

STATE OF UTAH

SENATE JOURNAL

**ELEVENTH EXTRAORDINARY
SESSION OF THE
FIFTY–SIXTH LEGISLATURE**

Convened and Adjourned on
Wednesday, June 21, 2006

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Eleventh Extraordinary Session of the Fifty–Sixth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Eleventh Extraordinary Session convening on Wednesday, June 21, 2006, and adjourning sine die on the same day.

Annette B. Moore
Secretary of the Senate

Leslie McLean
Manager, Senate Services

Mary B. Andrus
Journal Clerk

STATE OF UTAH

SENATE JOURNAL

ELEVENTH EXTRAORDINARY SESSION
of the
FIFTY–SIXTH LEGISLATURE

Pursuant to the proclamation of His Excellency, Governor Jon M. Huntsman, Jr., the Senate of the Fifty–Sixth Legislature of the State of Utah met in the Senate Chamber at the State Capitol Complex in the Eleventh Extraordinary Session at 12:00 noon on Wednesday, June 21, 2006.

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

Prayer – Senator Scott Jenkins

Pledge – Senator Fred Fife

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

PROCLAMATION

WHEREAS, since the close of the 2006 General Session of the 56th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

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

NOW, THEREFORE, I, JON M. HUNTSMAN, JR., Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 56th Legislature of the State of Utah into a Eleventh Extraordinary Session at the State Capitol Complex in Salt Lake City, Utah, on the 21st day of June, 2006 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 2006 General Session.

IN TESTIMONY WHEREOF,
I have hereunto set my hand
and caused to be affixed the
Great Seal of the State of Utah.
Done at the State Capitol
Complex in Salt Lake City,
Utah, this 6th day of June, 2006.

Jon M. Huntsman, Jr.
Governor

Gary R. Herbert
Lieutenant Governor

CERTIFICATION

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of June 6, 2006, and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamation calling the Senate only of the Fifty–Sixth Legislature of the State of Utah into an Eleventh Extraordinary Session at the Senate Chamber, State Capitol Complex, at Salt Lake City, Utah, on the 21st day of June, 2006, 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 2006 General Session of the Utah State Legislature.

IN TESTIMONY WHEREOF,
I have hereunto set my hand
and caused to be affixed the
Great Seal of the State of Utah.
Done at the State Capitol
Complex in Salt Lake City,
Utah, this 20th day of June
2006.

Gary R. Herbert
Lieutenant Governor

Roll call – All Senators present, except Senators Hillyard, Arent, Hatch, and Mansell excused.

On motion of Senator Waddoups, the Senate voted to adopt the Senate Rules of the 2006 General Session of the Fifty–Sixth Legislature as the rules for the Eleventh Extraordinary Session.

President Valentine appointed a committee comprised of Senators Allen Christensen, Beverly Evans and Ed Mayne to notify the Governor’s representative that the Senate is convened in the Eleventh Extraordinary Session in accordance with his proclamation.

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

Annette Moore read the following communications:

COMMUNICATION FROM THE GOVERNOR

Mr. President: June 6, 2006

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

Board of Pardons and Parole:

Clark Harms is appointed to replace Don Blanchard as a member of the Board of Pardons and Parole, a term to expire February 28, 2011. See Utah Code Ann. 77–27–2.

Real Estate Commission:

Kay Ashton is appointed to replace Maralee B. Jensen as a member of the Real Estate Commission, a term to expire June 30, 2010. See Utah Code Ann. 61-2-5.5.

Radiation Control Board:

Dr. John Thomson is reappointed as a member of the Radiation Control Board, a term to expire July 1, 2010. See Utah Code Ann. 19-3-103. Dr. Thomson is not affiliated with a political party.

Elizabeth Goryunova is appointed to replace Linda Kruse as a member of the Radiation Control Board, a term to expire July 1, 2010. See Utah Code Ann. 19-3-103. Ms. Goryunova is not affiliated with a political party.

Peter A. Jenkins is appointed to replace Karen Langley as a member of the Radiation Control Board, a term to expire July 1, 2010. See Utah Code Ann. 19-3-103. Mr. Jenkins is not affiliated with a political party.

Health Data Committee:

Kim Bateman is reappointed as a member of the Health Data Committee, a term to expire June 30, 2010. See Utah Code Ann. 26-33a-103. Dr. Bateman is a Republican.

Leslie Francis is reappointed as a member of the Health Data Committee, a term to expire June 30, 2010. See Utah Code Ann. 26-33a-103. Dr. Francis is a Democrat.

Robert Huefner is reappointed as a member of the Health Data Committee, a term to expire June 30, 2010. See Utah Code Ann. 26-33a-103. Dr. Huefner is a Democrat.

Gary W. Nordhoff is appointed to replace Mark Towner as a member of the Health Data Committee, a term to expire June 30, 2010. See Utah Code Ann. 26-33a-103. Mr. Nordhoff is an Independent.

Stephen J. Kroes is appointed to replace Ronald E. Casper as a member of the Health Data Committee, a term to expire June 30, 2010. See Utah Code Ann. 26-33a-103. Mr. Kroes is a Republican.

Douglas James Hasbrouck is appointed to replace Annette K. Herman as a member of the Health Data Committee, a term to expire June 30, 2010. See Utah Code Ann. 26-33a-103. Dr. Hasbrouck is an Independent.

Utah Athletic Foundation Board of Directors:

John Bennion is appointed as a member of the Utah Athletic Foundation Board of Directors, a term to expire June 30, 2009. In accordance with H.J.R. 25 adopted during the 2002 General Session of the Utah Legislature.

Department of Community and Culture:

Palmer DePaulis is appointed as the Executive Director of the Department of Community and Culture. See Utah Code Ann. 9-1-204.

Department of Administrative Services:

Richard Ellis is appointed as the Executive Director of the Department of Administrative Services. See Utah Code Ann. 63A-1-105.

Commission on Criminal and Juvenile Justice:

Jesse Gallegos is appointed as the Executive Director of the Commission on Criminal and Juvenile Justice. See Utah Code Ann. 63-25a-103.

Utah Science Technology and Research Governing Authority:

Dan Olsen is appointed as a member of the Utah Science Technology and Research Governing Authority, a term to expire June 30, 2008. See Utah Code Ann. 63-38g-301. Mr. Olsen is appointed by the President of the Senate.

Dinesh Patel is appointed as a member of the Utah Science Technology and Research Governing Authority, a term to expire June 30, 2010. See Utah Code Ann. 63-38g-301. Mr. Patel is appointed by the President of the Utah State Senate.

Charlie Precourt is appointed as a member of the Utah Science Technology and Research Governing Authority, a term to expire June 30, 2010. See Utah Code Ann. 63-38g-301. Mr. Precourt is appointed by the Speaker of the Utah House of Representatives.

Jack Sunderlage is appointed as a member of the Utah Science Technology and Research Governing Authority, a term to expire June 30, 2008. See Utah Code Ann. 63-38g-301. Mr. Sunderlage is appointed by the Speaker of the Utah House of Representatives.

Jim Dreyfus is appointed as a member of the Utah Science Technology and Research Governing Authority, a term to expire June 30, 2010. See Utah Code Ann. 63-38g-301. Mr. Dreyfus is appointed by the Commissioner for Higher Education.

Scott Anderson is appointed as a member of the Utah Science Technology and Research Governing Authority, a term to expire June 30, 2010. See Utah Code Ann. 63-38g-301. Mr. Jackson is appointed by Governor.

Hunter Jackson is appointed as a member of the Utah Science Technology and Research Governing Authority, a term to expire June 30, 2008 See Utah Code Ann. 63-38g-301. Mr. Jackson is appointed by Governor.

Cathy A. Petti is appointed as a member of the Utah Science Technology and Research Governing Authority, a term to expire June 30, 2008. See Utah Code Ann. 63-38g-301. Ms. Petti is appointed by Governor.

Utah State University Board of Trustees:

David Johnson III is appointed to replace Douglas Anderson as a member of the Utah State University Board of Trustees, a term to expire June 30, 2009. See Utah Code Ann. 53B-2-104.

Real Estate Appraiser Licensing and Certification Board:

Ronald M. Smith is appointed to replace Phillip J. Cook as a member of the Real Estate Appraiser Licensing and Certification Board, a term to expire July 1, 2010. See Utah Code Ann. 61-2b-7.

Ambria Spencer is appointed to replace Jennifer Szczypkowski as a member of the Real Estate Appraiser Licensing and Certification Board, a term to expire July 1, 2010. See Utah Code Ann. 61-2b-7.

Judicial Conduct Commission:

Elaine E. Englehardt is appointed to replace Joe Judd as a member of the Judicial Conduct Commission, a term to expire June 20, 1010. See Utah Code Ann. 78-8-102. Dr. Englehardt is not affiliated with a political party.

Securities Advisory Board:

Craig Skidmore is appointed to replace Henry Autry as a member of the Securities Advisory Board, a term to expire July 1, 2008. See Utah Code Ann. 61-1-18.5.

Mark Pugsley is appointed to replace Robert Thorup as a member of the Securities Advisory Board, a term to expire July 1, 2010. See Utah Code Ann. 61-1-18.5.

Tim Bangerter is appointed to replace John Jackson as a member of the Securities Advisory Board, a term to expire July 1, 2010. See Utah Code Ann. 61-1-18.5.

Committee of Consumer Services:

Andrew Riggle is appointed to replace Ryan Atkinson as a member of the Committee of Consumer Services, a term to expire July 1, 2010. See Utah Code Ann. 54-10-2. Mr. Riggle is a Democrat.

Robert McMullin is appointed to replace Kent Bateman as a member of the Committee of Consumer Services, a term to expire July 1, 2010. See Utah Code Ann. 54-10-2. Mr. McMullin is a Republican.

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

Jon M. Huntsman, Jr.
Governor

* * *

Mr. President: June 21, 2006

The Senate Judiciary, Law Enforcement and Criminal Justice Confirmation Committee met on June 20, 2006 and reports a favorable recommendation for Ms. Elaine Eliason Englehardt to be confirmed a member of the Judicial Conduct Commission.

D. Chris Buttars, Chair

Senator Knudson moved to consent to the appointments as read by Leslie McLean. Senator Buttars commented. The motion passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Evans
Fife	Goodfellow	Hale	Hellewell
Hickman	Jenkins	Knudson	Mayne
McCoy	Peterson	Stephenson	Thomas
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Arent	Hatch	Hillyard	Killpack
Madsen	Mansell		

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

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

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

STATE OF UTAH

SENATE JOURNAL

**TWELFTH EXTRAORDINARY SESSION
OF THE
FIFTY–SIXTH LEGISLATURE**

Convened and Adjourned on
Wednesday, July 19, 2006

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Twelfth Extraordinary Session of the Fifty–Sixth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Twelfth Extraordinary Session convening on Wednesday, July 19, 2006, and adjourning sine die on the same day.

Annette B. Moore
Secretary of the Senate

Leslie McLean
Manager, Senate Services

Mary B. Andrus
Journal Clerk

STATE OF UTAH

SENATE JOURNAL**TWELFTH EXTRAORDINARY SESSION
of the
FIFTY–SIXTH LEGISLATURE**

Pursuant to the proclamation of His Excellency, Governor Jon M. Huntsman, Jr., the Senate of the Fifty–Sixth Legislature of the State of Utah met in the Senate Chamber at the State Capitol Complex in the Twelfth Extraordinary Session at 12:00 noon on Wednesday, July 19, 2006.

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

Prayer – Senator Greg Bell

Pledge – Senator Dave Thomas

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

PROCLAMATION

WHEREAS, since the close of the 2006 General Session of the 56th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

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

NOW, THEREFORE, I, JON M. HUNTSMAN, JR., Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 56th Legislature into a Twelfth Extraordinary Session at the State Capitol Complex in Salt Lake City, Utah, on the 19th day of July, 2006 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 2006 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF,
I have hereunto set my hand
and caused to be affixed the
Great Seal of the State of Utah.
Done at the Salt Lake Capitol
Complex in Salt Lake City,
Utah, this 5th day of July, 2006.

Jon M. Huntsman, Jr.
Governor

Gary R. Herbert
Lieutenant Governor

CERTIFICATION

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of July 5, 2006, and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamation calling the Senate only into a Twelfth Extraordinary Session at the State Capitol Complex, at Salt Lake City, Utah, on the 19th day of July, 2006, 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 2006 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 13th day of July 2006.

Gary R. Herbert
Lieutenant Governor

Roll call – All Senators present, except Senators Hatch, Stephenson, Christensen, McCoy, Hellewell, Killpack, Fife, Madsen, Peterson, Goodfellow, and Bramble excused.

On motion of Senator Waddoups, the Senate voted to adopt the Senate Rules of the 2006 General Session of the Fifty–Sixth Legislature as the rules for the Twelfth Extraordinary Session.

President Valentine appointed a committee comprised of Senators Bill Hickman, Chris Buttars and Gene Davis to notify the Governor’s representative that the Senate is convened in the Twelfth Extraordinary Session in accordance with his proclamation.

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

* * *

President Valentine administered the Oath of Office to Wayne Niederhauser, newly appointed to replace Al Mansell in Senate District 9.

* * *

Leslie McLean read the following communications:

COMMUNICATION FROM THE GOVERNOR

Mr. President: June 29, 2006

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

UTAH COURT OF APPEALS

David N. Mortensen is appointed as a Judge of the Fourth District Court. See Utah const. ant. VIII, 8; Utah Code 78-29-2.

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

Jon M. Huntsman, Jr.
Governor

* * *

Mr. President: June 21, 2006

The Senate Judiciary, Law Enforcement and Criminal Justice Confirmation Committee met on both July 17 and July 19, 2006, and unanimously reports a favorable recommendation for Mr. David N. Mortensen to be confirmed to the position of Judge in the Fourth District Court.

D. Chris Buttars, Chair

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

Yeas, 18; Nays, 0; Absent, 11.

Voting in the affirmative were: Senators

Arent	Bell	Buttars	Davis
Dmitrich	Eastman	Evans	Hale
Hickman	Hillyard	Jenkins	Knudson
Niederhauser	Mayne	Thomas	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Bramble	Christensen	Fife	Goodfellow
Hatch	Hellewell	Killpack	Madsen
McCoy	Peterson	Stephenson	

COMMITTEE OF THE WHOLE

On motion of Senator Knudson, Judge David N. Mortensen spoke in Committee of the Whole.

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

COMMUNICATION FROM THE GOVERNOR

Mr. President:

July 5, 2006

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

State Records Committee:

Dixie Brunner is reappointed as a member of the State Records Committee, a term to expire July 1, 2010. See Utah Code Ann. 63-2-501.

Carol Heales is appointed to replace LuAnn Adams as a member of the State Records Committee, a term to expire July 1, 2010. See Utah Code Ann. 63-2-501.

Real Estate Commission:

Gary Hancock is appointed to replace Dottie Burnham as a member of the Real Estate Commission, a term to expire June 30, 2010. See Utah Code Ann. 61-2-5.5.

Labor Commission:

Sherrie Hayashi is appointed as Labor Commissioner. See Utah Code Ann. 34A-1-201.

State Tax Commission:

Bruce Johnson is reappointed as a member of the State Tax Commission, a term to expire June 30, 2010. See Utah Code Ann. 59-1-201. Mr. Johnson is a Republican.

State Board of Financial Institutions:

Kip Cashmore is appointed to replace Alta Earl as a member of the State Board of Financial Institutions, a term to expire July 1, 2009. See Utah Code Ann. 7-1-203. Mr. Cashmore is a Republican.

Weber State University Board of Trustees:

Steven Petersen is appointed to replace Catherine Ortega as a member of Weber State University Board of Trustees, a term to expire June 30, 2009. See Utah Code Ann. 53B-2-104.

Utah State University Board of Trustees:

Richard Nelson is appointed to replace Lynnette T. Hansen as a member of the Utah State University Board of Trustees, a term to expire June 30, 2009. See Utah Code Ann. 53B-2-104.

Board of Child and Family Services:

Estelle G. Dahlkemper is appointed as a member of the Board of Child and Family Services, a term to expire July 1, 2010. See Utah Code Ann. 62-A-4a-102. Ms. Dahlkemper is a Republican.

Charles Evans is appointed to replace Rebecca Rae Oakley as a member of the Board of Child and Family Services, a term to expire July 1, 2010. See Utah Code Ann. 62-A-4a-102. Mr. Evans is a Republican.

Christine Suzanne Tuckett is appointed to replace Karen Sitterud as a member of the Board of Child and Family Services, a term to expire July 1, 2010. See Utah Code Ann. 62-A-4a-102. Ms. Tuckett is an Independent.

Board of Pardons and Parole:

Marguerite Arleen Driessen is reappointed as a pro tempore member of the Board of Pardons and Parole, a term to expire February 28, 2011. See Utah Code Ann. 77-27-2 .

Radiation Control Board:

Patrick Cone is reappointed as a member of the Radiation Control Board, a term to expire July 1, 2010. See Utah Code Ann. 19-3-103. Mr. Cone is a Democrat.

Elizabeth Joette Langianese is reappointed as a member of the Radiation Control Board, a term to expire July 1, 2010. See Utah Code Ann. 19-3-103. Ms. Lagianese is an Independent.

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

Jon M. Huntsman, Jr.
Governor

On motion of Senator Eastman, the Senate, pursuant to Section 67-1-2 of the Utah Code, voted to waive the 15-day requirement on the submittal dated July 5, 2006, for purposes of acting on gubernatorial nominees.

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

Yeas, 18; Nays, 0; Absent, 11.

Voting in the affirmative were: Senators

Arent	Bell	Buttars	Davis
Dmitrich	Eastman	Evans	Hale
Hickman	Hillyard	Jenkins	Knudson
Niederhauser	Mayne	Thomas	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Bramble	Christensen	Fife	Goodfellow
Hatch	Hellewell	Killpack	Madsen
McCoy	Peterson	Stephenson	

COMMITTEE OF THE WHOLE

On motion of Senator Knudson, former Senator Al Mansell, spoke in Committee of the Whole. Senators Knudson, Dmitrich, Mayne, Hickman, Waddoups, Bell, Arent, Hale, Walker, Jenkins, Buttars, and Eastman commented.

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

* * *

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

Senator Hickman 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 Knudson, and at 1:15 p.m., the Senate adjourned sine die.

STATE OF UTAH

SENATE JOURNAL

**FOURTH SPECIAL SESSION
OF THE
FIFTY–SIXTH LEGISLATURE**

Convened and Adjourned on Tuesday, September 19, 2006

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Fourth Special Session of the Fifty–Sixth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Fourth Special Session convening on Tuesday, September 19, 2006, and adjourning sine die the same day.

Annette B. Moore
Secretary of the Senate

Leslie McLean
Manager, Senate Services

Mary B. Andrus
Journal Clerk

SENATE JOURNAL
FOURTH SPECIAL SESSION
of the
FIFTY–SIXTH LEGISLATURE
September 19, 2006

Pursuant to the proclamation of His Excellency, Governor Jon M. Huntsman, Jr, the Senate of the Fifty–Sixth Legislature of the State of Utah met in the Senate Chamber of the State Capitol Complex in a Special Session at 2:00 p.m. on Tuesday, September 19, 2006.

The Senate was called to order at 2:25 p.m., with President John Valentine presiding.

- Prayer** – Senator Parley Hellewell
- Pledge of Allegiance** – Senator Pete Knudson
- Roll Call** – All Senators present.

* * *

Annette B. Moore read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the adjournment of the 2006 General Session of the Fifty–Sixth Legislature of the State of Utah, 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 into a Special Session;

NOW, THEREFORE, I, JON M. HUNTSMAN, JR., Governor of the State of Utah by virtue of the authority vested in me by the Constitution and the Laws of the State of Utah, do by this Proclamation call the Fifty–Sixth Legislature of the State of Utah into a Fourth Special Session at the State Capitol Complex in Salt Lake City, Utah, on the 19th day of September 2006, at 2:00 p.m. for the following purposes:

1. To consider state and local option funding for transportation; and

2. To consider legislation amending the individual income tax system by modifying tax brackets, modifying the additions to and subtractions from income, and allowing an individual to elect between a single rate tax system and the existing graduated tax system.

IN TESTIMONY WHEREOF,
I have hereunto set my hand and
caused to be affixed the Great
Seal of the State of Utah. Done
at the State Capitol Complex in
Salt Lake City, Utah this 15th
day of September 2006.

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

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a proclamation issued on the 15th day of September, 2006, and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamation calling the Fifty–Sixth Legislature of the State of Utah into a Fourth Special Session at the Capitol Complex at Salt Lake City, Utah, on the 19th day of September, 2006, at 2:00 p.m., for the purposes named in the Proclamation.

I FURTHER TESTIFY THAT the membership of the Utah State Senate has not changed from that Certification of 2006 General Session with the following exception.

NINTH DISTRICT: County of Salt Lake

Wayne Niederhauser

IN TESTIMONY WHEREOF,
I have hereunto set my hand and
caused to be affixed the Great
Seal of the State of Utah at Salt
Lake City, this 15th day of
September, 2006.

Gary R. Herbert
Lieutenant Governor

* * *

On motion of Senator Waddoups, the Senate voted to adopt the Senate Rules of the 2006 General Session of the Fifty–Sixth Legislature as the rules for the Fourth Special Session.

President Valentine appointed a committee comprised of Senators Howard Stephenson, Wayne Niederhauser, and Brent Goodfellow to notify Governor Jon M. Huntsman, Jr. that the Senate is convened in the Fourth Special Session in accordance with his proclamation and is organized and ready to receive any communication from him.

President Valentine appointed a committee comprised of Senator Curtis Bramble, Scott Jenkins, and Scott McCoy to notify the House of Representatives that the Senate is organized and ready to do business.

Senator Bramble reported that the House has been notified.

Senator Stephenson reported that the Governor has been notified.

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

INTRODUCTION OF BILLS

S.B. 4001, Income Tax Amendments (C. Bramble), read the first time by short title.

* * *

On motion of Senator Knudson, under suspension of the rules, **S.B. 4001** was placed on the Second Reading Calendar for immediate consideration.

S.B. 4001, INCOME TAX AMENDMENTS, was read the second time. Senator Bramble explained the bill. Senators Thomas, Dmitrich, Knudson, Hillyard, Stephenson, and Hale commented.

Senator Dmitrich proposed the following amendment:

1. Page 1, Lines 12 through 14

12 This bill:

13 ► modifies tax brackets for taxable years beginning on or after January 1, 2006;

► for taxable years beginning on or after January 1, 2009, requires individual income tax brackets to be adjusted for changes in the consumer price index;

14 ► modifies additions to and subtractions from federal taxable income for purposes of

2. Page 9, Line 250 through Page 10, Line 287:

250 Section 2. Section 59–10–104 is amended to read:

251 59–10–104. Tax basis — Rates — Exemption.

252 (1) Except as provided in Subsection {-(4)-} (5) or Part 12, Single Rate Individual Income Tax

253 Act, for taxable years beginning on or after January 1, ~~[2001]~~ 2006, a tax is imposed on the

254 state taxable income~~[, as defined in Section 59–10–112,]~~ of every resident individual as

255 provided in this section.

256 (2) For an individual, other than a husband and wife or head of household required to

257 use the tax table under Subsection (3), the tax under this section is imposed in accordance with

258 the following { -table- } income brackets :

259 If the state taxable income is: The tax is:

260 Less than or equal to [~~\$863~~] \$1,105
2.3% of the state taxable income

261 Greater than [~~\$863~~] \$1,105 but less than
[~~\$20~~] \$25, plus 3.3% of state taxable

262 or equal to [~~\$1,726~~] \$2,208
income greater than [~~\$863~~] \$1,105

263 Greater than [~~\$1,726~~] \$2,208 but less than
[~~\$48~~] \$62, plus 4.2% of state taxable

264 or equal to [~~\$2,588~~] \$3,313
income greater than [~~\$1,726~~] \$2,208

265 Greater than [~~\$2,588~~] \$3,313 but less than
[~~\$85~~] \$108, plus 5.2% of state taxable

266 or equal to [~~\$3,450~~] \$4,416
income greater than [~~\$2,588~~] \$3,313

267 Greater than [~~\$3,450~~] \$4,416 but less than
[~~\$129~~] \$166, plus 6% of state taxable

268 or equal to [~~\$4,313~~] \$5,521
income greater than [~~\$3,450~~] \$4,416

269 Greater than [~~\$4,313~~] \$5,521
[~~\$181~~] \$232, plus 7% of state taxable

270
income greater than [~~\$4,313~~] \$5,521

271 (3) For a husband and wife filing a single return jointly, or a head of household as

272 defined in Section 2(b), Internal Revenue Code, filing a single return, the tax under this section

273 is imposed in accordance with the following
{-table-} income brackets :

274 If the state taxable income is:
The tax is:

275 Less than or equal to [~~\$1,726~~] \$2,210
2.3% of the state taxable income

276 Greater than [~~\$1,726~~] \$2,210 but less than
[~~\$40~~] \$51, plus 3.3% of state taxable

277 or equal to [~~\$3,450~~] \$4,416
 income greater than [~~\$1,726~~] \$2,210

278 Greater than [~~\$3,450~~] \$4,416 but less than
 [~~\$97~~] \$124, plus 4.2% of state taxable

279 or equal to [~~\$5,176~~] \$6,626
 income greater than [~~\$3,450~~] \$4,416

280 Greater than [~~\$5,176~~] \$6,626 but less than
 [~~\$169~~] \$216, plus 5.2% of state taxable

281 or equal to [~~\$6,900~~] \$8,832
 income greater than [~~\$5,176~~] \$6,626

282 Greater than [~~\$6,900~~] \$8,832 but less than
 [~~\$259~~] \$331, plus 6% of state taxable

283 or equal to [~~\$8,626~~] \$11,042
 income greater than [~~\$6,900~~] \$8,832

284 Greater than [~~\$8,626~~] \$11,042
 [~~\$362~~] \$464, plus 7% of state taxable

285

income greater than [~~\$8,626~~] \$11,042

(4) (a) For taxable years beginning on or after January 1, 2009, the commission shall:

(i) make the following adjustments to the income brackets under Subsection (2):

(A) increase or decrease the income brackets under Subsection (2) by a percentage equal to the percentage difference between the consumer price index for the preceding calendar year and the consumer price index for the calendar year 2007; and

(B) after making an increase or decrease under Subsection (4)(a)(i)(A), round the income brackets under Subsection (2) to the nearest whole dollar;

(ii) after making the adjustments described in Subsection (4)(a)(i) to the income brackets under Subsection (2), adjust the income brackets under Subsection (3) so that for each income bracket under Subsection (2) there is a corresponding income bracket under Subsection (3) that is equal to the product of:

(A) each income bracket under Subsection (2); and

(B) two; and

(iii) to the extent necessary to reflect an adjustment under Subsection (4)(a)(i) or (ii):

(A) increase or decrease the amount of tax under Subsection (2) or (3) prior to adding in the portion of the tax calculated as a percentage of state taxable income; and

(B) after making an increase or decrease under Subsection (4)(a)(iii)(A), round the amount of tax under Subsection (2) or (3) to the nearest whole dollar.

(b) The commission may not increase or decrease the tax rate percentages provided in Subsection (2) or (3).

(c) For purposes of Subsection (4)(a)(i), the commission shall calculate the consumer price index as provided in Sections 1(f)(4) and 1(f)(5), Internal Revenue Code.

286 {~~-(4)-~~} (5) This section does not apply to a resident individual exempt from taxation under

287 Section 59-10-104.1.

Senator Dmitrich’s motion to amend passed on a voice vote.

###

Senator Thomas proposed the following amendment:

- 1. Page 32, Lines 959 through 963

959 (2) (a) A resident individual that calculates and pays a tax under this section:

960 (i) shall pay for a taxable year an amount equal to the product of:

961 (A) the resident individual’s state taxable income for that taxable year; and

962 (B) {~~-5.35%~~} 4.9% ; and

963 (ii) is exempt from paying the tax imposed by Section 59-10-104.

Senator Thomas’ motion to amend failed on the following roll call vote:

Yeas, 10; Nays, 19; Absent, 0.

Voting in the affirmative were: Senators

Buttars	Hatch	Hellewell	Hillyard
Jenkins	Madsen	Peterson	Stephenson
Thomas	Waddoups		

Voting in the negative were: Senators

Arent	Bell	Bramble	Christensen
Davis	Dmitrich	Eastman	Evans
Fife	Goodfellow	Hale	Hickman
Killpack	Knudson	Mayne	McCoy
Niederhauser	Walker	Valentine	

Senators Waddoups, Arent, Peterson, Bell, McCoy, Mayne, Peterson, Hale, and Hickman commented.

On motion of Senator Bramble, under suspension of the rules, **S.B. 4001**, INCOME TAX AMENDMENTS, was considered read the second and third times. Senator Bramble explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dmitrich	Eastman	Evans	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Killpack	Knudson	Madsen	Niederhauser
Peterson	Stephenson	Thomas	Waddoups
Walker	Valentine		

Voting in the negative were: Senators

Arent	Davis	Fife	Goodfellow
Hale	Mayne	McCoy	

S.B. 4001, as amended, was transmitted to the House.

* * *

On motion of Senator Knudson, and at 4:00 p.m., the Senate sauntered.

The Senate was called to order at 4: 50 p.m., with President Pro Tem Knudson presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

September 19, 2006

The House passed, as amended, **H.B. 4001**, COUNTY OPTION FUNDING FOR REGIONALLY SIGNIFICANT TRANSPORTATION INFRASTRUCTURE, by Representative R. Lockhart, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk
Communications filed. **H.B. 4001** was read the first time.

* * *

On motion of Senator Eastman, under suspension of the rules, **H.B. 4001** was placed on the Second Reading Calendar for immediate consideration.

* * *

H.B. 4001, COUNTY OPTION FUNDING FOR REGIONALLY SIGNIFICANT TRANSPORTATION INFRASTRUCTURE, was read the second time. Senator Killpack explained the bill.

Senator Thomas proposed the following amendment:

1. Page 2, Line 50 through Page 3, Line 62

50 ~~17-50-322. County funding for a fixed guideway.~~

51 ~~—(1) For purposes of this section, “fixed guideway” means a public transit facility that~~

52 ~~uses and occupies:~~

53 ~~(a) rail for the use of public transit; or~~

54 ~~(b) a separate right-of-way for the use of public transit.~~

55 ~~(2) (a) Except as provided in Subsection (2)(b), a county legislative body may not levy~~

56 ~~a property tax or expend revenues from uniform fees or any tax or fee imposed in lieu of a~~

57 ~~property tax, to purchase, erect, repair, rebuild, maintain, or otherwise fund a fixed guideway.~~

58 ~~(b) Subsection (2)(a) does not apply to a property tax levy imposed by a county for the~~

59 ~~purpose of paying for bonds if:~~

60 ~~(i) before January 1, 2007, the bonds were issued or approved by voters for issuance to~~

61 ~~fund a fixed guideway; and~~

62 ~~(ii) the county does not impose a sales and use tax authorized by Section 59-12-1703.~~

Senators Hillyard, McCoy, Waddoups, Eastman, and Fife commented.

Senator Thomas' motion to amend failed on the following roll call:

Yeas, 12; Nays, 17; Absent, 0.

Voting in the affirmative were: Senators

Arent	Bell	Goodfellow	Hale
Hatch	Hillyard	Madsen	Mayne
McCoy	Stephenson	Thomas	Waddoups

Voting in the negative were: Senators

Bramble	Buttars	Christensen	Davis
Dmitrich	Eastman	Evans	Fife
Hellewell	Hickman	Jenkins	Killpack
Knudson	Niederhauser	Peterson	Walker
Valentine			

Senators Hillyard, Eastman, Hatch, Stephenson, Hale, Bell, Mayne, Waddoups, Jenkins, and Buttars commented.

###

Senator Hatch proposed the following amendment:

1. Page 38, Line 1153:
After "significance" delete "₂" and insert "₃"
2. Page 38, Line 1158:
Delete "or"
3. Page 38, Line 1159:
Delete "₂" and insert "₃" and add "or"
and after line 1159 insert "(v)" and the language on line 1153.

Senator Hatch's motion to amend passed on a voice vote.

###

Senator Hickman proposed the following amendment:

1. Page 41, Lines 1254 through 1257
1254 (c) (i) Notwithstanding the designated use of revenues in Subsection (4)(a), of the
1255 revenues generated by the tax imposed under this section by any county of the first or second

1256 class, 25% or more shall be expended for the purpose described in Subsection (4)(a)(ii).

(ii) Subsection (4)(c)(i) does not apply if, through the prioritization process described in Section 59-12-1705, a county chooses an airport of regional significance as its primary project or service.

1257 (d) For purposes of this Subsection (4), the revenues a county will receive from a tax

Senator Hickman’s motion to amend failed on a voice vote.

###

Senator Bell proposed the following amendment:

1. Page 39, Line 1190:
After “capacity for” delete “transportation of regional significance” and insert “regionally significant transportation facilities”
2. Page 39, Line 1195 and 1196:
After “capacity for” delete “transportation of regional significance” and insert “regionally significant transportation facilities”

Senator Bell’s motion to amend passed on a voice vote.

On motion of Senator Killpack, under suspension of the rules, **H.B. 4001**, COUNTY OPTION FUNDING FOR REGIONALLY SIGNIFICANT TRANSPORTATION INFRASTRUCTURE, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Arent	Bell	Bramble	Buttars
Christensen	Davis	Dmitrich	Eastman
Evans	Fife	Goodfellow	Hale
Hatch	Hellewell	Hickman	Jenkins
Killpack	Knudson	Mayne	McCoy
Niederhauser	Peterson	Walker	Valentine

Voting in the negative were: Senators

Hillyard	Madsen	Stephenson	Thomas
Waddoups			

H.B. 4001, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Eastman, and at 6:40 p.m., the Senate sauntered.

The Senate was called to order at 7:25 p.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: September 19, 2006

The House concurred in the Senate amendments and passed **H.B. 4001**, COUNTY OPTION FUNDING FOR REGIONALLY SIGNIFICANT TRANSPORTATION INFRASTRUCTURE, by Representative R. Lockhart, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 4001** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: September 19, 2006

The House passed **S.B. 4001**, INCOME TAX AMENDMENTS, by Senator C. Bramble, with the following amendments:

1. Page 9, Line 260:
Delete "\$1,105" and insert "\$1,000"
2. Page 9, Line 261:
Delete "\$1,105" and insert "\$1,000" and delete "\$25" and insert "\$23"
3. Page 9, Line 262:
Delete "\$2,208" and insert "\$2,000" and delete "\$1,105" and insert "\$1,000"
4. Page 9, Line 263:
Delete "\$2,208" and insert "\$2,000" and delete "\$62" and insert "\$56"
5. Page 9, Line 264:
Delete "\$3,313" and insert "\$3,000" and delete "\$2,208" and insert "\$2,000"

6. Page 9, Line 265:
Delete "\$3,313" and insert "\$3,000" and delete "\$108" and insert "\$98"
7. Page 9, Line 266:
Delete "\$4,416" and insert "\$4,000" and delete "\$3,313" and insert "\$3,000"
8. Page 9, Line 267:
Delete "\$4,416" and insert "\$4,000" and delete "\$166" and insert "\$150"
9. Page 9, Line 268:
Delete "\$5,521" and insert "\$5,500" and delete "\$4,416" and insert "\$4,000"
10. Page 9, Line 269:
Delete "\$5,521" and insert "\$5,500" and delete "\$232" and insert "\$240" and bracket "7%" and insert "6.95%"
11. Page 9, Line 270:
Delete "\$5,521" and insert "\$5,500"
12. Page 9, Line 275:
Delete "\$2,210" and insert "\$2,000"
13. Page 10, Line 276:
Delete "\$2,210" and insert "\$2,000" and delete "\$51" and insert "\$46"
14. Page 10, Line 277:
Delete "\$4,416" and insert "\$4,000" and delete "\$2,210" and insert "\$2,000"
15. Page 10, Line 278:
Delete "\$4,416" and insert "\$4,000" and delete "\$124" and insert "\$112"
16. Page 10, Line 279:
Delete "\$6,626" and insert "\$6,000" and delete "\$4,416" and insert "\$4,000"
17. Page 10, Line 280:
Delete "\$6,626" and insert "\$6,000" and delete "\$216" and insert "\$196"

18. Page 10, Line 281:
Delete “\$8,832” and insert “\$8,000” and delete “\$6,626” and insert “\$6,000”
19. Page 10, Line 282:
Delete “\$8,832” and insert “\$8,000” and delete “\$331” and insert “\$300”
20. Page 10, Line 283:
Delete “\$11,042” and insert “\$11,000” and delete “\$8,832” and insert “\$8,000”
21. Page 10, Line 284:
Delete “\$11,042” and insert “\$11,000” and delete “\$464” and insert “\$480” and bracket “7%” and insert “6.95%”
22. Page 10, Line 285:
Delete “\$11,042” and insert “\$11,000”

Sandy D. Tenney, Chief Clerk

Communications filed.

On motion of Senator Bramble, the Senate voted to concur in the House amendments to **S.B. 4001**, INCOME TAX AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dmitrich	Eastman	Evans	Goodfellow
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Killpack	Knudson	Madsen
Niederhauser	Peterson	Stephenson	Thomas
Waddoups	Walker	Valentine	

Voting in the negative were: Senators

Arent	Davis	Fife	Hale
Mayne	McCoy		

S.B. 4001 was returned to the House for the signature of the Speaker.

* * *

Mr. President:

September 19, 2006

The Speaker of the House has signed **S.B. 4001**, INCOME TAX AMENDMENTS, by Senator C. Bramble, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 4001 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

President Valentine appointed Senators Stephenson, Niederhauser, and Goodfellow to wait upon the Governor and ask if he has any further business to bring before the Senate.

President Valentine appointed Senators Bramble, Jenkins, and McCoy to notify the House of Representatives that the Senate has concluded its business and is ready to adjourn sine die.

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

On motion of Senator Knudson and at 7:40 p.m., the Senate adjourned sine die.

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SENATE AND HOUSE BILLS AND RESOLUTIONS

FIFTY-SIXTH LEGISLATURE
FOURTH SPECIAL SESSION

Convened and Adjourned on
Tuesday, September 19, 2005

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STATE OF UTAH

SENATE JOURNAL

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

Convened and Adjourned on
Wednesday, September 20, 2006

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Thirteenth Extraordinary Session of the Fifty–Sixth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Thirteenth Extraordinary Session convening on Wednesday, September 20, 2006, and adjourning sine die on the same day.

Annette B. Moore
Secretary of the Senate

Leslie McLean
Manager, Senate Services

Mary B. Andrus
Journal Clerk

STATE OF UTAH

SENATE JOURNAL

THIRTEENTH EXTRAORDINARY SESSION
of the
FIFTY–SIXTH LEGISLATURE

Pursuant to the proclamation of His Excellency, Governor Jon M. Huntsman, Jr., the Senate of the Fifty–Sixth Legislature of the State of Utah met in the Senate Chamber at the State Capitol Complex in the Thirteenth Extraordinary Session at 12:00 noon on Wednesday, September 20, 2006.

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

Prayer – Senator Curtis Bramble

Pledge – Senator Beverly Evans

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

PROCLAMATION

WHEREAS, since the close of the 2006 General Session of the 56th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

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

NOW, THEREFORE, I, JON M. HUNTSMAN, JR., Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 56th Legislature into a Thirteenth Extraordinary Session at the State Capitol Complex in Salt Lake City, Utah, on the 20th day of September, 2006 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 2006 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF,
I have hereunto set my hand
and caused to be affixed the
Great Seal of the State of Utah.
Done at the Salt Lake Capitol
Complex in Salt Lake City,
Utah, this 7th day of September,
2006.

Jon M. Huntsman, Jr.
Governor

Gary R. Herbert
Lieutenant Governor

CERTIFICATION

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of September 7, 2006, and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamation calling the Senate only into a Thirteenth Extraordinary Session at the State Capitol Complex, at Salt Lake City, Utah, on the 20th day of September, 2006, 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 2006 General Session of the Utah State Legislature with the following exception.

NINTH DISTRICT: County of Salt Lake

Wayne Niederhauser

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 15th day of September 2006.

Gary R. Herbert
Lieutenant Governor

Roll call – All Senators present.

On motion of Senator Waddoups, the Senate voted to adopt the Senate Rules of the 2006 General Session of the Fifty–Sixth Legislature as the rules for the Thirteenth Extraordinary Session.

President Valentine appointed a committee comprised of Senators Mark Madsen, Sheldon Killpack, and Ed Mayne to notify the Governor’s representative that the Senate is convened in the Thirteenth Extraordinary Session in accordance with his proclamation.

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

* * *

Annette Moore read the following communications:

COMMUNICATION FROM THE GOVERNOR

Mr. President: September 7, 2006

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

Youth Parole Authority:

Myron Benson is appointed to replace Ferris Groll as a member of the Youth Parole Authority, a term to expire April 1, 2007. See Utah Code Ann. 62A–7–501.

Board of Juvenile Justice Services:

David Christensen is appointed to replace Georgia Block as a member of the Board of Juvenile Justice Services, a term to expire April 1, 2009. See Utah Code Ann. 62A–1–105. Mr. Christensen is a Republican.

Board of Substance Abuse and Mental Health:

James C. Ashworth is reappointed as a member of the Board of Substance Abuse and Mental Health, a term to expire September 1, 2010. See Utah Code Ann. 62A-15-106. Mr. Ashworth is an Independent.

Paula Bell is reappointed as a member of the Board of Substance Abuse and Mental Health, a term to expire September 1, 2010. See Utah Code Ann. 62A-15-106. Ms. Bell is a Republican.

Darryl Wagner is reappointed as a member of the Board of Substance Abuse and Mental Health, a term to expire September 1, 2010. See Utah Code Ann. 62A-15-106. Mr. Wagner is a Republican.

Louis H. Callister is reappointed as a member of the Board of Substance Abuse and Mental Health, a term to expire September 1, 2010. See Utah Code Ann. 62A-15-106. Mr. Callister is a Republican.

Liquefied Petroleum Gas Board:

Paul A. Bedont is appointed to replace Lynn S. Froerer as a member of the Liquefied Petroleum Gas Board, a term to expire June 30, 2010. See Utah Code Ann. 53-7-304.

Kelly Magleby is appointed to replace Edward Martin as a member of the Liquefied Petroleum Gas Board, a term to expire June 30, 2010. See Utah Code Ann. 53-7-304.

Dennis Strong is appointed to replace Kevin Eldredge as member of the Liquefied Petroleum Gas Board, a term to expire June 30, 2010. See Utah Code Ann. 53-7-304.

Soil Conservation Commission:

Robert Allen Barry is reappointed as a member of the Soil Conservation Commission, a term to expire May 8, 2010. See Utah Code Ann. 4-18-4.

Wendell Stembridge is appointed to replace Richard Saunders as a member of the Soil Conservation Commission, a term to expire May 8, 2010. See Utah Code Ann. 4-18-4.

Edmund Bench is appointed to replace Willard Rasmussen as a member of the Soil Conservation Commission, a term to expire May 8, 2010. See Utah Code Ann. 4-18-4.

Utah Digital Health Service Commission:

Dr. Joseph Grant Cramer is reappointed as a member of the Utah Digital Health Service Commission, a term to expire October 1, 2010. See Utah Code Ann. 29-9f-103.

Terry Roy Holmes is reappointed as a member of the Utah Digital Health Service Commission, a term to expire October 1, 2010. See Utah Code Ann. 29-9f-103.

Michael Stanton Jensen is appointed to replace Matthew Weed as a member of the Utah Digital Health Service Commission, a term to expire October 1, 2008. See Utah Code Ann. 29-9f-103.

Rulon J. Barlow is appointed to replace Kathy Froerer as a member of the Utah Digital Health Service Commission, a term to expire October 1, 2010. See Utah Code Ann. 29-9f-103.

Purchasing from Persons with Disabilities Advisory Board:

Steve Richards is appointed as a new member of the Purchasing from Persons with Disabilities Advisory Board, a term to expire September 1, 2009. See Utah Code Ann. 63-56-425-(a).

College of Eastern Utah Board of Trustees:

Jerry W. Carlson is appointed to replace Richard Lee as a member of the College of Eastern Utah Board of Trustees, a term to expire June 30, 2007. See Utah Code Ann. 53B-2-104.

Workers Compensation Fund Board of Directors:

Robert D. Myrick is reappointed as a member of the Workers Compensation Fund Board of Directors, a term to expire June 30, 2010. See Utah Code Ann. 31A-33-106.

Judd A. Turner is reappointed as a member of the Workers Compensation Fund Board of Directors, a term to expire June 30, 2010. See Utah Code Ann. 31A-33-106.

Dallas H. Bradford is reappointed as a member of the Workers Compensation Fund Board of Directors, a term to expire June 30, 2009. See Utah Code Ann. 31A-33-106.

Commission on Criminal and Juvenile Justice:

Thomas E. Patterson is appointed as the Executive Director of the Commission on Criminal and Juvenile Justice. See Utah Code Ann. 63-25a-103.

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

Jon M. Huntsman, Jr.
Governor

COMMITTEE REPORT

Mr. President: September 18, 2006

The Senate Judiciary, Law Enforcement, and Criminal Justice Confirmation Committee met on September 18, 2006 and reports a favorable recommendation for Mr. Myron T. Benson to be confirmed a member of the Youth Parole Authority.

D. Chris Buttars, Chair

Mr. President: September 18, 2006

The Senate Judiciary, Law Enforcement, and Criminal Justice Confirmation Committee met on September 18, 2006 and reports a favorable recommendation for Mr. Thomas E. Patterson to be confirmed Executive Director of the Commission on Criminal and Juvenile Justice.

D. Chris Buttars, Chair

On motion of Senator Eastman, the Senate, pursuant to Section 67-1-2 of the Utah Code, voted to waive the 15-day requirement on the submittal dated September 7, 2006, for purposes of acting on gubernatorial nominees.

Senator Hillyard moved to consent to the appointment as read by Annette Moore. Senator Buttars commented. The motion passed on the following roll call:

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

Voting in the affirmative were: Senators

Arent	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Hale	Hickman	Hillyard
Jenkins	Knudson	Madsen	Mayne
Niederhauser	Stephenson	Thomas	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Bell	Evans	Hatch	Hellewell
Killpack	McCoy	Peterson	

COMMITTEE OF THE WHOLE

On motion of Senator Buttars, Thomas E. Patterson, spoke in Committee of the Whole. Senators commented.

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

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

Senator Madsen 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 Knudson, and at 12:35 p.m., the Senate adjourned sine die.

STATE OF UTAH

SENATE JOURNAL

**FOURTEENTH EXTRAORDINARY
SESSION OF THE
FIFTY–SIXTH LEGISLATURE**

Convened and Adjourned on
Wednesday, October 18, 2006

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Fourteenth Extraordinary Session of the Fifty–Sixth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Fourteenth Extraordinary Session convening on Wednesday, October 18, 2006, 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

FOURTEENTH EXTRAORDINARY SESSION
of the
FIFTY–SIXTH LEGISLATURE

Pursuant to the proclamation of His Excellency, Governor Jon M. Huntsman, Jr., the Senate of the Fifty–Sixth Legislature of the State of Utah met in the Senate Chamber at the State Capitol Complex in the Fourteenth Extraordinary Session at 12:00 noon on Wednesday, October 18, 2006.

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

Prayer – Senator Thomas Hatch

Pledge – Senator Wayne Niederhauser

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

PROCLAMATION

WHEREAS, since the close of the 2006 General Session of the 56th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

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

NOW, THEREFORE, I, JON M. HUNTSMAN, JR., Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 56th Legislature into a Fourteenth Extraordinary Session at the State Capitol Complex in Salt Lake City, Utah, on the 18th day of October, 2006 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 2006 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF,
I have hereunto set my hand
and caused to be affixed the
Great Seal of the State of Utah.
Done at the Salt Lake Capitol
Complex in Salt Lake City,
Utah, this 3rd day of October,
2006.

Jon M. Huntsman, Jr.
Governor

Gary R. Herbert
Lieutenant Governor

CERTIFICATION

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of October 7, 2006, and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamation calling the Senate only into a Fourteenth Extraordinary Session at the State Capitol Complex, at Salt Lake City, Utah, on the 18th day of October, 2006, 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 2006 General Session of the Utah State Legislature with the following exception.

NINTH DISTRICT: County of Salt Lake

Wayne Niederhauser

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 17th day of October 2006.

Gary R. Herbert
Lieutenant Governor

Roll call – All Senators present, except Senators Thomas and Walker excused.

On motion of Senator Waddoups, the Senate voted to adopt the Senate Rules of the 2006 General Session of the Fifty–Sixth Legislature as the rules for the Fourteenth Extraordinary Session.

President Valentine appointed a committee comprised of Senators Parley Hellewell, Sheldon Killpack, and Scott McCoy to notify the Governor’s representative that the Senate is convened in the Fourteenth Extraordinary Session in accordance with his proclamation.

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

* * *

Leslie McLean read the following communications:

COMMUNICATION FROM THE GOVERNOR

Mr. President: August 29, 2006

In accordance with Utah Code Ann. 67–1–1 and 67–1–2 (2004), I propose and transmit the following appointment:

THIRD DISTRICT JUVENILE COURT

James R. Michie Jr. is appointed as a Judge of the Third District Juvenile Court. See Utah Const. art. VIII, 9; Utah Code 78–29–2.

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

Jon M. Huntsman, Jr.
Governor

COMMITTEE REPORT

Mr. President: October 3, 2006

The Senate Judiciary, Law Enforcement, and Criminal Justice Confirmation Committee met on October 3, 2006 and unanimously reports a favorable recommendation for Mr. James R. Michie to be confirmed to the position of Judge in the Third District Juvenile Court.

D. Chris Buttars, Chair

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

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

Voting in the affirmative were: Senators

Arent	Bell	Bramble	Buttars
Christensen	Davis	Dmitrich	Eastman
Fife	Goodfellow	Hatch	Hellewell
Hillyard	Jenkins	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Waddoups	Valentine	

Absent or not voting were: Senators

Evans	Hale	Hickman	Stephenson
Thomas	Walker		

COMMITTEE OF THE WHOLE

On motion of Senator Buttars, Judge James R. Michie, spoke in Committee of the Whole.

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

* * *

Mr. President: October 3, 2006

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

Department of Public Safety:

Scott Duncan is appointed as the Commissioner of Public Safety. See Utah Code Ann. 53-1-107.

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

Jon M. Huntsman, Jr.
Governor

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

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

Voting in the affirmative were: Senators

Arent	Bell	Bramble	Buttars
Christensen	Davis	Dmitrich	Eastman
Fife	Goodfellow	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Stephenson
Waddoups	Valentine		

Absent or not voting were: Senators

Evans	Thomas	Walker
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COMMITTEE OF THE WHOLE

On motion of Senator Knudson, Commissioner Scott Duncan, spoke in Committee of the Whole.

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

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

Senator Hellewell 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 Knudson, and at 12:50 p.m., the Senate adjourned sine die.

STATE OF UTAH

SENATE JOURNAL

**FIFTEENTH EXTRAORDINARY
SESSION OF THE
FIFTY–SIXTH LEGISLATURE**

Convened and Adjourned on
Wednesday, November 15, 2006

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Fifteenth Extraordinary Session of the Fifty–Sixth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Fifteenth Extraordinary Session convening on Wednesday, November 15, 2006, 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

FIFTEENTH EXTRAORDINARY SESSION
of the
FIFTY–SIXTH LEGISLATURE

Pursuant to the proclamation of His Excellency, Governor Jon M. Huntsman, Jr., the Senate of the Fifty–Sixth Legislature of the State of Utah met in the Senate Chamber at the State Capitol Complex in the Fifteenth Extraordinary Session at 12:00 noon on Wednesday, November 15, 2006.

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

Prayer – Senator Patrice Arent

Pledge – Senator Sheldon Killpack

COMMUNICATIONS FROM THE GOVERNOR

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

Mr. Van Tassell: November 15, 2006

It is my pleasure to appoint you to the Utah State Senate, to fill the seat in Senate District 26 that was vacated by Beverly Evans. I am confident that as a Senator you will continue to serve our state and the citizens in your district with discernment and decorum.

Jon M. Huntsman, Jr.
Governor

* * *

Mr. Stowell: November 15, 2006

It is my pleasure to appoint you to the Utah State Senate, to fill the seat in Senate District 28 that was vacated by Thomas Hatch. I am confident that as a Senator you will continue to serve our state and the citizens in your district with discernment and decorum.

Jon M. Huntsman, Jr.
Governor

President Valentine administered the oath of office to Kevin T. Van Tassell and Dennis Stowell.

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

PROCLAMATION

WHEREAS, since the close of the 2006 General Session of the 56th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

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

NOW, THEREFORE, I, JON M. HUNTSMAN, JR., Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 56th Legislature into a Fifteenth Extraordinary Session at the State Capitol Complex in Salt Lake City, Utah, on the 15th day of November, 2006 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 2006 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF,
I have hereunto set my hand
and caused to be affixed the
Great Seal of the State of Utah.
Done at the Salt Lake Capitol
Complex in Salt Lake City,
Utah, this 31st day of October,
2006.

Jon M. Huntsman, Jr.
Governor

Gary R. Herbert
Lieutenant Governor

CERTIFICATION

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation

issued on the 31st day of October, 2006, and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamation calling the Senate only into a Fifteenth Extraordinary Session at the State Capitol Complex, at Salt Lake City, Utah, on the 15th day of November, 2006, 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 2006 General Session of the Utah State Legislature with the following exception.

NINTH DISTRICT: County of Salt Lake

Wayne Niederhauser

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah at Salt Lake City, Utah, this 14th day of November 2006.

Gary R. Herbert
Lieutenant Governor

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

On motion of Senator Waddoups, the Senate voted to adopt the Senate Rules of the 2006 General Session of the Fifty–Sixth Legislature as the rules for the Fifteenth Extraordinary Session.

President Valentine appointed a committee comprised of Senators Howard Stephenson, Sheldon Killpack, and Brent Goodfellow to notify the Governor’s representative that the Senate is convened in the Fifteenth Extraordinary Session in accordance with his proclamation.

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

* * *

Leslie McLean read the following communications:

COMMUNICATION FROM THE GOVERNOR

Mr. President: September 29, 2006

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

UTAH FOURTH DISTRICT JUVENILE COURT

Suchada P. Bazzelle is appointed as a Judge of the Fourth District Juvenile Court. See Utah Const. art. VIII, 8; Utah Code 78-29-2.

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

Jon M. Huntsman, Jr.
Governor

COMMITTEE REPORT

Mr. President: November 1 and 14, 2006

The Senate Judicial Confirmation Committee met on both November 1 and November 14, 2006 and reports a favorable recommendation for Ms. Suchada P. Bazzelle to be confirmed to the position of Judge in the Fourth District Juvenile Court.

D. Chris Buttars, Chair

COMMUNICATION FROM THE GOVERNOR

Mr. President: September 29, 2006

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

UTAH THIRD DISTRICT COURT

Robert P. Faust is appointed as a Judge of the Third District Court. See Utah Const. art. VIII, 8; Utah Code 78-29-2.

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

Jon M. Huntsman, Jr.
Governor

COMMITTEE REPORT

Mr. President: November 1, 2006

The Senate Judicial Confirmation Committee met on November 1, 2006 and unanimously reports a favorable recommendation for Mr. Robert P. Faust to be confirmed to the position of Judge in the Third District Court.

D. Chris Buttars, Chair

COMMUNICATION FROM THE GOVERNOR

Mr. President: September 29, 2006

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

UTAH THIRD DISTRICT COURT

Mary Kate Toomey is appointed as a Judge of the Third District Court. See Utah Const. art. VIII, 8; Utah Code 78-29-2.

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

Jon M. Huntsman, Jr.
Governor

COMMITTEE REPORT

Mr. President: November 1, 2006

The Senate Judicial Confirmation Committee met on November 1, 2006 and unanimously reports a favorable recommendation for Ms. Mary Kate Toomey to be confirmed to the position of Judge in the Third District Court.

D. Chris Buttars, Chair

* * *

Senator Hillyard moved to consent to the appointment of Robert P. Faust as read by Leslie McLean. Senator Buttars commented. The motion passed on the following roll call:

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

Voting in the affirmative were: Senators

Arent	Bell	Bramble	Buttars
Christensen	Davis	Dmitrich	Eastman
Fife	Goodfellow	Hale	Hellewell
Hickman	Hillyard	Jenkins	Killpack
Knudson	Mayne	McCoy	Niederhauser
Peterson	Stephenson	Stowell	Thomas
VanTassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator

Madsen

COMMITTEE OF THE WHOLE

On motion of Senator Buttars, Judge Robert P. Faust, spoke in Committee of the Whole.

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

* * *

Senator Hillyard moved to consent to the appointment of Mary Kate Toomey as read by Leslie McLean. Senator Buttars commented. The motion passed on the following roll call:

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

Voting in the affirmative were: Senators

Arent	Bell	Bramble	Buttars
Christensen	Davis	Dmitrich	Eastman
Fife	Goodfellow	Hale	Hellewell
Hickman	Hillyard	Jenkins	Killpack
Knudson	Mayne	McCoy	Niederhauser
Peterson	Stephenson	Stowell	Thomas
VanTassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator

Madsen

COMMITTEE OF THE WHOLE

On motion of Senator Buttars, Judge Mary Kate Toomey, spoke in Committee of the Whole.

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

* * *

Senator Hillyard moved to consent to the appointment of Suchada P. Bazzelle as read by Leslie McLean. Senators Buttars, Waddoups, Hillyard, Dmitrich, Arent, and Thomas commented. The motion passed on the following roll call:

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

Voting in the affirmative were: Senators

Arent	Bell	Bramble	Buttars
Christensen	Davis	Dmitrich	Eastman
Fife	Goodfellow	Hale	Hellewell
Hillyard	Jenkins	Killpack	Knudson
Mayne	McCoy	Niederhauser	Stephenson
Stowell	Thomas	VanTassell	Walker
Valentine			

Voting in the negative were: Senators

Hickman	Peterson	Waddoups
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Absent or not voting was: Senator

Madsen

COMMITTEE OF THE WHOLE

On motion of Senator Buttars, Judge Suchada P. Bazzelle, spoke in Committee of the Whole.

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

COMMUNICATION FROM THE GOVERNOR

Mr. President: October 31, 2006

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

Youth Parole Authority:

Olga De La Cruz is appointed to replace Consuela Alires as a member of the Youth Parole Authority, a term to expire April 1, 2009. See Utah Code Ann. 62A-7-501.

Utah Applied Technology Board of Trustees:

Sara Sinclair is appointed to replace Jed Pitcher as a member of the Utah Applied Technology Board of Trustees, a term to expire August 31, 2007. See Utah Code Ann. 53B-2A-103.

Radiation Control Board:

Christian Gardener is appointed to replace Rod Julander as a member of the Radiation Control Board, a term to expire July 31, 2010. See Utah Code Ann. 19-3-103. Mr. Gardener is a Democrat.

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

Jon M. Huntsman, Jr.
Governor

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

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

Voting in the affirmative were: Senators

Arent	Bell	Bramble	Buttars
Christensen	Davis	Dmitrich	Eastman
Fife	Goodfellow	Hale	Hellewell
Hickman	Hillyard	Jenkins	Killpack
Knudson	Mayne	McCoy	Niederhauser
Peterson	Stephenson	Stowell	Thomas
VanTassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator
Madsen

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

Senator Stephenson 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 Knudson, and at 1:10 p.m., the Senate adjourned sine die.

STATE OF UTAH

SENATE JOURNAL

**FIFTH SPECIAL SESSION
OF THE
FIFTY–SIXTH LEGISLATURE**

Convened and Adjourned on Monday, December 4, 2006

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Fifth Special Session of the Fifty–Sixth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Fifth Special Session convening on Monday, December 4, 2006, and adjourning sine die the same day.

Annette B. Moore
Secretary of the Senate

Leslie McLean
Manager, Senate Services

Mary B. Andrus
Journal Clerk

SENATE JOURNAL
FIFTH SPECIAL SESSION
of the
FIFTY–SIXTH LEGISLATURE
December 4, 2006

Pursuant to the proclamation of His Excellency, Governor Jon M. Huntsman, Jr, the Senate of the Fifty–Sixth Legislature of the State of Utah met in the Senate Chamber of the State Capitol Complex in a Special Session at 10:30 a.m. on Monday, December 4, 2006.

The Senate was called to order at 11:05 a.m., with President John Valentine presiding.

Prayer – Senator Karen Hale

Pledge of Allegiance – Senator Parley Hellewell

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

* * *

Annette B. Moore read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the adjournment of the 2006 General Session of the Fifty–Sixth Legislature of the State of Utah, 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 into a Special Session;

NOW, THEREFORE, I, JON M. HUNTSMAN, JR., Governor of the State of Utah by virtue of the authority vested in me by the Constitution and the Laws of the State of Utah, do by this Proclamation call the Fifty–Sixth Legislature of the State of Utah into a Fifth Special Session at the State Capitol Complex in Salt Lake City, Utah, on the 4th day of December, 2006, at 10:30 a.m., for the following purposes:

1. To consider redistricting Utah into four Congressional districts based upon the 2000 census:

2. To consider amendments to the statutes governing uniform fees on boats, recreational vehicles, and certain smaller motor vehicles;
3. To consider delaying the effective date of the 2006 General Session Senate Bill 161, Mechanic's Lien and Payment Amendments.

IN TESTIMONY WHEREOF,
I have hereunto set my hand and
caused to be affixed the Great
Seal of the State of Utah. Done
at the State Capitol Complex in
Salt Lake City, Utah this 30th
day of November 2006.
Jon M. Huntsman, Jr.
Governor
Gary R. Herbert
Lieutenant Governor

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a proclamation issued on the 30th day of November, 2006, and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamation calling the Fifty-Sixth Legislature of the State of Utah into a Fifth Special Session at the Capitol Complex at Salt Lake City, Utah, on the 4th day of December, 2006, at 10:30 a.m., for the purposes named in the Proclamation.

I FURTHER TESTIFY THAT the membership of the Utah State Senate has not changed from that Certification of 2006 General Session with the following exception:

NINTH DISTRICT: County of Salt Lake

Wayne Niederhauser

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

Kevin Van Tassell

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

Dennis Stowell

IN TESTIMONY WHEREOF,
I have hereunto set my hand and
caused to be affixed the Great
Seal of the State of Utah at Salt
Lake City, this 30th day of
November, 2006.
Gary R. Herbert
Lieutenant Governor

* * *

On motion of Senator Waddoups, the Senate voted to adopt the Senate Rules of the 2006 General Session of the Fifty-Sixth Legislature as the rules for the Fifth Special Session.

President Valentine appointed a committee comprised of Senators Sheldon Killpack, Parley Hellewell and Scott McCoy to notify Governor Jon M. Huntsman, Jr. that the Senate is convened in the Fifth Special Session in accordance with his proclamation and is organized and ready to receive any communication from him.

President Valentine appointed a committee comprised of Senator Bill Hickman, Dan Eastman, and Patrice Arent to notify the House of Representatives that the Senate is organized and ready to do business.

Senator Hickman reported that the House has been notified.

Senator Killpack reported that the Governor has been notified.

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

* * *

On motion of Senator Bramble, the Senate voted to adopt the following criteria:

A. The same Redistricting Principles adopted by the Redistricting Committee be adopted as principles governing any maps considered in this Fifth Legislative Special Session.

1. Congressional districts must be as nearly equal as practicable with a deviation not greater than +0.5%.
2. Districts will be single-member districts.
3. Plans will be drawn to create four Congressional Districts.
4. In drawing districts, the official population enumeration of the 2000 decennial census will be used.
5. Districts will be contiguous and reasonably compact.

Senators Arent and Waddoups commented.

INTRODUCTION OF BILLS

S.B. 5001, Congressional Four Member Redistricting Plan (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 5002, Mechanics' Lien Payment Amendments (S. Jenkins), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Knudson, under suspension of the rules, **S.B. 5001** and **S.B. 5002** were placed on the Second Reading Calendar for immediate consideration.

* * *

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

The Senate reassembled at 2:40 p.m., with President Valentine presiding.

SECOND READING CALENDAR

On motion of Senator Bramble, under suspension of the rules, **S.B. 5001, CONGRESSIONAL FOUR MEMBER REDISTRICTING PLAN**, was

considered read the second and third times. Senator Bramble explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Arent	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Hale	Hellewell	Hickman
Jenkins	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Stowell
VanTassell	Walker	Valentine	

Voting in the negative were: Senators

Bell	Peterson	Stephenson	Waddoups
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Absent or not voting were: Senators

Hillyard	Thomas
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S.B. 5001 was transmitted to the House.

* * *

On motion of Senator Jenkins, under suspension of the rules, **S.B. 5002, MECHANICS' LIEN PAYMENT AMENDMENTS**, was considered read the second and third times. Senator Jenkins explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Arent	Bell	Bramble	Buttars
Christensen	Davis	Dmitrich	Eastman
Fife	Goodfellow	Hale	Hellewell
Hickman	Jenkins	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Stephenson	Stowell	VanTassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Hillyard	Thomas
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S.B. 5002 was transmitted to the House.

On motion of Senator Knudson, and at 3:00 p.m., the Senate sauntered.

The Senate was called to order at 3:30 p.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: December 4, 2006

The House passed, as amended, **H.B. 5001**, UNIFORM FEES ON PERSONAL PROPERTY AMENDMENTS, by Representative P. Painter, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk
Communications filed. **H.B. 5001** was read the first time.

On motion of Senator Stephenson, under suspension of rules, the Senate voted to place **H.B. 5001** at the top of the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Stephenson, under suspension of the rules, **H.B. 5001**, UNIFORM FEES ON PERSONAL PROPERTY 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

Arent	Bell	Bramble	Buttars
Christensen	Davis	Dmitrich	Eastman
Fife	Goodfellow	Hale	Hellewell
Hickman	Jenkins	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Stephenson	Stowell	VanTassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Hillyard	Killpack	Thomas
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H.B. 5001 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: December 4, 2006

The House passed, **S.B. 5001**, CONGRESSIONAL FOUR MEMBER REDISTRICTING PLAN, 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. 5002**, MECHANICS' LIEN PAYMENT AMENDMENTS, by Senator S. Jenkins, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 5001 and **S.B. 5002** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

President Valentine appointed Senators Christensen, Bell, and McCoy to wait upon the Governor and ask if he has any further business to bring before the Senate.

President Valentine appointed Senators Hickman, Eastman, and Arent to notify the House of Representatives that the Senate has concluded its business and is ready to adjourn sine die.

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

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

On motion of Senator Knudson and at 4:20 p.m., the Senate adjourned sine die.

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SENATE AND HOUSE BILLS AND RESOLUTIONS

FIFTY-SIXTH LEGISLATURE
FIFTH SPECIAL SESSION

Convened and Adjourned on
Monday, December 4, 2006

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STATE OF UTAH

SENATE JOURNAL

2007 GENERAL SESSION
OF THE
FIFTY–SEVENTH LEGISLATURE

Convened
Monday, January 15, 2007

Adjourned Sine Die
Wednesday, February 28, 2007

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the 2007 General Session of the Fifty–Seventh Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the General Session convening on Monday, January 15, 2007, and adjourning sine die on Wednesday, February 28, 2007.

Annette B. Moore
Secretary of the Senate

Leslie McLean
Manager, Senate Services

Mary B. Andrus
Journal Clerk

PRESIDENT OF THE SENATE

2007 General Session Fifty–Seventh Legislature



This is, indeed, an HISTORIC time in the state of Utah! This year's budget surplus was in excess of \$1.6 billion . . . an all–time high. In my remarks at the beginning of the session, I commented that prosperity demands a tougher and much more vigorous process. I encouraged our senators to be good, to be wise, to be anchors for one another. I challenged them to work as a team in determining the laws and policies that would be best for the state now and seven generations from now. In my opinion, our senators were the anchors of state policy; they provided stability, common sense, compassion, fiscal responsibility, and protection.

Both parties worked together magnificently throughout the entire session. We set our priorities early on: (1) public education, (2) tax reform, (3) avoidance of unnecessary public debt, (4) salaries for public employees, (5) transportation funding, and (6) increased investment in higher education. We stayed the course, and the results were unprecedented: more than half a billion dollars for education in Utah. The public education package included a \$2,500 permanent salary increase for all Utah teachers, a one–time bonus of \$1,000 for all Utah teachers, and an additional per–pupil increase of 4 percent. This is one–third of the state's surplus . . . the equivalent of a 7 percent WPU increase.

Senate Bill 70 gave university status to Utah Valley State College. An appropriation of \$3.5 million will fund a statewide presidential primary election on February 5, 2008, with the hope that the western states will finally have equal footing with other regions in selecting our country's president. State employees were given a respectable pay increase, DORA (Drug Offenders Reform Act) was finally passed, necessary funding was provided for transportation, and a \$220 million tax cut was negotiated.

As we met each one of our goals, we provided a great service to the state. In my 19 years with the legislature, I have never felt better at the close of a general legislative session. I salute my colleagues for a job well done.

It was my honor and privilege to be elected President of the Senate for a second term. I appreciated the vote of confidence and have enjoyed my continued service. At the end of this year we will leave our temporary quarters in the House Office Building and move back to the newly restored and renovated Capitol Building for the 2008 general legislative session. We look forward to moving back into this historic building—especially knowing it will be a safer place to conduct the public's business.

One final note: Not one piece of legislation was vetoed this year by the governor!

John L. Valentine
President Utah State Senate

SENATE LEADERSHIP

MAJORITY LEADERSHIP (Republican)



Curtis S. Bramble
Majority Leader



Dan R. Eastman
Majority Whip



Sheldon Killpack
Asst. Majority Whip

MINORITY LEADERSHIP (Democrat)



Mike Dmitrich
Minority Leader



Gene Davis
Minority Whip



Ed Mayne
Asst. Minority Whip

SENATE STAFF



Annette B. Moore
*Secretary of
the Senate*



Leslie McClean
*Manager
Senate Services*



Mary Andrus
Journal Clerk



Lynette Erickson
Docket Clerk

SENATE LEADERSHIP

President of the Senate (R)	John L. Valentine
Majority Leader (R)	Curtis S. Bramble
Majority Whip (R)	Dan R. Eastman
Assistant Majority Whip (R)	Sheldon Killpack
Minority Leader (D)	Mike Dmitrich
Minority Whip (D)	Gene Davis
Assistant Minority Whip (D)	Ed Mayne

HOUSE LEADERSHIP

Speaker of the House (R)	Greg J. Curtis
Majority Leader (R)	David Clark
Majority Whip (R)	Gotrdon E. Snow
Assistant Majority Whip (R)	Brad L. Dee
Minority Leader (D)	Ralph Becker
Minority Whip (D)	Brad King
Assistant Minority Whip (D)	Carol Spackman Moss

STATE OFFICIALS

Governor	Jon M. Huntsman Jr.
Lieutenant Governor	Gary Herbert
Attorney General	Mark Shurtleff
Auditor	Auston Johnson
Treasurer	Edward T. Alter

CONGRESSIONAL DELEGATION

Senator	Robert F. Bennett
Senator	Orrin G. Hatch
Congressman	Jim Matheson
Congressman	Rob Bishop
Congressman	Chris Cannon

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



Joseph P. Moore
Assistant
Minority Whip



Lynn W. Hilliard
Majority Whip



Dan R. Eganary



Curtis S. Bryans
Majority Leader



John L. Wagoner
President of the Senate



Mike D. Dierckx
Minority Leader



Dennis Davis



Scott McWay



E.C. Almgren



Steve A. Jenkins



Brent B. Baggett
Class 1 Senator



Clarence M. Walker



Wayne Westerhaus



Gregory S. Ball



Dennis E. Stankel



Allen M. Christman



Jason T. Hessel



Fred J. Hef II



Margaret Dugan



Mark B. Menden



Chris Greiner



Dennis J. Pearson



Patricia W. Best
Minority Caucus Leader



Scott McWay



Class 1 Senator

Utah State Senate at Session 2007

MEMBERS OF THE SENATE

Fifty–Seventh Legislature

Senator	District	County(ies)	Party	Address & Telephone No.
Fred J Fife III	1	Salt Lake	(D)	842 W 900 S Salt Lake City Ut 84104 Home (801) 521–7383
Scott McCoy	2	Salt Lake	(D)	560 E 700 S Salt Lake City Ut 84102 Home (801) 359–2544
Gene Davis <i>Minority Whip</i>	3	Salt Lake	(D)	865 Parkway Ave Salt Lake City Ut 84106 Home (801) 484–9428
Patricia Jones	4	Salt Lake	(D)	4571 Sycamore Dr Holladay Ut 84117 Home (801) 278–7667
Ed Mayne	5	Salt Lake	(D)	5044 W Bannock Cir West Valley City Ut 84120 Home (801) 968–7756
Michael G Waddoups	6	Salt Lake	(R)	2868 Matterhorn Dr Taylorsville Ut 84084 Home (801) 967–0225
Ross I Romero <i>Asst Minority Whip</i>	7	Salt Lake	(D)	1150 S 1400 E Salt Lake City Ut 84105 Home (801) 364–2451
Carlene Walker	8	Salt Lake	(R)	4085 E Prospector Dr Salt Lake City Ut 84121 Office (801)–733–4599
Wayne L Niederhauser	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 Home (801)864-0766
John L Valentine <i>President</i>	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 <i>Majority Leader</i>	16	Utah (R)	3663 N 870 E Provo Ut 84604 Home (801)226-3663
Peter C Knudson	17	Box Elder, Cache,Tooele (R)	1209 Michelle Dr Brigham City Ut 84302 Home (435) 723-2035
Jon J Greiner	18	Davis, Weber (R)	4232 Fern Dr Ogden Ut 84403 Home (801) 621-0423
Allen M Christensen	19	Morgan, Summit, Weber, (R)	1233 E 2250 N North Ogden Ut 84414 Home (801) 782-5600
Scott K Jenkins	20	Weber (R)	4385 W 1975 N Plain City Ut 84404 Home (801) 731-5120
Sheldon Killpack <i>Asst. Majority Whip</i>	21	Davis (R)	3406 S 875 W Syracuse Ut 84075 Home (801) 773-5486
Gregory S Bell	22	Davis (R)	744 Eagle Way Fruit Heights Ut 84037 Office (801) 971-2001
Dan R Eastman <i>Majority Whip</i>	23	Davis (R)	968 Canyon Crest Dr Bountiful Ut 84010 Home (801) 295-5133

Darin G Peterson	24	Juab, Piute, Sanpete, Sevier,	(R)	451 E 1250 N Nephi Ut 84648 Home (435) 623-2271
Lyle W Hillyard	25	Cache, Rich,	(R)	175 E 100 N Logan Ut 84321 Home (435) 753-0043
Kevin Van Tassell	26	Daggett, Duchesne, Summit, Uintah, Wasatch	(R)	3424 W 1500 N Vernal Ut 84078 Home (435) 789-0724
Mike Dmitrich <i>Minority Leader</i>	27	Carbon, Emery, Grand, San Juan, Utah	(D)	566 N Dover Cir Price Ut 84501 Home (435) 637-0426
Dennis Stowell	28	Beaver, Garfield, Iron, Kane, Millard, Washington	(R)	P O Box 796 Parowan Ut 84761 Home (435) 477-8143
John W (Bill) Hickman	29	Washington	(R)	214 N Emerald Dr St George Ut 84770 Home (435)673-2671

***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
2007 GENERAL SESSION
of the
FIFTY–SEVENTH LEGISLATURE
FIRST DAY
MORNING SESSION
January 15, 2007

Pursuant to the provisions of the Constitution of the State of Utah, the Senators of the Fifty–Seventh Legislature of the State of Utah convened in General Session in the Senate Chamber on Monday, January 15, 2007 at ten o’clock a.m.

The Senate was called to order at 10:15 a.m., with the Honorable Christine M. Durham, Chief Justice, Utah Supreme Court presiding.

PRAYER BY ELDER JEFFREY R. HOLLAND
MEMBER OF THE QUORUM OF TWELVE APOSTLES
CHURCH OF JESUS CHRIST OF LATTER–DAY SAINTS

Our Beloved and Holy Father in Heaven: We gather this crisp, clear, winter morning on the floor of the Utah Senate to give thanks for the rich and wonderful blessings that we enjoy and for the many precious freedoms that are ours in this special state of Utah in these United States of America. Regardless of our religious creeds, our race, our background, our ideas and understanding, we unite this morning as citizens at the beginning of this legislative session in the ongoing quest for a happy, and a safe, and a constructive life for every man, woman, and child who claim this wonderful state of Utah as their home. A state that gives us the best of snow and sandstone, of desert and mountain, of water and woodland and beauty. We thank thee for our heritage and our inheritance in this state and we pray to be worthy stewards of the people’s trust.

Now Father in Heaven, as this distinguished body begins its legislative session, we ask a blessing on each individual senator, man or woman, who has been elected to serve here. We ask a special blessing of peace and protection and power upon them, and we ask a blessing upon their families who serve and sacrifice in their own way that loved ones can participate here in this the process of

citizenship. We certainly pray for the citizens of Utah themselves who are represented by these wonderful men and women. We pray that in the complex issues that always face a state and face us again this year, that these gifted and able men and women will be inspired, enlightened, blessed, given guidance and care and in the end be true to themselves, to their constituents and to the principle, always rise above party. May government of the people, by the people, for the people always be evident in the debate and decisions that are entertained here.

Father in Heaven, we ask a blessing now on the Utah State Senate as they begin this legislative session and indeed upon its officers, the officers of the state including the Governor and all agencies who will need to cooperate, come together, be so enlightened and so serve for the good of the people this year. To this end, we give thanks and for this we earnestly pray unitedly as citizens of this great state. In the name of Jesus Christ, Amen.

POSTING OF COLORS & PLEDGE OF ALLEGIANCE

UTAH NATIONAL GUARD

Members of the Color Guard

Shaun Harris, SFC

Scott Faddis, SSG

Jennifer Kelley, SGT

Haley Meryhew, SSG

Pledge of Allegiance – Staff Sergeant David Mabey, 144th Area Support Medical Company, Deployed to Iraq in 2005–2006

SPECIAL MUSICAL PRESENTATION

The Orem High School “Show and Chamber” Choir, directed by Dr. Sterling Keyes, performed “The Star Spangled Banner” and “Voice Dance” by Greg Jaspese.

* * *

On motion of Senator Curtis Bramble, the Senate thanked Elder Holland for delivering the invocation and ordered it spread upon the pages of the Senate Journal.

Annette B. Moore read the following Certification of Membership of the 2007 General Session of the Fifty–Seventh Legislature.

**CERTIFICATE OF MEMBERSHIP OF THE 2005
GENERAL SESSION
OF THE UTAH STATE SENATE
57TH LEGISLATURE**

I, GARY R. HERBERT, Lieutenant Governor of the State of Utah, do hereby certify that at a General Election held within and for the State of Utah on Tuesday, November 7, 2006, 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, 2007 , to wit:

SECOND DISTRICT: County of Salt Lake

Scott McCoy

THIRD DISTRICT: County of Salt Lake

Gene Davis

FOURTH DISTRICT: County of Salt Lake

Patricia W. Jones

FIFTH DISTRICT: County of Salt Lake

Ed Mayne

SEVENTH DISTRICT: County of Salt Lake

Ross I. Romero

NINTH DISTRICT: County of Salt Lake

Wayne Niederhauser

ELEVENTH DISTRICT: Counties of Salt Lake, Utah

Howard Stephenson

TWELFTH DISTRICT: Counties of Salt Lake, Tooele

Brent Goodfellow

FIFTEENTH DISTRICT: County of Utah

Margaret Dayton

SEVENTEENTH DISTRICT: Counties of Box Elder, Cache, Tooele

Peter Charles Knudson

EIGHTEENTH DISTRICT: Counties of Davis, Weber

Jon J. Greiner

TWENTY-FIRST DISTRICT: County of Davis

Sheldon L. Killpack

TWENTY-SECOND DISTRICT: County of Davis

Gregory S. Bell

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

Darin Peterson

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

Kevin T. VanTassell

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

Dennis E. Stowell

I FURTHER CERTIFY that at a General Election held within and for the State of Utah on Tuesday, November 2, 2004, 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, 2005, to-wit:

FIRST DISTRICT: County of Salt Lake

Fred J. Fife III

SIXTH DISTRICT: County of Salt Lake

Michael G. Waddoups

EIGHTH DISTRICT: County of Salt Lake

Carlene M. Walker

TENTH DISTRICT: County of Salt Lake

D. Chris Buttars

THIRTEENTH DISTRICT: Counties of Salt Lake, Tooele

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-FIRST DISTRICT: County of Davis

Sheldon L. Killpack

TWENTY-THIRD DISTRICT: County of Davis

Dan R. Eastman

TWENTY-FIFTH DISTRICT: Counties of Cache, Rich

Lyle W. Hillyard

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

Mike Dmitrich

TWENTY-NINTH: Counties of Washington

John W. “Bill” Hickman

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 16th day of
January, 2006.

Gary Herbert
Lieutenant Governor

Communication filed.

The Honorable Chief Justice Christine M. Durham administered the Oath of Office to all re-elected and newly elected members of the Senate for the Fifty-Seventh Legislature.

* * *

Roll Call – All Senators present.

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

Chief Justice Christine Durham declared nominations for the office of President of the Senate were in order.

On motion of Senator Curtis Bramble, and seconded by Senator Mike Dmitrich, Senator John L. Valentine was nominated to serve as President of the Utah State Senate.

On motion of Senator Dan Eastman, and seconded by Senator Gene Davis, the nominations were closed and Senator John L. Valentine was elected President of the Senate by acclamation. Senators Bramble and Dmitrich escorted President Valentine to the podium.

Chief Justice Christine M. Durham administered the Oath of Office to the President of the Senate, John L. Valentine.

On motion of Senator Bramble, the Senate expressed appreciation to Chief Justice Durham for taking time from her busy schedule to participate in the opening of the Utah State Senate.

WELCOMING REMARKS BY PRESIDENT VALENTINE

I would like to give some opening remarks as we start our work as senators. George Washington told Jefferson that the framers had created the Senate to “cool” legislation just as a saucer was used to cool hot tea.

I prefer to visualize the Senate as more of an anchor in the state policy making process.

I have had some firsthand experience with anchors. As a rock climber, we use anchors to protect the leader. The leader is protected by placing anchors on each stage of the climb. The rope is then connected to the anchors. There are various and different types of anchors. There are things called camming devices, there are nuts, there are the old pitons, sometimes they use natural vegetation such as a tree or a rock outcropping as anchors. All of them serve the same purpose. They serve the purpose of protecting the leader.

The second, or the belayer, holds on to the leader’s rope as he continues to climb up the structure that he is climbing. If the leader should fall, the belayer holds the rope in what is called a belay’s stance to arrest the fall to keep the leader from hurting himself.

I once had an experience as I was climbing something called the “Green Monster” in Rock Canyon. The Green Monster is called a “dihedral.” It is a face that rises directly above the canyon. It is 160 feet from the belay stance to the top of the structure. That rock has a crack in it which goes up and then curves to one side at the top. The crack makes the climbing fairly easy, but it gets harder as it gets to the top. The crack at the top is just finger width.

I was climbing this with my climbing partner, and I was the leader. As I lead that climb, I put in intermediate points of protection and clipped the rope into those points. As I got closer to the top, there is something called the “crack move.” The crack move means that you have to move out of the safety of the crack for a moment, put your hands beyond the place where the crack is to go for a little knob that is sticking outside of the rock. When you hit the knob, you know that you have cleared the rock because you can get a very good grip on that structure. But if you miss it, then you fall.

I missed it. I missed that hold—I didn’t hold; and I fell. I hit my first point of protection, and the point of protection broke out of the rock. I continued on downward. I hit the second point of protection—it, too, broke away. The third point of protection is something called an opposition anchor. It was an anchor that was placed so that if you pulled down, it got tighter. If you pulled up, it got tighter.

The reason that the first two had dropped off was not because the lights went out—it was because as I was moving up I had pulled those slightly out of their protection places.

When I hit that third anchor, it held and arrested my fall—much to my delight and much to the great delight of my belayer.

My anchor saved my life that day.

James Madison – in a letter to Thomas Jefferson – actually used the word ANCHOR when describing the role of the Senate. He said the Constitution's framers considered the Senate to be the great “anchor” of the government.

You, as State senators will be the great anchors of state policy. What are some of the ways that we can anchor each other and serve as the anchors for this State?

We need to hold to the values our constituents saw in each of us, and in which they have come to believe when they elected each of us. We need to work as a team. We need to continue to be honest. We need to treat those who disagree with us with respect and with dignity. We need to understand that your personal moral anchors determine what is right and what is wrong; what you will do and what you will not do. You need to do what you need to do to keep your perspective clear. And I will try to do the same. Yes, we are all Anchors for each other.

Rudyard Kipling was not perfect, but he was a great writer, and a good poet:

The Thousandth Man

One man in a thousand, Solomon says,
Will stick more close than a brother.
And it's worthwhile seeking him half your days
If you find him before the other.
Nine hundred and ninety-nine depend
On what the world sees in you,
But the Thousandth man will stand your friend
With the whole round world agin you.

'Tis neither promise nor prayer nor show
Will settle the finding for 'ee.
Nine hundred and ninety-nine of 'em go
By your looks, or your acts, or your glory.
But if he finds you and you find him.
The rest of the world don't matter;

For the Thousandth Man will sink or swim
With you in any water.

Will you be the thousandth man (or woman) to your colleagues this session?
Will you be anchors of the State? Will you be the anchors for each other?

We have learned that prosperity demands a tougher and more visionary decision-making process than poverty. I have learned from the past couple of sessions that the Senate is an anchor and is up to that task and I commend you for it. In my opening comments last year I shared some of the vision passed to us by the original inhabitants of this land—some of whom are my ancestors. The Iroquois Confederacy dealt with the politics of abundance by insisting that every decision must regard the seventh generation to come.

Future generations will look back to this time and ask this question: Did this Legislature make the right choices?

Once again, I am asking you, as my fellow Senators, to take the long view. To make careful decisions based on the facts and merits of an issue, not short term political expediency.

I am asking the public to be informed. Millennial technology has given us unprecedented tools that allow you to be engaged in the policy-making process as it progresses. please make use of them. Pay attention and hold your elected representatives accountable for how they represent you – and not just you but your posterity into the seventh generation.

This nation has remained free, not because we have overcome the age-old vices of human nature, but because of our background institutions, our quest for justice, and many other fortunate decisions and miracles. Not the least of which is the institution of a free press.

I am grateful to the news media for their role in keeping our republic alive and healthy. We have been assigned a team of bright capable reporters that will take the story of the Legislature to the people of the State. They have done a good job so far. I am asking the media to continue be attentive, professional, and accurate in your coverage of the Legislature this session. We will do what we can to help.

I've been reading the biography of John Adams, second President of the United States, by David McCullough. Here is an excerpt from a letter written by John Adams to his son, Thomas:

“Public business, my son, must always be done by somebody. It will be done by somebody or other. If wise men decline it, others will not; if honest men refuse it, others will not.”

Let us be wise men and women. And let us be honest.

In 431 B.C., Pericles spoke these words of Athens, but I would like you to visualize our beautiful state of Utah as you impose these words on our State.

“Fix your eyes on the greatness of [Utah] as you have it before you day by day, fall in love with her, and when you feel her great, remember that this greatness was won by men [and women] with courage, with knowledge of their duty, and with a sense of honor in action.”

Remember the great men and women of the past, but also recognize the great men and women who stand before you and around you today. Recognize their strong sense of “honor in action.”

Friends and colleagues, let us be good and wise, let us be anchors for each other, let us work as a team in determining the laws and policies that will be best for this state this year, and for our great grandchildren, seven generations from today.

Welcome to the 57th Legislative Session.

* * *

On motion of Senator Killpack, the Senate voted to have President Valentine’s remarks spread upon the pages of the Senate Journal.

* * *

President Valentine directed that the following be recorded in the Senate Journal as leaders for the 57th Legislature 2007 General Session.

- President – John L. Valentine
- Majority Leader – Curtis S. Bramble
- Majority Whip – Dan R. Eastman
- Asst. Majority Whip – Sheldon L. Killpack
- Minority Leader – Mike Dmitrich
- Minority Whip – Gene Davis
- Asst. Minority Whip – Ed Mayne
- Minority Caucus Manager – Patricia W. Jones

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

President Valentine appointed a Senate Rules Committee comprised of Senator Bill Hickman, Chairman, and Senators Peter Knudson, Greg Bell, Chris

Buttars, Darin Peterson, Gene Davis, and Ed Mayne to formulate the Senate Rules and work with the House of Representatives in formulating Joint Rules.

President Valentine appointed Senator Greg Bell as the Committee Chair to serve Patronage and Employees.

On motion of Senator Bill Hickman, the 2006 Senate Rules, Joint Rules and Interim Rules of the Fifty–Sixth Legislature were adopted with the understanding that changes to these rules for the Fifty–Seventh Legislature will be considered and adopted as soon as possible.

President Valentine appointed Senators Knudson, Niederhauser and Romero as a committee to notify the House of Representatives that the Senate is organized and ready to do business.

President Valentine appointed Senators Waddoups, Jenkins, and McCoy to join with a like committee from the House to notify Governor Huntsman that the Legislature is organized for the 2007 General Session of the Fifty–Seventh Legislature and ready to do business.

Representatives Last, Lockhart and Hansen formally notified the Senate that the House is organized and ready to do business.

Welcoming remarks were made by Senators Curtis Bramble, Majority Leader and Mike Dmitrich, Minority Leader.

On motion of Senator Hickman, 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 of Senate bill or resolution.

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

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

SENATE STANDING COMMITTEES

Business and Labor

Kevin VanTassell, *Chair*
Dan R. Eastman
Bill Hickman
Wayne Niederhauser
Carlene Walker
Gene Davis
Ed Mayne

Education

Margaret Dayton, *Chair*
Curtis Bramble
Greg Bell
Lyle Hillyard
Darin Peterson
Howard Stephenson
Patricia Jones
Ross Romero

**Natural Resources, Agriculture
and Environment**

Darin Peterson, *Chair*
Allen Christensen
Margaret Dayton
Dennis Stowell
Michael Waddoups
Gene Davis
Fred Fife

Health and Human Services

D. Chris Buttars, *Chair*
Allen Christensen
Peter Knudson
Brent Goodfellow
Scott McCoy

**Workforce Services and
Community and Economic
Development**

Mark B. Madsen, *Chair*
Dan Eastman
Sheldon Killpack
Dennis Stowell
Fred Fife
Patricia Jones

**Judiciary, Law Enforcement and
Criminal Justice**

Greg Bell, *Chair*
Lyle W. Hillyard
Jon Greiner
Mark Madsen
John Valentine
Scott McCoy
Ross Romero

Revenue and Taxation

Wayne Niederhauser, *Chair*
Curtis Bramble
Jon Greiner
Howard Stephenson
John Valentine
Michael Waddoups
Mike Dmitrich
Ed Mayne

**Government Operations and
Political Subdivisions**

Peter Knudson, *Chair*
Bill Hickman
D. Chris Buttars
Scott Jenkins
Scott McCoy
Ross Romero

**Transportation and Public
Utilities and Technology**

Carlene Walker, *Chair*
Sheldon Killpack
Scott Jenkins
Kevin VanTassell
Mike Dmitrich
Ed Mayne

**Retirement and Independent
Entities**

Curtis Bramble, *Chair*
Chris Buttars
Darin Peterson
Carlene Walker
Brent Goodfellow
Gene Davis

Senate Rules

Bill Hickman, *Chair*
Peter Knudson
Greg Bell
D. Chris Buttars
Darin Peterson
Gene Davis
Ed Mayne

**SENATE MEMBERS JOINT
APPROPRIATIONS SUBCOMMITTEES
2007 – 2008**

**EXECUTIVE
APPROPRIATIONS
COMMITTEE**

Sen. Lyle Hillyard, *Chair*
Sen. Peter Knudson,
Vice Chair
Sen. John Valentine
Sen. Curtis Bramble
Sen. Dan Eastman
Sen. Sheldon Killpack
Sen. Mike Dmitrich
Sen. Gene Davis
Sen. Ed Mayne
Sen. Pat Jones

**COMMERCE AND
WORKFORCE SERVICES**

Sen. Jon Greiner, *Chair*
Sen. Mark Madsen
Sen. Wayne Niederhauser
Sen. Ed Mayne

**ECONOMIC DEVELOPMENT
AND REVENUE**

Sen. Bill Hickman, *Chair*
Sen. Dan Eastman
Sen. Gene Davis

**EXECUTIVE OFFICES AND
CRIMINAL JUSTICE**

Sen. Michael Waddoups,
Chair
Sen. Scott McCoy

**CAPITAL FACILITIES AND
ADMINISTRATIVE SERVICES**

Sen. Scott Jenkins, *Chair*
Sen. Sheldon Killpack
Sen. Darin Peterson
Sen. Mike Dmitrich

HIGHER EDUCATION

Sen. Greg Bell, *Chair*
Sen. Curtis Bramble
Sen. Dan Eastman
Sen. Brent Goodfellow

**HEALTH AND HUMAN
SERVICES**

Sen. Allen Christensen, *Chair*
Sen. D. Chris Buttars
Sen. Peter Knudson
Sen. Ross Romero

NATURAL RESOURCES

Sen. Dennis Stowell, *Chair*
Sen. John Valentine
Sen. Margaret Dayton
Sen. Mike Dmitrich

PUBLIC EDUCATION

- Sen. Howard A. Stephenson,
Chair
- Sen. Lyle Hillyard
- Sen. Kevin VanTassell
- Sen. Pat Jones

**RETIREMENT AND
INDEPENDENT ENTITIES**

- Sen. Curtis Bramble
- Sen. Chris Buttars
- Sen. Darin Peterson
- Sen. Carlene Walker
- Sen. Gene Davis
- Sen. Brent Goodfellow

**TRANSPORTATION AND
ENVIRONMENTAL QUALITY**

- Sen. Carlene Walker, *Chair*
- Sen. John Valentine
- Sen. Sheldon Killpack
- Sen. Fred Fife

LEGISLATIVE MANAGEMENT COMMITTEE

- Sen. John L. Valentine, *Chair*
- Sen. Curtis S. Bramble
- Sen. Dan R. Eastman
- Sen. Sheldon Killpack
- Sen. Mike Dmitrich
- Sen. Gene Davis
- Sen. Ed Mayne
- Sen. Pat Jones

* * *

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

EMPLOYEE COMMITTEE REPORT

Senator Bell introduced the Senate Staff.

