the Rules Committee.	288
Assigned to standing committee	299
Committee report adopted and placed on calendar	347
Read the second time	633
Reconsideration	635
Before the Senate	635
Amendments	633, 635
Read the second and third time	633, 636
Transmitted to the House	634, 636
Signed by the President and transmitted to the Governor	996
S.B. 235 — AGRICULTURAL LOAN AUTHORIZATION (<i>R. Okerlund</i>)	
Read the first time by short title and referred to the Rules Committee.	524
Assigned to standing committee	527
Committee report adopted and placed on calendar	624
Read the second time	791
Substituted	791
Circled	791

Uncircled	817
Read the second and third time	817
Transmitted to the House	818
Enacting Clause Stricken	1019
S.B. 237 — TRANSITION FOR REPEALED NAVAJO TRUST FUND ACT AMENDMENTS (<i>D. Hinkins</i>)	
Read the first time by short title and referred to the Rules Committee.	625
Assigned to standing committee	637
Committee report adopted and placed on calendar	712
Read the second and third time	848
Amendments	848
Transmitted to the House	849
Signed by the President and transmitted to the Governor	960
S.B. 238 — LONG-TERM CARE FACILITY – MEDICAID CERTIFICATION FOR BED CAPACITY AMENDMENTS (<i>L. Robles</i>)	
Read the first time by short title and referred to the Rules Committee.	350
Assigned to standing committee	362
Amendments	474
Committee report adopted and placed on calendar	478
Read the second and third time	783
Transmitted to the House	784
Enacting Clause Stricken	1019
S.B. 240 — RETIREMENT PARTICIPATION AMENDMENTS (<i>D. Liljenquist</i>)	
Read the first time by short title and referred to the Rules Committee.	574
Assigned to standing committee	598
Substituted	642
Committee report adopted and placed on calendar	644
Read the second time	827
Amendments	827
Circled	827
Uncircled	831
Read the second and third time	831
Transmitted to the House	831
Signed by the President and transmitted to the Governor	996
S.B. 241 — HEALTH CODE AMENDMENTS (<i>A. Christensen</i>)	
Read the first time by short title and referred to the Rules Committee.	635
Assigned to standing committee	637
Returned to the Rules Committee	717
Enacting Clause Stricken	1021
S.B. 242 — ECONOMIC DEVELOPMENT INCENTIVES FOR ALTERNATIVE ENERGY PROJECTS (<i>K. Van Tassell</i>)	
Read the first time by short title and referred to the Rules Committee.	288
Assigned to standing committee	299
Committee report adopted and placed on calendar	435
Read the second time	651
Circled	651
Uncircled	656
Amendments	656
Read the second and third time	656
Transmitted to the House	657
Signed by the President and transmitted to the Governor	894
S.B. 244 — ANNEXATION AMENDMENTS (<i>C. Bramble</i>)	
Read the first time by short title and referred to the Rules Committee.	328
Assigned to standing committee	340
Reassigned	350
Committee report adopted and placed on calendar	435
Read the second time	651
Circled	651
Uncircled	653
Enacting Clause Stricken	653, 1021
S.B. 247 — JOHN M. BROWNING STATE HOLIDAY (<i>M. Madsen</i>)	
Read the first time by short title and referred to the Rules Committee.	602
Assigned to standing committee	622
Substituted	664
Committee report adopted and placed on calendar	666
Read the second time	831
Circled	831
Uncircled	838
Read the first, second, and third time	838
Transmitted to the House	839
Signed by the President and transmitted to the Governor	941
S.B. 248 — CHILD REGISTRY AMENDMENTS (<i>M. Madsen</i>)	
Read the first time by short title and referred to the Rules Committee.	602
Assigned to standing committee	622

Amendments	664
Committee report adopted and placed on calendar	666
Read the second time	831
Circled	831
Enacting Clause Stricken	1021
S.B. 250 — POLITICAL PARTY BYLAWS – UNITED STATES SENATORS (H. Stephenson)	
Read the first time by short title and referred to the Rules Committee	524
Assigned to standing committee	527
Committee report adopted and placed on calendar	601
Read the second and third time	818
Transmitted to the House	819
Signed by the President and transmitted to the Governor	960
S.B. 251 — VERIFICATION OF EMPLOYMENT ELIGIBILITY (D. C. Butters)	
Read the first time by short title and referred to the Rules Committee	512
Assigned to standing committee	526
Committee report adopted and placed on calendar	601
Placed on Time Certain Calendar	706
Read the second time	775
Substituted	776
Amendments	776
Read the second and third time	776
Transmitted to the House	776
Signed by the President and transmitted to the Governor	963
S.B. 252 — BAIL BOND ACT AMENDMENTS (D. Stowell)	
Read the first time by short title and referred to the Rules Committee	303
Assigned to standing committee	320
Substituted	435
Committee report adopted and placed on calendar	435
Read the second and third time	783
Transmitted to the House	783
Signed by the President and transmitted to the Governor	996
S.B. 253 — UNINSURED MOTORIST IDENTIFICATION DATABASE PROGRAM AMENDMENTS (J. Greiner)	
Read the first time by short title and referred to the Rules Committee	288
Assigned to standing committee	299
Returned to the Rules Committee	717
Enacting Clause Stricken	1021
S.B. 254 — MOTOR VEHICLE INSURANCE – UNFAIR CLAIM SETTLEMENT PRACTICES (G. Davis)	
Read the first time by short title and referred to the Rules Committee	574
Assigned to standing committee	596
Returned to the Rules Committee	717
Enacting Clause Stricken	1021
S.B. 257 — HEALTH CARE FACILITY DISCLOSURE REQUIREMENTS (P. Knudson)	
Read the first time by short title and referred to the Rules Committee	417
Assigned to standing committee	441
Returned to the Rules Committee	717
Enacting Clause Stricken	1021
S.B. 259 — AMENDMENTS TO TOBACCO TAX (A. Christensen)	
Read the first time by short title and referred to the Rules Committee	775
Placed on calendar	775
Read the second and third time	777
Transmitted to the House	778
Signed by the President and transmitted to the Governor	790
S.B. 265 — BUDGET REVISIONS – DRUG COURT EXPANSION (D. Liljenquist)	
Read the first time by short title and referred to the Rules Committee	782
Placed on calendar	837
Read the second and third time	837
Transmitted to the House	837
Signed by the President and transmitted to the Governor	915
S.B. 269 — COUNTY POWERS TO RESOLVE LAWSUITS VIA DEVELOPMENT AGREEMENTS (J. S. Adams)	
Read the first time by short title and referred to the Rules Committee	242
Assigned to standing committee	252
Returned to the Rules Committee	686
Enacting Clause Stricken	1021
S.B. 272 — AMENDMENTS TO TRANSPORTATION PROVISIONS (J. Stevenson)	
Read the first time by short title and referred to the Rules Committee	406
Assigned to standing committee	442
Committee report adopted and placed on calendar	490
Uncircled	840
Substituted	840
Read the second and third time	840
Transmitted to the House	841

Placed on Concurrence Calendar	934
Concurrence	947
Returned to the House	947
Signed by the President and transmitted to the Governor	974
S.B. 273 — HOSPITAL ASSESSMENTS (L. Hillyard)	
Read the first time by short title and referred to the Rules Committee.	288
Assigned to standing committee	535
Committee report adopted and placed on calendar	624
Read the second time	801
Amendments	801
Read the second and third time	803
Transmitted to the House	803
Placed on Concurrence Calendar	922
Concurrence	945
Returned to the House	946
Signed by the President and transmitted to the Governor	974
S.B. 274 — ONLINE PHARMACY AMENDMENTS (C. Bramble)	
Read the first time by short title and referred to the Rules Committee.	262
Assigned to standing committee	320
Substituted	402, 451
Amendments	402
Committee report adopted and placed on calendar	405
Read the second time	451
Circled	451
Uncircled	605
Read the third time	613
Transmitted to the House	614
Signed by the President and transmitted to the Governor	768
S.B. 275 — REMOVING SIGNATURE FROM INITIATIVE AND REFERENDUM PETITION (H. Stephenson)	
Read the first time by short title and referred to the Rules Committee.	328
Assigned to standing committee	340
Substituted	430, 482
Committee report adopted and placed on calendar	435
Placed on Time Certain Calendar	450
Read the second time	482
Amendments	483
Read the third time	513
Transmitted to the House	514
Signed by the President and transmitted to the Governor	706
S.B. 276 — PROMOTING HEALTHY LIFESTYLES IN PUBLIC SCHOOLS (P. Jones)	
Read the first time by short title and referred to the Rules Committee.	428
Assigned to standing committee	441
Returned to the Rules Committee	717
Enacting Clause Stricken	1022
S.B. 277 — DNA MODIFICATIONS (J. S. Adams)	
Read the first time by short title and referred to the Rules Committee.	575
Assigned to standing committee	597
Amendments	665, 834
Committee report adopted and placed on calendar	666
Read the second time	831
Circled	831
Uncircled	834
Read the second and third time	835
Transmitted to the House	835
Placed on Concurrence Calendar	986
Concurrence	1001
Returned to the House	1002
Signed by the President and transmitted to the Governor	1015
S.B. 278 — HOMEOWNERS' ASSOCIATION AMENDMENTS (S. Urquhart)	
Read the first time by short title and referred to the Rules Committee.	562
Assigned to standing committee	597
Committee report adopted and placed on calendar	644
Read the second time	822
Amendments	822
Read the second and third time	824
Transmitted to the House	824
Signed by the President and transmitted to the Governor	915
S.B. 279 — IDENTITY FRAUD AND RELATED AMENDMENTS (S. Urquhart)	
Read the first time by short title and referred to the Rules Committee.	602
Assigned to standing committee	621
Amendments	710
Committee report adopted and placed on calendar	712
Read the second and third time	847

Amendments	847
Transmitted to the House	848
Enacting Clause Stricken	1019
S.B. 280 — 2010 GENERAL OBLIGATION BOND AUTHORIZATION (<i>L. Hillyard</i>)	
Read the first time by short title and referred to the Rules Committee	871
Placed on calendar	878
Read the second and third time	886
Transmitted to the House	886
Placed on Concurrence Calendar	916
Refuse to Concur	945
Returned to the House	945
Refuse to Recede	980
Substituted	1003
Joint Conference Committee Report	1003
Returned to the House	1004
Intent Language	1004
Signed by the President and transmitted to the Governor	1015
S.B. 281 — PUBLIC ACCESS TO STREAM BEDS – UTAH WATERWAYS TASK FORCE (<i>D. Stowell</i>)	
Read the first time by short title and referred to the Rules Committee	872
Placed on calendar	919
Read the second and third time	933
Transmitted to the House	933
Placed on Concurrence Calendar	1012
Concurrence	1013
Returned to the House	1013
Signed by the President and transmitted to the Governor	1015
S.B. 282 — CAPITAL FACILITIES APPROPRIATIONS (<i>C. Bramble</i>)	
Read the first time by short title and referred to the Rules Committee	877
Placed on calendar	876, 877
Read the second and third time	885
Transmitted to the House	886
Signed by the President and returned to the House	913

S.C.R. 1 — ALZHEIMER’S AND DEMENTIA AWARENESS CONCURRENT RESOLUTION (*K. Morgan*)
 Read the first time by short title and referred to the Rules Committee. 83
 Placed on calendar 92
 Read the second time 102
 Read the third time 121
 Transmitted to the House 121
 Signed by the President and transmitted to the Governor 277

S.C.R. 2 — REDUCING PRESCRIPTION DRUG MISUSE RESOLUTION (*P. Jones*)
 Read the first time by short title and referred to the Rules Committee. 96
 Assigned to standing committee 127
 Amendments 165, 230
 Committee report adopted and placed on calendar 166
 Read the second time 230
 Read the third time 243
 Transmitted to the House 244
 Signed by the President and transmitted to the Governor 458

S.C.R. 3 — STATE SOVEREIGNTY CONCURRENT RESOLUTION (*J. S. Adams*)
 Read the first time by short title and referred to the Rules Committee. 83
 Assigned to standing committee 194
 Committee report adopted and placed on calendar 241
 Placed on Time Certain Calendar 306
 Read the second time 333
 Read the third time 352
 Transmitted to the House 352
 Placed on Concurrence Calendar 934
 Concurrence 948
 Returned to the House 948
 Signed by the President and transmitted to the Governor 974

S.C.R. 4 — DENTAL HEALTH CARE CONCURRENT RESOLUTION (*P. Jones*)
 Read the first time by short title and referred to the Rules Committee. 95
 Assigned to standing committee 127
 Committee report adopted and placed on calendar 166
 Read the second time 232
 Read the third time 244
 Transmitted to the House 244
 Signed by the President and transmitted to the Governor 458

**S.C.R. 5 — CONCURRENT RESOLUTION RECOGNIZING THE 100 YEAR ANNIVERSARY OF THE
 MCKAY–DEE HOSPITAL (*J. Greiner*)**
 Read the first time by short title and referred to the Rules Committee. 150
 Assigned to standing committee 162, 226
 Read the second time 255
 Read the third time 267
 Transmitted to the House 268
 Signed by the President and transmitted to the Governor 360

**S.C.R. 6 — CONCURRENT RESOLUTION APPROVING CLASSIFICATION OF SOLID WASTE FACILITY
 SOLID WASTE PERMIT (*B. Goodfellow*)**
 Read the first time by short title and referred to the Rules Committee. 181
 Assigned to standing committee 193
 Amendments 261
 Read the second time and placed on Consent Calendar 262
 Read the third time 329
 Transmitted to the House 329
 Signed by the President and transmitted to the Governor 559

**S.C.R. 7 — CONCURRENT RESOLUTION APPROVING SOLID WASTE FACILITY CLASSIFICATION CHANGE
 (*W. Niederhauser*)**
 Read the first time by short title and referred to the Rules Committee. 212
 Assigned to standing committee 223
 Committee report adopted and placed on calendar 260
 Read the second time 467
 Read the third time 501
 Transmitted to the House 501
 Signed by the President and transmitted to the Governor 819

S.C.R. 8 — FATHERS DO MATTER CONCURRENT RESOLUTION (*G. Davis*)
 Read the first time by short title and referred to the Rules Committee. 212
 Assigned to standing committee 223
 Substituted 404
 Committee report adopted and placed on calendar 405
 Read the second and third time 650
 Transmitted to the House 650
 Enacting Clause Stricken 1019

S.C.R. 9 — DECLARATION OF THE FAMILY CONCURRENT RESOLUTION (*W. Niederhauser*)
 Read the first time by short title and referred to the Rules Committee. 212
 Enacting Clause Stricken 1022

S.C.R. 11 — CONCURRENT RESOLUTION EXPRESSING OPPOSITION TO THE CREATION OF NEW NATIONAL MONUMENTS IN UTAH (*K. Van Tassell*)

Read the first time by short title and referred to the Rules Committee.	546
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Returned to the Rules Committee	833
Placed on calendar	937
Read the second and third time	980
Signed by the President and returned to the House	980
H.B. 62 — PENALTIES FOR VIOLENT CRIME IN PRESENCE OF A CHILD (<i>Janice Fisher</i>)	
Read for the first time and referred to the Rules Committee	786
Placed on calendar	954
Read the second time	954
Circled	954
Uncircled	958
Read the second and third time	959
Signed by the President and returned to the House	959
H.B. 65 — AMENDMENTS RELATED TO REGULATION OF INSURANCE TYPE PRODUCTS (<i>J. Bird</i>)	
Read for the first time and referred to the Rules Committee	162
Assigned to standing committee	192
Returned to the Rules Committee	717
Placed on calendar	984
Read the second time	997
Circled	997
Enacting Clause Stricken	1017
H.B. 66 — PROSTHETIC LIMB HEALTH INSURANCE PARITY (<i>D. Litvack</i>)	
Read for the first time and referred to the Rules Committee	511
Assigned to standing committee	561
Committee report adopted and placed on calendar	685
Returned to the Rules Committee	833
Placed on calendar	891
Read the second time	926
Substituted	926
Amendments	926
Read the second and third time	927
Returned to the House	927
Signed by the President and returned to the House	981