- Annette B. Moore
- Ric Cantrell
- Leslie O. McLean
- Janeen M. Halverson

- Lynette Erickson

- Secretary of the Senate
- Chief Deputy of the Senate
- Manager of Senate Services
- Minority Administrative
Assistant
- Docket Clerk

Greg Johnson	System Analyst and Computer Specialist
Mary Andrus	Journal Clerk
Rolayne Day	Secretarial Supervisor & Committee Secretary
Saundra Maeser	Rules Secretary
Bonnie Brinton	Committee Secretary
Cherie M. Schmidt	Committee Secretary
Karen Allred	Committee Secretary
Nedra Duzett	Committee Secretary
Norda Shepard	Committee Secretary
Robert L. Gardner	Sergeant At Arms
Leo Parry	Asst. Sergeant At Arms
Thomas R. Shepherd	Security
Wayne Roberds	Security
Roger Winslow	Security
Glenn Hildebrand	Security
Paul Jacobs	Security
Tony Mascaro	Security
Virgil Blair	Security
Gayle C. Petersen	Page Supervisor
Linda Cornaby	Asst. Page Supervisor
Sue Gaskill	Page
Kathryn Alldredge	Page
Deanne Evans	Page
Christine Hunter	Page
Judy Paulson	Page
Mary L. Russell	Page
Dianne Richards	Page
Jewel Doxey	Page
Margaret Pugsley	Page
Georgianna Knudson	Docket Clerk Aide
Eileen Miller	Public Address System Operator
Richard Black	Computer Specialist
Paula Tew	Legislative & Third House Aide
	Aide to Sec. of Sen.
Evoline Gardner	Hostess and 3rd House Aide
Joan Black	Hostess and 3rd House Aide

Vicky Barber	Public Information Officer
Rebecca Rawson	Public Information Officer
Pamela H. Benson	Public Information Officer
Kellianne Rawson	Public Information Officer
Ellen Schoffield	Public Information Officer

INTRODUCTION OF INTERNS

Senator Pat Jones introduced the Senate Interns for the 2007 General Session.

Sen. Greg Bell	Bartly Mathews
Sen. Curtis Bramble	Jeff Bramble
Sen. D. Chris Buttars	Nathan Anderson
Sen. Allen Christensen	Jeremy Bylund
Sen. Gene Davis	Brent Whitehead
Sen. Margaret Dayton	Perry Dayton
Sen. Mike Dmitrich	Curtis Haring
Sen. Dan R. Eastman	Jennifer Black
Sen. Fred Fife	Dan Morgan
Sen. Brent Goodfellow	Dan Morgan
Sen. Jon J. Greiner	Nathaniel Langley
Sen. Bill Hickman	Ronson McKee
Sen. Lyle Hillyard	Stacey Wilson
Sen. Scott Jenkins	Nathaniel Langley
Sen. Patricia Jones	Sara Thomas
Sen. Sheldon Killpack	Caleb Sainsbury
Sen. Peter Knudson	Stacey Wilson
Sen. Mark Madsen	Jeremy Bylund
Sen. Ed. Mayne	Curtis Haring
Sen. Scott McCoy	Casey Jackson
Sen. Wayne Niederhauser	Benjamin Beutler
Sen. Darin Peterson	Benjamin Beutler
Sen. Ross Romero	Casey Jackson
Sen. Howard Stephenson	Robert Hatch
Sen. Dennis Stowell	Kelly Stowell
Pres. John Valentine	Andrew Law
Sen. Kevin VanTassell	Ronson McKee
Sen. Michael Waddoups	Nathan Anderson
Sen. Carlene Walker	Emily Showgren

INTRODUCTION OF BILLS

S.B. 4, Driving Under the Influence Amendments (C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 5, Tax Penalty Amendments (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 6, Uninsured Motorist Identification Database Program Amendments (C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 7, Exploitation of a Vulnerable Adult Amendments (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 8, Use of State Engineer Fees (M. Dayton), read the first time by short title and referred to the Rules Committee.

S.B. 9, Nonprofit Corporation Amendments (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 10, Industrial Assistance Fund Amendments – Rural Fast Track Program (J. Hickman), read the first time by short title and referred to the Rules Committee.

S.B. 11, Unemployment Compensation – Social Security Offset (J. Hickman), read the first time by short title and referred to the Rules Committee.

S.B. 12, Funding for Purchase of State Highway Rights of Way (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 13, Tax Credits for Alternate Power Generation (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 14, Family Employment Program Amendments (D. Eastman), read the first time by short title and referred to the Rules Committee.

S.B. 15, Workforce Services – Reporting Misuse of Personal Identifying Information (C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 16, Lending Registration Acts (E. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 17, Traffic Code Amendments (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 18, Use of Oil and Gas Revenues (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 19, Commercial Driver License Amendments (C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 20, State Highway Amendments (C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 21, Workforce Services' Work Experience or Training Programs (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 22, Sales and Use Tax Exemptions for Certain Governmental Entities and Entities Within the State Systems of Public and Higher Education (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 23, Child Support Guidelines (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 24, Probate Code Amendments (R. Romero), read the first time by short title and referred to the Rules Committee.

S.B. 25, Warranty Deed – Technical Amendments (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 26, Utah Commission on Aging (P. Jones), read the first time by short title and referred to the Rules Committee.

S.B. 27, Technical Amendments to Assumption of Indebtedness on Residential Real Property (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 28, Water Conveyance Easements (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 29, Instream Flow to Protect Trout Habitat (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 30, Creation of New School District Amendments (C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 31, Sunset Review and Reauthorizations (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 32, Filings of Administrative Rules, Orders, and Regulations (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 33, Special Group License Plate – Gold Star Family (C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 34, Minimum Wage Amendments (E. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 35, Uniform Child Abduction Prevention Act (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 36, Safety Belt Enforcement Amendments (P. Jones), read the first time by short title and referred to the Rules Committee.

S.B. 37, Sales and Use Tax – Dental Prostheses (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 38, Juvenile Court Judge (C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 39, Public Safety Retirement Death Benefit Modifications (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 40, Earned Income Tax Credit (D. Peterson), read the first time by short title and referred to the Rules Committee.

S.B. 41, Forms of Municipal Government (C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 42, Preferred Prescription Drug List (A. Christensen), read the first time by short title and referred to the Rules Committee.

S.B. 43, Smoking Ban in Vehicle When a Child Is Present (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 44, Scrap Metal Transactions (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 45, Nursing Amendments (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 46, Health Care Amendments (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 47, Department of Agriculture Amendments (M. Dayton), read the first time by short title and referred to the Rules Committee.

S.B. 48, Amendments to Coal Mining and Reclamation (M. Dmitrich), read the first time by short title and referred to the Rules Committee.

S.B. 49, Optional Extended-day Kindergarten (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 50, Drug Offenders Reform Act (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 51, Alcoholic Beverage Enforcement and Treatment Restricted Account Amendments (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.B. 52, Health Regulations for Public Indoor Tanning Beds (P. Jones), read the first time by short title and referred to the Rules Committee.

S.B. 53, Higher Education Engineering Partnership (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 82, Amendments to Utah Comprehensive Health Insurance Pool (G. Davis), read the first time by short title and referred to the Rules Committee.

S.B. 83, Acupuncture Licensing Act Amendments (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 84, Confidentiality of Reports to Driver License Division (A. Christensen), read the first time by short title and referred to the Rules Committee.

S.B. 85, Mining Test Fees (M. Dmitrich), read the first time by short title and referred to the Rules Committee.

S.B. 86, Repeal of Libel and Slander Provisions (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 87, Homeowners Association Requirements (J. Hickman), read the first time by short title and referred to the Rules Committee.

S.B. 88, Uniform Real Property Electronic Recording (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 89, Revising Death Certificates (C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 90, Higher Education Enhancements (J. Hickman), read the first time by short title and referred to the Rules Committee.

S.B. 91, Uniform Commercial Code – General Provisions (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 92, Revised Uniform Anatomical Gift Act (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 93, Governor’s Rural Partnership Board Amendments (J. Hickman), read the first time by short title and referred to the Rules Committee.

S.B. 94, Use of Mineral Lease Funds by Special Service Districts (M. Dmitrich), read the first time by short title and referred to the Rules Committee.

S.B. 95, Permanent Instream Flow to Preserve Water Quality (M. Dmitrich), read the first time by short title and referred to the Rules Committee.

S.B. 96, Sales and Use Tax Exemption for Disposable Home Medical Equipment or Supplies (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.B. 97, Constitutional Revision Commission Membership (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 98, Governmental Immunity for Trails (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 99, Revised Business Corporations Act Amendments (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 100, Motor Vehicle License and Registration Fees Exemption for Purple Heart License Plates (J. Hickman), read the first time by short title and referred to the Rules Committee.

S.B. 101, Credit Services Organizations Act Changes (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 102, Master Plumber Licensing (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 103, Ineligibility for Unemployment Compensation Benefits (D. Eastman), read the first time by short title and referred to the Rules Committee.

S.B. 104, Office of Recovery Services Fee (A. Christensen), read the first time by short title and referred to the Rules Committee.

S.B. 105, Authorization of Opinion Question to Voters (E. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 106, Motor Vehicle Business Fee Amendments (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 107, Notice of Available Charity Care (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.B. 108, Workers' Compensation – Time Limitations (E. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 109, Transfers of Structured Settlements (E. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 110, Membership and Service of Utah Commissioners on National Conference of Commissioners on Uniform State Laws (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 111, Free Exercise of Religion Without Government Interference (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 112, Methamphetamine Precursor Access Amendments (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 113, Limitation of Actions (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 114, Aggravated Murder Amendments (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 115, Emergency Medicine Tort Reform (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.B. 116, Contribution Limits for State Constitutional Officers (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 117, Medicaid Recovery Amendments (A. Christensen), read the first time by short title and referred to the Rules Committee.

S.B. 118, Mechanics' Lien and Payment Amendments (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 119, Municipal License Fee or Tax on Public Assembly Facilities (B. Goodfellow), read the first time by short title and referred to the Rules Committee.

S.B. 120, Vehicle Towing Requirements (B. Goodfellow), read the first time by short title and referred to the Rules Committee.

S.B. 121, Department of Commerce Fund Amendments (K. VanTassell), read the first time by short title and referred to the Rules Committee.

S.B. 122, Administrative Rules Reauthorization (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 123, Amendment Regarding Search Warrant Procedure (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 124, Dental Hygienist Licensing Act Amendments (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.C.R. 1, Resolution Urging Congress to Address Social Security Number Identity Theft (C. Walker), read the first time by short title and referred to the Rules Committee.

S.C.R. 2, Resolution Promoting Legislators Back to School Program (M. Dayton), read the first time by short title and referred to the Rules Committee.

S.J.R. 1, Utah Athletic Foundation Resolution (D. Eastman), read the first time by short title and referred to the Rules Committee.

S.J.R. 2, Resolution Regarding Permanent State Trust Fund (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.J.R. 4, Resolution Establishing Right to Health Care (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.J.R. 5, Joint Resolution – Constitutional Amendment Relating to Appraising and Assessing Certain Property (G. Bell), read the first time by short title and referred to the Rules Committee.

S.J.R. 6, Resolution Submitting Minimum Wage Question to Voters (E. Mayne), read the first time by short title and referred to the Rules Committee.

S.J.R. 7, Joint Resolution Supporting Department of Corrections Contracting for Bed Spaces in Davis County Jail (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.J.R. 8, Joint Resolution Supporting Kane County Expansion of Correctional Facilities (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.R. 1, Senate Rules Resolution – Occupational and Professional Licensure Review Committee Summary Report (S. Jenkins), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Bramble, and at 11:20 a.m., the Senate sauntered.

The Senate was called to order at 11:30 a.m., with President Valentine presiding.

* * *

COMMITTEE OF THE WHOLE

On motion of Senator Bramble, members of the Martin Luther King Jr. Human Rights Commission spoke in Committee of the Whole. Jilea Fobair, winner of the State Adopt–A–School Essay contest, read her winning essay. Tristen Smith introduced Dr. Forrest Crawford, Assistant to the President for Institutional Diversity, Weber State University. Dr. Crawford spoke in the Committee of the Whole. Senator Ross Romero commented.

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

* * *

On motion of Senator Bramble, and at 11:50 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:25 p.m., with President Valentine presiding.

RULES COMMITTEE REPORTS

To the Members of the Senate:

January 15, 2007

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

- | | |
|-----------------|--|
| S.B. 4 | Driving Under the Influence Amendments
(Sen. C. Walker) |
| S.B. 6 | Uninsured Motorist Identification Database Program
Amendments (Sen. C. Walker) |
| S.B. 7 | Exploitation of a Vulnerable Adult Amendments
(Sen. L. Hillyard) |
| S.B. 8 | Use of State Engineer Fees (Sen. M. Dayton) |
| S.B. 10 | Industrial Assistance Fund Amendments – Rural Fast
Track Program (Sen. J. Hickman) |
| S.B. 11 | Unemployment Compensation – Social Security Offset
(Sen. J. Hickman) |
| S.B. 14 | Family Employment Program Amendments
(Sen. D. Eastman) |
| S.B. 16 | Lending Registration Acts (Sen. E. Mayne) |
| S.B. 19 | Commercial Driver License Amendments
(Sen. C. Walker) |
| S.B. 20 | State Highway Amendments (Sen. C. Walker) |
| S.B. 21 | Workforce Services' Work Experience or Training
Programs (Sen. P. Knudson) |
| S.B. 24 | Probate Code Amendments (Sen. R. Romero) |
| S.B. 25 | Warranty Deed – Technical Amendments
(Sen. D. Stowell) |
| S.B. 27 | Technical Amendments to Assumption of Indebtedness on
Residential Real Property (Sen. S. Jenkins) |
| S.B. 28 | Water Conveyance Easements (Sen. D. Stowell) |
| S.B. 31 | Sunset Review and Reauthorizations (Sen. C. Bramble) |
| S.B. 32 | Filings of Administrative Rules, Orders, and Regulations
(Sen. H. Stephenson) |
| S.C.R. 1 | Resolution Urging Congress to Address Social Security
Number Identity Theft (Sen. C. Walker) |
| S.J.R. 1 | Utah Athletic Foundation Resolution (Sen. D. Eastman) |
| | Peter Knudson
Acting Rules Committee Chair |

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

* * *

On motion of Senator Bramble, and at 2:25 p.m., the Senate recessed for the purpose of a joint convention with the House of Representatives to hear the State of the Judiciary address by Chief Justice Christine M. Durham.

* * *

The Senate was called to order at 3:15 p.m., with President Valentine presiding.

On motion of Senator Bramble, the Senate voted to have the State of the Judiciary address spread upon the pages of the Senate Journal.

STATE OF THE JUDICIARY ADDRESS CHIEF JUSTICE CHRISTINE M. DURHAM

President Valentine, Speaker Curtis, distinguished members of the Senate and House of Representatives, I thank you for the invitation to deliver these remarks on behalf of our dedicated judges and staff from across this wonderful state of ours. I am pleased to have my colleagues, Associate Chief Justice Michael Wilkins, Justices Durrant, Parrish, and Nehring, and our state court administrator, Dan Becker, with me this afternoon.

My remarks today will focus on the importance of the learning process for organizations like the judiciary and for those of us who do the public's business. I am now midway through my 29th year as a Utah state judge. People often ask me what my job is like, and why I love it. My response has not changed since my days on the trial court: learning and public service. Being a judge is a little like being a permanent student; every case requires you to master facts, human histories and legal principles necessary to fashion a just and correct resolution. As Chief Justice, I preside over a system that can be described as a "learning organization," namely an organization that depends on information responsiveness and constant adaptation to change. For me as an individual, and the judiciary as a public institution, there is something new to learn every day.

I would like to share two recent examples that illustrate that learning is a daily and essential part of what we in the courts do. Last year I talked with you about IOU, the Initiative on Utah Children in Foster Care. I convened this group of community leaders to focus on the needs of children in foster care. One of IOU's goals has been to teach more people about the realities and challenges of the child

welfare system by providing opportunities to observe real cases. As part of our “immersion“ program (which we invite each of you to experience), I recently spent a day with caseworkers and client families at the Division of Child and Family Services and a morning in juvenile court. Even after nearly three decades on the bench, I learned a lot. In one hearing I watched, I counted over fifteen people directly concerned with one case: six children, including a 16-year-old with her own baby, several guardians ad litem speaking on the children’s behalf, parents, step parents, foster parents, interested relatives, parents’ lawyers, lawyers for the State, language interpreters, and social service caseworkers. I never quite figured it out, but there seemed to be more fathers (or those who claimed to be fathers) in the courtroom than there were children, including one father in federal custody awaiting deportation proceedings. The judge, one of our most dedicated and hardworking, knew everyone there, waited patiently for frequent translation and the presentation of last minute reports, and was courteous and kind while efficiently sorting through human problems of almost unimaginable complexity. As I say, I learned a lot; it is difficult in the abstract to understand how complicated and tragic some people’s lives can be. Putting human faces on court statistics is very important.

I have also learned a lot in meetings around the state in recent weeks with legislators and judges, which so many of you have been kind enough to attend. In the Fourth District (Utah, Wasatch, Juab and Millard counties) we heard a description of the morning’s work from the presiding judge of the Fourth District juvenile court. Her morning included dealing with three teenagers, all of whom have been in state custody for two-and-one-half years. The first, a 17-year-old girl, was placed in custody for serious abuse of multiple drugs, including methamphetamine, criminal behavior, ungovernable behavior and mental health issues. She is now clean from drugs (after residential and outpatient treatment), on track to graduate from high school this spring, holding down a job and enjoying a renewed relationship with her parents and family. The other two, boys of 16 and 17, were both placed in custody for child sexual abuse. One has finished residential treatment and is working toward returning home in March. He has been successfully engaged with his treatment, is succeeding in school, and has completed community service hours and paid his fines. The second is well on his way to finishing treatment. Also on the judge’s docket: several children in court for the first time on charges of assault, disorderly conduct, marijuana use and possession of drug paraphernalia; two middle school children for truancy: one has missed 67 classes this school year, the other 47 classes; and charges of rape and sexual abuse of a child against a 16-year-old boy. Last on the judge’s busy docket, a new petition for child abuse and neglect of two children, ages two and four. The allegations included methamphetamine abuse by both parents and severe neglect. The judge concluded by suggesting that her morning was typical of every juvenile

court in the state and saying, “It’s hard work. But I wouldn’t want to be doing anything else.” In response to a legislator’s question at our local meeting, she emphasized the degree to which substance abuse and illegal drugs contribute to the presence of children and families in court. The presiding judge of the District Court in Provo estimated that 75–80 percent of his judges’ workload has a direct or indirect connection to substance abuse. Last week a district judge from Ogden suggested a 90 percent correlation. The tragedy of drug and alcohol addiction, with its manifestations in criminal activity, poverty, neglected and abused children, destroyed families, and huge burdens on our economy and public institutions, continues to challenge all of our aspirations for better, safer communities. We in the courts are constantly learning as much as we can to respond effectively.

In that respect, let me make a brief report on our efforts to respond to this and other issues you have brought to us. One topic of discussion in every single district, as we have met with legislators, has been drug use and drug courts. Most of you know about and have been supportive of drug courts, one of the most hopeful approaches to substance abuse to emerge for many years. The Judicial Council has created new standards for the creation and operation of drug courts to build on best practices, and I am happy to report that every judicial district in the state now has at least one drug court. However, we need resources to expand our efforts, which the Governor has supported in his proposed budget this year. I hope you can support a funding increase as well.

Another area in which the courts have responded to legislative concerns this past year is divorce mediation. Because of Representative Ferry’s bill, passed in last year’s session, mediation in divorce cases is now mandatory throughout the state. Mediation brings parties together with a skilled professional who assists them in identifying ways they can resolve their own disputes. Not only does this process relieve the courts of the burden of trying their cases, an expensive and painful process, but our questionnaires tell us that the parties feel more satisfied with the results and emerge better prepared to move on with their lives. A recent report to the Judicial Council revealed an encouraging level of success and user satisfaction in the program. Since the mediation program went statewide last May, of the 746 cases mediated, 64 percent were completely resolved by the parties. We are also continuing our efforts to deal responsibly and effectively with people who represent themselves in court, and we are advancing a budget request to operate a pilot program that will further our use of best practices in this area. In a recent court survey, court users reported information on self representation as being the fourth most important service the court offers.

If an organization is going to be able to learn about itself and respond to needed change, good information is essential. This past year, the courts undertook

a significant effort to find out how people think we're doing. With assistance from a federal grant, we surveyed Utah citizens to measure public opinion of the courts generally, court user views on access and fairness, and what people who come to court representing themselves think about their experiences. The survey results showed a high level of public trust and confidence in Utah's state courts. The majority of respondents had a positive perception about the judiciary; they felt Utah's courts were accessible and that court employees were respectful and responsive. We are encouraged by the results, and challenged to better our efforts and performance. It takes some courage to ask people how you are doing, but more important is the commitment to act on what you learn.

One of the things we learned from our survey is that the public believes the courts can do a better job of informing them about our work. We are committed to continuing and enhancing our efforts in this regard. Efforts include adding to the wealth of information found on our prize-winning website and supporting the Council's Committee on Judicial Outreach in its efforts to engage judges with the community. We continue to support the Coalition for Civic, Character and Academic Service Learning and its Dialogue for Democracy Program, and I am enjoying my service on behalf of the courts on the Commission on Civic Education that you created last year under the leadership of the Lt. Governor.

Another important source of information about our progress has become available through the Judicial Council's adoption and implementation of a series of performance measures for the courts known as CourTools. These performance measures, which we have developed based on work done by the National Center for State Courts, are helping us to assess eight performance areas. They are providing the Council with data on everything from caseload allocations and timeliness to employee training and morale. The CourTools are posted on our website at www.utcourts.gov and I invite you to review that site.

The Council is also working to strengthen trial court operations and performance by enhancing the role of presiding judges throughout the state. Presiding judges are selected by their peers in each judicial district in the state. They work with the local trial court administrators and oversee case assignments, resource planning, communication, and judicial support. Senator Greg Bell and other legislators have asked us to increase our efforts to reduce the cost of litigation through the use of more case management techniques, and we think that strengthening judicial leadership at the local level is one way to address that issue. The Council is currently reviewing the rules governing the responsibilities and authority of presiding judges, and has conducted two workshops that focus on leadership skills.

My remarks thus far have focused on our efforts to respond to issues you have raised, and on some of our own initiatives. Now I would like to speak to some pressing issues on which we need your help. The efforts I have just described “to make the courts more responsive, accountable and effective” are, I believe, the hallmarks of a mature court system. Thirty years ago, Utah judges functioned in the equivalent of individualized, fragmented “fiefdoms,” with disparate funding sources and little capacity for planning and self-governance. The environment today is vastly different. For over twenty years now, since the amendments to the Judicial Article of the Utah Constitution in 1985, we have been building a strong culture of responsibility for efficient operations and, more importantly, for appropriate outcomes. In other words, we try to focus not just on how good our processes are, but also on whether our processes succeed in doing the jobs they are designed for. The courts are committed to securing reliable information about our performance and acting on it. Our judges see themselves as part of an institutional enterprise, a fully equal and self-managed branch of government, with an enhanced obligation to do the public’s work in the broad sense, as well as case-by-case in the courtroom. We are proud of the work we have done and the performance-based values that drive our system.

But I have some concerns for the future. The demands on the time, talent and problem-solving skills of Utah’s judges are steadily increasing, and there is some reason to worry that the most able and experienced members of the bar do not aspire to serve on the bench to the degree they once did. This fall, when we sought to fill a judicial vacancy in the Seventh Judicial District (Carbon, San Juan, Grand, and Emery counties), we had to reopen the application process after the initial deadline because only five attorneys applied, four short of the statutorily required number. For an opening in the Third District currently in the process of being filled, the Nominating Commission received twenty-four applications from a potential pool of over 4,000 practicing lawyers. Last year we were requested by one of your committees to attempt to identify some of the reasons for numerical declines in the applicant pool. The Utah State Bar assisted us by electronically surveying all Utah lawyers about their attitudes toward applying for a judgeship. Of those who expressed an interest in applying for the bench, 40 percent ranked “increasing compensation” as the most important factor in attracting the highest caliber of applicants for judicial openings. Nearly as many (38 percent) of those not interested personally in applying agreed. Now, I know that no one becomes a judge to get rich, and I also have the highest confidence in the quality of the people who have received or will receive judicial appointments, but I am concerned about trends and morale. Eleven percent of the trial bench has turned over in the past two years, and 35 percent of our judges are eligible to retire in the next four years. Several of our very able, senior, well-respected judges have left the bench to return to private practice and better compensation. That’s a lot of experience,

expertise and training that must be replaced. I want us all to be confident that we can attract and keep the best and the brightest. Scott Anderson, president of Zions Bank and a member of our Citizens Advisory Committee on Judicial Compensation, has pointed out the importance of a strong judiciary to the state's economy and business climate: "Without the checks and balances provided by a strong judicial system, our state and nation cannot protect the rights and freedoms of its citizens. Utah's courts are critical to the function of the state's economy and banking system. Businesses and individuals can enter into transactions with confidence, knowing that Utah's courts are there to fairly apply the law if other parties don't live up to their promises." The Citizen's Committee recommended, and your Executive and Legislative Compensation Committee approved, requested compensation amounts intended to catch Utah judges up with their professional peers after the downturn of a few years ago. The Governor has concurred by fully funding this year's figure of an 11 percent increase in his budget. We ask for your help and support. I am convinced that attention to judicial compensation is critical to the future quality and performance of Utah's courts.

One additional comment about resources. This point does not relate directly to judicial resources, but it does affect the representation in court of children who have been abused or neglected. Two years ago, an extensive legislative audit of the Guardian ad Litem's Office concluded that it was under funded to the point of being unable to fulfill all of its statutorily mandated duties. The audit also pointed out that the office was without hands—on policy oversight because the Judicial Council had traditionally maintained some distance from the office to prevent any appearance of control over lawyers who regularly appear before judges. The Council responded to that legitimate concern by creating an independent Oversight Committee, which for nearly two years has taken responsibility for directing policy and reviewing the operation and budget of the Guardian-ad-litem's Office. The Oversight Committee reports regularly to the Judicial Council and to your Child Welfare Legislative Oversight Committee. The funding request you will see this year from the Guardian ad Litem's Office is derived directly from the findings and suggestions of your helpful audit. Without a positive response it seems clear that services to children and the quality of their in-court representation will deteriorate as caseloads grow.

The courts have other, operational needs that we will address with the Appropriations Committee, but the two issues I have mentioned are, in my view, particularly urgent because they have such importance for the future. The first, judicial compensation, is critical for the next generation of Utah judges (who will these men and women be?; who will be there to serve as their role models and mentors?), and the second, adequate funding of the Guardian ad Litem's Office, is

necessary to permit the office to perform its statutorily required duties to represent children in court.

Before I conclude, I would like to provide a brief preview of emerging issues. The Judicial Council is currently studying Utah's Justice Court system, re-examining both our own rules and the structure and operations of these courts. Also, we have undertaken, for the first time during my tenure, a study of probate and guardianship practices; we think we can and must improve our services in this area, which directly affects many elderly people, children, and persons with disabilities. Finally, I would like to mention the fact that one of Utah's juvenile courts has been designated as a national Model Court for the implementation of new guidelines for managing delinquency cases. These are cases in which children have been charged with acts, which, if they were adults, would constitute crimes. For ten years or so there has been a major focus in Utah and nationally on child welfare issues, and it is time to assess our performance on the delinquency side as well.

In conclusion, I would like to say a word about public perception. It is distressing to learn from recent surveys that nearly half of respondents identify television dramas as their major source of information about the courts and the justice system. I try to avoid these programs myself, but I've seen enough to know that Judge Judy and her cohorts bear no resemblance at all to the professional, dedicated judges and staff in Utah's courts. We handle over 800,000 cases every year, and the vast majority of those cases are resolved successfully—with impartiality, fairness, courtesy, and in a timely fashion. The work is often demanding and difficult, not at all glamorous, but our judges and employees see it as public service and worthy work, not just a job. That's the image I would like to leave with you: dedicated judges and staff, working hard to resolve real disputes brought to the courts by real people, and committed to learning how to do it better every day.

As I indicated when I began, I believe that learning is essential to progress and to performance. Utah's judicial branch is committed to learning, to responsiveness, and to accountability. Let me end with an inspiring perspective on learning from John F. Kennedy, thirty-fifth President of the United States, who said, "Liberty without learning is always in peril; learning without liberty is always in vain."

INTRODUCTION OF BILLS

S.B. 125, Repeal of Prisoner Demands for Disposition (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 126, Sales Representative Commission Payment Act (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.B. 127, Tourism Marketing Performance Restricted Special Revenue Fund (S. Jenkins), read the first time by short title and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate:

January 15, 2007

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

Business and Labor Committee

- S.B. 44** Scrap Metal Transactions (Sen. J. Greiner)
S.B. 51 Alcoholic Beverage Enforcement and Treatment
Restricted Account Amendments (Sen. M. Waddoups)
S.B. 85 Mining Test Fees (Sen. M. Dmitrich)
S.B. 87 Homeowners Association Requirements
(Sen. J. Hickman)
S.B. 88 Uniform Real Property Electronic Recording
(Sen. L. Hillyard)
S.B. 91 Uniform Commercial Code – General Provisions
(Sen. L. Hillyard)
S.B. 99 Revised Business Corporations Act Amendments
(Sen. L. Hillyard)
S.B. 101 Credit Services Organizations Act Changes
(Sen. L. Hillyard)
S.B. 102 Master Plumber Licensing (Sen. S. Jenkins)
S.B. 103 Ineligibility for Unemployment Compensation Benefits
(Sen. D. Eastman)
S.B. 109 Transfers of Structured Settlements (Sen. E. Mayne)
S.B. 118 Mechanics' Lien and Payment Amendments
(Sen. S. Jenkins)
S.B. 121 Department of Commerce Fund Amendments
(Sen. K. VanTassell)
S.J.R. 6 Resolution Submitting Minimum Wage Question to
Voters (Sen. E. Mayne)

Education Committee

- S.B. 49** Optional Extended-day Kindergarten (Sen. L. Hillyard)
S.B. 53 Higher Education Engineering Partnership (Sen. G. Bell)
S.B. 90 Higher Education Enhancements (Sen. J. Hickman)

- S.C.R. 2** Resolution Promoting Legislators Back to School Program (Sen. M. Dayton)

Government Operations and Political Subdivisions Committee

- S.B. 30** Creation of New School District Amendments (Sen. C. Walker)
- S.B. 41** Forms of Municipal Government (Sen. C. Walker)
- S.B. 93** Governor's Rural Partnership Board Amendments (Sen. J. Hickman)
- S.B. 94** Use of Mineral Lease Funds by Special Service Districts (Sen. M. Dmitrich)
- S.B. 97** Constitutional Revision Commission Membership (Sen. P. Knudson)
- S.B. 110** Membership and Service of Utah Commissioners on National Conference of Commissioners on Uniform State Laws (Sen. L. Hillyard)
- S.B. 111** Free Exercise of Religion Without Government Interference (Sen. D. C. Buttars)
- S.B. 116** Contribution Limits for State Constitutional Officers (Sen. G. Bell)
- S.B. 119** Municipal License Fee or Tax on Public Assembly Facilities (Sen. B. Goodfellow)
- S.B. 122** Administrative Rules Reauthorization (Sen. H. Stephenson)

Health and Human Services

- S.B. 26** Utah Commission on Aging (Sen. P. Jones)
- S.B. 42** Preferred Prescription Drug List (Sen. A. Christensen)
- S.B. 45** Nursing Amendments (Sen. P. Knudson)
- S.B. 46** Health Care Amendments (Sen. P. Knudson)
- S.B. 52** Health Regulations for Public Indoor Tanning Beds (Sen. P. Jones)
- S.B. 82** Amendments to Utah Comprehensive Health Insurance Pool (Sen. G. Davis)
- S.B. 89** Revising Death Certificates (Sen. C. Walker)
- S.B. 92** Revised Uniform Anatomical Gift Act (Sen. L. Hillyard)
- S.B. 104** Office of Recovery Services Fee (Sen. A. Christensen)
- S.B. 107** Notice of Available Charity Care (Sen. M. Waddoups)
- S.B. 117** Medicaid Recovery Amendments (Sen. A. Christensen)
- S.B. 124** Dental Hygienist Licensing Act Amendments (Sen. M. Waddoups)

S.J.R. 4 Resolution Establishing Right to Health Care
(Sen. S. McCoy)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 23 Child Support Guidelines (Sen. G. Bell)
S.B. 35 Uniform Child Abduction Prevention Act
(Sen. L. Hillyard)
S.B. 38 Juvenile Court Judge (Sen. C. Walker)
S.B. 50 Drug Offenders Reform Act (Sen. D. C. Buttars)
S.B. 86 Repeal of Libel and Slander Provisions (Sen. S. McCoy)
S.B. 112 Methamphetamine Precursor Access Amendments
(Sen. D. C. Buttars)
S.B. 113 Limitation of Actions (Sen. G. Bell)
S.B. 114 Aggravated Murder Amendments (Sen. G. Bell)
S.B. 115 Emergency Medicine Tort Reform (Sen. S. Killpack)
S.B. 123 Amendment Regarding Search Warrant Procedure
(Sen. J. Greiner)
S.J.R. 7 Joint Resolution Supporting Department of Corrections
Contracting for Bed Spaces in Davis County Jail
(Sen. M. Waddoups)
S.J.R. 8 Joint Resolution Supporting Kane County Expansion of
Correctional Facilities (Sen. D. Stowell)

Natural Resources, Agriculture and Environment Committee

S.B. 9 Nonprofit Corporation Amendments (Sen. L. Hillyard)
S.B. 29 Instream Flow to Protect Trout Habitat (Sen. P. Knudson)
S.B. 47 Department of Agriculture Amendments
(Sen. M. Dayton)
S.B. 48 Amendments to Coal Mining and Reclamation
(Sen. M. Dmitrich)
S.B. 95 Permanent Instream Flow to Preserve Water Quality
(Sen. M. Dmitrich)

Retirement and Independent Entities Committee

S.B. 39 Public Safety Retirement Death Benefit Modifications
(Sen. J. Greiner)

Revenue and Taxation Committee

S.B. 18 Use of Oil and Gas Revenues (Sen. L. Hillyard)

- S.B. 22** Sales and Use Tax Exemptions for Certain Governmental Entities and Entities Within the State Systems of Public and Higher Education (Sen. H. Stephenson)
- S.B. 37** Sales and Use Tax – Dental Prostheses (Sen. P. Knudson)
- S.B. 40** Earned Income Tax Credit (Sen. D. Peterson)
- S.B. 96** Sales and Use Tax Exemption for Disposable Home Medical Equipment or Supplies (Sen. S. Killpack)
- S.J.R. 2** Resolution Regarding Permanent State Trust Fund (Sen. L. Hillyard)

Transportation, Public Utilities and Technology Committee

- S.B. 17** Traffic Code Amendments (Sen. S. Jenkins)
- S.B. 33** Special Group License Plate – Gold Star Family (Sen. C. Walker)
- S.B. 36** Safety Belt Enforcement Amendments (Sen. P. Jones)
- S.B. 84** Confidentiality of Reports to Driver License Division (Sen. A. Christensen)
- S.B. 100** Motor Vehicle License and Registration Fees Exemption for Purple Heart License Plates (Sen. J. Hickman)
- S.B. 106** Motor Vehicle Business Fee Amendments (Sen. L. Hillyard)
- S.B. 120** Vehicle Towing Requirements (Sen. B. Goodfellow)

Workforce Services and Community and Economic Development Committee

- S.B. 15** Workforce Services – Reporting Misuse of Personal Identifying Information (Sen. C. Walker)

Peter Knudson

Acting Rules Committee Chair

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

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On motion of Senator Waddoups, under suspension of the rules, the Senate voted to lift **S.J.R. 7**, JOINT RESOLUTION SUPPORTING DEPARTMENT OF CORRECTIONS CONTRACTING FOR BED SPACES IN DAVIS COUNTY JAIL, from the Judiciary, Law Enforcement, and Criminal Justice Committee and placed it at the top of the Second Reading Calendar.

SECOND READING CALENDAR

S.J.R. 7, JOINT RESOLUTION SUPPORTING DEPARTMENT OF CORRECTIONS CONTRACTING FOR BED SPACES IN DAVIS COUNTY JAIL, was read the second time. Senator Waddoups explained the bill.

Senator Waddoups proposed the following amendment:

1. Page 2, Line 34

34 WHEREAS, the approximate number of beds to be contracted in Davis County is ~~{-50-}~~ 100 ;

Senator Waddoups' motion to amend passed on a voice vote.

On motion of Senator Waddoups, under suspension of the rules, **S.J.R. 7**, JOINT RESOLUTION SUPPORTING DEPARTMENT OF CORRECTIONS CONTRACTING FOR BED SPACES IN DAVIS COUNTY JAIL, was considered read the second and third times. Senator Waddoups explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator

Mayne

S.J.R. 7 was transmitted to the House.

* * *

S.B. 4, DRIVING UNDER THE INFLUENCE AMENDMENTS, was read the second time. Senator Walker explained the bill.

Senator Walker proposed the following amendment:

1. Page 2, Line 47:

47 53-3-224, as last amended by Chapter 226, Laws of Utah 1999
53-3-227, as last amended by Chapters 2, 91, and 220, Laws of
Utah 2005

2. Page 16, Lines 463 through 466:

463 (7) If, after a hearing, the division determines that {~~the~~
~~person violated~~ } a peace officer had reasonable grounds to believe
that the person was driving a motor vehicle in violation of Section
464 41-6a-502 or 41-6a-517, if the person failed to appear before the
division as required in the

465 notice, or if a hearing is not requested under this section, the
division shall suspend the person's

466 license or permit to operate a motor vehicle for a period of:

3. Page 16, Lines 487 through 488:

487 (b) Persons not residing in the state shall file in Salt Lake
County or the county where

488 the offense occurred, which resulted in the cancellation,
suspension, or revocation.

Section 10. Section 53-3-227 is amended to read:

53-3-227. Driving a motor vehicle prohibited while driving
privilege denied, suspended, disqualified, or revoked — Penalties.

(1) A person whose driving privilege has been denied,
suspended, disqualified, or revoked under this chapter or under the laws
of the state in which the person's driving privilege was granted and who
drives any motor vehicle upon the highways of this state while that
driving privilege is denied, suspended, disqualified, or revoked shall be
punished as provided in this section.

(2) A person convicted of a violation of Subsection (1), other
than a violation specified in Subsection (3), is guilty of a class C
misdemeanor.

(3) (a) A person is guilty of a class B misdemeanor if the
person's conviction under Subsection (1) is based on the person driving a
motor vehicle while the person's driving privilege is suspended,
disqualified, or revoked for:

(i) a refusal to submit to a chemical test under Section
41-6a-520;

(ii) a violation of Section 41-6a-502;

(iii) a violation of a local ordinance that complies with the

requirements of Section 41-6a-510;

(iv) a violation of Section 41-6a-517;

(v) a violation of Section 76-5-207;

(vi) a criminal action that the person plead guilty to as a result of a plea bargain after having been originally charged with violating one or more of the sections or ordinances under this Subsection (3);

(vii) a revocation or suspension which has been extended under Subsection 53-3-220(2); ~~{-or-}~~

(viii) where disqualification is the result of driving a commercial motor vehicle while the person's CDL is disqualified, suspended, canceled, or revoked under Subsection 53-3-414(1) ~~{-}~~ **; or**

(ix) a violation of Section 41-6a-530.

(b) A person is guilty of a class B misdemeanor if the person's conviction under Subsection (1) is based on the person driving a motor vehicle while the person's driving privilege is suspended, disqualified, or revoked by any state, the United States, or any district, possession, or territory of the United States for violations corresponding to the violations listed in Subsections (3)(a)(i) through (viii).

(c) A fine imposed under this Subsection (3) shall be at least the maximum fine for a class C misdemeanor under Section 76-3-301.

4. Page 19, Lines 577 through 579:

577 (8) If, after a hearing, the division determines that ~~{-the~~
~~person violated~~ } a peace officer had reasonable grounds to believe
that the person was driving a motor vehicle in violation of Subsection

578 (2)(a), if the person fails to appear before the division as required in
the notice, or if the person

579 does not request a hearing under this section, the division shall:

Renumber remaining sections accordingly.

Senator Walker's motion to amend passed on a voice vote. Senators Hillyard and Bramblecommented.

On motion of Senator Walker, the Senate voted to suspend the 24-hour rule for bills on the Second Reading Calendar for today only. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator

Mayne

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S.B. 6, UNINSURED MOTORIST IDENTIFICATION DATABASE PROGRAM AMENDMENTS, was read the second time. Senator Walker explained the bill. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.**Voting in the affirmative were:** Senators

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

Absent or not voting were: Senators

Bramble Mayne

* * *

S.B. 7, EXPLOITATION OF A VULNERABLE ADULT AMENDMENTS, was read the second time. Senator Hillyard explained the bill. Senators Fife, McCoy, 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

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman

Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator
Mayne

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On motion of Senator Bramble and at 4:00 p.m., the Senate adjourned until 10:00 a.m., Tuesday, January 16, 2007.

SECOND DAY
MORNING SESSION
January 16, 2007

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

Prayer – Reverend France Davis, Calvary Baptist Church

Pledge of Allegiance – Senator Wayne Niederhauser

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 102)

COMMUNICATIONS FROM THE GOVERNOR

Mr. President: January 10, 2007

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

Utah Department of Corrections:

Thomas Patterson is appointed to replace Scott Carver as the Executive Director of the Department of Corrections. See Utah Code Ann. 64-13-3.

Commission on Criminal and Juvenile Justice:

Robert S. Yeates is appointed to replace Thomas Patterson as the Executive Director of the Commission on Criminal and Juvenile Justice. See Utah Code Ann. 63-25a-103.

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

Jon M. Huntsman, Jr.
Governor

COMMITTEE REPORT

Mr. President: January 15, 2007

The Senate Judiciary, Law Enforcement, and Criminal Justice Confirmation Committee met on January 15, 2007 and unanimously reports a favorable recommendation for Mr. Thomas Patterson to be confirmed to the position of Executive Director of the Department of Corrections; and

The Senate Judiciary, Law Enforcement, and Criminal Justice Confirmation Committee met on January 15, 2007 and unanimously reports a favorable recommendation for Mr. Robert S. Yeates to be confirmed to the position of Executive Director of the Commission on Criminal and Juvenile Justice.

D. Chris Buttars, Chair

On motion of Senator Eastman, the Senate, Pursuant to Section 67-1-2 of the Utah Code, voted to waive the 15-day requirement on the submittal dated January 10, 2007, for purposes of acting on gubernatorial nominees.

Senator Hillyard moved to consent to the Governor’s appointments. Senators Buttars, Greiner, Stephenson, and Bell commented. The motion passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Killpack

COMMITTEE OF THE WHOLE

On motion of Senator Buttars, Thomas Patterson and Robert Yeates spoke in Committee of the Whole.

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

INTRODUCTION OF BILLS

S.B. 128, State Government Law Revisions – Withdrawal from Education Compact (M. Dayton), read the first time by short title and referred to the Rules Committee.

S.B. 129, Private Investigator Regulation Act Amendments (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 130, Municipal Code Amendments (D. Eastman), read the first time by short title and referred to the Rules Committee.

S.B. 131, Retirement and Independent Entities Committee (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 132, Property Tax Abatement or Deferral (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.J.R. 9, Resolution Supporting Presidential Trade Promotion Authority (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.J.R. 10, Joint Resolution Supporting Garfield County Expansion of Correctional Facilities (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.R. 2, Resolution Affirming Fundamental Rights of Muslim Community of Utah (P. Knudson), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

S.B. 4, DRIVING UNDER THE INFLUENCE AMENDMENTS, was read the third time.

On motion of Senator Walker, the bill was circled.

* * *

S.B. 6, UNINSURED MOTORIST IDENTIFICATION DATABASE PROGRAM AMENDMENTS, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bramble	Buttars	Killpack	Mayne
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S.B. 6 was transmitted to the House for consideration.

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S.B. 7, EXPLOITATION OF A VULNERABLE ADULT AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator

Jenkins

S.B. 7 was transmitted to the House for consideration.

SECOND READING CALENDAR

S.B. 8, USE OF STATE ENGINEER FEES, was read the second time. Senator Dayton explained the bill. Senators Knudson and Hillyard commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

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S.B. 10, INDUSTRIAL ASSISTANCE FUND AMENDMENTS – RURAL FAST TRACT PROGRAM, was read the second time. Senator Hickman explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Hillyard

* * *

S.B. 11, UNEMPLOYMENT COMPENSATION – SOCIAL SECURITY OFFSET, was read the second time. Senator Hickman 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

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

* * *

S.B. 14, FAMILY EMPLOYMENT PROGRAM AMENDMENTS, was read the second time. Senator Eastman 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

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

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S.B. 16, LENDING REGISTRATION ACT AMENDMENTS, was read the second time. Senator Mayne explained the bill. Senators Hickman, Buttars, Jones, and Fife commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

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S.B. 19, COMMERCIAL DRIVER LICENSE AMENDMENTS, was read the second time. Senator Walker explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen

Mayne	McCoy	Niederhauser	Romero
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Eastman	Hickman	Peterson	Stephenson
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S.B. 20, STATE HIGHWAY AMENDMENTS, was read the second time. Senator Walker explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.**Voting in the affirmative were:** Senators

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

Absent or not voting were: Senators

Eastman	Peterson	Stephenson
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S.B. 21, WORKFORCE SERVICES' WORK EXPERIENCE OR TRAINING PROGRAMS, was read the second time. 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

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

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S.B. 24, PROBATE CODE AMENDMENTS, was read the second time. Senator Romero explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Dmitrich	Hickman
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S.B. 25, WARRANTY DEED – TECHNICAL AMENDMENTS, was read the second time. Senator Stowell explained the bill. Senator Hillyard commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Buttars	Hickman	Mayne
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S.B. 27, TECHNICAL AMENDMENTS TO ASSUMPTION OF INDEBTEDNESS ON RESIDENTIAL REAL PROPERTY, was read the second

time. Senator Jenkins explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Fife Hickman

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S.B. 28, WATER CONVEYANCE EASEMENTS, was read the second time. Senator Stowell explained the bill. Senator Valentine declared a conflict of interest. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator

Hickman

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S.B. 31, SUNSET REVIEW AND REAUTHORIZATIONS, was read the second time.

On motion of Senator Bramble, the bill was circled.

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S.B. 32, FILINGS OF ADMINISTRATIVE RULES, ORDERS, AND REGULATIONS, was read the second time. Senator Stephenson explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Goodfellow	Stowell
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S.C.R. 1, RESOLUTION URGING CONGRESS TO ADDRESS SOCIAL SECURITY NUMBER IDENTITY THEFT, was read the second time.

On motion of Senator Walker, the bill was circled.

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S.J.R. 1, UTAH ATHLETIC FOUNDATION RESOLUTION, was read the second time. Senator Eastman explained the bill. Senator Jenkins commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator
Killpack

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On motion of Senator Bramble and at 11:45 a.m., the Senate adjourned until 10:00 a.m., Wednesday, January 17, 2007.

THIRD DAY
MORNING SESSION
January 17, 2007

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

Prayer – Margaret Lifferth, First Counselor in the Primary General Presidency, the Church of Jesus Christ of Latter–Day Saints

Pledge of Allegiance – Chris Buttars

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

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 102)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 16, 2007

The House passed **H.B. 4**, ORGANIZED RETAIL THEFT, by Representative P. Ray, and it is transmitted for consideration; and

The House passed **H.B. 5**, INTERNET SEXUAL PREDATOR PENALTIES, by Representative P. Ray, and it is transmitted for consideration; and

The House passed **H.B.6**, CONTROLLED SUBSTANCE DATABASE AMENDMENTS, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed **H.B. 9**, HEALTH CARE COST AND QUALITY DATA, by Representative M. Morley, and it is transmitted for consideration; and

The House passed **H.B. 10**, OPEN AND PUBLIC MEETINGS ACT AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.B. 11**, OBSERVING JUNETEENTH DAY BY THE STATE, by Representative N. Hansen, and it is transmitted for consideration; and

The House passed **H.B. 14**, ELECTION LAW REVISIONS, by Representative D. Aagard, and it is transmitted for consideration; and

The House passed **H.B. 20**, STATE DECLARATION OF STATE WATER WEEK, by Representative R. Becker, and it is transmitted for consideration; and

The House passed **H.B. 22**, MOTOR VEHICLES CODE REVISIONS, by Representative J. Dunnigan, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 4**, **H.B. 5**, **H.B. 6**, **H.B. 9**, **H.B. 10**, **H.B. 11**, **H.B. 14**, **H.B. 20**, and **H.B. 22** were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: January 16, 2007

The Business and Labor Committee reports a favorable recommendation on **S.B. 85**, MINING TEST FEES, by Senator M. Dmitrich; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 87**, HOMEOWNERS ASSOCIATION REQUIREMENTS, by Senator J. Hickman; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 102**, MASTER PLUMBER LICENSING, by Senator S. Jenkins, with the following amendments:

1. Page 13, Lines 384 through 388:

384 (D) in addition to meeting the qualifications of Subsection (3)(a)(i)(A), (B), or (C), has

385 completed at least {~~one year of a postsecondary education course of study in business,~~

386 management, and finance in accordance with rules made by the division regarding:

387 (I) the number of required courses and course hours; and

388 (II) the institutions or individuals qualified to offer and teach the courses } nine semester hours of post secondary education or its equivalent in the areas of project supervision, construction accounting, business law, office management, or other business related courses approved by the Plumbers Licensing Board, except that a contractor who has held a license for at least five years in another trade in the state or in a state that is currently in good standing is exempt from this Subsection (3)(a)(i)(D) requirement; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 103, INELIGIBILITY FOR UNEMPLOYMENT COMPENSATION BENEFITS**, by Senator D. Eastman.

Kevin T. VanTassell, Chair

Mr. President:

January 16, 2007

The Health and Human Services Committee reports a favorable recommendation on **S.B. 26, UTAH COMMISSION ON AGING**, by Senator P. Jones, with the following amendments:

- 1. Page 1, Lines 18 through 20:

18 ▶ provides that the Center on Aging within the University
of Utah ~~{-, Division of~~
19 ~~Geriatrics-}~~ , shall:
20 { ~~•—provide administrative support to the~~
~~commission; }~~

- 2. Page 3, Line 89 through Page 4, Line 90:

89 (2) “Center on Aging” means the Center on Aging within the
University of Utah ~~{-~~
90 Division of Geriatrics } .

- 3. Page 5, Line 150 through Page 6, Line 159:

150 ~~63-99-110.~~ ~~{-Administration-----and~~
~~oversight-}~~ Oversight — Executive director salary — Staff
151 support — Use of funds.
152 (1) The Center on Aging shall:
153 ~~{-(a) provide administrative support to the commission; }~~
154 ~~{-(b) }~~ (a) pay the salary, and oversee the
performance of, the executive director of the
155 commission;
156 ~~{-(c) }~~ (b) provide staff support for the executive
director of the commission and the
157 commission; and
158 ~~{-(d) }~~ (c) provide office space, furnishings, and
supplies to the commission, the executive

159 director of the commission, and support staff. ; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 42**, PREFERRED PRESCRIPTION DRUG LIST, by Senator A. Christensen, with the following amendments:

1. Page 2, Lines 56 through 57:

56 (c) may include placing some drugs ~~except psychotropic or~~
anti-psychotic drugs, on a preferred drug list to the extent determined
 57 appropriate by the department. ; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 82**, AMENDMENTS TO UTAH COMPREHENSIVE HEALTH INSURANCE POOL, by Senator G. Davis; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 89**, REVISING DEATH CERTIFICATES, by Senator C. Walker; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 92**, REVISED UNIFORM ANATOMICAL GIFT ACT, by Senator L. Hillyard, with the following amendments:

1. Page 7, Line 183:

183 (9) “Driver license” means a license or permit issued by the
{~~Motor Vehicle~~ } Driver License Division of

2. Page 7, Lines 195 through 196:

195 (13) “Identification card” means an identification card issued
by the {~~Motor Vehicle~~ } Driver License
 196 Division of the Department of Public Safety.

3. Page 20, Line 600:

600 (2) The {~~Motor Vehicle~~ } Driver License Division
of the Department of Public Safety shall cooperate

D. Chris Buttars, Chair

Mr. President:

January 16, 2007

The Education Committee reports a favorable recommendation on **S.B. 90**, HIGHER EDUCATION ENHANCEMENTS, by Senator J. Hickman, with the following amendments:

1. Page 4, Lines 102 through 114:

102 (1) to the University of Utah \$1,000,000 as follows:

103 (a) \$300,000 for digital media, including communications,
film, digital design, and

104 computer animation;

105 (b) {~~-\$350,000~~ } \$450,000 for science and
mathematics, including molecular biology, chemistry, and

106 beginning mathematics; and

107 (c) {~~-\$150,000~~ } \$250,000 for advising and student
support; {~~- and~~ }

108 {~~-(d) \$200,000 for pharmacy, including expanding the~~
number of pharmacy residencies; }

109 (2) to Utah State University \$1,000,000 {~~-as~~
follows: } to be used at the regional campuses located in Brigham
City, the Uintah Basin, and Tooele to support degree programs focused
on local community needs, including business, mathematics, natural
resources, and teacher education;

110 {~~-(a) \$350,000 for Brigham City Campus faculty in history,~~
English, and mathematics; }

111 {~~-(b) \$325,000 for Uintah Basin Campus faculty in business~~
and elementary education; }

112 {~~-and~~ }

113 {~~-(c) \$325,000 for Tooele Campus faculty in early~~
childhood, elementary, and secondary }

114 {~~-education;~~ }; and

The Education Committee reports a favorable recommendation on **S.C.R. 2, RESOLUTION PROMOTING LEGISLATORS BACK TO SCHOOL PROGRAM**, by Senator M. Dayton.

Margaret Dayton, Chair

Mr. President:

January 16, 2007

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 17, TRAFFIC CODE AMENDMENTS**, by Senator S. Jenkins; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 84**, CONFIDENTIALITY OF REPORTS TO DRIVER LICENSE DIVISION, by Senator A. Christensen; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 100**, MOTOR VEHICLE LICENSE AND REGISTRATION FEES EXEMPTION FOR PURPLE HEART LICENSE PLATES, by Senator J. Hickman.

Carlene M. Walker, Chair

Mr. President:

January 16, 2007

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 23**, CHILD SUPPORT GUIDELINES, by Senator G. Bell, be replaced and favorably recommends **1st Sub. S.B. 23**, CHILD SUPPORT GUIDELINES; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 38**, JUVENILE COURT JUDGE, by Senator C. Walker; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 86**, REPEAL OF LIBEL AND SLANDER PROVISIONS, by Senator S. McCoy.

Gregory S. Bell, Chair

On motion of Senator Eastman, the committee reports were adopted. **S.B. 85**, **S.B. 87**, **S.B. 102**, as amended, **S.B. 103**, **S.B. 26**, as amended, **S.B. 42**, as amended, **S.B. 82**, **S.B. 89**, **S.B. 92**, as amended, **S.B. 90**, as amended, **S.C.R. 2**, **S.B. 17**, **S.B. 84**, **S.B. 100**, **1st Sub. S.B. 23**, **S.B. 38**, and **S.B. 86** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORT

Mr. President:

January 16, 2007

The Health and Human Services Committee has returned **S.J.R. 4**, RESOLUTION ESTABLISHING RIGHT TO HEALTH CARE, by Senator

S. McCoy, to the Rules Committee with a recommendation that the bill be sent to the Constitutional Revision Commission for its consideration.

D Chris Buttars, Chair

INTRODUCTION OF BILLS

S.B. 54, Motor Vehicle Dealer Performance Bond Amendments (D. Eastman), read the first time by short title and referred to the Rules Committee.

S.B. 55, Transfer and Disposition of Protected Property Amendments (D. Peterson), read the first time by short title and referred to the Rules Committee.

S.B. 133, Local School Board Public Hearing Requirements (P. Jones), read the first time by short title and referred to the Rules Committee.

S.B. 134, Psychologist Licensing Act Amendments (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 135, Public Employees Disability Benefits Limitations (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 136, Unlawful Detainer Amendments (M. Waddoups), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

S.B. 8, USE OF STATE ENGINEER FEES, 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

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

Absent or not voting were: Senators

Bell	Dmitrich	Hickman
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S.B. 8 was transmitted to the House for consideration.

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S.B. 10, INDUSTRIAL ASSISTANCE FUND AMENDMENTS – RURAL FAST TRACK PROGRAM, was read the third time.

On motion of Senator Bramble, the bill was circled.

* * *

S.B. 11, UNEMPLOYMENT COMPENSATION – SOCIAL SECURITY OFFSET, was read the third time.

On motion of Senator Bramble, the bill was circled.

* * *

S.B. 14, FAMILY EMPLOYMENT PROGRAM AMENDMENTS, was read the third time, explained by Senator Eastman, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

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

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S.B. 16, LENDING REGISTRATION ACTS, was read the third time, explained by Senator Mayne, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Dmitrich

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

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S.B. 19, COMMERCIAL DRIVER LICENSE AMENDMENTS, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Dmitrich

S.B. 19 was transmitted to the House for consideration.

* * *

S.B. 20, STATE HIGHWAY AMENDMENTS, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Eastman	Fife

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

Absent or not voting was: Senator
Dmitrich

S.B. 20 was transmitted to the House for consideration.

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On motion of Senator Hickman, the circle was removed from **S.B. 10**, INDUSTRIAL ASSISTANCE FUND AMENDMENTS – RURAL FAST TRACK PROGRAM, and it was before the Senate. Senator Hickman 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
Eastman	Fife	Goodfellow	Greiner
Hickman	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Bell	Bramble	Dmitrich	Mayne
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S.B. 10 was transmitted to the House for consideration.

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On motion of Senator Hickman, the circle was removed from **S.B. 11**, UNEMPLOYMENT COMPENSATION – SOCIAL SECURITY OFFSET, and it was before the Senate. Senator Hickman explained the bill. Senators Buttars commented.

On motion of Senator Hickman, the bill was circled.

* * *

S.B. 21, WORKFORCE SERVICES' WORK EXPERIENCE OR TRAINING PROGRAMS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bell	Bramble	Dmitrich
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S.B. 21 was transmitted to the House for consideration.

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On motion of Senator Hickman, the circle was removed from **S.B. 11**, UNEMPLOYMENT COMPENSATION – SOCIAL SECURITY OFFSET, and it was before the Senate. Senator Hickman explained the bill. Senators Mayne and Dayton commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bell	Dmitrich
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S.B. 11 was transmitted to the House for consideration.

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S.B. 24, PROBATE CODE AMENDMENTS, was read the third time.

On motion of Senator Romero, the bill was circled.

* * *

S.B. 25, WARRANTY DEED – TECHNICAL AMENDMENTS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator
Dmitrich

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

* * *

S.B. 27, TECHNICAL AMENDMENTS TO ASSUMPTION OF INDEBTEDNESS ON RESIDENTIAL REAL PROPERTY, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator
Dmitrich

S.B. 27 was transmitted to the House for consideration.

* * *

S.B. 28, WATER CONVEYANCE EASEMENTS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator
Dmitrich

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

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S.B. 32, FILINGS OF ADMINISTRATIVE RULES, ORDERS, AND REGULATIONS, 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

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

Absent or not voting was: Senator
Dmitrich

S.B. 32 was transmitted to the House for consideration.

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S.J.R. 1, UTAH ATHLETIC FOUNDATION RESOLUTION, was read the third time and explained by Senator Eastman. Senator Mayne commented.

On motion of Senator Eastman, the bill was circled.

* * *

On motion of Senator Bramble, the Senate voted to suspend the rules requiring the 24-hour rule for bills on the Second Reading Calendar today.

SECOND READING CALENDAR

S.B. 85, MINING TEST FEES, was read the second time.

On motion of Senator Bramble, the bill was circled.

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S.B. 87, HOMEOWNERS ASSOCIATION REQUIREMENTS, was read the second time.

On motion of Senator Hickman, the bill was circled.

* * *

S.B. 102, MASTER PLUMBER LICENSING, was read the second time.

On motion of Senator Bramble, the bill was circled.

* * *

On motion of Senator Bramble, and at 11:00 a.m., the Senate sauntered.

The Senate was called to order at 11:10 a.m., with President Valentine presiding.

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On motion of Senator Eastman, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Eastman, the circle was removed from **S.J.R. 1**, UTAH ATHLETIC FOUNDATION RESOLUTION, and it was before the Senate. Senator Eastman explained the bill.

Senator Eastman proposed the following amendment:

1. Page 4, Lines 95 through 96

95 (5) the Foundation may not agree to the imposition of a lien,
mortgage, debt, trust deed, pledge, assignment, judgment, or any other
financial encumbrance or obligation against the Winter Sports Park,
but may encumber that portion of the Winter Sports Park that is not
 96 being sold ~~{-, including the granting of-}~~ to grant
 rights-of-way or easements ~~{-,}~~ only to the extent:

Senator Eastman’s motion to amend passed on a voice vote. Senator Bell commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Christensen	Dmitrich	Killpack	Peterson
Stowell	Waddoups		

S.J.R. 1, as amended, was transmitted to the House for consideration.

* * *

On motion of Senator Eastman, the Senate voted to move to Second Reading Calendar.

SECOND READING CALENDAR

S.B. 103, INELIGIBILITY FOR UNEMPLOYMENT COMPENSATION BENEFITS, was read the second time. Senator Eastman explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Knudson	Madsen

Mayne	McCoy	Niederhauser	Romero
Stephenson	Stowell	Van Tassell	Walker
Valentine			

Absent or not voting were: Senators

Dmitrich	Killpack	Peterson	Waddoups
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* * *

On motion of Senator Jenkins, the circle was removed from **S.B. 102, MASTER PLUMBER LICENSING**, and it was before the Senate. Senator Jenkins explained the bill. Senators Hillyard, Niederhauser, and Mayne commented. The bill passed Second Reading on the following roll call:

Yeas, 22; Nays, 3; Absent, 4.**Voting in the affirmative were:** Senators

Bramble	Christensen	Davis	Eastman
Fife	Goodfellow	Greiner	Hickman
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Peterson
Romero	Stephenson	Stowell	Van Tassell
Walker	Valentine		

Voting in the negative were: Senators

Bell	Dayton	Niederhauser
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Absent or not voting were: Senators

Buttars	Dmitrich	Hillyard	Waddoups
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* * *

S.B. 26, UTAH COMMISSION OF AGING, was read the second time. Senator Jones explained the bill. Senators Christensen and Killpack commented. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 6; Absent, 3.**Voting in the affirmative were:** Senators

Buttars	Christensen	Davis	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Knudson
Mayne	McCoy	Romero	Stephenson
Stowell	Van Tassell	Walker	Valentine

Voting in the negative were: Senators

Bell	Bramble	Killpack	Madsen
Niederhauser	Peterson		

Absent or not voting were: Senators

Dayton	Dmitrich	Waddoups
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* * *

On motion of Senator Bramble and at 12:00 noon., the Senate adjourned until 10:00 a.m., Thursday, January 18, 2007.

* * *

On motion of Senator Bramble, the State of the State Address by Governor Jon M. Huntsman Jr., shall be spread upon the pages of the Senate Journal.

**STATE-OF-THE-STATE ADDRESS
BY GOVERNOR JON M. HUNTSMAN, JR.**

Lt. Governor Gary and Jeanette Herbert

President John and Karen Valentine

Speaker Greg and Teresa Curtis

Chief Justice Christine Durham

Attorney General Mark Shurtleff

Members of the Legislature

My wife and best friend, Mary Kaye;

Guests and my fellow Utahns,

Tonight, we meet again to review the progress, hopes, and aspirations of our State – the greatest in America.

Two years ago, we met in the historic territorial capitol in Fillmore. Last year, we gathered at Washington Elementary School in Bountiful.

Although this practice is unprecedented in State history, it has given us all an opportunity to reintroduce ourselves to one another – educators, residents of our rural communities, and members of our armed forces.

This evening may mark the last time the State of the State will be held away from Capitol Hill. Therefore, I thought it appropriate to deliver these remarks from a very significant place: the Utah National Guard's Salt Lake Air Base – a location quite ordinary in appearance, but truly extraordinary by way of mission, purpose, and people. We recognize this base is historic ground and thank General Tarbet for hosting us here tonight. It is from here that thousands of Utahns have left to fight in distant lands. It is from here where families of departing and returning soldiers have hugged loved ones and waved goodbye. It is from here that our State was among the first to respond to our fellow Americans in the aftermath of Katrina by offering desperate individuals from Louisiana a warm welcome.

Tonight, we gather to pay tribute to fellow Utahns who have preserved and protected our liberty in the past, and recognize those who fight on the frontlines today. Their united efforts ensure that we will have a free and prosperous tomorrow. We are honored to be joined by the Cawley family. Their brother and father, Marine Staff Sergeant James Cawley was the first Utahn killed nearly four years ago in the conflict in Iraq.

We also honor Robert and Paula Lehmiller who lost their son U.S. Army Specialist Michael Lehmiller in Afghanistan in the summer of 2005.

During a recent trip to the region, I witnessed first hand the struggles for freedom our soldiers died defending. At Camp Phoenix, just outside of Kabul, Afghanistan, I spoke at the memorial service for 2nd Lieutenant Scott Lundell. To his wife Jeanine and four children left behind we say – you are not forgotten. All these families know what it means to give the ultimate sacrifice. Please stand and be recognized.

I realize that what we say to all grieving families who have lost loved ones are just mere words, but the sentiment conveyed by all Utahns is sincere and heartfelt: thank you for your service. And to all families temporarily separated from a loved one in service to our nation, I offer deep gratitude for your sense of duty during these uncertain times. May God keep you in His continual and watchful care.

Last year when we met, I noted that the State of our State was exceptionally strong. This year, I would like the numbers to speak for themselves. During 2006:

Nearly 60,000 new jobs were created in Utah – an historic high for our State;

Our job growth reached 5 percent, more than triple the national average;

Our unemployment rate of 2.5% reached unprecedented levels in State history and was among the lowest in the nation; and

Utah was recognized as America's sixth fastest growing state.

These statistics confirm that Utah's economy is performing at record levels. From the beginning I've had one clear goal in mind: enhance economic development to provide the resources necessary to improve the education our children receive. Together, we have substantially increased our investment in Utah's public schools while simultaneously lowering the tax burden. Our strong economy, like never before, now allows us the opportunity to fortify our foundations for the future.

These foundations – which include education, the economy, quality of life, and governance – each has a set of reinforcing fundamentals. Focusing on them will drive everything I do during this legislative session. Government does not exist to solve all of our problems, but it can certainly assist in improving our pursuits of life, liberty and happiness.

My message tonight is not about new programs or the flavor of the month, but rather a desire to focus on some of the foundations of society that need our undivided attention.

The first foundation is education.

When I speak of focusing on our fundamentals, I speak of teacher compensation. Teaching must be reinforced as being among the most noble of pursuits. We must compensate fairly those who inspire our next generation of Utahns. If we hope to produce first-rate students, we must have first-rate teachers.

As I travel the State, I constantly seek input regarding our education needs from parents, teachers, and students. The responses I receive are as persuasive as they are unanimous: we must provide our teachers with a decent and competitive compensation package – one that includes not only an increase in salary, but also targeted financial incentives. Educational excellence begins with the recruitment, retention and commitment of teachers who are passionate about educating our youth – the only future we have. I refuse to stand by idly as we lose good educators to other states in our region. Together with my colleagues in the legislature, we have made significant strides in bolstering education the last two years. We can do more. We must do more.

With unprecedented revenues we can invest record amounts in our children and Utah's future as we say "Thank You" to our teachers. "Thank you" to educators like David Young, who inspires future scientists and perhaps just as importantly, has the unique ability to inspire confidence in students at Clayton

Middle School. And Diane Reaveley who teaches students with special needs at Cedar Ridge Elementary. And Terry James who teaches science at Navajo Mountain High School.

These fine teachers, and thousands of their colleagues, deserve our sincere appreciation. To show this gratitude my budget calls for 18.2% in new education funding. This includes \$25 million for a one-time bonus for Utah teachers in the classroom. But we must continue to do more. Much more. For these reasons, my complete education proposal – which includes a 9% increase in compensation – represents the largest total public education budget in our State's history.

By fundamentals, I speak of early childhood education – mastering the key pillars of literacy by third grade in reading, writing and math, where all the experts have identified the potential for the greatest gains. If you give a child literacy by third grade, you have increased dramatically the chance for success later on. Extended-day kindergarten provides the time necessary and direct assistance to our students who are most at risk. The \$7.5 million I have requested will make extended-day kindergarten a reality for every district, charter, and Title I school – and for more than 10,000 students who need it most.

By fundamentals, I speak of the basic environment for learning, some call it class size. We can make a difference this year by supporting our proposal for a student-to-teacher-ratio, with a goal of no more than 20 students per adult for Kindergarten through 3rd grade. This is a beginning, but we must start somewhere.

By fundamentals, I mean taking the steps necessary to ensure our higher education system continues to be the capstone of our State. The percentage of people holding a college degree in many rural parts of Utah is less than the State average. Education is a window to the world and enhances one's quality of life. I ask for your support as we seek to provide more four year degree opportunities in parts of the State that for too long have been out of reach.

The second foundation is the economy.

This includes addressing our ongoing need to reform taxes, promote our industry clusters, and attract tourists from all destinations.

2006 was a banner year for Utah Business – and for companies such as ski equipment leader AmerSports, cancer drug producer Cephalon, semiconductor company IM Flash, West Liberty Foods, and Kennecott. All of these companies, and many others, either relocated their headquarters to our State or dramatically expanded their operations here.

2006 also saw the establishment of the first ever World Trade Center in Utah. This puts Utah on the map as one of the leading economic centers in the world and will serve the needs of small and medium-sized businesses looking to break into new markets.

Because of a strong economy and low unemployment, personal income growth in Utah was among the highest in the nation in 2006. This alone is a significant step in creating the economic atmosphere needed to keep our young professionals here.

By fundamentals, I also mean never letting down our guard as we seek to maintain our impressive economic growth and continue to seek ways to improve the competitive environment for companies looking to invest in Utah.

Last year, together with the Legislature, we removed half of the State portion of sales tax on food and took an initial step in adopting a flatter, fairer, income tax that will help Utah keep its competitive edge. We established a dual tax system, now recognized nationally, that gives individual taxpayers the choice of either paying under our old income tax system or simply paying a flat 5.35 percent in income taxes. As a result of this action, every Utahn will receive income tax relief.

Tonight, I propose that we take a small portion of our State's significant surplus and further assist overburdened taxpayers. To secure our viability in the next generation, I call on my friends in the legislature to help complete income tax reform by lowering the rate to five percent – along with a low-income tax credit for Utahns who need it most. I am also excited about working together to enact a single statewide sales tax rate that could then be used to continue giving relief to Utahns on life's most basic staple – food.

These tax changes are certain to strengthen our tax system and benefit Utahns for decades. But the effort must continue. And we have the opportunity to do more.

On the energy front, Utah is uniquely positioned to assist in meeting the future needs of our State and nation. My 2006 Energy Efficiency plan, one of the most aggressive in the nation, calls for an increase in efficiency of 20 percent by 2015 and we are rigorously working to that end.

Diversity in our energy portfolio ensures that we will be better positioned to avoid spikes in fuel prices and addresses energy reliability requirements for the future. A significant component of this diversity is renewable energy and I am proposing an incentive fund for use in providing "seed" money to projects utilizing alternative energy sources.

By fundamentals, I mean promoting our strengths in the film and tourism industries. Earlier this year on a tour of rural Utah, while riding across Highway 12 between Escalante and Torrey, I observed some of the most stunning views our State has to offer. It was truly a "Life Elevated" experience. Last year almost 20 million visitors learned this for themselves as they discovered the unique beauties of this State. We will continue our aggressive approach to promote the most beautiful land on Earth. It is also worth noting that last year more movies were filmed and produced in our State than ever before. Let's work together to further enhance our position as a premier film destination in the United States.

The third foundation is quality of life.

By focusing on our fundamentals, I mean alleviating congestion while we prepare to deliver more in the way of public transportation and additional options that will serve our mobility needs.

It is no secret that Utah's transportation needs continue to grow. Building roads, highways, and rail has long been a priority for Utahns. In 1848, one of my ancestors, Parley P. Pratt, explored a proposed route to provide greater mobility that today is known as Parley's Canyon. When considering today's \$1.3 billion transportation budget, it is hard to imagine there was acrimony and debate over what was then a \$500 price tag.

Utah's transportation needs are no less pressing today than they were 150 years ago. That is why I am asking Legislators to support significant increases in funding for basic, but critically important projects, and act now to fund corridor preservation efforts so that we can plan for desperately needed road expansions. My budget proposals will allow us to do this without incurring any new debt.

By fundamentals, I mean helping Utah children receive adequate healthcare. It is an irony that we live in a country which mandates insurance for our cars, but not for our children's health. For too long the lament over the large number of those without health insurance has been fragmented and unproductive. We must stop seeing this crisis as a one dimensional social issue. The large number of those without health insurance nationally and in our own State highlights a dilemma in defining the proper role of government and a critical challenge to the exercise of individual responsibility. I am recommending more than \$4 million to lift the cap on the Children's Health Insurance Program (CHIP) which will allow more than 14,000 additional Utah children access to the health care they so desperately need.

In addition to the children, there are hundreds of thousands of uninsured adults. We must stop kidding ourselves that those who are uninsured are simply not receiving health care. They are receiving care, but they are receiving too little,

too late – and typically in settings such as emergency rooms where the care is much more expensive than if it had been provided elsewhere. And who is paying for this care? In rare cases it is the uninsured themselves, but in the overwhelming number of cases it is government – which, of course, means taxpayers – and, the hospitals – which, of course, means the business community – in the form of higher and higher and higher premiums for those who are buying and providing health insurance.

Tonight, I call on leaders of the business community to actively engage with advocates for the working poor as well as with health care providers and insurers to craft a solution for this growing crisis. We are fortunate in Utah to have some of the finest doctors, nurses, technicians and hospitals in the world. Let us work together to craft a solution for the uninsured which is equally impressive.

By fundamentals, I mean identifying how to help so many of our fellow citizens fight the growing addiction to methamphetamine.

Mary Kaye and I have visited many young mothers like those at the House of Hope who are trying to put their lives back together again. As we have come to know them, we've heard their heartbreaking stories about how they have stumbled into this nightmare, often as a quick fix for weight loss or energy enhancement that would turn them into "super mom" – but instead resulting in children without moms and ship-wrecked families. This is a mounting epidemic that has spread statewide, which strains the State's social services, corrections, and law enforcement resources. It affects rich and poor, rural resident and urban dweller alike. It is a growing plague that we must stop. Just as the House of Hope would imply, hope is a powerful word in the English language and should permeate every corner of this State as it makes its way into the lives of recovering meth addicts. This means fortified treatment, awareness, and additional support for drug courts. Simply locking up people is a 19th century solution for a 21st century problem.

The fourth foundation is governance.

By fundamentals, I mean compensating fairly our State employees who dedicate long hours to take care of the vital functions of government. We must allow managers to provide discretionary increases to reward and retain those employees who consistently go the extra mile.

We all want a State equal to its promise. A State with more dreams than memories – one that is responsive, open and accessible.

Tonight, as part of this administration's commitment to enhancing ethics in government, through an Executive Order, I will enact a cooling-off period of two

years before State employees can lobby their previous place of work. In the interest of a transparent government, we will prohibit nepotism in hiring or contracting for all Executive Branch departments. Also, from this point on, I am asking for a complete ban on gifts to any Executive Branch employee. Ethics and integrity should be a requirement within all branches of government. Tonight, I reinforce my pledge to build an Executive Branch that holds itself to a higher standard.

Finally, let me say, this is not an easy time to predict our State's future. Our greatest challenge, therefore, in a world evolving at break-neck speed is to overcome the tendency to fall back on that which is comfortable, safe, and predictable. Our State is very much at an historic crossroads and what we do now will determine whether our destiny is ordinary or extraordinary.

Regardless of our pace of change, our future success as Utahns will always depend on a few core requirements that we must get right:

First, our ability to properly educate our citizens.

Second, our competitive position in a free and global economy.

Third, our success in moving our growing population by way of effective and affordable transportation systems.

Finally, our recognition of perhaps the most important legacy of all – the sense of humanity that we will pass to future generations.

To me, this is the land we share, the air we breathe, and the compassion we show to one another in our ever-changing society.

In my inaugural address, I spoke of the need to take risks every now and then in charting our State's future. The risks I describe are not unlike the risks assumed by every family, every small business, and every soldier in the midst of combat; I am not talking about blindly rolling the dice – we'll leave that to Nevada – I am talking about fundamentally re-evaluating and debating our age-old assumptions about education, taxes, transportation, and quality of life. We are limited only by our lack of creativity and fear of the unknown.

Now is the time to be hopeful and visionary, to appreciate our exciting place in history, to lead out, and – by so doing – to capture the abundant promises of Utah's tomorrow. Those promises are within our reach, but their realization will require a concerted, conscious effort: I invite all within the sound of my voice to join me in that effort.

May God bless the people of the sovereign State of Utah, and may God Bless America.

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FOURTH DAY
MORNING SESSION
January 18, 2007

The Senate was called to order at 10:05 a.m., with President John Valentine presiding.

Prayer – Al Mansell, Former President of the Senate

Pledge of Allegiance – Senator Allen Christensen

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 102)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

January 17, 2007

The House passed **H.B. 21**, PUBLIC SAFETY RETIREMENT CONVERSION WINDOW, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed **H.B. 24**, EMPLOYMENT SUPPORT ACT – TECHNICAL CHANGES, by Representative K. Morgan, et al, and it is transmitted for consideration; and

The House passed **H.B. 26**, PROPERTY TAX EXEMPTION FOR PERSONAL PROPERTY, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed **H.B. 28**, DOMESTIC VIOLENCE AND DATING VIOLENCE AMENDMENTS, by Representative D. Litvack, et al, and it is transmitted for consideration; and

The House passed **H.B. 31**, DRIVER LICENSE OR IDENTIFICATION CARD REQUIREMENT FOR SEX OFFENDERS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed **H.B. 40**, FUEL TAX BONDING REQUIREMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.B. 41**, SALES AND USE TAX – COMMON CARRIERS, by Representative W. Harper, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 21, H.B. 24, H.B. 26, H.B. 28, H.B. 31, H.B.40,** and **H.B. 41** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate:

January 17, 2007

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

Business and Labor Committee

- S.B. 83** Acupuncture Licensing Act Amendments
(Sen. S. McCoy)
- S.B. 108** Workers' Compensation – Time Limitations
(Sen. E. Mayne)
- S.B. 126** Sales Representative Commission Payment Act
(Sen. S. Killpack)

Education Committee

- S.B. 133** Local School Board Public Hearing Requirements
(Sen. P. Jones)

Government Operations and Political Subdivisions Committee

- S.B. 128** State Government Law Revisions – Withdrawal from Education Compact (Sen. M. Dayton)
- S.B. 130** Municipal Code Amendments (Sen. D. Eastman)
- S.B. 135** Public Employees Disability Benefits Limitations
(Sen. L. Hillyard)
- S.R. 2** Resolution Affirming Fundamental Rights of Muslim Community of Utah (Sen. P. Knudson)
- H.B. 14** Election Law Revisions (Rep. D. Aagard)

Health and Human Services

- S.B. 43** Smoking Ban in Vehicle When a Child Is Present
(Sen. S. McCoy)
- S.B. 134** Psychologist Licensing Act Amendments
(Sen. L. Hillyard)
- H.B. 9** Health Care Cost and Quality Data (Rep. M. Morley)

Judiciary, Law Enforcement, and Criminal Justice Committee

- S.B. 125** Repeal of Prisoner Demands for Disposition
(Sen. L. Hillyard)
- S.B. 129** Private Investigator Regulation Act Amendments
(Sen. D. C. Buttars)

- S.B. 136** Unlawful Detainer Amendments (Sen. M. Waddoups)
S.J.R. 10 Joint Resolution Supporting Garfield County Expansion
of Correctional Facilities (Sen. D. Stowell)
H.B. 4 Organized Retail Theft (Rep. P. Ray)
H.B. 5 Internet Sexual Predator Penalties (Rep. P. Ray)
H.B. 6 Controlled Substance Database Amendments
(Rep. R. Menlove)

Natural Resources, Agriculture and Environment Committee

- H.B. 11** Observing Juneteenth Day by the State (Rep. N. Hansen)
H.B. 20 State Declaration of State Water Week (Rep. R. Becker)

Retirement and Independent Entities Committee

- S.B. 131** Retirement and Independent Entities Committee
(Sen. C. Bramble)

Revenue and Taxation Committee

- S.B. 132** Property Tax Abatement or Deferral (Sen. D. Stowell)
S.J.R. 5 Joint Resolution – Constitutional Amendment Relating to
Appraising and Assessing Certain Property (Sen. G. Bell)

Transportation, Public Utilities and Technology Committee

- S.B. 54** Motor Vehicle Dealer Performance Bond Amendments
(Sen. D. Eastman)
H.B. 22 Motor Vehicles Code Revisions (Rep. J. Dunnigan)

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

- S.B. 127** Tourism Marketing Performance Restricted Special
Revenue Fund (Sen. S. Jenkins)
S.J.R. 9 Resolution Supporting Presidential Trade Promotion
Authority (Sen. M. Madsen)

Bill Hickman
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: January 17, 2007

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 93**, GOVERNOR'S RURAL PARTNERSHIP BOARD AMENDMENTS, by Senator J. Hickman; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 94**, USE OF MINERAL LEASE FUNDS BY SPECIAL SERVICE DISTRICTS, by Senator M. Dmitrich; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 97**, CONSTITUTIONAL REVISION COMMISSION MEMBERSHIP, by Senator P. Knudson.

Peter C. Knudson, Chair

Mr. President: January 17, 2007

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 18**, USE OF OIL AND GAS REVENUES, by Senator L. Hillyard; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 22**, SALES AND USE TAX EXEMPTIONS FOR CERTAIN GOVERNMENTAL ENTITIES AND ENTITIES WITHIN THE STATE SYSTEMS OF PUBLIC AND HIGHER EDUCATION, by Senator H. Stephenson; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 96**, SALES AND USE TAX EXEMPTION FOR DISPOSABLE HOME MEDICAL EQUIPMENT OR SUPPLIES, by Senator S. Killpack; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.J.R. 2**, RESOLUTION REGARDING PERMANENT STATE TRUST FUND, by Senator L. Hillyard.

Wayne L. Niederhauser, Chair

Mr. President: January 17, 2007

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 15**, WORKFORCE SERVICES – REPORTING MISUSE OF PERSONAL IDENTIFYING INFORMATION, by Senator C. Walker, et al, with the following amendments:

Page 1, Line 25:

Delete “and” and insert “or” and delete “18” and insert “16”

Page 2, Line 47:

Delete “and” and insert “or”

Page 2, Line 48:

Delete “18” and insert “16”

Mark B. Madsen, Chair

Mr. President:

January 17, 2007

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 9**, NONPROFIT CORPORATION AMENDMENTS, by Senator L. Hillyard, with the following amendments:

1. Page 5, Lines 126 through 127:

126 (5) A nonprofit corporation as defined in Section 16–6a–102 is not considered to be {–a } an issuing

127 public corporation for purposes of this chapter. ; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 47**, DEPARTMENT OF AGRICULTURE AMENDMENTS, by Senator M. Dayton; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 48**, AMENDMENTS TO COAL MINING AND RECLAMATION, by Senator M. Dmitrich.

Darin G. Peterson, Chair

On motion of Senator Knudson, the committee reports were adopted. **S.B. 93**, **S.B. 94**, **S.B. 97**, **S.B. 18**, **S.B. 22**, **S.B. 96**, **S.J.R. 2**, **S.B. 15**, as amended, **S.B. 9**, as amended, **S.B. 47**, and **S.B. 48** were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

S.B. 56, Teacher Association Amendments (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 137, Homeland Security Amendments (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 138, Administrative Rule Criminal Penalty Amendments (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 139, Legislative Management Committee Membership (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 140, Identity Fraud Amendments (C. Walker), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

S.B. 103, INELIGIBILITY FOR UNEMPLOYMENT COMPENSATION BENEFITS, was read the third time, explained by Senator Eastman, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Buttars	Hickman	Stephenson
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S.B. 103 was transmitted to the House for consideration.

* * *

S.B. 102, MASTER PLUMBER LICENSING, was read the third time and explained by Senator Jenkins.

Senator Bell proposed the following amendment:

1. Page 13, Line 318:
Delete “four” and insert “two”
2. Page 14, Line 414:
Delete “four” and insert “two”

Senator Bell's motion to amend failed on the following roll call:

Yeas, 7; Nays, 21; Absent, 1.

Voting in the affirmative were: Senators

Bell	Dayton	Hillyard	Niederhauser
Stephenson	Stowell	Van Tassell	

Voting in the negative were: Senators

Buttars	Christensen	Davis	Dmitrich
Eastman	Fife	Goodfellow	Greiner
Hickman	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Peterson	Romero	Waddoups	Walker
Valentine			

Absent or not voting was: Senator

Bramble

Senators Bell, Mayne, and Niederhauser commented and the bill passed on the following roll call:

Yeas, 20; Nays, 8; Absent, 1.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dmitrich
Eastman	Fife	Goodfellow	Greiner
Hickman	Jenkins	Jones	Killpack
Knudson	Mayne	McCoy	Romero
Stowell	Waddoups	Walker	Valentine

Voting in the negative were: Senators

Bell	Dayton	Hillyard	Madsen
Niederhauser	Peterson	Stephenson	Van Tassell

Absent or not voting was: Senator

Bramble

S.B. 102 was transmitted to the House for consideration.

* * *

S.B. 26, UTAH COMMISSION ON AGING, was read the third time and explained by Senator Jones. Senators Hillyard and Valentine commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dmitrich
Eastman	Fife	Goodfellow	Greiner
Hickman	Hillyard	Jenkins	Jones
Knudson	Mayne	McCoy	Niederhauser
Peterson	Romero	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Voting in the negative were: Senators

Bell	Dayton	Madsen	Stephenson
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Absent or not voting were: Senators

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

* * *

On motion of Senator Romero, the circle was removed from **S.B. 24**, PROCESS CODE AMENDMENTS, and it was before the Senate. Senator Romero explained the bill.

Senator Romero proposed the following amendment:

1. Page 1, Lines 7 through 15

7 LONG TITLE

8 General Description:

9 This bill increases the total amount of an estate which may be settled by affidavit from

10 \$25,000 to ~~{-\$75,000-}~~ \$100,000 ~~{-and allows for the amount to be adjusted in concert with the~~

11 ~~Consumer Price Index on a yearly basis-}~~ .

12 Highlighted Provisions:

13 This bill:

14 ► provides that an estate of less than ~~{-\$75,000-}~~ \$100,000 may be settled by affidavit ~~{-; and~~

15 ► ~~provides for an adjustment based on the Consumer Price Index }~~ .

2. Page 1, Line 25 through Page 3, Line 60:

25 Section 1. Section 75-3-1201 is amended to read:

26 75-3-1201. Collection of personal property by affidavit.

** * * Some lines not shown * * **

33 (a) the value of the entire estate subject to administration,
wherever located, less liens

34 and encumbrances, does not exceed [\$25,000]
{ -\$75,000 } \$100,000 ;

35 (b) ~~[thirty]~~ 30 days have elapsed since the death of the decedent;

** * * Some lines not shown * * **

42 (3) The Motor Vehicle Division of the State Tax Commission
shall transfer title of not

43 more than four boats, motor vehicles, trailers, or semitrailers,
registered under Title 41, Motor

44 Vehicles, or Title 73, Water and Irrigation, from the decedent to the
successor or successors

45 upon presentation of an affidavit as provided in Subsection (1) and
upon payment of the

46 necessary fees, except that in lieu of that language in Subsection
(1)(a) the affidavit shall state

47 that the value of the entire estate subject to administration,
wherever located, other than those

48 motor vehicles, trailers, or semitrailers, less liens and
encumbrances, does not exceed

49 [\$25,000] { -\$75,000 } \$100,000 .

50 ~~(4) (a) Beginning July 1, 2008 and each July 1 thereafter, the
amount in Subsections (1)~~

51 ~~and (3) shall be adjusted for inflation by the state treasurer.~~

52 ~~(b) By July 15 of each year, the state treasurer shall:~~

53 ~~(i) certify the inflation-adjusted amount calculated under this
Subsection (4); and~~

54 ~~(ii) inform the Administrative Office of the Courts of the
certified amount.~~

- 55 ~~(c) The amount resulting from Subsection (4)(a) shall:~~
- 56 ~~(i) be rounded to the nearest \$5,000, but may not decrease the amount; and~~
- 57 ~~(ii) apply to the estate of a decedent whose date of death is on or after July 15.~~
- 58 ~~(5) As used in this section, "inflation" means the seasonally adjusted consumer price~~
- 59 ~~index for all urban consumers as published by the Bureau of Labor Statistics of the United~~
- 60 ~~States Department of Labor.~~

Senator Romero’s motion to amend passed on a voice vote. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

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

S.B. 24, as amended, was transmitted to the House for consideration.

SECOND READING CALENDAR

S.B. 42, PREFERRED PRESCRIPTION DRUG LIST, was read the second time.

On motion of Senator Christensen, the bill was circled.

* * *

On motion of Senator Dmitrich, the circle was removed from **S.B. 85**, MINING TEST FEES, and it was before the Senate. Senator Dmitrich explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator

Hillyard

* * *

On motion of Senator Walker, the circle was removed from **S.C.R. 1, RESOLUTION URGING CONGRESS TO ADDRESS SOCIAL SECURITY NUMBER IDENTITY THEFT**, and it was before the Senate. Senator Walker explained the bill.

Senator Walker proposed the following amendment:

1. Page 1, Line 19

19 ▶ urges that the legislation include increased and effective verification requirements by companies, accompanied by the tools and resources necessary to adequately verify whether or not a Social Security number is fraudulent.

2. Page 2, Lines 32 through 33:

32 WHEREAS, contributing to the problems are companies {~~-who-~~} that do not have the tools or resources necessary to adequately verify whether or not a Social Security number is fraudulent and companies that are notified of fraudulent

33 Social Security numbers of employees but take no corrective action; and

3. Page 2, Lines 40 through 43:

40 BE IT FURTHER RESOLVED that the Legislature and Governor urge that the

41 legislation include increased and effective verification requirements by companies accompanied by the tools and resources

necessary to adequately verify whether or not a Social Security number is fraudulent. and increased penalties

42 for individuals who intentionally use fraudulent Social Security numbers to obtain

43 employment, avoid child support obligations, or for other personal gain.

Senator Walker’s motion to amend passed on a voice vote. Senators Greiner and Romero commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Hickman	Hillyard	Valentine
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* * *

S.B. 82, AMENDMENTS TO UTAH COMPREHENSIVE HEALTH INSURANCE POOL, was read the second time. Senator Davis explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Voting in the negative was: Senator

Madsen

Absent or not voting were: Senators

Hillyard Peterson

* * *

S.B. 89, REVISING DEATH CERTIFICATES, was read the second time. Senator Walker explained the bill. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.**Voting in the affirmative were:** Senators

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

Absent or not voting were: Senators

Hillyard Killpack

* * *

S.B. 92, REVISED UNIFORM ANATOMICAL GIFT ACT, was read the second time.

On motion of Senator Hickman, the bill was circled.

* * *

S.B. 90, HIGHER EDUCATION ENHANCEMENTS, was read the second time. Senator Hickman explained the bill. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.**Voting in the affirmative were:** Senators

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

Absent or not voting were: Senators
Hillyard Killpack

* * *

S.C.R. 2, RESOLUTION PROMOTING LEGISLATORS BACK TO SCHOOL PROGRAM, was read the second time. Senator Dayton explained the bill. Senators Bramble, Waddoups, and Niederhauser commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator
Hillyard

* * *

S.B. 17, TRAFFIC CODE AMENDMENTS, was read the second time. Senator Jenkins explained the bill. Senator Bramble commented.