H.B. 67 — HEALTH SYSTEM AMENDMENTS (*C. Wimmer*)

Read for the first time and referred to the Rules Committee 298

Assigned to standing committee 320

Committee report adopted and placed on calendar 346

Read the second time 533

 Circled 533, 748

 Uncircled 705, 757

Amendments 705, 757

Read the third time 748

Returned to the House 758

Signed by the President and returned to the House 820

H.B. 68 — HABITUAL WANTON DESTRUCTION OF WILDLIFE (*C. Oda*)

Read for the first time and referred to the Rules Committee 381

Assigned to standing committee 402

Committee report adopted and placed on calendar 478

Read the second time 693

 Circled 693, 737

 Uncircled 694, 738

Read the third time 737

Signed by the President and returned to the House 738

H.B. 69 — STATE ENGINEER'S PLUGGING OF WELLS REPEALER (*J. Gowans*)

Read for the first time and referred to the Rules Committee 162

Assigned to standing committee 193

Read the second time and placed on Consent Calendar 262

Read the third time 329

Signed by the President and transmitted to the Governor 329

H.B. 70 — RETROFIT COMPRESSED NATURAL GAS VEHICLES AMENDMENTS (*J. Draxler*)

Read for the first time and referred to the Rules Committee 222

Assigned to standing committee 238

Committee report adopted and placed on calendar 347

Read the second time 533

Read the third time 552

 Circled 552

 Uncircled 553

Signed by the President and returned to the House 554

H.B. 71 — NICOTINE PRODUCT RESTRICTIONS (*P. Ray*)

Read for the first time and referred to the Rules Committee 251

Assigned to standing committee 278

Committee report adopted and placed on calendar 346

Read the second time 533, 930

 Circled 533, 930

Returned to the Rules Committee 833

Placed on calendar 891

Enacting Clause Stricken 1017

H.B. 72 — UTAH SCHOOL SEISMIC HAZARD INVENTORY (*L. Wiley*)

Read for the first time and referred to the Rules Committee 782

Enacting Clause Stricken 1017

H.B. 73 — UTAH CONSTRUCTION TRADES CONTINUING EDUCATION AMENDMENTS (*M. Morley*)

Read for the first time and referred to the Rules Committee 162

Assigned to standing committee 192

Amendments 259

Committee report adopted and placed on calendar 260

Read the second time 364

 Tabled on Third Reading Calendar 378

 Placed on Third Reading Calendar 738

Read the third time 760

Returned to the House 760

Signed by the President and returned to the House 820

H.B. 74 — ADOPTION AND CHILD CUSTODY AMENDMENTS (*S. Allen*)

Read for the first time and referred to the Rules Committee 175

Assigned to standing committee 362

Committee report adopted and placed on calendar 478

Read the second time 569

 Circled 569

Returned to the Rules Committee 833

Placed on calendar 847

Read the second and third time 901

Signed by the President and returned to the House 901

H.B. 75 — ASSESSMENT AREA AMENDMENTS (*G. Froerer*)

Read for the first time and referred to the Rules Committee 192

Assigned to standing committee 208

Committee report adopted and placed on calendar 286

Read the second time	365
Circled	365
Uncircled	367
Amendments	367
Read the third time	397
Returned to the House	398
Signed by the President and returned to the House	456
H.B. 78 — WEAPONS REVISIONS (<i>S. Sandstrom</i>)	
Read for the first time and referred to the Rules Committee	237
Assigned to standing committee	253
Committee report adopted and placed on calendar	347
Read the second time	534
Substituted	534
Read the third time	552
Returned to the House	553
Signed by the President and returned to the House	596
H.B. 81 — SCHOOL EMPLOYEE CRIMINAL BACKGROUND CHECK (<i>S. Allen</i>)	
Read for the first time and referred to the Rules Committee	162
Assigned to standing committee	193
Committee report adopted and placed on calendar	302
Read the second time	373
Circled	373
Uncircled	565
Substituted	565
Read the third time	590
Circled	590
Uncircled	592
Returned to the House	593
Signed by the President and returned to the House	620
H.B. 82 — PROTECTION OF CHILDREN RIDING IN MOTOR VEHICLES (<i>F.J. Seegmiller</i>)	
Read for the first time and referred to the Rules Committee	508
Assigned to standing committee	597
Committee report adopted and placed on calendar	685
Returned to the Rules Committee	833
Enacting Clause Stricken	1017
H.B. 86 — DEPARTMENT OF HUMAN SERVICES – REVIEW AND OVERSIGHT (<i>R. Lockhart</i>)	
Read for the first time and referred to the Rules Committee	162
Assigned to standing committee	176
Committee report adopted and placed on calendar	260
Read the second time	365
Read the third time	395
Signed by the President and returned to the House	396
H.B. 88 — ELECTRONIC CIGARETTE RESTRICTIONS (<i>R. Menlove</i>)	
Read for the first time and referred to the Rules Committee	222
Assigned to standing committee	238
Amendments	300
Committee report adopted and placed on calendar	302
Read the second time	370
Read the third time	399
Returned to the House	399
Signed by the President and returned to the House	456
H.B. 89 — LICENSE FOR CONTROLLED SUBSTANCES AMENDMENTS (<i>M. Morley</i>)	
Read for the first time and referred to the Rules Committee	192
Assigned to standing committee	209
Read the second time and placed on Consent Calendar	437
Read the third time	550
Signed by the President and returned to the House	550
H.B. 91 — TRAFFIC CONTROL SIGNS FOR BICYCLES (<i>C. Moss</i>)	
Read for the first time and referred to the Rules Committee	560
Assigned to standing committee	598
Committee report adopted and placed on calendar	666
Returned to the Rules Committee	833
Placed on calendar	891
Read the second time	924
Circled	924
Uncircled	1002
Read the second and third time	1003
Failed	1003
Filed	1003
Enacting Clause Stricken	1017
H.B. 92 — MOIST SNUFF TAXATION REVISIONS (<i>B. Daw</i>)	
Read for the first time and referred to the Rules Committee	459

Assigned to standing committee	473
Committee report adopted and placed on calendar	601
Read the second time	723
Amendments	723
Read the third time	759
Circled	759
Uncircled	762
Returned to the House	763
Signed by the President and returned to the House	820
H.B. 93 — MOTORCYCLE AND OFF-HIGHWAY VEHICLE AMENDMENTS (<i>R. Menlove</i>)	
Read for the first time and referred to the Rules Committee	259
Assigned to standing committee	279
Amendments	345, 534
Committee report adopted and placed on calendar	347
Read the second time	534
Circled	534
Uncircled	534
Read the third time	554
Returned to the House	554
Signed by the President and returned to the House	596
H.B. 94 — UNIFORM FISCAL PROCEDURES ACT AMENDMENTS FOR TOWNS, CITIES, AND COUNTIES AMENDMENTS (<i>F. Hunsaker</i>)	
Read for the first time and referred to the Rules Committee	251
Assigned to standing committee	278
Committee report adopted and placed on calendar	327
Read the second time	374
Circled	374
Uncircled	375
Read the third time	408
Signed by the President and returned to the House	408
H.B. 95 — CERTIFICATION OF VOTING EQUIPMENT MODIFICATIONS (<i>D. Aagard</i>)	
Read for the first time and referred to the Rules Committee	175
Assigned to standing committee	193
Substituted	241
Read the second time and placed on Consent Calendar	241
Read the third time	303
Returned to the House	304
Signed by the President and returned to the House	361
H.B. 96 — LIBEL AMENDMENTS (<i>Julie Fisher</i>)	
Read for the first time and referred to the Rules Committee	278
Assigned to standing committee	320
Read the second time and placed on Consent Calendar	512
Read the third time	608
Signed by the President and returned to the House	608
H.B. 97 — AMENDMENTS RELATING TO DECEPTIVE PRACTICES INVOLVING CONSUMERS (<i>M. Poulson</i>)	
Read for the first time and referred to the Rules Committee	251
Assigned to standing committee	278
Committee report adopted and placed on calendar	405
Read the second time	538
Read the third time	558
Signed by the President and returned to the House	558
H.B. 98 — STATE ENGINEER BONDING REQUIREMENTS (<i>R. Wilcox</i>)	
Read for the first time and referred to the Rules Committee	237
Assigned to standing committee	253
Read the second time and placed on Consent Calendar	327
Read the third time	418
Signed by the President and returned to the House	418
H.B. 100 — HEBER VALLEY HISTORIC RAILROAD AUTHORITY (<i>K. Powell</i>)	
Read for the first time and referred to the Rules Committee	251
Assigned to standing committee	279
Committee report adopted and placed on calendar	327
Read the second time	374
Read the third time	407
Signed by the President and returned to the House	408
H.B. 103 — REDUCED SPEED SCHOOL ZONE AMENDMENTS (<i>S. Sandstrom</i>)	
Read for the first time and referred to the Rules Committee	259
Assigned to standing committee	279
Amendments	348, 498
Read the second time and placed on Consent Calendar	349
Read the third time	438
Failed	438
Held in Senate	439

Reconsideration	485
Placed on calendar	485
Read the third time	492
Circled	492
Uncircled	498
Returned to the House	500
Signed by the President and returned to the House	560
H.B. 106 — EXPEDITED BACKGROUND CHECKS FOR HUMAN SERVICES PROVIDERS (<i>J. Seelig</i>)	
Read for the first time and referred to the Rules Committee	508
Assigned to standing committee	527
Read the second time and placed on Consent Calendar	601
Read the third time	689
Signed by the President and returned to the House	690
H.B. 107 — ANIMAL SHELTER AMENDMENTS (<i>J. Seelig</i>)	
Read for the first time and referred to the Rules Committee	459
Assigned to standing committee	474
Read the second time and placed on Consent Calendar	545
Read the third time	646
Signed by the President and returned to the House	646
H.B. 108 — MEAT INSPECTION AMENDMENTS (<i>J. Mathis</i>)	
Read for the first time and referred to the Rules Committee	319
Assigned to standing committee	341
Amendments	476
Committee report adopted and placed on calendar	478
Read the second and third time	693
Returned to the House	693
Signed by the President and returned to the House	750
H.B. 109 — VOLUNTEER GOVERNMENT WORKERS ACT DEFINITIONS (<i>J. Biskupski</i>)	
Read for the first time and referred to the Rules Committee	298
Assigned to standing committee	320
Read the second time and placed on the Consent Calendar	382
Read the third time	480
Signed by the President and returned to the House	480
H.B. 110 — COUNTY JAIL INMATE MEDICAL COSTS (<i>B. Daw</i>)	
Read for the first time and referred to the Rules Committee	259
Assigned to standing committee	278
Committee report adopted and placed on calendar	327
Read the second time	374
Read the third time	407
Signed by the President and returned to the House	407
H.B. 112 — SUPREME COURT REVIEW OF AN INITIATIVE OR REFERENDUM (<i>B. Dee</i>)	
Read for the first time and referred to the Rules Committee	319
Assigned to standing committee	341
Committee report adopted and placed on calendar	511
Read the second time	696, 976
Circled	696, 976
Returned to the Rules Committee	833
Placed on calendar	937
Uncircled	979
Read the second and third time	979
Signed by the President and returned to the House	980
H.B. 114 — DISCLOSURE OF DONATIONS TO HIGHER EDUCATION INSTITUTIONS (<i>C. Wimmer</i>)	
Read for the first time and referred to the Rules Committee	381
Assigned to standing committee	401
Committee report adopted and placed on calendar	478
Read the second time	573
Read the third time	595
Circled	595
Uncircled	673
Amendments	673
Returned to the House	675
Signed by the President and returned to the House	750
H.B. 115 — COUNSEL FOR INDIGENTS IN JUVENILE COURT PROCEEDINGS (<i>K. Powell</i>)	
Read for the first time and referred to the Rules Committee	417
Assigned to standing committee	441
Amendments	579
Committee report adopted and placed on calendar	582
Read the second time	717
Read the third time	752
Returned to the House	752
Signed by the President and returned to the House	781
H.B. 116 — POLITICAL SUBDIVISION FACILITY ENERGY EFFICIENCY (<i>F. Hunsaker</i>)	

Read for the first time and referred to the Rules Committee	426
Assigned to standing committee	459
Committee report adopted and placed on calendar	582
Read the second time	703
Circled	703
Uncircled	704
Read the third time	747
Signed by the President and returned to the House	748
H.B. 117 — PUBLIC EDUCATION CAPITAL OUTLAY ACT (M. Brown)	
Read for the first time and referred to the Rules Committee	709
Placed on calendar	846
Read the second time	878
Circled	878
Uncircled	941
Read the second and third time	941
Signed by the President and returned to the House	941
H.B. 118 — ECONOMIC DEVELOPMENT INCENTIVES MODIFICATIONS (W. Harper)	
Read for the first time and referred to the Rules Committee	361
Assigned to standing committee	402
Committee report adopted and placed on calendar	582
Read the second time	717
Tabled on Third Reading Calendar	739
Placed on Third Reading Calendar	957
Read the third time	957
Amendments	957
Returned to the House	958
Signed by the President and returned to the House	981
H.B. 120 — UNDERGROUND STORAGE TANK AMENDMENTS (K. McIlff)	
Read for the first time and referred to the Rules Committee	426
Assigned to standing committee	460
Committee report adopted and placed on calendar	545
Read the second time	701
Read the third time	743
Signed by the President and returned to the House	744
H.B. 121 — EMERGENCY MEDICAL SERVICES ACT TRANSPORT AMENDMENTS (G. Hughes)	
Read for the first time and referred to the Rules Committee	813
Placed on calendar	937
Read the second time	964
Circled	964
Uncircled	971
Substituted	971
Read the second and third time	971
Returned to the House	971
Signed by the President and returned to the House	986
H.B. 124 — CAMPAIGN FUNDS EXPENDITURE RESTRICTIONS (T. Cosgrove)	
Read for the first time and referred to the Rules Committee	222
Assigned to standing committee	362
Substituted	402
Assigned to standing committee	402
Amendments	477, 733
Committee report adopted and placed on calendar	478
Read the second time	695
Circled	695
Uncircled	733
Read the second and third time	733
Returned to the House	734
Signed by the President and returned to the House	781, 894
H.B. 125 — KIDNAPPING AND SEX OFFENDER REGISTRY AMENDMENTS (R. Bigelow)	
Read for the first time and referred to the Rules Committee	426
Assigned to standing committee	460
Committee report adopted and placed on calendar	582
Read the second time	718
Read the third time	752, 816
Failed	752
Filed	753
Reconsidered	777
Circled	777, 816
Uncircled	898
Amendments	898
Returned to the House	899
Signed by the President and returned to the House	922
H.B. 126 — STATE CONSTRUCTION REGISTRY AMENDMENTS (R. C. Webb)	
Read for the first time and referred to the Rules Committee	414

Assigned to standing committee	440
Returned to the Rules Committee	717
Placed on calendar	891
Read the second time	932
Circled	932
Enacting Clause Stricken	1017
H.B. 130 — CANCER RESEARCH SPECIAL GROUP LICENSE PLATE (<i>B. Dee</i>)	
Read for the first time and referred to the Rules Committee	786
Placed on calendar	847
Read the second and third time	902
Signed by the President and returned to the House	903
H.B. 132 — PIONEER TRAIL MEMORIAL HIGHWAY (<i>R. Menlove</i>)	
Read for the first time and referred to the Rules Committee	456
Assigned to standing committee	474
Read the second time and placed on Consent Calendar	584
Read the third time	687
Signed by the President and returned to the House	688
H.B. 133 — RELEASE OF COURT DOCUMENTS AND CHILD INTERVIEWS (<i>L. Fowlke</i>)	
Read for the first time and referred to the Rules Committee	661
Placed on calendar	937
Read the second time	969
Circled	969
Uncircled	970
Read the second and third time	970
Signed by the President and returned to the House	971
H.B. 136 — JAIL CONTRACTING AND REIMBURSEMENT (<i>M. Noel</i>)	
Read for the first time and referred to the Rules Committee	709
Enacting Clause Stricken	1017
H.B. 138 — HAZING PENALTIES (<i>C. Moss</i>)	
Read for the first time and referred to the Rules Committee	473
Assigned to standing committee	487
Returned to the Rules Committee	668
Placed on calendar	846
Read the second and third time	875
Signed by the President and returned to the House	876
H.B. 139 — EMERGENCY AND DISASTER MANAGEMENT AMENDMENTS (<i>C. Oda</i>)	
Read for the first time and referred to the Rules Committee	607
Assigned to standing committee	622
Committee report adopted and placed on calendar	712
Returned to the Rules Committee	833
Placed on calendar	891
Read the second time	928
Amendments	928
Read the second and third time	929
Returned to the House	929
Signed by the President and returned to the House	981
H.B. 140 — HUMAN RESOURCE MANAGEMENT AMENDMENTS (<i>B. Dee</i>)	
Read for the first time and referred to the Rules Committee	683
Placed on calendar	846
Read the second time	862
Substituted	862
Read the second and third time	862
Returned to the House	862
Signed by the President and returned to the House	914
H.B. 141 — RECREATIONAL USE OF PUBLIC WATER ON PRIVATE PROPERTY (<i>K. McIff</i>)	
Read for the first time and referred to the Rules Committee	508
Assigned to standing committee	527
Returned to the Rules Committee	668
Placed on calendar	876
Read the second time	877
Substituted	877
Read the second and third time	878
Returned to the House	878
Signed by the President and returned to the House	914
H.B. 143 — EMINENT DOMAIN AUTHORITY (<i>C. Herrod</i>)	
Read for the first time and referred to the Rules Committee	637
Placed on calendar	846
Read the second time	872
Circled	872
Uncircled	873
Amendments	873
Read the second and third time	874

Returned to the House	874
Signed by the President and returned to the House	914
H.B. 145 — RENEWABLE ENERGY FINANCING PROVISIONS (B. Last)	
Read for the first time and referred to the Rules Committee	683
Placed on calendar	890
Read the second and third time	906
Signed by the President and returned to the House	907
H.B. 146 — LAW ENFORCEMENT BY FEDERAL LAND MANAGEMENT AGENCY (M. Noel)	
Read for the first time and referred to the Rules Committee	709
Placed on calendar	891
Read the second time	928
Circled	928
Uncircled	934
Amendments	934
Read the second and third time	937
Returned to the House	937
Signed by the President and returned to the House	981
H.B. 149 — SCHOOL FINANCE AMENDMENTS (R. Bigelow)	
Read for the first time and referred to the Rules Committee	851
Placed on calendar	937
Read the second time	964
Circled	964
Uncircled	1005
Amendments	1005
Read the second and third time	1006
Returned to the House	1006
Signed by the President and returned to the House	1007
H.B. 150 — ADMINISTRATIVE SUBPOENA AMENDMENTS (B. Daw)	
Read for the first time and referred to the Rules Committee	607
Assigned to standing committee	621
Returned to the Rules Committee	717
Placed on calendar	846
Read the second time	858
Circled	859
Uncircled	859
Read the second and third time	859
Signed by the President and returned to the House	860
H.B. 153 — RECYCLING OF ELECTRONIC ITEMS (R. Edwards)	
Read for the first time and referred to the Rules Committee	853
Enacting Clause Stricken	1017
H.B. 155 — AGRICULTURAL ADVISORY BOARD AND LIVESTOCK RELATED POLICY (J. Mathis)	
Read for the first time and referred to the Rules Committee	782
Placed on calendar	891
Read the second and third time	925
Signed by the President and returned to the House	925
H.B. 161 — VOTER REGISTRATION AMENDMENTS (R. Chavez-Houck)	
Read for the first time and referred to the Rules Committee	577
Assigned to standing committee	597
Read the second time and placed on Consent Calendar	645
Read the third time	770
Circled	770
Uncircled	771
Signed by the President and returned to the House	772
H.B. 166 — REDUCTIONS TO EDUCATION MANDATES (J. Dougall)	
Read for the first time and referred to the Rules Committee	661
Placed on calendar	846
Read the second time	862
Amendments	862, 916
Read the third time	896
Circled	896
Uncircled	916
Returned to the House	917
Signed by the President and returned to the House	964
H.B. 169 — REFINERY AMENDMENTS (R. Edwards)	
Read for the first time and referred to the Rules Committee	853
Placed on calendar	890
Read the second time	911
Circled	911
Uncircled	977
Read the second and third time	977
Signed by the President and returned to the House	978
H.B. 170 — FOSTER CARE REVISIONS (K. Gibson)	

	Read for the first time and referred to the Rules Committee	637
	Placed on calendar	847
	Read the second and third time	899
	Signed by the President and returned to the House	900
H.B. 171	— WATER RIGHTS REVISIONS (<i>K. Gibson</i>)	
	Read for the first time and referred to the Rules Committee	641
	Placed on calendar	937
	Read the second time	969
	Circled	969
	Enacting Clause Stricken	1017
H.B. 173	— 911 AMENDMENTS (<i>B. Dee</i>)	
	Read for the first time and referred to the Rules Committee	508
	Assigned to standing committee	527
	Returned to the Rules Committee	668
	Placed on calendar	846
	Read the second time	865
	Amendments	865, 879
	Circled	866, 873
	Uncircled	873, 878
	Read the second and third time	881
	Returned to the House	881
	Signed by the President and returned to the House	922
H.B. 174	— LICENSE PLATES AMENDMENTS (<i>P. Ray</i>)	
	Read for the first time and referred to the Rules Committee	511
	Assigned to standing committee	528
	Returned to the Rules Committee	717
	Enacting Clause Stricken	1017
H.B. 176	— CONTINUING EDUCATION REQUIREMENTS FOR ELECTRICIANS AND PLUMBERS (<i>W. Harper</i>)	
	Read for the first time and referred to the Rules Committee	456
	Assigned to standing committee	473
	Committee report adopted and placed on calendar	601
	Read the second time	720
	Read the third time	754
	Signed by the President and returned to the House	754
H.B. 178	— BUREAU OF CRIMINAL IDENTIFICATION FEE AMENDMENTS (<i>E. Hutchings</i>)	
	Read for the first time and referred to the Rules Committee	426
	Assigned to standing committee	460
	Committee report adopted and placed on calendar	582
	Read the second time	718
	Circled	718, 754
	Uncircled	720, 755
	Read the third time	754
	Signed by the President and returned to the House	756
H.B. 179	— OFF-HIGHWAY VEHICLE AND STREET-LEGAL ALL-TERRAIN VEHICLE REVISIONS (<i>M. Noel</i>)	
	Read for the first time and referred to the Rules Committee	560
	Assigned to standing committee	598
	Returned to the Rules Committee	717
	Placed on calendar	846
	Read the second and third time	883
	Signed by the President and returned to the House	884
H.B. 181	— CONDOMINIUM ASSOCIATION COMMON EXPENSES (<i>C. Moss</i>)	
	Read for the first time and referred to the Rules Committee	417
	Assigned to standing committee	440
	Committee report adopted and placed on calendar	644
	Read the second time	726
	Read the third time	759
	Signed by the President and returned to the House	759
H.B. 183	— CONSTRUCTION AND FIRE CODE RELATED AMENDMENTS (<i>M. Morley</i>)	
	Read for the first time and referred to the Rules Committee	417
	Assigned to standing committee	440
	Committee report adopted and placed on calendar	529
	Read the second time	700
	Read the third time	743
	Signed by the President and returned to the House	743
H.B. 184	— MEDICAID AUTISM WAIVER (<i>P. Ray</i>)	
	Read for the first time and referred to the Rules Committee	340
	Assigned to standing committee	362
	Read the second time and placed on Consent Calendar	479
	Read the third time	584
	Signed by the President and returned to the House	584
H.B. 185	— ANIMAL EUTHANASIA STANDARDS (<i>F.J. Seegmiller</i>)	

Read for the first time and referred to the Rules Committee	661
Placed on calendar	891
Read the second and third time	950
Amendments	950
Failed	951
Filed	951
Enacting Clause Stricken	1017
H.B. 186 — CONTROLLED SUBSTANCE DATABASE REVISIONS (<i>R. Menlove</i>)	
Read for the first time and referred to the Rules Committee	426
Assigned to standing committee	460
Read the second time and placed on Consent Calendar	584
Read the third time	688
Signed by the President and returned to the House	689
H.B. 187 — PEACE OFFICER STANDARDS AND TRAINING AMENDMENTS (<i>C. Wimmer</i>)	
Read for the first time and referred to the Rules Committee	577
Assigned to standing committee	597
Returned to the Rules Committee	668
Placed on calendar	847
Read the second time	904
Amendments	904
Read the second and third time	905
Returned to the House	905
Signed by the President and returned to the House	922
H.B. 188 — WORKERS' COMPENSATION BENEFITS – SOCIAL SECURITY OFFSET (<i>W. Harper</i>)	
Read for the first time and referred to the Rules Committee	298
Assigned to standing committee	320
Read the second time and placed on Consent Calendar	437
Read the third time	549
Signed by the President and returned to the House	549
H.B. 189 — CLOSED MEETINGS AMENDMENTS (<i>P. Painter</i>)	
Read for the first time and referred to the Rules Committee	621
Assigned to standing committee	637
Committee report adopted and placed on calendar	712
Returned to the Rules Committee	833
Placed on calendar	846
Read the second and third time	882
Signed by the President and returned to the House	882
H.B. 190 — DISCLOSURE OF METHAMPHETAMINE CONTAMINATED PROPERTY ACT AMENDMENTS (<i>S. Mascaro</i>)	
Read for the first time and referred to the Rules Committee	542
Enacting Clause Stricken	1017
H.B. 192 — RENEWABLE ENERGY – METHANE GAS (<i>C. Watkins</i>)	
Read for the first time and referred to the Rules Committee	251
Assigned to standing committee	279
Amendments	349
Read the second time and placed on Consent Calendar	349
Read the third time	439
Returned to the House	439
Signed by the President and returned to the House	486
H.B. 193 — OCCUPATIONS AND PROFESSIONS AMENDMENTS (<i>R. Lockhart</i>)	
Read for the first time and referred to the Rules Committee	251
Assigned to standing committee	278
Committee report adopted and placed on calendar	346
Read the second time	532
Read the third time	552
Signed by the President and returned to the House	552
H.B. 195 — HOMICIDE PENALTY AMENDMENT (<i>C. Wimmer</i>)	
Read for the first time and referred to the Rules Committee	251
Assigned to standing committee	278
Committee report adopted and placed on calendar	435
Read the second time	565
Read the third time	590
Signed by the President and returned to the House	591
H.B. 196 — TOBACCO TAX REVISIONS (<i>P. Ray</i>)	
Read for the first time and referred to the Rules Committee	724
Placed on calendar	725
Read the second time	726
Circled	726
Uncircled	790
Read the second and third time	791
Signed by the President and returned to the House	791

H.B. 197 — CUSTODIAL INTERFERENCE AMENDMENTS (<i>C. Wimmer</i>)	
Read for the first time and referred to the Rules Committee	298
Assigned to standing committee	320
Substituted	580, 721
Committee report adopted and placed on calendar	582
Read the second time	718
Circled	718, 721, 950
Uncircled	721, 962
Returned to the Rules Committee	833
Placed on calendar	891
Read the second time	950
Amendments	962
Read the second and third time	963
Returned to the House	963
Signed by the President and returned to the House	981
H.B. 199 — MUNICIPAL CLERK AND RECORDER RESPONSIBILITIES (<i>B. Last</i>)	
Read for the first time and referred to the Rules Committee	147
Assigned to standing committee	162
Read the second time and placed on Consent Calendar	211
Read the third time	263
Signed by the President and returned to the House	263
H.B. 200 — INFORMED CONSENT AMENDMENTS (<i>C. Wimmer</i>)	
Read for the first time and referred to the Rules Committee	237
Assigned to standing committee	252
Amendments	302
Committee report adopted and placed on calendar	302
Read the second time	370
Amendments	370
Tabled on Third Reading Calendar	378
Placed on calendar	738
Read the third time	761
Returned to the House	761
Signed by the President and returned to the House	820
H.B. 201 — STATE FIRE MARSHAL MODIFICATIONS (<i>R. Menlove</i>)	
Read for the first time and referred to the Rules Committee	222
Assigned to standing committee	238
Committee report adopted and placed on calendar	347
Read the second time	536
Read the third time	554
Circled	554, 589
Uncircled	558, 680
Failed	558
Filed	559
Reconsideration	589
Placed on calendar	589
Substituted	680
Returned to the House	680
Signed by the President and returned to the House	750
H.B. 202 — FIREWORKS AMENDMENTS (<i>R. Menlove</i>)	
Read for the first time and referred to the Rules Committee	237
Assigned to standing committee	253
Committee report adopted and placed on calendar	511
Read the second time	696
Circled	696
Uncircled	700
Read the third time	742
Signed by the President and returned to the House	743
H.B. 205 — IMPACT FEE AMENDMENTS (<i>S. Sandstrom</i>)	
Read for the first time and referred to the Rules Committee	319
Assigned to standing committee	340
Committee report adopted and placed on calendar	435
Read the second time	538
Circled	538
Returned to the Rules Committee	833
Placed on calendar	891
Read the second and third time	930
Signed by the President and returned to the House	930
H.B. 206 — BAN ON SALE OF SMOKING PARAPHERNALIA TO MINORS (<i>P. Ray</i>)	
Read for the first time and referred to the Rules Committee	162
Assigned to standing committee	193
Read the second time and placed on Consent Calendar	262
Read the third time	328
Circled	328