On motion of Senator Jenkins, the bill was circled.

* * *

On motion of Senator Bramble and at 11:40 a.m., the Senate adjourned until 10:00 a.m., Friday, January 19, 2007.

FIFTH DAY
MORNING SESSION
January 19, 2007

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

Prayer – Bishop Lee Wright, Briarwood Ward, Centerville, Utah – The Church of Jesus Christ of Latter–Day Saints

Pledge of Allegiance – Senator Darin Peterson

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 102)

COMMUNICATIONS FROM THE GOVERNOR

ADVISE AND CONSENT

Mr. President: November 23, 2006

In accordance with Utah Code Ann. 67–1–1 and 67–1–2 (2004), I propose and transmit the following appointment:

UTAH THIRD DISTRICT COURT

Vernice Sophia Trease is appointed as a Judge of the Utah Third District Court. See Utah Const. art. VIII, 9; Utah Code 78–29–2.

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

Jon M. Huntsman, Jr.
Governor

* * *

Mr. President: January 15, 2007

The Senate Judicial Confirmation Committee met on January 15, 2007 and unanimously reports a favorable recommendation for Ms. Vernice S. Trease to be confirmed to the position of Judge in the Third District Court.

D. Chris Buttars, Chair

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

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Goodfellow	Hillyard	Stephenson
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COMMITTEE OF THE WHOLE

On motion of Senator Bramble, Judge Vernice S. Trease spoke in Committee of the Whole.

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

COMMUNICATIONS FROM THE HOUSE

Mr. President:

January 18, 2007

The House passed **H.B. 27**, SALES AND USE TAX MODIFICATIONS, by Representative B. Ferry, and it is transmitted for consideration; and

The House passed **H.B. 33**, SALES AND USE TAX EXEMPTIONS FOR VEHICLES, BOATS, BOAT TRAILERS, OR OUTBOARD MOTORS NOT REGISTERED IN THE STATE, by Representative P. Painter, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 48**, DEPARTMENT OF NATURAL RESOURCES AMENDMENTS, by Representative R. Wheeler, and it is transmitted for consideration; and

The House passed **H.B. 54**, OCCUPATIONAL AND PROFESSIONAL LICENSURE REVIEW COMMITTEE, by Representative M. Morley, and it is transmitted for consideration; and

The House passed **H.B. 55**, DECEPTIVE TRADE PRACTICES AMENDMENTS, by Representative S. Clark, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 56**, EMERGENCY ADMINISTRATION OF EPINEPHRINE, by Representative T. Kiser, and it is transmitted for consideration; and

The House passed **H.B. 60**, NOTARY PUBLIC REVISIONS, by Representative G. Donnelson, and it is transmitted for consideration; and

The House passed **H.B. 62**, LOBBYIST DISCLOSURE TECHNICAL AMENDMENTS, by Representative G. Donnelson, and it is transmitted for consideration; and

The House passed **H.B. 71**, BALLOT FORM AMENDMENTS, by Representative C. Johnson, and it is transmitted for consideration; and

The House passed **H.J.R. 6**, JOINT RULES RESOLUTION – APPROPRIATION SUBCOMMITTEES, by Representative R. Bigelow, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 27**, **H.B. 33**, **H.B. 48**, **H.B. 54**, **H.B. 55**, **H.B. 56**, **H.B. 60**, **H.B. 62**, **H.B. 71**, 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:

January 18, 2007

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

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 55 Transfer and Disposition of Protected Property Amendments (Sen. D. Peterson)

H.B. 31 Driver License or Identification Card Requirement for Sex Offenders (Rep. P. Ray)

Retirement and Independent Entities Committee

H.B. 21 Public Safety Retirement Conversion Window (Rep. M. Newbold)

Revenue and Taxation Committee

H.B. 26 Property Tax Exemption for Personal Property (Rep. J. Dougall)

- H.B. 40** Fuel Tax Bonding Requirements (Rep. W. Harper)
H.B. 41 Sales and Use Tax – Common Carriers (Rep. W. Harper)

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

- H.B. 24** Employment Support Act – Technical Changes
 (Rep. K. Morgan)

Bill Hickman
 Rules Committee Chair

On motion of Senator Hickman, the Senate voted to add **H.B. 28**, DOMESTIC VIOLENCE AND DATING VIOLENCE AMENDMENTS, to the Rules report and assign it to the Health and Human Services Committee.

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

STANDING COMMITTEE REPORTS

Mr. President: January 18, 2007

The Business and Labor Committee reports a favorable recommendation on **S.B. 109**, TRANSFERS OF STRUCTURED SETTLEMENTS, by Senator E. Mayne, with the following amendments:

1. Page 2, Lines 30 through 33:
 - 30 (1) For purposes of this section:
 - 31 (a) “Payment rights under workers’ compensation” means
 {~~an employee’s~~} the right to
 - 32 receive compensation under this chapter or Chapter 3, Utah
Occupational Disease Act,
 - 33 including the payment of a workers’ compensation claim, award,
benefit, or settlement.
2. Page 2, Lines 53 through 54:
 - 53 (3) (a) Beginning April 30, 2007, {~~an employee~~} a
person may not transfer payment rights under

54 workers' compensation.

Kevin T. VanTassell, Chair

Mr. President:

January 18, 2007

The Health and Human Services Committee reports a favorable recommendation on **S.B. 46**, HEALTH CARE AMENDMENTS, by Senator P. Knudson, with the following amendments:

1. Page 1, Line 14:

14 • the Medical Reserve {~~Corp~~} Corps ;

2. Page 2, Line 41:

41 (a) the Medical Reserve {~~Corp~~} Corps authorized
by Section 26A-1-126;

; and

The Health and Human Services Committee reports a favorable recommendation on S.B. 52, HEALTH REGULATIONS FOR PUBLIC INDOOR TANNING BEDS, by Senator P. Jones, with the following amendments:

1. Page 3, Lines 74 through 78:

74 (4) It is unlawful for any operator of a tanning facility to allow a
person younger than

75 18 years old to use a tanning device unless the minor's parent or
legal guardian:

76 (a) appears in person at the tanning facility {~~each~~
time } the first time that the minor uses a tanning device and
at least once each 12 month period thereafter in which the minor uses the
tanning device ;

77 and

78 (b) signs the consent form required in Subsection (5).

2. Page 3, Lines 82 through 85:

82 (b) if the individual using the tanning device is a minor, a
statement that:

83 (i) the parent or legal guardian of the minor has read and
understood the warnings

84 given by the tanning facility, and consents to the minor’s use of a tanning device: {~~and~~ }

85 (ii) the parent or legal guardian agrees that the minor will use protective eye wear ; and

(iii) includes the number of tanning sessions within the 12 month period of time the parent is authorizing for the minor .

3. Page 3, Line 88:

88 (b) may result in the revocation of a permit to do business as a tanning facility.

(7) This section supercedes any ordinance enacted by the governing body of a political subdivision that imposes restrictions on access to a tanning device by a person younger than age 18 that is not essentially identical to the provisions of this section. ; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 104**, OFFICE OF RECOVERY SERVICES FEE, by Senator A. Christensen; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 117**, MEDICAID RECOVERY AMENDMENTS, by Senator A. Christensen, with the following amendments:

1. Page 5, Lines 134 through 140:

134 (1) (a) [~~An~~] Subject to Subsection (6), action commenced by the department {~~, or the~~

135 Office of Recovery Services on behalf of the department, } under this chapter against a health

136 insurance [~~carrier or employee welfare benefit plan~~] entity must be commenced within:

137 [(i) ~~two years after the date of the injury or onset of the illness; or~~

138 (i) subject to Subsection (7), six years after the day on which the department {~~or the~~

139 Office of Recovery Services } submits the claim for recovery or payment for the health care item

140 or service upon which the action is based; or

D. Chris Butters, Chair

On motion of Senator Hickman, the committee reports were adopted. **S.B. 109**, as amended, **S.B. 46**, as amended, **S.B. 52**, as amended, **S.B. 104**, and **S.B. 117**, as amended, were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

S.B. 141, Commission and Council Seats in Counties of the First and Second Class (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.B. 142, Sales and Use Tax Exemptions and Refund for Certain Business Inputs (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 143, Personal Use of State Vehicles Authorized for Law Enforcement Officers in the Office of the Attorney General (D. Peterson), read the first time by short title and referred to the Rules Committee.

S.B. 144, Financial Institutions Amendments (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 145, Multi-channel Video or Audio Service Tax – County or Municipality Franchise Fee Tax Credit (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 146, Prescriptive Practice of Legend Drugs (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 147, Exemptions from Licensure Modifications (M. Dmitrich), read the first time by short title and referred to the Rules Committee.

S.B. 148, Boat Registration Amendments (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.B. 149, Limit on Gifts to Legislators (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 150, Property Exempt from Execution (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 151, Case Management Pilot Project (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 152, Presumptive Personal Representative (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 153, Malpractice Liability During Pandemic Event (G. Bell), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

S.B. 85, MINING TEST FEES, was read the third time.

On motion of Senator Davis, the bill was circled.

* * *

S.C.R. 1, RESOLUTION URGING CONGRESS TO ADDRESS SOCIAL SECURITY NUMBER IDENTITY THEFT, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Hillyard	Jenkins	Killpack	Mayne
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S.C.R. 1 was transmitted to the House for consideration.

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On motion of Senator Dmitrich, the circle was removed from **S.B. 85, MINING TEST FEES**, and it was before the Senate. Senator Dmitrich explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman

Fife	Goodfellow	Greiner	Hickman
Jones	Knudson	Madsen	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Hillyard	Jenkins	Killpack	Mayne
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S.B. 85 was transmitted to the House for consideration.

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S.B. 82, AMENDMENTS TO UTAH COMPREHENSIVE HEALTH INSURANCE POOL, was read the third time, explained by Senator Davis, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Voting in the negative were: Senators

Dayton	Madsen
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Absent or not voting were: Senators

Hillyard	Jenkins	Mayne
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S.B. 82 was transmitted to the House for consideration.

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On motion of Senator Bramble, the Senate voted to lift **S.B. 131, RETIREMENT AND INDEPENDENT ENTITIES COMMITTEE**, from the Retirement and Independent Entities Committee and assign it to the Revenue and Taxation Committee.

* * *

S.B. 89, REVISING DEATH CERTIFICATES, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Hillyard	Jenkins	Mayne
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S.B. 89 was transmitted to the House for consideration.

* * *

S.B. 90, HIGHER EDUCATION ENHANCEMENTS, was read the third time, explained by Senator Hickman, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Hillyard	Jenkins	Mayne	Van Tassell
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S.B. 90 was transmitted to the House for consideration.

* * *

S.C.R. 2, RESOLUTION PROMOTING LEGISLATORS BACK TO SCHOOL PROGRAM, was read the third time and explained by Senator Dayton.

Senator Madsen proposed the following amendment:

1. Page 2, Line 30:
delete “democratic” and insert “republican”
2. Page 2, Line 31:
After “government by the people;” delete “;” and insert “through the democratic process.”

Senator Madsen’s motion to amend passed on a voice vote. Senators McCoy and Valentine commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Hillyard	Mayne
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S.C.R. 2 was transmitted to the House for consideration.

SECOND READING CALENDAR

S.B. 84, CONFIDENTIALITY OF REPORTS TO DRIVER LICENSE DIVISION, was read the second time. Senator Christensen explained the bill. Senators Peterson, Greiner, Dayton, Bramble, Romero, Eastman, McCoy, Hickman, and Fife commented. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 6; Absent, 2.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Niederhauser	Peterson
Romero	Van Tassell	Waddoups	Walker
Valentine			

Voting in the negative were: Senators

Bramble	Dayton	Eastman	McCoy
Stephenson	Stowell		

Absent or not voting were: Senators

Dmitrich	Mayne
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* * *

On motion of Senator Hillyard, the circle was removed from **S.B. 92**, REVISED UNIFORM ANATOMICAL GIFT ACT, and it was before the Senate. Senator Hillyard explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 9, Lines 256 through 258

256 (a) emancipated; or

257 (b) authorized under state law to apply for a driver license because the donor is at least

258 {~~16~~ } 15 years of age:

Senator Hillyard’s motion to amend passed on a voice vote. Senators Greiner, Dayton, and Buttars commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Dmitrich	Mayne	Stephenson
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* * *

On motion of Senator Bramble and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Monday, January 22, 2007.

EIGHTH DAY
MORNING SESSION
January 22, 2007

The Senate was called to order at 10:05 a.m., with President John Valentine presiding.

Prayer – Bishop Nader Z. Mikhail, Mountain Ward – Ogden, Utah, The Church of Jesus Christ of Latter–Day Saints

Pledge of Allegiance – Senator Carlene Walker

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 102)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

January 19, 2007

The House passed **H.B. 1**, STATE AGENCY AND HIGHER EDUCATION BASE BUDGET APPROPRIATIONS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed **H.B. 3**, MINIMUM SCHOOL PROGRAM BASE BUDGET AMENDMENTS, by Representative B. Last, and it is transmitted for consideration; and

The House passed **H.B. 13**, WORKERS' COMPENSATION FUND – BOARD AMENDMENTS, by Representative D. Clark, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 18**, CHILD SUPPORT COLLECTION AMENDMENTS, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 29**, PROFESSIONAL EMPLOYER ORGANIZATION RELATED AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 37**, CIGARETTE AND TOBACCO TAX AND LICENSING AMENDMENTS, by Representative C. Frank, and it is transmitted for consideration; and

The House passed **H.B. 42**, SALES AND USE TAX EXEMPTION FOR AUTHORIZED CARRIERS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 53**, SHARE ASSESSMENT ACT, by Representative J. Gowans, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 80**, HEALTH INSURANCE AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 214**, SENIOR PERMITS FOR STATE PARKS, by Representative S. Allen, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 1**, **H.B. 3**, **H.B. 13**, **H.B. 18**, **1st Sub. H.B. 29**, **H.B. 37**, **H.B. 42**, **H.B. 53**, **H.B. 80**, and **H.B. 214** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate:

January 19, 2007

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

Business and Labor Committee

S.B. 144 Financial Institutions Amendments (Sen. L. Hillyard)

Education Committee

S.B. 56 Teacher Association Amendments (Sen. M. Madsen)

Government Operations and Political Subdivisions Committee

S.B. 98 Governmental Immunity for Trails (Sen. D. C. Butters)

S.B. 139 Legislative Management Committee Membership
(Sen. C. Bramble)

S.B. 141 Commission and Council Seats in Counties of the First and Second Class (Sen. S. Killpack)

S.B. 143 Personal Use of State Vehicles Authorized for Law Enforcement Officers in the Office of the Attorney General (Sen. D. Peterson)

H.B. 10 Open and Public Meetings Act Amendments
(Rep. W. Harper)

Judiciary, Law Enforcement, and Criminal Justice Committee

- S.B. 137** Homeland Security Amendments (Sen. J. Greiner)
S.B. 138 Administrative Rule Criminal Penalty Amendments
 (Sen. H. Stephenson)
S.B. 140 Identity Fraud Amendments (Sen. C. Walker)

Revenue and Taxation Committee

- S.B. 5** Tax Penalty Amendments (Sen. H. Stephenson)
S.B. 13 Tax Credits for Alternate Power Generation
 (Sen. H. Stephenson)
S.B. 142 Sales and Use Tax Exemptions and Refund for Certain
 Business Inputs (Sen. H. Stephenson)

Transportation, Public Utilities and Technology Committee

- S.B. 12** Funding for Purchase of State Highway Rights of Way
 (Sen. H. Stephenson)

Bill Hickman
 Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: January 19, 2007

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 110**, MEMBERSHIP AND SERVICE OF UTAH COMMISSIONERS ON NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS , by Senator L. Hillyard; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 111**, FREE EXERCISE OF RELIGION WITHOUT GOVERNMENT INTERFERENCE, by Senator D. C. Buttars, with the following amendments:

1. Page 2, Line 28:

28 ► provides for the application of the requirements of the chapter;

 ► provides that the chapter does not apply to a law where violation of the law constitutes a criminal offense.

2. Page 6, Lines 165 through 168:

165 { ~~(3) In determining whether or not a belief is sincerely held,~~
166 ~~a governmental entity or~~

167 ~~court shall neither require nor determine that the act or refusal to act~~
168 ~~is motivated by a central~~

169 ~~part or central requirement of the religious belief.~~

170 (4) } (3) A government entity may substantially burden
171 a person’s exercise of religion only if

3. Page 7, Lines 192 through 197:

192 ~~63–90c–106.~~ Application of chapter -- Criminal offenses
193 Constitutions and establishment clause

194 unaffected -- Application to inmates.

195 (1) (a) Subject to { ~~Subsection~~ } Subsections
196 (1)(b) and (2), this chapter applies to all state laws and administrative

197 rules, all local laws and ordinances, and the implementation of
198 those laws, rules, and

199 ordinances, whether statutory or otherwise, and whether enacted or
200 adopted before, on, or after

201 the effective date of this chapter.

202 (b) This chapter does not apply to a law, rule, or ordinance where
203 violation of the law, rule, or ordinance would constitute a criminal
204 offense.

Peter C. Knudson, Chair

Mr. President: January 19, 2007

The Revenue and Taxation Committee reports a favorable recommendation on **S.J.R. 5**, JOINT RESOLUTION – CONSTITUTIONAL AMENDMENT RELATING TO APPRAISING AND ASSESSING CERTAIN PROPERTY, by Senator G. Bell.

Wayne L. Niederhauser, Chair

Mr. President: January 19, 2007

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 127**, TOURISM MARKETING PERFORMANCE RESTRICTED SPECIAL REVENUE FUND, by Senator S. Jenkins; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.J.R. 9**, RESOLUTION SUPPORTING PRESIDENTIAL TRADE PROMOTION AUTHORITY, by Senator M. Madsen, with the following amendment:

Page 2, Line 38

(8) { ~~include enforceable labor and environmental standards~~ } preserve states' rights to enact and enforce labor and environmental standards ; and

Mark B. Madsen, Chair

Mr. President: January 19, 2007

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 20**, STATE DECLARATION OF STATE WATER WEEK, by Representative R. Becker.

Darin G. Peterson, Chair

Mr. President: January 19, 2007

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 33**, SPECIAL GROUP LICENSE PLATE – GOLD STAR FAMILY, by Senator C. Walker; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 54**, MOTOR VEHICLE DEALER PERFORMANCE BOND AMENDMENTS, by Senator D. Eastman.

Carlene M. Walker, Chair

Mr. President: January 19, 2007

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.J.R. 10**, JOINT RESOLUTION SUPPORTING GARFIELD COUNTY EXPANSION OF CORRECTIONAL FACILITIES, by Senator D. Stowell, with the following amendments:

1. Page 2, Line 32:

32 WHEREAS, the approximate additional number of beds to be contracted in Garfield County is 80;; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 4**, ORGANIZED RETAIL THEFT, by Representative P. Ray; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 5**, INTERNET SEXUAL PREDATOR PENALTIES, by Representative P. Ray.

Greg Bell, Chair

On motion of Senator Hickman, the committee reports were adopted. **S.B. 110**, **S.B. 111**, as amended, **S.J.R. 5**, **S.B. 127**, **S.J.R. 9**, as amended, **H.B. 20**, **S.B. 33**, **S.B. 54**, **S.J.R. 10**, as amended, **H.B. 4**, and **H.B. 5** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: January 19, 2007

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 122**, ADMINISTRATIVE RULES REAUTHORIZATION, by Senator H. Stephenson, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

Mr. President: January 19, 2007

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 6**, CONTROLLED SUBSTANCE DATABASE AMENDMENTS, by Representative R. Menlove, and recommends it be considered read for the second time and placed on the Consent Calendar.

Greg Bell, Chair

On motion of Senator Hickman, the committee reports were adopted. **S.B. 122** and **H.B. 6** were considered read for the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 57, High School Graduation Amendments (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 58, Wrongful Death Amendments (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 154, Statement Under Penalty of Perjury (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 155, Waste Amendments (D. Peterson), read the first time by short title and referred to the Rules Committee.

S.B. 156, Public Service Commission – Equipment Distribution Program (B. Goodfellow), read the first time by short title and referred to the Rules Committee.

COMMITTEE OF THE WHOLE

On motion of Senator Bramble, U. S. Senator Robert Bennett spoke in Committee of the Whole. Senators Bell, Stowell, and Niederhauser commented.

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

THIRD READING CALENDAR

On motion of Senator Walker, the circle was removed from **S.B. 4, DRIVING UNDER THE INFLUENCE AMENDMENTS**, and it was before the Senate. Senator Walker explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 1, Lines 25 through 26

25 a person's license for certain violations;

▶ requires the Driver License Division to reinstate a person's license if the person's charges for certain violations are reduced or dismissed within the suspension period;

26 ▶ requires the Driver License Division to immediately revoke, deny, suspend, or

2. Page 16, Lines 466 through 470
Senate 2nd Reading Amendments
1-15-2007:

466 license or permit to operate a motor vehicle for a period of:

467 { ~~(a)~~ } (i) 90 days beginning on the 30th day after the date of arrest for a first suspension; or

468 { ~~(b)~~ } (ii) one year beginning on the 30th day after the date of arrest for a second or

469 subsequent suspension for an offense that occurred within the previous ten years.

(b)(i) Notwithstanding the provisions in Subsection (7)(a)(i), the division shall reinstate a person's license prior to completion of the 90 day suspension period imposed under Subsection (7)(a)(i) if the person's

charge for a violation of Section 41-6a-502 or 41-6a-517 is reduced or dismissed prior to completion of the suspension period.

(ii) The division shall immediately reinstate a person’s license upon receiving written verification of the person’s dismissal of a charge for a violation of Section 41-6a-502 or 41-6a-517.

(iii) The division shall reinstate a person’s license no sooner than 60 days beginning on the 30th day after the date of arrest upon receiving written verification of the person’s reduction of a charge for a violation of Section 41-6a-502 or 41-6a-517.

(iv) If a person’s license is reinstated under this Subsection (7)(b), the person is required to pay the license reinstatement fees under Subsections 53-3-105(29) and (30).

470 (8) (a) The division shall assess against a person, in addition to any fee imposed under

Senator Hillyard’s motion to amend passed on a voice vote.

###

Senator Killpack proposed the following amendment:

- 1. Page 1, Lines 22 through 23

22 ► increases the administrative fee for license reinstatement after an alcohol or drug-

23 related offense and increases the amount of revenue generated by the administrative fee that is deposited in the State Laboratory Drug Testing restricted account ;

- 2. Page 9, Lines 253 through 256:

253 (30) (a) An administrative fee for license reinstatement after an alcohol, drug, or

254 combination of alcohol and any drug-related offense under Section 41-6a-520, 53-3-223, or

255 53-3-231 or an alcohol, drug, or combination of alcohol and any drug-related offense under

256 Part 4, Uniform Commercial Driver License Act, is [~~\$150~~ {~~-\$160~~} \$170] .

- 3. Page 10, Lines 278 through 282:

278 (5) The amount in excess of [~~\$35~~] \$45 of the fees collected under Subsection

279 53-3-105(30) shall be appropriated by the Legislature from this account to the department to

280 implement the provisions of Section 53-1-117, except that of the amount in excess of [~~\$35~~]

281 \$45, {~~-\$30-~~} \$40 shall be deposited in the State Laboratory Drug Testing restricted account created in

282 Section 26-1-34.

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

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Buttars	Killpack
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S.B. 4, as amended, was transmitted to the House for consideration.

* * *

S.B. 84, CONFIDENTIALITY OF REPORTS TO DRIVER LICENSE DIVISION, was read the third time, explained by Senator Christensen, and failed on the following roll call:

Yeas, 10; Nays, 18; Absent, 1.

Voting in the affirmative were: Senators

Bell	Christensen	Greiner	Hillyard
Jones	Knudson	McCoy	Romero
Waddoups	Valentine		

Voting in the negative were: Senators

Bramble	Buttars	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Hickman	Jenkins	Madsen	Mayne
Niederhauser	Peterson	Stephenson	Stowell
Van Tassell	Walker		

Absent or not voting was: Senator Killpack

S.B. 84 was filed.

* * *

S.B. 92, REVISED UNIFORM ANATOMICAL GIFT ACT, was read the third time.

On motion of Senator Hillyard, the bill was circled.

* * *

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to lift **H.B. 1**, STATE AGENCY AND HIGHER EDUCATION BASE BUDGET APPROPRIATIONS, from the Rules Committee and place it at the top of the Second Reading Calendar.

On motion of Senator Hillyard, **H.B. 1**, STATE AGENCY AND HIGHER EDUCATION BASE BUDGET APPROPRIATIONS, was circled.

THIRD READING CALENDAR

On motion of Senator Hillyard, the circle was removed from **S.B. 92**, REVISED UNIFORM ANATOMICAL GIFT ACT, and it was before the Senate. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Killpack

S.B. 92 was transmitted to the House for consideration.

SECOND READING CALENDAR

S.B. 100, MOTOR VEHICLE LICENSE AND REGISTRATION FEES EXEMPTION FOR PURPLE HEART LICENSE PLATES, was read the second time. Senator Hickman explained the bill. Senators Eastman commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Killpack	Stephenson
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* * *

On motion of Senator Bramble, the circle was removed from **S.B. 31**, SUNSET REVIEW AND REAUTHORIZATIONS, 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

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

Absent or not voting were: Senators
Hillyard Killpack

* * *

1st Sub. S.B. 23, CHILD SUPPORT GUIDELINES, was read the second time. Senator Bell explained the bill.

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

2nd Sub. S.B. 23, Child Support Guidelines (G. Bell)

Senators Buttars, Hillyard, Jones, and Greiner commented.

Senator Hillyard proposed the following amendment:

1. Page 27, Line 827 to 847:
Delete lines 827 to 847

Renumber accordingly

Senator Hillyard's motion to amend passed on a voice vote.

On motion of Senator Bell, the bill was circled.

* * *

On motion of Senator Bramble and at 11:55 a.m., the Senate adjourned until 10:00 a.m., Tuesday, January 23, 2007.

NINTH DAY
MORNING SESSION
January 23, 2007

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

Prayer – Former Senator Patrice Arent

Pledge of Allegiance – Senator Dennis Stowell

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 102)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

January 22, 2007

The House passed **H.B. 16**, DESIGNATED MENTAL RETARDATION PROFESSIONAL AMENDMENTS, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 51**, ADOPTION AMENDMENTS, by Representative S. Allen, and it is transmitted for consideration; and

The House passed **H.B. 61**, ELECTION LAW AMENDMENTS, by Representative D. Aagard, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 64**, IMPACT OF ADMINISTRATIVE RULES ON SMALL BUSINESSES, by Representative S. Clark, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 68**, SCHOOL FEE WAIVER AMENDMENTS, by Representative L. Shurtliff, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 16**, **H.B. 51**, **H.B. 61**, **H.B. 64**, and **H.B. 68** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate:

January 22, 2007

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

Business and Labor Committee

- S.B. 147** Exemptions from Licensure Modifications
(Sen. M. Dmitrich)
- H.B. 54** Occupational and Professional Licensure Review
Committee (Rep. M. Morley)
- H.B. 55** Deceptive Trade Practices Amendments (Rep. S. Clark)

Government Operations and Political Subdivisions Committee

- H.B. 60** Notary Public Revisions (Rep. G. Donnelson)
- H.B. 62** Lobbyist Disclosure Technical Amendments
(Rep. G. Donnelson)
- H.B. 71** Ballot Form Amendments (Rep. C. Johnson)
- H.J.R. 6** Joint Rules Resolution – Appropriation Subcommittees
(Rep. R. Bigelow)

Health and Human Services Committee

- S.B. 146** Prescriptive Practice of Legend Drugs (Sen. P. Knudson)
- S.B. 153** Malpractice Liability During Pandemic Event
(Sen. G. Bell)
- H.B. 56** Emergency Administration of Epinephrine (Rep. T. Kiser)

Judiciary, Law Enforcement, and Criminal Justice Committee

- S.B. 152** Presumptive Personal Representative (Sen. G. Bell)

Natural Resources, Agriculture and Environment Committee

- S.B. 148** Boat Registration Amendments (Sen. M. Waddoups)
- S.B. 155** Waste Amendments (Sen. D. Peterson)

Revenue and Taxation Committee

- S.B. 145** Multi-channel Video or Audio Service Tax – County or
Municipality Franchise Fee Tax Credit
(Sen. W. Niederhauser)
- H.B. 27** Sales and Use Tax Modifications (Rep. B. Ferry)
- H.B. 33** Sales and Use Tax Exemptions for Vehicles, Boats, Boat
Trailers, or Outboard Motors Not Registered in the State
(Rep. P. Painter)

Bill Hickman
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: January 22, 2007

The Business and Labor Committee reports a favorable recommendation on **S.B. 83, ACUPUNCTURE LICENSING ACT AMENDMENTS**, by Senator S. McCoy, with the following amendments:

1. Page 2, Lines 50 through 52:

50 **(b)** Adjunctive therapies within the scope of acupuncture may include:

51 (i) manual, mechanical, thermal, electrical, light, and electromagnetic treatments based on

52 traditional oriental medical diagnosis and concepts; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 108, WORKERS' COMPENSATION – TIME LIMITATIONS**, by Senator E. Mayne; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 121, DEPARTMENT OF COMMERCE FUND AMENDMENTS**, by Senator K. VanTassell; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 126, SALES REPRESENTATIVE COMMISSION PAYMENT ACT**, by Senator S. Killpack.

Kevin T. VanTassell, Chair

Mr. President: January 22, 2007

The Health and Human Services Committee reports a favorable recommendation on **S.B. 43, SMOKING BAN IN VEHICLE WHEN A CHILD IS PRESENT**, by Senator S. McCoy; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 134, PSYCHOLOGIST LICENSING ACT AMENDMENTS**, by Senator L. Hillyard; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 9, HEALTH CARE COST AND QUALITY DATA**, by Representative M. Morley, with the following amendments:

1. Page 4, Lines 103 through 108:

103 a health care provider.

104 (9) ~~{-[-]}~~ The ~~{-[-]}~~ ~~{-Except as permitted in~~
105 ~~Subsection (10), the }~~ committee shall not publish any

106 health data collected under Subsection (8) which would disclose
107 ~~[any of the information~~

108 ~~described in Subsection (8)]~~ specific terms of contracts, discounts,
109 or fixed reimbursement

110 arrangements, or other specific reimbursement arrangements
111 between an individual provider

112 and a specific payer.

D. Chris Buttars, Chair

Mr. President:

January 22, 2007

The Education Committee reports a favorable recommendation on **S.B. 53**,
HIGHER EDUCATION ENGINEERING PARTNERSHIP, by Senator G. Bell;
and

The Education Committee reports a favorable recommendation on **S.B. 133**,
LOCAL SCHOOL BOARD PUBLIC HEARING REQUIREMENTS, by Senator
P. Jones, with the following amendments:

- 1. Page 6, Lines 159 through 161:

159 (21) (a) Before closing a school or changing the boundaries of a
160 school, a board shall:

161 (i) hold a public hearing, as defined in Section
162 ~~{-52-4-103 }~~ 10-9a-103 ; and

163 (ii) provide public notice of the public hearing, as specified in
164 Subsection (21)(b).

- 2. Page 6, Lines 176 through 178:

176 (2) Prior to the adoption of a budget containing a tax rate which
177 does not exceed the

178 certified tax rate, the board shall hold a public hearing as defined
179 in Section ~~10-9a-103.~~ on the proposed budget. In addition to

180 complying with Title 52, Chapter 4, Open and Public Meetings Act,
181 in regards to the hearing,

Margaret Dayton, Chair

Mr. President: January 19, 2007

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 116**, CONTRIBUTION LIMITS FOR STATE CONSTITUTIONAL OFFICERS, by Senator G. Bell.

Peter C. Knudson, Chair

Mr. President: January 19, 2007

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 36**, SAFETY BELT ENFORCEMENT AMENDMENTS, by Senator P. Jones, with the following amendments:

1. Page 1, Lines 1 through 4:

1 NICK'S SAFETY BELT ENFORCEMENT
 {~~AMENDMENTS~~} LAW

2 2007 GENERAL SESSION

3 STATE OF UTAH

4 Chief Sponsor: Patricia W. Jones

2. Page 1, Lines 12 through 14:

12 ► repeals the provision that makes a safety belt violation
 for a person 19 years of age

13 or older enforceable only as a secondary action when the person is
 detained for

14 another offense until July 1, 2010;

► provides that beginning on or after July 1, 2010, a safety belt
 violation for a person 19 years of age or older is enforceable only as a
 secondary action when the person is detained for another offense;

► requires the Transportation Interim Committee to study and make
 recommendations on safety belt usage; and

► makes technical changes .

3. Page 1, Line 21:

21 41-6a-1803, as renumbered and amended by Chapter 2, Laws
 of Utah 2005

ENACTS:

63-55-107, Utah Code Annotated 1953

4. Page 2, Line 44:

44 than Subsection (1)(a) or (2), or for another offense. {—}

(b) The Transportation Interim Committee of the Legislature shall, prior to November 30, 2009:

(i) study the increase or decrease in safety belt usage within the last three years; and

(ii) make recommendations on the effectiveness of primary enforcement of Subsection (1)(a) or (2).

Section 2. 63–55–107 is enacted to read:

63–55–107. Primary safety belt enforcement study.

The Transportation Interim Committee of the Legislature shall, prior to November 30, 2009, study safety belt usage in accordance with Subsection 41–6a–1803(4)(b).

Carlene M. Walker, Chair

On motion of Senator Hickman, the committee reports were adopted. **S.B. 83**, as amended, **S.B. 108**, **S.B. 121**, **S.B. 126**, **S.B. 43**, **S.B. 134**, **H.B. 9**, as amended, **S.B. 53**, **S.B. 133**, as amended, **S.B. 116**, and **S.B. 36**, as amended, were placed on Second Reading Calendar.

On motion of Senator Knudson, the Senate voted to return **S.B. 116**, CONTRIBUTION LIMITS FOR STATE CONSTITUTIONAL OFFICERS, to the Governmental Operations and Political Subdivision Committee.

STANDING COMMITTEE REPORTS

Mr. President:

January 22, 2007

The Business and Labor Committee reports a favorable recommendation on **S.B. 51**, ALCOHOLIC BEVERAGE ENFORCEMENT AND TREATMENT RESTRICTED ACCOUNT AMENDMENTS, by Senator M. Waddoups, and recommends it be considered read for the second time and placed on the Consent Calendar.

Kevin T. VanTassell, Chair

On motion of Senator Bramble, the committee report was adopted. **S.B. 51** was considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 59, Exemption from Fishing License (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 60, Uniform Prudent Management of Institutional Funds (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 61, Portability of Medical Assistance Funds (E. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 62, College and University Tuition Tax Credits (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 157, Parental Notification of Child Interview by Law Enforcement (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 158, B and C Roads Amendments (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 159, Labor Organizations Amendments (H. Stephenson), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Hillyard, the Senate voted to move to Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to lift **H.B. 3, MINIMUM SCHOOL PROGRAM BASE BUDGET AMENDMENTS**, from the Rules Committee and place it on the Second Reading Calendar under **H.B. 1**.

On motion of Senator Hillyard, the bill was circled.

* * *

On motion of Senator Bramble, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

S.B. 100, MOTOR VEHICLE LICENSE AND REGISTRATION FEES EXEMPTION FOR PURPLE HEART LICENSE PLATES, was read the third time, explained by Senator Hickman, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

S.B. 100 was transmitted to the House for consideration.

* * *

S.B. 31, SUNSET REVIEW AND REAUTHORIZATIONS, was read the third time.

On motion of Senator Bramble, the bill was circled.

SECOND READING CALENDAR

On motion of Senator Hillyard, the circle was removed from **H.B. 1, STATE AGENCY AND HIGHER EDUCATION BASE BUDGET APPROPRIATIONS,** and it was read for the second time. Senator Hillyard explained the bill. Senators Waddoups, Buttars, Hickman, Bell, and Fife commented.

On motion of Senator Hillyard, under suspension of the rules, **H.B. 1, STATE AGENCY AND HIGHER EDUCATION BASE BUDGET APPROPRIATIONS,** was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Voting in the negative were: Senators

Buttars	Hickman	McCoy
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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 Stephenson, the circle was removed from **H.B. 3**, MINIMUM SCHOOL PROGRAM BASE BUDGET AMENDMENTS, and it was before the Senate. Senator Stephenson explained the bill. Senators Bell, Hickman, Waddoups, Buttars, and Jones commented. Senator Killpack declared a conflict of interest.

On motion of Senator Stephenson, under suspension of the rules, **H.B. 3**, MINIMUM SCHOOL PROGRAM BASE BUDGET AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.

Voting in the affirmative were: Senators

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

Voting in the negative was: Senator
Hickman

Absent or not voting was: Senator
Davis

H.B. 3 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bell, the circle was removed from **2nd Sub. S.B. 23**, CHILD SUPPORT GUIDELINES, and it was before the Senate. Senator Bell explained the bill. Senators Jenkins, Waddoups, Hillyard, and Walker commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Goodfellow
Hickman	Hillyard	Jenkins	Jones
Killpack	Knudson	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Van Tassell	Walker	Valentine	

Voting in the negative were: Senators

Dayton	Fife	Greiner	Madsen
Stowell	Waddoups		

* * *

S.B. 38, JUVENILE COURT JUDGE, was read the second time. Senator Walker explained the bill. Senator Waddoups commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bramble	Niederhauser
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* * *

On motion of Senator Christensen, the circle was removed from **S.B. 42, PREFERRED PRESCRIPTION DRUG LIST**, and it was before the Senate. Senator Christensen explained the bill. Senators Knudson, Killpack, Bramble, Jones, and Buttars commented.

Senator Killpack made a motion to substitute the bill. The motion failed on a voice vote. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

* * *

On motion of Senator Bramble, a time certain was set for 11:00 a.m., Thursday, January 25, 2007 to recognize a delegation from Shanghai China.

* * *

On motion of Senator Bramble and at 12:00 noon, the Senate adjourned until 10:00 a.m., Wednesday, January 24, 2007.

TENTH DAY
MORNING SESSION
January 24, 2007

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

Prayer – Chris Bell, brother of Senator Greg Bell

Pledge of Allegiance – Senator Margaret Dayton

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 102)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 23, 2007

The House passed **H.B. 19**, NAVAJO REVITALIZATION FUND, by Representative B. King, and it is transmitted for consideration; and

The House passed **H.B. 47**, PILOT PROGRAM FOR FAMILY PRESERVATION SERVICES, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed **H.B. 57**, PUBLIC HEALTH AMENDMENTS, by Representative B. Last, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 63**, INITIATIVE AND REFERENDUM – SIGNATURE VERIFICATION PROCEDURES, by Representative N. Hendrickson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 67**, AGE AMENDMENTS FOR HUNTING BIG GAME, by Representative C. Oda, and it is transmitted for consideration; and

The House passed **H.B. 205**, PUBLIC DEMONSTRATIONS AT FUNERALS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 207**, SCHOOL TRUANCY AND COMPULSORY EDUCATION AMENDMENTS, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed **H.B. 211**, BACKGROUND CHECKS FOR DIVISION OF SERVICES FOR PEOPLE WITH DISABILITIES, by Representative R. Lockhart, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 19, H.B. 47, H.B. 57, 1st Sub. H.B. 63, H.B. 67, H.B. 205, H.B. 207, and H.B. 211** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate:

January 23, 2007

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

Business and Labor Committee

- H.B. 13** Workers' Compensation Fund – Board Amendments
(Rep. D. Clark)
- 1st Sub. H.B. 29** Professional Employer Organization Related
Amendments (Rep. J. Dunnigan)
- S.R. 1** Senate Rules Resolution – Occupational and Professional
Licensure Review Committee Summary Report
(Sen. S. Jenkins)

Education Committee

- S.B. 57** High School Graduation Amendments (Sen. M. Madsen)

Health and Human Services Committee

- H.B. 18** Child Support Collection Amendments (Rep. Julie Fisher)

Judiciary, Law Enforcement, and Criminal Justice Committee

- S.B. 58** Wrongful Death Amendments (Sen. S. McCoy)
- S.B. 150** Property Exempt from Execution (Sen. L. Hillyard)
- S.B. 151** Case Management Pilot Project (Sen. G. Bell)

Natural Resources, Agriculture and Environment Committee

- H.B. 53** Share Assessment Act (Rep. J. Gowans)

Revenue and Taxation Committee

- H.B. 37** Cigarette and Tobacco Tax and Licensing Amendments
(Rep. C. Frank)

H.B. 42 Sales and Use Tax Exemption for Authorized Carriers
(Rep. W. Harper)

Transportation, Public Utilities and Technology Committee

S.B. 156 Public Service Commission – Equipment Distribution
Program (Sen. B. Goodfellow)

Bill Hickman
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: January 23, 2007

The Business and Labor Committee reports a favorable recommendation on **S.B. 101**, CREDIT SERVICES ORGANIZATIONS ACT CHANGES, by Senator L. Hillyard, with the following amendments:

- 1. Page 2, Lines 38 through 44:

38 (3) (a) “Credit services organization” means a person
who represents oneself or an employee as a debt professional or credit
counselor, or , with respect to the

39 extension of credit by others, sells, provides, or performs, or
represents that the person can or

40 will sell, provide, or perform, in return for the payment of money or
other valuable

41 consideration any of the following services:

42 (i) improving a buyer’s credit record, history, or rating;
{~~or~~}

43 (ii) providing advice, assistance, instruction, or instructional
materials to a buyer with

44 regard to Subsection (3)(a)(i) {~~—~~} or
(iii) debt reduction or debt management plans. ; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 118, MECHANICS' LIEN AND PAYMENT AMENDMENTS**, by Senator S. Jenkins.

Kevin T. VanTassell, Chair

Mr. President: January 23, 2007

The Health and Human Services Committee reports a favorable recommendation on **S.B. 153, MALPRACTICE LIABILITY DURING PANDEMIC EVENT**, by Senator G. Bell; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 28, DOMESTIC VIOLENCE AND DATING VIOLENCE AMENDMENTS**, by Representative D. Litvack.; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 56, EMERGENCY ADMINISTRATION OF EPINEPHRINE**, by Representative T. Kiser, with the following amendments:

1. Page 3, Line 74
House Floor Amendments
1-18-2007:

74 (2) A person who provides training under Subsection (1) **or**
{~~(4)~~} **(6)** shall include in the
2. Page 3a, Line 83n
House Floor Amendments
1-18-2007:

83n care providers statements described in Subsection
{~~(4)~~} **(6)** .
3. Page 3a, Line 86
House Floor Amendments
1-18-2007:

86 under Subsection {~~(4)~~} **(6)** (b) of this section, regarding
the use and storage of emergency epinephrine
4. Page 4, Line 104
House Floor Amendments
1-18-2007:

104 {~~(4)~~} **(6)** (b)(v).

- 5. Page 4, Line 113
House Floor Amendments
1-18-2007:

113 Subsection 26-41-104 ~~{-(4)}~~ (6) may obtain from a physician, pharmacist, or any other person or

D. Chris Butters, Chair

Mr. President: January 23, 2007
The Education Committee reports a favorable recommendation on **S.B. 56**, TEACHER ASSOCIATION AMENDMENTS, by Senator M. Madsen.

Margaret Dayton, Chair

Mr. President: January 23, 2007
The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 128**, STATE GOVERNMENT LAW REVISIONS – WITHDRAWAL FROM EDUCATION COMPACT, by Senator M. Dayton; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 135**, PUBLIC EMPLOYEES DISABILITY BENEFITS LIMITATIONS, by Senator L. Hillyard; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 143**, PERSONAL USE OF STATE VEHICLES AUTHORIZED FOR LAW ENFORCEMENT OFFICERS IN THE OFFICE OF THE ATTORNEY GENERAL, by Senator D. Peterson; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.R. 2**, RESOLUTION AFFIRMING FUNDAMENTAL RIGHTS OF MUSLIM COMMUNITY OF UTAH, by Senator P. Knudson; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 14**, ELECTION LAW REVISIONS, by Representative D. Aagard.

Peter C. Knudson, Chair

Mr. President: January 23, 2007
The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 5**, TAX PENALTY AMENDMENTS, by Senator H. Stephenson; and

The Revenue and Taxation Committee recommends **S.B. 13**, TAX CREDITS FOR ALTERNATE POWER GENERATION, by Senator H. Stephenson, be replaced and favorably recommends **1st Sub. S.B. 13**, TAX CREDITS FOR ALTERNATE POWER GENERATION with the following amendments:

1. Page 4, Line 111:
After "unit," delete "except that the credit may not exceed \$1,000 per residential unit for a"
2. Page 4, Line 112:
Delete Line 112
3. Page 10, Line 281:
After "unit" delete ", except that the credit may not exceed \$1,000 per residential unit for a"
4. Page 10, Line 282:
Delete Line 282
5. Page 15, Line 442:
After "2007" delete ", but beginning on or"
6. Page 15, Line 443:
Delete "before December 31, 2012."; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 142**, SALES AND USE TAX EXEMPTIONS AND REFUND FOR CERTAIN BUSINESS INPUTS, by Senator H. Stephenson, with the following amendments:

1. Page 41, Line 1259 through Page 42, Line 1276:
1259 (c) amounts paid or charged on or after July 1, 2010, for a purchase or lease by an
1260 establishment described in NAICS {~~Sector 21, Mining~~ } Subsector 212, Mining (except Oil and Gas) , or NAICS Code 213113, Support Activities for Coal Mining, 213114, Support Activities for Metal Mining, 213115, Support Activities for Nonmetallic Minerals (except Fuels) Mining, 511210, Software

1261 Publishers, 5415, Computer Systems Design and Related Services, or 54171, Research and

1262 Development in the Physical, Engineering, and Life Sciences, of the 2002 North American

1263 Industry Classification System of the federal Executive Office of the President, Office of

1264 Management and Budget:

2. Page 55, Lines 1671 through 1680:

1671 (1) Subject to the other provisions of this section, for a purchase or lease described in

1672 Subsection (2) made on or after July 1, 2007, but on or before June 30, 2010, an establishment

1673 described as follows in the 2002 North American Industry Classification System of the federal

1674 Executive Office of the President, Office of Management and Budget, may claim a refund of

1675 sales and use taxes under this chapter paid by that establishment:

1676 (a) NAICS {~~-Sector 21, Mining~~} Subsector 212, Mining (except Oil and Gas) :

(b) NAICS Code 213113, Support Activities for Coal Mining;

(c) NAICS Code 213114, Support Activities for Metal Mining;

(d) NAICS Code 213115, Support Activities for Nonmetallic Minerals (except Fuels) Mining;

1677 {~~(b)~~} (e) NAICS Code 511210, Software Publishers;

1678 {~~(e)~~} (f) NAICS Code 5415, Computer Systems Design and Related Services; or

1679 {~~(d)~~} (g) NAICS Code 54171, Research and Development in the Physical, Engineering, and

1680 Life Sciences. ; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 26**, PROPERTY TAX EXEMPTION FOR PERSONAL PROPERTY, by Representative J. Dougall; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 40**, FUEL TAX BONDING REQUIREMENTS, by Representative W. Harper; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 41**, SALES AND USE TAX – COMMON CARRIERS, by Representative W. Harper.

Wayne L. Niederhauser, Chair

Mr. President: January 23, 2007

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 106**, MOTOR VEHICLE BUSINESS FEE AMENDMENTS, by Senator L. Hillyard, with the following amendments:

1. Page 1, Line 24:

24 {~~None~~} This bill takes effect on July 1, 2007.

2. Page 3, Line 82:

82 registration certificates -- Dedicated credits -- Use of fees.

Section 4. Effective date.

This bill takes effect on July 1, 2007. ; and

The Transportation and Public Utilities and Technology Committee recommends **S.B. 120**, VEHICLE TOWING REQUIREMENTS, by Senator B. Goodfellow, be replaced and favorably recommends **1st Sub. S.B. 120**, VEHICLE TOWING REQUIREMENTS; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 22**, MOTOR VEHICLES CODE REVISIONS, by Representative J. Dunnigan, with the following amendments:

1. Page 5a, Lines 151i through 151k
House Floor Amendments
1-16-2007:

151i ~~151i~~ → (b) A court may waive up to \$300 of the fine charged to the owner of a motor vehicle

151j under Subsection (1)(a)(i) if the owner demonstrates that owner's or operator's security required

151k under Section 41-12a-301 was obtained subsequent to the violation but before sentencing . ←Ĥ

Carlene M. Walker, Chair

Mr. President:

January 23, 2007

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 35**, UNIFORM CHILD ABDUCTION PREVENTION ACT, by Senator L. Hillyard; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 50**, DRUG OFFENDERS REFORM ACT, by Senator D. C. Buttars; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 55**, TRANSFER AND DISPOSITION OF PROTECTED PROPERTY AMENDMENTS, by Senator D. Peterson, with the following amendments:

- 1. Page 3, Line 76:

76 {~~treasurer~~} upon the terms stated by the court in its order.

- 2. Page 3, Line 82:

82 (6) (a) After property is ordered forfeited under this section, the {~~state treasurer~~} seizing agency shall

- 3. Page 3, Line 86:

86 defendant is not eligible to purchase forfeited property at any sale held by the {~~state treasurer~~} seizing agency

- 4. Page 4, Line 105:

105 an order declaring property forfeited to the state {~~treasurer~~} , the court[,;] may upon application of

- 5. Page 4, Line 115:

115 has been ordered forfeited to the state {~~treasurer~~} under this section may, within 30 days of the

- 6. Page 5, Line 148:

148 [~~Subparagraph (b)~~] Subsection (10)(b) for the filing of petitions, the state {~~treasurer~~} has clear ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 112**, METHAMPHETAMINE PRECURSOR ACCESS AMENDMENTS, by Senator D. C. Buttars; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 114**, AGGRAVATED MURDER AMENDMENTS, by Senator G. Bell; and

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 123**, AMENDMENT REGARDING SEARCH WARRANT PROCEDURE, by Senator J. Greiner, be replaced and favorably recommends **1st Sub. S.B. 123**, AMENDMENT REGARDING SEARCH WARRANT PROCEDURE with the following amendments:

1. Page 2, Lines 49 through 50:

49 { ~~(4) This section applies only to an inmate who is eligible
for release on parole for an~~

50 ~~offense committed on or after April 30, 2007.~~ }; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 125**, REPEAL OF PRISONER DEMANDS FOR DISPOSITION, by Senator L. Hillyard.

Greg Bell, Chair

On motion of Senator Hickman, the committee reports were adopted. **S.B. 101**, as amended, **S.B. 118**, **S.B. 153**, **H.B. 28**, **H.B. 56**, as amended, **S.B. 56**, **S.B. 128**, **S.B. 135**, **S.B. 143**, **S.R. 2**, **H.B. 14**, **S.B. 5**, **S.B. 13**, as amended, **S.B. 142**, as amended, **H.B. 26**, **H.B. 40**, **H.B. 41**, **S.B. 106**, as amended, **1st Sub. S.B. 120**, **H.B. 22**, as amended, **S.B. 35**, **S.B. 50**, **S.B. 55**, as amended, **S.B. 112**, **S.B. 114**, **1st Sub. S.B. 123**, as amended, and **S.B. 125** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President:

January 23, 2007

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 131**, RETIREMENT AND INDEPENDENT ENTITIES COMMITTEE,

by Senator C. Bramble, and recommends it be considered read for the second time and placed on the Consent Calendar.

Kevin T. VanTassell, Chair

On motion of Senator Hickman, the committee report was adopted. **S.B. 131** was considered read the second time and placed on the Consent Calendar.

On motion of Senator Bramble, under suspension of the rules, the Senate voted to place **S.B. 131** at the top of the Second Reading Calendar.

INTRODUCTION OF BILLS

S.B. 63, State Zero-based Budgeting (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 64, Tourism, Recreation, Cultural, and Convention Facilities Tax – Imposition, Distribution, and Expenditure of Revenues (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.B. 160, Pharmacy Practice Act Amendments (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 161, Hunting License Amendments (A. Christensen), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

2nd Sub. S.B. 23, CHILD SUPPORT GUIDELINES, was read the third time, and explained by Senator Bell. Senators Davis, and Hillyard commented.

Senator Bell proposed the following amendment:

1. Page 8, Lines 212 through 226

212 (c) Upon receiving a petition under Subsection (9)(a), the court shall, taking into

213 account the best interests of the child~~;~~:

214 (i) determine whether a substantial change has occurred~~[-If it has, the court shall~~

215 ~~then~~;

216 (ii) if a substantial change has occurred, determine whether the change results in a

217 difference of 15% or more between the payor’s ordered support amount and the payor’s support

218 amount [of child support ordered and the amount] that would be required under the guidelines[-

219 If there is such a difference and, the difference is not of a temporary nature, the court shall];

220 and

221 (iii) adjust the [amount of child] payor’s ordered support [ordered] amount to that

222 which is provided for in the guidelines[-] if:

223 (A) there is a difference of 15% or more; and

224 (B) the difference is not of a temporary nature { - : and

225 (C) the order adjusting the payor’s ordered support amount does not deviate from the

226 guidelines } .

Senator Bell’s motion to amend passed on a voice vote and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Voting in the negative were: Senators

Greiner	Madsen	Waddoups
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2nd Sub. S.B. 23, as amended, was transmitted to the House for consideration.

* * *

S.B. 38, JUVENILE COURT JUDGE, was read the third time and explained by Senator Walker. Senator Hillyard commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Stephenson

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

* * *

S.B. 42, PREFERRED PRESCRIPTION DRUG LIST, was read the third time and explained by Senator Christensen.

Senator Killpack proposed the following amendment:

- 1. Page 2, Lines 34 through 35
Senate Committee Amendments
1-17-2007

34 (b) may include therapeutic categories of drugs that may be exempted from the drug

35 program[-]; {~~and~~ }

- 2. Page 2, Line 57
Senate Committee Amendments
1-17-2007:

57 appropriate by the department ; and
(d)(i) shall permit a health care provider with prescriptive authority to override the restrictions of a preferred drug list by handwriting on the prescription:

(A) “dispense as written”: or

(B) “DAW”: and

(ii) shall not permit a health care provider with prescriptive authority to override the restrictions of a preferred drug list with any

preprinted instructions for dispense as written, or no substitutions allowed .

Senator Killpack's motion to amend passed on a voice vote.

###

Senator McCoy made the following substitute motion to amend, under suspension of the rules:

1. Page 2, Lines 34 through 35
Senate Committee Amendments
1-17-2007

34 (b) may include therapeutic categories of drugs that may be exempted from the drug

35 program[-]; {~~and~~ }

2. Page 2, Line 57
Senate Committee Amendments
1-17-2007:

57 appropriate by the department ; and

(d)(i) shall permit a health care provider with prescriptive authority to override the restrictions of a preferred drug list by handwriting on the prescription "dispense as written."

(ii) shall not permit a health care provider with prescriptive authority to override the restrictions of a preferred drug list with any preprinted instructions for dispense as written, or no substitutions allowed; and

(iii) shall require a health care provider to notify the department when an override is written.

Senator McCoy's motion to amend failed on a voice vote.

Senators Killpack, Walker, Knudson, McCoy, Buttars, Peterson, Stephenson, Davis, Romero, Bramble, and Mayne commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman

Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Senator Christensen requested **S.B. 42** be held for 24 hours.

* * *

SECOND READING CALENDAR

On motion of Senator Bramble, the Senate voted to suspend the rules and consider Senate bills on a House bill day.

* * *

On motion of Senator Bramble, under suspension of the rules, **S.B. 131, RETIREMENT AND INDEPENDENT ENTITIES COMMITTEE**, 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

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

Absent or not voting were: Senators

Killpack	Stephenson
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S.B. 131 was transmitted to the House.

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H.B. 20, STATE DECLARATION OF STATE WATER WEEK, was read the second time. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Voting in the negative was: Senator

Dayton

Absent or not voting were: Senators

Killpack Stephenson

* * *

H.B. 4, ORGANIZED RETAIL THEFT, was read the second time. Senator Bell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bramble Killpack Stephenson

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H.B. 5, INTERNET SEXUAL PREDATOR PENALTIES, was read the second time. Senator Peterson explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bramble	Christensen	Hillyard	Killpack
Stephenson			

On motion of Senator Peterson, **H.B. 5** was placed on the Third Reading Table due to fiscal impact.

* * *

H.B. 9, HEALTH CARE COST AND QUALITY DATA, was read the second time. Senator Waddoups explained the bill. Senator Hillyard commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bramble	Eastman	Goodfellow	Killpack
Stephenson			

* * *

On motion of Senator Jenkins, the circle was removed from **S.B. 17, TRAFFIC CODE AMENDMENTS**, and it was before the Senate. Senator Jenkins explained the bill.

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

1st Sub. S.B. 17, Traffic Code Amendments (S. Jenkins)

Senators McCoy, Greiner, and Bell commented.

Senator Hickman proposed the following amendment:

1. Page 1, Lines 12–13:
Delete lines 12–13
2. Page 2, Line 42:
Delete line 42
3. Pages 2–4, Lines 52–111:
Delete lines 52–111
Renumber remaining sections accordingly

Senator Hickman's motion to amend failed on a voice vote.

On motion of Senator Jenkins, the bill was circled.

* * *

On motion of Senator Bramble and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Thursday, January 25, 2007.

ELEVENTH DAY
MORNING SESSION
January 25, 2007

The Senate was called to order at 10:05 a.m., with President John Valentine presiding.

Prayer – Senator Dan Eastman

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 102)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

January 25, 2007

The House passed **H.B. 15**, DRIVER LICENSE PRIVILEGE SUSPENSION FOR FAILURE TO PAY CHILD SUPPORT, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed **H.B. 59**, UTAH INTERNATIONAL TRADE COMMISSION, by Representative S. Allen, and it is transmitted for consideration; and

The House passed **H.B. 72**, BRAND INSPECTION OF LIVESTOCK SEIZED BY THE FEDERAL GOVERNMENT, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 202**, MEDICAL RECOMMENDATIONS FOR CHILDREN, by Representative M. Morley, and it is transmitted for consideration; and

The House passed **H.J.R. 1**, JOINT RESOLUTION REGARDING ACTION ON GROUNDWATER IN SNAKE VALLEY, by Representative R. Wheeler, et al, and it is transmitted for consideration; and

The House passed **H.J.R. 5**, RESOLUTION APPROVING COMPENSATION OF IN-SESSION EMPLOYEES, by Representative M. Newbold, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 15**, **H.B. 59**, **H.B. 72**, **H.B. 202**, **H.J.R. 1**, and **H.J.R. 5** were read the first time and referred to the Rules Committee.

* * *

On motion of Senator Eastman, the Senate voted to lift **H.J.R. 5**, RESOLUTION APPROVING COMPENSATION OF IN-SESSION EMPLOYEES, from the Rules Committee and placed it at the top of the Second Reading Calendar.

RULES COMMITTEE REPORTS

To the Members of the Senate:

January 24, 2007

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

Business and Labor Committee

S.B. 159 Labor Organizations Amendments (Sen. H. Stephenson)

H.B. 64 Impact of Administrative Rules on Small Businesses
(Rep. S. Clark)

Education Committee

S.B. 62 College and University Tuition Tax Credits (Sen. G. Bell)

H.B. 68 School Fee Waiver Amendments (Rep. L. Shurtliff)

Government Operations and Political Subdivisions Committee

S.B. 60 Uniform Prudent Management of Institutional Funds
(Sen. L. Hillyard)

H.B. 61 Election Law Amendments (Rep. D. Aagard)

Health and Human Services Committee

S.B. 61 Portability of Medical Assistance Funds (Sen. E. Mayne)

H.B. 16 Designated Mental Retardation Professional Amendments
(Rep. R. Menlove)

H.B. 51 Adoption Amendments (Rep. S. Allen)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 154 Statement Under Penalty of Perjury (Sen. S. McCoy)

S.B. 157 Parental Notification of Child Interview by Law
Enforcement (Sen. D. C. Buttars)

Natural Resources, Agriculture and Environment Committee

S.B. 59 Exemption from Fishing License (Sen. D. Stowell)

Transportation, Public Utilities and Technology Committee**S.B. 158**

B and C Roads Amendments (Sen. D. Stowell)

Bill Hickman

Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President:

January 24, 2007

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 29**, INSTREAM FLOW TO PROTECT TROUT HABITAT, by Senator P. Knudson, with the following amendments:

1. Page 3, Lines 60 through 61:

60 (b) [A] Except as provided by Section 73-3-30. {~~the state~~
~~engineer may not authorize~~ } a

61 change {~~[-]~~ } may not be made {~~[-]~~ } if it impairs [any] a
vested water right without just compensation.

2. Page 12, Lines 348 through 349:

348 (c) "Fixed time change" means a change in a water right's point
of diversion, place of

349 use, or purpose of use for a fixed period of time
{~~greater~~ } longer than one year but {~~less~~ } not
longer than ten years.

3. Page 14, Lines 403 through 405:

403 (g) (i) The water right {~~on~~ } for which the
{~~applicant filed~~ } state engineer has approved a fixed time
change application will

404 automatically revert {~~back~~ } to {~~its original~~ } the
point of diversion and place and purpose of use that existed before
the approved fixed time change application when the fixed time
change

405 application expires or is terminated .

4. Page 15, Lines 456 through 459:

- 456 **(b) Each person using water as an instream flow:**
 457 **(i) shall install and maintain a measuring device or stream**
 458 **gauging station in the**
 459 **section of the stream within which the instream flow is maintained;**
 and
 459 **(ii) is not required to install controlling works unless the state**
engineer's order approving the application requires the installation
because controlling works are necessary to achieve the purpose of the
application ; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 148**, BOAT REGISTRATION AMENDMENTS, by Senator M. Waddoups, with the following amendments:

1. Page 2, Lines 51 through 53:

- 51 **(iii) the motorboat or sailboat is exempt by law from payment of**
 property tax for the
 52 current year.
(d) If the board modifies the fee under Subsection (2)(b), the
modification shall take effect on July 1 if, prior to April 1, the State Tax
Commission receives:
(i) notice from the board stating that the board will modify the fee; and
(ii) a copy of the fee modification. ; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 155**, WASTE AMENDMENTS, by Senator D. Peterson.

Darin G. Peterson, Chair

On motion of Senator Hickman, the committee reports were adopted. **S.B. 29**, as amended, **S.B. 148**, as amended, and **S.B. 155** were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

S.B. 65, Elementary School Math Initiative (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 66, Employer Health Insurance Options – Cafeteria Plans (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.B. 67, Utah Public Notice Website Provisions (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 68, Funding for Tourism Promotion (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 69, Local Transportation Corridor Preservation Fund Amendments (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.B. 70, Utah Valley University Institutional Name Change (J. Valentine), read the first time by short title and referred to the Rules Committee.

S.B. 71, County Recorder Amendments (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 72, Crime Victim Reparations Records (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 73, New Utah License Plate Design (D. Eastman), read the first time by short title and referred to the Rules Committee.

S.B. 162, Pete Suazo Utah Athletic Commission (E. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 163, Amendments to Municipal and County Land Use (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 164, Statute of Limitations for Bodily Injury (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 165, Producer and Affiliate Disclosure Amendments (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.B. 166, Notary Public Amendments (R. Romero), read the first time by short title and referred to the Rules Committee.

S.B. 167, Utah Sports Authority (M. Dmitrich), read the first time by short title and referred to the Rules Committee.

S.B. 168, Vehicle Safety Inspection Amendments (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 169, Sodomy Amendments (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 170, Distribution of Local Sales and Use Tax Revenues (G. Davis), read the first time by short title and referred to the Rules Committee.

S.B. 171, Research Activities Tax Credit Amendments (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 172, Municipal Land Use, Development, and Management Changes (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.B. 173, Criminal Intent Amendments (S. McCoy), read the first time by short title and referred to the Rules Committee.

COMMITTEE OF THE WHOLE

On motion of Senator Bramble, U. S. Congressman Chris Cannon spoke in Committee of the Whole. Senators Walker and Stephenson commented.

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

On motion of Senator Mayne, the Senate voted to have the words of Congressman Cannon spread upon the pages of the Senate Journal.

REMARKS BY CONGRESSMAN CHRIS CANNON

Thank you Mr. President – When I come here this is always an awesome task because you guys probably produce more work than any of us do back in Washington DC. Although, if you imagine America as an old lady and if you thought of the work that has been done in the House of Representatives over the last 100 hours as a hamburger, you couldn't help but hear that old lady say, "where's the meat." We have done several bills but none of them of much substance.

I would like to just talk about a couple of things that are happening. You know there has been some talk about civility and the deterioration of civility in Washington D.C. I have been there for now 10 years and have been around Washington for a very long time, and I will tell you that we have never been more civil, in my experience, than we are right now. And there are a couple of interesting things as a matter of background that I think you might enjoy. When I first got to Washington D.C. and in my first organizing committee meeting in Judiciary. we had the first argument and it was a very divided committee and John Conyers, the ranking member, started complaining. Henry Hyde asked him to yield and he yielded and Chairman Hyde then said, "is the gentlemen concerned about the office space that we have provided the gentleman? "Oh no, the office space is fine." "Is the gentleman concerned," Mr. Hyde said, "about the location of

the office space/” He said, “no we are happy with the location.” He said. “is the gentleman concerned about the number of staff that we have allocated?” “Oh no, we are not concerned about the number of staff.” “Then what is the gentleman concerned about?” Mr. Conyers then withdrew his concerns and we proceeded to organize.

In this transition from the majority as Republicans, to the minority, the Democrats have been very gracious and I think they have realized that America does not like the raucous antagonism that has characterized politics here recently. In the first place, they have maintained the same rules, and one of those rules which is very important to America and I think to you. They have kept the term limits on chairman and that has bothered the Democratic chairman terrifically because it means that in the fifth year, he is a lame duck and he can't get much done because the members of his committee are looking to the new chairman. And so there is going to be a battle over that, but at least at this point the Democrats have basically kept all the rules that we had. They have given us the same amount of staff, the same office space at the same locations and in some cases, I think on Government Forum which I serve, the office space is actually an upgrade from what we had before. So I think you are going to see, to some degree, more civility in Washington D.C. That is said in the context, I think, in one of the ugliest election cycles in the history of mankind. Much of the ugliness actually backfired. and so what I'm hoping will come out of this and all of politics is a different approach which will be issue oriented with people being more involved, people having more access to information and knowing better what we do.

I would like to talk about one important topic and then mention just two or three other things and then take some questions. We had this tragedy in Cedar Hills where this drunk illegal alien crashed into a family and killed the mother and a couple of the children, the Ceran family. Mike Magee, who is the mayor of Cedar Hills came to me and was angry about this all and said, “You know this guy is going to get a free pass. This guy is going to be picked up by the feds and they are not going to prosecute him.” They are going to send him back to Mexico, and that enrages him and it enrages me and I suspect that most of you are quite irritated by that fact. I spent some time on the telephone with Mike talking through the issues and I think those are relevant as you are looking at the cycle here this year. If the city turns him over to the federal government, then the federal government will prosecute him based upon his federal crimes. That federal crime is being here illegally. I pointed out to Mike that if he wanted to prosecute that person, he committed crimes in the city of Cedar Hills, and that was driving while drunk and probably other violations of not stopping at a stop sign. I asked Mike if he wanted his city to spend the three or four or five or probably more thousand dollars on the prosecution of that case and then if he wanted to spend the money that his share of

the money that would go to warehousing that fellow for two, three, four or five years. That left a big pause in the conversation.

Now the problem with illegal immigration is a federal problem. You guys have some issues here that you are going to deal with this year. You are going to deal with whether you want to have children of illegal aliens go to school. My job, I believe, is to make sure that you can do what you want to do on that subject, so the bill that I introduced some time ago, the Dream Act, allows you to make the decision as to whether those people can go to school or not. Right now there is a federal preemption, as you know, and the state has been thoughtful about overcoming that preemption but there is going to be an attack on that issue and an attempt to change it. I am relatively indifferent about that. I would hope that as you look at that issue you say, what does it cost us to have an incremental student. That's the key. Then you could also say, what's the cost to society of having an incentive. I know that several people are really concerned about having incentives for illegal immigration. That's a legitimate concern. But as you deal with that concern I hope you will also consider the fact that you can't pay the cost. The cost of eliminating incentives is very, very high for the state and the appropriate place for that burden to be carried is at the federal level. We need to stop illegal immigration at the border. We need to create a process so that people who come to America and work can do it in a way that is legal so we don't create this cancerous subculture in our society.

You have all heard about the Swift Company and the Immigration Customs Enforcement action there. They went in and arrested almost 2,000 people. They ended up prosecuting fewer than 200 people. They said this was about identifying theft, and my reaction was I hope that doesn't mean they weren't using social security numbers that happened to be a number that was already in use. It turned out that was what it was all about. In other words, these people weren't organized to take social card numbers and credit numbers to cheat people. They were organized to get jobs. The amazing thing about this story, is that Swift was participating in the pilot program and they had actually asked the federal government if those people were illegal aliens, and Swift ended up with a \$30 million bill for that enforcement action. Now, there is something seriously wrong with that. It is wrong at a federal level and while you guys need to deal with state issues I hope you do so thoughtfully, and let me tell you, I believe we are going to get a very, very good bill. And the reason we will get a good bill out, and get it out I hope by September, is because the Republican opposition has been marginalized. Two of the major anti-immigration types, the people who said, just kick them all out, penalize business and kick them all out. Those people lost their elections. The chairman of the Immigration Subcommittee lost his election, John Hostover; and J. D. Hayworth in Arizona lost his election and the candidate that was going to

replace Jim Colby was an anti-immigration guy and he lost his election. So, in large part we lost control of the House of Representatives over this issue and it is an issue that is important.

You all know that the AFCIL has split into a couple of different organizations and one of those organizations is very pro immigration and the other one is indifferent, they don't really understand what they are doing. In the Democratic party there are people like Ted Kennedy who want the federal government to control the number of people that come in but there are people like Zoe Lofgren, who is chairing the Immigration Committee now, who says that she wants a system that works and therefore it can't be a bureaucratic control. So, we have a bunch of issues at the federal level but the ground has changed enormously and we are going to come up with a bill that I think is going to be very helpful to American and make your jobs as you deal with immigration much simpler.

Let me just make two more quick comments and then I'll take questions if you have time. In the first place, the fourth seat seems to be caught up in internal Democratic posturing. The delegate from the District of Columbia introduced a bill that was designed to avoid the jurisdiction of the Government Oversight Committee. That has enraged the chairman of that committee, Henry Waxman, and so now they are dithering with the issue, and I have no clue as to how that is going to come out. I think the fact that Utah would get an extra elector for the presidential election is probably playing into that discussion and so I am the most negative about that than I have been for some period of time, and we will see if the Democrats can get their house in order and actually get a vote for the District of Columbia and a seat for us.

And finally, a lighter matter, that is that Utah Valley State College is likely to become a university. I just hope that as you think about that and play your role, you will not marginalize that. It has the opportunity to become a great university, a great undergraduate institution because there are huge numbers of people in the Utah diastora who want to come back who have been very, very successful who would love to teach and would love to end up at what is now UVSC. I hope you don't call it "Utah Valley College" or "Central Utah University." We need a broader name. I like the name "Utah International University" because they do a lot of international stuff. It has to be beyond a regional college or calling it a university will not make it. I hope that in the process you will think about that name. Finally, if any of you need this, it is all over the Internet, but my cell phone number is 801-362-8300 and you are welcome to call me anytime.

Mr. President, is there time for questions and answers?

Pres. Valentine "We have time for a couple."

Pres. Valentine: We do have one rule here on the Floor in the Senate that is you can't lobby.

Cannon: I hope that wouldn't be perceived as lobbying what I said about UVSC.

Pres. Valentine: No problem, I am just giving you a hard time, that is my bill.

Sen. Walker: It is always good to have you here. I wanted to follow-up on your comments on the Swift raid. We have passed out, and it is now in the House, a joint resolution asking you and your colleagues in Washington to help us with that. It certainly is a federal issue rather than a state issue. I have carried a number of identity theft legislation in the last few years. This is extremely important. And as I was preparing this resolution over the last few months it is very clear to me as I have talked with employers, that they need additional verification points. You mentioned that Swift had done their due diligence and there are many other employers in the state who have done that and have found out later that they have hired illegal immigrants. In fact, this morning on the floor we will hear another bill. Workforce Services did some research on Social Security numbers and I will hand out a very telling list of people whose Social Security numbers were being used by some thirty odd people and these are people in many instances that are not out doing mischief with your Social Security number, but they are using it to get a job and nonetheless, it is problematic for the legal owner of that Social Security number so in my research I have found that in many, many instances where the Social Security number is much too available. Military I.D.s they have to keep on their person all the time have their Social Security number. Selective Service notifications that go out to these young men have their Social Security numbers on the outside of the envelope. These are simple things and I would encourage you, and would hope that you would move in that direction and if you have any direction you would like to inform us about, I would like to hear that.

Cannon: It is a serious problem. The immigration side of the problem is serious. When you have people who are here illegally and buy forged documents and who then use those forged documents end up with people who then continue to disobey the law, then they learn how they and use the system to get welfare which is quite criminal and then they learn "Hey, I've got a Social Security number" or a group of them and they say we can get credit card numbers and stolen identity. You are just inviting crime when you have this kind of problem so we need to resolve it. The other issue that you are dealing with, of course, is the issue of identity, and I Chaired the Committee on Commercial and Administrators, although I am not a ranking member, and that is the committee that has jurisdiction of those issues and we have been working very hard on those things. Frankly, I think there is a very good chance that we will pass some far reaching legislation this year or next year

out of that committee so we are watching leadership carefully on this. You all know that Utah is one of the leading areas of digital signatures and security on the Internet and Phil Limby is one of the leading voices here in Utah so we are working on those and it is my goal to do this so people can control who has access to their information and not have a national ID card, which by the way, I am one of the few remaining people in Washington who oppose a national ID card.

Pres. Valentine: We have time for one more question.

Sen. Stephenson: Thank you, Mr. President. Congressman, you and I have had some lengthy conversations about the immigration issue and its potential solutions. We have heard from you again today that you expect the Congress to have meaningful solutions by September or early next year, but I think if we were to play a tape recording of past years when you and the rest of our congressional delegation came before us, we would hear the same pledge and yet little has happened.

Cannon: That is true.

Sen. Stephenson: We have an acknowledgement of the problem, we have the need for guest workers, we do not have a process for employers to handle it. We don't have a process for people to get visas. We don't have a process for enforcement when they are here and Congress is doing absolutely nothing about it.

Cannon: There has been a lot of moaning, whining and complaining.

Sen. Stephenson: Well there has been a lot of moaning and whining and there has been a lot of other things going on back there such as the federal highway bill which is the biggest pork bill in the history of our nation. It is an embarrassment to our Congress. The President spoke to ..

Cannon: Is the pork the embarrassment or is it the size of the bill?

Sen. Stephenson: Both. Well, not the size of the bill necessarily but the fact that all this earmarking with bridges to nowhere, there is only one Congressman that didn't have pork in that bill and I think that was Jeff Flake who has term limited himself out from Arizona.

Cannon: He actually termed himself out then broke his pledge to not go beyond three terms.

Pres. Valentine: If you would let Sen. Stephenson finish his question.

Sen. Stephenson: I think the November elections are a reflection of the disgust of the American people toward the Congress, and I don't care if it was the

Democrats that were in control or the Republicans in control. I think there would have been a change either way because the American people are simply fed up and I want you to know personally from me a Senator representing my district, I am feeling the same thing from my constituents. We are fed up with Congress's inability to run the affairs of this nation and we expect our delegation to take greater leadership in making it happen.

Cannon: When you say that, are you referring particularly to the earmarks?

Sen. Stephenson: The immigration debacle, the inability to do anything with that and the earmarking. I think that is a primary example of how utter lacking in good legislation the Congress has become on these spending bills. They are out of control, and the President referred to it in his State of the Union speech, but I don't know if anything is going to happen, if we have any hope for it and yet you keep sending us these mandates, these unfunded mandates, and the immigration issue is the biggest unfunded mandate on the states and yet the Congress does nothing.

Cannon: I voted against all those unfunded mandates that have been attempted to be forced and have actually stopped some of those unfunded immigration mandates. Having illegal immigrants in the state causes burdens that you cannot deal with and it is a federal problem and I apologize for that. Let me say to begin with that you are absolutely right. The Republicans lost control of Congress for many reasons. Iraq was a small one. I think spending is a much greater fact, but you all should understand that we have been going in the right direction in Congress and we have been savaged by people, I think unfairly, and what we want to do is deal with the fairer savaging rather than focus on what is unfair. You all, anybody here know, you don't have to raise your hand or anything, what the federal deficit is likely to be this year? The CPO just came out yesterday with a report. Remember that the estimated deficit this year was going to be, last year was going to be \$560 billion. I can't remember what this year was supposed to be, but it was above \$600 billion, right? This horrible, terrible spending is out of control. We had a hundred billion dollars on Katrina, we're doing now \$80 of \$90 billion dollars a year on Iraq, so what was our deficit after all the tax cuts to boot? The deficit this year is expected to be \$172 billion. (Senator Valentine interjected that \$178 billion was reported in this morning's press.) There was \$76 billion less than we thought, so in the \$170 billion dollar range. That is an absolutely amazing fact and that's because we've kept the federal government out of the way of business and business has grown like crazy in a difficult environment. And so about some things, I'm not apologetic, about other things I'm terrifically apologetic.

I think that the Republicans at the leadership level made a huge mistake on immigration listening to people who are xenophobic, who are racist, and who

were trying to create a wedge issue. I think that wedge issues do not work in politics; I've never liked them, and I think this one backfired terribly. We probably wouldn't have Mark Foley's issue, probably would not have been much of a problem, but for the fact that we had Republicans savaging Republicans on earmarks.

Let me just talk about earmarks a moment. The problem here is government spending, and since you guys, many of you participate in the process of deciding where money is going to go, earmarks in the Transportation Bill are doled out in a very clear fashion. And the first person to actually raise the issue of earmarks was John Njord who said our delegation should not be doing earmarks. Now why is John Njord, the head of the Utah Department of Transportation, attacking earmarks? Because he wants the discretion to do those things himself. And you guys, with all due respect, are not a very good control on his discretion. So you have a group of people who are narrowly focused on transportation here and they are not listening to your constituents or my constituents about where we ought to go. And if we hadn't done earmarks last cycle, on the earmarks that I did last cycle, that I don't apologize for, they are very open and very clear, we would be moving toward a rebuild of I-15 through Utah County without having done the developmental work on Geneva Road and State Street to help move traffic through that area. So that was a negotiation, an open, above-board, everybody-understood-it negotiation about what our priorities are, and I think they were right. The problem is not earmarks, with all due respect, the bridge to nowhere.

You know what happened to that money, you guys should know this because I think you know, I don't know if your process is similar or not. If we voted down the bridge to nowhere, the money would have come out of the earmark for the bridge to nowhere and it would have gone back into the discretion of the appropriators, and the appropriators would have spent that money. The issue is not earmarks, the issue is the amount of money that we are appropriating and the size of the federal government.

Now, I ran ten years ago as a consistent conservative. I have been very consistent in these issues and in attacking the size of government, and that's what we need to do. And, on the one hand we have to stop clambering as a state for money, but on the other hand, we need to be dealing with how we spend money at the federal level and that means we have to change the budget process.

Now, with all due respect to my friends the Democrats who are wonderful people, and with many of whom I agree entirely on many issues, we now have conservative Democrats in the Congress who have a problem. They ran against these earmarks, they ran for gun rights, they ran for family values, and those guys,

they have enough votes that they can drive the whole agenda. And I'm telling you we never had enough conservatives in Congress to do that, now we've had this windfall of conservative Democrats in Congress who we are going to keep. The question is not leadership, the question is number of votes and it's twisting people's arms, and I think I have a great record of twisting people's arms to get things done right for Utah.

We have Democrats who are going to have to perform and the first thing they are going to have to perform on is not this ethics problem that we have, but real spending reform and real budget reform and coming up with a budget that has real caps in it that allows us to not do these kinds of earmarks that are useless. And so I agree with you entirely, and I apologize that Congress has failed as an institution, but it was the institution that was organized, framed by the Founding Fathers. It was framed to be inefficient, ineffectual and to not get in the way of states and this great country and its economy. And we've been fairly good at that, I think, on the one hand, but we have failed grossly, we have failed overwhelmingly on these other issues, and now we have some help from unforeseen quarters and we intend to work very closely with our Democratic colleagues in Congress and have votes that will actually be meaningful.

Voting against a bridge that leads to nowhere is not meaningful, but voting for a budget that has proper caps, that is meaningful, and I can assure you we will do that, and this delegation in the Senate and in the House will take a leading role in that regard. You have every right to be irritated and angry, Senator Stephenson.

COMMITTEE OF THE WHOLE

On motion of Senator Bramble, U. S. Congressman Jim Matheson spoke in Committee of the Whole. Senators Stephenson, Jones, and Stowell commented.

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

CONSENT CALENDAR

S.B. 122, ADMINISTRATIVE RULES REAUTHORIZATION, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Dayton
Eastman	Fife	Goodfellow	Greiner
Hickman	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne

McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker			

Absent or not voting were: Senators

Bramble	Davis	Dmitrich	Valentine
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S.B. 122 was transmitted to the House for consideration.

* * *

H.B. 6, CONTROLLED SUBSTANCE DATABASE AMENDMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bramble	Dmitrich	Valentine
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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.

THIRD READING CALENDAR

H.B. 20, STATE DECLARATION OF STATE WATER WEST, was read the third time, explained by Senator Knudson, and passed on the following roll call:

Yeas, 21; Nays, 4; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Eastman	Fife	Goodfellow	Greiner
Hickman	Hillyard	Jenkins	Jones
Knudson	Mayne	McCoy	Niederhauser
Romero	Stephenson	Stowell	Van Tassell
Walker			

Voting in the negative were: Senators

Dayton	Madsen	Peterson	Waddoups
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Absent or not voting were: Senators

Bramble	Dmitrich	Killpack	Valentine
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H.B. 20 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 4, ORGANIZED RETAIL THEFT, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bramble	Killpack	Valentine
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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.

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H.B. 9, HEALTH CARE COST AND QUALITY DATA, was read the third time.

On motion of Senator Eastman, the bill was circled.

SECOND READING CALENDAR

S.B. 86, REPEAL OF LIBEL AND SLANDER PROVISIONS, was read the second time. Senator McCoy explained the bill. Senators Buttars and Hickman commented. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.

Voting in the affirmative were: Senators

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

Voting in the negative was: Senator
Dayton

Absent or not voting was: Senator
Romero

COMMITTEE OF THE WHOLE

On motion of Senator Bramble, Jenny Sheng, from Shanghai China spoke in Committee of the Whole. Senator Stephenson commented.

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

SECOND READING CALENDAR

H.J.R. 5, RESOLUTION APPROVING COMPENSATION OF IN-SESSION EMPLOYEES, was read the second time. Senator Bell explained the bill.

Senator Bramble proposed the following amendment:

Page 2, Lines 49 through 50

- 1. 49 Legislative Aide (S) {~~8.83 9.06 9.32 9.58 9.84 10.15 10.46 10.77~~ }
9.84 10.10 10.38 10.67 10.96 11.27 11.58 11.89

50 Committee Secretary (H-S) 9.84 10.10 10.38 10.67 10.96 11.27 11.58 11.89

Senator Bramble’s motion to amend passed on a voice vote.

On motion of Senator Bell, under suspension of the rules, **H.J.R. 5, RESOLUTION APPROVING COMPENSATION OF IN-SESSION**

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

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

Voting in the affirmative were: Senators

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

H.J.R. 5, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Killpack, the Senate voted to reconsider its action on **S.B. 42**. Senator Jenkins commented.

S.B. 42, PREFERRED PRESCRIPTION DRUG LIST, under suspension of the rules, was placed at the top of the Third Reading Calendar

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S.B. 93, GOVERNOR'S RURAL PARTNERSHIP BOARD AMENDMENTS, was read the second time. Senator Hickman 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

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

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H.B. 28, DOMESTIC VIOLENCE AND DATING VIOLENCE AMENDMENTS, was read the second time.

On motion of Senator McCoy, the bill was circled.

* * *

H.B. 56, EMERGENCY ADMINISTRATION OF EPINEPHRINE, was read the second time.

On motion of Senator Dayton, the bill was circled.

* * *

H.B. 14, ELECTION LAW REVISIONS, was read the second time.

On motion of Senator Knudson, the bill was circled.

* * *

H.B. 26, PROPERTY TAX EXEMPTION FOR PERSONAL PROPERTY, was read the second time.

On motion of Senator Bramble, the bill was circled.

* * *

H.B. 40, FUEL TAX BONDING REQUIREMENTS, was read the second time.

On motion of Senator Stephenson, the bill was circled.

* * *

H.B. 41, SALES AND USE TAX – COMMON CARRIERS, was read the second time.

On motion of Senator Bramble, the bill was circled.

* * *

H.B. 22, MOTOR VEHICLES CODE REVISIONS, was read the second time.

On motion of Senator Killpack, the bill was circled.

* * *

On motion of Senator Waddoups, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Waddoups, the circle was removed from **H.B. 9**, HEALTH CARE COST AND QUALITY DATE. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

H.B. 9, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Knudson, the Senate voted to move to Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Knudson, the circle was removed from **H.B. 14**, ELECTION LAW REVISIONS. Senator Eastman commented and the bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Hickman	Hillyard
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INTRODUCTION OF BILLS

S.B. 81, Home School and Extracurricular Activity Amendments (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.J.R. 11, Resolution Providing Appointment of State Superintendent of Education (G. Bell), read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

On motion of Senator Bramble, the circle was removed from **H.B. 41, SALES AND USE TAX – COMMON CARRIERS**, and it was before the Senate. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Hickman	Jones	Stephenson
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On motion of Senator Killpack, the circle was removed from **H.B. 22, MOTOR VEHICLES CODE REVISIONS**. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy

Niederhauser
Stowell
Valentine

Peterson
Van Tassell

Romero
Waddoups

Stephenson
Walker

* * *

On motion of Senator Bramble and at 11:55 p.m., the Senate adjourned until 10:00 a.m., Friday, January 26, 2007.

TWELFTH DAY

MORNING SESSION

January 26, 2007

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

Prayer – William Sederburg, President of Utah Valley State College

Pledge of Allegiance – Senator Jon Greiner

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 102)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

January 25, 2007

The House passed, **S.B. 7**, EXPLOITATION OF A VULNERABLE ADULT 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. 14**, FAMILY EMPLOYMENT PROGRAM AMENDMENTS, by Senator D. Eastman, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 16**, LENDING REGISTRATION ACTS, by Senator E. Mayne, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 19**, COMMERCIAL DRIVER LICENSE AMENDMENTS, by Senator C. Walker, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 24**, PROBATE CODE AMENDMENTS, by Senator R. Romero, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 103**, INELIGIBILITY FOR UNEMPLOYMENT COMPENSATION BENEFITS, by Senator D. Eastman, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 7, S.B. 14, S.B. 16, S.B. 19, S.B. 24, and **S.B. 103** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

Mr. President:

January 25, 2007

The House passed, as amended, **H.B. 282**, SALES AND USE TAXATION OF FOOD AND FOOD INGREDIENTS, by Representative M. Newbold, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 282** was read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate:

January 25, 2007

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

Business and Labor Committee

S.B. 162 Pete Suazo Utah Athletic Commission (Sen. E. Mayne)

Education Committee

S.B. 65 Elementary School Math Initiative (Sen. G. Bell)

H.B. 207 School Truancy and Compulsory Education Amendments
(Rep. E. Hutchings)

Government Operations and Political Subdivisions Committee

S.B. 63 State Zero-based Budgeting (Sen. W. Niederhauser)

S.B. 163 Amendments to Municipal and County Land Use
(Sen. D. Stowell)

1st Sub. H.B. 63 Initiative and Referendum – Signature Verification
Procedures (Rep. N. Hendrickson)

H.B. 205 Public Demonstrations At Funerals (Rep. R. Bigelow)

Health and Human Services Committee

S.B. 66 Employer Health Insurance Options – Cafeteria Plans
(Sen. M. Waddoups)

S.B. 160	Pharmacy Practice Act Amendments (Sen. P. Knudson)
S.B. 165	Producer and Affiliate Disclosure Amendments (Sen. M. Waddoups)
H.B. 47	Pilot Program for Family Preservation Services (Rep. R. Menlove)
H.B. 57	Public Health Amendments (Rep. B. Last)
H.B. 80	Health Insurance Amendments (Rep. J. Dunnigan)
H.B. 211	Background Checks for Division of Services for People with Disabilities (Rep. R. Lockhart)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 164	Statute of Limitations for Bodily Injury (Sen. G. Bell)
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Natural Resources, Agriculture and Environment Committee

S.B. 161	Hunting License Amendments (Sen. A. Christensen)
H.B. 67	Age Amendments for Hunting Big Game (Rep. C. Oda)

Revenue and Taxation Committee

S.B. 64	Tourism, Recreation, Cultural, and Convention Facilities Tax – Imposition, Distribution, and Expenditure of Revenues (Sen. M. Waddoups)
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Bill Hickman
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: January 25, 2007

The Government Operations and Political Subdivisions Committee recommends **S.B. 30**, CREATION OF NEW SCHOOL DISTRICT AMENDMENTS, by Senator C. Walker, be replaced and favorably recommends **1st Sub. S.B. 30**, CREATION OF NEW SCHOOL DISTRICT AMENDMENTS; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 139**, LEGISLATIVE MANAGEMENT COMMITTEE MEMBERSHIP, by Senator C. Bramble; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 10**, OPEN AND PUBLIC MEETINGS ACT AMENDMENTS, by Representative W. Harper, with the following amendments:

1. Page 4, Lines 90 through 91:

90 (c) the substance of all matters proposed, discussed, or decided
by the public body

91 {~~including~~} which may include a summary of
comments made by members of the public body;

2. Page 4, Lines 96 through 97:

96 (f) the substance, in brief, of [their] the testimony or comments
provided by {~~each~~

97 person named in } the public under Subsection (2)(e); and ;
and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 60**, NOTARY PUBLIC REVISIONS, by Representative G. Donnelson; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 62**, LOBBYIST DISCLOSURE TECHNICAL AMENDMENTS, by Representative G. Donnelson.

Peter C. Knudson, Chair

Mr. President:

January 25, 2007

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 145**, MULTI-CHANNEL VIDEO OR AUDIO SERVICE TAX – COUNTY OR MUNICIPALITY FRANCHISE FEE TAX CREDIT, by Senator W. Niederhauser; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 27**, SALES AND USE TAX MODIFICATIONS, by Representative B. Ferry, with the following amendments:

1. Page 2, Lines 33 through 37:

33 ► modifies an appropriation to the State Tax Commission
to provide that {~~—~~} ;
• in addition

34 to other purposes allowed in the appropriation language, monies
may be expended

35 to reimburse certain {~~sellers~~} business locations for
expenditures to pay for in-house programming to

36 account for sales under the reduced sales and use tax rate imposed on food and food

37 ingredients; and

• the deadline for a business location to submit a request for reimbursement to the State Tax Commission is extended from before January 1, 2007, to before April 1, 2007; and

2. Page 2, Lines 41 through 42:

41 Other Special Clauses:

42 This bill provides an immediate effective date and provides for retrospective operation.

3. Page 64, Lines 1953 through 1954:

1953 (C) submits a request for reimbursement to the State Tax Commission postmarked

1954 before {~~January~~} April 1, 2007;

4. Page 64, Lines 1976 through 1977:

1976 (C) submits a request for reimbursement to the State Tax Commission postmarked

1977 before {~~January~~} April 1, 2007;

5. Page 65, Lines 1999 through 2000:

1999 (C) submits a request for reimbursement to the State Tax Commission postmarked

2000 before {~~January~~} April 1, 2007;

6. Page 66, Lines 2022 through 2034:

2022 Section 9. Effective date — Retrospective operation.

2023 {~~(1) Except as provided in Subsection (2), if~~ } If
approved by two-thirds of all the members

2024 elected to each house, this bill:

2025 {~~(a)~~ } (1) takes effect upon approval by the governor, or the day following the constitutional

2026 time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in

- 2027 the case of a veto, the date of veto override; and
- 2028 { ~~(b)~~ } (2) has retrospective operation to January 1, 2007.
- 2029 { ~~(2) If approved by two-thirds of all the members elected to each house, the~~
- 2030 amendments to Section 8 of this bill, which is the Uncodified Section 3, Chapter 9, Laws of
- 2031 Utah 2006, Third Special Session, which amends Uncodified Section 5, Chapter 282, Laws of
- 2032 Utah 2006, take effect upon approval by the governor, or the day following the constitutional
- 2033 time limit of Utah Constitution Article VII, Section 8, without the governor's signature, or in
- 2034 the case of a veto, the date of veto override. } ; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 33**, SALES AND USE TAX EXEMPTIONS FOR VEHICLES, BOATS, BOAT TRAILERS, OR OUTBOARD MOTORS NOT REGISTERED IN THE STATE, by Representative P. Painter; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 37**, CIGARETTE AND TOBACCO TAX AND LICENSING AMENDMENTS, by Representative C. Frank; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 42**, SALES AND USE TAX EXEMPTION FOR AUTHORIZED CARRIERS, by Representative W. Harper.

Wayne L. Niederhauser, Chair

Mr. President: January 25, 2007

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 24**, EMPLOYMENT SUPPORT ACT – TECHNICAL CHANGES, by Representative K. Morgan, et al.

Mark B. Madsen, Chair

On motion of Senator Hickman, the committee reports were adopted. **1st Sub. S.B. 30, S.B. 139, H.B. 10**, as amended, **H.B. 60, H.B. 62, S.B. 145, H.B. 27**, as amended, **H.B. 33, H.B. 37, H.B. 42**, and **H.B. 24** were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

S.B. 74, Penalties Relating to Taxes, Fees, or Charges (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 76, Electronic Device Recycling (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 179, Immunity of Counties and Municipalities for Sky Diving Activities (B. Goodfellow), read the first time by short title and referred to the Rules Committee.

S.B. 180, School Construction Contract Amendments (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 181, Fees to Cover Cost of Electronic Payments (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 182, Child Support Modifications for Tanf Recipients (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 183, Restrictions on Designation of Wetlands (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.B. 184, Revisions to Child Support Definitions (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 185, Utility Improvement District Revisions (K. VanTassell), read the first time by short title and referred to the Rules Committee.

S.B. 186, Motor Vehicle Amendments (D. Eastman), read the first time by short title and referred to the Rules Committee.

S.B. 187, Utah Relocation Assistance Act Amendments (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 188, Wildlife Resources Conservation Easement Restricted Account (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 189, Medicaid Home and Community-based Long-term Care (G. Davis), read the first time by short title and referred to the Rules Committee.

S.B. 190, Animal Cruelty Offenses (G. Davis), read the first time by short title and referred to the Rules Committee.

S.B. 191, Governmental Immunity Limits Amendments (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 192, Service Animals (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 193, Amendments to Mental Health Professional Practice Act (P. Jones), read the first time by short title and referred to the Rules Committee.

S.J.R. 3, Resolution Encouraging Congressional Funding for State Children’s Health Insurance Program (P. Knudson), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

S.B. 51, ALCOHOLIC BEVERAGE ENFORCEMENT AND TREATMENT RESTRICTED ACCOUNT AMENDMENTS, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bell	Jenkins	Knudson	Peterson
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S.B. 51 was transmitted to the House for consideration.

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On motion of Senator Hickman, under suspension of the rules, the Senate voted to declare today “Grandchildren’s Day” in the Senate. Senator Hillyard, Walker, Waddoups, Stowell, VanTassell, Bramble, Davis, Fife, Buttars, Dmitrich, and Romero commented. The motion was amended to allow all Senators to display pictures of their grandchildren on their desks.

THIRD READING CALENDAR

S.B. 42, PREFERRED PRESCRIPTION DRUG LIST, was before the Senate upon reconsideration and explained by Senator Christensen.

Senator Killpack proposed the following amendment:

- 1 Page 2, Line 57 through Page 2a, Line 57g
Senate 3rd Reading Amendments
1-25-2007

57 appropriate by the department. ~~§~~ → ; and

57a (d)(i) except as prohibited by Subsections 58-17b-606(4) and (5), shall permit a health care provider with prescriptive authority to override the

57b restrictions of a preferred drug list by handwriting on the prescription { - ;

57c ~~(A) } " medically necessary - dispense as written { - ;~~
~~or~~

57d ~~(B) "DAW" } ; and~~ ← ~~§~~

57e ~~§~~ → (ii) shall not permit a health care provider with prescriptive authority to override the

57f restrictions of a preferred drug list with any preprinted instructions for dispense as written, or no

57g substitutions allowed ← ~~§~~

- 2. Page 2a, Line 58 through Page 3, Line 61
Senate 3rd Reading Amendments
1-25-2007:

58 (2) If the department implements a drug program under the provisions of Subsection

59 (1)(c), the department shall :
(a) determine the percentage of prescriptions that are paid for by the department which are overrides to the preferred drug list under Subsection (d)(i);

(b) include the information required by Subsection (2)(a) in the report required by Subsection (2)(c); and

(c) report its findings regarding the drug program to the Legislative

60 Health and Human Services Interim Committee by August 30, 2008, and to the Legislative

61 Health and Human Services Appropriations Subcommittee during the 2009 General Session.

Senator Killpack’s motion to amend passed on a voice vote.

###

Senator Christensen proposed the following amendment, under suspension of the rules:

- 1. Page 2, Line 57b:
 Senate Floor Amendments
 January 26, 2007
 After “restrictions of a preferred drug list” insert “provided that the medical necessity for the override is documented in he patient’s medical file and”

Senator Christensen’s motion to amend passed on a voice vote. Senator McCoy, Romero, and Buttars commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Eastman

S.B. 42, as amended, was transmitted to the House.

S.B. 86, REPEAL OF LIBEL AND SLANDER PROVISIONS, was read the third time, explained by Senator McCoy, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife

Goodfellow	Greiner	Hickman	Hillyard
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators
 Eastman Jenkins

S.B. 86 was transmitted to the House for consideration.

* * *

S.B. 93, GOVERNOR’S RURAL PARTNERSHIP BOARD AMENDMENTS, was read the third time, explained by Senator Hickman, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators
 Christensen Eastman

S.B. 93 was transmitted to the House for consideration.

* * *

H.B. 14, ELECTION LAW 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

Bell	Bramble	Buttars	Davis
Dayton	Dmitrich	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins

Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Christensen	Eastman
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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. 41, SALES AND USE TAX – COMMON CARRIERS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.**Voting in the affirmative were:** Senators

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

Absent or not voting were: Senators

Eastman	Madsen	Niederhauser
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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.

* * *

H.B. 22, MOTOR VEHICLES CODE REVISIONS, was read the third time, explained by Senator Killpack, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.**Voting in the affirmative were:** Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins

Jones	Killpack	Knudson	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Valentine			

Absent or not voting were: Senators

Buttars	Eastman	Madsen	Walker
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H.B. 22, as amended, was returned to the House for further consideration..

SECOND READING CALENDAR

On motion of Senator Stephenson, the circle was removed from **H.B. 40**, FUEL TAX BONDING REQUIREMENTS, and it was before the Senate. 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

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

Absent or not voting were: Senators

Buttars	Eastman	Hillyard	Killpack
Madsen			

* * *

On motion of Senator Jenkins, the circle was removed from **1st Sub. S.B. 17**, TRAFFIC CODE AMENDMENTS, and it was before the Senate. Senator Jenkins explained the bill. Senators McCoy and Greiner commented. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 6; Absent, 3.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dmitrich
Eastman	Fife	Greiner	Hickman
Hillyard	Jenkins	Knudson	Madsen
Mayne	Niederhauser	Peterson	Romero
Stowell	Waddoups	Walker	Valentine

Voting in the negative were: Senators

Dayton	Goodfellow	Jones	McCoy
Stephenson	Van Tassell		

Absent or not voting were: Senators

Bramble	Buttars	Killpack
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COMMUNICATIONS FROM THE HOUSE

Mr. President: January 26, 2007

The House concurred in the Senate amendments and passed **H.J.R. 5, RESOLUTION APPROVING COMPENSATION OF IN-SESSION EMPLOYEES**, by Representative M. Newbold, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

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.

SECOND READING CALENDAR

S.B. 94, USE OF MINERAL LEASE FUNDS BY SPECIAL SERVICE DISTRICTS, was read the second time.

On motion of Senator Dmitrich, the bill was circled.

* * *

S.B. 97, CONSTITUTIONAL REVISION COMMISSION MEMBERSHIP, 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

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

Absent or not voting were: Senators

Bramble	Buttars	Killpack
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* * *

S.B. 18, USE OF OIL AND GAS REVENUES, was read the second time. Senator Hillyard explained the bill.

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

2nd Sub. S.B. 18, Use of Oil and Gas Revenues (L. Hillyard)

Senators Hickman, VanTassell, Stephenson, McCoy, Jenkins, and Bell commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jones
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Waddoups	Walker	Valentine

Voting in the negative were: Senators

Jenkins	Van Tassell
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Absent or not voting were: Senators

Bramble	Davis	Killpack
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* * *

S.B. 22, SALES AND USE TAX EXEMPTIONS FOR CERTAIN GOVERNMENTAL ENTITIES AND ENTITIES WITHIN THE STATE SYSTEMS OF PUBLIC AND HIGHER EDUCATION, was read the second time. Senator Stephenson explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jones
Knudson	Madsen	Mayne	McCoy

Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Voting in the negative was: Senator
Jenkins

Absent or not voting were: Senators
Bramble Davis Killpack

* * *

S.B. 96, SALES AND USE TAX EXEMPTION FOR DISPOSABLE HOME MEDICAL EQUIPMENT OR SUPPLIES, was read the second time.

On motion of Senator Eastman, the bill was circled.

* * *

S.J.R. 2, RESOLUTION REGARDING PERMANENT STATE TRUST FUND, 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

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

Absent or not voting were: Senators
Bramble Davis Killpack Stowell

* * *

On motion of Senator Eastman and at 11:45 a.m., the Senate adjourned until 10:00 a.m., Monday, January 29, 2007.

FIFTEENTH DAY

MORNING SESSION

January 29, 2007

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

Prayer – Father Michael Kouremetis, Prophet Elias Greek Orthodox 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 102)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 26, 2007

The House passed, as amended, **H.B. 25**, MORTGAGE FRAUD, by Representative P. Ray, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 34**, SALES AND USE TAX EXEMPTIONS FOR CERTAIN PROPERTY BROUGHT INTO THE STATE, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 39**, CONCEALED WEAPONS FEES AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 79**, CONCURRENT ENROLLMENT AMENDMENTS, by Representative K. Holdaway, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 84**, TRAUMATIC BRAIN INJURY FUND, by Representative J. Gowans, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 264**, REVISOR'S STATUTE, by Representative S. Urquhart, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 25**, **1st Sub. H.B. 34**, **H.B. 39**, **1st Sub. H.B. 79**, **H.B. 84**, and **H.B. 264** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: January 26, 2007

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

Education Committee

S.B. 70 Utah Valley University Institutional Name Change
(Sen. J. Valentine)

Government Operations and Political Subdivisions Committee

S.B. 67 Utah Public Notice Website Provisions (Sen. D. Stowell)
S.B. 71 County Recorder Amendments (Sen. D. Stowell)
S.B. 166 Notary Public Amendments (Sen. R. Romero)
S.B. 167 Utah Sports Authority (Sen. M. Dmitrich)
S.B. 172 Municipal Land Use, Development, and Management
Changes (Sen. S. Killpack)

Health and Human Services Committee

H.B. 202 Medical Recommendations for Children
(Rep. M. Morley)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 72 Crime Victim Reparations Records (Sen. G. Bell)
S.B. 173 Criminal Intent Amendments (Sen. S. McCoy)

Natural Resources, Agriculture and Environment Committee

H.B. 72 Brand Inspection of Livestock Seized by the Federal
Government (Rep. M. Noel)
H.J.R. 1 Joint Resolution Regarding Action on Groundwater in
Snake Valley (Rep. R. Wheeler)

Revenue and Taxation Committee

S.B. 170 Distribution of Local Sales and Use Tax Revenues
(Sen. G. Davis)
S.B. 171 Research Activities Tax Credit Amendments
(Sen. H. Stephenson)

Transportation, Public Utilities and Technology Committee

S.B. 69 Local Transportation Corridor Preservation Fund
Amendments (Sen. S. Killpack)
S.B. 73 New Utah License Plate Design (Sen. D. Eastman)

S.B. 168 Vehicle Safety Inspection Amendments (Sen. G. Bell)

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

S.B. 68 Funding for Tourism Promotion (Sen. W. Niederhauser)

H.B. 59 Utah International Trade Commission (Rep. S. Allen)

Bill Hickman
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: January 26, 2007

The Business and Labor Committee reports a favorable recommendation on **S.B. 44**, SCRAP METAL TRANSACTIONS, by Senator J. Greiner, with the following amendments:

1. Page 1, Line 20:

20 {—three years—} not less than one year ;
requires that sellers provide a fingerprint:

2. Page 1, Line 26:

26 ► {—requires that dealers hold regulated metals for three days and—} allows a law

3. Page 2, Line 29:

provides an exemption for businesses with established accounts who maintain specified records with the dealer:

29 ► provides that violation of these requirements by the dealer or the seller is a class {—B—} (C)

4. Page 2, Line 49:

49 {—76–10–910.2, Utah Code Annotated 1953—}

5. Page 3, Lines 81 through 82:

81 (7) (a) “Regulated metal” means any item composed {—in whole or in part of any ferrous

82 ~~or~~—} primarily of nonferrous metal, except as provided in Subsection (7)(c).

6. Page 3, Lines 86 through 89:

86 (ii) { ~~metals and alloys that include materials and equipment commonly used in~~

87 ~~construction, agricultural operations, and electrical power generation~~ } property owned by, and also identified by marking or other means as the property of:

(A) a telephone, cable, electric, water, or other utility; or

(B) a railroad company ;

88 (iii) { ~~railroad equipment~~ } unused and undamaged building construction materials made of metal or alloy, including:

(A) copper pipe, tubing, or wiring; and

(B) aluminum wire, siding, downspouts, or gutters ;

89 (iv) oil well rigs; { ~~and~~ }

7. Page 4, Line 90:

90 (v) nonferrous materials, stainless steel, and nickel ; and

(vi) irrigation pipe .

8. Page 4, Lines 92 through 93:

92 (i) { ~~scrap iron~~ } ferrous metal, except as provided in Subsections (7)(b)(ii) or (iv) ;

93 (ii) household generated { ~~waste~~ } recyclable materials ;

9. Page 4, Lines 114 through 116:

114 (h) { ~~inconel, monel, and hast alloy~~ } nickel and nickel alloys containing greater than 50% nickel ; and

115 (i) #1 and #2 copper as defined by the most recent institute of Scrap Recycling

116 Industries, Inc., Scrap Specifications Circular and unused and undamaged building materials, including:

(A) greenline copper;

(B) copper pipe, tubing, or wiring; or

(C) aluminum wire, siding, downspouts, or gutters. .

10. Page 5, Line 128:

128 metallic description [if scrap metal] , in accordance with scrap metal recycling industry standards ;

11. Page 5, Line 136:

136 (f) the type and number of the identification provided in Subsection (2) ~~{-(a)-}~~ (g) [-];

12. Page 5, Line 142:

142 sell the scrap metal or junk[-]; ~~{-and }~~

13. Page 5, Line 144:

144 clearly legible photocopy of the seller's identification ; and (j) a legible fingerprint of the seller's right thumb, or if the right thumb cannot be fingerprinted, a legible fingerprint of the seller with a written notation identifying the fingerprint and the reason why the thumb print was unavailable .

14. Page 5, Line 146:

146 (4) The [receipt book] log and entries shall ~~{-at all times-}~~ be open to inspection by the

15. Page 5, Line 148:

148 metal processor] does business during regular business hours :

16. Page 6, Lines 159 through 160:

159 (6) Log entries made under this section shall be maintained for not less than three years

160 from date of entry.

(7) The information required by Subsection (2) may be maintained for repeat sellers who use the same vehicle to bring regulated metal for each transaction in a relational database that allows the dealer enter an initial record of the seller's information and then relate subsequent transaction records to that initial information.

(8) This section does not apply to a single purchase of regulated metal by a dealer if:

(a) the weight of regulated metal is less than 50 pounds; or

(b) the price paid to the seller is less than \$100.

17. Page 6, Lines 178 through 180:

178 between the hours of ~~{-7 a.m. }~~ 6 a.m. and 7 p.m.

179 (2) ~~{-A }~~ Except when the dealer pays a government entity by check for regulated metal, the dealer may not purchase any of the following regulated metal without obtaining

180 and keeping on file { ~~written proof~~ } reasonable
documentation that the seller is an employee, agent, or contractor of a

18. Page 7, Line 195:

195 file for not less than { ~~three years~~ } one year .

19. Page 7, Lines 198 through 199:

198 (a) the business holds a valid business license; and

199 { ~~(b)~~ } (i)(A) the dealer has on file a statement from
the business identifying those employees

20. Page 7, Line 201:

201 { ~~(e)~~ } (B) the dealer conducts regulated metal
transactions only with those identified

21. Page 7, Line 203:

203 transaction ; or
(ii) the dealer has on file reasonable documentation from the business
that any person verified as representing the business as an employee, and
whom the dealer has verified is an employee, may sell regulated metal; or
(iii) the dealer makes payment for regulated metal purchased from a
person by issuing a check to the business employing the seller.

22. Page 7, Line 211:

211 provisions of this part is guilty of a class { ~~B~~ } (C)
 misdemeanor[; ~~provided that this part shall not be~~

23. Page 8, Lines 222 through 243:

222 { ~~Section 10. Section 76-10-910.2 is enacted to read:~~

223 76-10-910.2 } { ~~Seventy-two hour hold on regulated~~
~~metal—Management of~~

224 ~~regulated metal—Exceptions.~~

225 (1) Except as provided in Subsection (3), a dealer shall retain
possession of purchased

226 regulated metal at the dealer's place of business where the
regulated metal was purchased and

~~227 withhold the regulated metal from alteration, processing, resale, or salvage use for 72 hours~~

~~228 after purchase, unless the property is released earlier by written order of the local law~~

~~229 enforcement agency or by order of a court of competent jurisdiction.~~

~~230 (2) (a) Except as provided in Subsection (2)(b), a dealer shall segregate all regulated~~

~~231 metal purchased from a seller from regulated metal property purchased from other sellers and~~

~~232 shall attach to the regulated metal, or to the container in which the regulated metal is held, a~~

~~233 label indicating the name of the seller, the date on which the regulated metal was purchased,~~

~~234 and the number of the receipt on which the purchase information is recorded.~~

~~235 (b) If in any single purchase transaction there are multiple items of regulated metal of~~

~~236 the same general type, only one representative item from each type of regulated metal must be~~

~~237 segregated and labeled in accordance with this Subsection (2).~~

~~238 (3) The hold, segregation, and labeling requirements of Subsections (1) and (2) do not~~

~~239 apply to any item of regulated metal composed solely of ferrous metal material, unless the~~

~~240 dealer has received a hold notice from the local law enforcement agency.~~

~~241 (4) While in possession of purchased regulated metal, a dealer shall make the metal~~

~~242 available for inspection by any law enforcement agency at the dealer's place of business during~~

~~243 regular business hours of the dealer.} ; and~~

The Business and Labor Committee reports a favorable recommendation on **S.B. 147, EXEMPTIONS FROM LICENSURE MODIFICATIONS**, by Senator M. Dmitrich; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 55**, DECEPTIVE TRADE PRACTICES AMENDMENTS, by Representative S. Clark.

Kevin T. VanTassell, Chair

Mr. President:

January 26, 2007

The Health and Human Services Committee recommends **S.B. 107**, NOTICE OF AVAILABLE CHARITY CARE, by Senator M. Waddoups, be replaced and favorably recommends **1st Sub. S.B. 107**, NOTICE OF AVAILABLE CHARITY CARE; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 146**, PRESCRIPTIVE PRACTICE OF LEGEND DRUGS, by Senator P. Knudson, with the following amendments:

1. Page 6, Lines 159 through 163

159 (b) Except for urgent medical problems, or cross-coverage and on-call situations, the

160 medical examination of the patient required in Subsection (3)(a)(iii) must be conducted in

161 person by:

162 (i) the prescribing practitioner; or

163 (ii) a practitioner within the group in which the prescribing practitioner practices.

(c) A practitioner who complies with the provisions of Section 58-17b-620 is considered in compliance with the provisions of this Subsection (3).

D. Chris Buttars, Chair

Mr. President:

January 26, 2007

The Natural Resources, Agriculture, and Environment Committee recommends **S.B. 59**, EXEMPTION FROM FISHING LICENSE, by Senator D. Stowell, be replaced and favorably recommends **1st Sub. S.B. 59**, EXEMPTION FROM FISHING LICENSE; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 161**, HUNTING LICENSE AMENDMENTS, by Senator A. Christensen; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 53**, SHARE ASSESSMENT ACT, by Representative J. Gowans; and

The Natural Resources, Agriculture, and Environment Committee recommends **H.B. 67**, AGE AMENDMENTS FOR HUNTING BIG GAME, by Representative C. Oda, be replaced and favorably recommends **1st Sub. H.B. 67**, AGE AMENDMENTS FOR HUNTING BIG GAME.

Darin G. Peterson, Chair

Mr. President:

January 26, 2007

The Transportation and Public Utilities and Technology Committee recommends **S.B. 12**, FUNDING FOR PURCHASE OF STATE HIGHWAY RIGHTS OF WAY, by Senator H. Stephenson, be replaced and favorably recommends **1st Sub. S.B. 12**, FUNDING FOR PURCHASE OF STATE HIGHWAY RIGHTS OF WAY; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 158**, B AND C ROADS AMENDMENTS, by Senator D. Stowell, with the following amendments:

1. Page 1, Lines 13–16:
Delete lines 13–16
2. Page 1, Line 27:
Delete line 27
3. Pages 2–4, Lines 31–106:
Delete lines 31–106
Re-number remaining sections accordingly

Carlene M. Walker, Chair

Mr. President:

January 26, 2007

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 113**, LIMITATION OF ACTIONS, by Senator G. Bell; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 151**, CASE MANAGEMENT PILOT PROJECT, by Senator G. Bell; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 152**, PRESUMPTIVE PERSONAL REPRESENTATIVE, by Senator G. Bell; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.J.R. 8**, JOINT RESOLUTION SUPPORTING KANE COUNTY EXPANSION OF CORRECTIONAL FACILITIES, by Senator D. Stowell; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 31**, DRIVER LICENSE OR IDENTIFICATION CARD REQUIREMENT FOR SEX OFFENDERS, by Representative P. Ray.

Gregory S. Bell, Chair

On motion of Senator Hickman, the committee reports were adopted. **S.B. 44**, as amended, **S.B. 147**, **H.B. 55**, **1st Sub. S.B. 107**, **S.B. 146**, as amended, **1st Sub. S.B. 59**, **S.B. 161**, **H.B. 53**, **1st Sub. H.B. 67**, **1st Sub. S.B. 12**, **S.B. 158**, as amended, **S.B. 113**, **S.B. 151**, **S.B. 152**, **S.J.R. 8**, and **H.B. 31** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: January 26, 2007

The Business and Labor Committee reports a favorable recommendation on **S.B. 99**, REVISED BUSINESS CORPORATIONS ACT AMENDMENTS, by Senator L. Hillyard, and recommends it be considered read for the second time and placed on the Consent Calendar.

Kevin T. VanTassell, Chair

Mr. President: January 26, 2007

The Health and Human Services Committee reports a favorable recommendation on **H.B. 16**, DESIGNATED MENTAL RETARDATION PROFESSIONAL AMENDMENTS, by Representative R. Menlove, and

recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

Mr. President: January 26, 2007

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 150**, PROPERTY EXEMPT FROM EXECUTION, by Senator L. Hillyard, and recommends it be considered read for the second time and placed on the Consent Calendar.

Gregory S. Bell, Chair

Mr. President: January 26, 2007

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 156**, PUBLIC SERVICE COMMISSION – EQUIPMENT DISTRIBUTION PROGRAM, by Senator B. Goodfellow, and recommends it be considered read for the second time and placed on the Consent Calendar.

Carlene M. Walker, Chair

On motion of Senator Hickman, the committee reports were adopted. **S.B. 99**, **H.B. 16**, **S.B. 156**, and **S.B. 150** were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 75, Advanced Health Care Directive Act (A. Christensen), read the first time by short title and referred to the Rules Committee.

S.B. 194, Boards of Education Membership Amendments (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 195, Fish Health Amendments (D. Peterson), read the first time by short title and referred to the Rules Committee.

S.B. 196, Executive Compensation Amendments (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 197, Local Initiative and Petition Ballot Titles (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 198, Tourism Amendments (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 199, Division of Real Estate and Related Amendments (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.B. 200, Reduced Cigarette Ignition Propensity (E. Mayne), read the first time by short title and referred to the Rules Committee.

COMMUNICATIONS FROM THE GOVERNOR

ADVISE AND CONSENT

Mr. President: January 11, 2007

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

Board of Pardons and Parole:

Curtis L. Garner is reappointed as a member of the Board of Pardons and Parole, a term to expire February 28, 2012. See Utah Code Ann. 77-27-2.

Kent R. Archibald is reappointed as a pro tempore member of the Board of Pardons and Parole a term to expire February 28, 2012. See Utah Code Ann. 77-27-2.

Utah College of Applied Technology Board of Trustees:

Parley Hellewell is appointed to replace Thomas Bingham as a member of the Utah College of Applied Technology Board of Trustees, a term to expire August 31, 2009. See Utah Code Ann. 53B-2a-103.

Utah Comprehensive Health Insurance Pool Board of Directors:

Rolando I. Galano is appointed to replace Gerald W. Tedrow 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.

Board of Business and Economic Development:

Ragula Bhaskar is appointed to replace Joel A. Bradford as a member of the Board of Business and Economic Development, a term to expire March 31, 2011. See Utah Code Ann. 9-2-203. Mr. Bhasker is an Independent.

Utah Athletic Foundation Board of Directors:

Gordon Strachan is reappointed as a member of the Utah Athletic Foundation Board of Directors, a term to expire August 31, 2010. See HJR 25 of the 2002 General Session.

Fraser Bullock is reappointed as a member of the Utah Athletic Foundation Board of Directors, a term to expire August 31, 2010. See HJR 25 of the 2002 General Session.

Robert Garff is reappointed as a member of the Utah Athletic Foundation Board of Directors, a term to expire August 31, 2010. See HJR 25 of the 2002 General Session.

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

Jon M. Huntsman Jr.
Governor

On motion of Senator Hillyard, the Senate voted to consent to the Governor’s appointments as listed on his communication dated January 11, 2007 on the following roll call vote:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Killpack

COMMITTEE OF THE WHOLE

On motion of Senator Buttars, Keith Hamilton, Chairman of the Utah State Board of Pardons, spoke in Committee of the Whole.

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

THIRD READING CALENDAR

H.B. 40, FUEL TAX BONDING REQUIREMENTS, was read the third time.

On motion of Senator Eastman , the bill was circled.

* * *

1st Sub. S.B. 17, TRAFFIC CODE AMENDMENTS, was read the third time and explained by Senator Jenkins.

Senator Jenkins proposed the following amendment:

1. Page 10, Lines 278 through 285

278 (2) commits a moving traffic violation under Title 41, Chapter
279 6a, Traffic Code, other than a moving traffic violation under Part 6,
280 Speed Restrictions, while

being distracted by one or more activities not related to the
operation of a motor vehicle,

280 including:

281 (a) using a wireless telephone or other electronic device;

282 (b) eating, drinking, or smoking;

283 (c) physically attending to a passenger;

284 (d) searching for an item in the vehicle; or

285 (e) attending to personal hygiene or grooming.

Senator Jenkins' motion to amend passed on a voice vote. Senators McCoy, Goodfellow, Waddoups, Hickman, and Christensen commented and the bill passed on the following roll call:

Yeas, 19; Nays, 9; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dmitrich	Eastman	Fife	Hickman
Hillyard	Jenkins	Killpack	Knudson
Madsen	Mayne	Niederhauser	Peterson
Waddoups	Walker	Valentine	

Voting in the negative were: Senators

Davis	Dayton	Goodfellow	Greiner
Jones	McCoy	Romero	Stephenson
Van Tassell			

Absent or not voting was: Senator
Stowell

1st Sub. S.B. 17, as amended, was transmitted to the House for consideration.

* * *

S.B. 97, CONSTITUTIONAL REVISION COMMISSION MEMBERSHIP, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator
Stowell

S.B. 97 was transmitted to the House for consideration.

* * *

2nd Sub. S.B. 18, USE OF SEVERANCE TAX REVENUES, was read the third time and explained by Senator Hillyard. Senator Stephenson commented.

On motion of Senator Hillyard, the bill was circled.

* * *

S.B. 22, SALES AND USE TAX EXEMPTIONS FOR CERTAIN GOVERNMENTAL ENTITIES AND ENTITIES WITHIN THE STATE SYSTEMS OF PUBLIC AND HIGHER EDUCATION, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Voting in the negative was: Senator
Jenkins

Absent or not voting were: Senators

Hickman Stowell

S.B. 22 was transmitted to the House for consideration.

* * *

On motion of Senator Stephenson, the circle was removed from **H.B. 40, FUEL TAX BONDING REQUIREMENTS**. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator

Hickman

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.

* * *

S.J.R. 2, RESOLUTION REGARDING PERMANENT STATE TRUST FUND, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.

Voting in the affirmative were: Senators

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

Voting in the negative was: Senator Jenkins

Absent or not voting was: Senator Hickman

S.J.R. 2 was transmitted to the House for consideration.

SECOND READING CALENDAR

S.B. 15, WORKFORCE SERVICES – REPORTING MISUSE OF PERSONAL IDENTIFYING INFORMATION, was read the second time. Senator Walker explained the bill. Senator Romero commented. Senator Madsen 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

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

Absent or not voting were: Senators

Davis	Hickman
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* * *

On motion of Senator Killpack, the circle was removed from **S.B. 96, SALES AND USE TAX EXEMPTION FOR DISPOSABLE HOME MEDICAL EQUIPMENT OR SUPPLIES,** and it was before the Senate. Senator Killpack explained the bill. Senator Buttars commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins

Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Davis	Hickman
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* * *

On motion of Senator Dmitrich, the circle was removed from **S.B. 94, USE OF MINERAL LEASE FUNDS BY SPECIAL SERVICE DISTRICTS**, and it was before the Senate. Senator Dmitrich explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.**Voting in the affirmative were:** Senators

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

Absent or not voting were: Senators

Davis	Eastman	Hickman	Waddoups
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* * *

S.B. 9, NONPROFIT CORPORATION AMENDMENTS, was read the second time. Senator Hillyard explained the bill. Senators Bramble, Knudson, and Fife commented. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.**Voting in the affirmative were:** Senators

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

On motion of Senator Hillyard, **H.B. 56** was placed on Third Reading Table due to fiscal impact.

* * *

S.B. 48, AMENDMENTS TO COAL MINING AND RECLAMATION, was read the second time. Senator Dmitrich explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator
Christensen

* * *

S.B. 109, TRANSFERS OF STRUCTURED SETTLEMENTS, was read the second time. Senator Mayne explained the bill. Senators Stephenson and Hillyard commented. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 9; Absent, 0.

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jones
Knudson	Mayne	McCoy	Niederhauser
Romero	Van Tassell	Walker	Valentine

Voting in the negative were: Senators

Bell	Buttars	Jenkins	Killpack
Madsen	Peterson	Stephenson	Stowell
Waddoups			

* * *

S.B. 46, HEALTH CARE AMENDMENTS, was read the second time. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator
Hickman

* * *

S.B. 52, HEALTH REGULATIONS FOR PUBLIC INDOOR TANNING BEDS, was read the second time. Senator Jones explained the bill. Senators Walker, Buttars, Stephenson, Eastman, and Fife commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bramble	Davis	Waddoups
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On motion of Senator Eastman and at 11:55 a.m., the Senate adjourned until 10:00 a.m., Tuesday, January 30, 2007.

SIXTEENTH DAY

MORNING SESSION

January 30, 2007

The Senate was called to order at 10:05 a.m., with President John Valentine presiding.

Prayer – Emma Lou Thayne, Poet, Writer, Teacher, Public Speaker

Pledge of Allegiance – Senator Scott McCoy

Roll Call – All Senators present

On motion of Senator McCoy, the Senate voted to include the words of Emma Lou Thayne's prayer in the Senate Journal.

PRAYER BY EMMA LOU THAYNE

Today I offer this prayer in honor of the memory of my friend Afton B. Bradshaw, who died last August. Afton served for 18 years as part of this august Utah Legislature, a remarkable representative of not only the district we both lived in, but as representative of the best that such years of service can offer – scholarship, integrity, dedication, persistence and camaraderie with both sides of the aisle. She put principle before expediency and people before politics. Her being chosen as legislator of the year more than once reflected her skill in office; but her being beloved along the way and missed outrageously in her absence tells of her greatest asset – she was interested less in self than in the good of the state. She was fair – and kind.

Our Father in heaven, hallowed be thy name.

We gather here today in temporary housing to thank and encourage this body of Senators as they present and pass lasting laws for the benefit of the State of Utah.

This is an unusual time. With war and pestilence in many parts of our beloved world, here in unlikely abundance, surplus abounds in funds that this body will decide to use. How to allocate wisely any extra that shines in our coffers? History and weather have proved the folly of extravagant hopes for excess. Our bounteous December snowfall had us Utahns expecting powder for more months of the best skiing on earth, to say nothing of full reservoirs and riotous rivers in spring. Instead, January inversion, along with hardly any snow and record cold, have sent ripples of concern through weather stations and ski resorts.

Over these whims of nature we have no control. About the surplus that brightened the beginning of this legislative session, these legislators have great control. Please help them individually and as a powerful body to be thoughtful in their proceedings.

May they remember that it is the privilege of the majority to look out for the well-being of the minority. What an opportunity, a blessed opportunity, to give:

To children dependent on public schooling for a chance at lives that make a positive difference.

To good teachers who want to teach but can't afford to stay in their jobs.

To air and water that need attention if we are to breathe free, and to open spaces that need preserving.

To health care and economic development that need healthy, educated kids to grow into healthy, responsible adults who will attract and make flourish the businesses, institutions, technology, and promise of that development.

To life-giving aid to the disabled and the elderly—like me and my generation, many of whom must find help for staying alive, let alone for making contribution.

Surplus is a fragile commodity. Spending is the no-easy job of these lawmakers. These members of the Utah Senate have made notable effort to be fair minded in much, recently in allowing an equal number of bills out of the powerful Rules Committee, one for this party, one for that.

They are capable of genuine concern for rightful taxes on food and property. Because they are themselves ethical, they give ear to concerns about ethics, gifts, lobbying and election spending. They wish to balance ecological matters and the spread of human occupation.

Please bless them with vision for the generations to come, with generosity toward difference, with kindness to all the people regardless of age, station, gender, religion, orientation, race or ethnic origin.

For all of us, legislators or not, let us remember we are fallible human beings. Even about our most serious business, in debating issues, let us not forget to listen and to see the light in each other.

Let us remember that no one individual, institution, political party or nation has a corner on goodness. It is everywhere among people of credible intent.

And never let us forget to laugh – with, not at, each other. Good humor is the lubricant of every impasse.

We are children of a loving Power in the universe as well as of eons and DNA.

Without rancor or prejudice, may these Senators be keepers of the faith in liberty and justice for all.

To this end we pray.

For me in the name of Jesus Christ, for others by what they believe,

Amen

**READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 102)**

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 29, 2007

The House passed, **S.B. 6**, UNINSURED MOTORIST IDENTIFICATION DATABASE PROGRAM AMENDMENTS, by Senator C. Walker, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 25**, WARRANTY DEED – TECHNICAL 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. 27**, TECHNICAL AMENDMENTS TO ASSUMPTION OF INDEBTEDNESS ON RESIDENTIAL REAL PROPERTY, by Senator S. Jenkins, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 6, **S.B. 25**, and **S.B. 27** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

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Mr. President: January 29, 2007

The House passed, as substituted and amended, **2nd Sub. H.B. 69**, COUNTY AND MUNICIPAL LAND USE PROVISIONS REGARDING SCHOOLS, by Representative L. Wiley, and it is transmitted for consideration; and

The House passed **H.B. 89**, GOVERNMENT ASSISTANCE EXPENDITURE REPORT, by Representative M. Morley, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 103**, STATEWIDE MUTUAL AID ACT, by Representative C. Oda, and it is transmitted for consideration; and

The House passed **H.B. 216**, DIVISION OF FACILITIES CONSTRUCTION AND MANAGEMENT AMENDMENTS, by Representative D. G. Buxton, and it is transmitted for consideration; and

The House passed **H.B. 253**, ALLOWING STATE MEMORIALS ON STATE PROPERTY, by Representative W. Harper, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **2nd Sub. H.B. 69**, **H.B. 89**, **H.B. 103**, **H.B. 216**, and **H.B. 253** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate:

January 29, 2007

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

Education Committee

- S.B. 81** Home School and Extracurricular Activity Amendments
(Sen. M. Madsen)
- S.B. 180** School Construction Contract Amendments
(Sen. S. Jenkins)
- S.J.R. 11** Resolution Providing Appointment of State Superintendent of Education (Sen. G. Bell)

Government Operations and Political Subdivisions Committee

- S.B. 183** Restrictions on Designation of Wetlands
(Sen. S. Killpack)
- S.B. 185** Utility Improvement District Revisions
(Sen. K. VanTassell)
- S.B. 187** Utah Relocation Assistance Act Amendments
(Sen. L. Hillyard)
- S.B. 191** Governmental Immunity Limits Amendments
(Sen. H. Stephenson)

Health and Human Services Committee

- S.B. 182** Child Support Modifications for Tanf Recipients
(Sen. L. Hillyard)
- S.B. 184** Revisions to Child Support Definitions (Sen. L. Hillyard)
- S.B. 189** Medicaid Home and Community-based Long-term Care
(Sen. G. Davis)
- S.B. 193** Amendments to Mental Health Professional Practice Act
(Sen. P. Jones)
- S.J.R. 3** Resolution Encouraging Congressional Funding for State
Children's Health Insurance Program (Sen. P. Knudson)

Judiciary, Law Enforcement, and Criminal Justice Committee

- S.B. 179** Immunity of Counties and Municipalities for Sky Diving
Activities (Sen. B. Goodfellow)

Natural Resources, Agriculture and Environment Committee

- S.B. 76** Electronic Device Recycling (Sen. S. McCoy)
- S.B. 188** Wildlife Resources Conservation Easement Restricted
Account (Sen. D. Stowell)
- S.B. 190** Animal Cruelty Offenses (Sen. G. Davis)
- S.B. 192** Service Animals (Sen. S. McCoy)

Revenue and Taxation Committee

- S.B. 74** Penalties Relating to Taxes, Fees, or Charges
(Sen. H. Stephenson)

Transportation, Public Utilities and Technology Committee

- S.B. 181** Fees to Cover Cost of Electronic Payments
(Sen. W. Niederhauser)
- S.B. 186** Motor Vehicle Amendments (Sen. D. Eastman)

Bill Hickman
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President:

January 29, 2007

The Government Operations and Political Subdivisions Committee recommends **S.B. 41**, FORMS OF MUNICIPAL GOVERNMENT, by Senator

C. Walker, et al, be replaced and favorably recommends **1st Sub. S.B. 41**, FORMS OF MUNICIPAL GOVERNMENT; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 98**, GOVERNMENTAL IMMUNITY FOR TRAILS, by Senator D. C. Buttars; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 119**, MUNICIPAL LICENSE FEE OR TAX ON PUBLIC ASSEMBLY FACILITIES, by Senator B. Goodfellow; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 71**, BALLOT FORM AMENDMENTS, by Representative C. Johnson; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 205**, PUBLIC DEMONSTRATIONS AT FUNERALS, by Representative R. Bigelow; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.J.R. 6**, JOINT RULES RESOLUTION – APPROPRIATION SUBCOMMITTEES, by Representative R. Bigelow.

Peter C. Knudson, Chair

Mr. President: January 29, 2007

The Revenue and Taxation Committee recommends **S.B. 37**, SALES AND USE TAX – DENTAL PROSTHESES, by Senator P. Knudson, be replaced and favorably recommends **1st Sub. S.B. 37**, SALES AND USE TAX – DENTAL PROSTHESES.

Wayne L. Niederhauser, Chair

Mr. President: January 29, 2007

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 19**, NAVAJO REVITALIZATION FUND, by Representative B. King.

Mark B. Madsen, Chair

On motion of Senator Hickman, the committee reports were adopted. **1st Sub. S.B. 41, S.B. 98, S.B. 119, H.B. 71, H.B. 205, H.J.R. 6, 1st Sub. S.B. 37,** and **H.B. 19** were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

S.B. 77, Insurable Interest Amendments (R. Romero), read the first time by short title and referred to the Rules Committee.

S.B. 79, Local Community Rail Security Act (E. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 212, Revisors Directive on Unconstitutional Statutes (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 218, Community Development and Renewal Agency Amendments (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 219, Real Estate Modifications (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 220, Water Conservancy Districts – Selection of Board of Trustees (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.C.R. 4, Concurrent Resolution Urging Participation by Taiwan in World Health Organization (C. Bramble), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Hickman, the Senate voted to lift **H.B. 202, MEDICAL RECOMMENDATIONS FOR CHILDREN**, from the Health and Human Services Committee and assigned it to the Education Standing Committee. Senators Davis, Knudson, and Buttars commented.

THIRD READING CALENDAR

S.B. 15, WORKFORCE SERVICES – REPORTING MISUSE OF PERSONAL IDENTIFYING INFORMATION, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jones

Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Bell	Bramble	Jenkins	Stephenson
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S.B. 15 was transmitted to the House for consideration.

* * *

S.B. 96, SALES AND USE TAX EXEMPTION FOR DISPOSABLE HOME MEDICAL EQUIPMENT OR SUPPLIES, was read the third time, explained by Senator Killpack, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bramble	Stephenson
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S.B. 96 was transmitted to the House for consideration.

* * *

S.B. 94, USE OF MINERAL LEASE FUNDS BY SPECIAL SERVICE DISTRICTS, was read the third time, explained by Senator Dmitrich, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard

Jenkins	Jones	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Bramble	Killpack
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S.B. 94 was transmitted to the House for consideration.

* * *

S.B. 9, NONPROFIT CORPORATION AMENDMENTS, 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
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Bell	Bramble	Killpack
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S.B. 9 was transmitted to the House for consideration.

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S.B. 47, DEPARTMENT OF AGRICULTURE 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

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

Absent or not voting were: Senators

Bell Bramble Killpack

S.B. 47 was transmitted to the House for consideration.

* * *

S.B. 48, AMENDMENTS TO COAL MINING AND RECLAMATION, was read the third time, explained by Senator Dmitrich, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bell Bramble Buttars Hickman
Killpack

S.B. 48 was transmitted to the House for consideration.

* * *

S.B. 109, TRANSFER OF STRUCTURED SETTLEMENTS, was read the third time.

On motion of Senator Mayne, the bill was circled.

* * *

S.B. 46, HEALTH CARE AMENDMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife

Goodfellow	Greiner	Hillyard	Jenkins
Jones	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Bramble	Hickman	Killpack
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S.B. 46 was transmitted to the House for consideration.

* * *

S.B. 52, HEALTH REGULATIONS FOR PUBLIC INDOOR TANNING BEDS, 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

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

Voting in the negative was: Senator

Peterson

Absent or not voting were: Senators

Bramble	Hickman	Killpack	Mayne
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S.B. 52 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Eastman, the Senator voted to move **S.B. 127**, TOURISM MARKETING PERFORMANCE RESTRICTED SPECIAL REVENUE FUND, to the top of the Second Reading Calendar.

* * *

S.B. 127, TOURISM MARKETING PERFORMANCE RESTRICTED SPECIAL REVENUE FUND, was read the second time. Senator Jenkins explained the bill.

Senator Jenkins proposed the following amendment:

- 1. Page 1, Lines 24 through 25

24 Other Special Clauses:

25 {~~None~~} This bill provides an immediate effective date.

- 2. Page , Line 90 through Page 4, Line 92:

90 [(6)] (5) (a) For the fiscal year beginning July 1, 2005, the director of the office shall

91 allocate 7.5% of the [account] fund monies [~~appropriated to the office~~] {~~-, but not to exceed~~

92 \$750,000,-} to be distributed to a sports organization for advertising, marketing, branding, and

- 3. Page 6, Line 166:

166 (xxi) NAICS Code 532292 Recreational Goods Rental.

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.

Senator Jenkins' motion to amend passed on a voice vote.

On motion of Senator Jenkins, under suspension of the rules, **S.B. 127**, TOURISM MARKETING PERFORMANCE RESTRICTED SPECIAL REVENUE FUND, was considered read the second and third times. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators
Mayne Stephenson

S.B. 127, as amended, was transmitted to the House.

* * *

S.B. 104, OFFICE OF RECOVERY SERVICES FEE, was read the second time. Senator Christensen explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator
Stephenson

* * *

S.B. 117, MEDICAID RECOVERY AMENDMENTS, was read the second time. Senator Christensen explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator
Stephenson

* * *

S.B. 110, MEMBERSHIP AND SERVICE OF UTAH COMMISSIONERS ON NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Christensen	Waddoups
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* * *

S.B. 111, FREE EXERCISE OF RELIGION WITHOUT GOVERNMENT INTERFERENCE, was read the second time. Senator Buttars explained the bill.

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

1st Sub. S.B. 111 Free Exercise of Religion Without Government Interference (D. C. Buttars)

Senators McCoy and Romero commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Voting in the negative were: Senators

McCoy Romero

Absent or not voting were: Senators

Hickman Hillyard Niederhauser

* * *

S.J.R. 5, JOINT RESOLUTION – CONSTITUTIONAL AMENDMENT RELATING TO APPRAISING AND ASSESSING CERTAIN PROPERTY, was read the second time.

On motion of Senator Bell, the bill was circled.

* * *

S.J.R. 9, RESOLUTION SUPPORTING PRESIDENTIAL TRADE PROMOTION AUTHORITY, was read the second time. Senator Madsen explained the bill. Senators Mayne and Fife commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Voting in the negative were: Senators

Mayne Romero

Absent or not voting were: Senators

Hillyard Valentine

* * *

S.B. 33, SPECIAL GROUP LICENSE PLATE – GOLD STAR FAMILY, was read the second time. Senator Walker explained the bill.

On motion of Senator VanTassell, under suspension of the rules, **S.B. 33, SPECIAL GROUP LICENSE PLATE – GOLD STAR FAMILY,** was considered read the second and third times. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Hillyard	Valentine
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S.B. 33 was transmitted to the House.

* * *

S.B. 54, MOTOR VEHICLE DEALER PERFORMANCE BOND AMENDMENTS, was read the second time. Senator Killpack explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Hillyard	Valentine
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* * *

On motion of Senator Bramble, and at 11:50 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:00 p.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 30, 2007

The House concurred in the Senate amendments and passed **H.B. 9**, HEALTH CARE COST AND QUALITY DATA, by Representative M. Morley, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 22**, MOTOR VEHICLES CODE REVISIONS, by Representative J. Dunnigan, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 9 and **H.B. 22** were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: January 30, 2007

The House passed, as amended, **H.B. 45**, COMPARATIVE NEGLIGENCE AMENDMENTS, by Representative S. Wyatt, and it is transmitted for consideration; and

The House passed **H.B. 88**, AUTOMATED TELLER MACHINE CHARGES FOR INTERNATIONAL ACCOUNTS, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed **H.B. 98**, COUNTY OPTION SALES AND USE TAX FOR HIGHWAYS, FIXED GUIDEWAYS, OR SYSTEMS OF PUBLIC TRANSIT AMENDMENTS, by Representative C. Frank, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 201**, GOVERNANCE OF LOCAL ORDINANCES REGARDING SMOKING, by Representative P. Ray, and it is transmitted for consideration; and

The House passed **H.B. 204**, MODIFICATIONS TO OPEN AND PUBLIC MEETINGS, by Representative S. Wyatt, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 206**, COUNTY JAIL – WORK RELEASE PROCESS AMENDMENTS, by Representative S. Wyatt, and it is transmitted for consideration; and

The House passed **H.B. 219**, UNCLAIMED PROPERTY ACT PROVISIONS, by Representative F. Hunsaker, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 45, H.B. 88, H.B. 98, H.B. 201, H.B. 204, H.B. 206**, and **H.B. 219** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: January 30, 2007

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

H.B. 264 Revisor’s Statute (Rep. S. Urquhart)

Bill Hickman
Rules Committee Chair

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

RULES COMMITTEE REPORTS

To the Members of the Senate: January 30, 2007

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

Business and Labor Committee

S.B. 199 Division of Real Estate and Related Amendments
(Sen. S. Killpack)

Education Committee

S.B. 194 Boards of Education Membership Amendments
(Sen. C. Bramble)

Government Operations and Political Subdivisions Committee

S.B. 196 Executive Compensation Amendments (Sen. C. Bramble)

S.B. 197 Local Initiative and Petition Ballot Titles
(Sen. P. Knudson)

Health and Human Services Committee

S.B. 75 Advanced Health Care Directive Act
(Sen. A. Christensen)

S.B. 200 Reduced Cigarette Ignition Propensity (Sen. E. Mayne)
H.B. 84 Traumatic Brain Injury Fund (Rep. J. Gowans)

Judiciary, Law Enforcement, and Criminal Justice Committee

H.B. 39 Concealed Weapons Fees Amendments (Rep. C. Oda)

Natural Resources, Agriculture and Environment Committee

S.B. 195 Fish Health Amendments (Sen. D. Peterson)

Revenue and Taxation Committee

1st Sub. H.B. 34 Sales and Use Tax Exemptions for Certain Property
 Brought into the State (Rep. R. Lockhart)

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

S.B. 198 Tourism Amendments (Sen. C. Bramble)

Bill Hickman

Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: January 30, 2007

The Business and Labor Committee recommends **S.B. 91**, UNIFORM COMMERCIAL CODE – GENERAL PROVISIONS, by Senator L. Hillyard, be replaced and favorably recommends **1st Sub. S.B. 91**, UNIFORM COMMERCIAL CODE – GENERAL PROVISIONS; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 144**, FINANCIAL INSTITUTIONS AMENDMENTS, by Senator L. Hillyard; and

The Business and Labor Committee reports a favorable recommendation on **S.R. 1**, SENATE RULES RESOLUTION – OCCUPATIONAL AND PROFESSIONAL LICENSURE REVIEW COMMITTEE SUMMARY REPORT, by Senator S. Jenkins, with the following amendments:

1. Page 3, Line 89 through Page 4, Line 90:

89 This resolution takes effect {~~upon~~ } on April 30, 2007
 if:

(1) {~~approval~~} approved by a constitutional majority vote of all

90 members of the Senate {~~2~~} ; and

(2) H.B. 54, Occupational and Professional Licensure Review Committee, takes effect.; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 13, WORKERS' COMPENSATION FUND – BOARD AMENDMENTS**, by Representative D. Clark; and

The Business and Labor Committee reports a favorable recommendation on **1st Sub. H.B. 29, PROFESSIONAL EMPLOYER ORGANIZATION RELATED AMENDMENTS**, by Representative J. Dunnigan.

Kevin T. VanTassell, Chair

Mr. President: January 30, 2007

The Health and Human Services Committee reports a favorable recommendation on **H.B. 18, CHILD SUPPORT COLLECTION AMENDMENTS**, by Representative Julie Fisher; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 51, ADOPTION AMENDMENTS**, by Representative S. Allen; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 80, HEALTH INSURANCE AMENDMENTS**, by Representative J. Dunnigan.

D. Chris Buttars, Chair

Mr. President: January 30, 2007

The Education Committee reports a favorable recommendation on **S.B. 65, ELEMENTARY SCHOOL MATH INITIATIVE**, by Senator G. Bell; and

The Education Committee reports a favorable recommendation on **S.B. 70, UTAH VALLEY UNIVERSITY INSTITUTIONAL NAME CHANGE**, by Senator J. Valentine, et al, with the following amendments:

1. Page 1, Line 23:

23 ► changes the name of Utah Valley State College to Utah Valley University effective on July 1, 2008 ;

2. Page 6, Line 155:

155 (1) Beginning July 1, {~~2007~~ } 2008 . Utah Valley
State College shall be known as Utah Valley

Margaret Dayton, Chair

On motion of Senator Hickman, the committee reports were adopted. **1st Sub. S.B. 91, S.B. 144, S.R. 1**, as amended, **H.B. 13, 1st Sub. H.B. 29, H.B. 18, H.B. 51, H.B. 80, S.B. 65**, and **S.B. 70**, as amended, were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: January 30, 2007

The Business and Labor Committee reports a favorable recommendation on **H.B. 54, OCCUPATIONAL AND PROFESSIONAL LICENSURE REVIEW COMMITTEE**, by Representative M. Morley, and recommends it be considered read for the second time and placed on the Consent Calendar.

Kevin T. VanTassell, Chair

On motion of Senator Hickman, the committee report was adopted. **H.B. 54** was considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 238, Motor Vehicle Insurance Amendments (S. Killpack), read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

S.J.R. 10, JOINT RESOLUTION SUPPORTING GARFIELD COUNTY EXPANSION OF CORRECTIONAL FACILITIES, was read the second time. Senator Stowell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard

Jenkins	Jones	Killpack	Knudson
Mayne	McCoy	Niederhauser	Romero
Stowell	Van Tassell	Waddoups	Walker

Absent or not voting were: Senators

Bramble	Madsen	Peterson	Stephenson
Valentine			

* * *

S.B. 83, ACUPUNCTURE LICENSING ACT AMENDMENTS, was read the second time. Senator McCoy explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Peterson	Stephenson	Walker	Valentine
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S.B. 108, WORKERS' COMPENSATION – TIME LIMITATIONS, was read the second time. Senator Mayne explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator
Peterson

* * *

S.B. 121, DEPARTMENT OF COMMERCE FUND AMENDMENTS, was read the second time. Senator VanTassell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Christensen	Killpack	Peterson
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* * *

S.B. 126, SALES REPRESENTATIVE COMMISSION PAYMENT ACT, was read the second time. Senator Killpack explained the bill.

Senator Killpack proposed the following amendment:

1. Page 3, Lines 69 through 78

69 (4) (a) Except as provided in Subsection (4)(b), “sales
representative” means a person

70 who enters into a business relationship with a principal:

71 (i) to solicit orders for a product or a service described in
Subsection (3)(a); and

72 (ii) under which the person is compensated, in whole or in part,
by commission.

73 (b) “Sales representative” does not include:

74 (i) an employee of a principal;

- 75 (ii) a person licensed under Title 31A, Insurance Code;
 76 (iii) a person licensed under Title 61, Chapter 2, Division of
Real Estate; {~~or~~ }
 77 (iv) a person who provides a product or service under a business
relationship with a
 78 principal that is incident to the purchase or sale of real property ;
or
(v) a person who places an order or purchases a product or service
for that person's own account for resale .

Senator Killpack's motion to amend passed on a voice vote.

###

Senator Eastman proposed the following amendment:

1. Page 3, Lines 69 through 78

- 69 (4) (a) Except as provided in Subsection (4)(b), "sales
representative" means a person
 70 who enters into a business relationship with a principal:
 71 (i) to solicit orders for a product or a service described in
Subsection (3)(a); and
 72 (ii) under which the person is compensated, in whole or in part,
by commission.
 73 (b) "Sales representative" does not include:
 74 (i) an employee of a principal;
 75 (ii) a person licensed under Title 31A, Insurance Code;
(iii) a person licensed under Title 41, Chapter 3, Part 2, Licensing;
 76 {~~(iii)~~ } (iv) a person licensed under Title 61,
Chapter 2, Division of Real Estate; or
 77 {~~(iv)~~ } (v) a person who provides a product or
service under a business relationship with a
 78 principal that is incident to the purchase or sale of real property.

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

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bell	Eastman	Greiner	Hickman
Waddoups			

* * *

S.B. 43, SMOKING BAN IN VEHICLE WHEN A CHILD IS PRESENT, was read the second time. Senator McCoy explained the bill. Senators Dayton and Greiner commented. The bill passed second reading on the following roll call:

Yeas, 16; Nays, 9; Absent, 4.

Voting in the affirmative were: Senators

Christensen	Davis	Dmitrich	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jones	Knudson	Mayne	McCoy
Romero	Stephenson	Walker	Valentine

Voting in the negative were: Senators

Bell	Dayton	Jenkins	Madsen
Niederhauser	Peterson	Stowell	Van Tassell
Waddoups			

Absent or not voting were: Senators

Bramble	Buttars	Eastman	Killpack
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S.B. 134, PSYCHOLOGIST LICENSING ACT AMENDMENTS, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bramble	Eastman	Killpack	Knudson
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* * *

On motion of Senator Hillyard, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Hillyard, the circle was removed from **2nd Sub. S.B. 18, USE OF OIL AND GAS REVENUES**, and it was before the Senate. Senator Hillyard explained the bill.

Senator Stephenson proposed the following amendment:

- 1. Page 4, Lines 109 through 112

109 (2) "Mining base amount" means:
 110 (a) { ~~-\$9,000,000~~ } \$5,000,000 for:
 111 (i) fiscal year 2007-08; or
 112 (ii) fiscal year 2008-09; and

- 2. Page 4, Lines 115 through 118:

115 (3) "Oil and gas base amount" means:
 116 (a) { ~~-\$41,000,000~~ } \$20,000,000 for:
 117 (i) fiscal year 2007-08; or
 118 (ii) fiscal year 2008-09; and

Senator Stephenson's motion to amend failed on the following roll call vote:

Yeas, 7; Nays, 18; Absent, 4.

Voting in the affirmative were: Senators

Bell	Dayton	Greiner	Killpack
Madsen	Stephenson	Van Tassell	

Voting in the negative were: Senators

Buttars	Christensen	Davis	Dmitrich
Fife	Goodfellow	Hillyard	Jenkins
Jones	Knudson	Mayne	McCoy
Niederhauser	Peterson	Romero	Stowell
Waddoups	Valentine		

Absent or not voting were: Senators

Bramble	Eastman	Hickman	Walker
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Senators Goodfellow and VanTassell commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Fife	Goodfellow
Greiner	Hillyard	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Waddoups	Valentine	

Voting in the negative were: Senators

Jenkins	Van Tassell
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Absent or not voting were: Senators

Bramble	Eastman	Hickman	Walker
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2nd Sub. S.B. 18 was transmitted to the House for consideration.

* * *

On motion of Senator Killpack and at 3:00 p.m., the Senate adjourned until 10:00 a.m., Wednesday, January 31, 2007.

SEVENTEENTH DAY

MORNING SESSION

January 31, 2007

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

Prayer – Reverend Handi Jo Dolloff–Holt, Trinity United Methodist Church

Pledge of Allegiance – Senator Ross Romero

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS

(PLEASE REFER TO DAY 1, PAGE 102)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

January 30, 2007

The House passed **H.B. 76**, PUBLIC SAFETY DISPATCHER COMPENSATION, by Representative D. Bowman, et al, and it is transmitted for consideration; and

The House passed **H.B. 83**, FORGERY AMENDMENTS, by Representative D. Aagard, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 85**, SENTENCE REDUCTION CLARIFICATION, by Representative S. Wyatt, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 200**, STANDARDIZING DOCUMENTS FILED WITH COUNTY RECORDER, by Representative C. Frank, and it is transmitted for consideration; and

The House passed **H.B. 210**, COUNTY SHERIFF QUALIFICATION AMENDMENTS, by Representative B. Dee, and it is transmitted for consideration; and

The House passed **H.C.R. 3**, RESOLUTION URGING CONGRESS TO STOP INTERNET PORNOGRAPHY TO CHILDREN AND EMPLOYEES, by Representative B. Daw, et al, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 76**, **H.B. 83**, **H.B. 85**, **H.B. 200**, **H.B. 210**, and **H.C.R. 3** were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President:

January 30, 2007

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 69**, LOCAL TRANSPORTATION CORRIDOR PRESERVATION FUND AMENDMENTS, by Senator S. Killpack; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 73**, NEW UTAH LICENSE PLATE DESIGN, by Senator D. Eastman; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 181**, FEES TO COVER COST OF ELECTRONIC PAYMENTS, by Senator W. Niederhauser, with the following amendments:

1. Page 1, Line 13:

13 This bill:
 ► provides definitions;

2. Page 1, Line 22:

22 • shall be used as nonlapsing dedicated credits to cover the costs of electronic payments ;

3. Page 2, Lines 43 through 44:

43 41-1a-1221. Fees to cover the cost of electronic payments.

44 (1) As used in this section:

(a) "Electronic payment" means use of any form of payment processed through electronic means, including credit cards, debit cards, and automatic clearinghouse transactions.

(b) "Electronic payment fee" means the fee assessed to defray:
 (i) the charge, discount fee, or processing fee charged by credit card companies or processing agents to process an electronic payment; or
 (ii) costs associated with the purchase of equipment necessary for processing electronic payments.

(2) (a) [In accordance with Section 63-38a-105, the Division of Motor Vehicles] The

4. Page 2, Line 47:

- 47 (b) The fee described in Subsection ~~{-(1)}~~ (2) (a):
5. Page 2, Line 52:
- 52 ~~{-(2)-}~~ (3) The division shall establish the fee according to the procedures and requirements of
6. Page 2, Lines 54 through 55:
- 54 ~~{-(3)}~~ (4) A fee imposed under this section:
- 55 (a) shall be used by the division as a dedicated credit to cover the costs of electronic payments :
7. Page 3, Lines 64 through 65:
- 64 41-3-604. Fee to cover the cost of electronic payments.
- 65 (1) As used in this section:
(a) "Electronic payment" has the same meaning as defined in Section 41-1a-1221.
(b) "Electronic payment fee" has the same meaning as defined in Section 41-1a-1221.
(2) (a) ~~[In accordance with Section 63-38a-105, the]~~ The division may collect a fee to
8. Page 3, Line 75:
- 75 (b) The fee described in Subsection ~~{-(1)}~~ (2) (a):
9. Page 3, Lines 78 through 80:
- 78 (ii) need not be separately identified from the fees and penalty described in Subsections
- 79 ~~{-(1)}~~ (2) (a)(i) through (vii).
- 80 ~~{-(2)-}~~ (3) The division shall establish the fee under Subsection ~~{-(1)}~~ (2) (a) according to the
10. Page 3, Lines 82 through 83:
- 82 ~~{-(3)}~~ (4) A fee imposed under this section:
- 83 (a) shall be used by the division as a dedicated credit to cover the costs of electronic payments :
11. Page 3, Lines 87 through 88:
- 87 41-22-36. Fees to cover the costs of electronic payments.

88 (1) As used in this section:

(a) “Electronic payment” has the same meaning as defined in Section 41-1a-1221.

(b) “Electronic payment fee” has the same meaning as defined in Section 41-1a-1221.

~~(2) (a) [In accordance with Section 63-38a-105, the Division of Motor Vehicles] The~~

12. Page 4, Line 91:

91 (b) The fee described in Subsection {-(4)} (2) (a) shall be imposed regardless of the method of

13. Page 4, Line 93:

93 {-(2)-} (3) The division shall establish the fee according to the procedures and requirements of

14. Page 4, Lines 95 through 96:

95 {-(3)} (4) A fee imposed under this section:

96 (a) shall be used by the Motor Vehicle Division as a dedicated credit to cover the costs of electronic payments ;

15. Page 4, Lines 102 through 103:

102 ~~59-1-305.~~ Convenience fee to cover the costs of electronic payments.

103 (1) As used in this section:

(a) “Electronic payment” has the same meaning as defined in Section 41-1a-1221.

(b) “Electronic payment fee” has the same meaning as defined in Section 41-1a-1221.

(2) The commission may collect a convenience electronic payment fee established in accordance with the

16. Page 4, Lines 106 through 107:

106 {-(2)} (3) Notwithstanding any other provisions of this title, the commission shall use a fee

107 imposed under this section as a dedicated credit to cover the costs of electronic payments .

17. Page 4, Lines 109 through 110:

109 73–18–25. Fees to cover the costs of electronic payments.

110 (1) As used in this section:

(a) “Electronic payment” has the same meaning as defined in Section 41–1a–1221.

(b) “Electronic payment fee” has the same meaning as defined in Section 41–1a–1221.

~~(2) (a) [In accordance with Section 63–38a–105, the Division of Motor Vehicles] The~~

18. Page 4, Line 113:

113 (b) The fee described under Subsection ~~{–(1)} (2) (a)~~ shall be imposed regardless of the

19. Page 4, Line 115:

115 ~~{–(2)–}~~ (3) The ~~[division]~~ Motor Vehicle Division shall establish the fee according to the

20. Page 4, Lines 117 through 118:

117 ~~{–(3)} (4)~~ A fee imposed under this section:

118 (a) shall be used by the Motor Vehicle Division as a dedicated credit to cover the costs of electronic payments ; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 186**, MOTOR VEHICLE AMENDMENTS, by Senator D. Eastman.

Carlene M. Walker, Chair

On motion of Senator Eastman, the committee reports were adopted. **S.B. 69**, **S.B. 73**, **S.B. 181**, as amended, and **S.B. 186** were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

S.B. 204, Human Remains Related Amendments (D. Peterson), read the first time by short title and referred to the Rules Committee.

S.B. 217, Science and Technology Education Program Amendments (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 221, Judicial Retention Election Task Force (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 247, Retirement Systems Membership Exclusions (M. Dmitrich), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

S.B. 104, OFFICE OF RECOVERY SERVICES FEE, 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

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

Absent or not voting were: Senators

Bell	Bramble	Buttars	Stephenson
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S.B. 104 was transmitted to the House for consideration.

* * *

S.B. 117, MEDICAID RECOVERY 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

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

Absent or not voting were: Senators

Bell	Bramble
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S.B. 117 was transmitted to the House for consideration.

* * *

S.B. 110, MEMBERSHIP AND SERVICE OF UTAH COMMISSIONERS ON NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator
Bramble

S.B. 110 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 111, FREE EXERCISE OF RELIGION WITHOUT GOVERNMENT INTERFERENCE, was read the third time and explained by Senator Buttars. Senators Bell and Romero commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Voting in the negative were: Senators

Mayne	McCoy	Romero
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1st Sub. S.B. 111 was transmitted to the House for consideration.

* * *

S.J.R. 9, RESOLUTION SUPPORTING PRESIDENTIAL TRADE PROMOTION AUTHORITY, was read the third time and explained by Senator Madsen. Senator Mayne commented and the bill passed on the following roll call:

Yeas, 23; Nays, 5; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Dayton
Dmitrich	Eastman	Fife	Greiner
Hickman	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	Niederhauser
Peterson	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Voting in the negative were: Senators

Davis	Goodfellow	Mayne	McCoy
Romero			

Absent or not voting was: Senator

Buttars

S.J.R. 9 was transmitted to the House for consideration.

* * *

On motion of Senator Romero, the Senate voted to allow a bill file to be opened regarding beneficiary deeds paid on death.

* * *

S.B. 54, MOTOR VEHICLE DEALER PERFORMANCE BOND AMENDMENTS, was read the third time, explained by Senator Eastman, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard

Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator Buttars

S.B. 54 was transmitted to the House for consideration.

* * *

S.J.R. 10, JOINT RESOLUTION SUPPORTING GARFIELD COUNTY EXPANSION OF CORRECTIONAL FACILITIES, was read the third time and explained by Senator Stowell. Senators Hillyard, Waddoups, and Buttars commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Peterson

S.J.R. 10 was transmitted to the House for consideration.

* * *

S.B. 83, ACUPUNCTURE LICENSING ACT, was read the third time, explained by Senator McCoy, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman

Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator Peterson

S.B. 83 was transmitted to the House for consideration.

* * *

S.B. 108, WORKERS' COMPENSATION – TIME LIMITATIONS, was read the third time, explained by Senator Mayne, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

S.B. 108 was transmitted to the House for consideration.

* * *

On motion of Senator Mayne, the circle was removed from **S.B. 109, TRANSFERS OF STRUCTURED SETTLEMENTS**, and it was before the Senate. Senator Mayne explained the bill.

Senator Stephenson proposed the following amendment:

- Page 2, Lines 53 through 56
Senate Committee Amendments
1-19-2007

53 (3) (a) {~~Beginning~~ } Subject to Subsection (3)(b),
beginning April 30, 2007. § → [an-employee] a person ← § may
not ;
(i) transfer payment

53a rights under

54 workers' compensation {—

55 (b) Beginning April 30, 2007, a person may not } ; or
 (ii) accept or take any action to provide for

56 a transfer of payment rights under workers' compensation.

(b) A person may take an action prohibited under Subsection (3)(a) if the commission approves the transfer of payment rights under workers' compensation:

(i) before the transfer of payment rights under workers' compensation takes effect; and

(ii) upon a determination by the commission that:

(A) the person transferring the payment rights under workers' compensation received before executing an agreement to transfer those payment rights:

(I) adequate notice that the transaction involving the transfer of payment rights under workers' compensation involves the transfer of those payment rights; and

(II) an explanation of the financial consequences of and alternatives to the transfer of payment rights under workers' compensation in sufficient detail that the person transferring the payment rights under workers' compensation made an informed decision to transfer those payment rights; and

(B) the transfer of payment rights under workers' compensation is in the best interest of the person transferring the payment rights under workers' compensation taking into account the welfare and support of that person's dependents.

(c) The approval by the commission of the transfer of a person's payment rights under workers' compensation is a full and final resolution of the person's payment rights under workers' compensation that are transferred:

(i) if the commission approves the transfer of the payment rights under workers' compensation in accordance with Subsection (3)(b); and

(ii) once the person no longer has a right to appeal the decision in accordance with this title.

Senator Stephenson's motion to amend passed on a voice vote. Senators Hickman and Bell commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bramble	Walker
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S.B. 109, as amended, was transmitted to the House for consideration.

* * *

S.B. 121, DEPARTMENT OF COMMERCE FUND AMENDMENTS, was read the third time, explained by Senator VanTassell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bramble	Walkerpara>
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S.B. 121 was transmitted to the House for consideration.

* * *

S.B. 126, SALES REPRESENTATIVE COMMISSION PAYMENT ACT, was read the third time, explained by Senator Killpack, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bramble	Stephenson	Walker
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S.B. 126 was transmitted to the House for consideration.

* * *

S.B. 43, SMOKING BAN IN VEHICLE WHEN A CHILD IS PRESENT, was read the third time, explained by Senator McCoy, and passed on the following roll call:

Yeas, 20; Nays, 7; Absent, 2.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dmitrich
Eastman	Fife	Goodfellow	Greiner
Hickman	Hillyard	Jones	Killpack
Knudson	Mayne	McCoy	Romero
Stephenson	Stowell	Waddoups	Valentine

Voting in the negative were: Senators

Bell	Dayton	Jenkins	Madsen
Niederhauser	Peterson	Van Tassell	

Absent or not voting were: Senators

Bramble	Walker
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S.B. 43 was transmitted to the House for consideration.

* * *

S.B. 134, PSYCHOLOGIST LICENSING ACT AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bramble	Walker
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S.B. 134 was transmitted to the House for consideration.

SECOND READING CALENDAR

H.B. 10, OPEN AND PUBLIC MEETINGS ACT AMENDMENTS, was read the second time.

On motion of Senator Stephenson, the bill was circled.

* * *

H.B. 60, NOTARY PUBLIC REVISIONS, was read the second time.

On motion of Senator Knudson, the bill was circled.

* * *

H.B. 62, LOBBYIST DISCLOSURE TECHNICAL AMENDMENTS, was read the second time. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

* * *

On motion of Senator Bramble, the circle was removed from **H.B. 26**, PROPERTY TAX EXEMPTION FOR PERSONAL PROPERTY, 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

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

Absent or not voting were: Senators

Buttars	Killpack
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* * *

H.B. 33, SALES AND USE TAX EXEMPTIONS FOR VEHICLES, BOATS, BOAT TRAILERS, OR OUTBOARD MOTORS NOT REGISTERED IN THE STATE, was read the second time.

On motion of Senator Stephenson, the bill was circled.

* * *

H.B. 37, CIGARETTE AND TOBACCO TAX AND LICENSING AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. Senators Greiner, and Fife commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator
Buttars

* * *

H.B. 42, SALES AND USE TAX EXEMPTION FOR AUTHORIZED CARRIERS, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators
Buttars Killpack

* * *

On motion of Senator Stephenson, the circle was removed from **H.B. 33, SALES AND USE TAX EXEMPTIONS FOR VEHICLES, BOATS, BOAT TRAILERS, OR OUTBOARD MOTORS NOT REGISTERED IN THE STATE**, and it was before the Senate. Senator Stephenson explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators
Buttars Knudson

* * *

On motion of Senator Stephenson, the circle was removed from **H.B. 10**, OPEN AND PUBLIC MEETINGS ACT AMENDMENTS, and it was before the Senate. 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

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

Absent or not voting was: Senator
Buttars

* * *

H.B. 24, EMPLOYMENT SUPPORT ACT – TECHNICAL CHANGES, was read the second time. Senator Jones explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator
Buttars

* * *

H.B. 55, DECEPTIVE TRADE PRACTICES AMENDMENTS, was read the second time. Senator Jenkins explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Buttars	Hillyard
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H.B. 53, SHARE ASSESSMENT ACT, was read the second time.

On motion of Senator Knudson, the bill was circled.

* * *

1st Sub. H.B. 67, AGE AMENDMENTS FOR HUNTING BIG GAME, was read the second time. Senator Dayton explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Voting in the negative were: Senators

Goodfellow	Jones	McCoy
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Absent or not voting was: Senator

Buttars

* * *

On motion of Senator Bramble and at 11:45 a.m., the Senate adjourned until 10:00 a.m., Thursday, February 1, 2007.

EIGHTEENTH DAY

MORNING SESSION

February 1, 2007

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

Prayer – Pastor Eric Morgan, Living Waters Christian Fellowship

Pledge of Allegiance – Senator Fred Fife

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 102)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

January 31, 2007

The House passed, **S.B. 4**, DRIVING UNDER THE INFLUENCE AMENDMENTS, by Senator C. Walker, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 21**, WORKFORCE SERVICES' WORK EXPERIENCE OR TRAINING PROGRAMS, by Senator P. Knudson, et al, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 28**, WATER CONVEYANCE EASEMENTS, 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. 100**, MOTOR VEHICLE LICENSE AND REGISTRATION FEES EXEMPTION FOR PURPLE HEART LICENSE PLATES, by Senator J. Hickman, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 7**, JOINT RESOLUTION SUPPORTING DEPARTMENT OF CORRECTIONS CONTRACTING FOR BED SPACES IN DAVIS COUNTY JAIL, by Senator M. Waddoups, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 4, S.B. 21, S.B. 28, S.B. 100, and S.J.R. 7 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

Mr. President: January 31, 2007

The House passed, as amended, **H.B. 44**, MOTOR VEHICLE INSURANCE ARBITRATION AMENDMENTS, by Representative S. Urquhart, and it is transmitted for consideration; and

The House passed **H.B. 221**, TIMING TO COMMENCE A CIVIL ACTION BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed **H.B. 244**, REPEAL OF UTAH TECHNOLOGY COMMISSION, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed **H.B. 247**, SPECIAL SERVICE DISTRICT AUTHORITY TO PROVIDE JAIL FACILITIES, by Representative J. Mathis, and it is transmitted for consideration; and

The House passed **H.B. 259**, MECHANICS LIENS ON CERTAIN NEW DEVELOPMENT HOUSING, by Representative P. Painter, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 44**, **H.B. 221**, **H.B. 244**, **H.B. 247**, and **H.B. 259** were read the first time and referred to the Rules Committee.

* * *

Mr. President: January 31, 2007

The House passed, as amended, **S.B. 10**, INDUSTRIAL ASSISTANCE FUND AMENDMENTS – RURAL FAST TRACK PROGRAM, by Senator J. Hickman, and it is transmitted for further consideration; and

The House substituted and passed, **1st Sub. S.B. 20**, STATE HIGHWAY AMENDMENTS, by Senator C. Walker, and it is transmitted for further consideration; and

The House passed, as amended, **S.J.R. 1**, UTAH ATHLETIC FOUNDATION RESOLUTION, by Senator D. Eastman, et al, 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:

January 31, 2007

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

Business and Labor Committee

- S.B. 77** Insurable Interest Amendments (Sen. R. Romero)
S.B. 219 Real Estate Modifications (Sen. D. Stowell)
H.B. 88 Automated Teller Machine Charges for International Accounts (Rep. Julie Fisher)

Government Operations and Political Subdivisions Committee

- S.B. 218** Community Development and Renewal Agency Amendments (Sen. C. Bramble)
2nd Sub. H.B. 69 County and Municipal Land Use Provisions Regarding Schools (Rep. L. Wiley)
H.B. 89 Government Assistance Expenditure Report (Rep. M. Morley)
H.B. 103 Statewide Mutual Aid Act (Rep. C. Oda)
H.B. 204 Modifications to Open and Public Meetings (Rep. S. Wyatt)
H.B. 216 Division of Facilities Construction and Management Amendments (Rep. D. G. Buxton)
H.B. 219 Unclaimed Property Act Provisions (Rep. F. Hunsaker)
H.B. 253 Allowing State Memorials on State Property (Rep. W. Harper)

Health and Human Services Committee

- S.C.R. 4** Concurrent Resolution Urging Participation by Taiwan in World Health Organization (Sen. C. Bramble)
H.B. 201 Governance of Local Ordinances Regarding Smoking (Rep. P. Ray)

Judiciary, Law Enforcement, and Criminal Justice Committee

- H.B. 206** County Jail – Work Release Process Amendments (Rep. S. Wyatt)

Natural Resources, Agriculture and Environment Committee

- S.B. 220** Water Conservancy Districts – Selection of Board of Trustees (Sen. W. Niederhauser)

Revenue and Taxation Committee

H.B. 98 County Option Sales and Use Tax for Highways, Fixed
Guideways, or Systems of Public Transit Amendments
(Rep. C. Frank)

Transportation, Public Utilities and Technology Committee

S.B. 79 Local Community Rail Security Act (Sen. E. Mayne)

S.B. 238 Motor Vehicle Insurance Amendments (Sen. S. Killpack)

Bill Hickman
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: January 31, 2007

The Government Operations and Political Subdivisions Committee recommends **S.B. 166**, NOTARY PUBLIC AMENDMENTS, by Senator R. Romero, be replaced and favorably recommends **1st Sub. S.B. 166**, NOTARY PUBLIC AMENDMENTS; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 61**, ELECTION LAW AMENDMENTS, by Representative D. Aagard; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **1st Sub. H.B. 63**, INITIATIVE AND REFERENDUM – SIGNATURE VERIFICATION PROCEDURES, by Representative N. Hendrickson.

Peter C. Knudson, Chair

Mr. President: January 31, 2007

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 64**, TOURISM, RECREATION, CULTURAL, AND CONVENTION FACILITIES TAX – IMPOSITION, DISTRIBUTION, AND EXPENDITURE OF REVENUES, by Senator M. Waddoups, with the following amendments:

- 1. Page 1, Lines 20 through 23:

20 ► requires a county legislative body of a county of the first class that imposes a tax on prepared foods and

21 beverages to distribute each calendar year at least \$250,000 of the
revenues from the

22 imposition of that tax within the county to a nonprofit organization
having as its

23 primary purpose to represent the restaurant industry on a statewide
basis;

2. Page 2, Lines 29 through 31:

29 ► requires certain revenues collected from a tax on
prepared foods and beverages imposed by

30 a county of the first class to be distributed to that county on the basis
of the location

31 of the transaction and population;

3. Page 6, Lines 173 through 174:

173 (iii) a county legislative body of ~~{-any-}~~ a county
of the first class may impose a tax of not to exceed .5% on

174 charges for the accommodations and services described in
Subsection 59-12-103(1)(i).

4. Page 7, Lines 184 through 187:

184 (b) (i) A county legislative body of a county of the first
class that imposes a tax authorized by Subsection (1)(a)(i)

185 shall distribute each calendar year, beginning with the calendar
year beginning on January 1,

186 2008, at least \$250,000 of the revenues from the imposition of the
tax authorized by Subsection

187 (1)(a)(ii) within the county to an organization: ; and

The Revenue and Taxation Committee recommends **S.B. 74, PENALTIES RELATING TO TAXES, FEES, OR CHARGES**, by Senator H. Stephenson, be replaced and favorably recommends **1st Sub. S.B. 74, PENALTIES RELATING TO TAXES, FEES, OR CHARGES**; and

The Revenue and Taxation Committee recommends **S.B. 170, DISTRIBUTION OF LOCAL SALES AND USE TAX REVENUES**, by Senator G. Davis, be replaced and favorably recommends **1st Sub. S.B. 170, DISTRIBUTION OF LOCAL SALES AND USE TAX REVENUES**; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 171**, RESEARCH ACTIVITIES TAX CREDIT AMENDMENTS, by Senator H. Stephenson.

Wayne L. Niederhauser, Chair

Mr. President: January 31, 2007

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 59**, UTAH INTERNATIONAL TRADE COMMISSION, by Representative S. Allen.

Mark B. Madsen, Chair

Mr. President: January 30, 2007

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 72**, BRAND INSPECTION OF LIVESTOCK SEIZED BY THE FEDERAL GOVERNMENT, by Representative M. Noel; and

The Natural Resources, Agriculture, and Environment Committee recommends **H.J.R. 1**, JOINT RESOLUTION REGARDING ACTION ON GROUNDWATER IN SNAKE VALLEY, by Representative R. Wheeler, et al, be replaced and favorably recommends **1st Sub. H.J.R. 1**, JOINT RESOLUTION REGARDING ACTION ON GROUNDWATER IN SNAKE VALLEY.

Darin G. Peterson, Chair

Mr. President: January 30, 2007

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 72**, CRIME VICTIM REPARATIONS RECORDS, by Senator G. Bell; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 136**, UNLAWFUL DETAINER AMENDMENTS, by Senator M. Waddoups, with the following amendments:

1. Page 4, Lines 108 through 111:

108 [The] [~~Any officer of the court~~] A judge, court clerk, or
plaintiff's counsel shall indorse on the summons the number of days
within which

109 the defendant is required to appear and defend the action, which
shall [~~not~~] be [~~less than~~] three

110 [or more than 20] {~~calendar~~} days from the date of
 service {~~, unless the court determines that the~~
 111 ~~facts of the case should allow more time~~ }. The court may
 authorize service by publication or

2. Page 5, Lines 134 through 143:

134 (b) (i) The defendant may remain in possession if he executes
 and files a counter bond in

135 the form of a corporate bond, a cash bond, certified funds, or a
 property bond executed by two

136 persons who own real property in the state and who are not
 parties to the action.

(ii) The form of

137 the bond is at the defendant's option.

(iii) The bond shall be payable to the clerk of the court.

(iv) The

138 defendant shall file the bond prior to the later of the expiration
 of three business days from the

139 date he is served with notice of the filing of plaintiff's
 possession bond or within 24 hours after

140 the court sets the bond amount.

(v) Notwithstanding Subsection (2)(b)(iv), the court may allow a
 period of up to 72 hours for the posting of the counterbond.

(vi) The court shall approve the bond in an amount that is the

141 probable amount of costs of suit, including attorney fees and
 actual damages that may result to

142 the plaintiff if the defendant has improperly withheld
 possession.

(vii) The court shall consider

143 prepaid rent to the owner as a portion of the defendant's total
 bond.

3. Page 6, Lines 167 through 168:

167 (b) the court shall begin the trial within 60 days after the day on
 which the complaint is

168 [filed] served, unless the parties agree otherwise.

(c) If this chapter requires a hearing to be held within a specified

time, the time may be extended to the first date thereafter on which a judge is available to hear the case in a jurisdiction in which a judge is not always available.

170 court shall hold an evidentiary hearing upon request of either party, within ten days after the day on which the defendant

171 files the defendant's answer.

4. Page 6, Line 178 through Page 7, Line 192:

178

(3) (a) In an action for unlawful detainer in which the claim is for nuisance and alleges

179 {~~criminal activity~~ } an act that would be considered criminal under the laws of this state, the court shall hold an evidentiary hearing within ten days after the day on

180 which the complaint is filed to determine whether the alleged {~~criminal activity~~ } act occurred.

181 (b) The hearing required by Subsection (3)(a) shall be set at the time the complaint is

182 filed and notice of the hearing shall be served upon the defendant with the summons at least three calendar days

183 before the scheduled time of the hearing.

184 (c) If the court, at an evidentiary hearing held in accordance with Subsection (3)(a),

185 determines that it is more likely than not that the alleged {~~criminal~~ } act occurred, the court shall

186 issue an order of restitution.

187 (d) If an order of restitution is issued in accordance with Subsection (3)(c), a constable

188 or the sheriff of the county where the property is situated shall return possession of the property

189 to the plaintiff immediately.

(e) The court may allow a period of up to 72 hours before restitution may be made under Subsection (3)(d) if the court determines the time is appropriate under the circumstances.

190 {~~(e)~~ } (f) At the evidentiary hearing held in accordance with Subsection (3)(a), if the court

191 determines that all issues between the parties can be adjudicated
without further proceedings.

192 the court shall adjudicate those issues and enter judgment on the
merits.

(g) “An act that would be considered criminal under the laws of
this state” under Subsection (3)(a) includes only the following:

(i) an act that would be considered a felony under the laws of this
state;

(ii) an act that would be considered criminal affecting the health or
safety of a tenant, the landlord, the landlord’s agent, or other person on
the landlord’s property;

(iii) an act that would be considered criminal that causes damage or
loss to any tenant’s property or the landlord’s property;

(iv) a drug– or gang–related act that would be considered criminal;

(v) an act or threat of violence against any tenant or other person on
the premises, or against the landlord or the landlord’s agent; and

(vi) any other act that would be considered criminal that the court
determines directly impacts the peaceful enjoyment of the premises by
any tenant.

5. Page 7, Lines 210 through 211:

210 (d) (i) A forfeiture under Subsection (1)(c) does not release a
defendant from any

211 obligation for payments on a lease for the remainder of the lease’s
term.

(ii) Subsection (1)(d)(i) does not change any obligation on either
party to mitigate damages. ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 154**, STATEMENT UNDER PENALTY OF PERJURY, by Senator S. McCoy, with the following amendments:

1. Page 1, Line 26 through Page 2, Line 38:

26 (1) If the {~~law requires or permits an~~
affidavit. } Utah Rules of Criminal Procedure, Civil Procedure, or
Evidence, require or permit a written declaration upon oath, an
individual may, with like force and effect.

27 provide an unsworn written {~~document~~ } declaration .
subscribed and dated under penalty {~~of perjury and~~
dated } of this section . in

28 substantially the following form:

29 { ~~(1) if executed outside the state:~~ }

30 “I declare (or certify, verify, or state) under { ~~penalty of~~
perjury under the laws } criminal penalty of the

31 State of Utah that the foregoing is true and correct.

32 Executed on (date).

33 (Signature)” { ~~—~~ }

34 { ~~(2) if executed within the state:~~

35 “I declare (or certify, verify, or state) under penalty of perjury
that the foregoing is true

36 and correct.

37 Executed on (date).

38 (Signature)”. }

(2) A person is guilty of a class B misdemeanor if the person
knowingly makes a false written statement in lieu of an affidavit as
provided under Subsection 1.; and

Mr. President: January 30, 2007

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 173, CRIMINAL INTENT AMENDMENTS**, by Senator S. McCoy.

Greg Bell, Chair

On motion of Senator Hickman, the committee reports were adopted. **1st Sub. S.B. 166, H.B. 61, 1st Sub. H.B. 63, S.B. 64**, as amended, **1st Sub. S.B. 74, 1st Sub. S.B. 170, S.B. 171, H.B. 59, H.B. 72, 1st Sub. H.J.R. 1, S.B. 72, S.B. 136**, as amended, **S.B. 154**, as amended, and **S.B. 173** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: January 30, 2007

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 188, WILDLIFE RESOURCES CONSERVATION EASEMENT RESTRICTED ACCOUNT**, by Senator

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

Darin G. Peterson, Chair

On motion of Senator Knudson, the committee reports were adopted. **S.B. 188** were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 202, Legislative Direction Relating to United States Senators (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 203, Disclosure of Property Tax Information (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 208, Judicial Review, Attorney Fees, and Procedure Relating to Tax Commission Decisions (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 211, Election Law Changes (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 215, Amendments to Land Use Development and Management Act (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 223, Tax Amendments (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 227, Utah Fire Prevention Board Amendment (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 234, Occupational and Environmental Health Amendments (E. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 240, Litigation Fund Restricted Account for Highway Projects (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.C.R. 6, Resolution Urging States Rights to Innovate Health Care (G. Bell), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

S.B. 99, REVISED BUSINESS CORPORATIONS ACT AMENDMENTS, 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

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

Absent or not voting were: Senators

Christensen	Peterson	Stephenson
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S.B. 99 was transmitted to the House for consideration.

* * *

H.B. 16, DESIGNATED MENTAL RETARDATION PROFESSIONAL AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator

Christensen

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.

* * *

S.B. 156, PUBLIC SERVICE COMMISSION – EQUIPMENT DISTRIBUTION PROGRAM, was read the third time, explained by Senator Goodfellow, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

S.B. 156 was transmitted to the House for consideration.

* * *

S.B. 150, PROPERTY EXEMPT FROM EXECUTION, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

S.B. 150 was transmitted to the House for consideration.

THIRD READING CALENDAR

H.B. 62, LOBBYIST DISCLOSURE TECHNICAL AMENDMENTS, 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

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman

Fife	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Valentine	

Absent or not voting were: Senators
Hickman Walker

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.

* * *

On motion of Senator Hillyard, the Senate voted to allow Senator Peterson to open a bill file regarding water problems in his district.

* * *

H.B. 60, NOTARY PUBLIC REVISIONS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.

Voting in the affirmative were: Senators

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

Voting in the negative was: Senator
Hillyard

Absent or not voting was: Senator
Hickman

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.

* * *

H.B. 27, SALES AND USE TAX MODIFICATIONS, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bell	Buttars
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H.B. 27, as amended, was returned to the House for further consideration.

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H.B. 26, PROPERTY TAX EXEMPTION FOR PERSONAL PROPERTY, was read the third time.

On motion of Senator Bramble, the bill was circled.

* * *

H.B. 37, CIGARETTE AND TOBACCO TAX AND LICENSING AMENDMENTS, was read the third time.

On motion of Senator Niederhauser, the bill was circled.

* * *

H.B. 42, SALES AND USE TAX EXEMPTION FOR AUTHORIZED CARRIERS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator
Bell

H.B. 42 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 33, SALES AND USE TAX EXEMPTIONS FOR VEHICLES, BOATS, BOAT TRAILERS, OR OUTBOARD MOTORS NOT REGISTERED IN THE STATE, 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

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

Absent or not voting was: Senator
Bell

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. 10, OPEN AND PUBLIC MEETINGS ACT 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

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

Absent or not voting was: Senator
Niederhauser

H.B. 10, as amended, was returned to the House for further consideration.

* * *

H.B. 24, EMPLOYMENT SUPPORT ACT – TECHNICAL CHANGES, was read the third time, explained by Senator Jones, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

H.B. 24 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, DECEPTIVE TRADE PRACTICES AMENDMENTS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator
Niederhauser

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.

* * *

1st Sub. H.B. 67, AGE AMENDMENTS FOR HUNTING BIG GAME, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Voting in the negative were: Senators

Buttars	Goodfellow	Jones	McCoy
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Absent or not voting was: Senator Niederhauser

1st Sub. H.B. 67, as amended, was returned to the House for further consideration.

SECOND READING CALENDAR

H.B. 31, DRIVER LICENSE OR IDENTIFICATION CARD REQUIREMENT FOR SEX OFFENDERS, was read the second time. Senator Greiner explained the bill. Senator Hillyard commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

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H.B. 71, BALLOT FORM AMENDMENTS, was read the second time. Senator Bell 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

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

* * *

H.B. 205, PUBLIC DEMONSTRATIONS AT FUNERALS, was read the second time. 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

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

Absent or not voting was: Senator Eastman

* * *

H.J.R. 6, JOINT RULES RESOLUTION – APPROPRIATION SUBCOMMITTEES, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Eastman	Hickman	Waddoups
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* * *

H.B. 19, NAVAJO REVITALIZATION FUND, was read the second time. Senator Dmitrich explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Eastman	Hillyard	Killpack	Stephenson
Waddoups			

On motion of Senator Knudson, **H.B. 19** was placed on Third Reading Table due to fiscal impact.

* * *

On motion of Senator Hickman, under suspension of the rules, **H.B. 264**, REVISOR’S STATUTE, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Eastman	Hillyard	Killpack
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H.B. 264 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 13, WORKERS' COMPENSATION FUND – BOARD AMENDMENTS, was read the second time.

On motion of Senator Bramble, the bill was circled.

* * *

1st Sub. H.B. 29, PROFESSIONAL EMPLOYER ORGANIZATION RELATED AMENDMENTS, was read the second time.

On motion of Senator Bramble, the bill was circled.

* * *

H.B. 18, CHILD SUPPORT COLLECTION AMENDMENTS, was read the second time. Senator Bell explained the bill. Senator Hillyard commented. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.

Voting in the affirmative were: Senators

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

Voting in the negative was: Senator
Dayton

Absent or not voting was: Senator
Killpack

* * *

On motion of Senator Bramble, the circle was removed from **H.B. 13, WORKERS' COMPENSATION FUND BOARD 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

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

Absent or not voting was: Senator
Killpack

* * *

H.B. 51, ADOPTION AMENDMENTS, was read the second time. Senator Walker explained the bill. Senator Hillyard commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

* * *

H.B. 80, HEALTH INSURANCE AMENDMENTS, was read the second time. Senator Davis explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Voting in the negative was: Senator

Madsen

* * *

S.B. 53, HIGHER EDUCATION ENGINEERING PARTNERSHIP, was read the second time. Senator Bell explained the bill. Senator Dmitrich commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Christensen Killpack

* * *

S.B. 133, LOCAL SCHOOL BOARD PUBLIC HEARING REQUIREMENTS, was read the second time. Senator Jones explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Dmitrich Killpack

* * *

S.B. 36, SAFETY BELT ENFORCEMENT AMENDMENTS, was read the second time. Senator Jones explained the bill.