Uncircled	330
Signed by the President and returned to the House	330
H.B. 207 — PROTECTION OF PROPERTY AMENDMENT (<i>C. Wimmer</i>)	
Read for the first time and referred to the Rules Committee	298
Assigned to standing committee	320
Committee report adopted and placed on calendar	435
Read the second time	566
Circled	566
Uncircled	568
Read the third time	593
Signed by the President and returned to the House	593
H.B. 208 — DISPOSITION OF THE REMAINS OF A DECEASED MILITARY SERVICE MEMBER (<i>J. Seelig</i>)	
Read for the first time and referred to the Rules Committee	426
Assigned to standing committee	459
Read the second time and placed on Consent Calendar	584
Placed on Third Reading Calendar	614
Read the third time	648
Circled	648
Uncircled	657
Amendments	657
Returned to the House	660
Signed by the President and returned to the House	709
H.B. 209 — SEX OFFENDER REGULATION AMENDMENTS (<i>C. Watkins</i>)	
Read for the first time and referred to the Rules Committee	709
Placed on calendar	847
Read the second and third time	900
Signed by the President and returned to the House	901
H.B. 211 — IMPROVEMENT DISTRICT BOARD MEMBERSHIP (<i>K. Powell</i>)	
Read for the first time and referred to the Rules Committee	192
Assigned to standing committee	208
Read the second time and placed on Consent Calendar	287
Read the third time	350
Signed by the President and returned to the House	350
H.B. 213 — CIGARETTE TAX EXEMPTION AMENDMENTS (<i>E. Vickers</i>)	
Read for the first time and referred to the Rules Committee	147
Assigned to standing committee	238
Read the second time and placed on Consent Calendar	287
Read the third time	350
Signed by the President and returned to the House	351
H.B. 214 — CONCEALED FIREARM PERMIT MODIFICATIONS (<i>R. Lockhart</i>)	
Read for the first time and referred to the Rules Committee	251
Assigned to standing committee	278
Amendments	346
Committee report adopted and placed on calendar	347
Read the second time	536
Read the third time	555
Circled	555
Uncircled	557
Returned to the House	557
Signed by the President and returned to the House	596
H.B. 215 — AMENDMENTS TO PUBLIC EMPLOYEES' BENEFIT AND INSURANCE PROGRAM ACT – RISK POOLS (<i>K. Garn</i>)	
Read for the first time and referred to the Rules Committee	319
Assigned to standing committee	487
Read the second time and placed on Consent Calendar	601
Placed on Second Reading Calendar	614
Read the second time	725
Circled	725, 759
Uncircled	726, 777
Amendments	726
Read the third time	759
Returned to the House	777
Signed by the President and returned to the House	820
H.B. 216 — INCORPORATION OF A TOWN AMENDMENTS (<i>G. Froerer</i>)	
Read for the first time and referred to the Rules Committee	162
Assigned to standing committee	193
Committee report adopted and placed on calendar	286
Read the second time	365
Read the third time	396
Signed by the President and returned to the House	397
H.B. 218 — MUNICIPAL DISINCORPORATION REVISIONS (<i>G. Froerer</i>)	
Read for the first time and referred to the Rules Committee	319

Assigned to standing committee	459
Returned to the Rules Committee	686
Enacting Clause Stricken	1018
H.B. 219 — DELINQUENT PROPERTY TAX AMENDMENTS (G. Froerer)	
Read for the first time and referred to the Rules Committee	192
Assigned to standing committee	209
Committee report adopted and placed on calendar	241
Read the second time	358
Circled	358
Uncircled	366
Amendments	366
Read the third time	397
Returned to the House	397
Signed by the President and returned to the House	456
H.B. 221 — SUNSET ACT AND REPEALERS REAUTHORIZATION (K. Garn)	
Read for the first time and referred to the Rules Committee	147
Substituted	750
Placed on calendar	750, 899
Returned to the Rules Committee	833
Read the second time	899
Circled	899
Uncircled	949
Read the second and third time	949
Returned to the House	950
Signed by the President and returned to the House	1007
H.B. 222 — LAND USE MEETING NOTICE (T. Beck)	
Read for the first time and referred to the Rules Committee	298
Assigned to standing committee	320
Read the second time and placed on Consent Calendar	382
Read the third time	479
Signed by the President and returned to the House	479
H.B. 225 — COUNTERFEIT SUBSTANCE AMENDMENTS (P. Ray)	
Read for the first time and referred to the Rules Committee	222
Assigned to standing committee	238
Committee report adopted and placed on calendar	435
Read the second time	566
Circled	566
Uncircled	567
Read the third time	591
Signed by the President and returned to the House	592
H.B. 226 — WELL DRILLER'S LICENSE – PUMP INSTALLATION (P. Painter)	
Read for the first time and referred to the Rules Committee	237
Assigned to standing committee	253
Committee report adopted and placed on calendar	327
Read the second time	376
Read the third time	409
Signed by the President and returned to the House	409
H.B. 227 — LICENSING ELIGIBILITY (S. Sandstrom)	
Read for the first time and referred to the Rules Committee	542
Assigned to standing committee	561
Amendments	715
Returned to the Rules Committee	717
Placed on calendar	937
Read the second time	969
Circled	969
Enacting Clause Stricken	1018
H.B. 228 — RENEWABLE ENERGY SOURCE AMENDMENTS (R. Barras)	
Read for the first time and referred to the Rules Committee	319
Assigned to standing committee	341
Committee report adopted and placed on calendar	478
Read the second time	694
Read the third time	738
Signed by the President and returned to the House	739
H.B. 229 — WATER RIGHT GENERAL ADJUDICATION AMENDMENTS (P. Painter)	
Read for the first time and referred to the Rules Committee	237
Assigned to standing committee	253
Read the second time and placed on Consent Calendar	327
Read the third time	418
Signed by the President and returned to the House	419
H.B. 230 — HUMAN TRAFFICKING AMENDMENTS (Julie Fisher)	
Read for the first time and referred to the Rules Committee	259
Assigned to standing committee	279

	Committee report adopted and placed on calendar	511
	Read the second time	697
	Read the third time	740
	Signed by the President and returned to the House	740
H.B. 231	— WATER RIGHTS PRIORITIES IN TIMES OF SHORTAGE (<i>K. Gibson</i>)	
	Read for the first time and referred to the Rules Committee	641
	Placed on calendar	890
	Read the second and third time	917
	Amendments	918
	Returned to the House	918
	Signed by the President and returned to the House	957
H.B. 232	— MEDICAL LANGUAGE INTERPRETER AMENDMENTS (<i>R. Chavez-Houck</i>)	
	Read for the first time and referred to the Rules Committee	222
	Assigned to standing committee	238
	Read the second time and placed on Consent Calendar	349
	Read the third time	438
	Signed by the President and returned to the House	438
H.B. 233	— RETIREMENT OFFICE AMENDMENTS (<i>D. Ipson</i>)	
	Read for the first time and referred to the Rules Committee	319
	Assigned to standing committee	341
	Committee report adopted and placed on calendar	644
	Returned to the Rules Committee	833
	Placed on calendar	891
	Read the second and third time	951
	Signed by the President and returned to the House	952
H.B. 234	— OPTING OUT OF THE REAL ID ACT (<i>S. Sandstrom</i>)	
	Read for the first time and referred to the Rules Committee	426
	Assigned to standing committee	460
	Amendments	580
	Committee report adopted and placed on calendar	582
	Read the second time	719
	Read the third time	753
	Circled	753
	Uncircled	758
	Returned to the House	759
	Signed by the President and returned to the House	820
H.B. 235	— CHILD SUPPORT FOR CHILDREN IN STATE CUSTODY (<i>W. Harper</i>)	
	Read for the first time and referred to the Rules Committee	381
	Assigned to standing committee	401
	Committee report adopted and placed on calendar	478
	Read the second and third time	690
	Recalled	854
	Tabled on Third Reading Calendar	914
	Placed on Third Reading Calendar	954
	Read the third time	958
	Signed by the President and returned to the House	691, 958
H.B. 236	— STATUTORY CONSTRUCTION AMENDMENTS (<i>R. Lockhart</i>)	
	Read for the first time and referred to the Rules Committee	208
	Assigned to standing committee	222
	Committee report adopted and placed on calendar	286
	Read the second time	367
	Read the third time	398
	Signed by the President and returned to the House	398
H.B. 238	— LOW SPEED VEHICLE AMENDMENTS (<i>J. Anderson</i>)	
	Read for the first time and referred to the Rules Committee	319
	Assigned to standing committee	342
	Committee report adopted and placed on calendar	435
	Read the second time	565
	Circled	565
	Uncircled	693
	Read the second and third time	693
	Signed by the President and returned to the House	694
H.B. 239	— CHILD PROTECTION REVISIONS (<i>W. Harper</i>)	
	Read for the first time and referred to the Rules Committee	251
	Assigned to standing committee	279
	Committee report adopted and placed on calendar	511
	Read the second time	698
	Read the third time	740
	Signed by the President and returned to the House	741
H.B. 240	— DEPARTMENT OF NATURAL RESOURCES AMENDMENTS (<i>J. Draxler</i>)	
	Read for the first time and referred to the Rules Committee	430
	Assigned to standing committee	460

	Committee report adopted and placed on calendar	545
	Read the second time	702
	Read the third time	744
	Signed by the President and returned to the House	744
H.B. 243	— FORECLOSURE PROCESSES ON RESIDENTIAL RENTAL PROPERTIES (<i>W. Harper</i>)	
	Read for the first time and referred to the Rules Committee	661
	Placed on calendar	890
	Read the second and third time	920
	Signed by the President and returned to the House	920
H.B. 246	— RETIREMENT BENEFITS FOR CHARTER SCHOOL EMPLOYEES (<i>C. Watkins</i>)	
	Read for the first time and referred to the Rules Committee	486
	Assigned to standing committee	527
	Returned to the Rules Committee	668
	Placed on calendar	937
	Read the second and third time	978
	Signed by the President and returned to the House	979
H.B. 248	— GOVERNMENT RECORDS AMENDMENTS (<i>J. Anderson</i>)	
	Read for the first time and referred to the Rules Committee	208
	Assigned to standing committee	223
	Committee report adopted and placed on calendar	287
	Read the second time	368
	Read the third time	398
	Signed by the President and returned to the House	399
H.B. 249	— EMANCIPATION AMENDMENTS (<i>L. Fowlke</i>)	
	Read for the first time and referred to the Rules Committee	237
	Assigned to standing committee	253
	Read the second time and placed on Consent Calendar	512
	Read the third time	608
	Circled	608
	Uncircled	610
	Signed by the President and returned to the House	610
H.B. 250	— CRIMINAL PENALTIES AMENDMENTS – LEAVING THE SCENE OF AN ACCIDENT (<i>C. Herrod</i>)	
	Read for the first time and referred to the Rules Committee	381
	Assigned to standing committee	402
	Committee report adopted and placed on calendar	511
	Read the second time	698
	Circled	698, 958
	Uncircled	699, 959
	Tabled on Third Reading Calendar	739
	Placed on Third Reading Calendar	954
	Read the third time	958
	Signed by the President and returned to the House	960
H.B. 251	— ADMISSION OF AFFIDAVITS INTO EVIDENCE (<i>R. Lockhart</i>)	
	Read for the first time and referred to the Rules Committee	319
	Assigned to standing committee	341
	Committee report adopted and placed on calendar	511
	Read the second time	698
	Circled	698
	Returned to the Rules Committee	833, 981
	Placed on calendar	937
	Before the Senate	981
	Enacting Clause Stricken	1018
H.B. 254	— VOTER IDENTIFICATION AMENDMENTS (<i>B. Daw</i>)	
	Read for the first time and referred to the Rules Committee	319
	Assigned to standing committee	340
	Committee report adopted and placed on calendar	435
	Read the second time	538
	Read the third time	562
	Signed by the President and returned to the House	562
H.B. 256	— CHILD ABUSE DATABASE AMENDMENTS (<i>L. Fowlke</i>)	
	Read for the first time and referred to the Rules Committee	641
	Enacting Clause Stricken	1018
H.B. 257	— DIETITIAN CERTIFICATION ACT AMENDMENTS (<i>M. Newbold</i>)	
	Read for the first time and referred to the Rules Committee	340
	Assigned to standing committee	362
	Committee report adopted and placed on calendar	529
	Read the second time	699
	Read the third time	741
	Circled	741
	Uncircled	742
	Signed by the President and returned to the House	742

H.B. 258 — VOTING PRECINCT BOUNDARIES (<i>K. Sumsion</i>)	
Read for the first time and referred to the Rules Committee	319
Assigned to standing committee	341
Committee report adopted and placed on calendar	435
Read the second time	563
Read the third time	589
Signed by the President and returned to the House	589
H.B. 259 — PROPERTY TAX AMENDMENTS (<i>W. Harper</i>)	
Read for the first time and referred to the Rules Committee	414
Assigned to standing committee	442
Amendments	624
Read the second time and placed on Consent Calendar	625
Read the third time	730
Circled	730
Uncircled	731
Returned to the House	731
Signed by the President and returned to the House	781
H.B. 260 — CHILDREN'S HEALTH INSURANCE PLAN SIMPLIFIED RENEWAL (<i>M. Newbold</i>)	
Read for the first time and referred to the Rules Committee	426
Assigned to standing committee	460
Committee report adopted and placed on calendar	529
Read the second time	701
Read the third time	743
Circled	743
Uncircled	746
Signed by the President and returned to the House	746
H.B. 261 — FINANCIAL RESPONSIBILITY OF MOTOR VEHICLE OWNERS AND OPERATORS ACT AMENDMENTS (<i>R. Greenwood</i>)	
Read for the first time and referred to the Rules Committee	381
Assigned to standing committee	402
Amendments	490
Read the second time and placed on Consent Calendar	491
Read the third time	586
Returned to the House	586
Signed by the President and returned to the House	620
H.B. 262 — REPORTING TO APPROPRIATION COMMITTEES (<i>R. Bigelow</i>)	
Read for the first time and referred to the Rules Committee	237
Assigned to standing committee	252
Read the second time and placed on Consent Calendar	327
Read the third time	417
Signed by the President and returned to the House	418
H.B. 263 — TECHNICAL CROSS REFERENCE REVISIONS (<i>J. Anderson</i>)	
Read for the first time and referred to the Rules Committee	319
Assigned to standing committee	341
Read the second time and placed on Consent Calendar	437
Read the third time	546
Signed by the President and returned to the House	547
H.B. 265 — REAL PROPERTY AMENDMENTS (<i>G. Froerer</i>)	
Read for the first time and referred to the Rules Committee	577
Assigned to standing committee	598
Committee report adopted and placed on calendar	624
Read the second time	728
Read the third time	760
Circled	760
Uncircled	761
Signed by the President and returned to the House	762
H.B. 267 — LOBBYIST DISCLOSURE AND REGULATION ACT AMENDMENTS (<i>K. Garn</i>)	
Read for the first time and referred to the Rules Committee	208
Assigned to standing committee	362
Substituted	477
Committee report adopted and placed on calendar	478
Read the second time	695
Circled	695
Uncircled	734
Read the second and third time	734
Returned to the House	734
Signed by the President and returned to the House	781
H.B. 269 — SOLEMNIZING MARRIAGES AMENDMENT (<i>D. Aagard</i>)	
Read for the first time and referred to the Rules Committee	414
Assigned to standing committee	441
Read the second time and placed on Consent Calendar	584