Senator Jones proposed the following amendment:

1. Page 1, Lines 1 through 4

1 NICK'S SAFETY BELT ENFORCEMENT
 { AMENDMENTS } LAW

2 2007 GENERAL SESSION

3 STATE OF UTAH

4 Chief Sponsor: Patricia W. Jones

2. Page 1, Lines 12 through 14

12 ► repeals the provision that makes a safety belt violation for a person 19 years of age

13 or older enforceable only as a secondary action when the person is detained for

14 another offense until July 1, 2010:
 ► provides that beginning on or after July 1, 2010, a safety belt violation for a person 19 years of age or older is enforceable only as a secondary action when the person is detained for another offense;
 ► requires the Transportation Interim Committee to study and make recommendations on safety belt usage; and
 ► makes technical changes .

3. Page 1, Line 21:

21 41-6a-1803, as renumbered and amended by Chapter 2, Laws of Utah 2005

ENACTS:

63-55-107, Utah Code Annotated 1953

4. Page 2, Lines 41 through 44:

41 { [] (4) { ~~For~~ } (a) Beginning on or after July 1, 2010, and for a person 19 years of age or older who violates Subsection (1)(a) or (2),

42 enforcement by a state or local law enforcement officer shall be only as a secondary action

43 when the person has been detained for a suspected violation of Title 41, Motor Vehicles, other

44 than Subsection (1)(a) or (2), or for another offense. {] }

(b) The Transportation Interim Committee of the Legislature shall, prior to November 30, 2009:

(i) study the increase or decrease in safety belt usage within the last three years; and

(ii) make recommendations on the effectiveness of primary enforcement of Subsection (1)(a) or (2).

Section 2. 63-55-107 is enacted to read:

63-55-107. Primary safety belt enforcement study.

The Transportation Interim Committee of the Legislature shall, prior to November 30, 2009, study safety belt usage in accordance with Subsection 41-6a-1803(4)(b).

Senator Jones' motion to amend passed on a voice vote.

###

Senator Bramble proposed the following amendment:

1. Page 1, Line 14:
Senate Floor Amendments

February 1, 2007

After “study” insert “the effectiveness of the primary safety belt requirement”

Senator Bramble’s motion to amend passed on a voice vote. Senators Fife, Christensen, Eastman, Hillyard, and Knudson commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Davis	Eastman
Fife	Goodfellow	Greiner	Hillyard
Jones	Knudson	Mayne	McCoy
Romero	Van Tassell	Walker	Valentine

Voting in the negative were: Senators

Buttars	Christensen	Dayton	Dmitrich
Hickman	Jenkins	Madsen	Niederhauser
Peterson	Stephenson	Stowell	Waddoups

Absent or not voting was: Senator Killpack

* * *

On motion of Senator Bramble, the circle was removed from **1st Sub. H.B. 29, PROFESSIONAL EMPLOYER ORGANIZATION RELATED 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

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

Absent or not voting were: Senators Killpack Stephenson

* * *

On motion of Senator Bramble and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Friday, February 2, 2007.

NINETEENTH DAY

MORNING SESSION

February 2, 2007

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

Prayer – Bishop Michael Killpack, brother of Senator Sheldon Killpack

Pledge of Allegiance – Senator Brent Goodfellow

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS

(PLEASE REFER TO DAY 1, PAGE 102)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 1, 2007

The House passed, as amended, **H.B. 32**, EXPEDITED PARENT-TIME ENFORCEMENT, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 96**, MOTOR VEHICLE DEALER AMENDMENTS, by Representative P. Painter, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 97**, MOTOR VEHICLE REGISTRATION CHECKOFF FOR PROTECTING ACCESS TO PUBLIC LANDS AND OFF-HIGHWAY VEHICLE EDUCATION, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 99**, WATER LOAN PROGRAM AMENDMENTS, by Representative P. Painter, and it is transmitted for consideration; and

The House passed **H.B. 106**, REGISTRATION TARGETING WOMEN AND MINORITY-OWNED ENTERPRISES, by Representative M. Wheatley, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 108**, TRANSPORTATION STUDY – EAST-WEST CORRIDOR IN A COUNTY OF THE FIRST CLASS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 215**, SCHOOL REPORTING AMENDMENTS, by Representative K. Morgan, and it is transmitted for consideration; and

The House passed **H.B. 227**, MOTORBOAT LIABILITY INSURANCE REVISIONS, by Representative K. Gibson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 241**, APPROPRIATION FOR TERREL H. BELL PROGRAM, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed **H.B. 257**, OPEN AND PUBLIC MEETING ACT AMENDMENTS, by Representative G. Donnelson, and it is transmitted for consideration; and

The House passed **H.C.R. 4**, RESOLUTION ENCOURAGING STATE UNIVERSITIES' AND SCHOOL INSTITUTIONAL TRUST LANDS' EFFORTS IN ENHANCING STATE TRUST LANDS , by Representative E. Hutchings, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 32**, **1st Sub. H.B. 96**, **H.B. 97**, **H.B. 99**, **H.B. 106**, **H.B. 108**, **1st Sub. H.B. 215**, **H.B. 227**, **H.B. 241**, **H.B. 257**, and **H.C.R. 4** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 1, 2007

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

Government Operations and Political Subdivisions Committee

H.B. 200 Standardizing Documents Filed with County Recorder
(Rep. C. Frank)

H.C.R. 3 Resolution Urging Congress to Stop Internet Pornography
to Children and Employees (Rep. B. Daw)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 221 Judicial Retention Election Task Force
(Sen. D. C. Buttars)

H.B. 83 Forgery Amendments (Rep. D. Aagard)

H.B. 85 Sentence Reduction Clarification (Rep. S. Wyatt)

H.B. 210 County Sheriff Qualification Amendments (Rep. B. Dee)

Retirement and Independent Entities Committee

S.B. 247 Retirement Systems Membership Exclusions
(Sen. M. Dmitrich)

Workforce Services and Community and Economic Development Committee

S.B. 204 Human Remains Related Amendments (Sen. D. Peterson)
S.B. 217 Science and Technology Education Program Amendments
(Sen. P. Knudson)

Bill Hickman
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 1, 2007

The Business and Labor Committee reports a favorable recommendation on **S.B. 159**, LABOR ORGANIZATIONS AMENDMENTS, by Senator H. Stephenson, with the following amendments:

- 1. Page 2, Lines 50 through 51:

50 (i) the amount deducted for union dues per month does not exceed 3% of the employee's monthly

51 wages;

Kevin T. Van Tassell, Chair

Mr. President: February 1, 2007

The Health and Human Services Committee reports a favorable recommendation on **S.B. 45**, NURSING AMENDMENTS, by Senator P. Knudson, with the following amendments:

- 1. Page 4, Lines 104 through 107:

104 plan[-]; or

105 (d) the provision of preoperative, intraoperative, and postoperative anesthesia care and

106 related services upon the request of a licensed health care professional by an advanced practice registered nurse specializing as a certified registered

107 nurse anesthetist, including:

2. Page 5, Lines 127 through 130:

127 { ~~(e)~~ } (iv) for purposes of Subsection (13)(d), “upon the request of a licensed health care professional”:

(A) means a health care professional practicing within the scope of the health care professional’s license, requests anesthesia services for a specific patient; and

(B) does not, { ~~nothing in this section shall be construed as to~~ } require an advanced practice

128 registered nurse specializing as a certified registered nurse anesthetist to enter into a

129 consultation and referral plan or obtain additional authority to { ~~prescribe in order to~~ } select, administer, or

130 provide preoperative, intraoperative, or postoperative anesthesia care and services

3. Page 8, Lines 231 through 232:

231 (e) { ~~advanced practice registered nurse – CRNA;~~

232 ~~(f) –} advanced practice registered nurse – CRNA without prescriptive practice; and~~

4. Page 8, Line 241 through Page 9, Line 247:

241 (5) { ~~An individual holding a certified registered nurse anesthetist license as of July 1,~~

242 ~~2007, who can document the successful completion of advanced course work in patient~~

243 ~~assessment, diagnosis and treatment, and pharmacotherapeutics shall be issued an advanced~~

244 ~~practice registered nurse – CRNA license.~~

245 ~~(6) } An individual holding a certified registered nurse anesthetist license as of July 1,~~

246 ~~2007 { ~~, who cannot document the requirements of Subsection (5).~~ } shall be issued an “APRN –~~

247 CRNA – without prescriptive practice” license. ; and

The Health and Human Services Committee recommends **S.B. 66**, EMPLOYER HEALTH INSURANCE OPTIONS – CAFETERIA PLANS, by Senator M. Waddoups, be replaced and favorably recommends **1st Sub. S.B. 66**, EMPLOYER HEALTH INSURANCE OPTIONS – CAFETERIA PLANS; and

The Health and Human Services Committee recommends **S.B. 75**, ADVANCED HEALTH CARE DIRECTIVE ACT, by Senator A. Christensen, be replaced and favorably recommends **1st Sub. S.B. 75**, ADVANCE HEALTH CARE DIRECTIVE ACT; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 160**, PHARMACY PRACTICE ACT AMENDMENTS, by Senator P. Knudson, with the following amendments:

1. Page , Line 121 through Page 5, Line 124:

121 (b) { ~~providing to or receiving from a physician, surgeon,~~
~~organization, agency, or other~~

122 ~~person, either directly or indirectly, any form of compensation for~~
~~the referral of a patient to a~~

123 ~~pharmacy licensed under this chapter, including compensation in~~
~~the form of a commission,~~

124 ~~bonus, rebate, kickback, or split fee arrangement;~~ } for
pharmacies and pharmacists not participating in Medicare or Medicaid,
an act that would violate the Federal Anti-kickback Statute, 42 U.S.C.
sec. 1320a-7b(b). ; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 193**, AMENDMENTS TO MENTAL HEALTH PROFESSIONAL PRACTICE ACT, by Senator P. Jones; and

The Health and Human Services Committee reports a favorable recommendation on **S.J.R. 3**, RESOLUTION ENCOURAGING CONGRESSIONAL FUNDING FOR STATE CHILDREN’S HEALTH INSURANCE PROGRAM, by Senator P. Knudson; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 47**, PILOT PROGRAM FOR FAMILY PRESERVATION SERVICES, by Representative R. Menlove; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 84**, TRAUMATIC BRAIN INJURY FUND, by Representative J. Gowans; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 211**, BACKGROUND CHECKS FOR DIVISION OF SERVICES FOR PEOPLE WITH DISABILITIES, by Representative R. Lockhart.

D. Chris Buttars, Chair

Mr. President: February 1, 2007

The Education Committee reports a favorable recommendation on **S.B. 194**, BOARDS OF EDUCATION MEMBERSHIP AMENDMENTS, by Senator C. Bramble; and

The Education Committee recommends **S.J.R. 11**, RESOLUTION PROVIDING APPOINTMENT OF STATE SUPERINTENDENT OF EDUCATION, by Senator G. Bell, be replaced and favorably recommends **1st Sub. S.J.R. 11**, RESOLUTION PROVIDING APPOINTMENT OF STATE SUPERINTENDENT OF EDUCATION; and

The Education Committee reports a favorable recommendation on **H.B. 68**, SCHOOL FEE WAIVER AMENDMENTS, by Representative L. Shurtliff; and

The Education Committee reports a favorable recommendation on **H.B. 202**, MEDICAL RECOMMENDATIONS FOR CHILDREN, by Representative M. Morley; and

The Education Committee reports a favorable recommendation on **H.B. 207**, SCHOOL TRUANCY AND COMPULSORY EDUCATION AMENDMENTS, by Representative E. Hutchings.

Margaret Dayton, Chair

On motion of Senator Hickman, the committee reports were adopted. **S.B. 159**, as amended, **S.B. 45**, as amended, **1st Sub. S.B. 66**, **1st Sub. S.B. 75**, **S.B. 160**, as amended, **S.B. 193**, **S.J.R. 3**, **H.B. 47**, **H.B. 84**, **H.B. 211**, **S.B. 194**, **1st Sub. S.J.R. 11**, **H.B. 68**, **H.B. 202**, and **H.B. 207**, were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 1, 2007

The Business and Labor Committee recommends **S.B. 162**, PETE SUAZO UTAH ATHLETIC COMMISSION, by Senator E. Mayne, be replaced and favorably recommends **1st Sub. S.B. 162**, PETE SUAZO UTAH ATHLETIC

COMMISSION and that 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 **S.B. 199**, DIVISION OF REAL ESTATE AND RELATED AMENDMENTS, by Senator S. Killpack, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 1, Lines 13 through 14:

13 ▶ addresses when the Real Estate Commission may hold administrative hearings

14 related to violations of the real estate chapter;

 ▶ provides an exemption from licensure for certain Department of Transportation employees;

2. Page 2, Lines 52 through 53:

52 57–11–17, as enacted by Chapter 158, Laws of Utah 1973
 61–2–3, as last amended by Chapter 198, Laws of Utah 2006

53 61–2–5.5, as last amended by Chapter 198, Laws of Utah 2006

3. Page 3, Lines 81 through 82:

81 61–2c–510, as enacted by Chapter 297, Laws of Utah 2004

ENACTS:

72–5–116, Utah Code Annotated 1953

82 REPEALS:

4. Page 5, Lines 131 through 132:

131 lands to waive compliance with this [aet] chapter or any rule or order under it is void.

Section 2. Section 61–2–3 is amended to read:

61–2–3. Exempt persons and transactions.

(1) (a) Except as provided in Subsection (1)(b), a license under this chapter is not required for:

(i) any person who as owner or lessor performs the acts described in Subsection 61–2–2 (12) with reference to property owned or leased by that person;

(ii) a regular salaried employee of the owner or lessor of real estate who, with reference to nonresidential real estate owned or leased by the employer, performs the acts enumerated in Subsections

61-2-2(12)(a) and (b);

(iii) a regular salaried employee of the owner of real estate who performs property management services with reference to real estate owned by the employer, except that the employee may only manage property for one employer;

(iv) a person who performs property management services for the apartments at which that person resides in exchange for free or reduced rent on that person's apartment;

(v) a regular salaried employee of a condominium homeowners' association who manages real property subject to the declaration of condominium that established the homeowners' association, except that the employee may only manage property for one condominium homeowners' association; and

(vi) a regular salaried employee of a licensed property management company who performs support services, as prescribed by rule, for the property management company.

(b) Subsection (1)(a) does not exempt from licensing:

(i) ~~{-employees-}~~ an employee engaged in the sale of properties regulated under:

(A) Title 57, Chapter 11, Utah Uniform Land Sales Practices Act; and

(B) Title 57, Chapter 19, Timeshare and Camp Resort Act;

(ii) ~~{-employees-}~~ an employee engaged in the sale of cooperative interests regulated under Title 57, Chapter 23, Real Estate Cooperative Marketing Act; or

(iii) any person whose interest as an owner or lessor ~~{-was-}~~ is obtained by that person or transferred to that person for the purpose of evading the application of this chapter, and not for any other legitimate business reason.

(2) A license under this chapter is not required for:

(a) an isolated ~~{-transactions-}~~ transaction by ~~{-persons-}~~ a person holding a duly executed power of attorney from the owner;

(b) services rendered by an attorney ~~{-at-law-}~~ in performing the ~~{-attorney-at-law's-}~~ attorney's duties as an attorney ~~{-at-law-}~~ ;

(c) a receiver, trustee in bankruptcy, administrator, executor, or any person acting under order of any court;

(d) a trustee or ~~{-its-employees-}~~ employee of a trustee under a deed of trust or a will; ~~{-or-}~~

(e) any public utility, ~~{-its officers-}~~ officer of a public utility, or regular salaried ~~{-employees-}~~ employee of a public utility, unless performance of any of the acts set out in Subsection 61-2-2(12) is in connection with the sale, purchase, lease, or other disposition of real estate or investment in real estate unrelated to the principal business activity of that public utility ; or

(f) a regular salaried employee of the Department of Transportation when performing an act on behalf of the Department of Transportation in connection with one or more of the following:

- (i) the acquisition of real property pursuant to Section 72-5-103;
- (ii) the disposal of real property pursuant to Section 72-5-111; or
- (iii) services that constitute property management.

(3) A license under this chapter is not required for any person registered to act as a broker-dealer, agent, or investment advisor under the Utah and federal securities laws in the sale or the offer for sale of real estate if:

(a) (i) the real estate is a necessary element of a "security" as that term is defined by the Securities Act of 1933 and the Securities Exchange Act of 1934; and

(ii) the security is registered for sale:

(A) pursuant to the Securities Act of 1933; or

(B) by Title 61, Chapter 1, Utah Uniform Securities Act; or

(b) (i) it is a transaction in a security for which a Form D, described in 17 C.F.R. Sec. 239.500, has been filed with the Securities and Exchange Commission pursuant to Regulation D, Rule 506, 17 C.F.R. Sec. 230.506; and

(ii) the selling agent and the purchaser are not residents of this state.

132 Section 2. Section 61-2-5.5 is amended to read:

5. Page 57, Lines 1750 through 1751:

1750 ~~[(b)]~~ (ii) applicants for licensure.

Section 31. Section 72-5-116 is enacted to read:

72-5-116. Exemption from state licensure.

An employee of the department when engaging in an act on behalf of the department related to one or more of the following is exempt from licensure under Title 61, Chapter 2, Division of Real Estate:

(1) acquiring real property pursuant to Section 72-5-103;

(2) disposing of real property pursuant to Section 72-5-111; or

(3) providing services that constitute property management, as defined in Section 61-2-2.

1751 Section 31. Repealer.

Renumber remaining sections accordingly; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 64, IMPACT OF ADMINISTRATIVE RULES ON SMALL BUSINESSES**, by Representative S. Clark, and recommends it be considered read for the second time and placed on the Consent Calendar.

Kevin T. Van Tassell, Chair

On motion of Senator Hickman, the committee reports were adopted. **1st Sub. S. B. 162, S.B. 199**, as amended, and **H.B. 64** were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 207, Waste Tire Recycling Act Revisions (F. Fife), read the first time by short title and referred to the Rules Committee.

S.B. 216, Utah Antitrust Act Amendments (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 224, Judiciary Amendments (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 230, Liability for Contaminated Property (F. Fife), read the first time by short title and referred to the Rules Committee.

S.B. 231, Veterans Amendments (F. Fife), read the first time by short title and referred to the Rules Committee.

S.B. 255, Crane Safety Amendments (G. Davis), read the first time by short title and referred to the Rules Committee.

S.J.R. 12, Resolution Amending Utah Constitution (J. Valentine), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

H.B. 54, OCCUPATIONAL AND PROFESSIONAL LICENSURE REVIEW COMMITTEE, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Christensen	McCoy	Stephenson
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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.

CONCURRENCE CALENDAR

S.B. 10, INDUSTRIAL ASSISTANCE FUND AMENDMENTS – RURAL FAST TRACK PROGRAM, was before the Senate.

On motion of Senator Hillyard, the bill was circled.

* * *

1st Sub. S.B. 20, STATE HIGHWAY AMENDMENTS, was before the Senate.

On motion of Senator Walker, the Senate refused to concur in the House amendments and asked the House to recede from its amendments. **1st Sub. S.B. 20** was returned to the House.

* * *

On motion of Senator Eastman, the Senate voted to concur in the House amendments to **S.J.R. 1, UTAH ATHLETIC FOUNDATION RESOLUTION.** The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow

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

Absent or not voting were: Senators

Bell	Christensen	Hickman
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S.J.R. 1 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, **S.B. 70**, UTAH VALLEY UNIVERSITY INSTITUTIONAL NAME CHANGE, will be considered Friday, February 9, 2007, at 11:00 a.m.

* * *

On motion of Senator Bramble, the Senate approved a bill file be opened for a concurrent resolution regarding settling a lawsuit.

THIRD READING CALENDAR

H.B. 31, DRIVER LICENSE OR IDENTIFICATION CARD REQUIREMENT FOR SEX OFFENDERS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator
Hickman

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.

* * *

On motion of Senator McCoy, the Senate approved a bill file be opened for the purpose of providing a study of the economic and budgetary impact of undocumented immigrants on the State of Utah.

* * *

On motion of Senator Niederhauser, the circle was removed from **H.B. 37, CIGARETTE AND TOBACCO TAX AND LICENSING AMENDMENTS**. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

H.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 Hickman, the Senate voted to move to the Concurrence Calendar.

CONCURRENCE CALENDAR

On motion of Senator Hickman, the circle was removed from **S.B. 10, INDUSTRIAL ASSISTANCE FUND AMENDMENTS – RURAL FAST TRACK PROGRAM** , and it was before the Senate. Senator Hickman explained the bill.

On motion of Senator Hickman, the Senate voted to concur in the House amendments to **S.B. 10, INDUSTRIAL ASSISTANCE FUND AMENDMENTS – RURAL FAST TRACK PROGRAM**. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

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

S.B. 10 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

H.B. 71, BALLOT FORM AMENDMENTS, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

H.B. 71 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 205, PUBLIC DEMONSTRATION AT FUNERALS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman

Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

H.B. 205 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, JOINT RULES RESOLUTION – APPROPRIATION SUBCOMMITTEES, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

H.J.R. 6 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 18, CHILD SUPPORT COLLECTION AMENDMENTS, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Voting in the negative was: Senator
Dayton

H.B. 18 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 13, WORKERS' COMPENSATION FUND – BOARD AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

H.B. 13 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 51, ADOPTION AMENDMENTS, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator
Dmitrich

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.B. 80, HEALTH INSURANCE AMENDMENTS, was read the third time, explained by Senator Davis, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jones
Knudson	Mayne	McCoy	Niederhauser
Peterson	Romero	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Voting in the negative were: Senators

Dayton	Jenkins	Madsen	Stephenson
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Absent or not voting were: Senators

Dmitrich	Killpack
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H.B. 80 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

S.B. 53, HIGHER EDUCATION ENGINEERING PARTNERSHIP, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator

Dmitrich

S.B. 53 was transmitted to the House for consideration.

* * *

S.B. 133, LOCAL SCHOOL BOARD PUBLIC HEARING REQUIREMENTS, was read the third time, explained by Senator Jones, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

S.B. 133 was transmitted to the House for consideration.

* * *

S.B. 36, SAFETY BELT ENFORCEMENT AMENDMENTS, was read the third time and explained by Senator Jones. Senator Buttars commented and the bill passed on the following roll call:

Yeas, 16; Nays, 13; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Davis	Eastman
Fife	Goodfellow	Greiner	Hillyard
Jones	Knudson	Mayne	McCoy
Romero	Van Tassell	Walker	Valentine

Voting in the negative were: Senators

Buttars	Christensen	Dayton	Dmitrich
Hickman	Jenkins	Killpack	Madsen
Niederhauser	Peterson	Stephenson	Stowell
Waddoups			

S.B. 36 was transmitted to the House for consideration.

* * *

1st Sub. H.B. 29, PROFESSIONAL EMPLOYER ORGANIZATION RELATED AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

1st Sub. 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.

SECOND READING CALENDAR

S.B. 101, CREDIT SERVICES ORGANIZATIONS ACT CHANGES, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Goodfellow	Walker
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* * *

S.B. 118, MECHANICS' LIEN AND PAYMENT AMENDMENTS, was read the second time. Senator Jenkins explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator

Davis

* * *

S.B. 153, MALPRACTICE LIABILITY DURING PANDEMIC EVENT, was read the second time. Senator Bell explained the bill.

Senator Bell proposed the following amendment:

1. Page 2, Lines 47 through 49

47 penalties as a result of any act or omission unless the person rendering the assistance:

48 (i) is grossly negligent: {~~or~~ }

49 (ii) caused the emergency ; or
 (iii) has engaged in criminal conduct .

Senator Bell's motion to amend passed on a voice vote.

###

Senator Bell proposed the following amendment:

1. Page 2, Lines 47 through 49

47 penalties as a result of any act or omission unless the person rendering the assistance:

48 (i) is grossly negligent: {~~or~~ }

49 (ii) caused the emergency ; or
 (iii) has engaged in felony criminal conduct .

Senator Bell’s motion to amend failed on a voice vote. Senators Valentine, Hillyard and Buttars commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bramble	Eastman	Hickman
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* * *

S.B. 56, TEACHER ASSOCIATION AMENDMENTS, was read the second time. Senator Madsen explained the bill. Senators Romero, Buttars, Mayne, Dayton and Greiner commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Voting in the negative were: Senators

Greiner	Jones	Romero
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SPECIAL ORDER OF BUSINESS

Special recognition was given to teachers from Utah who achieved the National Board Certification this year

* * *

On motion of Senator Bramble and at 11:45 a.m., the Senate adjourned until 10:00 a.m., Monday, February 5, 2007.

TWENTY-SECOND DAY

MORNING SESSION

February 5, 2007

The Senate was called to order at 10:05 a.m., with President John Valentine presiding.

Prayer – Bill Evans, Director of Public Relations for the Church of Jesus Christ of Latter-Day Saints

Pledge of Allegiance – Senator Scott Jenkins

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS

(PLEASE REFER TO DAY 1, PAGE 102)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 2, 2007

The House passed **H.B. 125**, CENTERS OF EXCELLENCE AMENDMENTS, by Representative B. Daw, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 125** was read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 2, 2007

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

Business and Labor Committee

S.B. 234 Occupational and Environmental Health Amendments
(Sen. E. Mayne)

H.B. 259 Mechanics Liens on Certain New Development Housing
(Rep. P. Painter)

Government Operations and Political Subdivisions Committee

S.B. 211 Election Law Changes (Sen. H. Stephenson)

S.B. 215 Amendments to Land Use Development and Management Act (Sen. G. Bell)

S.B. 227 Utah Fire Prevention Board Amendment
(Sen. P. Knudson)

H.B. 247 Special Service District Authority to Provide Jail
Facilities (Rep. J. Mathis)

Health and Human Services Committee

S.C.R. 6 Resolution Urging States Rights to Innovate Health Care
(Sen. G. Bell)

Judiciary, Law Enforcement, and Criminal Justice Committee

H.B. 44 Motor Vehicle Insurance Arbitration Amendments
(Rep. S. Urquhart)

H.B. 45 Comparative Negligence Amendments (Rep. S. Wyatt)

Natural Resources, Agriculture and Environment Committee

H.B. 221 Timing to Commence a Civil Action by the Department
of Environmental Quality (Rep. R. Menlove)

Revenue and Taxation Committee

S.B. 203 Disclosure of Property Tax Information
(Sen. H. Stephenson)

S.B. 208 Judicial Review, Attorney Fees, and Procedure Relating
to Tax Commission Decisions (Sen. H. Stephenson)

S.B. 223 Tax Amendments (Sen. W. Niederhauser)

Transportation, Public Utilities and Technology Committee

S.B. 240 Litigation Fund Restricted Account for Highway Projects
(Sen. S. Killpack)

H.B. 244 Repeal of Utah Technology Commission
(Rep. J. Dougall)

Bill Hickman

Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President:

February 2, 2007

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 63**, STATE ZERO-BASED BUDGETING, by Senator W. Niederhauser, with the following amendments:

1. Page 2, Lines 52 through 56:

52 (1) (a) The committee shall be composed of ~~{-11 legislators }~~ nine permanent legislative members and at least two ex officio, voting members.

(b) The committee's permanent members shall be appointed as follows:

53 ~~{-(a) }~~ (i) ~~{-four }~~ three senators appointed by the president of the Senate, with one senator from the

54 minority party; and

55 ~~{-(b) }~~ (ii) ~~{-seven }~~ six representatives appointed by the speaker of the House of Representatives,

56 with two representatives from the minority party.

2. Page 3, Lines 60 through 65:

60 (3) When the committee reviews a budget entity's activities, services, programs, and budget, the chairs shall invite the Senate and House chairs of each appropriations subcommittee that reviews the budget for that budget entity to serve as ex officio voting members of the committee.

(4) Permanent ~~{-Committee }~~ committee members serve for two years but may be reappointed by the speaker or

61 president.

62 ~~{-(4) }~~ (5) In conducting all of its business, the committee shall comply with interim rules.

63 ~~{-(5) }~~ (6) The committee shall meet at least monthly during the interim and at the call of the

64 chairs.

65 ~~{-(6) }~~ (7) The Legislative Fiscal Analyst shall provide staff services to the committee. ; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 130**, MUNICIPAL CODE AMENDMENTS, by Senator D. Eastman, with the following amendments:

1. Page 1, Line 14:

14 petition if the area is has been owned for at least 30 years by and is contiguous to the municipality;

2. Page 1, Line 15:

15 ▶ for disconnections occurring during a specified period. eliminates a provision requiring a petitioner seeking to disconnect an area from a

3. Page 1, Line 20:

20 from a municipality during a specified period has met the petitioner's burden of proof.

4. Page 2, Lines 48 through 50:

48 (iii) the area to be annexed {~~is~~} :

49 (A) has been owned by the municipality for at least 30 years ; and

50 (B) is contiguous to the municipality.

5. Page 5, Line 132:

132 previous years; {~~or~~}

6. Page 5, Lines 134 through 135:

134 function as a municipality; {~~+~~} or {~~-~~} {~~and~~}

135 {~~+~~} (iii) for a disconnection before April 30, 2007 or on or after February 15, 2008. leave or create one or more islands or peninsulas of unincorporated territory; and {~~+~~}

7. Page 5, Line 151:

151 (b) for a disconnection before February 15, 2008. whether the proposed disconnection will leave or create one or more islands or

The Government Operations and Political Subdivisions Committee recommends **S.B. 167**, UTAH SPORTS AUTHORITY, by Senator M. Dmitrich, be replaced and favorably recommends **1st Sub. S.B. 167**, UTAH SPORTS AUTHORITY; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 172**, MUNICIPAL LAND USE, DEVELOPMENT, AND MANAGEMENT CHANGES, by Senator S. Killpack, with the following amendments:

1. Page 1, Lines 14 through 15:

14 ► excludes a permitted or conditional use water or sewer facility from a municipality's

15 land use and other requirements under certain circumstances ; and

► provides a repeal date for Subsection 10-9a-305(8) .

2. Page 1, Lines 21 through 22:

21 AMENDS:

22 10-9a-305, as last amended by Chapter 364, Laws of Utah 2006 63-55b-110, as last amended by Chapter 28, Laws of Utah 2005

3. Page 5, Line 124:

124 municipality in which the facility is located: { - and }

4. Page 5, Line 127:

127 facility { - } ; and

(d) is located in a county of the first class.

Section 2. Section 63-55B-110 is amended to read:

63-55b-110. Repeal dates -- Title 10.

(1) Subsection 10-9a-305(8), and references to it, are repealed January 1, 2009.

(2) Section 10-2-427 is repealed July 1, 2010.

Renumber remaining sections accordingly. ; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 204**, MODIFICATIONS TO OPEN AND PUBLIC MEETINGS, by Representative S. Wyatt; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 219**, UNCLAIMED PROPERTY ACT PROVISIONS, by Representative F. Hunsaker.

Peter C. Knudson, Chair

Mr. President:

February 2, 2007

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 190**, ANIMAL CRUELTY OFFENSES, by Senator G. Davis, with the following amendments:

1. Page 1, Line 21:

21 ▶ provides that torturing an animal is a third degree felony
and provides a definition of torture ;

2. Page 2, Lines 52 through 55:

52 (A) animals kept or owned for agricultural purposes and cared
for in accordance with

53 accepted local husbandry practices;

54 (B) animals used for rodeo purposes and cared for in accordance
with accepted local

55 husbandry practices;

3. Page 3, Lines 62 through 63:

62 (E) animals kept or owned for the purpose of
training hunting {~~dog~~} dogs or
{~~falcon~~} falcons {~~training~~} and cared

63 for in accordance with accepted local husbandry practices.

4. Page 3, Line 74:

74 conditions.

(f) “Torture” means a person:

(i) intentionally or knowingly inflicts on another or subjects
another to extreme physical pain or serious bodily injury as defined in
Section 76-1-601; and

(ii) acts under circumstances evidencing extreme cruelty or
depravity. ; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 192, SERVICE ANIMALS**, by Senator S. McCoy, with the following amendments:

1. Page 6, Lines 154 through 158:

154 (1) (a) A person with a disability has the right to be accompanied
by a [~~guide or~~]

155 service animal[~~, as defined by~~] {~~-~~} unless the service
animal is a danger or nuisance to others as interpreted under the
Americans with Disabilities Act of 1990, 42 U.S.C.
12102[{~~-~~} {~~-~~}]

156 ~~specially trained for that purpose,];~~

157 (i) in any of the places specified in Section ~~[26-30-1]~~
62A-5b-103; and

158 (ii) without additional charge for the ~~[guide or]~~ service animal;
and

The Natural Resources, Agriculture, and Environment Committee recommends **S.B. 195**, FISH HEALTH AMENDMENTS, by Senator D. Peterson, be replaced and favorably recommends **1st Sub. S.B. 195**, FISH HEALTH AMENDMENTS.

Darin G. Peterson, Chair

Mr. President: February 2, 2007

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 238**, MOTOR VEHICLE INSURANCE AMENDMENTS, by Senator S. Killpack.

Carlene M. Walker, Chair

Mr. President: February 2, 2007

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 138**, ADMINISTRATIVE RULE CRIMINAL PENALTY AMENDMENTS, by Senator H. Stephenson, be replaced and favorably recommends **1st Sub. S.B. 138**, ADMINISTRATIVE RULE CRIMINAL AND CIVIL PENALTY AMENDMENTS, and further recommends that it be read for the first time and placed on the record reading calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 179**, IMMUNITY OF COUNTIES AND MUNICIPALITIES FOR SKY DIVING ACTIVITIES, by Senator B. Goodfellow; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 39**, CONCEALED WEAPONS FEES AMENDMENTS, by Representative C. Oda.

Gregory S. Bell, Chair

On motion of Senator Hickman, the committee reports were adopted. **S.B. 63**, as amended, **S.B. 130**, as amended, **1st Sub. S.B. 167**, **S.B. 172**, as amended, **H.B. 204**, **H.B. 219**, **S.B. 190**, as amended, **S.B. 192**, as amended, **1st Sub.**

S.B. 195, S.B. 238, 1st Sub. S.B. 138, S.B. 179, and H.B. 39 were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 2, 2007

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 60, UNIFORM PRUDENT MANAGEMENT OF INSTITUTIONAL FUNDS**, 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. 253, ALLOWING STATE MEMORIALS ON STATE PROPERTY**, by Representative W. Harper, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

Mr. President: February 2, 2007

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 137, HOMELAND SECURITY AMENDMENTS**, 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 **S.B. 140, IDENTITY FRAUD AMENDMENTS**, by Senator C. Walker, and recommends it be considered read for the second time and placed on the Consent Calendar.

Gregory S. Bell, Chair

On motion of Senator Hickman, the committee reports were adopted. **S.B. 60, H.B. 253, S.B. 137, and S.B. 140** were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 178, Custody Amendments (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 243, Direct-entry Midwife Amendments (M. Dayton), read the first time by short title and referred to the Rules Committee.

S.B. 250, Military Justice Code Amendments (P. Knudson), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

S.B. 101, CREDIT SERVICES ORGANIZATIONS ACT CHANGES, 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

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

Absent or not voting were: Senators

Bramble	McCoy	Walker
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S.B. 101 was transmitted to the House for consideration.

* * *

S.B. 118, MECHANICS' LIEN AND PAYMENT AMENDMENTS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bramble	McCoy	Walker
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S.B. 118 was transmitted to the House for consideration.

* * *

S.B. 153, MALPRACTICE LIABILITY DURING PANDEMIC EVENT, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bramble	McCoy	Walker
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S.B. 153 was transmitted to the House for consideration.

* * *

SB. 56, TEACHER ASSOCIATION AMENDMENTS, was read the third time and explained by Senator Madsen. Senators Romero, Mayne, and Hillyard commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Voting in the negative were: Senators

Fife	Romero
------	--------

Absent or not voting were: Senators

McCoy	Walker
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S.B. 56 was transmitted to the House for consideration.

On motion of Senator Madsen, the following intent language is included in the Senate Journal.

INTENT LANGUAGE FOR S.B. 56

It is the intent of the legislature that S.B. 56 not prevent school districts from establishing collective bargaining policies that would allow the designation of one teacher’s association as the collective bargaining agent for the district based on objective criteria, such as predominant teacher membership in one teacher’s association, and to engage in collective bargaining with a so designated teacher’s association for wages, benefits, and working conditions (including uniform complaint resolution procedures) that would apply to all teachers, whether or not they are members of the predominant teacher’s association. However, a designated collective bargaining agent may not negotiate more favorable terms for its members than its non members, and teachers cannot be compelled to be represented in a complaint resolution procedure by a representative of a teacher’s association to which they do not belong.

* * *

On motion of Senator Niederhauser, the Senate voted to allow a bill file be opened for a Senate resolution regarding an existing tax policy.

SECOND READING CALENDAR

S.B. 128, STATE GOVERNMENT LAW REVISIONS – WITHDRAWAL FROM EDUCATION COMPACT, was read the second time. Senator Dayton 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

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

* * *

S.B. 135, PUBLIC EMPLOYEES DISABILITY BENEFITS LIMITATIONS, 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

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

Absent or not voting was: Senator

Madsen

* * *

On motion of Senator Bramble, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Bramble, the Senate voted to lift **H.B. 56, EMERGENCY ADMINISTRATION OF EPINEPHRINE**, from the Third Reading Table.

H.B. 56, EMERGENCY ADMINISTRATION OF EPINEPHRINE, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

H.B. 56, as amended, was returned to the House for further consideration.

SECOND READING CALENDAR

S.B. 143, PERSONAL USE OF STATE VEHICLES AUTHORIZED FOR LAW ENFORCEMENT OFFICERS IN THE OFFICE OF THE ATTORNEY GENERAL, was read the second time. Senator Peterson 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

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

* * *

S.R. 2, RESOLUTION AFFIRMING FUNDAMENTAL RIGHTS OF MUSLIM COMMUNITY OF UTAH, was read the second time.

On motion of Senator Knudson, the bill was circled.

* * *

On motion of Senator Knudson, the Senate voted to allow a bill file to be opened for the purpose of drafting a concurrent resolution regarding affirming rights of the Muslim community of Utah.

* * *

S.B. 5, TAX PENALTY AMENDMENTS, was read the second time. Senator Stephenson 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

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman

Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

* * *

1st Sub. S.B. 13, TAX CREDITS FOR ALTERNATE POWER GENERATION, was read the second time. Senator Stephenson explained the bill. Senators Valentine commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

* * *

S.B. 142, SALES AND USE TAX EXEMPTIONS AND REFUND FOR CERTAIN BUSINESS INPUTS, was read the second time. Senator Stephenson explained the bill. Senator Hickman commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

* * *

S.B. 106, MOTOR VEHICLE BUSINESS FEE AMENDMENTS, 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

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

Absent or not voting was: Senator Waddoups

* * *

1st Sub. S.B. 120, VEHICLE TOWING REQUIREMENTS, was read the second time. 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

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

Absent or not voting were: Senators Fife Waddoups

* * *

S.B. 35, UNIFORM CHILD ABDUCTION PROTECTION ACT, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Eastman	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Walker	Valentine

Absent or not voting were: Senators

Dmitrich	Fife	Knudson	Van Tassell
Waddoups			

* * *

S.B. 50, DRUG OFFENDERS REFORM ACT, was read the second time. Senator Buttars explained the bill.

Senator Buttars proposed the following amendment:

1. Page 1, Line 27

27 ▶ as an ongoing appropriation subject to future budget constraints, {~~-\$6,364,800-~~} \$6,331,860 from

2. Page 2, Lines 29 through 31:

29 ▶ as an ongoing appropriation subject to future budget constraints, {~~-\$10,156,000-~~} \$10,103,440 from

30 the General Fund, for fiscal year 2007-08, to the Department of Human Services;

31 {~~and-~~} ;

3. Page 2, Line 33:

33 General Fund, for fiscal year 2007-08, to the Administrative Office of the Courts {~~-~~} ; and

 ▶ as an ongoing appropriation subject to future budget constraints, \$75,000 to the Board of Pardons and Parole.

4. Page 17, Line 494:

494 appropriated from the General Fund for fiscal year 2007-08, {~~-\$6,364,800~~ } \$6,331,860 to the Department of

5. Page 17, Line 499:

499 appropriated from the General Fund for fiscal year 2007-08,
{-~~\$10,156,000~~ } \$10,103,440 to the Department of

6. Page 17, Line 503:

503 appropriated from the General Fund for fiscal year 2007-08,
{-~~\$94,500~~ } \$105,000 to the Administrative

7. Page 17, Line 505:

(5) As an ongoing appropriation subject to future budget constraints,
there is appropriated from the General Fund for fiscal year 2007-08,
\$75,000 to the Board of Pardons and Parole to be used for processing and
case analysis.

505 {-~~(5)~~ } (6) The appropriations under this section are
nonlapsing.

Senator Buttars’ motion to amend passed on a voice vote. Senators Bramble, Walker, Stowell, Jones, and Stephenson commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

* * *

S.B. 55, TRANSFER AND DISPOSITION OF PROTECTED PROPERTY AMENDMENTS, was read the second time. Senator Peterson 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

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman

Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

* * *

S.B. 112, METHAMPHETAMINE PRECURSOR ACCESS AMENDMENTS, was read the second time. Senator Buttars explained the bill. Senators Fife, Valentine, and Davis commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

* * *

S.B. 114, AGGRAVATED MURDER AMENDMENTS, was read the second time. Senator Bell explained the bill. Senator Hillyard commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Goodfellow	Jenkins
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* * *

On motion of Senator Bramble and at 11:55 a.m., the Senate adjourned until 10:00 a.m., Tuesday, February 6, 2007.

TWENTY-THIRD DAY

MORNING SESSION

February 6, 2007

The Senate was called to order at 10:05 a.m., with President John Valentine presiding.

Prayer – Rabbi Joshua Aaronson. Temple Har Shalom

Pledge of Allegiance – Senator Bill Hickman

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 102)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 5, 2007

The Speaker of the House has signed **S.B. 10**, INDUSTRIAL ASSISTANCE FUND AMENDMENTS – RURAL FAST TRACK PROGRAM, by Senator J. Hickman, et al, and it is transmitted for the signature of the President; and

The House passed, **S.B. 89**, REVISING DEATH CERTIFICATES, by Senator C. Walker, 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.J.R. 1**, UTAH ATHLETIC FOUNDATION RESOLUTION, by Senator D. Eastman, et al, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 10, **S.B. 89**, and **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 5, 2007

The House concurred in the Senate amendments and passed **H.B. 10**, OPEN AND PUBLIC MEETINGS ACT AMENDMENTS, by Representative W. Harper, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 27**, SALES AND USE TAX MODIFICATIONS, 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. 67**, AGE AMENDMENTS FOR HUNTING BIG GAME, by Representative C. Oda, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 10, **H.B. 27**, and **1st Sub. H.B. 67**, 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 5, 2007

The House passed **H.B. 8**, RETIREMENT OFFICE AMENDMENTS, by Representative D. Clark, and it is transmitted for consideration; and

The House passed **H.B. 135**, UTAH UNIFORM BUILDING STANDARDS ACT AMENDMENTS, by Representative L. Wiley, and it is transmitted for consideration; and

The House passed, as substituted, **3rd Sub. H.B. 236**, STUDENT CLUBS AMENDMENTS, by Representative A. Tilton, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 260**, POST RETIREMENT EMPLOYMENT, by Representative G. Donnelson, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 8**, **H.B. 135**, **3rd Sub. H.B. 236**, and **H.B. 260** were read the first time and referred to the Rules Committee.

* * *

Mr. President:

February 5, 2007

The House refuses to recede from its amendments to **1st Sub. S.B. 20**, STATE HIGHWAY AMENDMENTS, by Senator C. Walker, and has appointed a Conference Committee consisting of Representatives J. Dougall, W. Harper, and N. Hendrickson to meet with a like committee from the Senate on this bill.

Sandy D. Tenney, Chief Clerk

On motion of Senator Walker, the Senate voted to refuse to recede from its amendments to **1st Sub. S.B. 20**. President Valentine appointed a conference committee consisting of Senators Walker, McCoy, and Killpack to meet with a like committee from the House.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 5, 2007

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

Business and Labor Committee

- S.B. 255** Crane Safety Amendments (Sen. G. Davis)
1st Sub. H.B. 96 Motor Vehicle Dealer Amendments (Rep. P. Painter)

Education Committee

- 1st Sub. H.B. 215** School Reporting Amendments (Rep. K. Morgan)
H.B. 241 Appropriation for Terrel H. Bell Program
 (Rep. R. Menlove)
H.C.R. 4 Resolution Encouraging State Universities' and School
 Institutional Trust Lands' Efforts in Enhancing State Trust
 Lands (Rep. E. Hutchings)

Government Operations and Political Subdivisions Committee

- S.J.R. 12** Resolution Amending Utah Constitution
 (Sen. J. Valentine)
H.B. 257 Open and Public Meeting Act Amendments
 (Rep. G. Donnelson)

Health and Human Services Committee

- S.J.R. 4** Resolution Establishing Right to Health Care
 (Sen. S. McCoy)

Judiciary, Law Enforcement, and Criminal Justice Committee

- S.B. 216** Utah Antitrust Act Amendments (Sen. L. Hillyard)
S.B. 224 Judiciary Amendments (Sen. L. Hillyard)

Natural Resources, Agriculture and Environment Committee

- S.B. 207** Waste Tire Recycling Act Revisions (Sen. F. Fife)
S.B. 230 Liability for Contaminated Property (Sen. F. Fife)
H.B. 97 Motor Vehicle Registration Checkoff for Protecting
 Access to Public Lands and Off-highway Vehicle
 Education (Rep. M. Noel)
H.B. 99 Water Loan Program Amendments (Rep. P. Painter)

Transportation, Public Utilities and Technology Committee

- H.B. 108** Transportation Study – East-west Corridor in a County of
 the First Class (Rep. R. Bigelow)

H.B. 227 Motorboat Liability Insurance Revisions (Rep. K. Gibson)

Bill Hickman
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 5, 2007

The Business and Labor Committee reports a favorable recommendation on **S.B. 77, INSURABLE INTEREST AMENDMENTS**, by Senator R. Romero, with the following amendments:

- 1. Page 2, Lines 28 through 37:

28 (1) As used in this chapter:
29 (a) For purposes of this section, “exchange” means an exchange made
30 pursuant to Section 1035, Internal Revenue Code, as may be amended.

31 {~~(a)~~ } (b) “Insurable interest” in a person means the
32 following, including a circumstance
33 described in Subsection (3):

34 (i) for persons closely related by blood or by law, a substantial
35 interest engendered by
36 love and affection; or
37 (ii) in the case of other persons, a lawful and substantial interest
38 in having the life,
39 health, and bodily safety of the person insured continue.

40 {~~(b)~~ } (c) “Insurable interest” in property or liability
41 means any lawful and substantial
42 economic interest in the nonoccurrence of the event insured
43 against.

44 {~~(c)~~ } (d) “Viatical settlement” is as defined in
45 Section 31A-36-102.

- 2. Page 2, Lines 45 through 48:

46 (i) are satisfied if the requirements are met:
47 (A) at the effective date of the insurance policy;
48 {~~or~~ } and

47 (B) at the time of a later procurement of an interest in the
proceeds of an insurance

48 policy; and

3. Page 3, Lines 59 through 62:

59 ~~[(ii) Policyholders]~~ (e) A policy holder in a group insurance
~~[contracts do]~~ ~~{-contract }~~ policy

60 does not need an insurable interest if a certificate ~~[holders]~~ holder
 or ~~[persons]~~ a person other

61 than the group ~~{-policyholders who are-}~~ policyholder who
is specified by the certificate ~~[holders are the recipients]~~

62 holder is the recipient of the proceeds of the ~~[policies]~~ group
insurance ~~{-contract }~~ policy .

4. Page 3, Line 69 through Page 4, Line 117:

69 ~~[interest]~~ interests in the business.

(c) A trust has an insurable interest in the subject of the insurance to
the extent that a beneficiary of the trust has the insurable interest.

70 ~~[(v)]~~ ~~{-(e) }~~ (d) (i) Subject to Subsection ~~[(9)]~~
~~(3)~~ ~~{-(e) }~~ (d) (v), an employer or an employer

71 sponsored trust ~~[for the benefit of the employer's employees]:~~

72 (A) has an insurable interest in the lives of the employer's:

73 (I) directors;

74 (II) officers;

75 (III) managers;

76 (IV) nonmanagement employees; and

77 (V) retired employees; and

78 (B) may insure the lives listed in Subsection ~~[(2)(a)(v)(A)]~~
~~(3)~~ ~~{-(e) }~~ (d) (i)(A):

79 (I) on an individual or group basis; and

80 (II) with the written consent of the insured.

81 ~~[(b) "Insurable interest" in property or liability means any~~
~~lawful and substantial~~

82 ~~economic interest in the nonoccurrence of the event insured~~
~~against.]~~

83 [(e) “Viatical settlement” is as defined in Section 31A-36-102.]

84 (ii) (A) A trustee of a trust established by an employer for the
85 sole benefit of the
86 employer has the same insurable interest in the life and health of
87 any person as does the
88 employer.

89 (B) Without limiting the general principle in Subsection
90 (3) {-(e) } (d) (i)(A), a trustee of a
91 trust established by an employer that provides life, health,
92 disability, retirement, or similar
93 benefits has an insurable interest in the lives of the following
94 individuals if the individual is to
95 be provided life, health, disability, retirement, or similar benefits
96 from the trust:

97 (I) an individual described in Subsection
98 (3) {-(e) } (d) (i)(A); or
99 (II) a dependent or beneficiary of an individual described in
100 Subsection (3) {-(e) } (d) (i)(A).

101 (iii) (A) For the purpose of exchanging life insurance, the
102 individuals described in
103 Subsection (3) {-(e) } (d) (i)(A) include an individual
104 who was formerly included under Subsection
105 (3) {-(e) } (d) (i)(A) if the life insurance to be exchanged:
106 (I) is purchased or acquired while the individual is a current
107 director, officer, manager,
108 or employee; and
109 (II) is exchanged for life insurance in an amount that does not
110 exceed the amount of the
111 insurance being exchanged.

112 (B) Written consent of an individual described in this
113 Subsection (3) {-(e) } (d) (iii) is not
114 required at the time of the exchange of the life insurance.

115 (C) This Subsection (3) {-(e) } (d) (iii) shall be
116 interpreted in a manner consistent with

103 Subsection (2)(c).

104 (iv) (A) If an employer or trustee establishes an insurable interest as provided in this

105 Subsection (3) {-(e)} (d) and all of the employer's business is acquired, purchased, merged into, or

106 otherwise transferred to a subsequent employer, the insurable interest of the original employer

107 or trustee in an individual described in Subsection (3) {-(e)} (d) (i)(A) is automatically transferred to:

108 (I) the subsequent employer; or

109 (II) the trustee of a trust established by the subsequent employer for the subsequent

110 employer's sole benefit.

111 (B) A subsequent employer or a trustee of a trust described in Subsection

112 (3) {-(e)} (d) (iv)(A)(II) may exchange life insurance that is purchased or acquired in an individual

113 described in Subsection (3) {-(e)} (d) (i)(A) by the original employer or trustee without establishing a

114 new insurable interest at the time of the exchange of the insurance.

115 (v) The extent of an employer's or employer sponsored trust's insurable interest for a

116 nonmanagement {and} or retired employee under Subsection (3) {-(e)} (d) (i) is limited to an amount

117 commensurate with the employer's unfunded liabilities at the time insurance on the nonmanagement or retired employee is procured .

5. Page 6, Lines 156 through 157:

156 [(5)] (6) (a) An insurance policy is not invalid because {the policyholder lacks insurable

157 interest or because-} ;

(i) the insurance policy is issued or procured in violation of Subsection (2); or

(ii) consent has not been given.

6. Page 7, Lines 198 through 199:

198 (iii) ~~{-is }~~ are not in lieu of an insurable interest that
is not expressly included in this section

199 but exists in common law. ; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 88**, AUTOMATED TELLER MACHINE CHARGES FOR INTERNATIONAL ACCOUNTS, by Representative Julie Fisher.

Kevin T. Van Tassell, Chair

Mr. President:

February 5, 2007

The Health and Human Services Committee reports a favorable recommendation on **S.B. 184**, REVISIONS TO CHILD SUPPORT DEFINITIONS, by Senator L. Hillyard; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 189**, MEDICAID HOME AND COMMUNITY-BASED LONG-TERM CARE, by Senator G. Davis; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 200**, REDUCED CIGARETTE IGNITION PROPENSITY, by Senator E. Mayne, with the following amendments:

1. Page 3, Lines 60 through 71:

60 (3) “Manufacturer” means a tobacco product manufacturer as
defined in Section 59-22-202. ~~{-;~~

61 (a) any entity which:

62 (i) manufactures or otherwise produces cigarettes to be sold in
the state;

63 (ii) causes cigarettes to be manufactured or produced anywhere
with the intent to sell in

64 the state; or

65 (iii) manufactures or otherwise produces cigarettes or cause
cigarettes to be

66 manufactured or produced with the intent to sell in the United
States through an importer;

67 (b) the first purchaser anywhere that intends to resell in the
United States cigarettes

68 ~~manufactured anywhere that the original manufacturer or maker
does not intend to be sold in~~

69 ~~the United States; or~~

70 ~~(e) any entity that becomes a successor of an entity described in
Subsection (3)(a) or~~

71 ~~(3)(b);~~ } ; and

The Health and Human Services Committee reports a favorable recommendation on **S.C.R. 4**, CONCURRENT RESOLUTION URGING PARTICIPATION BY TAIWAN IN WORLD HEALTH ORGANIZATION, by Senator C. Bramble,

D. Chris Butters, Chair

Mr. President:

February 5, 2007

The Education Committee reports a favorable recommendation on **S.B. 62**, COLLEGE AND UNIVERSITY TUITION TAX CREDITS, by Senator G. Bell, with the following amendments:

1. Page 1, Lines 15 through 18:

15 ► establishes definitions, including eligibility for the credit;

16 { ~~► requires the State Tax Commission to verify certain eligibility information with~~

17 ~~institutions of higher education;—~~ } and

18 ► gives rulemaking authority to the State Tax Commission.

2. Page 2, Lines 37 through 38:

37 (ii) is legally claimed as a personal exemption on the federal and state individual

38 income tax return of a claimant who has claimant's income of \$30,000 or less , regardless of filing status ;

3. Page 3, Lines 67 through 73:

67 section if the amount of the tax credit exceeds the claimant's tax liability under this chapter.

68 (b) { ~~(i) Prior to issuing a refund for a refundable tax credit as provided in Subsection~~

69 ~~(3)(a), the commission shall, at a minimum, verify enrollment and~~
~~qualified higher education~~

70 ~~expense information with the eligible institution.~~

71 ~~(ii) -} Upon request of the commission, the eligible~~
~~institution shall release { -the requested~~

72 ~~information, including } applicable enrollment and qualified~~
~~higher education expense~~

73 ~~information { -x } to the commission for an eligible student.~~

; and

The Education Committee reports a favorable recommendation on **S.B. 81**, HOME SCHOOL AND EXTRACURRICULAR ACTIVITY AMENDMENTS, by Senator M. Madsen.

Margaret Dayton, Chair

On motion of Senator Hickman, the committee reports were adopted. **S.B. 77**, as amended, **H.B. 88**, **S.B. 184**, **S.B. 189**, **S.B. 200**, as amended, **S.C.R. 4**, **S.B. 62**, as amended, and **S.B. 81** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President:

February 5, 2007

The Business and Labor Committee reports a favorable recommendation on **S.B. 219**, REAL ESTATE MODIFICATIONS, by Senator D. Stowell, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 3, Lines 84 through 85:

84 ~~(9) { -Neither } Subject to federal bankruptcy law,~~
~~neither the recordation of an affidavit under Subsection (8) nor the~~
~~reexecution and~~

85 ~~rerecording of a document under Subsection (7) shall :~~

Kevin T. Van Tassell, Chair

Mr. President:

February 5, 2007

The Health and Human Services Committee reports a favorable recommendation on **S.B. 182**, CHILD SUPPORT MODIFICATIONS FOR TANF RECIPIENTS, by Senator L. Hillyard, 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. 201**, GOVERNANCE OF LOCAL ORDINANCES REGARDING SMOKING, by Representative P. Ray, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

On motion of Senator Hickman, the committee reports were adopted. **S.B. 219**, as amended, **S.B. 182**, and **H.B. 201** were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 174, Education Transportation Amendments (D. Peterson), read the first time by short title and referred to the Rules Committee.

S.B. 176, Utah Business Assistance Center Pilot Act (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 260, Property Tax – Definition of Goodwill (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 261, Disposition of Real Property (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.C.R. 5, Resolution Opposing Divine Strake (G. Davis), read the first time by short title and referred to the Rules Committee.

S.C.R. 7, Concurrent Resolution Approving Settlement of Lawsuit (C. Bramble), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

S.B. 188, WILDLIFE RESOURCES CONSERVATION EASEMENT RESTRICTED ACCOUNT, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Knudson	Madsen

Mayne	McCoy	Niederhauser	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Bramble	Killpack	Peterson
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S.B. 188 was transmitted to the House for consideration.

THIRD READING CALENDAR

S.B. 128, STATE GOVERNMENT LAW REVISIONS – WITHDRAWAL FROM EDUCATION COMPACT, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Buttars	Killpack	Peterson
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S.B. 128 was transmitted to the House for consideration.

* * *

S.B. 135, PUBLIC EMPLOYEES DISABILITY BENEFITS LIMITATIONS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Knudson

Madsen	Mayne	McCoy	Niederhauser
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Killpack	Peterson
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S.B. 135 was transmitted to the House for consideration.

* * *

S.B. 143, PERSONAL USE OF STATE VEHICLES AUTHORIZED FOR LAW ENFORCEMENT OFFICERS IN THE OFFICE OF THE ATTORNEY GENERAL, was read the third time.

On motion of Senator Hickman, the bill was circled.

* * *

S.B. 5, TAX PENALTY AMENDMENTS, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

S.B. 5 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 13, TAX CREDITS FOR ALTERNATE POWER GENERATION, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

1st Sub. S.B. 13 was transmitted to the House for consideration.

* * *

S.B. 142, SALES AND USE TAX EXEMPTIONS AND REFUND FOR CERTAIN BUSINESS INPUTS, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

S.B. 142 was transmitted to the House for consideration.

* * *

S.B. 106, MOTOR VEHICLE BUSINESS FEE AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman

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

S.B. 106 was transmitted to the House for consideration.

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S.B. 120, VEHICLE TOWING REQUIREMENTS, was read the third time.

On motion of Senator Goodfellow, the bill was circled.

* * *

S.B. 35, UNIFORM CHILD ABDUCTION PREVENTION ACT, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator
Buttars

S.B. 35 was transmitted to the House for consideration.

* * *

S.B. 50, DRUG OFFENDERS REFORM ACT, was read the third time and explained by Senator Buttars. Senator Waddoups commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bramble	Hillyard
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S.B. 50 was transmitted to the House for consideration.

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S.B. 55, TRANSFER AND DISPOSITION OF PROTECTED PROPERTY AMENDMENTS, was read the third time, explained by Senator Peterson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bramble	Hillyard
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S.B. 55 was transmitted to the House for consideration.

* * *

On motion of Senator Peterson, the circle was removed from **S.B. 143, PERSONAL USE OF STATE VEHICLES AUTHORIZED FOR LAW ENFORCEMENT OFFICERS IN THE OFFICE OF THE ATTORNEY GENERAL**, and it was before the Senate. Senator Peterson explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bramble	Hillyard	Stephenson
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S.B. 143 was transmitted to the House for consideration.

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S.B. 112, METHAMPHETAMINE PRECURSOR ACCESS AMENDMENTS, was read the third time and explained by Senator Buttars.

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

1st Sub. S.B. 112 Methamphetamine Precursor Access Amendments (D. C. Buttars)

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bramble	Hillyard
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1st Sub. 112 was transmitted to the House for consideration.

* * *

S.B. 114, AGGRAVATED MURDER AMENDMENTS, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bramble	Hillyard
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S.B. 114 was transmitted to the House for consideration.

SECOND READING CALENDAR

1st Sub. S.B. 123, AMENDMENT REGARDING SEARCH WARRANT PROCEDURE, 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

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

Absent or not voting were: Senators

Bell	Bramble
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S.B. 125, REPEAL OF PRISONER DEMANDS FOR DISPOSITION, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bell	Bramble
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S.B. 29, INSTREAM FLOW TO PROTECT TROUT HABITAT, was read the second time. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Hillyard	Killpack
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S.B. 148, BOAT REGISTRATION AMENDMENTS, was read the second time. Senator Waddoups explained the bill.

Senator Waddoups proposed the following amendment:

1. Page 1, Lines 18 through 22

18 Other Special Clauses:

19 {None-} The bill provides an immediate effective date.

20 Utah Code Sections Affected:

21 AMENDS:

22 73-18-7, as last amended by Chapter 317, Laws of Utah 2003

Uncodified Material Affected:

ENACTS UNCODIFIED MATERIAL

- 2. Page 2, Lines 52a through 52d
Senate Committee Amendments
1-24-2007:

52a ~~§~~→ (d) If the board modifies the fee under Subsection (2)(b), the modification shall take effect

52b on ~~{-July 1 if, prior to April 1, }~~ the first day of the calendar quarter after 90 days from the day on which the board provides the State Tax Commission ~~{-receives }~~ ;

52c (i) notice from the board stating that the board will modify the fee; and

52d (ii) a copy of the fee modification. ←~~§~~

- 3. Page 5, Line 150:

150 [~~(d) adopt rules for~~] (c) the issuance and display of temporary registrations.

Section 2. Fee and repeal date.

(1) The department may initially establish and assess the fee authorized by Subsection 73-18-7(2)(b) without legislative approval by following the procedures and requirements for setting regulatory fees for a new program under Subsection 63-38-3.2(5).

(2) This uncodified section is repealed July 1, 2008.

Section 3. 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.

Senator Waddoups' 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

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

Voting in the negative was: Senator

Jenkins

Absent or not voting were: Senators

Hickman	Hillyard	Knudson
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S.B. 155, WASTE AMENDMENTS, was read the second time. Senator Peterson explained the bill.

Senator McCoy proposed the following amendment:

1. Page 7, Line 205 to 209:
Delete Lines 205 to 209

Senator McCoy’s motion to amend failed on a voice vote. Senators Bramble, McCoy, Buttars, and Romero commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Goodfellow	Hickman	Hillyard	Jenkins
Killpack	Knudson	Madsen	Niederhauser
Peterson	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Voting in the negative were: Senators

Fife	Greiner	Jones	Mayne
McCoy	Romero		

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 6, 2007

The House passed, as substituted and amended, **1st Sub. H.B. 38**, AMENDMENTS TO LOCAL OPTION SALES AND USE TAXES ON CERTAIN ACCOMMODATIONS AND SERVICES, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 148**, EDUCATION VOUCHERS, by Representative S. Urquhart, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 38** and **H.B. 148** were read the first time and referred to the Rules Committee.

SECOND READING CALENDAR

1st Sub. S.B. 30, CREATION OF NEW SCHOOL DISTRICT AMENDMENTS, was read the second time. Senator Walker explained the bill.

On motion of Senator Walker, the bill was circled.

* * *

On motion of Senator Bramble, and at 11:50 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:20 p.m., with President Valentine presiding.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 6, 2007

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

Education Committee

H.B. 148 Education Vouchers (Rep. S. Urquhart)

Government Operations and Political Subdivisions Committee

S.B. 250 Military Justice Code Amendments (Sen. P. Knudson)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 178 Custody Amendments (Sen. G. Bell)

- H.B. 15** Driver License Privilege Suspension for Failure to Pay Child Support (Rep. Julie Fisher)
- H.B. 32** Expedited Parent–time Enforcement (Rep. Julie Fisher)

Natural Resources, Agriculture and Environment Committee

- S.B. 243** Direct–entry Midwife Amendments (Sen. M. Dayton)
- S.C.R. 5** Resolution Opposing Divine Strake (Sen. G. Davis)

Workforce Services and Community and Economic Development Committee

- H.B. 125** Centers of Excellence Amendments (Rep. B. Daw)

Bill Hickman
Rules Committee Chair

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

INTRODUCTION OF BILLS

S.B. 222, Kindergarten Readiness Initiative (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 251, Higher Education – Concealed Firearms Restrictions (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 268, Rural Broadband Service Fund (J. Hickman), read the first time by short title and referred to the Rules Committee.

S.C.R. 8, Concurrent Resolution Affirming Fundamental Rights of Muslim Community of Utah (P. Knudson), read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

On motion of Senator Walker, the circle was removed from **1st Sub. S.B. 30, CREATION OF NEW SCHOOL DISTRICT AMENDMENTS**, and it was before the Senate. Senator Walker explained the bill. Senators Bell, Dayton, Jones, Stephenson, Buttars, Niederhauser, Waddoups, Jenkins, Davis, Bramble, Knudson, Romero, and Peterson commented.

Senator Buttars proposed the following amendment:

1. Page 13, Line 369:
After “municipal general election” insert “after 2007”

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

Yeas, 15; Nays, 14; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Dmitrich	Fife	Goodfellow
Greiner	Mayne	Romero	Stephenson
Van Tassell	Waddoups	Valentine	

Voting in the negative were: Senators

Christensen	Eastman	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	McCoy	Niederhauser	Peterson
Stowell	Walker		

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Senator Stephenson proposed the following amendment:

1. Page 3, Line 57 through Page 3, Line 57

57 53A-2-121, as enacted by Chapter 234, Laws of Utah 2003
Uncodified Material Affected:
ENACTS UNCODIFIED MATERIAL

1. Page 22, Line 653:

653 new district would be subject to the levy of a tax to pay the bonds.
Section 11. Education Interim Committee study items for 2007
interim.

(1) The Education Interim Committee is directed to study the
following issues during the 2007 interim:

(a) whether all voters in the existing district should be involved in
the decision to create a new district, since all portions of an existing
school district will be affected by the creation of a new school district;

(b) whether a feasibility study should be required for each district
that results from the creation of a new district rather than just for the new
district;

(c) whether the issue of school building equalization for the districts
that result from the creation of a new district should be addressed to
ensure that growing areas do not carry a tax burden not shared by those in
other areas of the original district and to avoid the possibility of lawsuits

that might arise because of the disparate tax burdens; and

(4) whether any existing district should be required to divide into two or more districts when it reaches a certain size.

(2) The Education Interim Committee is authorized to establish a subcommittee for the purpose of conducting the study under Subsection (1).

Senator Jenkins proposed the following substitute amendment:

1. Page 3, Line 57 through Page 3, Line 57

57 53A-2-121, as enacted by Chapter 234, Laws of Utah 2003

Uncodified Material Affected:

ENACTS UNCODIFIED MATERIAL

1. Page 22, Line 653:

653 new district would be subject to the levy of a tax to pay the bonds.

Section 11. Government Operations Interim Committee study items for 2007 interim.

(1) The Government Operations Interim Committee is directed to study the following issues during the 2007 interim:

(a) whether all voters in the existing district should be involved in the decision to create a new district, since all portions of an existing school district will be affected by the creation of a new school district;

(b) whether a feasibility study should be required for each district that results from the creation of a new district rather than just for the new district;

(c) whether the issue of school building equalization for the districts that result from the creation of a new district should be addressed to ensure that growing areas do not carry a tax burden not shared by those in other areas of the original district and to avoid the possibility of lawsuits that might arise because of the disparate tax burdens; and

(4) whether any existing district should be required to divide into two or more districts when it reaches a certain size.

(2) The Government Operations Interim Committee is authorized to establish a subcommittee for the purpose of conducting the study under Subsection (1).

Senator Jenkins's motion to amend passed on a voice vote. The bill, as amended, passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Hickman	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Waddoups	Walker	Valentine

Voting in the negative were: Senators

Bell	Goodfellow	Greiner	Mayne
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Absent or not voting was: Senator

Van Tassell

* * *

On motion of Senator Killpack the Senate voted to lift **1st Sub. H.B. 38** from the Rules Committee and place it at the top of the Second Reading Calendar.

* * *

1st Sub. H.B. 38, AMENDMENTS TO LOCAL OPTION SALES AND USE TAXES ON CERTAIN ACCOMMODATIONS AND SERVICES, was read the second time. Senator Killpack explained the bill.

Senator Killpack proposed the following amendment:

1. Page 4, Line 100:
Delete "2017" and insert "2027"
2. Page 12, Line 332:
After "expend" insert "or pledge"

Senator Killpack’s motion to amend passed on a voice vote.

On motion of Senator Killpack, the Senate voted to suspend the rules and consider a House bill on a Senate day.

Senator Killpack made the motion to pass **1st Sub. H.B. 38** for the second and third time. The motion failed on a voice vote.

Senators Goodfellow, Jones, and Waddoups commented. The bill, as amended, passed second reading on the following roll call:

Yeas, 19; Nays, 10; Absent, 0.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dmitrich	Eastman	Fife	Goodfellow
Hickman	Killpack	Knudson	McCoy
Niederhauser	Peterson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Voting in the negative were: Senators

Bell	Dayton	Greiner	Hillyard
Jenkins	Jones	Madsen	Mayne
Romero	Stephenson		

* * *

On motion of Senator Bramble, and at 3:35 p.m., the Senate sauntered.

The Senate was called to order at 4:17 p.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 6, 2007

The House passed, **S.B. 131**, RETIREMENT AND INDEPENDENT ENTITIES COMMITTEE, 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**, RESOLUTION URGING CONGRESS TO ADDRESS SOCIAL SECURITY NUMBER IDENTITY THEFT, by Senator C. Walker, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 131 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 6, 2007

The House passed, as amended, **H.B. 70**, ASSAULT ON A PEACE OFFICER – PENALTY AMENDMENT, by Representative P. Ray, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 112**, UTAH COUNCIL ON VICTIMS OF CRIME, by Representative S. Wyatt, and it is transmitted for consideration; and

The House passed **H.B. 223**, VOTER INFORMATION WEBSITE, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.B. 228**, PENALTY FOR HOMICIDE OF A CHILD, by Representative C. Wimmer, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 252**, UTAH SUICIDE PREVENTION ACT, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.B. 327**, STATE AGENCY TIMELY ADOPTION OF ADMINISTRATIVE RULES, by Representative D. Clark, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 70**, **H.B. 112**, **H.B. 223**, **H.B. 228**, **H.B. 252**, and **H.B. 327** were read the first time and referred to the Rules Committee.

* * *

Mr. President:

February 6, 2007

The House passed, as amended, **S.B. 122**, ADMINISTRATIVE RULES REAUTHORIZATION, by Senator H. Stephenson, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

INTRODUCTION OF BILLS

S.B. 235, Public Utilities Amendments (G. Bell), read the first time by short title and referred to the Rules Committee.

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On motion of Senator Killpack, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Killpack, the Senate voted to move **1st Sub. H.B. 38** to the top of the Third Reading Calendar.

On motion of Senator Killpack, the Senate voted to suspend the rules and consider a House bill on a Senate day and to suspend the 24-hour rule regarding **1st Sub. H.B. 38**.

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1st Sub. H.B. 38, AMENDMENTS TO LOCAL OPTION SALES AND USE TAXES ON CERTAIN ACCOMMODATIONS AND SERVICES, was read the third time and explained by Senator Killpack. Senators McCoy, Waddoups, Buttars, Walker, Davis, Romero, and Bramble commented and the bill passed on the following roll call:

Yeas, 20; Nays, 8; Absent, 1.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Jones	Killpack
Knudson	McCoy	Niederhauser	Stowell
Van Tassell	Waddoups	Walker	Valentine

Voting in the negative were: Senators

Bell	Dayton	Hillyard	Jenkins
Mayne	Peterson	Romero	Stephenson

Absent or not voting was: Senator

Madsen

1st Sub. H.B. 38, as amended, was returned to the House for further consideration.

SECOND READING CALENDAR

S.B. 139, LEGISLATIVE MANAGEMENT COMMITTEE MEMBERSHIP, was read the second time.

On motion of Senator Bramble, the bill was circled.

* * *

S.B. 145, MULTI-CHANNEL VIDEO OR AUDIO SERVICE TAX – COUNTY OR MUNICIPALITY FRANCHISE FEE TAX CREDIT, was read the second time.

On motion of Senator Niederhauser, the bill was circled.

* * *

On motion of Senator Knudson, the Senate voted to lift **S.C.R. 8**, CONCURRENT RESOLUTION AFFIRMING FUNDAMENTAL RIGHTS OF MUSLIM COMMUNITY OF UTAH, from the Rules Committee and place it on the Second Reading Calendar under **S.R. 2**.

* * *

On motion of Senator Knudson, the circle was removed from **S.R. 2**, CONCURRENT RESOLUTION AFFIRMING FUNDAMENTAL RIGHTS OF MUSLIM COMMUNITY OF UTAH, and it was before the Senate.

On motion of Senator Knudson, the Senate voted to strike the enacting clause on the bill.

* * *

S.C.R. 8, CONCURRENT RESOLUTION AFFIRMING FUNDAMENTAL RIGHTS OF MUSLIM COMMUNITY OF UTAH, was read the second time. Senator Knudson explained the bill. The bill passed, under suspension of the rules, second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Hillyard	Waddoups
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On motion of Senator Niederhauser, the circle was removed from **S.B. 145**, MULTI-CHANNEL VIDEO OR AUDIO SERVICE TAX – COUNTY OR MUNICIPALITY FRANCHISE FEE TAX CREDIT, and it was before the Senate.

Senator Niederhauser explained the bill. Senators Goodfellow, McCoy, and Fife commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Eastman	Killpack	Waddoups
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S.B. 44, SCRAP METAL TRANSACTIONS, was read the second time. Senator Greiner explained the bill. Senators Jenkins and Romero commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Killpack	Waddoups
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* * *

S.B. 147, EXEMPTIONS FROM LICENSURE MODIFICATIONS, was read the second time. Senator Dmitrich explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Killpack	Waddoups
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* * *

On motion of Senator Bramble and at 5:00 p.m., the Senate adjourned until 10:00 a.m., Wednesday, February 7, 2007.

TWENTY-FOURTH DAY

MORNING SESSION

February 7, 2007

The Senate was called to order at 10:05 a.m., with President John Valentine presiding.

Prayer – Elder Ross Workman, member of the Quorum of Seventy, the Church of Jesus Christ of Latter-Day Saints and the brother of Senator Pat Jones

Pledge of Allegiance – Senator Lyle Hillyard

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 102)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 6, 2007

The House passed **H.B. 52**, DRIVER LICENSE FEE AMENDMENTS, by Representative B. Daw, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 91**, COMMISSION ON CRIMINAL AND JUVENILE JUSTICE FUNDING, by Representative B. Dee, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 92**, ADOPTION OF AN ADULT PROVISIONS, by Representative J. Mathis, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 102**, LAND AND WATER REINVESTMENT, by Representative D. Clark, et al, and it is transmitted for consideration; and

The House passed **H.B. 107**, FUNDING FOR PROSECUTION AND PREVENTION OF CHILD PORNOGRAPHY OFFENSES, by Representative R. Bigelow, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 110**, STATE FLEET EFFICIENCY REQUIREMENTS, by Representative F. Hunsaker, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 217**, CELL PHONE RESTRICTION FOR TEEN DRIVERS, by Representative K. Holdaway, and it is transmitted for consideration; and

The House passed **H.B. 226**, SALES AND USE TAX – HIGHWAYS AND PUBLIC TRANSPORTATION AMENDMENTS, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed **H.B. 246**, CAMPAIGN CONTRIBUTION AMENDMENTS, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 255**, PROHIBITION OF CITATION QUOTAS, by Representative N. Hansen, and it is transmitted for consideration; and

The House passed **H.B. 265**, OBSTRUCTING A WARRANT OR ORDER TO SHOW CAUSE OF A PAROLEE OR PROBATIONER, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 270**, AMENDMENTS TO EXTRADITION STATUTE, by Representative S. Wyatt, and it is transmitted for consideration; and

The House passed **H.B. 271**, CORPORATION LAW AMENDMENTS, by Representative K. Garn, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 274**, VIOLENT CRIME IN PRESENCE OF A CHILD, by Representative Janice Fisher, and it is transmitted for consideration; and

The House passed **H.J.R. 2**, RESOLUTION SUPPORTING ENERGY EFFICIENCY, by Representative R. Becker, and it is transmitted for consideration; and

The House passed **H.J.R. 7**, RESOLUTION URGING UNITED STATES WITHDRAWAL FROM SECURITY AND PROSPERITY PARTNERSHIP OF NORTH AMERICA, by Representative S. Sandstrom, et al, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 52**, 1st Sub. **H.B. 91**, **H.B. 92**, 1st Sub. **H.B. 102**, **H.B. 107**, **H.B. 110**, **H.B. 217**, **H.B. 226**, **H.B. 246**, **H.B. 255**, **H.B. 265**, **H.B. 270**, **H.B. 271**, **H.B. 274**, **H.J.R. 2**, and **H.J.R. 7** were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: February 6, 2007

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 240**, LITIGATION FUND RESTRICTED ACCOUNT FOR HIGHWAY PROJECTS, by Senator S. Killpack; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 244**, REPEAL OF UTAH TECHNOLOGY COMMISSION, by Representative J. Dougall.

Carlene M. Walker, Chair

Mr. President: February 6, 2007

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 221**, JUDICIAL RETENTION ELECTION TASK FORCE, by Senator D. C. Buttars; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 44**, MOTOR VEHICLE INSURANCE ARBITRATION AMENDMENTS, by Representative S. Urquhart; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 85**, SENTENCE REDUCTION CLARIFICATION, by Representative S. Wyatt; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 210**, COUNTY SHERIFF QUALIFICATION AMENDMENTS, by Representative B. Dee.

Gregory S. Bell, Chair

On motion of Senator Hickman, the committee reports were adopted. **S.B. 240**, **H.B. 244**, **S.B. 221**, **H.B. 44**, **H.B. 85**, and **H.B. 210** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 6, 2007

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 83**, FORGERY AMENDMENTS, by Representative D. Aagard, 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. 206**, COUNTY JAIL – WORK RELEASE PROCESS AMENDMENTS, by Representative S. Wyatt, and recommends it be considered read for the second time and placed on the Consent Calendar.

Gregory S. Bell, Chair

On motion of Senator Hickman, the committee reports were adopted. **H.B. 83** and **H.B. 206** were considered read the second time and placed on the Consent Calendar.

CONSENT CALENDAR

1st Sub. S.B. 162, PETE SUAZO UTAH ATHLETIC COMMISSION, was read the third time, explained by Senator Mayne, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bell	Christensen	Hickman	Peterson
Stephenson			

1st Sub. S.B. 162 was transmitted to the House for consideration.

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S.B. 199, DIVISION OF REAL ESTATE AND RELATED AMENDMENTS, was read the third time, explained by Senator Killpack, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow

Greiner	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Romero	Stephenson
Stowell	Van Tassell	Walker	Valentine

Absent or not voting were: Senators

Bell	Christensen	Hickman	Peterson
Waddoups			

S.B. 199 was transmitted to the House for consideration.

* * *

H.B. 64, IMPACT OF ADMINISTRATIVE RULES ON SMALL BUSINESS, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Christensen	Jenkins	Killpack	Peterson
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H.B. 64 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 Stephenson, the Senate voted to concur in the House amendments to **S.B. 122**, ADMINISTRATIVE RULES REAUTHORIZATION. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow

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

Absent or not voting were: Senators

Bramble	Christensen	Killpack
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S.B. 122 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

1st Sub. S.B. 123, AMENDMENTS REGARDING SEARCH WARRANT PROCEDURE, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Christensen	Killpack
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1st Sub. S.B. 123 was transmitted to the House for consideration.

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S.B. 125, REPEAL OF PRISONER DEMANDS FOR DISPOSITION, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Dmitrich	Eastman	Fife

Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Christensen Killpack

S.B. 125 was transmitted to the House for consideration.

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S.B. 29, INSTREAM FLOW TO PROTECT TROUT HABITAT, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Christensen Killpack Valentine

S.B. 29 was transmitted to the House for consideration.

* * *

S.B. 148, BOAT REGISTRATION AMENDMENTS, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman

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

Absent or not voting were: Senators
Killpack Valentine

S.B. 148 was transmitted to the House for consideration.

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S.B. 155, WASTE AMENDMENTS, was read the third time, explained by Senator Peterson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Knudson	Madsen	Niederhauser
Peterson	Stephenson	Stowell	Van Tassell
Waddoups	Walker		

Voting in the negative were: Senators

Fife	Jones	Mayne	McCoy
Romero			

Absent or not voting were: Senators
Killpack Valentine

S.B. 155 was transmitted to the House for consideration.

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1st. Sub. S.B. 30, CREATION OF NEW SCHOOL DISTRICT AMENDMENTS, was read the third time and explained by Senator Walker.

Senator Bramble proposed the following amendment:

1. Page 13, Line 369:
Senate Floor Amendments
February 6, 2007
Delete "after 2007"

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

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Hickman	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	McCoy
Niederhauser	Peterson	Romero	Stowell
Van Tassell	Walker		

Voting in the negative were: Senators

Buttars	Goodfellow	Greiner	Mayne
Stephenson	Waddoups	Valentine	

Senators Jones, Stephenson, Waddoups, Mayne, Niederhauser, and McCoy commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Hickman	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	McCoy
Niederhauser	Peterson	Romero	Stowell
Van Tassell	Walker		

Voting in the negative were: Senators

Buttars	Goodfellow	Greiner	Mayne
Stephenson	Waddoups	Valentine	

1st Sub. S.B. 30 was transmitted to the House for consideration.

* * *

S.C.R. 8, CONCURRENT RESOLUTION AFFIRMING FUNDAMENTAL RIGHTS OF MUSLIM COMMUNITY OF UTAH, 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

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife

Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Valentine	

Absent or not voting were: Senators
Dayton Walker

S.C.R. 8 was transmitted to the House for consideration.

* * *

S.B. 145, MULTI-CHANNEL VIDEO OR AUDIO SERVICE TAX – COUNTY OR MUNICIPALITY FRANCHISE FEE TAX CREDIT, was read the third time.

On motion of Senator Niederhauser, the bill was circled.

* * *

S.B. 44, SCRAP METAL TRANSACTIONS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators
Mayne Walker

Senator Jenkins declared a conflict of interest.

S.B. 44 was transmitted to the House for consideration.

* * *

S.B. 147, EXEMPTIONS FROM LICENSURE MODIFICATIONS, was read the third time, explained by Senator Dmitrich, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Knudson	Walker
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S.B. 147 was transmitted to the House for consideration.

SECOND READING CALENDAR

H.B. 61, ELECTION LAW AMENDMENTS, was read the second time.

On motion of Senator Bramble, the bill was circled.

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1st Sub. H.B. 63, INITIATIVE AND REFERENDUM – SIGNATURE VERIFICATION PROCEDURES, was read the second time. Senator Goodfellow explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Eastman	Van Tassell
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On motion of Senator Knudson, the circle was removed from **H.B. 53**, SHARE ASSESSMENT ACT, and it was before the Senate. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Fife	Goodfellow
Greiner	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Peterson	Romero	Stephenson
Stowell	Waddoups	Walker	Valentine

Absent or not voting were: Senators

Buttars	Eastman	Hickman	Niederhauser
Van Tassell			

* * *

On motion of Senator Bramble, **S.C.R. 4**, CONCURRENT RESOLUTION URGING PARTICIPATION BY TAIWAN IN WORLD HEALTH ORGANIZATION, was set for a time certain to be considered on February 23, 2007 at 9:30 a.m.

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H.B. 59, UTAH INTERNATIONAL TRADE COMMISSION, was read the second time. Senator Madsen explained the bill. Senators Goodfellow and Fife commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator

Eastman

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H.B. 72, BRAND INSPECTION OF LIVESTOCK SEIZED BY THE FEDERAL GOVERNMENT, was read the second time. Senator Peterson explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Eastman	Hickman
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1st Sub. H.J.R. 1, JOINT RESOLUTION REGARDING ACTION ON GROUNDWATER IN SNAKE VALLEY, was read the second time. Senator Stowell explained the bill. Senator Dayton commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Eastman	Killpack	Niederhauser
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H.B. 47, PILOT PROGRAM FOR FAMILY PRESERVATION SERVICES, was read the second time. Senator Bell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife

Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Knudson	Madsen
Mayne	McCoy	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Eastman	Killpack	Niederhauser
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On motion of Senator Bramble, the Senate voted to lift **S.C.R. 5, RESOLUTION OPPOSING DIVINE STRAKE**, from the Natural Resource, Agriculture and Environmental Committee and place it at the top of the Second Reading Calendar.

On motion of Senator Davis, under suspension of the rules, the Senate voted to consider a Senate bill on a House day and also to suspend the 24-hour requirement for bills on the Second Reading Calendar.

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On motion of Senator Davis, under suspension of the rules, **S.C.R. 5, RESOLUTION OPPOSING DIVINE STRAKE**, was considered read the second and third times. This bill did not have a Senate standing committee hearing. Senator Davis explained the bill. Senators Jenkins, Stephenson, Hickman, Stowell, Buttars, and Fife commented. Senator Fife made a motion to have the resolution read in its entirety. The motion failed on a voice vote. The bill passed on the following roll call:

Yeas, 26; Nays, 3; Absent, 0.**Voting in the affirmative were:** Senators

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

Voting in the negative were: Senators

Jenkins	Madsen	Stephenson
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S.C.R. 5 was transmitted to the House.

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On motion of Senator Bramble and at 12:00 noon, the Senate adjourned until 10:00 a.m., Thursday, February 8, 2007.

TWENTY-FIFTH DAY

MORNING SESSION

February 8, 2007

The Senate was called to order at 10:05 a.m., with President John Valentine presiding.

Prayer – Father Omar Ontiveros, 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 102)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 7, 2007

The House passed, **S.B. 8**, USE OF STATE ENGINEER FEES, 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. 11**, UNEMPLOYMENT COMPENSATION – SOCIAL SECURITY OFFSET, by Senator J. Hickman, et al, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 32**, FILINGS OF ADMINISTRATIVE RULES, ORDERS, AND REGULATIONS, 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. 42**, PREFERRED PRESCRIPTION DRUG LIST, 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. 48**, AMENDMENTS TO COAL MINING AND RECLAMATION, by Senator M. Dmitrich, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 51**, ALCOHOLIC BEVERAGE ENFORCEMENT AND TREATMENT RESTRICTED ACCOUNT AMENDMENTS, by Senator M. Waddoups, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 92**, REVISED UNIFORM ANATOMICAL GIFT ACT, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 94**, USE OF MINERAL LEASE FUNDS BY SPECIAL SERVICE DISTRICTS, by Senator M. Dmitrich, 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**, ADMINISTRATIVE RULES REAUTHORIZATION, by Senator H. Stephenson, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 8, S.B. 11, S.B. 32, S.B. 42, S.B. 48, S.B. 51, S.B. 92, S.B. 94, and S.B. 122 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

February 7, 2007

The House passed, as substituted, **1st Sub. H.B. 7**, STATE POST-RETIREMENT BENEFITS TRUST FUND, by Representative K. Grover, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 218**, UTAH CHILDREN'S HEALTH INSURANCE PROGRAM, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 243**, ENERGY POLICY AMENDMENTS, by Representative R. Barrus, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 311**, UTAH DAIRY ACT AMENDMENTS, by Representative K. Gibson, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 7, 1st Sub. H.B. 218, H.B. 243, and 1st Sub. H.B. 311** were read the first time and referred to the Rules Committee.

* * *

Mr. President:

February 7, 2007

The House passed, as amended, **S.B. 47**, DEPARTMENT OF AGRICULTURE AMENDMENTS, by Senator M. Dayton, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 7, 2007

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

S.C.R. 7 Concurrent Resolution Approving Settlement of Lawsuit
(Sen. C. Bramble)

Bill Hickman
Rules Committee Chair

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

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 7, 2007

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

Business and Labor Committee

S.B. 176 Utah Business Assistance Center Pilot Act
(Sen. D. Stowell)

S.B. 261 Disposition of Real Property (Sen. W. Niederhauser)

Education Committee

S.B. 174 Education Transportation Amendments (Sen. D. Peterson)

Government Operations and Political Subdivisions Committee

S.B. 231 Veterans Amendments (Sen. F. Fife)

H.B. 223 Voter Information Website (Rep. W. Harper)

H.B. 327 State Agency Timely Adoption of Administrative Rules
(Rep. D. Clark)

Health and Human Services Committee

- H.B. 252** Utah Suicide Prevention Act (Rep. W. Harper)
3rd Sub. H.B. 236 Student Clubs Amendments (Rep. A. Tilton)
 (See following letter)

Judiciary, Law Enforcement, and Criminal Justice Committee

- H.B. 76** Public Safety Dispatcher Compensation
 (Rep. D. Bowman)
H.B. 228 Penalty for Homicide of a Child (Rep. C. Wimmer)

Natural Resources, Agriculture and Environment Committee

- H.B. 135** Utah Uniform Building Standards Act Amendments
 (Rep. L. Wiley)
H.B. 48 Department of Natural Resources Amendments
 (Rep. R. Wheeler) (See following letter)

Retirement and Independent Entities Committee

- H.B. 8** Retirement Office Amendments (Rep. D. Clark)
H.B. 260 Post Retirement Employment (Rep. G. Donnelson)

Revenue and Taxation Committee

- S.B. 260** Property Tax – Definition of Goodwill
 (Sen. W. Niederhauser)

Transportation, Public Utilities and Technology Committee

- S.B. 235** Public Utilities Amendments (Sen. G. Bell)
S.B. 268 Rural Broadband Service Fund (Sen. J. Hickman)

Bill Hickman
 Rules Committee Chair

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

Mr. President:

February 7, 2007

The Rules Committee recommends that, with the written consent of the sponsor, **3rd Sub. H.B. 236**, Student Clubs Amendments (Rep. A. Tilton), be

replaced and favorably recommends that **4th Sub. H.B. 236**, Student Clubs Amendments be adopted and assigned to Health and Human Services Committee.

Bill Hickman
Rules Committee Chair

Mr. President:

February 7, 2007

The Rules Committee recommends that, with the written consent of the sponsor, **H.B. 48**, Department of Natural Resources Amendments (Rep. R. Wheeler), be sent to the Natural Resources, Agriculture, and Environment Committee with the following amendments:

1. Page 1, Line 17

House Floor Amendments

1-18-2007:

17 ▶ amends the penalties and requirements for license or permit suspensions;

2. Page 11, Lines 319 through 320:

319 enters into a diversion agreement which suspends the prosecution of the offense; {~~and~~}

(b) the court:

(i) recommends the suspension of the license or permit privileges;

and

(ii) establishes the duration of the suspension; and

320 {~~(b)~~} (c) the hearing officer determines the person committed the offense intentionally,

3. Page 11, Line 322 through Page 13, Line 373:

322 {~~(3)(a)~~} ~~The Wildlife Board shall make rules establishing guidelines [for] that a hearing~~

323 officer [to] shall consider in determining:

324 (i) the type of license or permit privileges to suspend[.]; and

325 (ii) the duration of the suspension.

326 (b) The Wildlife Board shall ensure that the guidelines established under Subsection

327 (3)(a) are consistent with Subsections (4), (5), and (6).

328 (4) Except as provided in [Subsection] Subsections (5) and (6), a hearing officer [shall]

329 ~~may suspend a person's license or permit privileges [pursuant]~~
~~according to Subsection (2) for~~

330 ~~[the following time periods] a period of time not to exceed:~~

331 (a) ~~seven years for:~~

332 (i) ~~a felony conviction;~~

333 (ii) ~~a plea of guilty or no contest to an offense punishable as a~~
~~felony, which plea is~~

334 ~~held in abeyance pursuant to a plea in abeyance agreement; or~~

335 (iii) ~~being charged with an offense punishable as a felony, the~~
~~prosecution of which is~~

336 ~~suspended pursuant to a diversion agreement;~~

337 (b) ~~five years for:~~

338 (i) ~~a class A misdemeanor conviction;~~

339 (ii) ~~a plea of guilty or no contest to an offense punishable as a~~
~~class A misdemeanor;~~

340 ~~which plea is held in abeyance pursuant to a plea in abeyance~~
~~agreement; or~~

341 (iii) ~~being charged with an offense punishable as a class A~~
~~misdemeanor, the~~

342 ~~prosecution of which is suspended pursuant to a diversion~~
~~agreement; [and]~~

343 (c) ~~three years for:~~

344 (i) ~~a class B misdemeanor conviction [under Section 23-20-4];~~

345 (ii) ~~a plea of guilty or no contest to an offense punishable as a~~
~~class B misdemeanor~~

346 ~~[under Section 23-20-4, which] when the plea is held in abeyance~~
~~[pursuant] according to a~~

347 ~~plea in abeyance agreement; or~~

348 (iii) ~~being charged with an offense punishable as a class B~~
~~misdemeanor [under Section~~

349 ~~23-20-4], the prosecution of which is suspended pursuant to a~~
~~diversion agreement[-]; and~~

350 ~~[(5) Suspension periods as set forth in Subsection (4) shall be
doubled for offenses:]~~

351 ~~(d) one year for:~~

352 ~~(i) a class C misdemeanor conviction;~~

353 ~~(ii) a plea of guilty or no contest to an offense punishable as a
class C misdemeanor;~~

354 ~~when the plea is held in abeyance according to a plea in abeyance
agreement; or~~

355 ~~(iii) being charged with an offense punishable as a class C
misdemeanor; the~~

356 ~~prosecution of which is suspended according to a diversion
agreement.~~

357 ~~(5) The hearing officer may double a suspension period
established in Subsection (4)~~

358 ~~for offenses:~~

359 ~~(a) committed in violation of an existing suspension or
revocation order issued by the~~

360 ~~courts, division, or Wildlife Board; or~~

361 ~~(b) involving the unlawful taking of a trophy animal, as defined
in Section 23-13-2.~~

362 ~~(6) (a) A hearing officer may suspend, [pursuant] according to
Subsection (2), a~~

363 ~~person's [privilege to apply for, purchase, and exercise the benefits
conferred by] license or~~

364 ~~permit privileges for a particular license or permit only once for
each single criminal episode;~~

365 ~~as defined in Section 76-1-401.~~

366 ~~(b) If a hearing officer addresses two or more single criminal
episodes in a hearing, the~~

367 ~~suspension periods of any license or permit privileges of the same
type suspended, [pursuant]~~

368 ~~according to Subsection (2), [shall] may run consecutively.~~

369 ~~(c) If a hearing officer suspends, [pursuant] according to
Subsection (2), license or~~

370 permit privileges of the type that have been previously suspended
by a court, a hearing officer,

371 or the Wildlife Board and the suspension period has not expired, the
suspension periods [shall]

372 may run consecutively.

373 — } [(7) (a) A hearing officer, appointed by the division, shall
suspend a person's privilege

4. Page 14, Line 406:

406 [(8)] {-(7)} (3) (a) A hearing officer, appointed by
the division, may suspend a person's

5. Page 14, Line 426:

426 diversion agreement {-.} ; and
(iii) the court recommends the suspension and establishes the
duration of the suspension.

6. Page 15, Line 432:

432 [(9)] {-(8)} (4) (a) The director shall appoint a
qualified person as a hearing officer to perform

7. Page 15, Line 436:

436 [(10)] {-(9)} (5) (a) (i) The courts may suspend,
in criminal sentencing, a person's privilege to

8. Page 15, Line 438:

438 registration.

(ii) The court may recommend the suspension of a person's
privilege to apply for, purchase, or exercise the benefits conferred by a
license, permit, or certificate of registration as part of a plea in abeyance
agreement or diversion agreement.

9. Page 15, Lines 445 through 453:

445 {-(d) The division may suspend a person's license or permit
privileges beyond the time

446 period ordered by a court, provided the combined suspension
periods are consistent with the

447 requirements of Subsections (4), (5), and (6).

448 ~~(e) The division may suspend a person's privilege of applying~~
~~for, purchasing, and~~
 449 ~~exercising the benefits conferred by a certificate of registration~~
~~beyond the time period ordered~~
 450 ~~by a court.~~

451 ~~[(d)] (f) The hearing officer shall consider any recommendation~~
~~made by a sentencing~~
 452 ~~court concerning suspension before issuing a suspension~~
~~order.]~~

453 ~~[(11)]~~ ~~{-(10)}~~ (6) (a) A person may not apply for,
 purchase, possess, or attempt to exercise the

10. Page 15, Line 458:

458 ~~[(b)]~~ (c) A person who violates Subsection ~~[(11)]~~
~~{-(10)}~~ (6) (a) is guilty of a class B

11. Page 15, Line 460:

460 ~~[(12)]~~ ~~{-(11)}~~ (7) Before suspension under this
 section, a person must be:

12. Page 16, Line 463:

463 ~~[(13)]~~ ~~{-(12)}~~ (8) (a) A person may file an appeal of
 a hearing officer's decision with the

13. Page 16, Line 471:

471 ~~[(14)]~~ ~~{-(13)}~~ (9) The division shall suspend and
 reinstate all hunting, fishing, trapping, and

14. Page 16, Line 473:

473 ~~[(15)]~~ ~~{-(14)}~~ (10) The Wildlife Board may make
 rules to implement this section in accordance

STANDING COMMITTEE REPORTS

Mr. President:

February 7, 2007

The Business and Labor Committee recommends **S.B. 234**,
 OCCUPATIONAL AND ENVIRONMENTAL HEALTH AMENDMENTS, by
 Senator E. Mayne, be replaced and favorably recommends **1st Sub. S.B. 234**,
 OCCUPATIONAL AND ENVIRONMENTAL HEALTH AMENDMENTS; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 255**, CRANE SAFETY AMENDMENTS, by Senator G. Davis, with the following amendments:

1. Page 2, Lines 32 through 35:

32 (1) (a) (i) [~~Any~~] A person who violates Subsection
58-55-308(2) [~~or~~], Subsection

33 58-55-501(1), (2), (3), (4), (5), (6), (7), (9), (10), (12), (14), or (15),
or Subsection

34 58-55-504(2), or who fails to comply with a citation issued under
this section after it is final, is

35 guilty of a class A misdemeanor. [~~Any~~]

(ii) As used in this section in reference to Subsection 58-55-504(2),
“person” means an individual and does not include a sole proprietorship,
joint venture, corporation, limited liability company, association, or
organization of any type.

2. Page 5, Lines 145 through 148:

145 or excavation work that has a power-operated winch, load-line,
and boom moving laterally by

146 the rotation of the machine {~~—~~} on a carrier {~~—~~} .

147 (ii) It does not include operating a fork lift, digger derrick truck,
aircraft, bucket truck,

148 knuckle boom, side boom, mechanic’s truck, or a vehicle or
machine not using a power-operated winch and load-line.

3. Page 6, Lines 155 through 158:

155 (b) An individual who violates Subsection (2)(a) is guilty of a
class A misdemeanor.

156 (3) {~~A—person—~~} An individual engaged in
construction or operation incidental to petroleum refining or electrical
utility construction or maintenance is

157 exempt from the crane operator certification requirement of
Subsection (2)(a).

158 [~~(4) An individual who violates Subsection (2) is guilty of a
class A misdemeanor.~~] ; and

The Business and Labor Committee reports a favorable recommendation on **1st Sub. H.B. 96**, MOTOR VEHICLE DEALER AMENDMENTS, by Representative P. Painter; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 259**, MECHANICS LIENS ON CERTAIN NEW DEVELOPMENT HOUSING, by Representative P. Painter.

Kevin T. Van Tassell, Chair

Mr. President: February 7, 2007

The Health and Human Services Committee recommends **S.C.R. 6**, RESOLUTION URGING STATES RIGHTS TO INNOVATE HEALTH CARE, by Senator G. Bell, be replaced and favorably recommends **1st Sub. S.C.R. 6**, RESOLUTION URGING STATES RIGHTS TO INNOVATE HEALTH CARE.

D. Chris Buttars, Chair

Mr. President: February 7, 2007

The Education Committee reports a favorable recommendation on **H.B. 148**, EDUCATION VOUCHERS, by Representative S. Urquhart; and

The Education Committee reports a favorable recommendation on **H.B. 241**, APPROPRIATION FOR TERREL H. BELL PROGRAM, by Representative R. Menlove.

Margaret Dayton, Chair

Mr. President: February 7, 2007

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 71**, COUNTY RECORDER AMENDMENTS, by Senator D. Stowell, with the following amendments:

1. Page 4, Lines 117 through 119:

117 (4) { ~~If a document that a county recorder accepts for~~
~~recording indicates the name and~~

118 ~~address of the person to whom the document should be returned~~
~~after recording } Subject to Section 17-21-3, the county~~

119 recorder shall return the document to { ~~that~~ } the person
{ ~~at the address indicated~~ } that the recorder considers
appropriate .

2. Page 7, Lines 190 through 191:

190 This affidavit is given to terminate the decedent's interest in the
 {~~property~~} following described

191 {~~above~~} property located in
County, State of Utah: (description of the property)

3. Page 8, Line 227:

227 (ii) contain a brief caption on the first page of the
document stating the nature of the document~~[-]; and~~

4. Page 9, Line 265:

265 [Deeds] {~~Each~~} A deed of units
 {~~shall~~} may include ~~[the following particulars];~~ and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 183**, RESTRICTIONS ON DESIGNATION OF WETLANDS, by Senator S. Killpack; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 196**, EXECUTIVE COMPENSATION AMENDMENTS, by Senator C. Bramble, with the following amendments:

1. Page 9, Line 265 through Page 10, Line 295:

265 (1) As used in this section:

266 (a) "Appointed executive" means the:

267 (i) Commissioner of the Department of Agriculture and Food;

268 (ii) Commissioner of the Insurance Department;

269 (iii) Commissioner of the Labor Commission;

270 (iv) Director, Alcoholic Beverage Control Commission;

(v) Commissioner of the Department of Financial Institutions;

271 {~~(v)~~} (vi) Members, Board of Pardons and Parole;

272 {~~(vi)~~} (vii) Executive Director, Department of
Commerce;

273 {~~(vii)~~} (viii) Executive Director, Commission on
Criminal and Juvenile Justice;

274 {~~(viii)~~} (ix) Adjutant General;

- 275 {~~-(ix)~~ } (x) Chair, State Tax Commission;
- 276 {~~-(x)~~ } (xi) Commissioners, State Tax Commission;
- 277 {~~-(xi)~~ } (xii) Executive Director, Department of
Community and Culture;
- 278 {~~-(xii)~~ } (xiii) Executive Director, State Tax
Commission;
- 279 {~~-(xiii)~~ } (xiv) Chair, Public Service Commission;
- 280 {~~-(xiv)~~ } (xv) Commissioners, Public Service
Commission;
- 281 {~~-(xv)~~ } (xvi) Executive Director, Department of
Corrections;
- 282 {~~-(xvi)~~ } (xvii) Commissioner, Department of Public
Safety;
- 283 {~~-(xvii)~~ } (xviii) Executive Director, Department of
Natural Resources;
- 284 {~~-(xviii)~~ } (xix) Director, Governor's Office of
Planning and Budget;
- 285 {~~-(xix)~~ } (xx) Executive Director, Department of
Administrative Services;
- 286 {~~-(xx)~~ } (xxi) Executive Director, Department of
Human Resource Management;
- 287 {~~-(xxi)~~ } (xxii) Executive Director, Department of
Environmental Quality;
- 288 {~~-(xxii)~~ } (xxiii) Director, Governor's Office of
Economic Development;
- 289 {~~-(xxiii)~~ } (xxiv) Executive Director, Utah Science
Technology and Research Governing
- 290 Authority;
- 291 {~~-(xxiv)~~ } (xxv) Executive Director, Department of
Workforce Services;
- 292 {~~-(xxv)~~ } (xxvi) Executive Director, Department of
Health, Nonphysician;
- 293 {~~-(xxvi)~~ } (xxvii) Executive Director, Department of
Human Services;

294 {~~(xxvii)~~ } (xxviii) Executive Director, Department of Transportation; and

295 {~~(xxviii)~~ } (xxix) Executive Director, Department of Information Technology Services. ; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 215**, AMENDMENTS TO LAND USE DEVELOPMENT AND MANAGEMENT ACT, by Senator G. Bell; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **2nd Sub. H.B. 69**, COUNTY AND MUNICIPAL LAND USE PROVISIONS REGARDING SCHOOLS, by Representative L. Wiley.

Peter C. Knudson, Chair

Mr. President:

February 7, 2007

The Revenue and Taxation Committee recommends **S.B. 223**, TAX AMENDMENTS, by Senator W. Niederhauser, be replaced and favorably recommends **1st Sub. S.B. 223**, TAX AMENDMENTS; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 208**, JUDICIAL REVIEW, ATTORNEY FEES, AND PROCEDURE RELATING TO TAX COMMISSION DECISIONS, by Senator H. Stephenson; and

The Revenue and Taxation Committee reports a favorable recommendation on **1st Sub. H.B. 34**, SALES AND USE TAX EXEMPTIONS FOR CERTAIN PROPERTY BROUGHT INTO THE STATE, by Representative R. Lockhart.

Wayne L. Niederhauser, Chair

Mr. President:

February 7, 2007

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 198**, TOURISM AMENDMENTS, by Senator C. Bramble; and

The Workforce Services and Community and Economic Development Committee recommends **S.B. 204**, HUMAN REMAINS RELATED AMENDMENTS, by Senator D. Peterson, be replaced and favorably recommends **1st Sub. S.B. 204**, HUMAN REMAINS RELATED AMENDMENTS; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 217, SCIENCE AND TECHNOLOGY EDUCATION PROGRAM AMENDMENTS**, by Senator P. Knudson.

Mark B. Madsen, Chair

On motion of Senator Hickman, the committee reports were adopted. **1st Sub. S.B. 234, S.B. 255**, as amended, **1st Sub. H.B. 96, H.B. 259, 1st Sub. S.C.R. 6, H.B. 148, H.B. 241, S.B. 71**, as amended, **S.B. 183, S.B. 196**, as amended, **S.B. 215, 2nd Sub. H.B. 69, 1st Sub. S.B. 223, S.B. 208, 1st Sub. H.B. 34, S.B. 198, 1st Sub. S.B. 204**, and **S.B. 217** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President:

February 7, 2007

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 163, AMENDMENTS TO MUNICIPAL AND COUNTY LAND USE**, by Senator D. Stowell, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

- 1. Page 1, Lines 15 through 16:

15 ▶ {~~-adds-~~} encourages counties and
municipalities to receive a recommendation from the fire authority
 {~~-approval to the approvals required-~~} before approving a plat
 {~~-can be approved~~

16 by a county or municipality} .

- 2. Page 8, Lines 225 through 227:

225 (2) (a) Subject to Subsections (3), (4), and (5), if the plat conforms to the municipality's

226 ordinances and this part and has been approved by the culinary water authority {~~-~~} and {~~-~~} {~~-~~} the

227 sanitary sewer authority, {~~-and the fire authority-~~} the municipality shall approve the plat.

(b) Municipalities are encouraged to receive a recommendation from the fire authority before approving a plat.

- 3. Page 16, Lines 464 through 465:

464 ordinances and this part and has been approved by the culinary water authority {~~+~~} and {~~+~~} {~~-~~} the
 465 sanitary sewer authority, {~~and the fire authority.~~} the county shall approve the plat.

(b) Counties are encouraged to receive a recommendation from the fire authority before approving a plat. ; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 191**, GOVERNMENTAL IMMUNITY LIMITS AMENDMENTS, by Senator H. Stephenson, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 211**, ELECTION LAW CHANGES, by Senator H. Stephenson, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 227**, UTAH FIRE PREVENTION BOARD AMENDMENT, by Senator P. Knudson, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

On motion of Senator Hickman, the committee reports were adopted. **S.B. 163**, as amended, **S.B. 191**, **S.B. 211**, and **S.B. 227** were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 214, Certificate of Need for Certain Ambulance Services (D. Peterson), read the first time by short title and referred to the Rules Committee.

S.B. 242, Income Tax Additions, Subtractions, and Tax Credits for Higher Education Savings (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 266, Income Tax Filing Amendments (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Bramble, **H.B. 148**, EDUCATION VOUCHERS, was set for a time certain and will be considered Friday February 9, 2007 at 2:15.

CONSENT CALENDAR

S.B. 60, UNIFORM PRUDENT MANAGEMENT OF INSTITUTIONAL FUNDS, 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

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

Absent or not voting were: Senators

Bell	Eastman	Peterson	Stephenson
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S.B. 60 was transmitted to the House for consideration.

* * *

H.B. 253, ALLOWING STATE MEMORIALS ON STATE PROPERTY, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bell	Eastman	Hickman	Peterson
Stephenson			

H.B. 253 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

S.B. 137, HOMELAND SECURITY 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

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

Absent or not voting were: Senators

Bell	Eastman	Hickman	Peterson
Stephenson			

S.B. 137 was transmitted to the House for consideration.

* * *

S.B. 140, IDENTITY FRAUD AMENDMENTS, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bell	Eastman	Peterson	Stephenson
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S.B. 140 was transmitted to the House for consideration.

THIRD READING CALENDAR

On motion of Senator Knudson, **H.B. 47** was placed on Third Reading Table due to fiscal impact.

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1st Sub. H.B. 63, INITIATIVE AND REFERENDUM – SIGNATURE VERIFICATION PROCEDURES, was read the third time, explained by Senator Goodfellow, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Eastman	McCoy	Peterson	Stephenson
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1st Sub. H.B. 63 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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H.B. 53, SHARE ASSESSMENT ACT, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Eastman	Hillyard	McCoy	Peterson
Stephenson			

Senator Hickman declared a conflict of interest.

H.B. 53 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 59, UTAH INTERNATIONAL TRADE COMMISSION, 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

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

Absent or not voting were: Senators

Eastman	Hillyard	McCoy	Peterson
Stephenson			

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. 72, BRAND INSPECTION OF LIVESTOCK SEIZED BY THE FEDERAL GOVERNMENT, was read the third time.

On motion of Senator Hickman, the bill was circled.

* * *

1st Sub. H.J.R. 1, JOINT RESOLUTION REGARDING ACTION ON GROUNDWATER IN SNAKE VALLEY, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman

Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Hillyard	Stephenson
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1st Sub. H.J.R. 1, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Peterson, the circle was removed from **H.B. 72**, BRAND INSPECTION OF LIVESTOCK SEIZED BY THE FEDERAL GOVERNMENT. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Dmitrich	Hillyard	Stephenson
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H.B. 72 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

H.B. 84, TRAUMATIC BRAIN INJURY FUND, was read the second time. Senator Peterson explained the bill. Senator Christensen and Valentine commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife

Goodfellow	Hillyard	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stowell
Van Tassell	Waddoups	Walker	

Voting in the negative were: Senators

Dayton	Greiner	Jenkins	Valentine
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Absent or not voting were: Senators

Hickman	Stephenson
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H.B. 211, BACKGROUND CHECKS FOR DIVISION OF SERVICES FOR PEOPLE WITH DISABILITIES, was read the second time. Senator Bell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Buttars	Romero	Stephenson
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H.B. 68, SCHOOL FEE WAIVER AMENDMENTS, was read the second time.

On motion of Senator Killpack, the bill was circled.

* * *

H.B. 202, MEDICAL RECOMMENDATIONS FOR CHILDREN, was read the second time.

On motion of Senator Bramble, the bill was circled.

* * *

On motion of Senator Knudson, the circle was removed from **H.B. 61, ELECTION LAW AMENDMENTS**, and it was before the Senate. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bell	Buttars	Stephenson
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H.B. 207, SCHOOL TRUANCY AND COMPULSORY EDUCATION AMENDMENTS, was read the second time. Senator Walker explained the bill. Senator Buttars commented. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 3; Absent, 3.

Voting in the affirmative were: Senators

Bramble	Christensen	Dayton	Dmitrich
Eastman	Fife	Goodfellow	Greiner
Hickman	Hillyard	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Van Tassell
Waddoups	Walker	Valentine	

Voting in the negative were: Senators

Buttars	Jenkins	Stowell
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Absent or not voting were: Senators

Bell	Davis	Stephenson
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H.B. 204, MODIFICATIONS TO OPEN AND PUBLIC MEETINGS, was read the second time.

On motion of Senator Bramble, the bill was circled.

* * *

H.B. 219, UNCLAIMED PROPERTY ACT PROVISIONS, was read the second time. Senator Knudson explained the bill. Senator Hickman commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dmitrich	Eastman	Fife	Goodfellow
Hickman	Hillyard	Jenkins	Jones
Killpack	Knudson	Mayne	McCoy
Niederhauser	Peterson	Romero	Stowell
Waddoups	Walker		

Voting in the negative were: Senators

Bell	Dayton	Greiner	Madsen
Van Tassell			

Absent or not voting were: Senators

Stephenson	Valentine
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H.B. 39, CONCEALED WEAPONS FEES AMENDMENTS, was read the second time. Senator Christensen explained the bill. Senators Jones, Buttars, Walker, Waddoups, Jenkins, and Greiner commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Knudson

Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stowell	Van Tassell
Waddoups	Walker		

Absent or not voting were: Senators

Hickman	Stephenson	Valentine
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On motion of Senator Knudson, **H.B. 39** was placed on Third Reading Table due to fiscal impact.

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H.B. 88, AUTOMATED TELLER MACHINE CHARGES FOR INTERNATIONAL ACCOUNTS, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Buttars	Stephenson
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H.B. 244, REPEAL OF UTAH TECHNOLOGY COMMISSION, was read the second time.

On motion of Senator Eastman, the bill was circled.

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H.B. 44, MOTOR VEHICLE INSURANCE ARBITRATION AMENDMENTS, was read the second time. Senator Waddoups explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Christensen	Stephenson
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H.B. 85, SENTENCE REDUCTION CLARIFICATION, was read the second time.

On motion of Senator Bell, the bill was circled.

* * *

H.B. 210, COUNTY SHERIFF QUALIFICATION 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

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

Absent or not voting were: Senators

Hickman	Stephenson
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* * *

On motion of Senator Bell, the circle was removed from **H.B. 85**, SENTENCE REDUCTION CLARIFICATION, and it was before the Senate. Senator Bell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Voting in the negative was: Senator

Dayton

Absent or not voting were: Senators

Hickman	Knudson	Stephenson	Valentine
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1st Sub. S.B. 107, NOTICE OF AVAILABLE CHARITY CARE, was read the second time. Senator Waddoups explained the bill.

Senator Waddoups proposed the following amendment:

1. Page 2, Lines 43 through 48

43 (b) The notice required by this Subsection (2):
44 (i) may be combined with the notice of charity care required by
the Hill–Burton Act, 42
45 C.F.R. Part 142;
46 (ii) shall include either:
(A) the names and locations of the clinics and hospitals owned or
operated
47 by the nonprofit health care provider that provide charity care
within the same service area and
48 county as the reporting facility ; or
(B) information about literature or a website that contains the
information required by Subsection (2)(b)(ii)(A) ; and

Senator Waddoups’ motion to amend passed 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

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

Absent or not voting were: Senators

Stephenson	Valentine
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S.B. 146, PRESCRIPTIVE PRACTICE OF LEGEND DRUGS, was read the second time.

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

1st Sub. S.B. 146 Prescriptive Practice of Legend Drugs (Sen. P. Knudson)

Senator Knudson explained the bill. Senator Greiner commented. The bill failed second reading on the following roll call:

Yeas, 7; Nays, 19; Absent, 3.

Voting in the affirmative were: Senators

Buttars	Christensen	Dayton	Hickman
Hillyard	Jones	Stowell	

Voting in the negative were: Senators

Bell	Bramble	Davis	Dmitrich
Eastman	Fife	Goodfellow	Greiner
Jenkins	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Van Tassell	Walker	

Absent or not voting were: Senators

Stephenson	Waddoups	Valentine
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On motion of Senator Bramble, and at 11:55 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:20 p.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 8, 2007

The House passed, **S.B. 109**, TRANSFERS OF STRUCTURED SETTLEMENTS, by Senator E. Mayne, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 109 was signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 8, 2007

The House passed, as substituted, **1st Sub. H.B. 46**, DISASTER RECOVERY FUNDING, by Representative C. Oda, et al, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 58**, NEW SCHOOL DISTRICT PROPERTY TAX AMENDMENTS, by Representative B. Daw, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 130**, FUNERAL SERVICES LICENSING ACT AMENDMENTS, by Representative K. McIff, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 231**, CONTROLLED SUBSTANCES PENALTY AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 261**, EXPIRATION OF GIFT CERTIFICATES, by Representative W. Harper, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 46**, **2nd Sub. H.B. 58**, **H.B. 130**, **H.B. 231**, and **H.B. 261** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 8, 2007

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

Business and Labor Committee

H.B. 271 Corporation Law Amendments (Rep. K. Garn)

Government Operations and Political Subdivisions Committee

H.B. 246 Campaign Contribution Amendments (Rep. J. Dougall)

H.J.R. 7 Resolution Urging United States Withdrawal from Security and Prosperity Partnership of North America (Rep. S. Sandstrom)

Health and Human Services Committee

H.B. 92 Adoption of an Adult Provisions (Rep. J. Mathis)

Judiciary, Law Enforcement, and Criminal Justice Committee

1st Sub. H.B. 91 Commission on Criminal and Juvenile Justice Funding (Rep. B. Dee)

H.B. 107 Funding for Prosecution and Prevention of Child Pornography Offenses (Rep. R. Bigelow)

H.B. 255 Prohibition of Citation Quotas (Rep. N. Hansen)

H.B. 265 Obstructing a Warrant or Order to Show Cause of a Parolee or Probationer (Rep. R. Lockhart)

H.B. 270 Amendments to Extradition Statute (Rep. S. Wyatt)

H.B. 274 Violent Crime in Presence of a Child (Rep. Janice Fisher)

Natural Resources, Agriculture and Environment Committee

1st Sub. H.B. 102 Land and Water Reinvestment (Rep. D. Clark)

Revenue and Taxation Committee

H.B. 226 Sales and Use Tax – Highways and Public Transportation Amendments (Rep. J. Dougall)

Transportation, Public Utilities and Technology Committee

H.B. 52 Driver License Fee Amendments (Rep. B. Daw)

H.B. 110 State Fleet Efficiency Requirements (Rep. F. Hunsaker)

Bill Hickman
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President:

February 7, 2007

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 197**, LOCAL INITIATIVE AND PETITION BALLOT TITLES, by Senator P. Knudson, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 3, Lines 78 through 84:

78 [(4)] (6) (a) If the ballot title furnished by the local attorney is unsatisfactory or does

79 not comply with the requirements of this section, [~~at least three of the sponsors of the petition~~

80 ~~may, by motion, appeal~~] the decision of the local attorney may be appealed by a {~~motion~~} petition to the

81 Supreme Court that is brought by:

82 (i) at least three sponsors of the initiative petition; or

83 (ii) a majority of the local legislative body for the jurisdiction where the initiative

84 petition was circulated.

2. Page 5, Lines 131 through 137:

131 [(4)] (6) (a) If the ballot title furnished by the local attorney is unsatisfactory or does

132 not comply with the requirements of this section, [~~at least three of the sponsors of the petition~~

133 ~~may, by motion, appeal~~] the decision of the local attorney may be appealed by a {~~motion~~} petition to the

134 Supreme Court[-] that is brought by:

- 135 (i) at least three sponsors of the referendum petition; or
 136 (ii) a majority of the local legislative body for the jurisdiction
 137 where the referendum
petition was circulated.

Peter C. Knudson, Chair

Mr. President:

February 7, 2007

The Health and Human Services Committee reports a favorable recommendation on **H.B. 57**, PUBLIC HEALTH AMENDMENTS, by Representative B. Last, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

On motion of Senator Hickman, the committee reports were adopted. **S.B. 197** and **H.B. 57** were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 205, Alcoholic Beverage Control Amendments (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 241, Election Law Modifications (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 254, Private Investigator Regulation Amendments (M. Dayton), read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

1st Sub. S.B. 59, EXEMPTION FROM FISHING LICENSE, was read the second time.

On motion of Senator Stowell, the bill was circled.

* * *

S.B. 161, HUNTING LICENSE AMENDMENTS, was read the second time.

On motion of Senator Stowell, the bill was circled.

* * *

1st Sub. S.B. 12, FUNDING FOR PURCHASE OF STATE HIGHWAY RIGHTS OF WAY, was read the second time.

On motion of Senator Eastman, the bill was circled.

* * *

S.B. 158, B AND C ROADS AMENDMENTS, was read the second time. Senator Stowell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Knudson	Stephenson
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* * *

On motion of Senator Hickman, the circle was removed from **S.B. 87**, HOMEOWNERS ASSOCIATION REQUIREMENTS, and it was before the Senate.

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

1st Sub. S.B. 87 Homeowners Association Requirements (Sen. J. Hickman)

Senator Hickman explained the bill. Senators Waddoups, Niederhauser, Dayton, and Mayne commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Voting in the negative was: Senator

Jones

Absent or not voting were: Senators

Buttars	Killpack	Stephenson
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On motion of Senator Christensen, the circle was removed from **S.B. 161**, HUNTING LICENSE AMENDMENTS, and it was before the Senate. Senator Christensen explained the bill.

Senator Christensen proposed the following amendment:

1. Page 1, Line 1

1 HUNTING AND FISHING LICENSE AMENDMENTS

2. Page 1, Line 9:

9 This bill amends provisions relating to hunting and fishing licenses and permits.

Senator Christensen's motion to amend passed on a voice vote. Senators Jenkins, McCoy, and Hillyard commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators
Killpack Stephenson

* * *

On motion of Senator Stowell, the circle was removed from **1st Sub. S.B. 59**, EXEMPTION FROM FISHING LICENSE, and it was before the Senate.

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

2nd Sub. S.B. 59 Exemption from Fishing License (Sen. D. Stowell)

Senator Stowell explained the bill. Senators Buttars, Dayton, McCoy, Christensen, Jenkins, and Eastman commented.

On motion of Senator Stowell, the bill was circled.

* * *

On motion of Senator Bramble and at 3:15 p.m., the Senate adjourned until 10:00 a.m., Friday, February 9, 2007.

TWENTY-SIXTH DAY

MORNING SESSION

February 9, 2007

The Senate was called to order at 10:05 a.m., with President John Valentine presiding.

Prayer – Cary Peterson, former State Senator, Former Commissioner of Agriculture, and father of Senator Darin Peterson

Pledge of Allegiance – Senator Greg Bell

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 102)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 8, 2007

The House concurred in the Senate amendments and passed **1st Sub. H.B. 38**, AMENDMENTS TO LOCAL OPTION SALES AND USE TAXES ON CERTAIN ACCOMMODATIONS AND SERVICES, by Representative M. Newbold, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 38**, was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: February 8, 2007

The House passed, as amended, **H.B. 93**, CAPITAL OFFENSES AMENDMENTS, by Representative P. Ray, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 197**, AMENDMENTS TO BACKGROUND CHECKS BY DEPARTMENT OF HEALTH, by Representative D. G. Buxton, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 240**, PUBLIC EDUCATION JOB ENHANCEMENT PROGRAM AMENDMENTS, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 249**, BUDGET PRIORITY FOR IN-HOME AND COMMUNITY BASED LONG-TERM CARE, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed **H.B. 263**, JAIL EXPENSES AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed, as substituted, **3rd Sub. H.B. 277**, CONSTRUCTION AMENDMENTS, by Representative M. Morley, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 295**, INSURANCE LAW AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed **H.B. 299**, NURSE PRACTICE ACT AMENDMENTS, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 309**, SCOTT B. LUNDELL TUITION WAIVER FOR MILITARY MEMBERS' SURVIVING DEPENDENTS, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed **H.C.R. 1**, CONCURRENT RESOLUTION APPROVING THE INTERLOCAL AGREEMENT CREATING THE UTAH LAKE COMMISSION, by Representative S. Clark, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 93**, **H.B. 197**, **H.B. 240**, **1st Sub. H.B. 249**, **H.B. 263**, **3rd Sub. H.B. 277**, **H.B. 295**, **H.B. 299**, **1st Sub. H.B. 309**, and **H.C.R. 1** were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President:

February 8, 2007

The Natural Resources, Agriculture, and Environment Committee recommends **S.B. 243**, DIRECT-ENTRY MIDWIFE AMENDMENTS, by Senator M. Dayton, be replaced and favorably recommends **1st Sub. S.B. 243**, DIRECT-ENTRY MIDWIFE AMENDMENTS; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 97**, MOTOR VEHICLE REGISTRATION CHECKOFF FOR PROTECTING ACCESS TO PUBLIC LANDS AND OFF-HIGHWAY VEHICLE EDUCATION, by Representative M. Noel; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 99**, WATER LOAN PROGRAM AMENDMENTS, by Representative P. Painter.

Allen M. Christensen, Chair

Mr. President: February 8, 2007

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 108**, TRANSPORTATION STUDIES, by Representative R. Bigelow; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 227**, MOTORBOAT LIABILITY INSURANCE REVISIONS, by Representative K. Gibson.

Carlene M. Walker, Chair

Mr. President: February 8, 2007

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 216**, UTAH ANTITRUST ACT AMENDMENTS, by Senator L. Hillyard; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 15**, DRIVER LICENSE PRIVILEGE SUSPENSION FOR FAILURE TO PAY CHILD SUPPORT, by Representative Julie Fisher; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 32**, EXPEDITED PARENT-TIME ENFORCEMENT, by Representative Julie Fisher.

Gregory S. Bell, Chair

On motion of Senator Hickman, the committee reports were adopted. **1st Sub. S.B. 243, H.B. 97, H.B. 99, H.B. 108, H.B. 227, S.B. 216, H.B. 15, and H.B. 32** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 8, 2007

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 221**, TIMING TO COMMENCE A CIVIL ACTION BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY, by

Representative R. Menlove, and recommends it be considered read for the second time and placed on the Consent Calendar.

Allen M. Christensen, Chair

Mr. President:

February 8, 2007

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 224**, JUDICIARY 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 2, Lines 30 through 31:

30 Other Special Clauses:

31 {–None–} This bill has a Coordination Clause.

2. Page 9, Line 258: After: Subsections (5) and (6) insert “unless the judge orders otherwise.“

3. Page 16, Line 466:

466 enter judgment on the merits.

Section 7. Coordinating S.B. 224 with S.B. 136.

If this bill, S.B. 224, Judiciary Amendments, and S.B. 136, Unlawful Detainer Amendments, both pass, it is the intent of the Legislature that the amendments in Subsection 78–36–8.5(2)(c) in this bill shall supercede the amendments to the same subsection in S.B. 136, Unlawful Detainer Amendments.

Gregory S. Bell, Chair

On motion of Senator Hickman, the committee reports were adopted. **H.B. 221** and **S.B. 224** were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 232, Military Installation Development Authority (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.B. 248, Parent and Child Amendments (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.R. 3, Resolution Increasing Public Awareness of Capital Gains Tax Deduction (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

S.B. 219, REAL ESTATE MODIFICATIONS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Knudson	Walker
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S.B. 219 was transmitted to the House for consideration.

* * *

S.B. 182, CHILD SUPPORT MODIFICATIONS FOR TANF RECIPIENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

S.B. 182 was transmitted to the House for consideration.

* * *

H.B. 201, GOVERNANCE OF LOCAL ORDINANCES REGARDING SMOKING, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Hickman

H.B. 201 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 Dayton, the Senate voted to concur in the House amendments to **S.B. 47**, DEPARTMENT OF AGRICULTURE AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Hickman

S.B. 47 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

H.B. 84, TRAUMATIC BRAIN INJURY FUND, was read the third time.

On motion of Senator Peterson, the bill was circled.

* * *

On motion of Senator Peterson, **H.B. 5**, INTERNET SEXUAL PREDATOR PENALTIES, was lifted from the Third Reading Table and it was before the Senate and read for the third time.

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

1st Sub. H.B. 5 Internet Sexual Predator Penalties (D. Peterson)

Senator Peterson proposed the following amendment:

1. Page 7, Line 201

201 (ii) the hosting company does not intentionally
 {~~participate~~} engage , aid, or abet in the

2. Page 8, Line 241:

241 (ii) the hosting company does not intentionally
 {~~participate~~} engage , aid, or abet in the

3. Page 10, Line 284:

284 (B) the hosting company does not intentionally
 {~~participate~~} engage , aid, or abet in the

Senator Peterson's motion to amend passed on a voice vote.

On motion of Senator Peterson, **1st Sub. H.B. 5** was placed on Third Reading Table due to fiscal impact.

* * *

H.B. 211, BACKGROUND CHECKS FOR DIVISION OF SERVICES FOR PEOPLE WITH DISABILITIES, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

H.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. 61, ELECTION LAW AMENDMENTS, was read the third time.

On motion of Senator Knudson, the bill was circled.

* * *

H.B. 207, SCHOOL TRUANCY AND COMPULSORY EDUCATION AMENDMENTS, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

H.B. 207 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. 61**, ELECTION LAW AMENDMENTS. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator

Bell

H.B. 61 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 219, UNCLAIMED PROPERTY ACT PROVISIONS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Voting in the negative were: Senators

Bell	Dayton	Hickman	Valentine
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H.B. 219 was signed by the President of the Senate in open session. Senator Stephenson requested a 24-hour hold on the bill.

* * *

H.B. 88, AUTOMATED TELLER MACHINE CHARGES FOR INTERNATIONAL ACCOUNTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

H.B. 88 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, MOTOR VEHICLE INSURANCE ARBITRATION AMENDMENTS, was read the third time and explained by Senator Waddoups.

Senator Waddoups proposed the following amendment:

- 1. Page 1, Lines 10 through 11
House Floor Amendments
1-30-2007

10 This bill modifies the Insurance Code by amending provisions relating to arbitration for

11 third party motor vehicle accident **bodily injury** claims.

- 2. Page 1, Line 18
 - a. House Floor Amendments
 - b. 1-30-2007:

18 personal injury protection benefits and any claim for property damage;

▶ provides that a claim for property damage may not be made in certain arbitration proceedings unless agreed upon by the parties in writing;

- 3. Page 2, Line 47
 - a. House Floor Amendments
 - b. 1-30-2007:

47 (2) (a) If a party submits a bodily injury claim to arbitration under Subsection (1), the party

- 4. Page 2, Line 52
 - a. House Floor Amendments
 - b. 1-30-2007:

52 between insurers as provided in Subsection 31A-22-309(6)(b).
(c) A claim for property damage may not be made in an arbitration proceeding under Subsection (1) unless agreed upon by the parties in writing.

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

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Dmitrich

H.B. 44, as amended, was returned to the House for further consideration.

* * *

H.B. 210, COUNTY SHERIFF QUALIFICATION AMENDMENTS, was read the third time.

On motion of Senator Greiner, the bill was circled.

* * *

H.B. 85, SENTENCE REDUCTION CLARIFICATION, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

H.B. 85 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. S.B. 107, NOTICE OF AVAILABLE CHARITY CARE, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

1st Sub. S.B. 107 was transmitted to the House for consideration.

* * *

S.B. 158, B AND C ROADS AMENDMENTS, was read the third time.

On motion of Senator Stowell, the bill was circled.

* * *

On motion of Senator Greiner, the circle was removed from **H.B. 210**, COUNTY SHERIFF QUALIFICATION AMENDMENTS.

Senator Greiner proposed the following amendment:

1. Page 2, Line 31

31 (2) The probationary period shall be extended beyond the twelve months under Subsection (1) as necessary for an officer who has not yet

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

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Valentine

H.B. 210, as amended, was returned to the House for further consideration.

* * *

1st Sub. S.B. 87, HOMEOWNERS ASSOCIATION REQUIREMENTS, was read the third time and explained by Senator Hickman.

Senator Hickman proposed the following amendment:

1. Page 2, Line 55 through Page 3, Line 58

55 (3) (a) A contract for services such as garbage collection, maintenance, lawn care, or snow

56 removal executed on behalf of the association during a period of administrative control is

57 binding beyond the period of administrative control { ~~only if~~
58 agreed to by a majority of } unless terminated by the board

58 of directors after the period of administrative control ends.

(b) Subsection (3)(a) does not apply to golf course and amenity

management, utilities, cable services, and other similar services that require an investment of infrastructure or capital.

Senator Hickman’s motion to amend passed on a voice vote.

On motion of Senator Waddoups, the bill was circled.

* * *

S.B. 161, HUNTING LICENSE AMENDMENTS, was read the third time and explained by Senator Christensen. Senators Jenkins and Stowell commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Greiner	Hillyard	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stowell
Van Tassell	Walker		

Voting in the negative were: Senators

Bell	Goodfellow	Hickman	Jenkins
Stephenson	Waddoups		

Absent or not voting was: Senator Valentine

S.B. 161 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Bramble, the circle was removed from **S.B. 139**, LEGISLATIVE MANAGEMENT COMMITTEE MEMBERSHIP, and it was before the Senate. Senator Bramble explained the bill.

On motion of Senator Bramble, the enacting clause was struck on the bill.

* * *

S.B. 70, UTAH VALLEY UNIVERSITY INSTITUTIONAL NAME CHANGE, was read the second time. Senator Bramble explained the bill. Senators Knudson, Dayton, Hillyard, Waddoups, Goodfellow, Hickman, Buttars,

Stephenson, Dmitrich, and Van Tassell commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

COMMITTEE OF THE WHOLE

On motion of Senator Bramble, Ira A. Fulton spoke in Committee of the Whole.

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

* * *

S.B. 113, LIMITATION OF ACTIONS, was read the second time. Senator Bell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Eastman	Killpack
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* * *

S.B. 151, CASE MANAGEMENT PILOT PROJECT, was read the second time. Senator Bell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Eastman	Killpack
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* * *

On motion of Senator Stowell, the circle was removed from **2nd Sub. S.B. 59**, EXEMPTION FROM FISHING LICENSE, and it was before the Senate. Senator Stowell explained the bill.

Senator Stowell proposed the following amendment:

- 1. Page 2, Lines 32 through 36

32 (1) As used in this section, "youth organization" means:

33 (a) the Boy Scouts of America;

34 (b) the Girls Scouts of the USA; or

35 (c) { ~~a nonprofit corporation, as defined in Section~~
~~16-6a-102, that~~ } an organization that:

(i) is exempt from taxation under Section 501(c)(3), Internal
Revenue Code; and

(ii) promotes character

36 building through outdoor activities.

Senator Stowell's motion to amend passed on a voice vote. Senators Fife and Dayton commented. Senators Valentine, Peterson, and Bramble declared conflicts of interest. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Fife	Goodfellow

Greiner	Hickman	Jones	Knudson
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker		

Voting in the negative were: Senators

Dayton	Eastman	Jenkins	Valentine
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Absent or not voting were: Senators

Hillyard	Killpack	Madsen
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* * *

On motion of Senator Hickman, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Hickman, the circle was removed from **1st Sub. S.B. 87, HOMEOWNERS ASSOCIATION REQUIREMENTS.**

Senator Waddoups proposed the following amendment:

- Page 2, Lines 39 through 39d
Senate 3rd Reading Amendments
2-9-2007

39 (c) members' voting rights.
39a ~~§~~→ (5) (a) A contract for services such as garbage collection, maintenance, lawn care, or snow
39b removal executed on behalf of the association during a period of administrative control is
39c binding beyond the period of administrative control { ~~only if agreed to by a majority of~~ } unless terminated by the
39d board of directors after the period of administrative control ends.
←§
 (b) Subsection (5)(a) does not apply to golf course and amenity management, utilities, cable services, and other similar services that require an investment of infrastructure or capital.
- Page 2, Line 55 through Page 3, Line 58
Senate 3rd Reading Amendments
2-9-2007:

55 (3) (a) A contract for services such as garbage collection, maintenance, lawn care, or snow

56 removal executed on behalf of the association during a period of administrative control is

57 binding beyond the period of administrative control { ~~only if agreed to by a majority of~~ } unless terminated by the board

58 of directors after the period of administrative control ends.

(b) Subsection (3)(a) does not apply to golf course and amenity management, utilities, cable services, and other similar services that require an investment of infrastructure or capital.

Senator Waddoups’ 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

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

Absent or not voting were: Senators

Buttars	Eastman	Hillyard	Killpack
Stephenson			

1st Sub. S.B. 87, as amended, was transmitted to the House for consideration.

* * *

On motion of Senator Bramble, and at 11:50 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:00 p.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 9, 2007

The House passed, **S.B. 86**, REPEAL OF LIBEL AND SLANDER PROVISIONS, by Senator S. McCoy, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 97**, CONSTITUTIONAL REVISION COMMISSION MEMBERSHIP, 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. 86 and **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 9, 2007

The House concurred in the Senate amendments and passed **H.B. 56**, EMERGENCY ADMINISTRATION OF EPINEPHRINE, by Representative T. Kiser, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.J.R. 1**, JOINT RESOLUTION REGARDING ACTION ON GROUNDWATER IN SNAKE VALLEY, by Representative R. Wheeler, et al, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 56 and **1st Sub. H.J.R. 1** were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: February 9, 2007

The House passed, as substituted, **1st Sub. H.B. 129**, LAND USE PROVISIONS, by Representative M. Morley, and it is transmitted for consideration; and

The House passed **H.B. 145**, FARMERS MARKET EXEMPTIONS, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 147**, RESTITUTION AMENDMENTS, by Representative K. Garn, and it is transmitted for consideration; and

The House passed **H.B. 262**, SEARCH WARRANT AMENDMENTS, by Representative S. Wyatt, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 279**, CAMCORDER PIRACY OF MEDIA, by Representative K. Garn, and it is transmitted for consideration; and

The House passed **H.B. 356**, DNA EXONERATION AMENDMENTS, by Representative D. Litvack, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 129**, **H.B. 145**, **1st Sub. H.B. 147**, **H.B. 262**, **H.B. 279**, and **H.B. 356** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 9, 2007

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

Business and Labor Committee

- S.B. 205** Alcoholic Beverage Control Amendments
(Sen. P. Knudson)
- 1st Sub. H.B. 46** Disaster Recovery Funding (Rep. C. Oda)
- H.B. 130** Funeral Services Licensing Act Amendments
(Rep. K. McIff)
- 1st Sub. H.B. 218** Utah Children's Health Insurance Program
(Rep. J. Dunnigan)
- H.B. 261** Expiration of Gift Certificates (Rep. W. Harper)

Government Operations and Political Subdivisions Committee

- S.B. 241** Election Law Modifications (Sen. P. Knudson)

Judiciary, Law Enforcement, and Criminal Justice Committee

- S.B. 251** Higher Education – Concealed Firearms Restrictions
(Sen. G. Bell)
- S.B. 254** Private Investigator Regulation Amendments
(Sen. M. Dayton)
- H.B. 70** Assault on a Peace Officer – Penalty Amendment
(Rep. P. Ray)

H.B. 112 Utah Council on Victims of Crime (Rep. S. Wyatt)
H.B. 231 Controlled Substances Penalty Amendments
 (Rep. W. Harper)

Natural Resources, Agriculture and Environment Committee

H.B. 243 Energy Policy Amendments (Rep. R. Barrus)
1st Sub. H.B. 311 Utah Dairy Act Amendments (Rep. K. Gibson)

Retirement and Independent Entities Committee

1st Sub. H.B. 7 State Post-retirement Benefits Trust Fund
 (Rep. K. Grover)

Revenue and Taxation Committee

S.B. 242 Income Tax Additions, Subtractions, and Tax Credits for
 Higher Education Savings (Sen. G. Bell)
S.B. 266 Income Tax Filing Amendments (Sen. W. Niederhauser)
2nd Sub. H.B. 58 New School District Property Tax Amendments
 (Rep. B. Daw)

Workforce Services & Community & Economic Development Committee

S.B. 248 Parent and Child Amendments (Sen. C. Bramble)

Bill Hickman
 Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 9, 2007

The Government Operations and Political Subdivisions Committee recommends **S.B. 185**, UTILITY IMPROVEMENT DISTRICT REVISIONS, by Senator K. VanTassell, be replaced and favorably recommends **2nd Sub. S.B. 185**, UTILITY IMPROVEMENT DISTRICT REVISIONS; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 187**, UTAH RELOCATION ASSISTANCE ACT AMENDMENTS, by Senator L. Hillyard; and

The Government Operations and Political Subdivisions Committee recommends **S.B. 218**, COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AMENDMENTS, by Senator C. Bramble, be replaced and favorably

recommends **1st Sub. S.B. 218**, COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AMENDMENTS; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.J.R. 12**, RESOLUTION AMENDING UTAH CONSTITUTION, by Senator J. Valentine, with the following amendments:

1. Page 1, Line 15:
After "to the" delete "first Tuesday after the third" and insert "fourth"
2. Page 2, Line 31:
After "on the" delete "first Tuesday after the third" and insert "fourth";
and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 200**, STANDARDIZING DOCUMENTS FILED WITH COUNTY RECORDER, by Representative C. Frank; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 247**, SPECIAL SERVICE DISTRICT AUTHORITY TO PROVIDE JAIL FACILITIES, by Representative J. Mathis; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 257**, OPEN AND PUBLIC MEETING ACT AMENDMENTS, by Representative G. Donnelson.

Peter C. Knudson, Chair

Mr. President: February 9, 2007

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 98**, COUNTY OPTION SALES AND USE TAX FOR HIGHWAYS, FIXED GUIDEWAYS, OR SYSTEMS OF PUBLIC TRANSIT AMENDMENTS, by Representative C. Frank.

Wayne Niederhauser, Chair

Mr. President: February 9, 2007

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 125**, CENTERS OF EXCELLENCE AMENDMENTS, by Representative B. Daw.

Mark B. Madsen, Chair

On motion of Senator Hickman, the committee reports were adopted. **2nd Sub. S.B. 185, S.B. 187, 1st Sub. S.B. 218, S.J.R. 12**, as amended, **H.B. 200**,

H.B. 247, H.B. 257, H.B. 98, and H.B. 125 were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 9, 2007

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 250, MILITARY JUSTICE CODE AMENDMENTS**, by Senator P. Knudson, 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. 216, DIVISION OF FACILITIES CONSTRUCTION AND MANAGEMENT AMENDMENTS**, by Representative D. G. Buxton, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

Mr. President: February 9, 2007

The Revenue and Taxation Committee recommends **S.B. 203, DISCLOSURE OF PROPERTY TAX INFORMATION**, by Senator H. Stephenson, be replaced and favorably recommends **1st Sub. S.B. 203, DISCLOSURE OF PROPERTY TAX INFORMATION** and that it be considered read for the second time and placed on the Consent Calendar; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 260, PROPERTY TAX – DEFINITION OF GOODWILL**, by Senator W. Niederhauser, and recommends it be considered read for the second time and placed on the Consent Calendar.

Wayne L. Niederhauser, Chair

On motion of Senator Hickman, the committee reports were adopted. **S.B. 250, H.B. 216, 1st Sub. S.B. 203, and S.B. 260** were considered read the second time and placed on the Consent Calendar.

COMMITTEE OF THE WHOLE

On motion of Senator Bramble, U. S. Congressman Rob Bishop spoke in Committee of the Whole. Senators Stephenson and Hillyard commented.

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

SECOND READING CALENDAR

H.B. 148, EDUCATION VOUCHERS, was read the second time. Senator Bramble explained the bill.

Senator Greiner proposed the following amendment:

- 1. Page 6, Lines 157 through 158

157 (g) employ or contract with teachers who have completed a criminal background check that complies with the requirements of Section 53A-3-410 and ;

158 (i) hold baccalaureate or higher degrees; or

- 2. Page 6, Lines 161 through 163:

161 (h) provide to parents the teaching credentials of the school's teachers; {~~and~~ }

162 (i) provide, upon request to any person, a statement indicating which, if any,

163 organizations have accredited the private school {~~z~~ } ; and (j) establish curriculum, instruction, and classroom environments that comply with federal and state laws.

Senator Greiner's motion to amend failed on the following roll call vote:

Yeas, 10; Nays, 19; Absent, 0.

Voting in the affirmative were: Senators

Davis	Dmitrich	Fife	Goodfellow
Greiner	Jones	Mayne	McCoy
Romero	Van Tassell		

Voting in the negative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Eastman	Hickman	Hillyard
Jenkins	Killpack	Knudson	Madsen
Niederhauser	Peterson	Stephenson	Stowell
Waddoups	Walker	Valentine	

###

Senator McCoy proposed the following amendment:

- 1. Page 5, Lines 132 through 133

132 (6) (a) A student’s parent, at {~~any time~~ } the end of a quarter, term, trimester, semester, or school year , may remove the student from a private school and

133 place the student in another eligible private school and retain the scholarship , but the scholarship shall be prorated between the eligible private schools .

(b) If the student’s parent chooses to remove the student from a private school and place the student in a public school, the scholarship is retained, but shall be prorated between the private school and the public school.

Senator McCoy’s motion to amend failed on a voice vote.

###

Senator Mayne proposed the following amendment:

- 1. Page 12, Lines 343 through 344
House Committee Amendments
1-31-2007

343 (2) The board may investigate complaints {~~and convene administrative hearings~~ } for an

344 alleged violation of this part.

Senator Mayne’s motion to amend failed on a voice vote.

Senator Romero made the motion to circle the bill. The motion failed.

Senators Jones, Bell, Davis, Hillyard, Mayne, and Romero commented.

On motion of Senator Bramble, under suspension of the rules, **H.B. 148**, EDUCATION VOUCHERS, was considered read the second and third times and passed on the following roll call:

Yeas, 19; Nays, 10; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Eastman	Hickman	Hillyard
Jenkins	Killpack	Knudson	Madsen
Niederhauser	Peterson	Stephenson	Stowell
Waddoups	Walker	Valentine	

Voting in the negative were: Senators

Davis	Dmitrich	Fife	Goodfellow
Greiner	Jones	Mayne	McCoy
Romero	Van Tassell		

H.B. 148 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble and at 3:30 p.m., the Senate adjourned until 10:00 a.m., Monday, February 12, 2007.

TWENTY-NINTH DAY

MORNING SESSION

February 12, 2007

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

Prayer – Robert B. Lundgreen, former Bishop of the Mountain View 3rd Ward

Pledge of Allegiance – Senator Peter Knudson

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 102)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 9, 2007

The Speaker of the House has signed **S.B. 47**, DEPARTMENT OF AGRICULTURE AMENDMENTS, by Senator M. Dayton, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 47 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 9, 2007

The House passed, as substituted, **1st Sub. H.B. 114**, PRISONER LONG-TERM HEALTH CARE, by Representative J. Biskupski, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 124**, AGRICULTURAL EDUCATION, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed **H.B. 268**, SPECIAL GROUP LICENSE PLATE SYMBOL DECAL REORDER AMENDMENTS, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 275**, OFFENSE AGAINST PEACE OFFICERS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 285**, LAND USE DEVELOPMENT MANAGEMENT ACT AMENDMENTS, by Representative A. Tilton, and it is transmitted for consideration; and

The House passed **H.B. 307**, CERTIFIED INVESTMENT ADVISER, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed **H.B. 317**, CAPITOL HILL COMPLEX – LEGISLATIVE SPACE, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.B. 367**, GLOBAL POSITIONING REFERENCE NETWORK, by Representative K. Holdaway, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 114**, **1st Sub. H.B. 124**, **H.B. 268**, **1st Sub. H.B. 275**, **H.B. 285**, **H.B. 307**, **H.B. 317**, and **H.B. 367** were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President:

February 9, 2007

The Health and Human Services Committee reports a favorable recommendation on **4th Sub. H.B. 236**, STUDENT CLUBS AMENDMENTS, by Representative A. Tilton.

D. Chris Buttars, Chair

Mr. President:

February 9, 2007

The Education Committee recommends **S.B. 57**, HIGH SCHOOL GRADUATION AMENDMENTS, by Senator M. Madsen, be replaced and favorably recommends **1st Sub. S.B. 57**, HIGH SCHOOL GRADUATION AMENDMENTS; and

The Education Committee reports a favorable recommendation on **S.B. 174**, EDUCATION TRANSPORTATION AMENDMENTS, by Senator D. Peterson; and

The Education Committee reports a favorable recommendation on **1st Sub. H.B. 215**, SCHOOL REPORTING AMENDMENTS, by Representative K. Morgan; and

The Education Committee reports a favorable recommendation on **H.C.R. 4, RESOLUTION ENCOURAGING STATE UNIVERSITIES' AND SCHOOL INSTITUTIONAL TRUST LANDS' EFFORTS IN ENHANCING STATE TRUST LANDS** , by Representative E. Hutchings.

Margaret Dayton, Chair

On motion of Senator Hickman, the committee reports were adopted. **4th Sub. H.B. 236, 1st Sub. S.B. 57, S.B. 174, 1st Sub. H.B. 215, and H.C.R. 4** were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

S.B. 206, Punitive Damages Amendments (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 209, State Franchising Authority for Video Services (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 262, Real Property Amendments (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 276, Transfer-on-Death Deeds for Real Property (R. Romero), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

H.B. 83, FORGERY AMENDMENTS, was read the third time, explained by Senator Peterson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Killpack	Stephenson
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H.B. 83 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 206, COUNTY JAIL – WORK RELEASE PROCESS AMENDMENTS, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Hickman	Killpack	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.

THIRD READING CALENDAR

S.B. 70, UTAH VALLEY UNIVERSITY INSTITUTIONAL NAME CHANGE, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Waddoups

S.B. 70 was transmitted to the House for consideration.

* * *

S.B. 113, LIMITATION OF ACTIONS, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

S.B. 113 was transmitted to the House for consideration.

* * *

S.B. 151, CASE MANAGEMENT PILOT PROJECT, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

S.B. 151 was transmitted to the House for consideration.

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2nd Sub. S.B. 59, EXEMPTION FROM FISHING LICENSE, was read the third time.

On motion of Senator Greiner, the bill was circled.

* * *

On motion of Senator Stowell, the circle was removed from **S.B. 158, B AND C ROADS AMENDMENTS**, and it was before the Senate.

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

1st Sub. S.B. 158 B and C Roads Amendments (Sen. D. Stowell)

Senator Stowell explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bramble	Christensen
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1st Sub. S.B. 158 was transmitted to the House for consideration.

* * *

On motion of Senator Stowell, the circle was removed from **2nd Sub. S.B. 59, EXEMPTION FROM FISHING LICENSE**, and it was before the Senate. Senator Stowell explained the bill. Senator Buttars 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

Bell	Buttars	Christensen	Davis
Dmitrich	Fife	Goodfellow	Greiner
Hickman	Jones	Killpack	Knudson
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker		

Voting in the negative were: Senators

Dayton	Eastman	Jenkins	Madsen
Valentine			

Absent or not voting were: Senators

Bramble	Hillyard
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2nd Sub. S.B. 59 was transmitted to the House for consideration.

* * *

After receiving communication signed by three senators, the motion was made to lift **S.B. 211, ELECTION LAW CHANGES**, from the Consent Calendar and place it at the bottom of the Second Reading Calendar.

On motion of Senator McCoy, the Senate voted to place **S.B. 211** on the Second Reading Calendar after **S.B. 138**.

SECOND READING CALENDAR

On motion of Senator Bell, the Senate voted to move **S.B. 65** to the top of the Second Reading Calendar.

S.B. 65, ELEMENTARY SCHOOL MATH INITIATIVE, was read the second time.

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

1st Sub. S.B. 65 Elementary School Math Initiative (G. Bell)

On motion of Senator Bell, the bill was circled.

* * *

S.B. 152, PRESUMPTIVE PERSONAL REPRESENTATIVE, was read the second time. Senator Bell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Hickman	Hillyard

Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator Eastman

* * *

S.J.R. 8, JOINT RESOLUTION SUPPORTING KANE COUNTY EXPANSION OF CORRECTIONAL FACILITIES, was read the second time. Senator Stowell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Eastman

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1st Sub. S.B. 41, FORMS OF MUNICIPAL GOVERNMENT, was read the second time. Senator Walker explained the bill.

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

2nd Sub. S.B. 41 Forms of Municipal Government (C. Walker)

Senator Walker proposed the following amendment:

- Page 1, Lines 22 through 23

22 ► \$ {~~-3,480-~~} \$4,000 to the Senate; and

23 ▶ {~~-\$9,280~~} \$11,000 to the House of Representatives.

2. Page 3, Line 84:

84 (1) {~~-\$3,480~~} \$4,000 to the Senate to pay for the compensation and expenses of senators on the

3. Page 3, Line 86:

86 (2) {~~-\$9,280~~} \$11,000 to the House of Representatives to pay for the compensation and expenses

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

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Eastman	Waddoups
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S.B. 98, GOVERNMENT IMMUNITY FOR TRAILS, was read the second time. Senator Buttars explained the bill.

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

1st Sub. S.B. 98 Governmental Immunity for Trails (D. C. Buttars)

Senators Valentine, McCoy, and Hickman commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman

Fife	Goodfellow	Greiner	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stowell	Van Tassell	Waddoups
Walker			

Voting in the negative were: Senators

Hickman	Hillyard	Stephenson	Valentine
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S.B. 119, MUNICIPAL LICENSE FEE OR TAX ON PUBLIC ASSEMBLY FACILITIES, was read the second time. Senator Goodfellow explained the bill.

Senator Niederhauser proposed the following amendment:

1. Page 3, Line 74:
After “public assembly” insert “or other related”
2. Page 3, Line 75:
After “public assembly” insert “or other related”
3. Page 4, Line 97:
After “public assembly” insert “or other related”

Senator Niederhauser’s motion to amend passed on a voice vote. Senators Waddoups, Eastman, Dayton, Greiner, Hillyard, and Jenkins commented. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 6; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Jones	Knudson
Mayne	McCoy	Niederhauser	Peterson
Romero	Stowell	Van Tassell	Walker

Voting in the negative were: Senators

Dayton	Hillyard	Jenkins	Stephenson
Waddoups	Valentine		

Absent or not voting were: Senators

Bramble	Killpack	Madsen
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* * *

On motion of Senator Stephenson, the circle was removed from **1st Sub. S.B. 12, FUNDING FOR PURCHASE OF STATE HIGHWAY RIGHTS OF WAY**, and it was before the Senate. Senator Stephenson explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Christensen	Goodfellow	Jenkins	Niederhauser
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* * *

1st Sub. S.B. 37, SALES AND USE TAX – DENTAL PROSTHESES, was read the second time. Senator Knudson explained the bill. Senator Bramble commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Jenkins	Niederhauser
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On motion of Senator Bramble, and at 11:45 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:05 p.m., with President Pro Tem Dan Eastman presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 12, 2007

The House concurred in the Senate amendments and passed **H.B. 44**, MOTOR VEHICLE INSURANCE ARBITRATION AMENDMENTS, by Representative S. Urquhart, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 210**, COUNTY SHERIFF QUALIFICATION AMENDMENTS, by Representative B. Dee, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 44** and **H.B. 210** 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 12, 2007

The House passed, as substituted and amended, **1st Sub. H.B. 87**, SEVERANCE TAX RELATED AMENDMENTS, by Representative G. Snow, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 117**, TRANSFER OF DENSITY, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed **H.B. 297**, CALCULATION OF CREDIT FOR CERTAIN REPOSSESSIONS OF A MOTOR VEHICLE, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as substituted and amended, **2nd Sub. H.B. 222**, OPEN AND PUBLIC MEETINGS – ELECTRONIC NOTICE, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed **H.B. 304**, STATE TREASURER COMPENSATION, by Representative D. Clark, et al, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 87**, **1st Sub. H.B. 117**, **H.B. 297**, **2nd Sub. H.B. 222**, and **H.B. 304** were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President:

February 12, 2007

The Natural Resources, Agriculture, and Environment Committee recommends **S.B. 207**, WASTE TIRE RECYCLING ACT REVISIONS, by Senator F. Fife, be replaced and favorably recommends **1st Sub. S.B. 207**, WASTE TIRE RECYCLING ACT REVISIONS; and

The Natural Resources, Agriculture, and Environment Committee recommends **H.B. 48**, DEPARTMENT OF NATURAL RESOURCES AMENDMENTS, by Representative R. Wheeler, be replaced and favorably recommends **1st Sub. H.B. 48**, DEPARTMENT OF NATURAL RESOURCES AMENDMENTS; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 243**, ENERGY POLICY AMENDMENTS, by Representative R. Barrus; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **1st Sub. H.B. 311**, UTAH DAIRY ACT AMENDMENTS, by Representative K. Gibson, with the following amendments:

1. Page 8, Line 220

House Floor Amendments
2-7-2007:

220 (g) (i) maintains a database of the milk sales; and
 (ii) makes the database available to the Department of Health
during the self-owned retail store's business hours for purposes of
epidemiological investigation;

2. Page 9, Lines 255 through 258a

House Floor Amendments
2-7-2007:

255 (7) {~~Beginning in~~ } For 2008 and 2009 , the
Department of Health and the Department of Agriculture

256 and Food shall report on or before November 30 {~~every other~~
~~year~~ } to the Natural Resources,

257 Agriculture, and Environment Interim Committee and the Health
and Human Services Interim

258 Committee on any health problems resulting from the sale of raw whole milk at

258a $\hat{H} \rightarrow$ self-owned $\leftarrow \hat{H}$ retail stores.

Darin G. Peterson, Chair

Mr. President: February 12, 2007

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 235**, PUBLIC UTILITIES AMENDMENTS, by Senator G. Bell; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 268**, RURAL BROADBAND SERVICE FUND, by Senator J. Hickman; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 52**, DRIVER LICENSE FEE AMENDMENTS, by Representative B. Daw; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 110**, STATE FLEET EFFICIENCY REQUIREMENTS, by Representative F. Hunsaker.

Carlene M. Walker, Chair

Mr. President: February 12, 2007

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **1st Sub. H.B. 91**, COMMISSION ON CRIMINAL AND JUVENILE JUSTICE FUNDING, by Representative B. Dee; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 107**, FUNDING FOR PROSECUTION AND PREVENTION OF CHILD PORNOGRAPHY OFFENSES, by Representative R. Bigelow; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 112**, UTAH COUNCIL ON VICTIMS OF CRIME, by Representative S. Wyatt, with the following amendments:

1. Page 3, Lines 80 through 81
House Committee Amendments
1-23-2007:

80 (i) a {~~representative of the Office on Violence Against Women and Families~~ } professional or volunteer working in the area of violence against women and families appointed

81 by the {~~director~~} governor ; ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 231**, CONTROLLED SUBSTANCES PENALTY AMENDMENTS, by Representative W. Harper; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 265**, OBSTRUCTING A WARRANT OR ORDER TO SHOW CAUSE OF A PAROLEE OR PROBATIONER, by Representative R. Lockhart; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 270**, AMENDMENTS TO EXTRADITION STATUTE, by Representative S. Wyatt; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 274**, VIOLENT CRIME IN PRESENCE OF A CHILD, by Representative Janice Fisher.

Gregory S. Bell, Chair

On motion of Senator Hickman, the committee reports were adopted. **1st Sub. S.B. 207, 1st Sub. H.B. 48, H.B. 243, 1st Sub. H.B. 311**, as amended, **S.B. 235, S.B. 268, H.B. 52, H.B. 110, 1st Sub. H.B. 91, H.B. 107, H.B. 112**, as amended, **H.B. 231, H.B. 265, H.B. 270**, and **H.B. 274** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 12, 2007

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 76**, PUBLIC SAFETY DISPATCHER COMPENSATION, by Representative D. Bowman, and recommends it be considered read for the second time and placed on the Consent Calendar; and

Gregory S. Bell, Chair

On motion of Senator Hickman, the committee report was adopted. **H.B. 76** was considered read the second time and placed on the Consent Calendar.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 12, 2007

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

Business and Labor Committee

- 3rd Sub. H.B. 277** Construction Amendments (Rep. M. Morley)
H.B. 279 Camcorder Piracy of Media (Rep. K. Garn)
H.B. 295 Insurance Law Amendments (Rep. J. Dunnigan)

Education Committee

- H.B. 240** Public Education Job Enhancement Program
Amendments (Rep. R. Menlove)

Government Operations and Political Subdivisions Committee

- 1st Sub. H.B. 129** Land Use Provisions (Rep. M. Morley)

Health and Human Services Committee

- H.B. 197** Amendments to Background Checks by Department of
Health (Rep. D. G. Buxton)
1st Sub. H.B. 249 Budget Priority for In-home and Community Based
Long-term Care (Rep. E. Hutchings)
H.B. 299 Nurse Practice Act Amendments (Rep. R. Lockhart)

Judiciary, Law Enforcement, and Criminal Justice Committee

- H.B. 93** Capital Offenses Amendments (Rep. P. Ray)
1st Sub. H.B. 147 Restitution Amendments (Rep. K. Garn)
H.B. 262 Search Warrant Amendments (Rep. S. Wyatt)
H.B. 263 Jail Expenses Amendments (Rep. C. Oda)
H.B. 356 DNA Exoneration Amendments (Rep. D. Litvack)

Natural Resources, Agriculture and Environment Committee

- H.B. 145** Farmers Market Exemptions (Rep. R. Menlove)
H.C.R. 1 Concurrent Resolution Approving the Interlocal
Agreement Creating the Utah Lake Commission
(Rep. S. Clark)

Revenue and Taxation Committee

- S.B. 209** State Franchising Authority for Video Services
(Sen. C. Bramble)

S.R. 3 Resolution Increasing Public Awareness of Capital Gains Tax Deduction (Sen. W. Niederhauser)

Workforce Services and Community and Economic Development Committee

S.B. 232 Military Installation Development Authority
(Sen. S. Killpack)

Bill Hickman
Rules Committee Chair

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

THIRD READING CALENDAR

On motion of Senator Bramble, the circle was removed from **H.B. 26**, PROPERTY TAX EXEMPTION FOR PERSONAL PROPERTY. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator
Davis

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.

SECOND READING CALENDAR

1st Sub. S.B. 91, UNIFORM COMMERCIAL CODE – GENERAL PROVISIONS, was read the second time. Senator Hillyard explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 21, Lines 619 through 629

619 (2) Where one of the following provisions of this title specifies the applicable law, that

620 provision governs and a contrary agreement is effective only to the extent permitted by the law,

621 including the conflict of laws rules, so specified:

622 (a) rights of creditors against sold goods under Section 70A-2-402;

623 (b) applicability of the chapter on leases under Sections 70A-2a-105 and 70A-2a-106;

624 (c) applicability of the chapter on bank deposits and collections under Section

625 70A-4-102;

(d) applicability of the chapter on funds transfers under Section 70A-4a-507;

626 {-~~(d)~~} (e) applicability of the chapter on letters of credit under Section 70A-5-116;

627 {-~~(e)~~} (f) applicability of the chapter on investment securities under Section 70A-8-109; or

628 {-~~(f)~~} (g) law governing perfection, the effect of perfection or nonperfection, and the priority

629 of security interests and agricultural liens under Sections 70A-9a-301 through 70A-9a-307.

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

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Goodfellow

* * *

S.B. 144, FINANCIAL INSTITUTIONS AMENDMENTS, was read the second time. Senator Hillyard explained the bill. Senator Valentine commented. Senators Hickman, Van Tassell, and Valentine declared conflicts of interest. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Voting in the negative was: Senator Peterson

* * *

S.R. 1, SENATE RULES RESOLUTION – OCCUPATIONAL AND PROFESSIONAL LICENSURE REVIEW COMMITTEE SUMMARY REPORT, was read the second time. Senator Jenkins explained the bill.

On motion of Senator Jenkins, the bill was circled.

* * *

S.B. 69, LOCAL TRANSPORTATION CORRIDOR PRESERVATION FUND AMENDMENTS, was read the second time. Senator Killpack 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

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

* * *

S.B. 73, NEW UTAH LICENSE PLATE DESIGN, was read the second time. Senator Eastman explained the bill. Senator Waddoups commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Davis	Madsen	Stephenson
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* * *

S.B. 181, FEES TO COVER COST OF ELECTRONIC PAYMENTS, was read the second time. Senator Niederhauser 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

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

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On motion of Senator Jenkins, the circle was removed from **S.R. 1, SENATE RULES RESOLUTION – OCCUPATIONAL AND PROFESSIONAL LICENSURE REVIEW COMMITTEE SUMMARY REPORT**, and it was before the Senate. Senator Jenkins explained the bill.

Senator Jenkins proposed the following amendment:

1. Page 1, Lines 23 through 24

23 Special Clauses:

24 This resolution provides an ~~{-immediate-}~~ effective date and is contingent on the passage of H.B. 54, Occupational and Professional Licensure Review Committee .

Senator Jenkins' motion to amend passed on a voice vote. Senators Davis, Fife, and Knudson commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Hillyard

* * *

S.B. 186, MOTOR VEHICLE AMENDMENTS, was read the second time. Senator Eastman explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Hillyard Niederhauser Van Tassell

* * *

1st Sub. S.B. 166, NOTARY PUBLIC AMENDMENTS, was read the second time. Senator Romero explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Hillyard Niederhauser Van Tassell

* * *

S.B. 64, TOURISM, RECREATION, CULTURAL, AND CONVENTION FACILITIES TAX – IMPOSITION, DISTRIBUTION, AND EXPENDITURE OF REVENUES, was read the second time.

On motion of Senator Waddoups, the bill was circled.

* * *

1st Sub. S.B. 74, PENALTIES RELATING TO TAXES, FEES, OR CHARGES, was read the second time. Senator Stephenson explained the bill.

Senator Stephenson proposed the following amendment:

1. Page 1, Lines 10 through 15

10 General Description:

11 This bill amends the State Tax Commission chapter relating to penalties and related payments .

12 Highlighted Provisions:

13 This bill:

14 ► defines terms;

15 ► modifies penalty and related payment provisions that apply to taxes, fees, or charges with respect to the

2. Page 2, Line 28:

28 59-1-401, as last amended by Chapters 67 and 255, Laws of Utah 2004

59-7-507, as last amended by Chapter 311, Laws of Utah 1995

59-10-516, as last amended by Chapter 332, Laws of Utah 1997

3. Page 3, Lines 60 through 64:

60 (e) (i) "Phase II obligation" means:

(A) a payment under Chapter 6, Mineral Production Tax Withholding;

61 ~~{-(A)}~~ } (B) a tax under Chapter 7, Corporate Franchise and Income Taxes; ~~{-or }~~

62 ~~{-(B)}~~ } (C) a payment under Chapter 10, Part 4, Withholding of Tax ~~{- }~~ } ; or

(D) a tax paid on a return filed in accordance with Section 59-10-507.

63 (ii) "Phase II obligation" does not include a payment of estimated tax under Section

64 59-7-504.

4. Page 10, Lines 279 through 287:

279 (5) (a) Notwithstanding Subsection (2) and except as provided in Subsection (6), a

280 person allowed by law an extension of time for filing a corporate franchise or income tax return

281 under Chapter 7, Corporate Franchise and Income Taxes, or an individual income tax return

282 under Chapter 10, Individual Income Tax Act, is subject to a penalty in the amount described in

283 Subsection (5)(b) if, on or before the day on which the return is due as provided by law, not

284 including the extension of time, the person fails to pay {~~the lesser of~~} :

285 (i) {~~90% of the total tax reported on the return for the current taxable year~~} for a person filing a corporate franchise or income tax return under Chapter 7, Corporate Franchise and Income Taxes, the payment required by Subsection 59-7-507(1)(b) ; or

286 (ii) {~~100% of the total tax liability for the taxable year immediately preceding the~~

287 current taxable year} for a person filing an individual income tax return under Chapter 10, Individual Income Tax Act, the payment required by Subsection 59-10-516(2) .

5. Page 10, Lines 291 through 295:

291 (6) (a) If a person does not file a return within an extension of time allowed by Section

292 59-7-505 or 59-10-516 , the person :

293 (i) {~~the person~~} is not subject to a penalty in the amount described in Subsection (5)(b):

294 **and**

295 (ii) is subject to a penalty in the amount described in Subsection (6)(b).

6. Page 17, Line 511:

511 penalty provisions relating to a tax, fee, or charge should be modified or repealed.

Section 2. Section 59-7-507 is amended to read:

59-7-507. Payment of tax.

(1) (a) If quarterly estimated payments are not made as provided in Section 59-7-504, the amount of tax imposed by this chapter shall be paid no later than the original due date of the return.

(b) If an extension of time is necessary for filing a return, as provided in Subsection 59-7-505(3) or Section 59-7-803, payment must be made no later than the original due date of the return in an amount equal to the lesser of :

(i) The greater of:

{~~(i)~~} (A) 90% of the total {~~amount of~~} tax {~~due with~~} reported on the return {~~when filed~~} for the current taxable year; or

(B) 100% of the minimum tax ~~{-due under-}~~ described
in Section 59-7-104 ~~{-, whichever is greater-}~~ ; or

(ii) 100% of the ~~{-amount of tax paid for the previous year-}~~ total tax liability for the taxable year immediately preceding the current taxable year .

(c) If payment is not made as provided in Subsection (1)(b), the commission shall add an extension penalty as provided in Section 59-1-401, until the tax is paid during the period of extension.

(2) (a) At the request of the taxpayer, the commission may extend the time for payment of the amount determined as the tax by the taxpayer, or any part ~~{-thereof-}~~ of that amount , for a period not to exceed six months from the date prescribed for the payment of the tax. ~~{-In such case-}~~

(b) For purposes of Subsection(2)(a), the amount in respect of which the extension is granted shall be paid on or before the date of the expiration of the period of the extension.

Section 3. Section 59-10-516 is amended to read:

59-10-516. Filing extension — Payment of tax — Penalty — Foreign residency.

(1) (a) The commission shall allow a taxpayer an extension of time for filing returns.

(b) The extension under Subsection (1)(a) may not exceed six months.

(2) (a) Except as provided in Subsection (2)(b), the commission may not impose on a taxpayer during the extension period prescribed under Subsection (1) a penalty under Section 59-1-401 if the taxpayer pays, on or before the 15th day of the fourth month following the close of the taxpayer's taxable year , the lesser of :

(i) ~~{-at least-}~~ 90% of the total tax reported on the ~~{-income tax-}~~ return ~~{-when it is filed-}~~ for the current taxable year ; or

~~{-(ii) an amount equal to the total amount of tax reported on the income tax return for the previous year.-}~~

(ii) 100% of the total tax liability for the taxable year immediately preceding the current taxable year.

(b) If a taxpayer fails to meet the requirements of Subsection (2)(a), the commission may apply to the total balance due a penalty as provided in Section 59-1-401.

(3) If any federal income tax return filing is lawfully delayed pending a determination of qualification for federal tax exemption due to

residency outside of the United States, a taxpayer shall file a return within 30 days after that determination is made.

Senator Stephenson’s motion to amend passed 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

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

Absent or not voting were: Senators

Hillyard	Van Tassell
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1st Sub. S.B. 170, DISTRIBUTION OF LOCAL SALES AND USE TAX REVENUES, was read the second time. Senator Davis explained the bill. Senators Jenkins and Bramble commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Hillyard	Killpack
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S.B. 171, RESEARCH ACTIVITIES TAX CREDIT AMENDMENTS, was read the second time. Senator Stephenson explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Davis	Hillyard
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S.B. 72, CRIME VICTIM REPARATIONS RECORDS, was read the second time. Senator Bell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Christensen	Hillyard	Knudson
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S.B. 136, UNLAWFUL DETAINER AMENDMENTS, was read the second time. Senator Waddoups explained the bill.

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

1st Sub. S.B. 136 Unlawful Detainer Amendments (M. Waddoups)

Senators Jones, Buttars, and Valentine commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Voting in the negative were: Senators

Jones	McCoy
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Absent or not voting was: Senator

Hickman

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S.B. 154, STATEMENT UNDER PENALTY OF PERJURY, was read the second time. Senator McCoy explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Hickman	Killpack
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On motion of Senator Stephenson, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Stephenson, the Senate voted to move **S.B. 171** to the top of the Third Reading Calendar.

S.B. 171, RESEARCH ACTIVITIES TAX CREDIT AMENDMENTS, under suspension of the rules, was read the third time.

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

1st Sub. S.B. 171 Research Activities Tax Credit Amendments (H. Stephenson)

On motion of Senator Stephenson, the bill was circled.

SECOND READING CALENDAR

S.B. 173, CRIMINAL INTENT AMENDMENTS, was read the second time. Senator McCoy explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Valentine

* * *

S.B. 159, LABOR ORGANIZATIONS AMENDMENTS, was read the second time. Senator Stephenson explained the bill. Senator Mayne commented. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.

Voting in the affirmative were: Senators

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

Voting in the negative was: Senator

Romero

Absent or not voting was: Senator

Valentine

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S.B. 45, NURSING AMENDMENTS, was read the second time. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Voting in the negative was: Senator

Dayton

Absent or not voting were: Senators

Goodfellow Valentine

* * *

1st Sub. S.B. 66, EMPLOYER HEALTH INSURANCE OPTIONS – CAFETERIA PLANS, was read the second time.

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

3rd Sub. S.B. 66 Employer Health Insurance Options – Cafeteria Plans
(M. Waddoups)

Senator Waddoups proposed the following amendment:

- 1. Page 7, Lines 184 through 187

184 (6) Notwithstanding any other section of this title, a
non-participating provider who accepts direct
185 payment for health care services from an insurer may not collect
from an insured an amount
186 that exceeds the insurer’s average reimbursement rate described in
Subsection (3)(c)(i) unless
187 the insured has been informed of and agreed to in writing, the
specific cost of the service.

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

Yeas, 15; Nays, 13; Absent, 1.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Dmitrich	Fife	Greiner	Hickman
Jenkins	Knudson	Madsen	Mayne
McCoy	Romero	Waddoups	

Voting in the negative were: Senators

Bell	Bramble	Eastman	Goodfellow
Jones	Killpack	Niederhauser	Peterson
Stephenson	Stowell	Van Tassell	Walker
Valentine			

Absent or not voting was: Senator
Hillyard

* * *

On motion of Senator Bramble and at 4:00 p.m., the Senate adjourned until 10:00 a.m., Tuesday, February 13, 2007.

THIRTIETH DAY
MORNING SESSION
February 13, 2007

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

Prayer – Pastor Stan Arias, World Vision Assembly of God, Vernal Christian Church

Pledge of Allegiance – Senator Michael Waddoups

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 102)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 12, 2007

The House passed, as substituted, **2nd Sub. H.B. 111**, PERSONAL PROPERTY – CERTIFIED TAX RATE AMENDMENTS, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 113**, DISCHARGE OF A FIREARM AMENDMENTS, by Representative C. Wimmer, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 254**, PETE SUAZO ATHLETIC COMMISSION, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed **H.B. 258**, CONTINUING EDUCATION REQUIREMENTS FOR ARCHITECTS, by Representative B. Dee, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 293**, CENTRALLY ASSESSED PROPERTY, by Representative K. McIff, and it is transmitted for consideration; and

The House passed **H.B. 301**, DEPARTMENT OF TRANSPORTATION PROJECTS – CATEGORICALLY EXCLUDED ENVIRONMENTAL PROJECTS, by Representative S. Urquhart, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 312**, FUNDING FOR DEPARTMENT OF HEALTH EARLY INTERVENTION PROGRAMS, by Representative S. Urquhart, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 340**, INSURER RECEIVERSHIP ACT, by Representative J. Dunnigan, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **2nd Sub. H.B. 111**, **H.B. 113**, **1st Sub. H.B. 254**, **H.B. 258**, **H.B. 293**, **H.B. 301**, **1st Sub. H.B. 312**, and **H.B. 340** were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President:

February 12, 2007

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 231**, VETERANS AMENDMENTS, by Senator F. Fife, with the following amendments:

1. Page 1, Lines 20 through 21:

20 Other Special Clauses:

21 {~~None~~} This bill coordinates with H.B. 426. Change to the Department of Veterans' Affairs, by providing a technical change.

2. Page 2, Line 35:

35 services.

Section 2. Coordinating S.B. 231 with H.B. 426 — Technical change. If this S.B. 231 and H.B. 426, Change to the Department of Veterans' Affairs both pass, it is the intent of the Legislature that the funding appropriated to the Division of Veterans' Affairs in this bill be appropriated to the Department of Veterans' Affairs. ; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 241**, ELECTION LAW MODIFICATIONS, by Senator P. Knudson, with the following amendments:

1. Page 4, Line 93:

After "5 p.m." delete "on the day" and insert "three days"; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 89**, GOVERNMENT ASSISTANCE EXPENDITURE REPORT, by Representative M. Morley; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 103**, STATEWIDE MUTUAL AID ACT, by Representative C. Oda; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 223**, VOTER INFORMATION WEBSITE, by Representative W. Harper; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.C.R. 3**, RESOLUTION URGING CONGRESS TO STOP INTERNET PORNOGRAPHY TO CHILDREN AND EMPLOYEES, by Representative B. Daw.

Peter C. Knudson, Chair

Mr. President: February 12, 2007

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 242**, INCOME TAX ADDITIONS, SUBTRACTIONS, AND TAX CREDITS FOR HIGHER EDUCATION SAVINGS, by Senator G. Bell; and

The Revenue and Taxation Committee reports a favorable recommendation on **2nd Sub. H.B. 58**, NEW SCHOOL DISTRICT PROPERTY TAX AMENDMENTS, by Representative B. Daw; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 226**, SALES AND USE TAX – HIGHWAYS AND PUBLIC TRANSPORTATION AMENDMENTS, by Representative J. Dougall.

Wayne L. Niederhauser, Chair

Mr. President: February 12, 2007

The Workforce Services and Community and Economic Development Committee recommends **S.B. 248**, PARENT AND CHILD AMENDMENTS, by Senator C. Bramble, be replaced and favorably recommends **1st Sub. S.B. 248**, PARENT AND CHILD AMENDMENTS with the following amendment.

Page 2, Line 40: Delete "62A-41-201" and insert "62A-4a-201"

Mark B. Madsen, Chair

On motion of Senator Bramble, the committee reports were adopted. **S.B. 231**, as amended, **S.B. 241**, as amended, **H.B. 89**, **H.B. 103**, **H.B. 223**, **H.C.R. 3**, **S.B. 242**, **2nd Sub. H.B. 58**, **H.B. 226**, and **1st Sub. S.B. 248**, as amended, were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 12, 2007

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 327**, STATE AGENCY TIMELY ADOPTION OF ADMINISTRATIVE RULES, by Representative D. Clark, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

Mr. President: February 12, 2007

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 266**, INCOME TAX FILING AMENDMENTS, by Senator W. Niederhauser, and recommends it be considered read for the second time and placed on the Consent Calendar.

Wayne L. Niederhauser, Chair

On motion of Senator Hickman, the committee reports were adopted. **H.B. 327** and **S.B. 266** were considered read the second time and placed on the Consent Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 12, 2007

The Government Operations and Political Subdivisions Committee has returned **H.B. 246**, CAMPAIGN CONTRIBUTION AMENDMENTS, by Representative J. Dougall, to the Rules Committee

Peter C. Knudson, Chair

INTRODUCTION OF BILLS

S.B. 249, Economic Development Incentives Modifications (J. Hickman), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

S.B. 163, AMENDMENTS TO MUNICIPAL AND COUNTY LAND USE, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

S.B. 163 was transmitted to the House for consideration.

* * *

S.B. 191, GOVERNMENTAL IMMUNITY LIMITS 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

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

Absent or not voting was: Senator
Jenkins

S.B. 191 was transmitted to the House for consideration.

* * *

S.B. 227, UTAH FIRE PREVENTION BOARD AMENDMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife

Greiner	Hillyard	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Buttars	Goodfellow	Hickman	Jenkins
Stephenson	Stowell		

S.B. 227 was transmitted to the House for consideration.

* * *

S.B. 197, LOCAL INITIATIVE AND PETITION BALLOT TITLES, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Greiner	Hickman	Hillyard	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Van Tassell	Waddoups	Valentine	

Absent or not voting were: Senators

Buttars	Goodfellow	Jenkins	Stephenson
Stowell	Walker		

S.B. 197 was transmitted to the House for consideration.

* * *

H.B. 57, PUBLIC HEALTH AMENDMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman

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

H.B. 57 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. 152, PRESUMPTIVE PERSONAL REPRESENTATIVE, was read the third time.

On motion of Senator Bell, the bill was circled.

* * *

S.J.R. 8, JOINT RESOLUTION SUPPORTING KANE COUNTY EXPANSION OF CORRECTIONAL FACILITIES, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

S.J.R. 8 was transmitted to the House for consideration.

* * *

On motion of Senator Bell, the circle was removed from **S.B. 152, PRESUMPTIVE PERSONAL REPRESENTATIVE**, and it was before the Senate. Senator Bell explained the bill.

Senator Bell proposed the following amendment:

1. Page 2, Lines 33 through 37

33 (2) Forty-five days after the death of a person, including a
minor, caused by the
34 wrongful act or neglect of another, the presumptive personal
representative may present and
35 resolve a claim for {~~policy limits up to \$25,000~~} the
applicable minimum statutory limits for liability {~~and~~} a
uninsured motorist claims, and
36 {~~\$10,000 for~~} underinsured motorist claims, arising out of
that death to an insurer and may
37 execute a release of liability upon presentation of an affidavit,
properly notarized, stating that:

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

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator
Hickman

S.B. 152, as amended, was transmitted to the House for consideration.

* * *

2nd Sub. S.B. 41, FORMS OF MUNICIPAL GOVERNMENT, was read the third time and explained by Senator Walker. Senator Buttars commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman

Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

2nd Sub. S.B. 41 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 98, GOVERNMENT IMMUNITY FOR TRAILS, was read the third time.

On motion of Senator Buttars, the bill was circled.

* * *

S.B. 119, MUNICIPAL LICENSE FEE OR TAX ON PUBLIC ASSEMBLY FACILITIES, was read the third time and explained by Senator Goodfellow. Senator Stephenson commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Voting in the negative was: Senator
Dayton

Absent or not voting were: Senators

Jenkins Waddoups

S.B. 119 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 12, FUNDING FOR PURCHASE OF STATE HIGHWAY RIGHTS OF WAY, was read the third time.

On motion of Senator Stephenson, the bill was circled.

* * *

1st Sub. S.B. 37, SALES AND USE TAX – DENTAL PROSTHESES, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator

Waddoups

1st Sub. S.B. 37 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 91, UNIFORM COMMERCIAL CODE – GENERAL PROVISIONS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Hickman Van Tassell

1st Sub. S.B. 91 was transmitted to the House for consideration.

* * *

S.B. 144, FINANCIAL INSTITUTIONS AMENDMENTS, was read the third time and explained by Senator Hillyard.

On motion of Senator Hillyard, the bill was circled.

* * *

S.B. 69, LOCAL TRANSPORTATION CORRIDOR PRESERVATION FUND AMENDMENTS, was read the third time and explained by Senator Killpack. Senator Mayne commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Hickman	Niederhauser
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S.B. 69 was transmitted to the House for consideration.

* * *

On motion of Senator Hillyard, the circle was removed from **S.B. 144**, FINANCIAL INSTITUTIONS AMENDMENTS, and it was before the Senate. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack

Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

S.B. 144 was transmitted to the House for consideration.

On motion of Senator Hillyard, the Senate voted to include the following intent language in the Senate Journal.

INTENT LANGUAGE FOR S.B. 144

The purpose of this amendment is to limit only the specific type of Limited Liability Company described in Section 48-2c-606, Utah Code Annotated, and not otherwise limit the powers of a bank organized as a Limited Liability Company, including the power to have more than one class of members. This intent language does not authorize the shielding of assets or the waiving of liabilities among members or modify the requirements of state and federal law as to the organization or operation of banks.

* * *

S.B. 73, NEW UTAH LICENSE PLACE DESIGN, was read the third time, explained by Senator Eastman, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Greiner	Hillyard	Jenkins	Madsen
Stephenson			

S.B. 73 was transmitted to the House for consideration.

* * *

S.B. 181, FEES TO COVER COST OF ELECTRONIC PAYMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Greiner	Hillyard	Stephenson
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S.B. 181 was transmitted to the House for consideration.

* * *

On motion of Senator Bramble, the circle was removed from **S.B. 31**, SUNSET REVIEW AND REAUTHORIZATIONS, and it was before the Senate. Senator Bramble explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Voting in the negative were: Senators

Dayton	Jenkins
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Absent or not voting were: Senators

Hillyard	Stephenson
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S.B. 31 was transmitted to the House for consideration.

* * *

On motion of Senator Buttars, the circle was removed from **1st Sub. S.B. 98**, GOVERNMENTAL IMMUNITY FOR TRAILS, and it was before the Senate. Senator Buttars explained the bill.

Senator Buttars proposed the following amendment:

1. Page 2, Lines 30 through 33

30 ► provides that a person who is injured or suffers property damage while participating

31 in a recreational activity may not seek recovery from the owner of property that is

32 made available to a county, municipality, ~~{or an independent}~~ special district , or local district for

33 recreational activity purposes; and

2. Page 7, Lines 187 through 197:

187 (2) Notwithstanding anything in Sections 78-27-37, 78-27-38, 78-27-39, 78-27-40,

188 78-27-41, 78-27-42, and 78-27-43 to the contrary, no person may make a claim against or

189 recover from any of the following entities for personal injury or property damage resulting

190 from any of the inherent risks of participating in a recreational activity:

191 (a) a county, municipality, ~~{or independent}~~ special district under Title 17A, ~~{Chapter 2,~~

192 ~~Independent}~~ Special Districts ~~[, for personal injury or property damage resulting from any of the~~

193 ~~inherent risks of participating in a recreational activity.]~~ or local district under Title 17B, Chapter 2, Local Districts ; or

194 (b) the owner of property that is leased, rented, or otherwise made available to a

195 county, municipality, {or an independent} special district as defined under Title 17A, {Chapter 2,

196 Independent} Special Districts, or {a} local district as defined under Title 17B, Chapter 2, Local

197 Districts, for the purpose of providing or operating a recreational activity.

Senator Buttars' motion to amend passed on a voice vote. Senators McCoy and Fife commented. The bill passed on the following roll call:

Yeas, 20; Nays, 6; Absent, 3.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Eastman	Fife	Goodfellow	Greiner
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	Niederhauser	Peterson
Stowell	Van Tassell	Waddoups	Walker

Voting in the negative were: Senators

Dmitrich	Hickman	McCoy	Romero
Stephenson	Valentine		

Absent or not voting were: Senators

Bell	Bramble	Hillyard
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1st Sub. S.B. 98 was transmitted to the House for consideration.

* * *

S.R. 1, SENATE RULES RESOLUTION – OCCUPATIONAL AND PROFESSIONAL LICENSURE REVIEW COMMITTEE SUMMARY REPORT, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bell	Bramble	Davis	Hillyard
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S.R. 1 was signed by the President in open session and returned to the staff for enrolling.

* * *

On motion of Senator Stephenson, the circle was removed from **1st Sub. S.B. 12, FUNDING FOR PURCHASE OF STATE HIGHWAY RIGHTS OF WAY**, and it was before the Senate. Senator Stephenson explained the bill.