Read the third time	688
Signed by the President and returned to the House	688
H.B. 270 — FINANCIAL DISCLOSURE AND CONFLICT OF INTEREST AMENDMENTS (<i>G. Hughes</i>)	
Read for the first time and referred to the Rules Committee	222
Assigned to standing committee	527
Reassigned to standing committee	604
Substituted	684
Committee report adopted and placed on calendar	685
Read the second and third time	736
Returned to the House	736
Signed by the President and returned to the House	781
H.B. 271 — HUNTING GUIDES AND OUTFITTERS LICENSING ACT AMENDMENTS (<i>E. Vickers</i>)	
Read for the first time and referred to the Rules Committee	381
Assigned to standing committee	402
Read the second time and placed on Consent Calendar	479
Read the third time	585
Signed by the President and returned to the House	586
H.B. 273 — UTAH INTERNATIONAL TRADE COMMISSION AMENDMENTS (<i>E. Hutchings</i>)	
Read for the first time and referred to the Rules Committee	417
Assigned to standing committee	442
Read the second time and placed on Consent Calendar	584
Read the third time	687
Signed by the President and returned to the House	687
H.B. 274 — STATUTORY CONSTRUCTION COMPLIANCE AMENDMENTS (<i>R. Lockhart</i>)	
Read the first time and referred to the Rules Committee	361
Assigned to standing committee	401
Read the second time and placed on Consent Calendar	437
Read for the first, second and third time	547
Signed by the President and returned to the House	547
H.B. 275 — DIVISION OF REAL ESTATE AMENDMENTS (<i>G. Froerer</i>)	
Read for the first time and referred to the Rules Committee	426
Assigned to standing committee	459
Committee report adopted and placed on calendar	601
Read the second time	721
Read the third time	755
Signed by the President and returned to the House	755
H.B. 276 — SEX OFFENDER REGISTRY AMENDMENT (<i>P. Ray</i>)	
Read for the first time and referred to the Rules Committee	430
Assigned to standing committee	460
Committee report adopted and placed on calendar	582
Read the second time	719
Read the third time	753
Signed by the President and returned to the House	753
H.B. 277 — OVERDOSE REPORTING AMENDMENTS (<i>C. Johnson</i>)	
Read for the first time and referred to the Rules Committee	381
Assigned to standing committee	401
Read the second time and placed on Consent Calendar	479
Read the third time	584
Signed by the President and returned to the House	585
H.B. 278 — GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT AMENDMENTS (<i>C. Herrod</i>)	
Read the first time and referred to the Rules Committee	526
Assigned to standing committee	561
Committee report adopted and placed on calendar	644
Read the second time	727
Read the third time	759
Circled	759
Uncircled	762
Signed by the President and returned to the House	762
H.B. 279 — COUNTY RECORDER AMENDMENTS (<i>R. C. Webb</i>)	
Read for the first time and referred to the Rules Committee	414
Assigned to standing committee	441
Amendments	488
Committee report adopted and placed on calendar	490
Read the second time	696
Circled	696
Uncircled	696
Read the third time	740
Returned to the House	740
Signed by the President and returned to the House	781
H.B. 280 — REAL PROPERTY – TRANSFER FEES (<i>R. Lockhart</i>)	
Read for the first time and referred to the Rules Committee	661

Placed on calendar	846
Read the second time	856
Circled	856
Enacting Clause Stricken	1018
H.B. 282 — LOCAL GOVERNMENT AMENDMENTS (<i>S. Sandstrom</i>)	
Read for the first time and referred to the Rules Committee	459
Assigned to standing committee	473
Committee report adopted and placed on calendar	582
Read the second time	703
Circled	703
Returned to the Rules Committee	833
Placed on calendar	937
Read the second and third time	982
Signed by the President and returned to the House	982
H.B. 283 — FEES IN SPECIAL SERVICE DISTRICTS (<i>J. Mathis</i>)	
Read for the first time and referred to the Rules Committee	417
Assigned to standing committee	441
Returned to the Rules Committee	686
Placed on calendar	937
Read the second time	984
Circled	984
Uncircled	989
Returned to the Rules Committee	989
Enacting Clause Stricken	1018
H.B. 284 — UNIFORM COLLABORATIVE LAW ACT (<i>L. Fowlke</i>)	
Read for the first time and referred to the Rules Committee	426
Assigned to standing committee	460
Amendments	582
Committee report adopted and placed on calendar	582
Read the second time	719
Read the third time	753
Returned to the House	754
Signed by the President and returned to the House	781
H.B. 285 — PRACTICE OF VETERINARY MEDICINE (<i>J. Mathis</i>)	
Read for the first time and referred to the Rules Committee	426
Assigned to standing committee	460
Committee report adopted and placed on calendar	545
Read the second time	702
Read the third time	744
Circled	744
Uncircled	746
Signed by the President and returned to the House	746
H.B. 286 — RETIREMENT SYSTEM DIVESTMENT (<i>Julie Fisher</i>)	
Read for the first time and referred to the Rules Committee	833
Enacting Clause Stricken	1018
H.B. 287 — LEGISLATOR SALARY AMENDMENTS (<i>D. Litvack</i>)	
Read for the first time and referred to the rules committee	459
Assigned to standing committee	473
Read the second time and placed on Consent Calendar	584
Placed on Second Reading Calendar	588
Read the second time	602, 903
Circled	602
Returned to the Rules Committee	833
Placed on calendar	847
Substituted	903
Read the second and third time	903
Returned to the House	903
Signed by the President and returned to the House	922
H.B. 289 — JUDICIAL NOMINATING COMMISSION AMENDMENTS (<i>C. Oda</i>)	
Read for the first time and referred to the Rules Committee	637
Placed on calendar	890
Read the second time	905
Circled	905
Uncircled	908
Amendments	908
Read the second and third time	908
Returned to the House	909
Signed by the President and returned to the House	922
H.B. 293 — VICTIMS' RIGHTS AMENDMENTS (<i>R. C. Webb</i>)	
Read for the first time and referred to the Rules Committee	683
Placed on calendar	937
Read the second and third time	965
Signed by the President and returned to the House	965

H.B. 294 — HEALTH SYSTEM REFORM AMENDMENTS (<i>D. Clark</i>)	
Read for the first time and referred to the Rules Committee	340
Assigned to standing committee	363
Committee report adopted and placed on calendar	478
Read the second time	569
Circled	569, 613
Uncircled	604, 627
Read the third time	613
Amendments	627
Held in Senate	630
Signed by the President and returned to the House	709
H.B. 295 — EXPANDED USES OF SCHOOL DISTRICT PROPERTY TAX REVENUE (<i>K. Sunston</i>)	
Read for the first time and referred to the Rules Committee	813
Placed on calendar	937
Read the second time	978
Circled	978
Uncircled	987
Signed by the President and returned to the House	988
H.B. 298 — LAND USE AUTHORITY NOTIFICATION OF CANAL DEVELOPMENT (<i>B. Ferry</i>)	
Read for the first time and referred to the Rules Committee	577
Assigned to standing committee	597
Amendments	662
Committee report adopted and placed on calendar	666
Returned to the Rules Committee	833
Placed on calendar	890
Read the second and third time	907
Signed by the President and returned to the House	908, 922
H.B. 299 — AMENDMENTS RELATED TO SUBSTANCES HARMFUL TO PREGNANCY (<i>R. Menlove</i>)	
Read for the first time and referred to the Rules Committee	426
Assigned to standing committee	460
Substituted	531
Read the second time and placed on Consent Calendar	532
Read the third time	609
Returned to the House	609
Signed by the President and returned to the House	660
H.B. 302 — MINOR ADJUSTMENTS TO COUNTY BOUNDARIES (<i>P. Painter</i>)	
Read for the first time and referred to the Rules Committee	417
Assigned to standing committee	441
Committee report adopted and placed on calendar	490
Read the second time	696
Read the third time	739
Signed by the President and returned to the House	739
H.B. 303 — PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE (<i>E. Hutchings</i>)	
Read for the first time and referred to the Rules Committee	511
Placed on calendar	937
Read the second time	984
Circled	984
Uncircled	989
Substituted	989
Read the second and third time	989
Returned to the House	989
Signed by the President and returned to the House	1007
H.B. 304 — LIEUTENANT GOVERNOR AMENDMENTS (<i>E. Hutchings</i>)	
Read for the first time and referred to the Rules Committee	430
Assigned to standing committee	460
Committee report adopted and placed on calendar	582
Read the second time	703
Read the third time	744
Signed by the President and returned to the House	745
H.B. 306 — TERRORISM AMENDMENTS (<i>E. Hutchings</i>)	
Read for the first time and referred to the Rules Committee	607
Assigned to standing committee	622
Returned to the Rules Committee	717
Placed on calendar	984
Read the second and third time	994
Signed by the President and returned to the House	994
H.B. 307 — GENERAL COUNTY POWERS AMENDMENTS (<i>G. Hughes</i>)	
Read for the first time and referred to the Rules Committee	511
Placed on calendar	846
Read the second and third time	859
Amendments	859
Returned to the House	859
Signed by the President and returned to the House	914

H.B. 308 — STATE FIRE CODE ADOPTION (*T. Kiser*)

Read for the first time and referred to the Rules Committee 459

Assigned to standing committee 473

Committee report adopted and placed on calendar 582

Read the second time 703

Read the third time 745

Signed by the President and returned to the House 745

H.B. 310 — SPENDING LIMITS AMENDMENTS (*R. Bigelow*)

Read for the first time and referred to the Rules Committee 560

Assigned to standing committee 597

Read the second time and placed on Consent Calendar 645

Read the third time 770

Signed by the President and returned to the House 770

H.B. 311 — AUTISM TREATMENT FUND (*R. Lockhart*)

Read for the first time and referred to the Rules Committee 526

Assigned to standing committee 561

Read the second time and placed on Consent Calendar 685

Read the third time 814

Signed by the President and returned to the House 815

H.B. 312 — MEDICAL EXPENSES FOR OFFENDERS (*P. Ray*)

Read for the first time and referred to the Rules Committee 871

Placed on calendar 984

Read the second time 991

Substituted 991

Circled 991

Uncircled 992

Read the second and third time 992

Returned to the House 992

Signed by the President and returned to the House 1007

H.B. 314 — WATER RIGHTS ADDENDUMS TO DEEDS (*B. Ferry*)

Read for the first time and referred to the Rules Committee 641

Placed on calendar 846

Read the second time 866

Read the third time 896

Signed by the President and returned to the House 897

H.B. 315 — UTAH PUBLIC NOTICE WEBSITE AMENDMENTS (*K. Powell*)

Read for the first time and referred to the Rules Committee 473

Assigned to standing committee 487

Committee report adopted and placed on calendar 582

Read the second time 704

Read the third time 747

Signed by the President and returned to the House 747

H.B. 316 — DISABLED VETERANS PROPERTY TAX EXEMPTION AMENDMENTS (*G. Hughes*)

Read for the first time and referred to the Rules Committee 473

Assigned to standing committee 487

Read the second time and placed on Consent Calendar 584

Read the third time 686

Signed by the President and returned to the House 687

H.B. 318 — REVOLVING LOAN FUND FOR CERTAIN ENERGY EFFICIENT PROJECTS AMENDMENTS (*R. Barrus*)

Read for the first time and referred to the Rules Committee 560

Assigned to standing committee 598

Returned to the Rules Committee 717

Placed on calendar 846

Read the second and third time 857

Signed by the President and returned to the House 858

H.B. 320 — UTAH CONSTRUCTION TRADES LICENSING ACT – ALARM COMPANIES AMENDMENTS (*C. Herrod*)

Read for the first time and referred to the Rules Committee 851

Placed on calendar 997

Read the second and third time 997

Amendments 997

Returned to the House 998

Signed by the President and returned to the House 1007

H.B. 321 — BOND ELECTION NOTIFICATION REVISIONS (*G. Hughes*)

Read for the first time and referred to the Rules Committee 853

Placed on calendar 984

Read the second time 993

Substituted 993

Read the second and third time 994

Returned to the House 994

Signed by the President and returned to the House 1007

H.B. 324 — PUBLIC LANDS LITIGATION (<i>K. Sumsion</i>)	
Read for the first time and referred to the Rules Committee	607
Placed on calendar	846
Read the second and third time	874
Amendments	874
Returned to the House	875
Signed by the President and returned to the House	914
H.B. 327 — AUTISM AWARENESS SUPPORT SPECIAL GROUP LICENSE PLATE (<i>R. Edwards</i>)	
Read for the first time and referred to the Rules Committee	661
Placed on calendar	937
Read the second and third time	972
Signed by the President and returned to the House	973
H.B. 329 — CAMPAIGN FINANCE AMENDMENTS (<i>B. Ferry</i>)	
Read for the first time and referred to the Rules Committee	729
Placed on calendar	919
Read the second time	940
Substituted	940, 990
Amendments	940
Read the second and third time	940
Returned to the House	941
Refuse to Recede	973
Returned to the House	990
Signed by the President and returned to the House	1008
H.B. 331 — WASTE FEE AND RELATED AMENDMENTS (<i>R. Menlove</i>)	
Read for the first time and referred to the Rules Committee	621
Placed on calendar	846
Read the second and third time	856
Signed by the President and returned to the House	856
H.B. 332 — UTAH AGRICULTURAL CODE AMENDMENTS (<i>C. Watkins</i>)	
Read for the first time and referred to the Rules Committee	621
Placed on calendar	891
Read the second and third time	925
Signed by the President and returned to the House	926
H.B. 335 — UTILITY RELATED EXEMPTIONS (<i>G. Hughes</i>)	
Read for the first time and referred to the Rules Committee	683
Placed on calendar	891
Read the second and third time	922
Signed by the President and returned to the House	923
H.B. 337 — UNIFORM DRIVER LICENSE ACT AMENDMENTS (<i>R. Lockhart</i>)	
Read for the first time and referred to the Rules Committee	641
Placed on calendar	846
Read the second and third time	884
Signed by the President and returned to the House	884
H.B. 340 — SEXUAL ASSAULT VICTIM PROTOCOLS (<i>J. Biskupski</i>)	
Read for the first time and referred to the Rules Committee	560
Assigned to standing committee	597
Returned to the Rules Committee	668
Placed on calendar	846
Read the second and third time	856
Signed by the President and returned to the House	857
H.B. 341 — UNIFORM ATHLETE AGENTS ACT (<i>P. Ray</i>)	
Read for the first time and referred to the Rules Committee	473
Assigned to standing committee	486
Read the second time and placed on Consent Calendar	645
Read the third time	769
Signed by the President and returned to the House	770
H.B. 343 — GREAT SALT LAKE ADVISORY COUNCIL (<i>B. Ferry</i>)	
Read for the first time and referred to the Rules Committee	750
Placed on calendar	890
Read the second and third time	920
Amendments	920
Returned to the House	921
Signed by the President and returned to the House	961
H.B. 348 — SHERIFFS FEES (<i>R. Greenwood</i>)	
Read for the first time and referred to the Rules Committee	577
Assigned to standing committee	597
Returned to the Rules Committee	668
Placed on calendar	890
Read the second and third time	918
Signed by the President and returned to the House	919

H.B. 349 — SALES AND USE TAX AMENDMENTS (*W. Harper*)
 Read for the first time and referred to the Rules Committee 577
 Assigned to standing committee 598
 Read the second time and placed on Consent Calendar 625
 Read the third time 730
 Signed by the President and returned to the House 730

H.B. 353 — NONLAPSING DEDICATED CREDIT AMENDMENTS (*R. Bigelow*)
 Read for the first time and referred to the Rules Committee 851
 Placed on calendar 937
 Read the second time 964
 Circled 964
 Uncircled 966
 Read the second and third time 966
 Signed by the President and returned to the House 966

H.B. 355 — LEGAL GUARDIANSHIP AMENDMENTS (*S. Sandstrom*)
 Read for the first time and referred to the Rules Committee 661
 Placed on calendar 937
 Read the second and third time 975
 Signed by the President and returned to the House 976

H.B. 363 — MUNICIPAL ELECTION AMENDMENTS (*C. Frank*)
 Read for the first time and referred to the Rules Committee 709
 Placed on calendar 846
 Read the second and third time 876
 Signed by the President and returned to the House 877

H.B. 364 — RIGHT OF IDENTITY THEFT VICTIM TO CIVIL CAUSE OF ACTION (*Julie Fisher*)
 Read for the first time and referred to the Rules Committee 621
 Placed on calendar 891
 Read the second and third time 931
 Signed by the President and returned to the House 932