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

2nd Sub. S.B. 12 Funding for Purchase of State Highway Rights of Way (H. Stephenson)

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bell	Davis	Hickman	Hillyard
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2nd Sub. S.B. 12 was transmitted to the House for consideration.

* * *

S.B. 186, MOTOR VEHICLE AMENDMENTS, was read the third time, explained by Senator Eastman, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Buttars	Dayton	Hickman	Hillyard
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S.B. 186 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 166, NOTARY PUBLIC AMENDMENTS, was read the third time and explained by Senator Romero.

Senator Stowell proposed the following amendment:

- 1. Page 1, Line 13:
Change “of” to “if”

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

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Buttars	Christensen	Hickman	Hillyard
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1st Sub. S.B. 166 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 74, PENALTIES RELATING TO TAXES, FEES, OR CHARGES, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators
Hickman Hillyard

1st Sub. S.B. 74 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 170, DISTRIBUTION OF LOCAL SALES AND USE TAX REVENUES, was read the third time and explained by Senator Davis.

Senator Jenkins proposed the following amendment:

1. Page 3, Lines 74 and 75:
Reinstate bracketed language on lines 74 and 75
2. Page 3, Line 75:
Delete "only."

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

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators
Hillyard Madsen Stowell

1st Sub. S.B. 170 was transmitted to the House for consideration.

* * *

On motion of Senator Bramble, and at 11:50 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:10 p.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 13, 2007

The House passed, **S.B. 15**, WORKFORCE SERVICES – REPORTING MISUSE OF PERSONAL IDENTIFYING INFORMATION, by Senator C. Walker, et al, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 150**, PROPERTY EXEMPT FROM EXECUTION, 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. 153**, MALPRACTICE LIABILITY DURING PANDEMIC EVENT, by Senator G. Bell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 156**, PUBLIC SERVICE COMMISSION – EQUIPMENT DISTRIBUTION PROGRAM, by Senator B. Goodfellow, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 15, **S.B. 150**, **S.B. 153**, and **S.B. 156** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 13, 2007

The House passed **H.B. 23**, EMPLOYMENT SECURITY ACT AMENDMENTS, by Representative S. Mascaro, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 120**, UTILITY FACILITY REVIEW BOARD, by Representative A. Tilton, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 142**, FEE IN LIEU OF PROPERTY TAX AMENDMENTS, by Representative R. Wheeler, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 188**, EASEMENTS – COUNTIES AND MUNICIPALITIES, by Representative A. Tilton, and it is transmitted for consideration; and

The House passed **H.B. 302**, MEDICAL EXAMINER – TESTING FOR SUBSTANCES IN CASES OF SUSPECTED SUICIDE, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.B. 315**, REGULATION OF ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES, by Representative A. Tilton, and it is transmitted for consideration; and

The House passed **H.B. 333**, MATERIALS HARMFUL TO MINORS, by Representative A. Tilton, and it is transmitted for consideration; and

The House passed **H.B. 335**, LOCAL GOVERNMENT – CHARITABLE CONTRIBUTIONS, by Representative B. Dee, and it is transmitted for consideration; and

The House passed **H.C.R. 5**, EARLY CHILDHOOD READING READINESS RESOLUTION, by Representative K. Morgan, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 23**, **1st Sub. H.B. 120**, **1st Sub. H.B. 142**, **H.B. 188**, **H.B. 302**, **H.B. 315**, **H.B. 333**, **H.B. 335**, and **H.C.R. 5** were read the first time and referred to the Rules Committee.

* * *

Mr. President:

February 13, 2007

The House substituted and passed, **1st Sub. S.B. 127**, TOURISM MARKETING PERFORMANCE ACCOUNT APPROPRIATION, by Senator S. Jenkins, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 13, 2007

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

Business and Labor Committee

- S.B. 262** Real Property Amendments (Sen. M. Madsen)
S.B. 276 Transfer-on-Death Deeds for Real Property
(Sen. R. Romero)
H.B. 307 Certified Investment Adviser (Rep. Julie Fisher)

Government Operations and Political Subdivisions Committee

- 1st Sub. H.B. 117** Transfer of Density (Rep. G. Froerer)
2nd Sub. H.B. 222 Open and Public Meetings – Electronic Notice
(Rep. J. Dougall)
H.B. 285 Land Use Development Management Act Amendments
(Rep. A. Tilton)
H.B. 304 State Treasurer Compensation (Rep. D. Clark)
H.B. 317 Capitol Hill Complex – Legislative Space
(Rep. W. Harper)
H.B. 367 Global Positioning Reference Network
(Rep. K. Holdaway)

Health and Human Services Committee

- S.B. 214** Certificate of Need for Certain Ambulance Services
(Sen. D. Peterson)

Judiciary, Law Enforcement, and Criminal Justice Committee

- S.B. 206** Punitive Damages Amendments (Sen. L. Hillyard)
1st Sub. H.B. 114 Prisoner Long-term Health Care (Rep. J. Biskupski)
1st Sub. H.B. 275 Offense Against Peace Officers (Rep. C. Oda)

Revenue and Taxation Committee

- 1st Sub. H.B. 87** Severance Tax Related Amendments (Rep. G. Snow)

Transportation, Public Utilities and Technology Committee

- H.B. 268** Special Group License Plate Symbol Decal Reorder
Amendments (Rep. R. Menlove)
H.B. 297 Calculation of Credit for Certain Repossessions of a
Motor Vehicle (Rep. W. Harper)

Bill Hickman

Rules Committee Chair

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

THIRD READING CALENDAR

S.B. 72, CRIME VICTIMS REPARATIONS RECORDS, was read the third time.

On motion of Senator Killpack, the bill was circled.

* * *

1st Sub. S.B. 136, UNLAWFUL DETAINER AMENDMENTS, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Hickman	Hillyard	Jenkins
Killpack	Knudson	Madsen	Niederhauser
Peterson	Romero	Stowell	Van Tassell
Waddoups	Valentine		

Voting in the negative were: Senators

Jones	McCoy
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Absent or not voting were: Senators

Bell	Greiner	Mayne	Stephenson
Walker			

1st Sub. S.B. 136 was transmitted to the House for consideration.

* * *

S.B. 154, STATEMENT UNDER PERJURY, was read the third time and explained by Senator McCoy.

Senator McCoy proposed the following amendment:

- Page 1, Line 38:
Senate Committee Amendments
January 30, 2007
After "statement" delete "in lieu of an affidavit"

Senator McCoy'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

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

Absent or not voting were: Senators

Bell	Dayton
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S.B. 154 was transmitted to the House for consideration.

* * *

On motion of Senator Stephenson, the circle was removed from **1st Sub. S.B. 171, RESEARCH ACTIVITIES TAX CREDIT AMENDMENTS**, and it was before the Senate. Senator Stephenson explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bell	Dayton	Hillyard
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1st Sub. S.B. 171 was transmitted to the House for consideration.

* * *

S.B. 173, CRIMINAL INTENT AMENDMENTS, was read the third time, explained by Senator McCoy, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bell	Dayton
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S.B. 173 was transmitted to the House for consideration.

* * *

S.B. 159, LABOR ORGANIZATIONS AMENDMENTS, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bell	Dayton	Hillyard	Walker
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S.B. 159 was transmitted to the House for consideration.

* * *

S.B. 45, NURSING 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

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

Absent or not voting were: Senators

Bell	Buttars	Hickman	Hillyard
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S.B. 45 was transmitted to the House for consideration.

* * *

3rd Sub. S.B. 66, EMPLOYER HEALTH INSURANCE OPTIONS – CAFETERIA PLANS, was read the third time and explained by Senator Waddoups.

Senator Killpack proposed the following amendment:

1. Page 7, Lines 184 through 187
Senate 2nd Reading Amendments
2-12-2007

184 (6) Notwithstanding any other section of this title, a ~~§~~ →
non-participating ←§ provider

184a who accepts direct

185 payment for health care services from an insurer may not ;
(a) collect from an insured an amount

186 that exceeds the insurer’s average reimbursement rate described in
Subsection (3)(c)(i) unless

187 the insured has been informed of and agreed to in writing, the
specific cost of the service ; and

(b) refer an insured to a facility or service in which the
nonparticipating provider has a financial interest as described in Section
58-67-801, unless:

(i) the non-participating provider complies with the provisions of
Section 58-67-801 by disclosing the provider’s relationship in writing to
the patient; and

(ii) the non-participating provider obtains a written agreement from the insured agreeing to the referral .

Senator Killpack's motion to amend passed on a voice vote. Senator Killpack declared a conflict of interest. Senators Buttars, Christensen, Jones, Knudson, and Peterson commented and the bill passed on the following roll call:

Yeas, 18; Nays, 11; Absent, 0.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Greiner	Hickman	Hillyard	Knudson
Madsen	Romero	Stowell	Waddoups
Walker	Valentine		

Voting in the negative were: Senators

Bramble	Goodfellow	Jenkins	Jones
Killpack	Mayne	McCoy	Niederhauser
Peterson	Stephenson	Van Tassell	

3rd Sub. S.B. 66 was transmitted to the House for consideration.

* * *

On motion of Senator Bell, the circle was removed from **S.B. 72, CRIME VICTIMS REPARATIONS RECORDS**, and it was before the Senate. Senator Bell explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Greiner	Hillyard	Walker
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S.B. 72 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Bramble, the circle was removed from **H.B. 202, MEDICAL RECOMMENDATIONS FOR CHILDREN**, and it was before the Senate.

On motion of Senator Bramble, **H.B. 202, MEDICAL RECOMMENDATIONS FOR CHILDREN**, was placed on the Time Certain Calendar and will be considered Wednesday, February 14, 2007 at 11:30 a.m.

* * *

1st Sub. S.B. 75, ADVANCE HEALTH CARE DIRECTIVE ACT, was read the second time.

On motion of Senator Christensen, the following substitute bill replaced the original bill:

2nd Sub. S.B. 75 Advance Health Care Directive Act (A. Christensen)

Senator Christensen explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Walker	Valentine	

Absent or not voting were: Senators

Hillyard	Waddoups
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* * *

On motion of Senator Bell, the circle was removed from **1st Sub. S.B. 65, ELEMENTARY SCHOOL MATH INITIATIVE**, and it was before the Senate. Senator Bell explained the bill. Senators Jenkins, Dayton, and Buttars commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 4; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Dmitrich
Eastman	Fife	Goodfellow	Greiner
Hickman	Hillyard	Jenkins	Jones
Killpack	Knudson	Mayne	McCoy
Niederhauser	Peterson	Romero	Stowell
Van Tassell	Walker		

Voting in the negative were: Senators

Buttars	Dayton	Madsen	Stephenson
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Absent or not voting were: Senators

Davis	Waddoups	Valentine
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On motion of Senator Knudson, under suspension of the rules, **S.B. 160**, PHARMACY PRACTICE ACT AMENDMENTS, was considered read the second and third times. Senator Knudson explained the bill. The bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker

Absent or not voting was: Senator

Valentine

S.B. 160 was transmitted to the House.

* * *

S.B. 193, AMENDMENTS TO MENTAL HEALTH PROFESSIONAL PRACTICE ACT, was read the second time. Senator Jones explained the bill. Senators Hillyard and Hickman commented. The bill passed second reading on the following roll call:

Yeas, 28; Nays, 1; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stowell
Van Tassell	Waddoups	Walker	Valentine

Voting in the negative was: Senator
Stephenson

* * *

S.J.R. 3, RESOLUTION ENCOURAGING CONGRESSIONAL FUNDING FOR STATE CHILDREN’S HEALTH INSURANCE PROGRAM, 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, 2; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dmitrich	Eastman	Fife	Goodfellow
Hickman	Hillyard	Jenkins	Jones
Killpack	Knudson	Mayne	McCoy
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Voting in the negative were: Senators
Dayton Madsen

Absent or not voting were: Senators

Buttars	Greiner	Niederhauser
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* * *

S.B. 194, BOARDS OF EDUCATION MEMBERSHIP AMENDMENTS, was read the second time.

On motion of Senator Van Tassell, the following substitute bill replaced the original bill:

1st Sub. S.B. 194 Boards of Education Membership Amendments (C. Bramble)

Senator Romero commented.

On motion of Senator Bramble, the bill was circled.

* * *

1st S.J.R. 11, RESOLUTION PROVIDING APPOINTMENT OF STATE SUPERINTENDENT OF EDUCATION, was read the second time. Senator Bell explained the bill.

On motion of Senator Bell, the following substitute bill replaced the original bill:

2nd Sub. S.J.R. 11 Resolution Providing Appointment of State Superintendent of Education (S. Bell)

On motion of Senator Bell, the bill was circled.

* * *

S.B. 63, STATE ZERO-BASED BUDGETING, was read the second time. Senator Niederhauser explained the bill. Senators Jenkins and Hickman commented.

On motion of Senator Niederhauser, the bill was circled.

* * *

On motion of Senator Bramble, the Senate voted to return all Senate bills on the board, with the exception of circled bills, to the Rules Committee for the purpose of sifting.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 13, 2007

The House passed, as substituted, **3rd Sub. H.B. 86**, PENALTIES FOR SEXUAL OFFENSES AND CHILD KIDNAPPING, by Representative C. Wimmer, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 326**, REPEAL OF JUVENILE JUSTICE SERVICES VICTIM RESTITUTION ACCOUNT, by Representative D. Aagard, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 131**, DOCUMENT FRAUD, by Representative K. Morgan, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 235**, ABORTION LAW REVISIONS, by Representative P. Ray, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 354**, BUS PASSENGER SAFETY ACT AMENDMENTS, by Representative M. Walker, and it is transmitted for consideration; and

The House passed **H.C.R. 6**, UTAH FARMING HERITAGE DISTRICT RESOLUTION, by Representative P. Painter, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **3rd Sub. H.B. 86, H.B. 326, H.B. 131, 2nd Sub. H.B. 235, H.B. 354**, and **H.C.R. 6** were read the first time and referred to the Rules Committee.

* * *

On motion of Senator Bramble and at 4:00 p.m., the Senate adjourned until 10:00 a.m., Wednesday, February 14, 2007.

THIRTY–FIRST DAY

MORNING SESSION

February 14, 2007

The Senate was called to order at 10:15 a.m., with President John Valentine presiding.

Prayer – Mr. Chris Hutchison

Pledge of Allegiance – Senator Howard Stephenson

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 102)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 13, 2007

The House passed **H.B. 115**, HONORING HEROES SPECIAL GROUP LICENSE PLATE, by Representative P. Ray, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 132**, REGISTRATION AND LICENSE REQUIREMENTS FOR PESTICIDE BUSINESSES AND APPLICATORS, by Representative J. Draxler, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 194**, TAMPERING WITH EVIDENCE AMENDMENTS, by Representative L. Fowlke, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 276**, HEALTH FACILITY COMMITTEE AMENDMENTS, by Representative C. Herrod, and it is transmitted for consideration; and

The House passed **H.B. 337**, LOCAL GOVERNMENT POST–EMPLOYMENT BENEFIT TRUST FUNDS AMENDMENTS, by Representative K. Grover, and it is transmitted for consideration; and

The House passed **H.B. 342**, PROTECTIVE ORDER REVISIONS, by Representative S. Wyatt, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 115**, **H.B. 132**, **H.B. 194**, **H.B. 276**, **H.B. 337**, and **H.B. 342** were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: February 13, 2007

The Business and Labor Committee reports a favorable recommendation on **S.B. 176**, UTAH BUSINESS ASSISTANCE CENTER PILOT ACT, by Senator D. Stowell; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 261**, DISPOSITION OF REAL PROPERTY, by Senator W. Niederhauser, with the following amendments:

- 1. Page 1, Lines 15 through 16:

15 ▶ provides a process for a county’s or municipality’s disposition of property valued at

16 more than \$ {~~-25,000-~~} 50,000 ; and

- 2. Page 4, Line 113:

113 personal property with a fair market value of more than \$ {~~-25,000~~} 50,000 , the municipality shall:

- 3. Page 4, Line 120 through Page 5, Line 128:

120 (d) (i) For disposition of a parcel of real property, notice under Subsection (4)(c)(i)

121 shall be mailed at least {~~-14~~} 10 days before the proposed disposition to the owner of any parcel of

122 real property within {~~-500~~} 300 feet of the boundaries of the real property proposed for disposition.

123 (ii) “Parcel of real property” as used in Subsection (4)(d)(i) means any:

124 (A) real estate;

125 (B) present interest in real estate;

126 (C) future interest in real estate;

127 (D) future development right; or

128 (E) other interest in land, whether or not currently in public use.

(iii) “Parcel of real property” as used in Subsection (4)(d)(i) does

not include:

(A) an easement for use in connection with a road or the provision of utility service; or

(B) a donation or sale of land to the Department of Transportation created in Section 72-1-201. ; and

The Business and Labor Committee recommends **1st Sub. H.B. 218**, UTAH CHILDREN'S HEALTH INSURANCE PROGRAM, by Representative J. Dunnigan, be replaced and favorably recommends **3rd Sub. H.B. 218**, UTAH CHILDREN'S HEALTH INSURANCE PROGRAM; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 261**, EXPIRATION OF GIFT CERTIFICATES, by Representative W. Harper.

Kevin T. Van Tassell, Chair

Mr. President:

February 13, 2007

The Health and Human Services Committee reports a favorable recommendation on **H.B. 92**, ADOPTION OF AN ADULT PROVISIONS, by Representative J. Mathis, with the following amendments:

1. Page 2, Lines 42a through 42b
House Committee Amendments
1-25-2007:

42a (iii) if the adult adoptee is a vulnerable adult, Section 78-30-3.5, regardless of

42b whether the adult adoptee resides, or will reside, with the adoptors, unless the court, based on a finding of good cause, waives the requirements of Section 78-30-3.5.

2. Page 4, Lines 103a through 103f
House Committee Amendments
1-25-2007:

103a ~~H~~ → (6) {~~After~~} Except as provided in Subsection (7), after a court enters a final decree of adoption of an adult, the adult 103b adoptee shall:

103c (a) serve notice of the finalization of the adoption, pursuant to the Utah Rules of Civil

103d Procedure, on each person who was a legal parent of the adult adoptee before the final

103e decree of adoption described in this Subsection (6) was entered; and
 103f (b) file with the court proof of service of the notice described in
Subsection (6)(a). ←H

(7) A court may, based on a finding of good cause, waive the
notification requirement described in Subsection (6).

D. Chris Butters, Chair

Mr. President: February 13, 2007

The Education Committee reports a favorable recommendation on **S.B. 49**,
 OPTIONAL EXTENDED-DAY KINDERGARTEN, by Senator L. Hillyard.

Margaret Dayton, Chair

Mr. President: February 13, 2007

The Natural Resources, Agriculture, and Environment Committee reports a
 favorable recommendation on **1st Sub. H.B. 102**, LAND AND WATER
 REINVESTMENT, by Representative D. Clark; and

The Natural Resources, Agriculture, and Environment Committee reports a
 favorable recommendation on **H.B. 145**, FARMERS MARKET EXEMPTIONS,
 by Representative R. Menlove, with the following amendments:

1. Page 3, Lines 59 through 60:

59 (5) “Farmers market” means a {~~public~~} market where
producers of food products sell

60 only fresh, raw, whole, unprocessed, and unprepared food items
directly to the {~~public~~} final consumer .

Darin G. Peterson, Chair

On motion of Senator Hickman, the committee reports were adopted. The
 following House bills were placed on the Second Reading Calendar. **3rd Sub.**
H.B. 218, H.B. 261, H.B. 92, as amended, **1st Sub. H.B. 102**, and **H.B. 145**, as
 amended. The following Senate bills were sent back to the Rules Committee for
 the purpose of sifting: **S.B. 176, S.B. 261**, as amended, and **S.B. 49**.

STANDING COMMITTEE REPORTS

Mr. President: February 13, 2007

The Business and Labor Committee reports a favorable recommendation on
H.B. 130, FUNERAL SERVICES LICENSING ACT AMENDMENTS, by

Representative K. McIff, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 5, Lines 146 through 147:

146 (a) assist a funeral service director in the embalming or other preparation of a dead

147 human body for {~~deposition~~} disposition ;

Kevin T. Van Tassell, Chair

Mr. President:

February 13, 2007

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 135**, UTAH UNIFORM BUILDING STANDARDS ACT AMENDMENTS, by Representative L. Wiley, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 2, Lines 52 through 56:

52 (4) "Compliance agency" means ;

(a) an agency of the state or any of its political

53 subdivisions which issues permits for construction regulated under the codes {~~, or~~} ;

(b) any other

54 agency of the state or its political subdivisions specifically empowered to enforce compliance

55 with the codes or

(c) any other state agency which chooses to enforce codes adopted under this chapter by authority given the agency under a title other than Title 58, Occupations and Professions .

56 (5) "Factory built housing" means manufactured homes or mobile homes. ; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.C.R. 1**, CONCURRENT RESOLUTION APPROVING THE INTERLOCAL AGREEMENT CREATING THE UTAH

LAKE COMMISSION, by Representative S. Clark, and recommends it be considered read for the second time and placed on the Consent Calendar.

Darin G, Peterson, Chair

On motion of Senator Hickman, the committee reports were adopted. **H.B. 130**, as amended, **H.B. 135**, as amended, and **H.C.R. 1** were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 245, General Government Revisions – Authorization of Sales Tax Opinion Question (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.J.R. 13, Resolution Submitting Question to Voters on Removing the State and Local Sales and Use Taxes on Food and Food Ingredients (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Bramble, the Senate voted to recall **1st Sub. S.B. 111, FREE EXERCISE OF RELIGION WITHOUT GOVERNMENT INTERFERENCE**, from the House.

CONSENT CALENDAR

H.B. 221, TIMING TO COMMENCE A CIVIL ACTION BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY, was read the third time.

On motion of Senator Bell, the bill was circled.

* * *

S.B. 224, JUDICIARY AMENDMENTS, was read the third time.

On motion of Senator Bramble, the bill was circled.

* * *

S.B. 250, MILITARY JUSTICE CODE AMENDMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Bramble	Eastman	Jones
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S.B. 250 was transmitted to the House for consideration.

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H.B. 216, DIVISION OF FACILITIES CONSTRUCTION AND MANAGEMENT AMENDMENTS, was read the third time, explained by Senator Hickman, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Dmitrich	Fife	Goodfellow	Greiner
Hickman	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Bramble	Buttars	Eastman
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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.

* * *

On motion of Senator Bell, the circle was removed from **H.B. 221**, TIMING TO COMMENCE A CIVIL ACTION BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY, and it was before the Senate. The bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Dmitrich	Fife	Goodfellow	Greiner
Hickman	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Bramble	Buttars	Eastman
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H.B. 221 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. S.B. 203, DISCLOSURE OF PROPERTY TAX INFORMATION, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Dmitrich	Fife	Goodfellow	Greiner
Hickman	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Bramble	Buttars	Eastman
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1st Sub. SB. 203 was transmitted to the House for consideration.

* * *

S.B. 260, PROPERTY TAX – DEFINITION OF GOODWILL, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Dmitrich	Fife	Goodfellow	Greiner
Hickman	Hillyard	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Bramble	Buttars	Eastman	Jenkins
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S.B. 260 was transmitted to the House for consideration.

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On motion of Senator Hillyard, the circle was removed from **S.B. 224**, JUDICIARY AMENDMENTS, and it was before the Senate. Senator Hillyard explained the bill. The bill passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Dmitrich	Fife	Goodfellow	Greiner
Hickman	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Bramble	Buttars	Eastman	McCoy
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S.B. 224 was transmitted to the House for consideration.

CONCURRENCE CALENDAR

On motion of Senator Jenkins, the Senate voted to concur in the House amendments to **1st Sub. S.B. 127**, TOURISM MARKETING PERFORMANCE ACCOUNT APPROPRIATION. The bill, as amended, passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Buttars	Hillyard
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1st Sub. S.B. 127 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

2nd Sub. S.B. 75, ADVANCE HEALTH CARE DIRECTIVE ACT, was read the third time, explained by Senator Christensen, and passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Eastman	Fife	Goodfellow
Greiner	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker		

Absent or not voting were: Senators

Buttars	Dmitrich	Hickman	Hillyard
Jenkins	Niederhauser	Valentine	

2nd Sub. S.B. 75 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 65, ELEMENTARY SCHOOL MATH INITIATIVE, was read the third time and explained by Senator Bell. Senators Dayton and Hickman commented and the bill passed on the following roll call:

Yeas, 22; Nays, 4; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Jones	Killpack
Knudson	Mayne	McCoy	Peterson
Romero	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Voting in the negative were: Senators

Buttars	Dayton	Madsen	Stephenson
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Absent or not voting were: Senators

Hillyard	Jenkins	Niederhauser
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1st Sub. S.B. 65 was transmitted to the House for consideration.

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S.B. 193, AMENDMENTS TO MENTAL HEALTH PROFESSIONAL PRACTICE ACT, was read the third time, explained by Senator Jones, and passed on the following roll call:

Yeas, 19; Nays, 0; Absent, 10.

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Dmitrich	Fife	Goodfellow	Greiner
Jones	Killpack	Knudson	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Walker	

Absent or not voting were: Senators

Bell	Buttars	Eastman	Hickman
Hillyard	Jenkins	Madsen	Van Tassell
Waddoups	Valentine		

S.B. 193 was transmitted to the House for consideration.

* * *

S.J.R. 3, RESOLUTION ENCOURAGING CONGRESSIONAL FUNDING FOR STATE CHILDREN'S HEALTH INSURANCE PROGRAM, was read the

third time and explained by Senator Knudson. Senators Stephenson and Dayton commented and the bill passed on the following roll call:

Yeas, 19; Nays, 3; Absent, 7.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Fife	Goodfellow
Greiner	Hickman	Killpack	Knudson
Mayne	McCoy	Peterson	Romero
Stowell	Van Tassell	Walker	

Voting in the negative were: Senators

Dayton	Madsen	Stephenson
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Absent or not voting were: Senators

Eastman	Hillyard	Jenkins	Jones
Niederhauser	Waddoups	Valentine	

S.J.R. 3 was transmitted to the House for consideration.

SECOND READING CALENDAR

1st Sub. H.B. 96, MOTOR VEHICLE DEALER AMENDMENTS, was read the second time.

On motion of Senator Bell, the bill was circled.

* * *

H.B. 259, MECHANICS LIENS ON CERTAIN NEW DEVELOPMENT HOUSING, was read the second time. Senator Bell explained the bill. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Hickman	Killpack
Knudson	Madsen	Mayne	McCoy
Peterson	Romero	Stephenson	Stowell
Van Tassell	Walker		

Absent or not voting were: Senators

Eastman	Hillyard	Jenkins	Jones
Niederhauser	Waddoups	Valentine	

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H.B. 241, APPROPRIATION FOR TERREL H. BELL PROGRAM, was read the second time. Senator Dayton explained the bill. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 0; Absent, 8.**Voting in the affirmative were:** Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Hickman	Killpack
Knudson	Madsen	Mayne	McCoy
Romero	Stephenson	Stowell	Van Tassell
Walker			

Absent or not voting were: Senators

Eastman	Hillyard	Jenkins	Jones
Niederhauser	Peterson	Waddoups	Valentine

On motion of Senator Knudson, **H.B. 241** was placed on Third Reading Table due to fiscal impact.

* * *

2nd Sub. H.B. 69, COUNTY AND MUNICIPAL LAND USE PROVISIONS REGARDING SCHOOLS, was read the second time. Senator McCoy explained the bill. Senator Killpack declared a conflict of interest. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.**Voting in the affirmative were:** Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Peterson	Romero	Stephenson	Stowell
Van Tassell	Walker		

Absent or not voting were: Senators

Eastman	Hickman	Hillyard	Jenkins
Niederhauser	Waddoups	Valentine	

* * *

1st Sub. H.B. 34, SALES AND USE TAX EXEMPTIONS FOR CERTAIN PROPERTY BROUGHT INTO THE STATE, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Peterson	Romero	Stephenson	Stowell
Van Tassell	Walker		

Absent or not voting were: Senators

Eastman	Hickman	Hillyard	Jenkins
Niederhauser	Waddoups	Valentine	

COMMITTEE OF THE WHOLE

On motion of Senator Bramble, Dr. Tom Metcalf and Dr. Wendell Gibby spoke in Committee of the Whole in regards to **H.B. 202, MEDICAL RECOMMENDATIONS FOR CHILDREN**.

On motion of Senator Bramble, the Committee of the Whole was dissolved.

TIME CERTAIN CALENDAR

H.B. 202, MEDICAL RECOMMENDATIONS FOR CHILDREN, was before the Senate, explained by Senator Buttars. Senators Walker, Christensen, Bramble, and McCoy commented. The bill passed second reading on the following roll call:

Yeas, 18; Nays, 10; Absent, 1.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Dayton
Eastman	Greiner	Hickman	Jenkins

Killpack	Knudson	Madsen	Niederhauser
Peterson	Stephenson	Stowell	Van Tassell
Waddoups	Valentine		

Voting in the negative were: Senators

Bell	Davis	Dmitrich	Fife
Goodfellow	Jones	Mayne	McCoy
Romero	Walker		

Absent or not voting was: Senator

Hillyard

* * *

H.B. 97, MOTOR VEHICLE REGISTRATION CHECKOFF FOR PROTECTING ACCESS TO PUBLIC LANDS AND OFF-HIGHWAY VEHICLE EDUCATION, was read the second time. Senator Peterson explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Valentine		

Absent or not voting were: Senators

Hickman	Hillyard	Walker
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INTRODUCTION OF BILLS

S.B. 80, Education Reform (H. Stephenson), read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

H.B. 99, WATER LOAN PROGRAM AMENDMENTS, was read the second time. Senator Dayton explained the bill. The bill passed second reading on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator Hillyard

* * *

On motion of Senator Bramble, and at 11:50 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:07 p.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 14, 2007

The House passed, **S.B. 54**, MOTOR VEHICLE DEALER PERFORMANCE BOND AMENDMENTS, by Senator D. Eastman, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 106**, MOTOR VEHICLE BUSINESS FEE 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. 114**, AGGRAVATED MURDER AMENDMENTS, by Senator G. Bell, 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. 127**, TOURISM MARKETING PERFORMANCE ACCOUNT APPROPRIATION, by Senator S. Jenkins, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 54, S.B. 106, S.B. 114, and 1st Sub. S.B. 127 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

February 14, 2007

The House passed, as substituted, **1st Sub. H.B. 105**, ILLEGAL IMMIGRATION ENFORCEMENT ACT, by Representative G. Donnelson, et al, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 189**, CRIMINAL STATUTE OF LIMITATIONS AMENDMENTS, by Representative C. Wimmer, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 105** and **1st Sub. H.B. 189** were read the first time and referred to the Rules Committee.

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Mr. President:

February 14, 2007

The House passed, as amended, **S.B. 52**, HEALTH REGULATIONS FOR PUBLIC INDOOR TANNING BEDS, by Senator P. Jones, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

* * *

Mr. President:

February 14, 2007

The House transmits **1st Sub. S.B. 111**, FREE EXERCISE OF RELIGION WITHOUT GOVERNMENT INTERFERENCE, by Senator D. C. Buttars, for further consideration.

Sandy D. Tenney, Chief Clerk

On motion of Senator Hickman, **1st Sub. S.B. 111** was referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: February 14, 2007

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 209**, STATE FRANCHISING AUTHORITY FOR VIDEO SERVICES, by Senator C. Bramble.

Wayne L. Niederhauser, Chair

Mr. President: February 14, 2007

The Workforce Services and Community and Economic Development Committee recommends **S.B. 232**, MILITARY INSTALLATION DEVELOPMENT AUTHORITY, by Senator S. Killpack, et al, be replaced and favorably recommends **1st Sub. S.B. 232**, MILITARY INSTALLATION DEVELOPMENT AUTHORITY.

Mark B. Madsen

Mr. President: February 13, 2007

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 251**, HIGHER EDUCATION – CONCEALED FIREARMS RESTRICTIONS, by Senator G. Bell; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 70**, ASSAULT ON A PEACE OFFICER – PENALTY AMENDMENT, by Representative P. Ray; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 93**, CAPITAL OFFENSES AMENDMENTS, by Representative P. Ray; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **1st Sub. H.B. 147**, RESTITUTION AMENDMENTS, by Representative K. Garn; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 228**, PENALTY FOR HOMICIDE OF A CHILD, by Representative C. Wimmer; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 262**, SEARCH WARRANT AMENDMENTS, by Representative S. Wyatt.

Gregory S. Bell, Chair

On motion of Senator Hickman, the committee reports were adopted. The following House bills were placed on Second Reading Calendar: **H.B. 70**, **H.B. 93**, **1st Sub. H.B. 147**, **H.B. 228**, and **H.B. 262**. The following Senate bills were sent back to the Rules Committee for the purpose of sifting: **S.B. 209**, **1st Sub. S.B. 232**, and **S.B. 251**.

STANDING COMMITTEE REPORTS

Mr. President: February 14, 2007

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **1st Sub. H.B. 129**, LAND USE PROVISIONS, by Representative M. Morley, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

Mr. President: February 14, 2007

The Revenue and Taxation Committee reports a favorable recommendation on **S.R. 3**, RESOLUTION INCREASING PUBLIC AWARENESS OF CAPITAL GAINS TAX DEDUCTION, by Senator W. Niederhauser, and recommends it be considered read for the second time and placed on the Consent Calendar.

Wayne L. Niederhauser, Chair

On motion of Senator Hickman, the committee reports were adopted. **1st Sub. H.B. 129** and **S.R. 3** were considered read the second time and placed on the Consent Calendar.

SECOND READING CALENDAR

H.B. 108, TRANSPORTATION STUDIES, was read the second time.

On motion of Senator Hickman, the bill was circled.

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H.B. 227, MOTORBOAT LIABILITY INSURANCE REVISIONS, was read the second time. Senator Peterson explained the bill. The bill passed second reading on the following roll call:

Yeas, 19; Nays, 0; Absent, 10.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Dayton
Fife	Greiner	Hickman	Jenkins
Jones	Knudson	Madsen	McCoy
Niederhauser	Peterson	Romero	Stowell
Van Tassell	Waddoups	Walker	

Absent or not voting were: Senators

Bramble	Davis	Dmitrich	Eastman
Goodfellow	Hillyard	Killpack	Mayne
Stephenson	Valentine		

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H.B. 15, DRIVER LICENSE PRIVILEGE SUSPENSION FOR FAILURE TO PAY CHILD SUPPORT, was read the second time. Senator Walker explained the bill.

On motion of Senator Walker, the bill was circled.

* * *

H.B. 32, EXPEDITED PARENT-TIME ENFORCEMENT, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

Yeas, 19; Nays, 1; Absent, 9.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Fife
Greiner	Hickman	Hillyard	Jenkins
Jones	Knudson	Madsen	McCoy
Niederhauser	Peterson	Romero	Stowell
Van Tassell	Waddoups	Walker	

Voting in the negative was: Senator

Dayton

Absent or not voting were: Senators

Bramble	Davis	Dmitrich	Eastman
Goodfellow	Killpack	Mayne	Stephenson
Valentine			

On motion of Senator Hillyard, **H.B. 32** was placed on Third Reading Table due to fiscal impact.

* * *

On motion of Senator Walker, the circle was removed from **H.B. 15**, DRIVER LICENSE PRIVILEGE SUSPENSION FOR FAILURE TO PAY CHILD SUPPORT, and it was before the Senate. Senator Walker explained the bill. Senators Christensen, Hickman, Hillyard, Romero, Bell, Davis, and Mayne commented.

Senator Bell proposed the following amendment:

1. Page 2, Line 51

51 This bill takes effect on {~~January~~} July 1, 2008.

2. Page 19, Lines 572 through 575:

572 (b) Subsection (9)(a) does not apply if the person described in Subsection (9)(a) is

573 otherwise in arrears on a child support obligation.

(10) (a) A person whose driver license is ordered suspended pursuant to this section may file a request with the office, on a form provided by the office, to have the office rescind the order of suspension if:

(i) the person claims that, since the time of the suspension, circumstances have changed such that the person is entitled to have the order of suspension rescinded under Subsection (7); and

(ii) the office has not rescinded the order of suspension.

(b) The office shall respond, in writing, to a person described in Subsection (10), within 10 days after the day on which the request is filed with the office, stating whether the person is entitled to have the order of suspension rescinded.

(c) If the office determines, under Subsection (10)(b), that an order to suspend a person's license should be rescinded, the office shall immediately rescind the order.

(d) If the office determines, under Subsection (10)(b), that an order to suspend a person's license should not be rescinded:

(i) the office shall, as part of the response described in Subsection (10)(b), notify the person, in writing, of the reasons for that determination; and

(ii) the person described in this Subsection (10)(d) may,

within 15 days after the day on which the office sends the response described in Subsection (10)(b), appeal the determination of the office to district court.

(e) The office may not require that a person file the request described in Subsection (10)(a) before the office orders that an order of suspension is rescinded, if the office has already determined that the order of suspension should be rescinded under Subsection (7).

574 {~~(10)~~ -} (11) The office may make rules, in accordance with Title 63, Chapter 46a, Utah

575 Administrative Rulemaking Act, to:

3. Page 20, Line 592:

592 This bill takes effect on {~~January~~ } July 1, 2008.

Senator Bell’s motion to amend passed on a voice vote.

On motion of Senator Walker, the bill was circled.

* * *

H.B. 200, STANDARDIZING DOCUMENTS FILED WITH COUNTY RECORDER, was read the second time. Senator Madsen explained the bill. Senators Bell, Jenkins, Buttars, and Stephenson commented. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Knudson	Madsen	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker

Absent or not voting were: Senators

Bramble	Eastman	Killpack	Mayne
Valentine			

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On motion of Senator Hickman, and at 3:10 p.m., the Senate sauntered.

The Senate was called to order at 3:25 p.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 14, 2007

The House passed, **S.B. 104**, OFFICE OF RECOVERY SERVICES FEE, 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. 117**, MEDICAID RECOVERY 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. 125**, REPEAL OF PRISONER DEMANDS FOR DISPOSITION, 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. 148**, BOAT REGISTRATION AMENDMENTS, by Senator M. Waddoups, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 104, **S.B. 117**, **S.B. 125**, and **S.B. 148** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

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Mr. President: February 14, 2007

The House passed, as amended, **1st Sub. S.B. 17**, TRAFFIC CODE AMENDMENTS, by Senator S. Jenkins, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

SECOND READING CALENDAR

H.B. 247, SPECIAL SERVICE DISTRICT AUTHORITY TO PROVIDE JAIL FACILITIES, was read the second time. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Bramble	Killpack	Stowell
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H.B. 257, OPEN AND PUBLIC MEETING ACT AMENDMENTS, was read the second time.

On motion of Senator Knudson, the bill was circled.

* * *

H.B. 98, COUNTY OPTION SALES AND USE TAX FOR HIGHWAYS, FIXED GUIDEWAYS, OR SYSTEMS OF PUBLIC TRANSIT AMENDMENTS, was read the second time.

On motion of Senator Bramble, the bill was circled.

* * *

H.B. 125, CENTERS OF EXCELLENCE AMENDMENTS, was read the second time.

On motion of Senator Eastman, the bill was circled.

* * *

On motion of Senator Goodfellow, the circle was removed from **H.B. 108**, TRANSPORTATION STUDIES, and it was before the Senate.

On motion of Senator Mayne, the following substitute bill replaced the original bill:

1st Sub. H.B. 108 Transportation Studies (R. Bigelow)

Senator Bramble commented.

On motion of Senator Bramble, the bill was circled.

* * *

4th Sub. H.B. 236, STUDENT CLUBS AMENDMENTS, was read the second time. Senator Buttars explained the bill. Senator McCoy commented.

On motion of Senator McCoy, the bill was circled.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 14, 2007
The House passed, as amended, **S.B. 155**, WASTE AMENDMENTS, by Senator D. Peterson, et al, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

SECOND READING CALENDAR

On motion of Senator Knudson, the circle was removed from **H.B. 257**, OPEN AND PUBLIC MEETING ACT AMENDMENTS, and it was before the Senate. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Valentine	

Absent or not voting were: Senators

Hickman Walker

* * *

On motion of Senator Eastman, the circle was removed from **1st Sub. H.B. 96**, MOTOR VEHICLE DEALER AMENDMENTS, and it was before the

Senate. Senator Eastman explained the bill. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Valentine	

Absent or not voting were: Senators

Bramble	Walker
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CONCURRENCE CALENDAR

On motion of Senator Peterson, under suspension of the rules, the Senate voted to concur in the House amendments to **S.B. 155, WASTE AMENDMENTS**. The bill, as amended, passed on the following roll call:

Yeas, 22; Nays, 5; Absent, 2.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Killpack	Knudson	Madsen	Niederhauser
Peterson	Stephenson	Stowell	Van Tassell
Waddoups	Valentine		

Voting in the negative were: Senators

Fife	Jones	Mayne	McCoy
Romero			

Absent or not voting were: Senators

Bramble	Walker
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S.B. 155 was returned to the House for the signature of the Speaker.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 14, 2007

The Rules Committee recommends that, under suspension of the rules, the following bills be placed at the bottom of the Second Reading Calendar:

- 1st Sub. S.B. 234** Occupational and Environmental Health Amendments
(Sen. E. Mayne)
- 1st Sub. S.B. 243** Direct-entry Midwife Amendments (Sen. M. Dayton)
- S.B. 49** Optional Extended-day Kindergarten (Sen. L. Hillyard)
- S.J.R. 12** Resolution Amending Utah Constitution
(Sen. J. Valentine)
- S.B. 62** College and University Tuition Tax Credits (Sen. G. Bell)
- S.B. 81** Home School and Extracurricular Activity Amendments
(Sen. M. Madsen)
- S.B. 183** Restrictions on Designation of Wetlands
(Sen. S. Killpack)
- S.B. 189** Medicaid Home and Community-based Long-term Care
(Sen. G. Davis)
- S.B. 211** Election Law Changes (Sen. H. Stephenson)
- S.B. 235** Public Utilities Amendments (Sen. G. Bell)
- S.B. 241** Election Law Modifications (Sen. P. Knudson)
- S.B. 268** Rural Broadband Service Fund (Sen. J. Hickman)
- S.B. 71** County Recorder Amendments (Sen. D. Stowell)
- 1st Sub. S.B. 167** Utah Sports Authority (Sen. M. Dmitrich)
- S.B. 187** Utah Relocation Assistance Act Amendments
(Sen. L. Hillyard)
- 1st Sub. S.B. 204** Human Remains Related Amendments (Sen. D. Peterson)
- S.B. 221** Judicial Retention Election Task Force
(Sen. D. C. Buttars)
- S.B. 255** Crane Safety Amendments (Sen. G. Davis)
- S.B. 77** Insurable Interest Amendments (Sen. R. Romero)
- 2nd Sub. S.B. 185** Utility Improvement District Revisions
(Sen. K. VanTassell)
- S.B. 196** Executive Compensation Amendments (Sen. C. Bramble)
- S.B. 216** Utah Antitrust Act Amendments (Sen. L. Hillyard)
- S.B. 238** Motor Vehicle Insurance Amendments (Sen. S. Killpack)
- 1st Sub. S.B. 248** Parent and Child Amendments (Sen. C. Bramble)
- S.B. 240** Litigation Fund Restricted Account for Highway Projects
(Sen. S. Killpack)
- S.B. 242** Income Tax Additions, Subtractions, and Tax Credits for
Higher Education Savings (Sen. G. Bell)

Bill Hickman

Rules Committee Chair

Report filed. On motion of Senator Hickman, the committee report was adopted.

RULES COMMITTEE REPORTS

To the Members of the Senate:

February 14, 2007

The Rules Committee recommends assignment of the following bills to standing committees:

Business and Labor Committee

- H.B. 23** Employment Security Act Amendments
(Rep. S. Mascaro)
- H.B. 258** Continuing Education Requirements for Architects
(Rep. B. Dee)
- H.B. 340** Insurer Receivership Act (Rep. J. Dunnigan)

Education Committee

- H.C.R. 5** Early Childhood Reading Readiness Resolution
(Rep. K. Morgan)

Government Operations and Political Subdivisions Committee

- S.B. 202** Legislative Direction Relating to United States Senators
(Sen. H. Stephenson)
- H.B. 188** Easements – Counties and Municipalities (Rep. A. Tilton)
- H.B. 335** Local Government – Charitable Contributions
(Rep. B. Dee)

Health and Human Services Committee

- H.B. 302** Medical Examiner – Testing for Substances in Cases of Suspected Suicide (Rep. W. Harper)
- 1st Sub. H.B. 312** Funding for Department of Health Early Intervention Programs (Rep. S. Urquhart)

Judiciary, Law Enforcement, and Criminal Justice Committee

- H.B. 333** Materials Harmful to Minors (Rep. A. Tilton)

Natural Resources, Agriculture and Environment Committee

- H.C.R. 6** Utah Farming Heritage District Resolution
(Rep. P. Painter)

Revenue and Taxation Committee

- 2nd Sub. H.B. 111** Personal Property – Certified Tax Rate Amendments
(Rep. J. Dougall)
- 1st Sub. H.B. 142** Fee in Lieu of Property Tax Amendments
(Rep. R. Wheeler)

H.B. 293 Centrally Assessed Property (Rep. K. McIff)

Transportation, Public Utilities and Technology Committee

1st Sub. H.B. 120 Utility Facility Review Board (Rep. A. Tilton)

H.B. 301 Department of Transportation Projects – Categorically
Excluded Environmental Projects (Rep. S. Urquhart)

H.B. 315 Regulation of Electric Personal Assistive Mobility
Devices (Rep. A. Tilton)

Bill Hickman

Rules Committee Chair

Report filed. On motion of Senator Hickman, the committee report was adopted.

On motion of Senator Bramble and at 4:05 p.m., the Senate adjourned until 10:00 a.m., Thursday, February 15, 2007.

THIRTY-SECOND DAY

MORNING SESSION

February 15, 2007

The Senate was called to order at 10:05 a.m., with President John Valentine presiding.

Prayer – Mr. John Brems, Taylorsville City Attorney

Pledge of Allegiance – Senator Sheldon Killpack

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 102)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 14, 2007

The House passed, **S.B. 140**, IDENTITY FRAUD AMENDMENTS, by Senator C. Walker, 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. 155**, WASTE AMENDMENTS, by Senator D. Peterson, and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 9**, RESOLUTION SUPPORTING PRESIDENTIAL TRADE PROMOTION AUTHORITY, 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. 140, **S.B. 155**, and **S.J.R. 9** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 14, 2007

The House passed, as amended, **1st Sub. S.B. 30**, CREATION OF NEW SCHOOL DISTRICT AMENDMENTS, by Senator C. Walker, and it is transmitted for further consideration; and

The House passed, as amended, **1st Sub. S.B. 112**, METHAMPHETAMINE PRECURSOR ACCESS AMENDMENTS, 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 14, 2007

The House has rejected **S.B. 29**, INSTREAM FLOW TO PROTECT TROUT HABITAT, by Senator P. Knudson, and it is transmitted for filing.

Sandy D. Tenney, Chief Clerk

Communications filed.

STANDING COMMITTEE REPORTS

Mr. President: February 14, 2007

The Retirement and Independent Entities Committee reports a favorable recommendation on **1st Sub. H.B. 7**, STATE POST-RETIREMENT BENEFITS TRUST FUND, by Representative K. Grover; and

The Retirement and Independent Entities Committee reports a favorable recommendation on **H.B. 8**, RETIREMENT OFFICE AMENDMENTS, by Representative D. Clark; and

The Retirement and Independent Entities Committee reports a favorable recommendation on **H.B. 21**, PUBLIC SAFETY RETIREMENT CONVERSION WINDOW, by Representative M. Newbold.

Curtis S. Bramble, Chair

On motion of Senator Hickman, the committee reports were adopted. **1st Sub. H.B. 7**, **H.B. 8**, and **H.B. 21** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 14, 2007

The Retirement and Independent Entities Committee reports a favorable recommendation on **S.B. 39**, PUBLIC SAFETY RETIREMENT DEATH BENEFIT MODIFICATIONS, by Senator J. Greiner, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Retirement and Independent Entities Committee reports a favorable recommendation on **S.B. 247**, RETIREMENT SYSTEMS MEMBERSHIP EXCLUSIONS, by Senator M. Dmitrich, and recommends it be considered read for the second time and placed on the Consent Calendar.

Curtis S. Bramble, Chair

On motion of Senator Hickman, the committee reports were adopted. **S.B. 39** and **S.B. 247** were considered read the second time and placed on the Consent Calendar.

* * *

Mr. President:

February 14, 2007

The Retirement and Independent Entities Committee deleted **H.B. 260**, POST RETIREMENT EMPLOYMENT, by Representative G. Donnelson, and replaced it with **1st Sub. H.B. 260**, POST RETIREMENT EMPLOYMENT, and has returned it to the Rule Committee.

Curtis S. Bramble, Chair

INTRODUCTION OF BILLS

S.B. 236, Trademark Protection Act (D. Eastman), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

H.B. 76, PUBLIC SAFETY IDSPATCHER COMPENSATION, 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

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Greiner	Stephenson	Stowell
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H.B. 76 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 Jones, the Senate voted to concur in the House amendments to **S.B. 52**, HEALTH REGULATIONS FOR PUBLIC INDOOR TANNING BEDS. The bill, as amended, passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

S.B. 52 was returned to the House for the signature of the Speaker.

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On motion of Senator Jenkins, the Senate refused to concur in the House amendments to **1st Sub. S.B. 17**, TRAFFIC CODE AMENDMENTS. The bill was returned to the House.

THIRD READING CALENDAR

H.B. 259, MECHANICS LIENS ON CERTAIN NEW DEVELOPMENT HOUSING, was read the third time, explained by Senator Bell, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

H.B. 259 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. 69, COUNTY AND MUNICIPAL LAND USE PROVISIONS REGARDING SCHOOLS, was read the third time, explained by Senator McCoy, and passed on the following roll call:

Yeas, 27; Nays, 2; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hillyard
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Voting in the negative were: Senators

Hickman	Jenkins
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2nd Sub. 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.

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1st Sub. H.B. 34, SALES AND USE TAX EXEMPTIONS FOR CERTAIN PROPERTY BROUGHT INTO THE STATE, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

1st Sub. 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. 202, MEDICAL RECOMMENDATIONS FOR CHILDREN, was read the third time and explained by Senator Buttars.

Senator Buttars proposed the following amendment:

1. Page 1, Line 68:
Delete “(f)”

Senator Buttars’ motion to amend passed on a voice vote. Senators Waddoups and Eastman commented and the bill passed on the following roll call:

Yeas, 19; Nays, 10; Absent, 0.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Dayton
Eastman	Greiner	Hickman	Hillyard
Jenkins	Killpack	Knudson	Madsen
Niederhauser	Peterson	Stephenson	Stowell
Van Tassell	Waddoups	Valentine	

Voting in the negative were: Senators

Bell	Davis	Dmitrich	Fife
Goodfellow	Jones	Mayne	McCoy
Romero	Walker		

H.B. 202, as amended, was returned to the House for further consideration.

* * *

H.B. 97, MOTOR VEHICLE REGISTRATION CHECKOFF FOR PROTECTING ACCESS TO PUBLIC LANDS AND OFF-HIGHWAY VEHICLE EDUCATION, was read the third time and explained by Senator Peterson. Senators Waddoups and Hillyard commented and the bill passed on the following roll call:

Yeas, 26; Nays, 3; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Jenkins	Jones	Killpack	Madsen
Mayne	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Voting in the negative were: Senators

Hillyard	Knudson	McCoy
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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.

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H.B. 99, WATER LOAN PROGRAM AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Buttars	Eastman
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H.B. 99 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. 227, MOTORBOAT LIABILITY INSURANCE REVISIONS, was read the third time, explained by Senator Peterson, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator

Niederhauser

H.B. 227 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. 200, STANDARDIZING DOCUMENTS FILED WITH COUNTY RECORDER, was read the third time and explained by Senator Madsen.

Senator Madsen proposed the following amendment:

1. Page 2, Line 49:
Delete "July 1" and insert "September 1"

Senator Madsen's motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	

Absent or not voting were: Senators

Bramble Valentine

H.B. 200, as amended, was returned to the House for further consideration.

* * *

H.B. 247, SPECIAL SERVICE DISTRICT AUTHORITY TO PROVIDE JAIL FACILITIES, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker		

Absent or not voting were: Senators

Bramble	Buttars	Valentine
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H.B. 247 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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H.B. 257, OPEN AND PUBLIC MEETING ACT AMENDMENTS, was read the third time, explained by Senator Eastman, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker			

Absent or not voting were: Senators

Bramble	Buttars	Hillyard	Valentine
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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.

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1st Sub. H.B. 96, MOTOR VEHICLE DEALER AMENDMENTS, was read the third time, explained by Senator Eastman, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stowell	Van Tassell	Waddoups	Walker

Absent or not voting were: Senators

Bramble	Buttars	Hillyard	Stephenson
Valentine			

1st Sub. 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.

SECOND READING CALENDAR

On motion of Senator Killpack, the circle was removed from **H.B. 125**, CENTERS OF EXCELLENCE AMENDMENTS, and it was before the Senate. Senator Killpack explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stowell	Van Tassell
Waddoups	Walker		

Absent or not voting were: Senators

Bramble	Stephenson	Valentine
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1st Sub. H.B. 215, SCHOOL REPORTING AMENDMENTS, was read the second time. Senator Jones explained the bill.

Senator Stephenson proposed the following amendment:

- 1. Page 3, Line 80

80 high school graduates, licensed and classified employees, pupil-teacher ratios by grade , pupil-adult ratios by grade, class sizes by

- 2. Page 5, Line 130:

130 books, records, documents, maps, reports, papers, and other articles pertaining to his office.

(5) For the purpose of Subsection(3)(d)(vii):

(a) a pupil-teacher ratio shall be calculated by dividing the total number of students in a grade at a school by the total number of licensed classroom teachers in that grade at the school; and

(b) an adult-student ratio shall be calculated by dividing the total number of students in a grade at a school by the total number of adults who work with students in an instructional setting in that grade at the school.

Senator Stephenson’s motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker		

Absent or not voting were: Senators

Bramble	Killpack	Valentine
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H.C.R. 4, RESOLUTION ENCOURAGING STATE UNIVERSITIES’ AND SCHOOL INSTITUTIONAL TRUST LANDS’ EFFORTS IN

ENHANCING STATE TRUST LANDS, was read the second time. Senator Mayne explained the bill. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Jenkins	Jones
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker

Absent or not voting were: Senators

Bramble	Hickman	Hillyard	Killpack
Valentine			

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On motion of Senator Stephenson, the circle was removed from **H.B. 204**, MODIFICATIONS TO OPEN AND PUBLIC MEETINGS, and it was before the Senate. 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

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Waddoups	Walker

Absent or not voting were: Senators

Bramble	Hickman	Killpack	Van Tassell
Valentine			

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On motion of Senator Stephenson, the circle was removed from **H.B. 244**, REPEAL OF UTAH TECHNOLOGY COMMISSION, and it was before the Senate. Senator Stephenson explained the bill. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 1; Absent, 5.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Greiner	Hillyard	Jenkins	Jones
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Waddoups	Walker	

Voting in the negative was: Senator

Goodfellow

Absent or not voting were: Senators

Bramble	Hickman	Killpack	Van Tassell
Valentine			

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1st Sub. H.B. 48, DEPARTMENT OF NATURAL RESOURCES AMENDMENTS, was read the second time. Senator Peterson explained the bill. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 1; Absent, 5.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Knudson	Madsen	Mayne
Niederhauser	Peterson	Romero	Stephenson
Stowell	Waddoups	Walker	

Voting in the negative was: Senator

McCoy

Absent or not voting were: Senators

Bramble	Hickman	Killpack	Van Tassell
Valentine			

* * *

H.B. 243, ENERGY POLICY AMENDMENTS, was read the second time. Senator Bell explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Fife	Goodfellow
Greiner	Hillyard	Jenkins	Jones
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Buttars	Eastman	Hickman	Killpack
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On motion of Senator Hillyard, **H.B. 243** was placed on Third Reading Table due to fiscal impact.

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1st Sub. H.B. 311, UTAH DAIRY ACT AMENDMENTS, was read the second time. Senator Dayton explained the bill. Senators Stephenson, Jones, Stowell, and Bell commented. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Knudson	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Buttars	Hickman	Killpack	Madsen
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On motion of Senator Bramble, and at 11:45 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 3:00 p.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 15, 2007

The House passed, **S.B. 108**, WORKERS’ COMPENSATION – TIME LIMITATIONS, by Senator E. Mayne, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 110**, MEMBERSHIP AND SERVICE OF UTAH COMMISSIONERS ON NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS , 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. 126**, SALES REPRESENTATIVE COMMISSION PAYMENT ACT, by Senator S. Killpack, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 133**, LOCAL SCHOOL BOARD PUBLIC HEARING REQUIREMENTS, by Senator P. Jones, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 143**, PERSONAL USE OF STATE VEHICLES AUTHORIZED FOR LAW ENFORCEMENT OFFICERS IN THE OFFICE OF THE ATTORNEY GENERAL, by Senator D. Peterson, 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**, RESOLUTION OPPOSING DIVINE STRAKE, by Senator G. Davis, 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. 108, S.B. 110, S.B. 126, S.B. 133, S.B. 143, 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 15, 2007

The House passed **H.B. 12**, ADDITIONAL STATE RETIREMENT BENEFIT, by Representative L. Shurtliff, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 95**, ACCELERATED LEARNING PROGRAM AMENDMENTS, by Representative C. Moss, and it is transmitted for consideration; and

The House passed, as substituted and amended, **4th Sub. H.B. 122**, CLEAN AIR AND EFFICIENT VEHICLE TAX INCENTIVES, by Representative R. McGee, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 133**, PARENT-TIME AMENDMENTS, by Representative L. Fowlke, and it is transmitted for consideration; and

The House passed **H.B. 195**, HIGHER EDUCATION TUITION ASSISTANCE AMENDMENTS, by Representative S. Wyatt, and it is transmitted for consideration; and

The House passed **H.B. 323**, EDUCATION FUND CONFORMING AMENDMENTS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed **H.B. 349**, ACCOUNTING AUDIT STANDARDS, by Representative K. Grover, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 351**, REVOLVING LOAN FUND FOR CERTAIN ENERGY EFFICIENT PROJECTS, by Representative R. Barrus, and it is transmitted for consideration; and

The House passed **H.B. 424**, DEFINITION OF AGRI-TOURISM, by Representative M. Morley, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 426**, CHANGE TO DEPARTMENT OF VETERANS' AFFAIRS, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed **H.B. 462**, COUNTY PERSONNEL MANAGEMENT ACT, by Representative D. Litvack, and it is transmitted for consideration; and

The House passed **H.J.R. 11**, JOINT RULES RESOLUTION – RECODIFICATION AND REVISIONS, by Representative S. Urquhart, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 12**, **1st Sub. H.B. 95**, **4th Sub. H.B. 122**, **H.B. 133**, **H.B. 195**, **H.B. 323**, **H.B. 349**, **H.B. 351**, **H.B. 424**, **H.B. 426**,

H.B. 462, and **H.J.R. 11** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 15, 2007

The Rules Committee recommends that, under suspension of the rules, the following bills be placed at the bottom of the Second Reading Calendar:

- | | |
|--------------------------|--|
| S.B. 130 | Municipal Code Amendments (Sen. D. Eastman) |
| S.B. 251 | Higher Education – Concealed Firearms Restrictions
(Sen. G. Bell) |
| S.B. 200 | Reduced Cigarette Ignition Propensity (Sen. E. Mayne) |
| S.C.R. 7 | Concurrent Resolution Approving Settlement of Lawsuit
(Sen. C. Bramble) |
| 1st Sub. S.C.R. 6 | Resolution Urging States Rights to Innovate Health Care
(Sen. G. Bell) |
| 1st Sub. S.B. 218 | Community Development and Renewal Agency
Amendments (Sen. C. Bramble) |
| S.B. 209 | State Franchising Authority for Video Services
(Sen. C. Bramble) |
| S.B. 192 | Service Animals (Sen. S. McCoy) |
| S.B. 176 | Utah Business Assistance Center Pilot Act
(Sen. D. Stowell) |
| 1st Sub. S.B. 138 | Administrative Rule Criminal and Civil Penalty
Amendments (Sen. H. Stephenson) |
| S.B. 261 | Disposition of Real Property (Sen. W. Niederhauser) |
| S.B. 217 | Science and Technology Education Program Amendments
(Sen. P. Knudson) |
| S.B. 198 | Tourism Amendments (Sen. C. Bramble) |
| S.B. 174 | Education Transportation Amendments (Sen. D. Peterson) |
| 1st Sub. S.B. 223 | Tax Amendments (Sen. W. Niederhauser) |
| S.B. 179 | Immunity of Counties and Municipalities for Sky Diving
Activities (Sen. B. Goodfellow) |
| S.B. 184 | Revisions to Child Support Definitions (Sen. L. Hillyard) |
| S.B. 215 | Amendments to Land Use Development and Management
Act (Sen. G. Bell) |
| 1st Sub. S.B. 57 | High School Graduation Amendments (Sen. M. Madsen) |
| S.B. 172 | Municipal Land Use, Development, and Management
Changes (Sen. S. Killpack) |
| S.B. 208 | Judicial Review, Attorney Fees, and Procedure Relating
to Tax Commission Decisions (Sen. H. Stephenson) |

1st Sub. S.B. 195 Fish Health Amendments (Sen. D. Peterson)
 Bill Hickman
 Rules Committee Chair

Report filed. On motion of Senator Hickman, the committee report was adopted.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 15, 2007

The Rules Committee recommends assignment of the following bills to standing committees:

Education Committee

S.B. 80 Education Reform (Sen. H. Stephenson)

Government Operations and Political Subdivisions Committee

H.B. 337 Local Government Post–employment Benefit Trust Funds Amendments (Rep. K. Grover)

Health and Human Services Committee

H.B. 276 Health Facility Committee Amendments (Rep. C. Herrod)

Judiciary, Law Enforcement, and Criminal Justice Committee

3rd Sub. H.B. 86 Penalties for Sexual Offenses and Child Kidnapping (Rep. C. Wimmer)

1st Sub. H.B. 105 Illegal Immigration Enforcement Act (Rep. G. Donnelson)

H.B. 131 Document Fraud (Rep. K. Morgan)

1st Sub. H.B. 189 Criminal Statute of Limitations Amendments (Rep. C. Wimmer)

H.B. 194 Tampering with Evidence Amendments (Rep. L. Fowlke)

H.B. 326 Repeal of Juvenile Justice Services Victim Restitution Account (Rep. D. Aagard)

H.B. 342 Protective Order Revisions (Rep. S. Wyatt)

Natural Resources, Agriculture and Environment Committee

H.B. 132 Registration and License Requirements for Pesticide Businesses and Applicators (Rep. J. Draxler)

Revenue and Taxation Committee

S.B. 245 General Government Revisions – Authorization of Sales Tax Opinion Question (Sen. C. Bramble)

S.J.R. 13 Resolution Submitting Question to Voters on Removing the State and Local Sales and Use Taxes on Food and Food Ingredients (Sen. W. Niederhauser)

Transportation, Public Utilities and Technology Committee

H.B. 115 Honoring Heroes Special Group License Plate (Rep. P. Ray)

H.B. 354 Bus Passenger Safety Act Amendments (Rep. M. Walker)

Workforce Services and Community and Economic Development Committee

S.B. 249 Economic Development Incentives Modifications (Sen. J. Hickman)

Bill Hickman
Rules Committee Chair

Report filed. On motion of Senator Hickman, the committee report was adopted.

STANDING COMMITTEE REPORTS

Mr. President: February 15, 2007

The Business and Labor Committee reports a favorable recommendation on **S.B. 205, ALCOHOLIC BEVERAGE CONTROL AMENDMENTS**, by Senator P. Knudson; and

The Business and Labor Committee reports a favorable recommendation on **3rd Sub. H.B. 277, CONSTRUCTION AMENDMENTS**, by Representative M. Morley, with the following amendments:

- 1. Page 3, Lines 60 through 63:

60 { ~~(iii) For purposes of this determining final completion, the term "substantial work"~~

61 ~~does not include:~~

62 ~~(A) repair work; or~~

63 ~~(B) warranty work. }~~

- 2. Page 3, Lines 71 through 73:

71 (c) For purposes of this {~~section~~} chapter, the term "substantial work" does not include:

72 (i) repair work; or

73 (ii) warranty work.

3. Page 7, Lines 183 through 187:

183 (1) (a) (i) ~~(A)~~ For a construction project where a building permit
is issued to an original

184 contractor or owner-builder, within 15 days after the issuance of
the building permit ~~{-,}~~ ~~;~~

(I) the local

185 government entity issuing that building permit shall input the
building permit application and

186 transmit the building permit information to the database
electronically by way of the Internet or

187 computer modem or by any other means ~~[and such]~~ ~~{-,}~~ ~~;~~
and

(II) the original contractor or owner-builder may file a notice of
commencement based on the building permit issued by the local
government entity.

4. Page 7, Lines 197 through 203:

197 (b) ~~{-For a construction project where a building permit is
not issued, within-}~~ Within 15 days

198 after commencement of physical construction work at the project
site, the original contractor or

199 owner-builder may file a notice of commencement with the
database if:

(i) a building permit is not issued; or

(ii) a building permit is issued but a notice of commencement under

Subsection (1)(a) is not obtained .

200 ~~{-(c) If a building permit is issued more than 15 days after
commencement of physical~~

201 ~~construction work at the project site, a notice of commencement
based on that building permit~~

202 ~~is effective only as to a person who did not provide labor, service,
equipment, or material~~

203 ~~before the filing of the notice of commencement.~~ }; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 295, INSURANCE LAW AMENDMENTS**, by Representative J. Dunnigan, with the following amendments:

1. Page 106, Lines 3269 through 3272:

3269 (c) "Viatical settlement" does not include:

3270 (i) a loan by an insurer pursuant to the terms of a policy;
 {~~+~~} or {~~-~~}

3271 (ii) a loan secured by the cash value of a policy {~~+~~} . {~~-~~} {~~;~~~~or~~

3272 (iii) the purchase of a policy by the life insurer pursuant to Section 31A-22-419. }

Kevin T. Van Tassell, Chair

Mr. President:

February 15, 2007

The Health and Human Services Committee recommends **S.B. 61, PORTABILITY OF MEDICAL ASSISTANCE FUNDS**, by Senator E. Mayne, be replaced and favorably recommends **1st Sub. S.B. 61, PORTABILITY OF MEDICAL ASSISTANCE FUNDS**; and

The Health and Human Services Committee recommends **H.B. 252, UTAH SUICIDE PREVENTION ACT**, by Representative W. Harper, be replaced and favorably recommends **1st Sub. H.B. 252, UTAH SUICIDE PREVENTION ACT** with the following amendments:

1. Page 6, Lines 167 through 168:

167 (b) in accordance with Subsection (3), determine whether it would be beneficial to develop a statewide suicide prevention

168 plan, or to modify or adopt an existing or proposed prevention plan, to reduce the number of suicides in the state;

2. Page 7, Lines 188 through 193:

188 (f) receive input from:

189 (i) stakeholders, professional associations, and other public, private, faith-based, or

190 charitable organizations that provide services relating to suicide prevention or remediation; {~~and~~ }

(ii) the Utah Suicide Prevention Council regarding its proposed 2007 Utah Suicide Prevention Plan, and other studies and recommendations relating to suicide and suicide prevention; and

191 {~~(ii)~~} (iii) other groups that are considering plans, methods, or programs for preventing

192 suicide in the state, including the Department of Health's Prescription Drug Abuse Working

193 Group.

3. Page 7, Line 196:

196 (b) may meet up to ten times during the 2007 interim.

(3) In making the determination described in Subsection (1)(b), the task force shall consider whether such a suicide prevention plan should include all or part of a proposed or existing suicide prevention plan. ; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 299**, NURSE PRACTICE ACT AMENDMENTS, by Representative R. Lockhart.

D. Chris Buttars, Chair

Mr. President:

February 15, 2007

The Education Committee reports a favorable recommendation on **H.B. 240**, PUBLIC EDUCATION JOB ENHANCEMENT PROGRAM AMENDMENTS, by Representative R. Menlove.

Margaret Dayton, Chair

On motion of Senator Hickman, the committee reports were adopted. The following House bills were placed on the Second Reading Calendar:

3rd Sub. H.B. 277, as amended, **H.B. 295**, as amended, **1st Sub. H.B. 252**, as amended, **H.B. 299**, and **H.B. 240**.

The following Senate bills were sent back to the Rules Committee for the purpose of sifting: **S.B. 205** and **1st Sub. S.B. 61**

STANDING COMMITTEE REPORTS

Mr. President:

February 15, 2007

The Business and Labor Committee reports a favorable recommendation on **1st Sub. H.B. 46**, DISASTER RECOVERY FUNDING, by Representative

C. Oda, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 279, CAMCORDER PIRACY OF MEDIA**, by Representative K. Garn, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 271, CORPORATION LAW AMENDMENTS**, by Representative K. Garn, and recommends it be considered read for the second time and placed on the Consent Calendar.

Kevin T. Van Tassell, Chair

On motion of Senator Hickman, the committee reports were adopted. **1st Sub. H.B. 46, H.B. 279, and H.B. 271** were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 78, Protection of Constitutionally Guaranteed Activities in Certain Private Venues (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 256, County Attorney Amendments (G. Davis), read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

On motion of Senator Walker, the circle was removed from **H.B. 15, DRIVER LICENSE PRIVILEGE SUSPENSION FOR FAILURE TO PAY CHILD SUPPORT**, and it was before the Senate. Senator Walker explained the bill. Senators Mayne, Bell, Hickman, Christensen, Jenkins, and McCoy commented. The bill passed second reading on the following roll call:

Yeas, 19; Nays, 10; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Eastman	Jenkins	Jones	Killpack
Knudson	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Voting in the negative were: Senators

Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Hickman	Hillyard
Madsen	Mayne		

On motion of Senator Knudson, **H.B. 15** was placed on Third Reading Table due to fiscal impact.

* * *

On motion of Senator Butters, the circle was removed from **4th Sub. H.B. 236**, STUDENT CLUBS AMENDMENTS, and it was before the Senate. Senator Butters explained the bill.

Senator McCoy made the motion to substitute the bill. The motion failed on a voice vote. Senators Romero and Valentine commented. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 8; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Butters	Christensen
Dayton	Eastman	Greiner	Hickman
Jenkins	Killpack	Knudson	Madsen
Niederhauser	Peterson	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Voting in the negative were: Senators

Davis	Dmitrich	Fife	Goodfellow
Jones	Mayne	McCoy	Romero

Absent or not voting was: Senator
Hillyard

* * *

On motion of Senator Stephenson, the circle was removed from **H.B. 68**, SCHOOL FEE WAIVER AMENDMENTS, and it was before the Senate. Senator Stephenson explained the bill. Senators Waddoups and Valentine commented. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Butters	Christensen
Davis	Dayton	Dmitrich	Eastman

Fife	Goodfellow	Greiner	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators
Hickman Hillyard

On motion of Senator Knudson, **H.B. 68** was placed on Third Reading Table due to fiscal impact.

* * *

H.B. 52, DRIVER LICENSE FEE AMENDMENTS, was read the second time.

On motion of Senator Eastman, the bill was circled.

* * *

H.B. 110, STATE FLEET EFFICIENCY REQUIREMENTS, was read the second time. Senator Jenkins explained the bill. Senators Dayton and Fife commented. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators
Bramble Jones Killpack

* * *

1st Sub. H.B. 91, COMMISSION ON CRIMINAL AND JUVENILE JUSTICE FUNDING, was read the second time.

On motion of Senator Killpack, the bill was circled.

* * *

H.B. 107, FUNDING FOR PROSECUTION AND PREVENTION OF CHILD PORNOGRAPHY OFFENSES, 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

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Jenkins	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Hillyard	Jones
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On motion of Senator Knudson, **H.B. 107** was placed on Third Reading Table due to fiscal impact.

* * *

On motion of Senator Bramble, the circle was removed from **H.B. 98**, COUNTY OPTION SALES AND USE TAX FOR HIGHWAYS, FIXED GUIDEWAYS, OR SYSTEMS OF PUBLIC TRANSIT AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill. Senator Hickman commented. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Jenkins
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Davis Hillyard Jones

* * *

On motion of Senator Waddoups, the circle was removed from **S.B. 64, TOURISM, RECREATION, CULTURAL, AND CONVENTION FACILITIES TAX – IMPOSITION, DISTRIBUTION, AND EXPENDITURE OF REVENUES**, and it was before the Senate. Senator Waddoups explained the bill. Senator Romero commented. The bill passed second reading on the following roll call:

Yeas, 18; Nays, 8; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Dmitrich	Eastman	Hickman
Jenkins	Killpack	Knudson	Madsen
Niederhauser	Peterson	Stephenson	Van Tassell
Waddoups	Valentine		

Voting in the negative were: Senators

Davis	Fife	Goodfellow	Greiner
Mayne	McCoy	Romero	Stowell

Absent or not voting were: Senators

Hillyard Jones Walker

* * *

On motion of Senator Killpack, the circle was removed from **1st Sub. H.B. 91, COMMISSION ON CRIMINAL AND JUVENILE JUSTICE FUNDING**, and it was before the Senate. Senator Killpack explained the bill. Senators Greiner and Buttars commented. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Jenkins	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators
Hillyard Jones

On motion of Senator Killpack, **1st Sub. H.B. 91** was placed on Third Reading Table due to fiscal impact.

* * *

On motion of Senator Killpack, the circle was removed from **H.B. 52, DRIVER LICENSE FEE AMENDMENTS**, and it was before the Senate. Senator Killpack explained the bill.

Senator Walker proposed the following amendment:

- 1. Page 1, Lines 12 through 13

12 This bill:

13 ► increases selected driver license fees {—} : and
► creates a separate identification card application fee for a person with a disability.

- 2. Page 4, Line 91:

91 (33) {—An—} Except as provided under Subsection (34),
an identification card application under Section 53–3–808 is [\$\$] \$18.
(34) An identification card application under Section 53–3–808 for
a person with a disability, as defined in 42 U.S.C. Sec. 12102, is \$13.

Senator Walker’s motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stowell	Waddoups	Walker	Valentine

Voting in the negative was: Senator
Dayton

Absent or not voting were: Senators

Buttars Jones Stephenson Van Tassell

* * *

H.B. 112, UTAH COUNCIL ON VICTIMS OF CRIME, was read the second time. Senator Romero explained the bill. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Killpack	Knudson	Mayne
McCoy	Niederhauser	Peterson	Romero
Stowell	Waddoups	Walker	Valentine

Absent or not voting were: Senators

Buttars Jones Madsen Stephenson
Van Tassell

* * *

H.B. 231, CONTROLLED SUBSTANCES PENALTY AMENDMENTS, was read the second time. Senator Waddoups explained the bill. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stowell	Waddoups	Walker	Valentine

Absent or not voting were: Senators

Buttars Fife Jones Stephenson
Van Tassell

* * *

H.B. 265, OBSTRUCTING A WARRANT OR ORDER TO SHOW CAUSE OF A PAROLEE OR PROBATIONER, was read the second time. Senator

Peterson explained the bill. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Killpack	Knudson	Madsen
Mayne	Niederhauser	Peterson	Romero
Stowell	Waddoups	Walker	Valentine

Voting in the negative was: Senator

McCoy

Absent or not voting were: Senators

Buttars	Jones	Stephenson	Van Tassell
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On motion of Senator Knudson, **H.B. 244** was placed on Third Reading Table due to fiscal impact.

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H.B. 270, AMENDMENTS TO EXTRADITION STATUTE, was read the second time. Senator Peterson explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Buttars	Jones	Stephenson
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* * *

H.B. 274, VIOLENT CRIME IN PRESENCE OF A CHILD, was read the second time. Senator Romero explained the bill. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Killpack	Knudson	Mayne	McCoy
Niederhauser	Peterson	Romero	Stowell
Van Tassell	Waddoups	Walker	Valentine

Voting in the negative was: Senator Madsen

Absent or not voting were: Senators

Bell	Buttars	Jones	Stephenson
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* * *

H.B. 89, GOVERNMENT ASSISTANCE EXPENDITURE REPORT, was read the second time.

On motion of Senator Eastman, the bill was circled.

* * *

H.B. 103, STATEWIDE MUTUAL AID ACE, was read the second time. Senator Eastman 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
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Bell	Buttars	Jones	Stephenson
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H.B. 223, VOTER INFORMATION WEBSITE, was read the second time. Senator Waddoups explained the bill. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Jenkins	Killpack
Knudson	Madsen	Mayne	McCoy
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Valentine	

Absent or not voting were: Senators

Bell	Buttars	Hillyard	Jones
Niederhauser	Walker		

On motion of Senator Knudson, **H.B. 223** was placed on Third Reading Table due to fiscal impact.

* * *

H.C.R. 3, RESOLUTION URGING CONGRESS TO STOP INTERNET PORNOGRAPHY TO CHILDREN AND EMPLOYEES, was read the second time.

On motion of Senator Bramble, the bill was circled.

* * *

2nd Sub. H.B. 58, NEW SCHOOL DISTRICT PROPERTY TAX AMENDMENTS, was read the second time.

On motion of Senator Bramble, the bill was circled.

* * *

H.B. 226, SALES AND USE TAX – HIGHWAYS AND PUBLIC TRANSPORTATION AMENDMENTS, was read the second time.

On motion of Senator Madsen, the bill was circled.

* * *

On motion of Senator Bramble, the circle was removed from **H.C.R. 3, RESOLUTION URGING CONGRESS TO STOP INTERNET PORNOGRAPHY TO CHILDREN AND EMPLOYEES**, 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

Bramble	Christensen	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Jenkins	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Valentine

Absent or not voting were: Senators

Bell	Buttars	Hillyard	Jones
Walker			

* * *

On motion of Senator Bramble and at 5:10 p.m., the Senate adjourned until 9:00 a.m., Friday, February 16, 2007.

THIRTY–THIRD DAY

MORNING SESSION

February 16, 2007

The Senate was called to order at 9:05 a.m., with President John Valentine presiding.

Prayer – Reverend Ellis Keck, Retired Pastor

Pledge of Allegiance – Senator Dan Eastman

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS

(PLEASE REFER TO DAY 1, PAGE 102)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 15, 2007

The Speaker of the House has signed **S.B. 52**, HEALTH REGULATIONS FOR PUBLIC INDOOR TANNING BEDS, by Senator P. Jones, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 52 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 15, 2007

The House passed, as substituted and amended, **2nd Sub. H.B. 134**, SCHOOL AND INSTITUTIONAL TRUST LANDS AMENDMENTS, by Representative J. Mathis, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 146**, COUNTY TAX SALES OF PROPERTY, by Representative M. Morley, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **2nd Sub. H.B. 134** and **H.B. 146** were read the first time and referred to the Rules Committee.

* * *

Mr. President: February 15, 2007

The House substituted and passed, **1st Sub. S.B. 9**, NONPROFIT CORPORATION AMENDMENTS, by Senator L. Hillyard, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

* * *

Mr. President: February 15, 2007

The House refuses to recede from its amendments to **1st Sub. S.B. 17**, TRAFFIC CODE AMENDMENTS, by Senator S. Jenkins, and has appointed a Conference Committee consisting of Representatives J. Dunnigan, W. Harper, and J. Biskupski to meet with a like committee from the Senate on this bill

Sandy D. Tenney, Chief Clerk

On motion of Senator Jenkins, the Senate voted to refuse to recede from its amendments to **1st Sub. S.B. 17**. President Valentine appointed a conference committee consisting of Senators Jenkins, Christensen, and Romero to meet with a like committee from the House.

* * *

Mr. President: February 15, 2007

The House has rejected **1st Sub. S.B. 36**, SAFETY BELT AMENDMENTS, by Senator P. Jones, and it is transmitted for filing.

Sandy D. Tenney, Chief Clerk

CONSENT CALENDAR

H.B. 327, STATE AGENCY TIMELY ADOPTION OF ADMINISTRATIVE RULES, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Walker	Valentine	

Absent or not voting were: Senators

Jones	Waddoups
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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.

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S.B. 266, INCOME TAX FILING AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Walker
Valentine			

Absent or not voting were: Senators

Jenkins	Jones	Killpack	Waddoups
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S.B. 266 was transmitted to the House for consideration.

CONCURRENCE CALENDAR

On motion of Senator Walker, the Senate voted to concur in the House amendments to **1st Sub. S.B. 30, CREATING OF NEW SCHOOL DISTRICT AMENDMENTS**. The bill, as amended, passed on the following roll call:

Yeas, 23; Nays, 5; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Hickman	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	McCoy
Niederhauser	Peterson	Romero	Stowell
Van Tassell	Walker	Valentine	

Voting in the negative were: Senators

Buttars	Goodfellow	Greiner	Mayne
Stephenson			

Absent or not voting was: Senator
Waddoups

1st Sub. S.B. 30 was returned to the House for the signature of the Speaker.

* * *

1st Sub. S.B. 112, METHAMPHETAMINE PRECURSOR ACCESS AMENDMENTS, was before the Senate.

On motion of Senator Buttars, the bill was circled.

THIRD READING CALENDAR

H.B. 125, CENTERS OF EXCELLENCE AMENDMENTS, was read the third time and explained by Senator Killpack. Senators Dayton and Valentine commented.

On motion of Senator Killpack, the bill was circled.

* * *

1st Sub. H.B. 215, SCHOOL REPORTING AMENDMENTS, was read the third time, explained by Senator Jones, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator
Jenkins

1st Sub. H.B. 215, as amended, was returned to the House for further consideration.

* * *

H.C.R. 4, RESOLUTION ENCOURAGING STATE UNIVERSITIES' AND SCHOOL INSTITUTIONAL TRUST LANDS' EFFORTS IN

ENHANCING STATE TRUST LANDS, was read the third time, explained by Senator Mayne, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator
Hillyard

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 Killpack, the circle was removed from **H.B. 125**, CENTERS OF EXCELLENCE AMENDMENTS. The bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator
Bramble

H.B. 125 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 204, MODIFICATIONS TO OPEN AND PUBLIC MEETINGS, 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

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator Bramble

H.B. 204 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Buttars, the Senate voted to move to the Concurrence Calendar.

CONCURRENCE CALENDAR

On motion of Senator Buttars, the circle was removed from **1st Sub. S.B. 112**, METHAMPHETAMINE PRECURSOR ACCESS AMENDMENTS, and it was before the Senate.

On motion of Senator Buttars, the Senate voted to concur in the House amendments to **1st Sub. S.B. 112**, METHAMPHETAMINE PRECURSOR ACCESS AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife

Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator
Bramble

1st Sub. S.B. 112 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

1st Sub. H.B. 48, DEPARTMENT OF NATURAL RESOURCES AMENDMENTS, was read the third time, explained by Senator Peterson, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator
Bramble

1st Sub. H.B. 48, as amended, was returned to the House for further consideration.

* * *

1st Sub. HB. 311, UTAH DAIRY ACT AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife

Greiner	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Voting in the negative was: Senator Goodfellow

Absent or not voting were: Senators Bramble Hickman

1st Sub. H.B. 311, as amended, was returned to the House for further consideration.

COMMITTEE OF THE WHOLE

On motion of Senator Killpack, U. S. Secretary of Health and Human Services, Michael O. Leavitt spoke in Committee of the Whole. Senators Jones, Dayton, and Hickman commented.

On motion of Senator Killpack, the Committee of the Whole was dissolved.

COMMITTEE OF THE WHOLE

On motion of Senator Greiner, Office Ken Hammond of the Ogden City Police Department and Chief Chris Burbank of the Salt Lake City Police Department spoke in Committee of the Whole. Citations were read honoring Officers Ken Hammond, Sgt. Andy Oblad, Sgt. John Scharman, Detective Dustin Marshall, and Detective Brett Olsen. Senators Waddoups, Hillyard, Walker, Dayton, Christensen, McCoy, and Bramble commented.

On motion of Senator Greiner, the Committee of the Whole was dissolved.

* * *

On motion of Senator Knudson, and at 10:30 a.m., the Senate sauntered.

The Senate was called to order at 10:45 a.m., with President Valentine presiding.

THIRD READING CALENDAR

4th Sub. H.B. 236, STUDENT CLUBS AMENDMENTS, was read the third time.

On motion of Senator Buttars, the bill was circled.

* * *

H.B. 110, STATE FLEET EFFICIENCY REQUIREMENTS, was read the third time.

On motion of Senator Jenkins, the bill was circled.

* * *

H.B. 98, COUNTY OPTION SALES AND USE TAX FOR HIGHWAYS, FIXED GUIDEWAYS, OR SYSTEMS OF PUBLIC TRANSIT 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

Bell	Bramble	Buttars	Christensen
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Hickman	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Romero	Stephenson
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting were: Senators

Davis	Greiner	Hillyard	Peterson
Stowell			

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.

* * *

S.B. 64, TOURISM, RECREATION, CULTURAL, AND CONVENTION FACILITIES TAX – IMPOSITION, DISTRIBUTION, AND EXPENDITURE OF REVENUES, was read the third time.

On motion of Senator Waddoups, the bill was circled.

* * *

H.B. 52, DRIVER LICENSE FEE AMENDMENTS, was read the third time, explained by Senator Killpack, and passed on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Hickman	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Van Tassell	Waddoups	Walker
Valentine			

Voting in the negative was: Senator

Dayton

Absent or not voting were: Senators

Greiner	Hillyard	Stowell
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H.B. 52, as amended, was returned to the House for further consideration.

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H.B. 112, UTAH COUNCIL ON VICTIMS OF CRIME, was read the third time, explained by Senator Romero, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Hickman	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Greiner	Hillyard	Stowell
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H.B. 112, as amended, was returned to the House for further consideration.

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H.B. 231, CONTROLLED SUBSTANCES PENALTY AMENDMENTS, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Hickman	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Greiner	Hillyard	Stowell
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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.

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H.B. 265, OBSTRUCTING A WARRANT OR ORDER TO SHOW CAUSE OF A PAROLEE OR PROBATIONER, was read the third time, explained by Senator Peterson, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Hickman	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Greiner	Hillyard
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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.

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H.B. 270, AMENDMENTS TO EXTRADITION STATUTE, was read the third time, explained by Senator Peterson, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator

Greiner

H.B. 270 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, VIOLENT CRIME IN PRESENCE OF A CHILD, was read the third time and explained by Senator Romero.

Senator Madsen discussed an amendment. Senators Madsen and Bell commented.

On motion of Senator Bell, the bill was circled.

* * *

H.B. 103, STATEWIDE MUTUAL AID ACT, was read the third time, explained by Senator Eastman, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Buttars Greiner

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.

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H.C.R. 3, RESOLUTION URGING CONGRESS TO STOP INTERNET PORNOGRAPHY TO CHILDREN AND EMPLOYEES, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Buttars	Greiner
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H.C.R. 3 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

3rd Sub. H.B. 218, UTAH CHILDREN'S HEALTH INSURANCE PROGRAM, under suspension of the rules, was read the second time. Senator Knudson explained the bill. Senators Walker, Dayton, Hillyard, and Stephenson commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 2; Absent, 5.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dmitrich	Fife	Goodfellow	Greiner
Hickman	Hillyard	Jenkins	Jones
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stowell
Waddoups	Walker		

Voting in the negative were: Senators

Dayton	Stephenson
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Absent or not voting were: Senators

Bramble	Eastman	Killpack	Van Tassell
Valentine			

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On motion of Senator Walker, the circle was removed from **2nd Sub. H.B. 58, NEW SCHOOL DISTRICT PROPERTY TAX AMENDMENTS**, and it was before the Senate. Senator Walker explained the bill. Senator Buttars commented. The bill passed second reading on the following roll call:

Yeas, 19; Nays, 5; Absent, 5.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Dmitrich	Fife	Hickman	Hillyard
Jenkins	Jones	Knudson	Madsen
Mayne	McCoy	Niederhauser	Romero
Stephenson	Stowell	Walker	

Voting in the negative were: Senators

Buttars	Goodfellow	Greiner	Peterson
Waddoups			

Absent or not voting were: Senators

Bramble	Eastman	Killpack	Van Tassell
Valentine			

* * *

1st Sub. S.B. 234, OCCUPATIONAL AND ENVIRONMENTAL HEALTH AMENDMENTS, was read the second time. Senator Mayne explained the bill. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Dmitrich	Fife	Goodfellow	Greiner
Hickman	Hillyard	Jenkins	Jones
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker

Absent or not voting were: Senators

Bramble	Buttars	Eastman	Killpack
Valentine			

* * *

On motion of Senator Niederhauser, the circle was removed from **S.B. 63**, STATE ZERO-BASED BUDGETING, and it was before the Senate. Senator Niederhauser explained the bill. Senators Davis, Jones, Stephenson, Dmitrich, Hickman, McCoy, Jenkins, Buttars, Stowell, Romero, Bell, and Goodfellow commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 2; Absent, 5.**Voting in the affirmative were:** Senators

Bell	Buttars	Christensen	Dayton
Dmitrich	Fife	Goodfellow	Greiner
Hickman	Hillyard	Jones	Knudson
Madsen	Mayne	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker		

Voting in the negative were: Senators

Jenkins	McCoy
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Absent or not voting were: Senators

Bramble	Davis	Eastman	Killpack
Valentine			

* * *

On motion of Senator Knudson, and at 12:00 noon, the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:15 p.m., with President Valentine presiding.

TIME CERTAIN

Citations were presented to Carol Stephens “Utah Mother of the Year” and Shelly Locke “Utah Mother of Young Children” award winners. Senators Jenkins and Knudson commented.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 16, 2007

The House passed, **S.B. 55**, TRANSFER AND DISPOSITION OF PROTECTED PROPERTY AMENDMENTS, by Senator D. Peterson, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 55 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 16, 2007

The House concurred in the Senate amendments and passed **H.B. 200**, STANDARDIZING DOCUMENTS FILED WITH COUNTY RECORDER, by Representative C. Frank, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 202**, MEDICAL RECOMMENDATIONS FOR CHILDREN, by Representative M. Morley, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 200 and **H.B. 202**, 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 16, 2007

The House passed, as amended, **H.B. 100**, ACCESSING PORNOGRAPHY ON SCHOOL PROPERTY, by Representative D. Bowman, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 157**, VICTIM RESTITUTION, by Representative S. Clark, and it is transmitted for consideration; and

The House passed, as substituted, **3rd Sub. H.B. 163**, OPTIONS FOR HEALTH CARE, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 198**, PUBLIC SAFETY RETIREMENT, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 242**, MEDICAID FALSE CLAIMS ACT AMENDMENTS, by Representative B. Last, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 273**, INDOOR SMOKING AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed, as amended, **H.J.R. 4**, RESOLUTION REVISING EXECUTIVE OFFICER SUCCESSION PROVISIONS, by Representative S. Urquhart, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 100**, **H.B. 157**, **3rd Sub. H.B. 163**, **1st Sub. H.B. 198**, **1st Sub. H.B. 242**, **1st Sub. H.B. 273**, and **H.J.R. 4** were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President:

February 16, 2007

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **1st Sub. H.B. 120**, UTILITY FACILITY REVIEW BOARD, by Representative A. Tilton; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 268**, SPECIAL GROUP LICENSE PLATE SYMBOL DECAL REORDER AMENDMENTS, by Representative R. Menlove; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 301**, DEPARTMENT OF TRANSPORTATION PROJECTS – CATEGORICALLY EXCLUDED ENVIRONMENTAL PROJECTS, by Representative S. Urquhart; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 315**, REGULATION OF ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES, by Representative A. Tilton.

Carlene M. Walker, Chair

Mr. President: February 16, 2007

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 206**, PUNITIVE DAMAGES AMENDMENTS, by Senator L. Hillyard; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 263**, JAIL EXPENSES AMENDMENTS, by Representative C. Oda; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **1st Sub. H.B. 275**, OFFENSE AGAINST PEACE OFFICERS, by Representative C. Oda.

Gregory S. Bell, Chair

On motion of Senator Hickman, the committee reports were adopted. **1st Sub. HB. 120, H.B. 268, H.B. 301, H.B. 315, H.B. 263, and 1st Sub. H.B. 275** were placed on Second Reading Calendar. **S.B. 206** was returned to the Rules Committee for the purpose of sifting

STANDING COMMITTEE REPORTS

Mr. President: February 16, 2007

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 297**, CALCULATION OF CREDIT FOR CERTAIN REPOSSESSIONS OF A MOTOR VEHICLE, by Representative W. Harper, and recommends it be considered read for the second time and placed on the Consent Calendar.

Carlene M. Walker, Chair

Mr. President: February 16, 2007

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **1st Sub. H.B. 114**, PRISONER LONG-TERM HEALTH CARE, by Representative J. Biskupski, 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. 356**, DNA EXONERATION AMENDMENTS, by Representative D. Litvack, and recommends it be considered read for the second time and placed on the Consent Calendar.

Gregory S. Bell, Chair

On motion of Senator Hickman, the committee reports were adopted. **H.B. 297, 1st Sub. H.B. 114, and H.B. 356** were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 201, Rights of Citizens to Carry Firearms in Declared Emergency (M. Madsen), read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

1st Sub. S.B. 243, DIRECT-ENTRY MIDWIFE AMENDMENTS, was read the second time. Senator Dayton explained the bill.