H.B. 365 — DEPARTMENT OF CORRECTIONS REGISTRY AMENDMENTS (*D. Aagard*)
 Read for the first time and referred to the Rules Committee 750
 Placed on calendar 890
 Read the second and third time 909
 Signed by the President and returned to the House 909

H.B. 366 — MOTOR VEHICLE BUSINESS REGULATION ACT AMENDMENTS (*B. Daw*)
 Read for the first time and referred to the Rules Committee 729
 Placed on calendar 890
 Read the second and third time 910
 Signed by the President and returned to the House 911

H.B. 370 — CAPITAL PROJECT AMENDMENTS (*S. Clark*)
 Read for the first time and referred to the Rules Committee 786
 Placed on calendar 890
 Read the second and third time 910
 Signed by the President and returned to the House 910

H.B. 378 — MOTOR VEHICLE INSURANCE REQUIREMENTS (*T. Kiser*)
 Read for the first time and referred to the Rules Committee 526
 Assigned to standing committee 561
 Read the second time and placed on Consent Calendar 625
 Read the third time 732
 Signed by the President and returned to the House 732

H.B. 379 — BARBER, COSMETOLOGIST/BARBER, ESTHETICIAN, ELECTROLOGIST, AND NAIL TECHNICIAN LICENSING ACT AMENDMENTS (*M. Newbold*)
 Read for the first time and referred to the Rules Committee 637
 Placed on calendar 937
 Read the second and third time 967
 Amendments 967
 Returned to the House 968
 Signed by the President and returned to the House 986

H.B. 380 — FIREARM LAWS AMENDMENTS (*S. Sandstrom*)
 Read for the first time and referred to the Rules Committee 661
 Placed on calendar 846
 Read the second time 878
 Circled 878
 Uncircled 881
 Read the second and third time 882
 Signed by the President and returned to the House 882

H.B. 381 — MUNICIPAL LAND USE PROVISIONS (*S. Sandstrom*)
 Read for the first time and referred to the Rules Committee 473
 Assigned to standing committee 487
 Committee report adopted and placed on calendar 582
 Read the second time 717

	Circled	717
	Returned to the Rules Committee	833
	Placed on calendar	891
	Read the second and third time	930
	Signed by the President and returned to the House	931
H.B. 386	— INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN (<i>G. Hughes</i>)	
	Read for the first time and referred to the Rules Committee	813
	Placed on calendar	937
	Read the second and third time	972
	Signed by the President and returned to the House	972
H.B. 388	— MOBILE HOME REVISIONS (<i>J. Dumnigan</i>)	
	Read for the first time and referred to the Rules Committee	577
	Assigned to standing committee	597
	Amendments	644
	Read the second time and placed on Consent Calendar	645
	Read the third time	770
	Circled	770
	Uncircled	772
	Returned to the House	772
	Signed by the President and returned to the House	820
H.B. 395	— LIMITATION OF ACTIONS AMENDMENTS (<i>M. Noel</i>)	
	Read for the first time and referred to the Rules Committee	661
	Placed on calendar	913
	Read the second and third time	955
	Amendments	955
	Returned to the House	956
	Signed by the President and returned to the House	981
H.B. 396	— SPEECH—LANGUAGE PATHOLOGY AND AUDIOLOGY LICENSING ACT AMENDMENTS (<i>D. Ipson</i>)	
	Read for the first time and referred to the Rules Committee	833
	Placed on calendar	847
	Read the second time	885
	Circled	885
	Uncircled	900
	Read the second and third time	900
	Signed by the President and returned to the House	900
H.B. 397	— MEDICAID PROGRAM AMENDMENTS (<i>J. Dougall</i>)	
	Read for the first time and referred to the Rules Committee	813
	Placed on calendar	846
	Read the second and third time	855
	Amendments	855
	Returned to the House	856
	Signed by the President and returned to the House	914
H.B. 398	— SEXUALLY ORIENTED BUSINESS LICENSE AMENDMENTS (<i>F.J. Seegmiller</i>)	
	Read for the first time and referred to the Rules Committee	577
	Placed on calendar	937
	Read the second and third time	978
	Signed by the President and returned to the House	978
H.B. 401	— RESIDENTIAL FACILITIES FOR ELDERLY PERSONS (<i>B. Daw</i>)	
	Read for the first time and referred to the Rules Committee	577
	Assigned to standing committee	597
	Placed on calendar	984
	Read the second time	995
	Returned to the Rules Committee	686, 995
	Enacting Clause Stricken	1018
H.B. 402	— DEPARTMENT OF ADMINISTRATIVE SERVICES MODIFICATIONS (<i>S. Clark</i>)	
	Read for the first time and referred to the Rules Committee	637
	Placed on calendar	846
	Read the second and third time	858
	Signed by the President and returned to the House	858
H.B. 404	— MOTOR VEHICLE BUSINESS AMENDMENTS (<i>D. Ipson</i>)	
	Read for the first time and referred to the Rules Committee	683
	Placed on calendar	891
	Read the second and third time	923
	Amendments	923
	Returned to the House	924
	Signed by the President and returned to the House	961
H.B. 406	— STATE FAIR PARK AMENDMENTS (<i>J. Gowans</i>)	
	Read for the first time and referred to the Rules Committee	621
	Placed on calendar	984
	Read the second time	999
	Substituted	999

	Read the second and third time	999
	Returned to the House	999
	Signed by the President and returned to the House	1007
H.B. 408	— HOSPITAL CLAIMS MANAGEMENT (<i>B. Last</i>)	
	Read for the first time and referred to the Rules Committee	786
	Placed on calendar	846
	Read the second and third time	867
	Signed by the President and returned to the House	868
H.B. 409	— CIVIL ACTION FOR DAMAGES RELATED TO ADDICTION FROM ILLEGAL DRUG SALE (<i>C. Herrod</i>)	
	Read for the first time and referred to the Rules Committee	661
	Placed on calendar	984
	Read the second and third time	990
	Signed by the President and returned to the House	991
H.B. 419	— ALCOHOLIC BEVERAGE CONTROL AND SIGNAGE AT STATE STORES (<i>K. Powell</i>)	
	Read for the first time and referred to the Rules Committee	621
	Placed on calendar	891
	Read the second and third time	955
	Signed by the President and returned to the House	955
H.B. 421	— MEDICAL FINANCIAL RECORDS AMENDMENTS (<i>B. Last</i>)	
	Read for the first time and referred to the Rules Committee	813
	Placed on calendar	891
	Read the second time	951
	Circled	951
	Uncircled	953
	Amendments	953
	Read the second and third time	953
	Returned to the House	953
	Signed by the President and returned to the House	986
H.B. 425	— BUDGETARY PROCEDURES ACT – FEE AMENDMENTS (<i>R. Bigelow</i>)	
	Read for the first time and referred to the Rules Committee	786
	Placed on calendar	937
	Read the second time	964, 984
	Circled	964, 984
	Uncircled	965
	Amendments	965
	Read the second and third time	965
	Returned to the House	966
	Signed by the President and returned to the House	986
H.B. 426	— BAIL BOND LICENSEE REPRESENTATION AMENDMENTS (<i>S. Sandstrom</i>)	
	Read for the first time and referred to the Rules Committee	560
	Assigned to standing committee	597
	Returned to the Rules Committee	668
	Placed on calendar	937
	Uncircled	984
	Amendments	984
	Read the second and third time	985
	Returned to the House	985
	Signed by the President and returned to the House	1007
H.B. 429	— NEWSPAPER PUBLICATION REQUIREMENTS (<i>J. Anderson</i>)	
	Read for the first time and referred to the Rules Committee	813
	Placed on calendar	846
	Read the second and third time	857
	Failed	857
	Filed	857
H.B. 431	— IDENTITY VERIFICATION BY DEPARTMENT OF COMMERCE (<i>M. Morley</i>)	
	Read for the first time and referred to the Rules Committee	661
	Placed on calendar	846
	Read the second and third time	883
	Signed by the President and returned to the House	883
H.B. 433	— FOREIGN EXCHANGE STUDENT AMENDMENTS (<i>C. Wimmer</i>)	
	Read for the first time and referred to the Rules Committee	813
	Placed on calendar	984
	Read the second and third time	993
	Signed by the President and returned to the House	993
H.B. 435	— DIXIE STATE COLLEGE – NONPROFIT ENTITIES (<i>D. Ipson</i>)	
	Read for the first time and referred to the Rules Committee	621
	Placed on calendar	891
	Read the second and third time	932
	Signed by the President and returned to the House	932
H.B. 438	— TRANSPORTATION MODIFICATIONS (<i>R. Lockhart</i>)	
	Read for the first time and referred to the Rules Committee	934

	Placed on calendar	954
	Read the second time	954
	Circled	954
	Uncircled	991
	Read the second and third time	991
	Signed by the President and returned to the House	992
H.B. 440	VETERANS' NURSING HOME REIMBURSEMENT RESTRICTED ACCOUNT (R. Bigelow)	
	Read for the first time and referred to the Rules Committee	934
	Placed on calendar	954
	Read the second time	955
	Circled	955
	Uncircled	969
	Amendments	970
	Read the second and third time	970
	Returned to the House	970
	Refuse to Recede	983, 999
	Substituted	1009
H.B. 440	VETERANS' NURSING HOME REIMBURSEMENT RESTRICTED ACCOUNT (R. Bigelow)	
	Returned to the House	1010
	Signed by the President and returned to the House	1014
H.B. 450	FISHING LICENSE AMENDMENTS – DISABLED VETERANS (T. Cosgrove)	
	Read for the first time and referred to the Rules Committee	768
	Placed on calendar	890
	Read the second and third time	911
	Amendments	911
	Returned to the House	912
	Signed by the President and returned to the House	922
H.B. 452	COLLECTION FEES (S. Sandstrom)	
	Read for the first time and referred to the Rules Committee	851
	Placed on calendar	937
	Read the second and third time	982
	Amendments	983
	Returned to the House	983
	Signed by the President and returned to the House	1007
H.B. 456	AMENDMENTS TO DEPARTMENT OF ENVIRONMENTAL QUALITY (R. Edwards)	
	Read for the first time and referred to the Rules Committee	834
	Placed on calendar	937
	Read the second time	964
	Circled	964
	Enacting Clause Stricken	1018
H.B. 459	HEALTH AMENDMENTS (D. Clark)	
	Read for the first time and referred to the Rules Committee	813
	Placed on calendar	846
	Read the second time	855
	Circled	855
	Uncircled	868
	Read the second and third time	868
	Amendments	869
	Returned to the House	870
	Signed by the President and returned to the House	914
H.B. 461	CHILDREN'S HEALTH INSURANCE PROGRAM (J. Dougall)	
	Read for the first time and referred to the Rules Committee	834
	Placed on calendar	937
	Read the second time	984
	Circled	984
	Uncircled	988
	Signed by the President and returned to the House	988
H.B. 462	CRIMINAL HOMICIDE AND ABORTION REVISIONS (C. Wimmer)	
	Read for the first time and referred to the Rules Committee	782
	Placed on calendar	782
	Read the second and third time	782
	Signed by the President and returned to the House	783
H.B. 463	DIVIDED SCHOOL DISTRICT PROPERTY TAX AMENDMENTS (E. Hutchings)	
	Read for the first time and referred to the Rules Committee	924
	Placed on calendar	984
	Read the second time	997
	Circled	997
	Enacting Clause Stricken	1018
H.B. 464	FAMILY HEALTH SERVICES RFPs – TOBACCO SETTLEMENT FUNDS (J. Dougall)	
	Read for the first time and referred to the Rules Committee	894
	Placed on calendar	937
	Read the second and third time	954
	Signed by the President and returned to the House	954

H.C.R. 1 — CONCURRENT RESOLUTION ON INTERNATIONAL TRADE AND STATE GOVERNMENTS (<i>S. Allen</i>)	
Read for the first time and referred to the Rules Committee	137
Assigned to standing committee	300
Committee report adopted and placed on calendar	435
Read the second time	563
Circled	563
Uncircled	568
Read the third time	592
Signed by the President and returned to the House	592
H.C.R. 2 — CONCURRENT RESOLUTION ON STATES' RIGHTS (<i>Julie Fisher</i>)	
Read for the first time and referred to the Rules Committee	508
Assigned to standing committee	527
Committee report adopted and placed on calendar	644
Returned to the Rules Committee	833
Placed on calendar	846
Read the second and third time	867
Signed by the President and returned to the House	867
H.C.R. 3 — ITALIAN–AMERICAN HERITAGE MONTH CONCURRENT RESOLUTION (<i>C. Watkins</i>)	
Read for the first time and referred to the Rules Committee	222
Assigned to standing committee	238
Amendments	322
Committee report adopted and placed on calendar	327
Read the second time	375
Read the third time	408
Returned to the House	409
Signed by the President and returned to the House	458
H.C.R. 4 — VETERANS FREEDOM MEMORIAL CONCURRENT RESOLUTION (<i>G. Hughes</i>)	
Read for the first time and referred to the Rules Committee	683
Placed on calendar	937
Read the second and third time	976
Signed by the President and returned to the House	976
H.C.R. 5 — CONCURRENT RESOLUTION RECOGNIZING THE 100TH ANNIVERSARY OF THE BOY SCOUTS OF AMERICA (<i>B. Daw</i>)	
Read for the first time and referred to the Rules Committee	229
Placed on calendar	230
Read the second and third time	230
Signed by the President and returned to the House	230
H.C.R. 7 — CREDIT SCORES CONCURRENT RESOLUTION (<i>D. Aagard</i>)	
Read for the first time and referred to the Rules Committee	511
Assigned to standing committee	527
Returned to the Rules Committee	717
Placed on calendar	846
Read the second and third time	854
Signed by the President and returned to the House	854
H.C.R. 8 — CONCURRENT RESOLUTION ON FEDERAL HEALTH CARE REFORM (<i>D. Clark</i>)	
Read for the first time and referred to the Rules Committee	340
Assigned to standing committee	363
Committee report adopted and placed on calendar	478
Read the second time	570
Read the third time	594
Signed by the President and returned to the House	594
H.C.R. 9 — AUTISM, DISABILITIES, AND FAITH CONCURRENT RESOLUTION (<i>R. Menlove</i>)	
Read for the first time and referred to the Rules Committee	426
Assigned to standing committee	460
Read the second time and placed on Consent Calendar	532
Read the third time	609
Signed by the President and returned to the House	610
H.C.R. 11 — TAIWAN CONCURRENT RESOLUTION (<i>R. Lockhart</i>)	
Read for the first time and referred to the Rules Committee	523
Placed on calendar	523
Read the second and third time	523
Signed by the President and returned to the House	524
H.C.R. 12 — PRINTING AND GRAPHIC ARTS RECOGNITION MONTH CONCURRENT RESOLUTION (<i>B. Daw</i>)	
Read for the first time and referred to the Rules Committee	526
Assigned to standing committee	561
Read the second time and placed on Consent Calendar	666
Read the third time	771
Signed by the President and returned to the House	771
H.C.R. 13 — CONCURRENT RESOLUTION ON PROVIDING CONTINUING FEDERAL FINANCIAL ASSISTANCE FOR THE DELIVERY OF BASIC SERVICES TO DUTCH JOHN, UTAH (<i>M. Brown</i>)	
Read for the first time and referred to the Rules Committee	542

Assigned to standing committee	561
Committee report adopted and placed on calendar	644
Returned to the Rules Committee	833
Placed on calendar	913
Read the second and third time	961
Signed by the President and returned to the House	961
H.C.R. 14 — R.S. 2477 HISTORIC ROADS CONCURRENT RESOLUTION (<i>M. Noel</i>)	
Read for the first time and referred to the Rules Committee	661
Placed on calendar	913
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- S.B. 2 **Minimum School Program and Public Education
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- S.B. 3 **Current Fiscal Year Supplemental Appropriations** L. Hillyard
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- S.B. 4 **General Obligation Bonds Authorizations** C. Bramble
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- S.B. 10 **Criminal Offense Penalties Amendments** J. Greiner
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- S.B. 11 **Utah State-made Firearms Protection Act** M. Dayton
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- S.B. 12 **Individual Income Tax Contribution for Methamphetamine
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- S.B. 13 **State Construction Contracts and Drug and
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- S.B. 14 **Building and Construction Projects –
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- S.B. 15 **Utah Scenic Byway Amendments** D. Stowell
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- S.B. 16 **Utah Performance Assessment System for Students (U-pass) Amendments** H. Stephenson
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- S.B. 17 **Uniform Commercial Driver License Act Amendments** K. Van Tassell
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- S.B. 18 **Election Modifications** P. Knudson
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- S.B. 19 **Vehicle Safety Flags on Off-highway Vehicles** B. Goodfellow
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- S.B. 22 **Notary Public Amendments** P. Knudson
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- S.B. 23 **Corporate Franchise and Income Tax Amendments** J. Valentine
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- S.B. 25 **State Highway System Modifications** K. Van Tassell
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- S.B. 28 **Amendments to Individual Income Tax Return Filing Requirements** J. Adams
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- S.B. 132 **Higher Education Scholarship Amendments** J. Valentine
Governor Signed on 3/29/2010
Effective Date: 5/11/2010
- S.B. 133 **Qualifications of State Tax Commissioners** J. Adams
Governor Signed on 3/30/2010
Effective Date: 5/11/2010
- S.B. 134 **Partnership Tax Return Filing Deadlines** J. Adams
Governor Signed on 3/29/2010
Effective Date: 5/11/2010
- S.B. 135 **Sales and Use Tax Exemption for an Energy Efficient Stove or Energy Efficient Stove Fuel** G. Davis
Senate/ filed on 3/11/2010
- S.B. 136 **Open and Public Meetings Revisions Related to Review of Ethics Complaints** J. Valentine
Governor Signed on 3/22/2010
Effective Date: 3/22/2010
- S.B. 137 **Coordination of Removing, Relocating, or Altering Utilities** D. Liljenquist
Governor Signed on 3/29/2010
Effective Date: 5/11/2010

- S.B. 138 **Gramma Revisions Related to Review of Ethics Complaints** J. Valentine
Governor Signed on 3/22/2010
Effective Date: 3/22/2010
- S.B. 139 **Physician Assistant Amendments** C. Bramble
Governor Signed on 3/22/2010
Effective Date: 5/11/2010
- S.B. 140 **Juvenile Detention Amendments** J. Greiner
Governor Signed on 3/22/2010
Effective Date: 3/22/2010
- S.B. 141 **Utah Substance Abuse and Anti-violence Coordinating Council Amendments** J. Adams
Governor Signed on 3/22/2010
Effective Date: 5/11/2010
- S.B. 142 **Driver License Amendments** H. Stephenson
Governor Signed on 3/23/2010
Effective Date: 5/11/2010
- S.B. 143 **Grand Jury Amendments** D. Liljenquist
Governor Signed on 3/23/2010
Effective Date: 5/11/2010
- S.B. 144 **Vision Screening Amendments** W. Niederhauser
Governor Signed on 3/29/2010
Effective Date: 5/11/2010
- S.B. 145 **Medical Malpractice Amendments** J. Adams
Governor Signed on 3/23/2010
Effective Date: 5/11/2010
- S.B. 146 **Wrongful Death Amendments** B. McAdams
Senate/ strike enacting clause on 3/11/2010
- S.B. 147 **Education Related Parent Organizations** M. Dayton
Senate/ filed on 3/11/2010
- S.B. 148 **Guaranteed Asset Protection Waivers** J. Stevenson
Governor Signed on 3/29/2010
Effective Date: 7/1/2010

- S.B. 149 **Utah Forest Practices Act Amendments** D. Hinkins
Governor Signed on 3/22/2010
Effective Date: 5/11/2010
- S.B. 150 **Reading Requirements for Student Advancement** K. Morgan
Governor Signed on 3/29/2010
Effective Date: 5/11/2010
- S.B. 151 **Collection, Remittance, and Retention
of Certain Taxes, Fees, or Charges** C. Bramble
Senate/ strike enacting clause on 3/11/2010
- S.B. 152 **Utah State Railroad Museum Authority Act** P. Knudson
Governor Signed on 3/25/2010
Effective Date: 7/1/2010
- S.B. 153 **Marking of Underground Utilities** J. Greiner
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- S.B. 154 **Postconviction Remedies Act Amendments** J. Adams
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Effective Date: 3/25/2010
- S.B. 155 **Enhanced Penalties for HIV Positive
Offender Amendments** J. Stevenson
Senate/ filed on 3/11/2010
- S.B. 156 **Antitrust Act Amendments** S. Urquhart
Governor Signed on 3/25/2010
Effective Date: 5/11/2010
- S.B. 157 **Motor Vehicle Dealer Franchise Amendments** C. Bramble
Governor Signed on 3/22/2010
Effective Date: 3/22/2010
- S.B. 158 **Utah Venture Capital Enhancement Act Amendments** J. Adams
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- S.B. 159 **Taxation of Dedicated Medical Aircraft** M. Madsen
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- S.B. 160 **Utah State Developmental Center Amendments** M. Dayton
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Effective Date: 5/11/2010

- S.B. 161 **Real Property Transfer Fee Amendments** M. Madsen
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Effective Date: 3/16/2010
- S.B. 162 **Dedication and Abandonment of a Highway** M. Madsen
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- S.B. 163 **Health Regulation of Geothermal Pools and Baths** M. Madsen
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- S.B. 164 **Surety Requirements for Mining** D. Stowell
Senate/ filed on 3/11/2010
- S.B. 165 **Allocation and Apportionment of Income and Deduction
of a Net Loss** W. Niederhauser
Governor Signed on 3/25/2010
Effective Date: 5/11/2010
- S.B. 166 **Wage Compensation Claims** J. Valentine
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- S.B. 167 **Alcoholic Beverage Control Act Recodification** J. Valentine
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- S.B. 168 **Amendments to the Integrated Health System
Fair Practices Act** M. Madsen
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- S.B. 169 **Navajo Revitalization Fund Amendments** D. Hinkins
Governor Signed on 3/25/2010
Effective Date: 7/1/2010
- S.B. 170 **Suspension of Driving Privileges** L. Hillyard
Governor Signed on 3/25/2010
Effective Date: 5/11/2010
- S.B. 171 **Higher Education Retirement Amendments** D. Liljenquist
Governor Signed on 3/25/2010
Effective Date: 5/11/2010
- S.B. 172 **Local District Taxing Authority Amendments** C. Bramble
Governor Signed on 3/25/2010
Effective Date: 5/11/2010

- S.B. 173 **Business Entity Amendments** L. Hillyard
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- S.B. 174 **Budgetary Procedures Act – Toll Rates** J. Adams
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- S.B. 175 **School District Capital Outlay
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- S.B. 176 **Utility Revisions** S. Jenkins
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- S.B. 177 **Initiative and Referenda Signature Requirements** P. Knudson
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- S.B. 178 **Utah Emergency Medical Services System
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Effective Date: 5/11/2010
- S.B. 179 **Utah Revised Business Corporation Act
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Effective Date: 5/11/2010
- S.B. 180 **Sexual Exploitation of a Vulnerable Adult** D. Hinkins
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- S.B. 181 **Employment Security Administration Fund Repealer** D. Hinkins
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- S.B. 182 **Utah Common Interest Ownership Act** W. Niederhauser
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- S.B. 183 **Certification of Converted Natural Gas Vehicles** M. Madsen
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- S.B. 184 **Establishing a State Dental School** A. Christensen
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- S.B. 185 **Adoption of Canal Safety Act** G. Davis
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- S.B. 187 **Requirements for Initiative and Referenda Circulations** W. Niederhauser
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- S.B. 188 **Charter School Amendments** H. Stephenson
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Effective Date: 5/11/2010
- S.B. 190 **Procurement Code Amendments** G. Davis
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- S.B. 191 **Governmental Accounting Amendments** L. Hillyard
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- S.B. 192 **Determination of Population for Tax Purposes** J. Valentine
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- S.B. 193 **Redistricting Advisory Committee** C. Bramble
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- S.B. 194 **Assessment Area Act Amendments** W. Niederhauser
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- S.B. 195 **Elections, Lobbying, and Campaign Finance Enforcement Commission** S. Jenkins
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- S.B. 196 **Community Development and Renewal Amendments** G. Davis
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- S.B. 197 **Community Development and Renewal Agency Amendments** C. Bramble
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- S.B. 198 **Economic Development Incentive Amendments** J. Valentine
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- S.B. 199 **Municipal Boundary Clarification** R. Okerlund
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- S.B. 200 **Cause of Action Amendments** S. Urquhart
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- S.B. 201 **Civic Instruction Amendments** M. Madsen
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- S.B. 202 **Utah Fund of Seed Funds** S. Jenkins
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- S.B. 203 **Vacancies in County Elected Offices** H. Stephenson
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- S.B. 204 **Midterm Vacancy Amendments** B. McAdams
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- S.B. 205 **Utah Water Quality Act Amendments** S. Jenkins
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- S.B. 206 **Access to Crime Victim's Medical Records** J. Greiner
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- S.B. 208 **Jury Amendments** R. Okerlund
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- S.B. 209 **Humanitarian Service and Educational and Cultural Exchange Support Special Group License Plate** P. Knudson
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- S.B. 210 **Judicial Performance Evaluation Commission Amendments** D. Buttars
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- S.B. 211 **Dental Practice Licensure Amendments** D. Buttars
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- S.B. 212 **Pawn Shop Amendments** J. Greiner
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- S.B. 213 **Division of Services for People with Disabilities
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- S.B. 214 **Testing of Newborn Infants Amendments** D. Hinkins
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- S.B. 220 **Vehicle Impound Amendment** J. Greiner
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- S.B. 221 **Distribution of Tax Revenues and Entity
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- S.B. 222 **Fee Exemptions** B. Goodfellow
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- S.B. 224 **Construction Contract Amendments** C. Bramble
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- S.B. 225 **Motor Vehicle Insurance – Named Driver Exclusion** L. Hillyard
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- S.B. 226 **Radioactive and Hazardous Waste Amendments** C. Bramble
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- S.B. 229 **Hospital Licensing Amendments – Emergency Medical Treatment and Active Labor Act** D. Buttars
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- S.B. 230 **Pharmaceutical Marketing to Consumers Amendment** D. Liljenquist
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- S.B. 231 **Medical Benefits Under Workers’ Compensation** D. Buttars
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- S.B. 232 **Judicial Administration Amendments** S. Jenkins
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- S.B. 233 **Wolf Management Act** A. Christensen
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- S.B. 234 **Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act Amendments** D. Buttars
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- S.B. 235 **Agricultural Loan Authorization** R. Okerlund
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- S.B. 236 **Utah College of Applied Technology Board of Trustees Amendments** J. Valentine
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- S.B. 237 **Transition for Repealed Navajo Trust Fund Act Amendments** D. Hinkins
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- S.B. 238 **Long-term Care Facility – Medicaid Certification for Bed Capacity Amendments** L. Robles
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- S.B. 239 **Local Government Ordinance Amendments** M. Waddoups
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- S.B. 240 **Retirement Participation Amendments** D. Liljenquist
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- S.B. 241 **Health Code Amendments** A. Christensen
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- S.B. 242 **Economic Development Incentives for Alternative Energy Projects** K. Van Tassell
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- S.B. 247 **John M. Browning Commemorative Day** M. Madsen
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- S.B. 248 **Child Registry Amendments** M. Madsen
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- S.B. 249 **Hospital Financial Assistance Transparency Act** P. Knudson
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- S.B. 250 **Political Party Bylaws – United States Senators** H. Stephenson
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- S.B. 251 **Verification of Employment Eligibility** D. Buttars
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- S.B. 252 **Bail Bond Act Amendments** D. Stowell
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- S.B. 254 **Motor Vehicle Insurance – Unfair Claim
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- S.B. 256 **Revisions to Government** G. Davis
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- S.B. 257 **Health Care Facility Disclosure Requirements** P. Knudson
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- S.B. 258 **Local Governments Amendments** P. Knudson
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- S.B. 259 **Amendments to Tobacco Tax** A. Christensen
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- S.B. 260 **Energy Policy Amendments** W. Niederhauser
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- S.B. 261 **Ethics Amendments** S. Jenkins
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- S.B. 262 **Modifications to Transportation** S. Jenkins
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- S.B. 263 **Local Ordinances Amendments** M. Waddoups
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- S.B. 264 **Budget Revisions** L. Hillyard
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- S.B. 265 **Budget Revisions – Drug Court Expansion** D. Liljenquist
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- S.B. 267 **Public Access to Stream Beds** C. Bramble
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- S.B. 268 **Firearms Confiscation Amendments** D. Buttars
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- S.B. 269 **County Powers to Resolve Lawsuits via
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- S.B. 270 **Community Development and Renewal
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- S.B. 271 **Providing Alcohol to a Minor – Penalties** K. Mayne
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- S.B. 272 **Amendments to Transportation Provisions** J. Stevenson
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- S.B. 273 **Hospital Assessments** L. Hillyard
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- S.B. 275 **Removing Signature from Initiative and Referendum Petition** H. Stephenson
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Effective Date: 3/26/2010
- S.B. 276 **Promoting Healthy Lifestyles in Public Schools** P. Jones
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- S.B. 277 **DNA Modifications** J. Adams
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- S.B. 278 **Homeowners' Association Amendments** S. Urquhart
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- S.B. 279 **Identity Fraud and Related Amendments** S. Urquhart
Senate/ filed on 3/11/2010
- S.B. 280 **2010 General Obligation Bond Authorization** L. Hillyard
Governor Signed on 3/25/2010
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- S.B. 281 **Public Access to Stream Beds – Utah Waterways Task Force** D. Stowell
Governor Signed on 3/31/2010
Effective Date: 5/11/2010

- S.B. 282 **Capital Facilities Appropriations** C. Bramble
Governor Signed on 3/25/2010
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- S.C.R. 1 **Alzheimer's and Dementia Awareness
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Governor Signed on 2/18/2010
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- S.C.R. 2 **Reducing Prescription Drug Misuse Resolution** P. Jones
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Effective Date: 3/8/2010
- S.C.R. 3 **State Sovereignty Concurrent Resolution** J. Adams
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- S.C.R. 4 **Dental Health Care Concurrent Resolution** P. Jones
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- S.C.R. 5 **Concurrent Resolution Recognizing the 100
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- S.C.R. 6 **Concurrent Resolution Approving Classification
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- S.C.R. 7 **Concurrent Resolution Approving Solid Waste
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- S.C.R. 8 **Fathers Do Matter Concurrent Resolution** G. Davis
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- S.C.R. 9 **Declaration of the Family Concurrent
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- S.C.R. 10 **Concurrent Resolution Regarding Federal Programs Adversely Impacting Utah** M. Dayton
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- S.C.R. 11 **Concurrent Resolution Expressing Opposition to the Creation of New National Monuments in Utah** K. Van Tassell
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- S.C.R. 12 **Responsible Development of Public Lands Concurrent Resolution** K. Van Tassell
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- S.J.R. 2 **Joint Resolution on Combating and Reducing Gang Activity** L. Robles
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- S.J.R. 3 **Joint Resolution on Ethics Complaint Procedures** J. Valentine
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- S.J.R. 7 **Joint Resolution on the United Nations Children’s Fund** L. Robles
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- S.J.R. 8 **Resolution Amending Legislative Rules to Allow Abstaining from Voting** C. Bramble
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- S.J.R. 9 **Joint Resolution Approving Compensation of In-session Employees** S. Jenkins
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- S.J.R. 10 **Joint Resolution Supporting the Expansion of Correctional Facilities in Uintah County** K. Van Tassell
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- S.J.R. 11 **Utah Athletic Foundation Resolution** S. Urquhart
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- S.J.R. 12 **Joint Rules Resolution on Fiscal Note Process** W. Niederhauser
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- S.J.R. 13 **General Government Joint Resolution** P. Knudson
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- S.J.R. 16 **Health Care Facility Disclosure Joint Resolution** P. Knudson
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- S.J.R. 17 **Senate Joint Rules Resolution on Legislative Involvement in Evaluating and Recommending Sitting Senators and Candidates for the U.S. Senate from Utah** H. Stephenson
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- S.J.R. 19 **Joint Rules Resolution on Ethics Complaints** J. Valentine
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- S.R. 1 **Senate Rules Resolution Allowing Abstaining
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STATE OF UTAH

SENATE JOURNAL

**EIGHTH EXTRAORDINARY SESSION
OF THE
FIFTY-EIGHTH LEGISLATURE**

Convened and Adjourned on
Wednesday, May 19, 2010

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Eighth Extraordinary Session of the Fifty–Eighth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Eighth Extraordinary Session convening on Wednesday, May 19, 2010, and adjourning sine die on the same day.

Annette B. Moore
Secretary of the Senate

Leslie McLean
Manager, Senate Services

Mary B. Andrus
Journal Clerk

STATE OF UTAH

SENATE JOURNAL

EIGHTH EXTRAORDINARY SESSION
of the
FIFTY-EIGHTH LEGISLATURE

The Senate of the Fifty-Eighth Legislature of the State of Utah met in the Senate Chamber at the State Capitol Complex in the Eighth Extraordinary Session at 12:00 noon on Wednesday, May 19, 2010.

The Senate was called to order at 12:15 p.m. with President Michael G. Waddoups presiding.

Prayer – Senator Daniel Liljenquist

Pledge – Senator Stephen Urquhart

Annette Moore, Secretary of the Senate, read the following communication:

PROCLAMATION

WHEREAS, since the close of the 2010 General Session of the 58th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature in Extraordinary Session;

NOW, THEREFORE, I, GARY R. HERBERT, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 58th Legislature into an Eighth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 19th day of May, 2010 at 12:00 noon, for the following purpose:

For the Senate to consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2010 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF,
I have hereunto set my hand
and caused to be affixed the
Great Seal of the State of Utah.
Done at the Utah State Capitol
in Salt Lake City, Utah, this 4th
day of May, 2010.

Gary R. Herbert
Governor

Greg Bell
Lieutenant Governor

CERTIFICATION

I, GREG BELL, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of May 4, 2010, and signed by Governor Gary R. Herbert, is a true and correct copy of the original Proclamation calling the Senate only into a Eighth Extraordinary Session at the State Capitol Complex, at Salt Lake City, Utah, on the 19th day of May, 2010, at 12:00 noon, for the purpose named in the Proclamation.

I FURTHER CERTIFY THAT the membership of the Utah State Senate has not changed from that of the 2010 General Session of the Utah State Legislature.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah at Salt Lake City, Utah, this 18th day of May 2010.

Greg Bell
Lieutenant Governor

Roll call – All Senators present except Senators Dayton, Buttars, and Van Tassell, excused.

On motion of Senator Knudson, the Senate voted to adopt the Senate Rules of the 2010 General Session of the Fifty–Eighth Legislature as the rules for the Eighth Extraordinary Session.

President Waddoups appointed a committee comprised of Senators Ralph Okerlund, Stephen Urquhart and Gene Davis to notify the Governor’s representative that the Senate is convened in the Eighth Extraordinary Session in accordance with his proclamation.

Senator Okerlund advised the Senate that the Governor’s representative has been notified of the convening of the Eighth Extraordinary Session.

COMMUNICATION FROM THE GOVERNOR

Mr. President:

March 30, 2010

I am pleased to inform you that I have appointed Michele M. Christiansen as a Judge of the Utah Court of Appeals, 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 the above appointment.

Gary R. Herbert
Governor

* * *

Mr. President: May 11, 2010

The Senate Judicial Confirmation Committee met on May 11, 2010 and reports a favorable recommendation for Judge Michele M. Christiansen to be confirmed to the position of Judge in the Court of Appeals.

Scott K. Jenkins, Chair

Senator Hillyard moved to consent to the appointment as read by Leslie McLean. Senator Jenkins declared a conflict of interest. Senator Romero comment and the motion passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Adams	Christensen	Davis	Goodfellow
Greiner	Hillyard	Hinkins	Jenkins
Jones	Knudson	Liljenquist	Madsen
Mayne	McAdams	Morgan	Niederhauser
Okerlund	Robles	Romero	H. Stephenson
J. Stevenson	Stowell	Urquhart	Valentine
Waddoups			

Absent or not voting were: Senators

Bramble	Buttars	Dayton	Van Tassell
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COMMITTEE OF THE WHOLE

On motion of Senator Jenkins, Judge Michele M. Christiansen, spoke in Committee of the Whole.

On motion of Senator Jenkins, the Committee of the Whole was dissolved.

COMMUNICATION FROM THE GOVERNOR

ADVISE AND CONSENT

Mr. President: May 24, 2010

In accordance with Utah Code Ann. 67-1-1 and 67-1-2, I propose and transmit the following appointments:

Utah Insurance Department

Neal T. Gooch is appointed to replace Kent Michie as Commissioner of the Utah Insurance Department. See Utah Code Ann. 31A-2-102(1).

Board of Business and Economic Development:

Molonai Hola is reappointed as a member of the Board of Business and Economic Development, a term to expire March 15, 2013. See Utah Code Ann. 63M-1-302.

Amy Rees Anderson is reappointed as a member of the Board of Business and Economic Development, a term to expire March 15, 2013. See Utah Code Ann. 63M-1-302.

Jack Brittain is reappointed as a member of the Board of Business and Economic Development, a term to expire March 15, 2013. See Utah Code Ann. 63M-1-302.

Mary Draper is reappointed as a member of the Board of Business and Economic Development, a term to expire March 15, 2013. See Utah Code Ann. 63M-1-302.

Mel Lavitt is reappointed as a member of the Board of Business and Economic Development, a term to expire March 15, 2013. See Utah Code Ann. 63M-1-302.

Lowry Snow is appointed to replace Gerald Sherratt as a member of the Board of Business and Economic Development, a term to expire March 15, 2014. See Utah Code Ann. 63M-1-302.

Jake Boyer is appointed to replace James L. Sorenson as a member of the Board of Business and Economic Development, a term to expire March 15, 2011. See Utah Code Ann. 63M-1-302.

Drinking Water Board:

Heather Jackson is appointed to replace Jay Franson as the elected municipal government representative of the Drinking Water Board, a term to expire May 8, 2013. See Utah Code Ann. 19-4-103.

Russell Donoghue is appointed to replace Helen Graber as the public representative of the Drinking Water Board, a term to expire May 8, 2014. See Utah Code Ann. 19-4-103.

Bond Review Board:

Lee Gardner is reappointed as a member of the Private Activity Bond Review Board, a term to expire April 30, 2014. See Utah Code Ann. 9-4-503.

Thomas Hardy is reappointed as a member of the Private Activity Bond Review Board, a term to expire April 30, 2014. See Utah Code Ann. 9–4–503.

Kyle Kershaw is reappointed as a member of the Private Activity Bond Review Board, a term to expire April 30, 2014. See Utah Code Ann. 9–4–503.

Michael J. Jensen is appointed to replace Blake Frazier as the elected or appointed county official representative of the Private Activity Bond Review Board, a term to expire April 30, 2014. See Utah Code Ann. 9–4–503.

Wayne Parker is appointed to replace Arthur Hunter as the elected or appointed municipal official representative of the Private Activity Bond Review Board, a term to expire April 30, 2014. See Utah Code Ann. 9–4–503.

Justice Services:

Russell VanVleet is appointed to replace a vacant position as a member of the Board of Juvenile Justice Services, a term to expire February 28, 2014. See Utah Code Ann. 62A–1–107 (3).

Health Data Committee:

Sally Valdez is appointed to replace Bob Huefner as the public health representative of the Health Data Committee, a term to expire June 30, 2014. See Utah Code Ann. 26–33a–103.

G. Kirk Olsen is appointed to replace Greg Poulsen as the hospital representative of the Health Data Committee, a term to expire June 30, 2012. See Utah Code Ann. 26–33a–103.

Laura Polacheck is appointed to replace Gary Nordhoff as the general public member of the Health Data Committee, a term to expire June 30, 2014. See Utah Code Ann. 26–33a–103.

Defined Contribution Risk Adjustor Board:

Todd Trettin is appointed as a insurance carrier representative of the Defined Contribution Risk Adjustor Board, a term to expire May 20, 2014. See Utah Code Ann. 31A–42–201(2)(b)(i).

Kim Miller is appointed as a insurance carrier representative of the Defined Contribution Risk Adjustor Board, a term to expire May 20, 2014. See Utah Code Ann. 31A–42–201(2)(b)(i).

Utah College of Applied Technology:

Brad Tanner is appointed as a non–union member of the Utah College of Applied Technology, a term to expire July 1, 2011. See Utah Code Ann. 53B–2a–103(i).

Dale Cox is appointed as a union member of the Utah College of Applied Technology, a term to expire July 1, 2013. See Utah Code Ann. 53B-2a-103(h).

Real Estate Commission:

Kay R. Ashton is reappointed as a member of the Real Estate Commission, a term to expire June 30, 2014. See Utah Code Ann. 61-2-5.5.

Water Quality Board:

Neal Lynn Peacock is appointed to replace Lou Ann Christensen as the municipal government member of the Water Quality Board, a term to expire March 1, 2013. See Utah Code Ann. 19-5-103.

Myron Bateman is appointed to replace Phil Wright as the local health department member of the Water Quality Board, a term to expire March 1, 2013. See Utah Code Ann. 19-5-103.

Board of Pardons and Parole:

Don E. Blanchard is appointed to replace Marguerite Driessen as a Pro Tempore member of the Board of Pardons and Parole, a term to expire February 28, 2015. See Utah Code Ann. 77-27-2.

Earl G. Xaiz is appointed to replace Kent Archibald as a Pro Tempore member of the Board of Pardons and Parole, a term to expire February 28, 2015. See Utah Code Ann. 77-27-2.

Workers Compensation Fund Board of Directors:

David Layton is appointed to replace Robert Myrick as the general public member of the Workers Compensation Fund Board of Directors, a term to expire June 30, 2014. See Utah Code Ann. 31A-33-106.

State Board of Regents:

Dan Campbell is appointed to replace Anthony Morgan as a member of the State Board of Regents, a term to expire June 30, 2013. See Utah Code Ann. 53B-1-104.

Great Salt Lake Advisory Council:

Julie Peck-Dabling is appointed as a member of the Great Salt Lake Advisory Council, a term to expire June 1, 2012. See Utah Code Ann. 73-29-201.

Dan Tuttle is appointed as a member of the Great Salt Lake Advisory Council, a term to expire June 1, 2014. See Utah Code Ann. 73-29-201.

Jay Hardy is appointed as a member of the Great Salt Lake Advisory Council, a term to expire June 1, 2014. See Utah Code Ann. 73-29-201.

Jan M. Zogmaister is appointed as a member of the Great Salt Lake Advisory Council, a term to expire June 1, 2012. See Utah Code Ann. 73-29-201.

Louenda H. Downs is appointed as a member of the Great Salt Lake Advisory Council, a term to expire June 1, 2012. See Utah Code Ann. 73-29-201.

Carlton Christensen is appointed as a member of the Great Salt Lake Advisory Council, a term to expire June 1, 2014. See Utah Code Ann. 73-29-201.

Bill Fenimore is appointed as a member of the Great Salt Lake Advisory Council, a term to expire June 1, 2012. See Utah Code Ann. 73-29-201.

Jeff Richards is appointed as a member of the Great Salt Lake Advisory Council, a term to expire June 1, 2012. See Utah Code Ann. 73-29-201.

Nicol Gagstetter is appointed as a member of the Great Salt Lake Advisory Council, a term to expire June 1, 2012. See Utah Code Ann. 73-29-201.

Don Leonard is appointed as a member of the Great Salt Lake Advisory Council, a term to expire June 1, 2014. See Utah Code Ann. 73-29-201.

Leland Myers is appointed as a member of the Great Salt Lake Advisory Council, a term to expire June 1, 2014. See Utah Code Ann. 73-29-201.

Thank you for your timely consideration and confirmation of the above appointments.

Gary R. Herbert
Governor

Mr. President: May 13, 2010

The Senate Education Committee met on May 13, 2010 and reports a favorable recommendation for Mr. Brad Tanner as a non-union member of the Utah College of Applied Technology Board of Trustees; and

The Senate Education Committee met on May 13, 2010 and reports a favorable recommendation for Mr. Dale Cox as a union member of the Utah College of Applied Technology Board of Trustees; and

The Senate Education Committee met on May 13, 2010 and reports a favorable recommendation for Mr. Daniel W. Campbell as a member of the Utah State Board of Regents.

Curtis S. Bramble, Chair

* * *

On motion of Senator Jenkins, the Senate voted to waive the 15–day requirement on communications received May 5, 2010, for purposes of acting on gubernatorial nominees.

Senator Hillyard moved to consent to the appointment of Daniel W. Campbell as a member of the Utah State Board of Regents. The motion failed on the following roll call vote:

Yeas, 10; Nays, 16; Absent, 3.

Voting in the affirmative were: Senators

Bramble	Davis	Goodfellow	Jenkins
Madsen	Mayne	McAdams	Morgan
Valentine	Waddoups		

Voting in the negative were: Senators

Adams	Christensen	Greiner	Hillyard
Hinkins	Jones	Knudson	Liljenquist
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart

Absent or not voting were: Senators

Buttars	Dayton	Van Tassell
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Senator Hillyard moved to consent to the other appointments as read by Leslie McLean. The motion passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Adams	Bramble	Christensen	Davis
Goodfellow	Greiner	Hillyard	Hinkins
Jenkins	Jones	Knudson	Liljenquist
Madsen	Mayne	McAdams	Morgan
Niederhauser	Okerlund	Robles	Romero
H. Stephenson	J. Stevenson	Stowell	Urquhart
Valentine	Waddoups		

Absent or not voting were: Senators

Buttars

Dayton

Van Tassell

COMMITTEE OF THE WHOLE

On motion of Senator Jenkins, Neal T. Gooch, Commissioner of the Utah Insurance Department, spoke in Committee of the Whole.

On motion of Senator Jenkins, the Committee of the Whole was dissolved.

President Waddoups directed the committee to wait upon the Governor's representative to notify him that the Senate has concluded its business.

Senator Okerlund reported that the committee had notified the Governor's representative that the Senate had concluded its business, and that the Governor has no further business to bring before the Senate.

On motion of Senator Jenkins, and at 12:55 p.m., the Senate adjourned sine die.

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