On motion of Senator Dayton, the bill was circled.

* * *

S.B. 49, OPTIONAL EXTENDED-DAY KINDERGARTEN, was read the second time. Senator Hillyard explained the bill.

On motion of Senator Peterson, the following substitute bill replaced the original bill:

2nd Sub. S.B. 49 Optional Extended-day Kindergarten (L. Hillyard)

Senators Jones, Dmitrich, Bramble, Van Tassell, Stowell, Waddoups, Walker, and Dayton commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 7; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jones
Killpack	Knudson	Mayne	McCoy
Peterson	Romero	Stowell	Van Tassell
Walker	Valentine		

Voting in the negative were: Senators

Buttars	Dayton	Jenkins	Madsen
Niederhauser	Stephenson	Waddoups	

* * *

On motion of Senator Bramble, under suspension of the rules, **S.J.R. 12**, RESOLUTION AMENDING UTAH CONSTITUTION, was considered read the second and third times. Senator Bramble explained the bill. Senator Dayton commented. The bill passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

S.J.R. 12 was transmitted to the House.

* * *

On motion of Senator Bramble the Senate voted to move **S.B. 130** to the top of the Second Reading Calendar.

* * *

S.B. 130, MUNICIPAL CODE AMENDMENTS, was read the second time.

On motion of Senator Bramble, the bill was circled.

* * *

On motion of Senator Bell, the circle was removed from **S.J.R. 5**, JOINT RESOLUTION – CONSTITUTIONAL AMENDMENT RELATING TO APPRAISING AND ASSESSING CERTAIN PROPERTY, and it was before the Senate. On motion of Senator Bell, the enacting clause was struck on the bill.

* * *

On motion of Senator Bell, the circle was removed from **2nd Sub. S.J.R. 11**, RESOLUTION PROVIDING APPOINTMENT OF STATE EDUCATION

OFFICERS, and it was before the Senate. Senator Bell explained the bill. Senators Hillyard, McCoy, Dmitrich, Hickman, Romero, and Niederhauser commented.

On motion of Senator Bell, the bill was circled.

* * *

On motion of Senator Bell, under suspension of the rules, **S.B. 62, COLLEGE AND UNIVERSITY TUITION TAX CREDITS**, read the second time. Senator Bell explained the bill. Senators McCoy and Hillyard commented. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 2; Absent, 3.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dmitrich
Eastman	Fife	Goodfellow	Greiner
Hickman	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stowell	Van Tassell	Waddoups	Walker

Voting in the negative were: Senators

Dayton	Stephenson
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Absent or not voting were: Senators

Bramble	Buttars	Valentine
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* * *

S.B. 81, HOME SCHOOL AND EXTRACURRICULAR ACTIVITY AMENDMENTS, was read the second time. Senator Madsen explained the bill.

On motion of Senator Madsen, the following substitute bill replaced the original bill:

1st Sub. S.B. 81 Home School and Extracurricular Activity Amendments (M. Madsen)

Senators Hillyard, Van Tassell, and Dayton commented. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 3; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	Niederhauser	Peterson	Romero
Stephenson	Stowell	Waddoups	Walker

Voting in the negative were: Senators

Greiner	McCoy	Van Tassell
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Absent or not voting were: Senators

Eastman	Valentine
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* * *

On motion of Senator Killpack, under suspension of the rules, **S.B. 183, RESTRICTIONS ON DESIGNATION OF WETLANDS**, was considered read the second and third times. Senator Killpack explained the bill. The bill passed on the following roll call:

Yeas, 23; Nays, 4; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Greiner	Hickman	Hillyard	Jenkins
Killpack	Knudson	Madsen	Mayne
Niederhauser	Peterson	Stephenson	Stowell
Van Tassell	Waddoups	Walker	

Voting in the negative were: Senators

Goodfellow	Jones	McCoy	Romero
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Absent or not voting were: Senators

Eastman	Valentine
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S.B. 183 was transmitted to the House.

* * *

On motion of Senator Bramble and at 4:00 p.m., the Senate adjourned until 9:30 a.m., Monday, February 19, 2007.

THIRTY–SIXTH DAY

MORNING SESSION

February 19, 2007

The Senate was called to order at 9:45 a.m., with President John Valentine presiding.

Prayer – James Evans, Former Senator

Pledge of Allegiance – Senator Curtis Bramble

Roll Call – All Senators present

“The Star Spangled Banner” and “God Bless American” were performed by Chyleen Bluth, Delayne Dayton and DeLonne Hucks

“Abraham Lincoln” (portrayed by Mark Bezzant) spoke to the Senate.

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 102)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 16, 2007

The Speaker of the House has signed **1st Sub. S.B. 30**, CREATION OF NEW SCHOOL DISTRICT AMENDMENTS, by Senator C. Walker, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 112**, METHAMPHETAMINE PRECURSOR ACCESS AMENDMENTS, by Senator D. C. Buttars, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 30 and **1st Sub. S.B. 112** 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, 2007

The House passed, as substituted and amended, **1st Sub. H.B. 36**, INCOME TAX ADDITIONS AND SUBTRACTIONS FOR HIGHER EDUCATION SAVINGS, by Representative F. Hunsaker, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 119**, EMERGENCY COMMUNICATION FUNDING, by Representative B. Dee, and it is transmitted for consideration; and

The House passed **H.B. 155**, STUDENT ACHIEVEMENT ASSESSMENT AMENDMENTS, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed, as substituted and amended, **2nd Sub. H.B. 286**, SCHOOL DISCIPLINE AND CONDUCT AMENDMENTS, by Representative E. Hutchings, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 328**, CHILD PROTECTION AND PARENTAL RIGHTS AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.B. 350**, MARRIAGE PREPARATION EDUCATION, by Representative R. McGee, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 358**, CERVICAL CANCER PREVENTION, by Representative K. Morgan, et al, and it is transmitted for consideration; and

The House passed **H.B. 388**, MOTOR AND SPECIAL FUEL TAX AMENDMENTS, by Representative C. Frank, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 447**, BURGLARY OF A RAILROAD CAR, by Representative J. Gowans, and it is transmitted for consideration; and

The House passed **H.J.R. 9**, JOINT RULES RESOLUTION – EXECUTIVE APPROPRIATIONS COMMITTEE MEMBERSHIP, by Representative D. Clark, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 36**, **1st Sub. H.B. 119**, **H.B. 155**, **2nd Sub. H.B. 286**, **H.B. 328**, **H.B. 350**, **2nd Sub. H.B. 358**, **H.B. 388**, **H.B. 447**, and **H.J.R. 9** were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President:

February 16, 2007

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 245**, GENERAL GOVERNMENT REVISIONS – AUTHORIZATION OF SALES TAX OPINION QUESTION, by Senator C. Bramble; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.J.R. 13**, RESOLUTION SUBMITTING QUESTION TO VOTERS ON REMOVING THE STATE AND LOCAL SALES AND USE TAXES ON FOOD AND FOOD INGREDIENTS, by Senator W. Niederhauser; and

The Revenue and Taxation Committee reports a favorable recommendation on **1st Sub. H.B. 87**, SEVERANCE TAX RELATED AMENDMENTS, by Representative G. Snow; and

The Revenue and Taxation Committee reports a favorable recommendation on **2nd Sub. H.B. 111**, PERSONAL PROPERTY – CERTIFIED TAX RATE AMENDMENTS, by Representative J. Dougall.

Wayne L. Niederhauser, Chair

On motion of Senator Hickman, the committee reports were adopted. **1st Sub. H.B. 87** and **2nd Sub. H.B. 111** were placed on Second Reading Calendar.

The following Senate bills were referred to the Rules Committee for sifting: **S.B. 245** and **S.J.R. 13**

STANDING COMMITTEE REPORTS

Mr. President:

February 16, 2007

The Revenue and Taxation Committee reports a favorable recommendation on **1st Sub. H.B. 142**, FEE IN LIEU OF PROPERTY TAX AMENDMENTS, by Representative R. Wheeler, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 293**, CENTRALLY ASSESSED PROPERTY, by Representative K. McIff, and recommends it be considered read for the second time and placed on the Consent Calendar.

Wayne L. Niederhauser, Chair

On motion of Senator Hickman, the committee reports were adopted. **1st Sub. H.B. 142** and **H.B. 293** were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

S.B. 253, Sales and Use Tax Exemption for Railroad Common Carrier Locomotive Engine Fuel (P. Knudson), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

H.B. 130, FUNERAL SERVICES LICENSING ACT AMENDMENTS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

H.B. 130, as amended, was returned to the House for further consideration.

* * *

H.B. 135, UTAH UNIFORM BUILDING STANDARDS ACT AMENDMENTS, was read the third time, explained by Senator McCoy, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Valentine	

Absent or not voting were: Senators

Jenkins Walker

H.B. 135, as amended, was returned to the House for further consideration.

* * *

H.C.R. 1, CONCURRENT RESOLUTION APPROVING THE INTERLOCAL AGREEMENT CREATING THE UTAH LAKE

COMMISSION, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Eastman	McCoy
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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.

* * *

1st Sub. H.B. 129, LAND USE PROVISIONS, was read the third time, explained by Senator Bell, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Davis	Dayton
Dmitrich	Fife	Goodfellow	Greiner
Hickman	Hillyard	Jenkins	Jones
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Buttars	Christensen	Eastman	Killpack
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1st Sub. H.B. 129 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

S.R. 3, RESOLUTION INCREASING PUBLIC AWARENESS OF CAPITAL GAINS TAX DEDUCTION, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Dmitrich	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Christensen	Eastman	Killpack	Romero
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S.R. 3 was signed by the President of the Senate in open session and returned to the staff for enrolling.

CONCURRENCE CALENDAR

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to **1st Sub. S.B. 9, NONPROFIT CORPORATION AMENDMENTS**. The bill, as amended, passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator

Eastman

1st Sub. S.B. 9 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

3rd Sub. H.B. 218, UTAH CHILDREN’S HEALTH INSURANCE PROGRAM, was read the third time, explained by Senator Knudson, and passed on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Walker	Valentine	

Voting in the negative was: Senator

Dayton

Absent or not voting was: Senator

Waddoups

3rd Sub. H.B. 218, as amended, was returned to the House for further consideration.

* * *

2nd Sub. H.B. 58, NEW SCHOOL DISTRICT PROPERTY TAX AMENDMENTS, was read the third time, explained by Senator Walker, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator

Hillyard

2nd Sub. 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. S.B. 234, OCCUPATIONAL AND ENVIRONMENTAL HEALTH AMENDMENTS, was read the third time, explained by Senator Mayne, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Senator Bramble declared a conflict of interest.

1st Sub. S.B. 234 was transmitted to the House for consideration.

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On motion of Senator Buttars, the circle was removed from **4th Sub. H.B. 236, STUDENT CLUBS AMENDMENTS** and it was before the Senate.

Senator Buttars proposed the following amendment:

1. Page 12, Lines 339 through 340

339 (c) (i) curricular clubs may require that prospective members try out based on objective criteria
 340 outlined in the application materials; and

2. Page 12, Line 348:

348 (c) (i) noncurricular clubs may require that prospective members try out based on objective criteria

3. Page 12, Line 352:

352 (d) (i) attendance or participation in noncurricular club meetings or activities is limited to members.

4. Page 12, Lines 356 through 359:

356 activities of noncurricular clubs; and

357 (iii) a copy of any written or other media materials that were presented at a noncurricular club

358 meeting by a nonschool person shall be delivered to a school administrator no later than 24

359 hours after the noncurricular club meeting and, if requested, a student's parent or legal guardian shall have an

Senator Buttars' motion to amend passed on a voice vote. Senator Peterson commented and the bill passed on the following roll call:

Yeas, 20; Nays, 8; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Eastman	Greiner	Hickman
Hillyard	Jenkins	Killpack	Knudson
Madsen	Niederhauser	Peterson	Stephenson
Stowell	Waddoups	Walker	Valentine

Voting in the negative were: Senators

Davis	Dmitrich	Fife	Goodfellow
Jones	Mayne	McCoy	Romero

Absent or not voting was: Senator

Van Tassell

4th Sub. H.B. 236, as amended, was returned to the House for further consideration.

* * *

S.B. 63, STATE ZERO-BASED BUDGETING, was read the third time and explained by Senator Niederhauser.

Senator Niederhauser proposed the following amendment:

1. Page 1, Lines 12 through 19

12 Highlighted Provisions:

13 This bill:

14 ▶ requires each entity that seeks state moneys and appropriations to submit a

15 zero-based budget to the Legislature’s Zero Base Budget Review Committee

16 beginning in 2008; {–and–}

17 ▶ creates the Zero Base Budget Review Committee and defines its membership,

18 duties, and powers ; and

 ▶ requires the Executive Appropriations to evaluate the committee’s effectiveness after five years .

19 Monies Appropriated in this Bill:

2. Page 1, Line 28 through Page 2, Line 29:

28 36–27–104, Utah Code Annotated 1953
 36–27–201, Utah Code Annotated 1953

29 63–38–2.1, Utah Code Annotated 1953

3. Page 5, Line 135:

135 levels.

Part 2. Evaluation of Committee

36–27–201. Executive Appropriations Committee to evaluate the committee

The Legislature’s Executive Appropriations Committee shall, by December 15, 2012, evaluate the effectiveness of the Zero Base Budget Review Committee to determine whether or not the committee should continue to function.

Senator Niederhauser’s motion to amend passed on a voice vote. Senators Davis, Jones, Christensen, Buttars, Knudson, and Jenkins commented and the bill passed on the following roll call:

Yeas, 20; Nays, 6; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hillyard	Killpack	Knudson
Madsen	Niederhauser	Peterson	Stephenson
Stowell	Van Tassell	Walker	Valentine

Voting in the negative were: Senators

Christensen	Davis	Jenkins	Jones
Mayne	McCoy		

Absent or not voting were: Senators

Hickman	Romero	Waddoups
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S.B. 63 was transmitted to the House for consideration.

* * *

2nd Sub. S.B. 49, OPTIONAL EXTENDED-DAY KINDERGARTEN, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

Yeas, 22; Nays, 7; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jones
Killpack	Knudson	Mayne	McCoy
Peterson	Romero	Stowell	Van Tassell
Walker	Valentine		

Voting in the negative were: Senators

Buttars	Dayton	Jenkins	Madsen
Niederhauser	Stephenson	Waddoups	

2nd Sub. S.B. 49 was transmitted to the House for consideration.

On motion of Senator Hillyard, the Senate voted to include the following intent language in the Senate Journal.

INTENT LANGUAGE FOR S.B. 49

“In passing S.B. 49, Optional Extended-day Kindergarten, the Legislature recognizes and intends the following:

(1) In accordance with Section 53A-6-102, it is the intent of the Legislature to reaffirm that ‘the primary responsibility for the education of children within the state resides with their parents or guardians and that the role of state and local governments is to support and assist parents in fulfilling that responsibility.’

(2) The reach and scope of Title 53A, Chapter 1a, Part 8, Voluntary Extended-day Kindergarten Program, is limited to voluntary participation and

targeted for at-risk children only.

(3) The Legislature finds that:

(a) most of Utah’s pre-school age children are better off cared for at home by their parents or guardians;

(b) in select cases, some pre-school age children could benefit from the assistance of state and local governments in providing educationally-significant, extended, early education opportunities;

(c) studies show that some early education programs are educationally-significant for certain at-risk children;

(d) voluntary and targeted early education programs for at-risk children are special and limited services; and

(e) in establishing these special and limited services, state and local governments should encourage, whenever appropriate, parents or guardians to care for their pre-school age children at home.”

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S.B. 62, COLLEGE AND UNIVERSITY TUITION TAX CREDITS, was read the third time, explained by Senator Bell, and passed on the following roll call:

Yeas, 24; Nays, 3; Absent, 2.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stowell
Van Tassell	Waddoups	Walker	Valentine

Voting in the negative were: Senators

Dayton	Jenkins	Stephenson
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Absent or not voting were: Senators

Bramble	Hillyard
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S.B. 62 was transmitted to the House for consideration.

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On motion of Senator Romero, the circle was removed from **H.B. 274, VIOLENT CRIME IN PRESENCE OF A CHILD** and it was before the Senate.

Senator Madsen proposed the following amendment:

- Page 1, Line 35:
After “attempt” delete “, conspiracy, or solicitation”

Senator Madsen’s motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Bramble	Hillyard
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H.B. 274, as amended, was returned to the House for further consideration.

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1st Sub. S.B. 81, HOME SCHOOL AND EXTRACURRICULAR ACTIVITY AMENDMENTS, was read the third time and explained by Senator Madsen.

Senator Madsen proposed the following amendment:

- Page 6, Line 168:
Delete “a written statement” and insert “an affidavit”

Senator Madsen’s motion to amend passed on a voice vote. Senators McCoy, Jones, Stephenson, Fife, and Valentine commented and the bill passed on the following roll call:

Yeas, 26; Nays, 2; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman

Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Knudson
Madsen	Mayne	Niederhauser	Peterson
Romero	Stephenson	Stowell	Waddoups
Walker	Valentine		

Voting in the negative were: Senators
McCoy Van Tassell

Absent or not voting was: Senator
Killpack

1st Sub. S.B. 81 was transmitted to the House for consideration.

* * *

On motion of Senator Bramble, and at 11:50 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:00 p.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 19, 2007

The House passed, **S.C.R. 2**, RESOLUTION PROMOTING LEGISLATORS BACK TO SCHOOL PROGRAM, by Senator M. Dayton, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.C.R. 2 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 19, 2007

The House concurred in the Senate amendments and passed **H.B. 52**, DRIVER LICENSE FEE 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 **H.B. 112**, UTAH COUNCIL ON VICTIMS OF CRIME, by Representative S. Wyatt, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 215**, SCHOOL REPORTING AMENDMENTS, by Representative K. Morgan, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 311**, UTAH DAIRY ACT AMENDMENTS, by Representative K. Gibson, and it is transmitted for the signature of the President

Sandy D. Tenney, Chief Clerk

H.B. 52, H.B. 112, 1st Sub. H.B. 215, and 1st Sub. H.B. 311 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, 2007

The House passed, as substituted, **1st Sub. H.B. 178**, REGULATION OF LOBBYISTS AND GIFTS, by Representative R. Becker, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 192**, REVOKING AUTHORITY TO USE STATE LANDS AS A BIRD REFUGE, by Representative B. Ferry, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 232**, SHERIFF QUALIFICATIONS, by Representative K. Gibson, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 308**, INVEST MORE FOR EDUCATION FUND – VOLUNTARY CONTRIBUTION TO PUBLIC EDUCATION, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed **H.B. 411**, FIRE MANAGEMENT AREAS, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 419**, COSMETOLOGIST/BARBER, ESTHETICIAN, ELECTROLOGIST, AND NAIL TECHNICIAN LICENSING ACT AMENDMENTS, by Representative S. Clark, et al, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 178, H.B. 192, H.B. 232, 1st Sub. H.B. 308, H.B. 411, and H.B. 419** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 19, 2007

The Rules Committee recommends that, under suspension of the rules, the following bills be placed at the bottom of the Second Reading Calendar:

- | | |
|--------------------------|---|
| H.J.R. 11 | Joint Rules Resolution – Recodification and Revisions
(Rep. S. Urquhart) |
| S.B. 205 | Alcoholic Beverage Control Amendments
(Sen. P. Knudson) |
| 1st Sub. S.B. 61 | Portability of Medical Assistance Funds (Sen. E. Mayne) |
| 1st Sub. S.B. 232 | Military Installation Development Authority
(Sen. S. Killpack) |
| S.B. 206 | Punitive Damages Amendments (Sen. L. Hillyard) |
| S.B. 231 | Veterans Amendments (Sen. F. Fife) |

Bill Hickman
Rules Committee Chair

Report filed. On motion of Senator Hickman, the committee report was adopted.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 19, 2007

The Rules Committee recommends assignment of the following bills to standing committees:

Business and Labor Committee

- | | |
|--------------------------|---|
| S.B. 78 | Protection of Constitutionally Guaranteed Activities in
Certain Private Venues (Sen. M. Madsen) |
| S.B. 201 | Rights of Citizens to Carry Firearms in Declared
Emergency (Sen. M. Madsen) |
| S.B. 236 | Trademark Protection Act (Sen. D. Eastman) |
| S.B. 253 | Sales and Use Tax Exemption for Railroad Common
Carrier Locomotive Engine Fuel (Sen. P. Knudson) |
| H.B. 146 | County Tax Sales of Property (Rep. M. Morley) |
| 1st Sub. H.B. 273 | Indoor Smoking Amendments (Rep. C. Oda) |
| H.J.R. 4 | Resolution Revising Executive Officer Succession
Provisions (Rep. S. Urquhart) |

Education Committee

- | | |
|-------------------------|--|
| S.B. 222 | Kindergarten Readiness Initiative (Sen. H. Stephenson) |
| 1st Sub. H.B. 79 | Concurrent Enrollment Amendments (Rep. K. Holdaway) |

- 1st Sub. H.B. 95** Accelerated Learning Program Amendments
(Rep. C. Moss)
- H.B. 100** Accessing Pornography on School Property
(Rep. D. Bowman)
- H.B. 195** Higher Education Tuition Assistance Amendments
(Rep. S. Wyatt)
- H.B. 323** Education Fund Conforming Amendments
(Rep. R. Bigelow)
- H.B. 351** Revolving Loan Fund for Certain Energy Efficient
Projects (Rep. R. Barrus)

Health and Human Services Committee

- H.B. 133** Parent-time Amendments (Rep. L. Fowlke)
- 3rd Sub. H.B. 163** Options for Health Care (Rep. J. Dunnigan)
- 1st Sub. H.B. 242** Medicaid False Claims Act Amendments (Rep. B. Last)

Judiciary, Law Enforcement, and Criminal Justice Committee

- H.B. 157** Victim Restitution (Rep. S. Clark)

Natural Resources, Agriculture and Environment Committee

- 4th Sub. H.B. 122** Clean Air and Efficient Vehicle Tax Incentives
(Rep. R. McGee)
- 2nd Sub. H.B. 134** School and Institutional Trust Lands Amendments
(Rep. J. Mathis)
- H.B. 424** Definition of Agri-tourism (Rep. M. Morley)

Retirement and Independent Entities Committee

- H.B. 12** Additional State Retirement Benefit (Rep. L. Shurtliff)
- 1st Sub. H.B. 198** Public Safety Retirement (Rep. R. Bigelow)

Transportation, Public Utilities & Technology Committee

- S.B. 256** County Attorney Amendments (Sen. G. Davis)
- H.B. 349** Accounting Audit Standards (Rep. K. Grover)
- H.B. 462** County Personnel Management Act (Rep. D. Litvack)

Bill Hickman
Rules Committee Chair

Report filed. On motion of Senator Hickman, the committee report was adopted.

STANDING COMMITTEE REPORTS

Mr. President: February 19, 2007

The Business and Labor Committee reports a favorable recommendation on **S.B. 262**, REAL PROPERTY AMENDMENTS, by Senator M. Madsen; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 258**, CONTINUING EDUCATION REQUIREMENTS FOR ARCHITECTS, by Representative B. Dee; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 340**, INSURER RECEIVERSHIP ACT, by Representative J. Dunnigan.

Kevin T. Van Tassell, Chair

Mr. President: February 19, 2007

The Health and Human Services Committee reports a favorable recommendation on **H.B. 197**, AMENDMENTS TO BACKGROUND CHECKS BY DEPARTMENT OF HEALTH, by Representative D. G. Buxton; and

The Health and Human Services Committee reports a favorable recommendation on **1st Sub. H.B. 312**, FUNDING FOR DEPARTMENT OF HEALTH EARLY INTERVENTION PROGRAMS, by Representative S. Urquhart.

D. Chris Buttars, Chair

Mr. President: February 19, 2007

The Education Committee reports a favorable recommendation on **S.B. 80**, EDUCATION REFORM, by Senator H. Stephenson, with the following amendments:

1. Page 1, Lines 14 through 15:

14 expansion and satellite campuses;

▶ prohibits a school district from purchasing certain instructional materials unless the materials have been evaluated by an independent party for alignment with the core curriculum including:

• requiring that the alignment evaluation be made available on a website at no charge; and

• exempting charter schools from the evaluation requirements;

15 ▶ establishes the Critical Languages Program and authorizes a pilot program;

2. Page 2, Lines 39 through 40:

39 AMENDS:

40 53A-1a-508, as last amended by Chapter 291, Laws of Utah
2005

53A-1a-511, as last amended by Chapter 14, Laws of Utah 2006

3. Page 2, Line 47:

47 ENACTS:

53A-14-107, Utah Code Annotated 1953

4. Page 4, Line 115:

115 (viii) provided all other documents required by the board.

Section 2. Section 53A-1a-511 is amended to read:

53A-1a-511. Waivers from state board rules — Application of statutes and rules to charter schools.

(1) A charter school shall operate in accordance with its charter and is subject to Title 53A, State System of Public Education, and other state laws applicable to public schools, except as otherwise provided in this part.

(2) (a) A charter school or any other public school or school district may apply to the State Board of Education for a waiver of any state board rule that inhibits or hinders the school or the school district from accomplishing its mission or educational goals set out in its strategic plan or charter.

(b) The state board may grant the waiver, unless:

(i) the waiver would cause the school district or the school to be in violation of state or federal law; or

(ii) the waiver would threaten the health, safety, or welfare of students in the district or at the school.

(c) If the State Board of Education denies the waiver, the reason for the denial shall be provided in writing to the waiver applicant.

(3) (a) Except as provided in Subsection (3)(b), State Board of Education rules governing the following do not apply to a charter school:

(i) school libraries;

(ii) required school administrative and supervisory services;

and

(iii) required expenditures for instructional supplies.

(b) A charter school shall comply with rules implementing statutes that prescribe how state appropriations may be spent.

(4) The following provisions of Title 53A, State System of Public Education, and rules adopted under those provisions, do not apply to a charter school:

(a) Sections 53A-1a-108 and 53A-1a-108.5, requiring the establishment of a school community council and school improvement plan;

(b) Sections 53A-3-413 and 53A-3-414, pertaining to the use of school buildings as civic centers;

(c) Section 53A-3-420, requiring the use of activity disclosure statements;

(d) Section 53A-12-207, requiring notification of intent to dispose of textbooks;

(e) Section 53A-13-107, requiring annual presentations on adoption; and

(f) Chapter 19, Part 1, Fiscal Procedures, pertaining to fiscal procedures of school districts and local school boards.

(g) Section 53A-14-107, requiring an independent evaluation of instructional materials.

(5) For the purposes of Title 63, Chapter 56, Utah Procurement Code, a charter school shall be considered a local public procurement unit.

(6) Each charter school shall be subject to:

(a) Title 52, Chapter 4, Open and Public Meetings Act; and

(b) Title 63, Chapter 2, Government Records Access and Management Act.

(7) (a) The State Charter School Board shall, in concert with the charter schools, study existing state law and administrative rules for the purpose of determining from which laws and rules charter schools should be exempt.

(b) (i) The State Charter School Board shall present recommendations for exemption to the State Board of Education for consideration.

(ii) The State Board of Education shall consider the recommendations of the State Charter School Board and respond within 60 days.

(c) Annually, the State Charter School Board shall report the results of its review of state laws and administrative rules, along with the responses received from the State Board of Education, to the Education Interim Committee by October 1.

Section 3. Section 53A-14-107 is enacted to read:

53A-14-107. Instructional materials alignment with core curriculum.

(1) A school district may not purchase primary instructional materials unless the primary instructional materials provider:

(a) contracts with an independent party to evaluate and map the alignment of the primary instructional materials with the core curriculum adopted under Section 53A-1-402;

(b) provides a detailed summary of the evaluation under Subsection (1)(a) on a public website at no charge, for use by teachers and the general public; and

(c) pays the costs related to the requirements of this Subsection (1).

(2) The requirements under Subsection (1) may not be performed by:

(a) the State Board of Education;

(b) the superintendent of public instruction or the superintendent's staff;

(c) the State Instructional Materials Commission appointed pursuant to Section 53A-14-101;

(d) an employee or board member of a school district; or

(e) the instructional materials creator or publisher.

Renumber remaining sections accordingly.

5. Page 12, Lines 344 through 345:

344 (2) (a) The State Board of Education shall allocate the appropriation to school districts

345 and charter schools , based upon prior year average daily membership, as provided for in rules made in accordance with Title 63, Chapter 46a.

6. Page 12, Line 359 through Page 13, Line 369:

359 (F) education software and digital content; {~~and~~ }

(G) technology assisted assessments and testing; and

360 {~~(G)~~ } (H) other instructional devices and protective cases.

361 (3) (a) Prior to using money allocated for the Instructional Technology Classroom

362 Program, a school district or charter school shall:

363 (i) submit ~~{ a class size reduction }~~ an instructional technology plan to the Instructional Technology Advisory

364 Committee created in Section 53A-17a-155 that specifies how the school district or charter

365 school intends to spend program money, including proposed expenditures for the next fiscal

366 year and long-term instructional technology plans; ~~and~~ }

367 (ii) receive approval of the plan from the Instructional Technology Advisory

368 Committee ; and

(iii) provide matching funds from other school district or charter school funds in an amount equal to the allocation .

369 (b) Program monies may not be used to supplant funds for existing programs or

7. Page 13, Lines 374 through 379:

374 (1) There is established the Instructional Technology Advisory Committee consisting

375 of :

(a) the following 12 voting members:

376 ~~{ (a) }~~ (i) the state superintendent of public instruction;

377 ~~{ (b) }~~ (ii) three members appointed by the state superintendent of public instruction; and

378 ~~{ (c) }~~ (iii) eight members appointed by the governor with diverse expertise or interest in

379 technology, instructional technology, public education, and higher education ~~;~~ ; and

(b) the following two nonvoting members:

(i) one senator, appointed by the president of the Senate; and

(ii) one representative, appointed by the speaker of the House of Representatives.

8. Page 13, Lines 384 through 385:

384 (a) approve school district and charter school plans for the use of Instructional Technology Classroom

385 Program monies in accordance with the provisions of Section
53A-17a-154; ; and

The Education Committee reports a favorable recommendation on **H.C.R. 5**, EARLY CHILDHOOD READING READINESS RESOLUTION, by Representative K. Morgan.

Margaret Dayton, Chair

Mr. President:

February 16, 2007

The Government Operations and Political Subdivisions Committee recommends **S.B. 202**, LEGISLATIVE DIRECTION RELATING TO UNITED STATES SENATORS, by Senator H. Stephenson, et al, be replaced and favorably recommends **1st Sub. S.B. 202**, LEGISLATURE'S COUNSEL TO UNITED STATES SENATORS with the following amendments:

1. Page 1, Line 23 through Page 2, Line 27:

23 ▶ provides that any counsel or requests for reports be made
 by a resolution or statement called "The Sense of the Senate" that is
issued by :

24 • a joint resolution of the Legislature; or

25 • a written statement {~~-, called "The Sense of the~~
~~Legislature,"~~} that contains the

26 signatures of a majority of the members of the House and a majority
 of the

27 members of the Senate; and

2. Page 3, Lines 62 through 63:

62 (2) A written statement under Subsection (1) {~~(b)~~ } shall
be referred to as "The Sense of

63 the Legislature."; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **1st Sub. H.B. 117**, TRANSFER OF DENSITY, by Representative G. Froerer; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **2nd Sub. H.B. 222**, OPEN AND PUBLIC MEETINGS – ELECTRONIC NOTICE, by Representative J. Dougall; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 304**, STATE TREASURER COMPENSATION, by Representative D. Clark; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 317**, CAPITOL HILL COMPLEX – LEGISLATIVE SPACE, by Representative W. Harper.

Peter C. Knudson, Chair

On motion of Senator Hickman, the committee reports were adopted. **H.B. 258**, **H.B. 340**, **H.B. 197**, **1st Sub. H.B. 312**, **H.C.R. 5**, **1st Sub. H.B. 117**, **2nd Sub. H.B. 222**, **H.B. 304**, and **H.B. 317** were placed on Second Reading Calendar.

The following Senate bills were returned to Rules for sifting: **S.B. 262**, **S.B. 80**, as amended, and **1st Sub. S.B. 202**, as amended.

STANDING COMMITTEE REPORTS

Mr. President: February 19, 2007

The Business and Labor Committee reports a favorable recommendation on **H.B. 23**, EMPLOYMENT SECURITY ACT AMENDMENTS, by Representative S. Mascaro, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 307**, CERTIFIED INVESTMENT ADVISER, by Representative Julie Fisher, and recommends it be considered read for the second time and placed on the Consent Calendar.

Kevin T. Van Tassell, Chair

Mr. President: February 16, 2007

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 188**, EASEMENTS – COUNTIES AND MUNICIPALITIES, by Representative A. Tilton, 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. 285**, LAND USE DEVELOPMENT MANAGEMENT ACT AMENDMENTS, by Representative A. Tilton, 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. 335**, LOCAL GOVERNMENT – CHARITABLE CONTRIBUTIONS, by Representative B. Dee, 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. 337**, LOCAL GOVERNMENT POST–EMPLOYMENT BENEFIT TRUST FUNDS AMENDMENTS, 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. 367**, GLOBAL POSITIONING REFERENCE NETWORK, by Representative K. Holdaway, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

On motion of Senator Hickman, the committee reports were adopted. **H.B. 23**, **H.B. 307**, **H.B. 188**, **H.B. 285**, **H.B. 335**, **H.B. 337**, and **H.B. 367** were considered read the second time and placed on the Consent Calendar.

* * *

On motion of Senator Eastman, **H.B. 304**, STATE TREASURER COMPENSATION, was placed on the Time Certain Calendar and will be considered Wednesday, February 21, 2007 at 2:00 p.m..

SECOND READING CALENDAR

On motion of Senator Eastman, the circle was removed from **S.B. 130**, MUNICIPAL CODE AMENDMENTS, and it was before the Senate.

On motion of Senator Eastman, the Senate voted to strike the enacting clause on the bill.

* * *

On motion of Senator Davis, under suspension of the rules, **S.B. 189**, MEDICAID HOME AND COMMUNITY–BASED LONG–TERM CARE, was considered read the second and third times. Senator Davis explained the bill. The bill passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Knudson	Madsen	Mayne
McCoy	Niederhauser	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Bramble	Hickman	Killpack	Peterson
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S.B. 189 was transmitted to the House.

* * *

S.B. 211, ELECTION LAW CHANGES, was read the second time. Senator Stephenson explained the bill.

Senator McCoy made the motion to substitute the bill. The motion failed on a voice vote. Senators Dmitrich, Mayne, and Walker commented. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 8; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Eastman	Fife
Greiner	Hickman	Hillyard	Jenkins
Killpack	Knudson	Madsen	Niederhauser
Stephenson	Waddoups	Walker	Valentine

Voting in the negative were: Senators

Dmitrich	Goodfellow	Jones	Mayne
McCoy	Romero	Stowell	Van Tassell

Absent or not voting was: Senator Peterson

* * *

S.B. 235, PUBLIC UTILITIES AMENDMENTS, was read the second time. Senator Bell explained the bill.

Senator Bell proposed the following amendment:

1. Page 2, Line 31

31 54-17-501, Utah Code Annotated 1953

Uncodified Material Affected:
ENACTS UNCODIFIED MATERIAL

2. Page 9, Lines 248 through 250:

248 (12) {~~By June 1, 2007, the~~} The commission shall
issue a generic protective order as provided

249 in Subsections (2)(b) and (8)(b).

(13) By September 1, 2007, the commission shall, in accordance
with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, make
rules concerning the process for obtaining a waiver of the solicitation or
approval process consistent with this section.

Section 4. Commission issuance of protective order.

Within 30 days after the effective date of this bill, the commission shall
issue the generic protective order described in Subsection
54-17-501(12).

250 Section {~~4~~} 5 . Effective date.

Senator Bell's motion to amend passed on a voice vote.

###

Senator Bell proposed the following amendment:

1. Page 8, Lines 216 through 217

216 (c) (i) The generic protective order and any supplemental
protective order restrict use

217 of confidential information to the proceeding on the verified
application, however, use of the confidential information in the
proceeding is not considered a competitive purpose under Subsection
(8)(c)(ii).

2. Page 8, Lines 230 through 234:

230 (10) If an affected electrical utility is granted a waiver to acquire
or construct a

231 significant energy resource in accordance with this
section {~~x~~} z

(a) the provisions of Sections

232 54-17-303 and 54-17-304 do not apply to the significant energy resource decision {~~and~~} ;

(b) any cost

233 recovery that an affected electrical utility seeks in connection with that significant energy

234 resource is subject to a future prudence review by the commission under Subsection 54-4-4(4) ; and

(c) the waiver grant does not create any presumption that the affected electrical utility's action in acquiring or constructing a significant energy resource was prudent .

Senator Bell's motion to amend passed on a voice vote.

On motion of Senator Bell, under suspension of the rules, **S.B. 235**, PUBLIC UTILITIES AMENDMENTS, was considered read the second and third times. Senator Bell explained the bill. The bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator Peterson

S.B. 235 was transmitted to the House.

* * *

On motion of Senator Knudson, under suspension of the rules, **S.B. 241**, ELECTION LAW MODIFICATIONS, was considered read the second and third times. Senator Knudson explained the bill. Senator Valentine commented. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman

Fife	Goodfellow	Greiner	Hickman
Hillyard	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Jenkins Peterson

S.B. 241 was transmitted to the House.

* * *

On motion of Senator Hickman, under suspension of the rules, **S.B. 268**, RURAL BROADBAND SERVICE FUND, was considered read the second and third times. Senator Hickman explained the bill. Senators Bramble and Valentine commented. The bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Knudson
Madsen	Mayne	McCoy	Niederhauser
Romero	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Killpack Peterson Stephenson

S.B. 268 was transmitted to the House.

* * *

On motion of Senator Stowell, under suspension of the rules, **S.B. 71**, COUNTY RECORDER 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, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman

Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Knudson
Madsen	Mayne	McCoy	Niederhauser
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Killpack Peterson

S.B. 71 was transmitted to the House.

* * *

1st Sub. S.B. 167, UTAH SPORTS AUTHORITY, was read the second time.

On motion of Senator Dmitrich, the following substitute bill replaced the original bill:

2nd Sub. S.B. 167 Utah Sports Authority (M. Dmitrich)

Senator Dmitrich explained the bill. Senators Mayne, Jenkins, Valentine, and Bramble commented. The bill passed second reading on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator

Peterson

* * *

On motion of Senator Knudson, the Senate voted to lift **H.B. 244**, REPEAL OF UTAH TECHNOLOGY COMMISSION, from the Third Reading Table and place it at the top of the Third Reading Calendar.

* * *

On motion of Senator Hillyard, under suspension of the rules, **S.B. 187**, UTAH RELOCATION ASSISTANCE ACT AMENDMENTS, was considered

read the second and third times. Senator Hillyard explained the bill. Senator Waddoups commented. The bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Dmitrich	Hickman	Peterson
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S.B. 187 was transmitted to the House.

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1st Sub. S.B. 204, HUMAN REMAINS RELATED AMENDMENTS, was read the second time.

On motion of Senator Bramble, the bill was circled.

* * *

On motion of Senator Buttars, under suspension of the rules, **S.B. 221**, JUDICIAL RETENTION ELECTION TASK FORCE, was considered read the second and third times. Senator Buttars explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 1, Line 12 through Page 2, Line 42

12 This bill:

13 ► designates three members of the Senate, appointed by
the president of the Senate;

14 ► designates five members of the House of
Representatives, appointed by the speaker

15 of the House; and

16 ▶ {~~designates one member of the Utah Supreme Court, one member of the Court of~~

17 Appeals, and one member of the District Court, appointed jointly by the president of

18 the Senate and speaker of the House~~} designates four judges appointed by the Utah Judicial Council .~~

*** Some lines not shown ***

31 (1) There is created the Judicial Retention Election Task Force consisting of the

32 following {~~11~~ } 12 members:

33 (a) three members of the Senate appointed by the president of the Senate, no more than

34 two of whom may be from the same political party;

35 (b) five members of the House of Representatives appointed by the speaker of the

36 House of Representatives, no more than three of whom may be from the same political party;

37 (c) {~~one member of the Utah Supreme Court, appointed jointly by the president of the~~

38 Senate and speaker of the House of Representatives;

39 (d) one member of the Utah Court of Appeals, appointed jointly by the president of the

40 Senate and speaker of the House of Representatives; and

41 (e) one district court judge, appointed jointly by the president of the Senate and speaker

42 of the House of Representatives. } four judges, each from a different court, appointed by the Utah Judicial Council.

Senator Hillyard’s motion to amend passed on a voice vote. Senator McCoy commented. The bill passed on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman

Fife	Goodfellow	Greiner	Hickman
Jenkins	Jones	Knudson	Madsen
Mayne	McCoy	Niederhauser	Stephenson
Stowell	Van Tassell	Waddoups	Walker

Voting in the negative was: Senator Romero

Absent or not voting were: Senators

Hillyard	Killpack	Peterson	Valentine
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S.B. 221 was transmitted to the House.

* * *

On motion of Senator Davis, under suspension of the rules, **S.B. 255**, CRANE SAFETY AMENDMENTS, was considered read the second and third times. Senator Davis explained the bill. Senators Hickman and Walker commented. The bill passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Knudson	Madsen
Mayne	McCoy	Niederhauser	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker			

Absent or not voting were: Senators

Buttars	Killpack	Peterson	Valentine
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S.B. 255 was transmitted to the House.

* * *

On motion of Senator Bell, the circle was removed from **2nd Sub. S.J.R. 11**, RESOLUTION PROVIDING APPOINTMENT OF STATE EDUCATION OFFICERS, and it was before the Senate.

On motion of Senator Niederhauser, the following substitute bill replaced the original bill:

3rd Sub. S.J.R. 11 Resolution Providing Appointment of State Superintendent of Education (W. Niederhauser)

Senator Bell explained the bill. Senator Hickman commented.

On motion of Senator Bell, the bill was circled.

* * *

On motion of Senator Romero, under suspension of the rules, **S.B. 77**, INSURABLE INTEREST AMENDMENTS, was considered read the second and third times. Senator Romero explained the bill.

Senator Romero proposed the following amendment:

- 1. Page 2, Lines 43 through 50
Senate Committee Amendments
2-5-2007

43 (c) In the case of life insurance, the insurable interest requirements of Subsections

44 (2)(a) and (b):

45 (i) are satisfied if the requirements are met:

46 (A) at the effective date of the insurance policy: ~~§~~ and
47 ←§

47 (B) at the time of a later procurement if any of an interest in the proceeds of an insurance

48 policy; and

49 (ii) do not need to be met at the time that proceeds of an insurance policy are payable if

50 the requirements are met at {~~a time~~} the times specified in Subsection (2)(c)(i).

- 2. Page 3, Line 84 through Page 4, Line 92a
Senate Committee Amendments
2-5-2007:

84 (ii) (A) A trustee of a trust established by an employer for the sole benefit of the

85 employer has the same insurable interest in the life and health of any person as does the

86 employer.

87 (B) Without limiting the general principle in Subsection (3)
~~Ŝ~~ → ~~[(c)] (d)~~ ← ~~Ŝ~~ (ii)(A), a

87a trustee of a

88 trust established by an employer that provides life, health,
disability, retirement, or similar

89 benefits to an individual identified in Subsection
(3)(d)(i)(A) has an insurable interest in the {~~lives~~} life of
the {~~following individuals if the individual is to~~

90 be provided life, health, disability, retirement, or similar benefits
from the trust:

91 ~~(I) an~~ } individual described in Subsection (3) ~~Ŝ~~ → ~~[(c)] (d)~~
← ~~Ŝ~~ (i)(A) {~~;-or~~

92 ~~(II) a dependent or beneficiary of an individual described in~~
Subsection (3) ~~Ŝ~~ → ~~[(c)] (d)~~ ← ~~Ŝ~~

92a (i)(A) } for whom the benefits are provided .

Senator Romero’s motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Knudson	Madsen
Mayne	McCoy	Niederhauser	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker			

Absent or not voting were: Senators

Buttars	Killpack	Peterson	Valentine
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S.B. 77 was transmitted to the House.

* * *

On motion of Senator Van Tassell, under suspension of the rules, **2nd Sub. S.B. 185, UTILITY IMPROVEMENT DISTRICT REVISIONS**, was considered

read the second and third times. Senator Van Tassell explained the bill. The bill passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Knudson	Madsen	Mayne
McCoy	Niederhauser	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker

Absent or not voting were: Senators

Buttars	Dayton	Killpack	Peterson
Valentine			

2nd Sub. S.B. 185 was transmitted to the House.

* * *

S.B. 196, EXECUTIVE COMPENSATION AMENDMENTS, was read the second time. Senator Eastman explained the bill.

On motion of Senator Eastman, the following substitute bill replaced the original bill:

1st Sub. S.B. 196 Executive Compensation Amendments (C. Bramble)

On motion of Senator Eastman, under suspension of the rules, **1st Sub. S.B. 196, EXECUTIVE COMPENSATION AMENDMENTS,** was considered read the second and third times. Senator Eastman explained the bill. The bill passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Knudson	Madsen
Mayne	McCoy	Niederhauser	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker			

Absent or not voting were: Senators

Buttars	Killpack	Peterson	Valentine
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1st Sub. S.B. 196 was transmitted to the House.

* * *

On motion of Senator Hillyard, under suspension of the rules, **S.B. 216**, UTAH ANTITRUST ACT AMENDMENTS, was considered read the second and third times. Senator Hillyard explained the bill. The bill passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Knudson	Mayne
McCoy	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	

Absent or not voting were: Senators

Dayton	Killpack	Madsen	Niederhauser
Peterson	Valentine		

S.B. 216 was transmitted to the House.

* * *

On motion of Senator Eastman and at 4:05 p.m., the Senate adjourned until 9:00 a.m., Tuesday, February 20, 2007.

THIRTY-SEVENTH DAY

MORNING SESSION

February 20, 2007

The Senate was called to order at 9:05 a.m., with President John Valentine presiding.

Prayer – Bishop Richard R. Smith, Mountain View 2nd Ward

Pledge of Allegiance – Senator Fred Fife

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 102)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 19, 2007

The Speaker of the House has signed **1st Sub. S.B. 9**, NONPROFIT CORPORATION AMENDMENTS, by Senator L. Hillyard, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 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 19, 2007

The House passed **H.B. 272**, PROHIBITION RELATING TO FEES ON FOSTER HOMES FOR THE USE OF EMERGENCY SERVICES, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.B. 313**, ADMINISTRATION OF MEDICATION TO STUDENTS AMENDMENTS, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 368**, EARLY VOTING POLLING PLACES, by Representative M. Walker, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 374**, INTEGRATED HEALTH SYSTEM FAIR PRACTICES ACT, by Representative R. Lockhart, and it is transmitted for consideration.

H.B. 272, H.B. 313, 1st Sub. H.B. 368, and H.B. 374 were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: February 19, 2007

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 132, REGISTRATION AND LICENSE REQUIREMENTS FOR PESTICIDE BUSINESSES AND APPLICATORS**, by Representative J. Draxler, 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.C.R. 6, UTAH FARMING HERITAGE DISTRICT RESOLUTION**, by Representative P. Painter, and recommends it be considered read for the second time and placed on the Consent Calendar.

Michael G. Waddoups,
Acting Chair

On motion of Senator Hickman, the committee reports were adopted. **H.B. 132 and H.C.R. 6** were considered read the second time and placed on the Consent Calendar.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 19, 2007

The House adopted the Joint Conference Committee Report dated February 19, 2007, and passed **2nd Sub. S.B. 17, TRAFFIC CODE AMENDMENTS**, by Senator S. Jenkins, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

Communications filed.

Mr. President: February 16, 2007

The Joint Conference Committee comprised of Sens. Jenkins, Christensen, and Romero, and Reps. Dunnigan, Harper, and Biskupski, recommends **1st Sub. S.B. 17, TRAFFIC CODE AMENDMENTS**, by Senator S. Jenkins, be replaced

and favorably recommends **2nd Sub. S.B. 17**, TRAFFIC CODE AMENDMENTS.

Sen. Scott Jenkins and
Rep. James Dunnigan, Chairs

On motion of Senator Jenkins, the Senate voted to adopt the conference committee report on **2nd Sub. S.B. 17**, TRAFFIC CODE AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stowell	Waddoups
Walker	Valentine		

Voting in the negative was: Senator Stephenson

Absent or not voting were: Senators

Bramble Van Tassell

2nd Sub. S.B. 17 was returned to the House for the signature of the Speaker.

INTRODUCTION OF BILLS

S.B. 271, Solid and Hazardous Waste Act Amendments (S. Killpack), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

S.B. 39, PUBLIC SAFETY RETIREMENT DEATH BENEFIT MODIFICATIONS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife

Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator
Bramble

S.B. 39 was transmitted to the House for consideration.

* * *

S.B. 247, RETIREMENT SYSTEMS MEMBERSHIP EXCLUSIONS, was read the third time, explained by Senator Dmitrich, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators
Bramble Buttars

S.B. 247 was transmitted to the House for consideration.

* * *

1st Sub. H.B. 46, DISASTER RECOVERY FUNDING, was read the third time, explained by Senator Killpack, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins

Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators
 Bramble Hickman

1st Sub. H.B. 46 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 279, CAMCORDER PIRACY OF MEDIA, was read the third time, explained by Senator Bell, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator
 Bramble

H.B. 279 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 271, CORPORATION LAW AMENDMENTS, was read the third time, explained by Senator Killpack, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins

Jones	Killpack	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Bell	Bramble	Knudson
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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.

THIRD READING CALENDAR

S.B. 211, ELECTION LAW CHANGES, was read the third time.

On motion of Senator Stephenson, the bill was circled.

* * *

H.B. 244, REPEAL OF UTAH TECHNOLOGY COMMISSION, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Voting in the negative was: Senator

Goodfellow

Absent or not voting was: Senator

Bramble

H.B. 244 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

2nd Sub. S.B. 167, UTAH SPORTS AUTHORITY, was read the third time and explained by Senator Dmitrich.

Senator Dmitrich proposed the following amendment:

- 1. Page 13, Line 373:
Delete “department” and insert “authority”

Senator Dmitrich’s motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Voting in the negative was: Senator
Jenkins

Absent or not voting were: Senators

Bramble	Hillyard
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2nd Sub. S.B. 167 was transmitted to the House for consideration.

* * *

On motion of Senator Peterson, the circle was removed from **H.B. 84**, TRAUMATIC BRAIN INJURY FUND, and it was before the Senate. Senator Peterson explained the bill.

On motion of Senator Peterson, the following substitute bill replaced the original bill:

1st Sub. H.B. 84 Traumatic Brain Injury Fund (J. Gowans)

On motion of Senator Peterson, the bill was circled.

* * *

On motion of Senator Jenkins, the circle was removed from **H.B. 110**, STATE FLEET EFFICIENCY REQUIREMENTS. The bill passed on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Voting in the negative was: Senator

Dayton

Absent or not voting were: Senators

Buttars Niederhauser

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.

* * *

On motion of Senator Bramble, the Senate voted to lift **H.J.R. 9**, JOINT RULES RESOLUTION – EXECUTIVE APPROPRIATIONS COMMITTEE MEMBERSHIP, from Rules and place it at the top of the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Bramble, under suspension of the rules, **H.J.R. 9**, JOINT RULES RESOLUTION – EXECUTIVE APPROPRIATIONS COMMITTEE MEMBERSHIP, was considered read the second and third times and passed on the following roll call:

Yeas, 23; Nays, 6; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Eastman	Greiner
Hickman	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	Niederhauser
Peterson	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Voting in the negative were: Senators

Dmitrich	Fife	Goodfellow	Mayne
McCoy	Romero		

This bill did not have a Senate standing committee hearing.

H.J.R. 9 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Killpack, under suspension of the rules, **S.B. 238**, MOTOR VEHICLE INSURANCE AMENDMENTS, was considered read the second and third times. Senator Killpack explained the bill. The bill passed on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Jenkins	Jones	Killpack	Knudson
Madsen	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Voting in the negative was: Senator

Hillyard

Absent or not voting was: Senator

Mayne

S.B. 238 was transmitted to the House.

* * *

S.B. 1st Sub. S.B. 248, PARENT AND CHILD AMENDMENTS, was read the second time. Senator Bramble explained the bill. Senators Bell, Hillyard, and McCoy commented. On motion of Senator Bramble, the Senate voted to send the bill back to the Rules Committee.

* * *

S.B. 240, LITIGATION FUND RESTRICTED ACCOUNT FOR HIGHWAY PROJECTS, was read the second time. Senator Killpack explained the bill.

Senator Romero commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 3; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Goodfellow
Greiner	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Stephenson	Stowell	Waddoups
Walker	Valentine		

Voting in the negative were: Senators

Fife	Jenkins	Romero
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Absent or not voting were: Senators

Eastman	Hickman	Hillyard	Van Tassell
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On motion of Senator Peterson, the circle was removed from **1st Sub. S.B. 204, HUMAN REMAINS RELATED AMENDMENTS**, and it was before the Senate. Senator Peterson explained the bill.

On motion of Senator Peterson, under suspension of the rules, **1st Sub. S.B. 204, HUMAN REMAINS RELATED AMENDMENTS**, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Hickman	Killpack
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1st Sub. S.B. 204 was transmitted to the House.

* * *

On motion of Senator Bell, under suspension of the rules, **S.B. 242, INCOME TAX ADDITIONS, SUBTRACTIONS, AND TAX CREDITS FOR HIGHER EDUCATION SAVINGS**, was considered read the second and third times. Senator Bell explained the bill. Senators Stephenson and Jones commented. The bill passed on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stowell	Van Tassell	Waddoups
Walker			

Voting in the negative was: Senator Stephenson

Absent or not voting were: Senators

Eastman	Killpack	Valentine
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S.B. 242 was transmitted to the House.

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On motion of Senator Hickman, the Senate voted to lift **S.B. 271, SOLID AND HAZARDOUS WASTE ACT AMENDMENTS**, from the Rules Committee and assign it to the Transportation, Public Utilities and Technology Standing Committee.

* * *

S.B. 251, HIGHER EDUCATION – CONCEALED FIREARMS RESTRICTIONS, was read the second time.

On motion of Senator Bell, the bill was circled.

* * *

S.B. 200, REDUCED CIGARETTE IGNITION PROPENSITY, was read the second time.

On motion of Senator Mayne, the bill was circled.

* * *

S.C.R. 7, CONCURRENT RESOLUTION APPROVING SETTLEMENT OF LAWSUIT, was read the second time. Senator Bramble explained the bill.

Senator Bramble proposed the following amendment:

- 1. Page 2, Lines 32 through 34

32 WHEREAS, the federal Center for Medicare and Medicaid Services (CMS) agreed in

33 writing on October 25, 2006, to pay
 {-\$4,953,200-} \$4,909,800 of the settlement amount;

34 WHEREAS, the state’s share of the settlement is an additional
 {-\$2,046,800-} \$2,090,200 ;

- 2. Page 2, Lines 46 through 48:

46 WHEREAS, the state’s portion of this settlement,
 {-\$2,046,800-} \$2,090,200 , is to be allocated to the

47 Utah Department of Health to coordinate with federal matching funds through an appropriation

48 in a 2007 appropriations act:

Senator Bramble’s motion to amend passed on a voice vote.

On motion of Senator Bramble, under suspension of the rules, **S.C.R. 7, CONCURRENT RESOLUTION APPROVING SETTLEMENT OF LAWSUIT**, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Dmitrich	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Knudson	Madsen	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Waddoups	Walker	

Absent or not voting were: Senators

Christensen	Eastman	Killpack	Mayne
Van Tassell	Valentine		

S.C.R. 7 was transmitted to the House.

* * *

On motion of Senator Bell, under suspension of the rules, **1st Sub. S.C.R. 6, RESOLUTION URGING STATES RIGHTS TO INNOVATE HEALTH CARE**, was considered read the second and third times. Senator Bell explained the bill. Senator Buttars commented. The bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Hickman	Hillyard	Jenkins
Jones	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Eastman	Greiner	Killpack
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1st Sub. S.C.R. 6 was transmitted to the House.

* * *

1st Sub. S.B. 218, COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AMENDMENTS, was read the second time. Senator Bramble explained the bill. Senator Bell commented. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Buttars	Eastman	Killpack	Knudson
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S.B. 209, STATE FRANCHISING AUTHORITY FOR VIDEO SERVICES, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.**Voting in the affirmative were:** Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Buttars	Eastman	Killpack
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* * *

S.B. 192, SERVICE ANIMALS, was read the second time. Senator McCoy explained the bill. Senators Dayton and Valentine commented.

Senator McCoy proposed the following amendment:

1. Page 4, Lines 96 through 98

96 (6) "Restaurant":

97 (a) includes any coffee shop, cafeteria, luncheonette, soda fountain, dining room, or fast-food service

98 where food is prepared or served for immediate consumption; and

Senator McCoy's motion to amend passed on a voice vote.

On motion of Senator McCoy, the bill was circled.

* * *

On motion of Senator Waddoups, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Waddoups, the circle was removed from **S.B. 64**, TOURISM, RECREATION, CULTURAL, AND CONVENTION FACILITIES TAX – IMPOSITION, DISTRIBUTION, AND EXPENDITURE OF REVENUES, and it was before the Senate. Senator Waddoups explained the bill.

On motion of Senator Waddoups, the following substitute bill replaced the original bill:

1st Sub. S.B. 64 Tourism, Recreation, Cultural and Convention Facilities Tax – Advisory Board (M. Waddoups)

On motion of Senator Waddoups, the bill was circled.

SECOND READING CALENDAR

On motion of Senator Stowell, under suspension of the rules, **S.B. 176**, UTAH BUSINESS ASSISTANCE CENTER PILOT ACT, was considered read the second and third times. Senator Stowell explained the bill.

Senator Stowell proposed the following amendment:

1. Page 4, Lines 113 through 115

113 programs or initiatives: {~~and~~ }

114 (c) business incubator space or services, or both, to businesses based on criteria

115 established by the board {~~–~~ } and

(d) report, in conjunction with the Southern Utah Business Resource Center Board, to the Legislature’s Workforce Services and Community and Economic Development Interim Committee by November, 2007, and every two years thereafter:

(i) the performance of the pilot business resource center in carrying out its duties and responsibilities as provided in UCA Section 63–38f–2205; and

(ii) the performance of the Southern Utah Business Resource Center Board in carrying out its duties as provided in UCA Section 63C–10–303.

Senator Stowell’s motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Dmitrich	Fife	Goodfellow	Greiner
Hickman	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Valentine			

Absent or not voting were: Senators

Bell	Bramble	Eastman	Walker
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S.B. 176 was transmitted to the House.

COMMITTEE OF THE WHOLE

On motion of Senator Walker, the families of fallen soldiers from 2006 were introduced to the Senate. A citation was read honoring Gregson Glenn Gourley, Charles Sare, Ty John Johnson, Scott B. Lundell, Jason Doyle, Elizabeth Loncki, Adam A. Galvez, Daniel B. Miller, Jr., Daniel G. Dolan, and Timothy Weiner. Senators Walker and Dayton commented.

On motion of Senator Walker, the Committee of the Whole was dissolved.

* * *

On motion of Senator Hillyard, and at 11:00 a.m., the Senate sauntered.

The Senate was called to order at 11:20 a.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 20, 2007

The House passed, **S.B. 5**, TAX PENALTY 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. 60**, UNIFORM PRUDENT MANAGEMENT OF INSTITUTIONAL FUNDS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 5 and **S.B. 60** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

February 20, 2007

The House concurred in the Senate amendments and passed **1st Sub. H.B. 48**, DEPARTMENT OF NATURAL RESOURCES AMENDMENTS, by Representative R. Wheeler, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 130**, FUNERAL SERVICES LICENSING ACT AMENDMENTS, by Representative K. McIff, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 135**, UTAH UNIFORM BUILDING STANDARDS ACT AMENDMENTS, by Representative L. Wiley, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 218**, UTAH CHILDREN'S HEALTH INSURANCE PROGRAM, by Representative J. Dunnigan, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 274**, VIOLENT CRIME IN PRESENCE OF A CHILD, by Representative Janice Fisher, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. H.B. 48, H.B. 130, H.B. 135, 3rd Sub. H.B. 218, and H.B. 274 were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President:

February 20, 2007

The House passed, as amended, **H.B. 239**, SCHOOL COMMUNITY COUNCIL AMENDMENTS, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 303**, CAMPAIGN FINANCE FILING REQUIREMENTS, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed **H.B. 454**, VOTING MACHINES USED BY MUNICIPALITIES, by Representative N. Hansen, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 239**, **H.B. 303**, and **H.B. 454** were read the first time and referred to the Rules Committee.

SECOND READING CALENDAR

1st Sub. S.B. 138, ADMINISTRATIVE RULE CRIMINAL AND CIVIL PENALTY AMENDMENTS, was read the second time.

On motion of Senator Bramble, the bill was circled.

* * *

S.B. 261, DISPOSITION OF REAL PROPERTY, was read the second time.

On motion of Senator Niederhauser, the bill was circled.

* * *

On motion of Senator Knudson, under suspension of the rules, **S.B. 217**, SCIENCE AND TECHNOLOGY EDUCATION PROGRAM AMENDMENTS, was considered read the second and third times. Senator Knudson explained the bill. The bill passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	McCoy	Niederhauser	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Valentine			

Absent or not voting were: Senators

Buttars	Mayne	Peterson	Walker
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S.B. 217 was transmitted to the House.

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On motion of Senator Stephenson, the circle was removed from **1st Sub. S.B. 138**, ADMINISTRATIVE RULE CRIMINAL PENALTY AMENDMENTS, and it was before the Senate. Senator Stephenson explained the bill.

On motion of Senator Stephenson, under suspension of the rules, **1st Sub. S.B. 138**, ADMINISTRATIVE RULE CRIMINAL PENALTY 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

Bell	Bramble	Christensen	Davis
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups			

Absent or not voting were: Senators

Buttars	Dayton	Walker	Valentine
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1st Sub. S.B. 138 was transmitted to the House.

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On motion of Senator Stephenson, the circle was removed from **H.B. 89**, GOVERNMENT ASSISTANCE EXPENDITURE REPORT, and it was before the Senate. Senator Stephenson explained the bill. Senators Romero and McCoy commented. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups

Absent or not voting were: Senators

Buttars	Hickman	Mayne	Walker
Valentine			

* * *

On motion of Senator Bramble, under suspension of the rules, **S.B. 198**, TOURISM AMENDMENTS, was considered read the second and third times. Senator Bramble explained the bill. Senator Jenkins commented. The bill passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.**Voting in the affirmative were:** Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups			

Absent or not voting were: Senators

Buttars	Hickman	Walker	Valentine
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S.B. 198 was transmitted to the House.

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On motion of Senator Peterson, under suspension of the rules, **S.B. 174**, EDUCATION TRANSPORTATION AMENDMENTS, was considered read the second and third times. Senator Peterson explained the bill. The bill passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.**Voting in the affirmative were:** Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups			

Absent or not voting were: Senators

Buttars Hickman Walker Valentine

S.B. 174 was transmitted to the House.

* * *

1st Sub. S.B. 223, TAX AMENDMENTS, was read the second time.

On motion of Senator Niederhauser, the bill was circled.

* * *

On motion of Senator Goodfellow, under suspension of the rules, **S.B. 179, IMMUNITY OF COUNTIES AND MUNICIPALITIES FOR SKY DIVING ACTIVITIES,** was considered read the second and third times. Senator Goodfellow explained the bill. The bill passed on the following roll call:

Yeas, 23; Nays, 3; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stowell	Van Tassell	Waddoups	

Voting in the negative were: Senators

Buttars Hillyard Stephenson

Absent or not voting were: Senators

Hickman Walker Valentine

S.B. 179 was transmitted to the House.

* * *

On motion of Senator Bramble, and at 11:50 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 3:00 p.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 20, 2007

The Speaker of the House has signed **2nd Sub. S.B. 17**, TRAFFIC CODE AMENDMENTS, by Senator S. Jenkins, and it is transmitted for the signature of the President; and

The House passed, **S.B. 33**, SPECIAL GROUP LICENSE PLATE – GOLD STAR FAMILY, by Senator C. Walker, 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. 17 and **S.B. 33** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 20, 2007

The House passed, as substituted, **1st Sub. H.B. 65**, SPECIAL AND LOCAL DISTRICTS AMENDMENTS, by Representative B. Dee, and it is transmitted for consideration; and

The House passed, as substituted, **3rd Sub. H.B. 158**, AMENDMENTS TO TRANSPORTATION PROVISIONS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 162**, ILLEGAL DRUG SITES CONTAMINATION AMENDMENTS, by Representative D. Litvack, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 176**, CERTAIN COUNTY DEBT FORGIVEN, by Representative D. Clark, and it is transmitted for consideration; and

The House passed **H.B. 300**, FIREWORKS DISPLAY FEE AMENDMENT, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 320**, RECOVERY OF FEDERAL REIMBURSEMENT FOR COSTS ASSOCIATED WITH ILLEGAL IMMIGRANTS, by Representative K. Morgan, and it is transmitted for consideration; and

The House passed **H.B. 355**, INNKEEPER'S RIGHTS ACT MODIFICATIONS, by Representative M. Walker, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 65, 3rd Sub. H.B. 158, H.B. 162, 1st Sub. H.B. 176, H.B. 300, 1st Sub. H.B. 320, and H.B. 355** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 20, 2007

The Rules Committee recommends assignment of the following bills to the Senate Second Reading Calendar:

S.B. 80	Education Reform (Sen. H. Stephenson)
S.B. 262	Real Property Amendments (Sen. M. Madsen)
1st Sub. S.B. 202	Legislature's Counsel to United States Senators (Sen. H. Stephenson)

Bill Hickman

Rules Committee Chair

Report filed. On motion of Senator Knudson, the committee report was adopted.

STANDING COMMITTEE REPORTS

Mr. President: February 20, 2007

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 249**, ECONOMIC DEVELOPMENT INCENTIVES MODIFICATIONS, by Senator J. Hickman.

Mark B. Madsen, Chair

Mr. President: February 19, 2007

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 194**, TAMPERING WITH EVIDENCE AMENDMENTS, by Representative L. Fowlke; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 333**, MATERIALS HARMFUL TO MINORS, by Representative A. Tilton; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 342**, PROTECTIVE ORDER REVISIONS, by Representative S. Wyatt.

Gregory S. Bell, Chair

On motion of Senator Knudson, the committee reports were adopted. **S.B. 249**, **H.B. 194**, **H.B. 333**, and **H.B. 342** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 19, 2007

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 115**, HONORING HEROES SPECIAL GROUP LICENSE PLATE, by Representative P. Ray, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 354**, BUS PASSENGER SAFETY ACT AMENDMENTS, by Representative M. Walker, and recommends it be considered read for the second time and placed on the Consent Calendar.

Carlene M. Walker, Chair

Mr. President: February 19, 2007

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 326**, REPEAL OF JUVENILE JUSTICE SERVICES VICTIM RESTITUTION ACCOUNT, by Representative D. Aagard, and recommends it be considered read for the second time and placed on the Consent Calendar.

Gregory S. Bell, Chair

On motion of Senator Knudson, the committee reports were adopted. **H.B. 115**, **H.B. 354**, and **H.B. 326** were considered read the second time and placed on the Consent Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 20, 2007

Without committee review, the Government Operations and Political Subdivisions Committee has returned **S.B. 67**, UTAH PUBLIC NOTICE WEBSITE PROVISIONS, by Senator D. Stowell, to the Rules Committee; and

With committee review, the Government Operations and Political Subdivisions Committee has returned **S.B. 116**, CONTRIBUTION LIMITS FOR STATE CONSTITUTIONAL OFFICERS, by Senator G. Bell, to the Rules Committee without recommendation; and

With committee review, the Government Operations and Political Subdivisions Committee deleted **S.B. 141**, COMMISSION AND COUNCIL SEATS IN COUNTIES OF THE FIRST AND SECOND CLASS, by Senator S. Killpack, and replaced it with **1st Sub. S.B. 141**, COMMISSION AND COUNCIL SEATS IN COUNTIES OF THE FIRST AND SECOND CLASS, and has returned it to the Rules Committee without recommendation; and

With committee review, the Government Operations and Political Subdivisions Committee has returned **H.J.R. 7**, RESOLUTION URGING UNITED STATES WITHDRAWAL FROM SECURITY AND PROSPERITY PARTNERSHIP OF NORTH AMERICA, by Representative S. Sandstrom, to the Rules Committee without recommendation.

Peter C. Knudson, Chair

Mr. President:

February 20, 2007

With committee review, the Workforce Services and Community and Economic Development Committee deleted **S.B. 68**, FUNDING FOR TOURISM PROMOTION, by Senator W. Niederhauser, and replaced it with **1st Sub. S.B. 68**, FUNDING FOR TOURISM PROMOTION, and has returned it to the Rules Committee without recommendation.

Mark B. Madsen, Chair

On motion of Senator Knudson, the committee reports were adopted. **S.B. 67**, **S.B. 116**, **1st Sub. S.B. 141**, **H.J.R. 7**, and **1st Sub. S.B. 68** were returned to the Rules Committee.

SECOND READING CALENDAR

On motion of Senator Bell, the circle was removed from **S.B. 251**, HIGHER EDUCATION – CONCEALED FIREARMS RESTRICTIONS, and it was before the Senate. Senator Bell explained the bill.

Senator Waddoups proposed the following amendment:

1. Page 4, Line 107:
After “member” delete “.” and insert “who”

2. Page 4, Line 108:
After “(i)” delete “who”

Senator Waddoups’ motion to amend passed on a voice vote. Senators Stephenson, Waddoups, Jones, Hillyard, and Romero commented.

On motion of Senator Bell, under suspension of the rules, **S.B. 251, HIGHER EDUCATION – CONCEALED FIREARMS RESTRICTIONS**, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 17; Nays, 12; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Eastman	Fife	Goodfellow	Hillyard
Jones	Killpack	Knudson	McCoy
Niederhauser	Romero	Van Tassell	Walker
Valentine			

Voting in the negative were: Senators

Christensen	Dayton	Dmitrich	Greiner
Hickman	Jenkins	Madsen	Mayne
Peterson	Stephenson	Stowell	Waddoups

S.B. 251 was transmitted to the House.

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On motion of Senator Hillyard, under suspension of the rules, **S.B. 184, REVISIONS TO CHILD SUPPORT DEFINITIONS**, was considered read the second and third times. Senator Hillyard explained the bill. The bill passed on the following roll call:

Yeas, 20; Nays, 7; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Eastman	Fife	Greiner	Hickman
Hillyard	Jones	Killpack	Knudson
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Voting in the negative were: Senators

Davis	Dayton	Dmitrich	Goodfellow
Jenkins	Madsen	Mayne	

Absent or not voting were: Senators
McCoy Niederhauser

S.B. 184 was transmitted to the House.

* * *

On motion of Senator Mayne, the circle was removed from **S.B. 200**, REDUCED CIGARETTE IGNITION PROPENSITY, and it was before the Senate. Senator Mayne explained the bill.

Senator Mayne proposed the following amendment:

1. Page 3, Lines 60 through 71

60 (3) “Manufacturer” means ~~—~~ [§] → {—} :

61 (a) any entity which:

62 (i) manufactures or otherwise produces cigarettes to be sold in the state;

63 (ii) causes cigarettes to be manufactured or produced anywhere with the intent to sell in

64 the state; or

65 (iii) manufactures or otherwise produces cigarettes or cause cigarettes to be

66 manufactured or produced with the intent to sell in the United States through an importer;

67 (b) the first purchaser anywhere that intends to resell in the United States cigarettes

68 manufactured anywhere that the original manufacturer or maker does not intend to be sold in

69 the United States; or

70 (c) any entity that becomes a successor of an entity described in Subsection (3)(a) or

71 (3)(b). {—} {~~a tobacco product manufacturer as defined in Section 59-22-202.~~} ← [§]

Senator Mayne’s motion to amend passed on a voice vote. Senator Buttars commented.

On motion of Senator Mayne, under suspension of the rules, **S.B. 200**, REDUCED CIGARETTE IGNITION PROPENSITY, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 24; Nays, 2; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Walker	Valentine

Voting in the negative were: Senators

Hickman Jenkins

Absent or not voting were: Senators

Bramble Hillyard Waddoups

S.B. 200 was transmitted to the House.

INTRODUCTION OF BILLS

S.B. 177, Property Tax Amendments (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 246, Government Law Changes (S. Killpack), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Hickman, the Senate voted to lift **S.B. 177** and **S.B. 246** from Rules and assign them to the Revenue and Taxation Committee.

On motion of Senator Hickman, the Senate voted to lift **S.B. 254** from the Judiciary, Law Enforcement and Criminal Justice Committee and reassign it to the Revenue and Taxation Committee.

SECOND READING CALENDAR

On motion of Senator Bell, under suspension of the rules, **S.B. 215**, AMENDMENTS TO LAND USE DEVELOPMENT AND MANAGEMENT

ACT, was considered read the second and third times. Senator Bell explained the bill.

Senator Bell proposed the following amendment:

- 1. Page 4, Line 111

111 (d) If the notice required by Subsection (1)(c)(i) is not timely mailed, the {~~-appeal~~} application shall

- 2. Page 10, Line 286:

286 (d) If the notice required by Subsection (1)(c)(i) is not timely mailed, the {~~-appeal~~} application shall

Senator Bell’s motion to amend passed on a voice vote. Senator Buttars commented. Senators Madsen, Niederhauser, Bell, and Valentine declared conflicts of interest. The bill passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Valentine			

Absent or not voting were: Senators

Bramble	Christensen	Hillyard	Walker
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S.B. 215 was transmitted to the House.

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On motion of Senator Madsen, under suspension of the rules, **1st Sub. S.B. 57, HIGH SCHOOL GRADUATION AMENDMENTS**, was considered read the second and third times. Senator Madsen explained the bill. The bill passed on the following roll call:

Yeas, 21; Nays, 7; Absent, 1.

Voting in the affirmative were: Senators

Buttars	Christensen	Dayton	Eastman
Fife	Goodfellow	Greiner	Hickman

Hillyard	Jenkins	Killpack	Knudson
Madsen	Niederhauser	Peterson	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Voting in the negative were: Senators

Bell	Davis	Dmitrich	Jones
Mayne	McCoy	Romero	

Absent or not voting was: Senator

Bramble

1st Sub. S.B. 57 was transmitted to the House.

* * *

On motion of Senator Eastman and at 4:00 p.m., the Senate adjourned until 9:00 a.m., Wednesday, February 21, 2007.

THIRTY-EIGHTH DAY

MORNING SESSION

February 21, 2007

The Senate was called to order at 9:15 a.m., with President John Valentine presiding.

Prayer – Pastor Marty Young, Vernal Christian Church

Pledge of Allegiance – Senator Mike Dmitrich

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 102)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 20, 2007

The House passed, as amended, **H.B. 154**, EXONERATION AND INNOCENCE ASSISTANCE, by Representative D. Litvack, and it is transmitted for consideration; and

The House passed **H.B. 446**, CHARITABLE SOLICITATIONS ACT AMENDMENTS, by Representative J. Gowans, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 154** and **H.B. 446** were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: February 20, 2007

The Business and Labor Committee reports a favorable recommendation on **S.B. 78**, PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES, by Senator M. Madsen; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 201**, RIGHTS OF CITIZENS TO CARRY FIREARMS IN DECLARED EMERGENCY, by Senator M. Madsen, with the following amendments:

1. Page 2, Lines 53 through 54:

53 (i) for damages, in the maximum amount of \$10,000, against a person who {~~allegedly~~ }

54 violates Subsection (2)(b); ; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 236**, TRADEMARK PROTECTION ACT, by Senator D. Eastman, with the following amendments:

1. Page 12, Line 338:

338 (2) (a) The division may contract with a person to maintain and operate the database.

(b) If the division contracts with a person to maintain and operate the database, the person with whom the division contracts is responsible for all costs of creating the database and readying it for use. ; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 146**, COUNTY TAX SALES OF PROPERTY, by Representative M. Morley; and

The Business and Labor Committee reports a favorable recommendation on **1st Sub. H.B. 273**, INDOOR SMOKING AMENDMENTS, by Representative C. Oda; and

The Business and Labor Committee reports a favorable recommendation on **H.J.R. 4**, RESOLUTION REVISING EXECUTIVE OFFICER SUCCESSION PROVISIONS, by Representative S. Urquhart.

Kevin T. Van Tassell, Chair

On motion of Senator Hickman, the committee reports were adopted. **S.B. 78**, **S.B. 201**, as amended, **S.B. 236**, as amended, **H.B. 146**, **1st Sub. H.B. 273**, and **H.J.R. 4** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President:

February 21, 2007

With committee review, the Business and Labor Committee has returned **S.B. 253**, SALES AND USE TAX EXEMPTION FOR RAILROAD COMMON

CARRIER LOCOMOTIVE ENGINE FUEL, by Senator P. Knudson, to the Rules Committee without recommendation.

Kevin T. Van Tassell, Chair

Mr. President: February 20, 2007

With committee review, the Revenue and Taxation Committee has returned **S.B. 132**, PROPERTY TAX ABATEMENT OR DEFERRAL, by Senator D. Stowell, to the Rules Committee without recommendation.

Wayne L. Niederhauser, Chair

Mr. President: February 20, 2007

With committee review, the Natural Resources, Agriculture, and Environment Committee has returned **S.B. 95**, PERMANENT INSTREAM FLOW TO PRESERVE WATER QUALITY, by Senator M. Dmitrich, to the Rules Committee without recommendation.

Darin G. Peterson, Chair

On motion of Senator Hickman, the committee reports were adopted. **S.B. 253**, **S.B. 132**, and **S.B. 95** were returned to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: February 20, 2007

Without committee review, the Business and Labor Committee has returned **S.B. 88**, UNIFORM REAL PROPERTY ELECTRONIC RECORDING, by Senator L. Hillyard, to the Rules Committee; and

Without committee review, the Business and Labor Committee has returned **S.B. 276**, TRANSFER-ON-DEATH DEEDS FOR REAL PROPERTY, by Senator R. Romero, to the Rules Committee; and

Without committee review, the Business and Labor Committee has returned **S.J.R. 6**, RESOLUTION SUBMITTING MINIMUM WAGE QUESTION TO VOTERS, by Senator E. Mayne, to the Rules Committee; and

Kevin T. Van Tassell, Chair

Mr. President: February 20, 2007

Without committee review, the Revenue and Taxation Committee has returned **S.B. 40**, EARNED INCOME TAX CREDIT, by Senator D. Peterson, to the Rules Committee.

Wayne L. Niederhauser, Chair

Mr. President: February 20, 2007

Without committee review, the Natural Resources, Agriculture, and Environment Committee has returned **S.B. 76**, ELECTRONIC DEVICE RECYCLING, by Senator S. McCoy, to the Rules Committee; and

Without committee review, the Natural Resources, Agriculture, and Environment Committee has returned **S.B. 220**, WATER CONSERVANCY DISTRICTS – SELECTION OF BOARD OF TRUSTEES, by Senator W. Niederhauser, to the Rules Committee; and

Without committee review, the Natural Resources, Agriculture, and Environment Committee has returned **S.B. 230**, LIABILITY FOR CONTAMINATED PROPERTY, by Senator F. Fife, to the Rules Committee; and

Without committee review, the Natural Resources, Agriculture, and Environment Committee has returned **H.B. 11**, OBSERVING JUNETEENTH DAY BY THE STATE, by Representative N. Hansen, to the Rules Committee; and

Without committee review, the Natural Resources, Agriculture, and Environment Committee has returned **4th Sub. H.B. 122**, CLEAN AIR AND EFFICIENT VEHICLE TAX INCENTIVES, by Representative R. McGee, to the Rules Committee; and

Without committee review, the Natural Resources, Agriculture, and Environment Committee has returned **2nd Sub. H.B. 134**, SCHOOL AND INSTITUTIONAL TRUST LANDS AMENDMENTS, by Representative J. Mathis, to the Rules Committee; and

Without committee review, the Natural Resources, Agriculture, and Environment Committee has returned **H.B. 424**, DEFINITION OF AGRI–TOURISM, by Representative M. Morley, to the Rules Committee.

Darin G. Peterson, Chair

On motion of Senator Hickman, the committee reports were adopted. **S.B. 88**, **S.B. 276**, **S.J.R. 6**, **S.B. 40**, **S.B. 76**, **S.B. 220**, **S.B. 230**, **H.B. 11**, **4th Sub. H.B. 122**, **2nd Sub. H.B. 134**, and **H.B. 424** were returned to the Rules Committee.

COMMITTEE OF THE WHOLE

On motion of Senator Eastman, U.S. Senator Orrin Hatch spoke in Committee of the Whole. Senators Dayton, Stephenson, and Mayne commented.

On motion of Senator Eastman, the Committee of the Whole was dissolved.

CONSENT CALENDAR

H.B. 297, CALCULATION OF CREDIT FOR CERTAIN REPOSSESSIONS OF A MOTOR VEHICLE, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stowell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Bramble	Hickman	Stephenson	Van Tassell
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H.B. 297 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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1st Sub. H.B. 114, PRISONER LONG–TERM HEALTH CARE, was read the third time, explained by Senator Peterson, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stowell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Bramble	Hickman	Stephenson	Van Tassell
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1st Sub. H.B. 114 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 356, DNA EXONERATION AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Christensen	Davis	Dayton	Dmitrich
Fife	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stowell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Bell	Bramble	Buttars	Eastman
Hickman	Stephenson	Van Tassell	

H.B. 356 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

S.B. 240, LITIGATION FUND RESTRICTED ACCOUNT FOR HIGHWAY PROJECTS, was read the third time, explained by Senator Killpack, and passed on the following roll call:

Yeas, 16; Nays, 5; Absent, 8.

Voting in the affirmative were: Senators

Christensen	Davis	Dmitrich	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Killpack	Knudson	Madsen	Niederhauser
Stowell	Waddoups	Walker	Valentine

Voting in the negative were: Senators

Fife	Jones	Mayne	McCoy
Romero			

Absent or not voting were: Senators

Bell	Bramble	Buttars	Dayton
Eastman	Peterson	Stephenson	Van Tassell

S.B. 240 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 218, COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AMENDMENTS, was read the third time.

On motion of Senator Hickman, the bill was circled.

* * *

S.B. 209, STATE FRANCHISING AUTHORITY FOR VIDEO SERVICES, was read the third time.

On motion of Senator Hickman, the bill was circled.

* * *

On motion of Senator Waddoups, the circle was removed from **1st Sub. S.B. 64, TOURISM, RECREATION, CULTURAL, AND CONVENTION FACILITIES TAX – ADVISORY BOARD,** and it was before the Senate. Senator Waddoups explained the bill. Senators Walker and Mayne commented. The bill failed on the following roll call:

Yeas, 14; Nays, 9; Absent, 6.

Voting in the affirmative were: Senators

Bell	Christensen	Dayton	Dmitrich
Goodfellow	Hickman	Jenkins	Killpack
Knudson	Madsen	Niederhauser	Peterson
Waddoups	Walker		

Voting in the negative were: Senators

Davis	Fife	Greiner	Hillyard
Jones	Mayne	McCoy	Romero
Stowell			

Absent or not voting were: Senators

Bramble	Buttars	Eastman	Stephenson
Van Tassell	Valentine		

1st Sub. S.B. 64 was returned to the staff for filing.

* * *

H.B. 89, GOVERNMENT ASSISTANCE EXPENDITURE REPORT, was read the third time.

On motion of Senator Hickman, the bill was circled.

SECOND READING CALENDAR

H.B. 261, EXPIRATION OF GIFT CERTIFICATES, was read the second time. Senator Mayne explained the bill. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Fife	Goodfellow
Hickman	Hillyard	Jenkins	Jones
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stowell
Waddoups	Walker		

Absent or not voting were: Senators

Buttars	Eastman	Greiner	Killpack
Stephenson	Van Tassell	Valentine	

* * *

On motion of Senator McCoy, the circle was removed from **S.B. 192**, SERVICE ANIMALS, and it was before the Senate. Senator McCoy explained the bill. Senators Stowell and Waddoups commented. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 2; Absent, 6.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Fife	Goodfellow
Greiner	Hillyard	Jones	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stowell	Waddoups
Walker			

Voting in the negative were: Senators

Hickman Jenkins

Absent or not voting were: Senators

Buttars	Eastman	Killpack	Stephenson
Van Tassell	Valentine		

* * *

On motion of Senator Bramble, the Senate voted, under suspension of the rules, to consider Senate bills on a House bill day.

* * *

On motion of Senator Bramble, legislative staff was authorized to draft a bill regarding securities.

* * *

S.B. 172, MUNICIPAL LAND USE, DEVELOPMENT, AND MANAGEMENT CHANGES, was read the second time.

On motion of Senator Killpack, the bill was circled.

* * *

1st Sub. S.B. 195, FISH HEALTH AMENDMENTS, was read the second time. Senator Peterson explained the bill.

On motion of Senator Peterson, the following substitute bill replaced the original bill:

2nd Sub. S.B. 195 Fish Health Amendments (D. Peterson)

Senators Dayton and Christensen commented. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker			

Absent or not voting were: Senators

Bramble	Buttars	Niederhauser	Valentine
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COMMITTEE OF THE WHOLE

On motion of Senator Van Tassell, Native American Tribal Leaders were introduced to the Senate.

On motion of Senator Van Tassell, the Committee of the Whole was dissolved.

SECOND READING CALENDAR

On motion of Senator Killpack, the circle was removed from **S.B. 172, MUNICIPAL LAND USE, DEVELOPMENT, AND MANAGEMENT CHANGES**, and it was before the Senate. Senator Killpack explained the bill.

On motion of Senator Killpack, under suspension of the rules, **S.B. 172, MUNICIPAL LAND USE, DEVELOPMENT, AND MANAGEMENT CHANGES**, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 23; Nays, 2; Absent, 4.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife

Goodfellow	Greiner	Hickman	Hillyard
Jones	Killpack	Knudson	Mayne
Niederhauser	Peterson	Romero	Stephenson
Stowell	Waddoups	Walker	

Voting in the negative were: Senators
Bell Jenkins

Absent or not voting were: Senators
Madsen McCoy Van Tassell Valentine

S.B. 172 was transmitted to the House.

* * *

S.B. 205, ALCOHOLIC BEVERAGE CONTROL AMENDMENTS, was read the second time.

On motion of Senator Hillyard, the bill was circled.

* * *

1st Sub. S.B. 61, PORTABILITY OF MEDICAL ASSISTANCE FUNDS, was read the second time. Senator Mayne explained the bill.

On motion of Senator Mayne, the bill was circled.

* * *

On motion of Senator Bramble, and at 10:35 a.m., the Senate sauntered.

The Senate was called to order at 11:30 a.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 21, 2007

The House passed, **S.B. 99, REVISED BUSINESS CORPORATIONS ACT AMENDMENTS,** by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 134, PSYCHOLOGIST LICENSING ACT AMENDMENTS,** by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 135**, PUBLIC EMPLOYEES DISABILITY BENEFITS LIMITATIONS, 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. 147**, EXEMPTIONS FROM LICENSURE MODIFICATIONS, by Senator M. Dmitrich, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 182**, CHILD SUPPORT MODIFICATIONS FOR TANF RECIPIENTS, 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. 99, S.B. 134, S.B. 135, S.B. 147, and S.B. 182 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

February 21, 2007

The House passed **H.B. 184**, STATE OFFICE OF EDUCATION HUMAN RESOURCE MANAGEMENT AMENDMENTS, by Representative R. Menlove, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 184** was read the first time and referred to the Rules Committee.

SECOND READING CALENDAR

S.B. 232, MILITARY INSTALLATION DEVELOPMENT AUTHORITY, was read the second time.

On motion of Senator Killpack, the bill was circled.

* * *

S.B. 206, PUNITIVE DAMAGES AMENDMENTS, was read the second time.

On motion of Senator Killpack, the bill was circled.

* * *

On motion of Senator Fife, under suspension of the rules, **S.B. 231**, VETERANS AMENDMENTS, was considered read the second and third times.

Senator Fife explained the bill. Senators McCoy, Valentine, and Hickman commented. The bill passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Fife	Greiner
Hickman	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Valentine	

Absent or not voting were: Senators

Dmitrich	Eastman	Goodfellow	Mayne
McCoy	Walker		

S.B. 231 was transmitted to the House.

* * *

On motion of Senator Hillyard, the circle was removed from **S.B. 206**, PUNITIVE DAMAGES AMENDMENTS, and it was before the Senate. Senator Hillyard explained the bill.

On motion of Senator Hillyard, under suspension of the rules, **S.B. 206**, PUNITIVE DAMAGES AMENDMENTS, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator

Mayne

S.B. 206 was transmitted to the House.

* * *

On motion of Senator Bramble, and at 11:45 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 3:40 p.m., with President Pro Tem Knudson presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 21, 2007

The House passed **H.B. 2**, EXECUTIVE COMPENSATION REVISIONS, by Representative D. Clark, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 104**, ALCOHOLIC BEVERAGE LICENSEES AND GAMBLING-LIKE ACTIVITIES, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 137**, PAIN MEDICATION MANAGEMENT AND EDUCATION, by Representative B. Daw, and it is transmitted for consideration; and

The House passed **H.B. 180**, PAROLE AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed **H.B. 245**, CHILD WELFARE AMENDMENTS, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 310**, TRANSFER OF STUDENT RECORDS, by Representative T. Cosgrove, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 364**, PUBLIC SCHOOL TEXTBOOK EVALUATION, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 370**, SEVERANCE TAX REVISIONS, by Representative J. Mathis, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 381**, PROFESSIONAL EXCELLENCE PROGRAMS, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed **H.C.R. 7, RESOLUTION HONORING VICTIMS AND FAMILY MEMBERS IMPACTED BY TROLLEY SQUARE TRAGEDY**, by Representative J. Biskupski, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 2, 1st Sub. H.B. 104, H.B. 137, H.B. 180, H.B. 245, H.B. 310, 1st Sub. H.B. 364, 1st Sub. H.B. 370, H.B. 381, and H.C.R. 7** were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President:

February 20, 2007

The Health and Human Services Committee reports a favorable recommendation on **1st Sub. H.B. 242, MEDICAID FALSE CLAIMS ACT AMENDMENTS**, by Representative B. Last, with the following amendments:

1. Page 3, Lines 62 through 65:

62 the money or property.

63 [~~(2)~~] (3) “False statement” or “false representation” means a wholly or partially untrue

64 statement or representation which is ;
(a) knowingly [and willfully] made [if the person making the

65 statement or representation has knowledge of the falsity thereof] ;
and

(b) a material fact with respect to the claim .

2. Page 6, Lines 153 through 154:

153 (1) (a) Except as provided in Subsection (1)(b) the
~~{The }~~ culpable mental state required for a criminal violation of
this chapter is

154 knowingly, intentionally, or recklessly as defined in Section
76-2-103.

(b) The culpable mental state required for a criminal violation of
this chapter for kickbacks and bribes under Section 26-20-4 is
knowingly and intentionally as defined in Section 76-2-103.

D. Chris Butters, Chair

Mr. President:

February 20, 2007

The Education Committee reports a favorable recommendation on **S.B. 222, KINDERGARTEN READINESS INITIATIVE**, by Senator H. Stephenson; and

The Education Committee reports a favorable recommendation on **H.B. 351**, REVOLVING LOAN FUND FOR CERTAIN ENERGY EFFICIENT PROJECTS, by Representative R. Barrus, with the following amendments:

1. Page 1, Lines 15 through 16:

15 ~~{-local-}~~ school districts;

16 ▶ establishes the revenue and use of the fund;
2. Page 2, Line 58 through Page 3, Line 60:

58 (4) (a) The board shall make loans from the fund only to
 ~~{-local-}~~ school districts to finance

59 energy efficiency projects in ~~{-local-}~~ school district
 buildings, including paying the costs of

60 construction, engineering, investigation, inspection, and other
 related expenses.
3. Page 3, Lines 61 through 64:

61 (b) The board may not:

62 (i) make loans from the fund to finance a school district's
 compliance with the energy

63 code in the construction of a new building: ~~{- or }~~

64 (ii) make a loan from the fund with a term of less than two years
 or more than 12 years ; or
 (iii) make loans from the fund to any entity other than a school district .
4. Page 5, Lines 136 through 136a
 House Committee Amendments
 2-5-2007:

136 There is appropriated ~~Ĥ~~→ from the
 ~~{-General}~~ Uniform School Fund ←~~Ĥ~~ for fiscal year
 2007-08 only.

136a \$5,000,000 to the Energy Efficiency

Gregory S. Bell, Acting Chair

Mr. President:

February 21, 2007

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **3rd Sub. H.B. 86**, PENALTIES FOR SEXUAL

OFFENSES AND CHILD KIDNAPPING, by Representative C. Wimmer, with the following amendments:

- 1. Page 1, Lines 1 through 4:

1 PENALTIES FOR SEXUAL
 2 OFFENSES AND {~~CHILD~~} KIDNAPPING
 3 2007 GENERAL SESSION
 4 STATE OF UTAH

- 2. Page 1, Lines 15 through 18:

15 ► increases the base penalties for certain sexual offenses
 and {~~child~~} kidnapping offenses ;
 16 ► provides for greater penalties for certain sexual offenses
 and {~~child~~} kidnapping offenses when
 17 the defendant causes serious bodily injury to another during the
 course of the
 18 commission of the offense;

- 3. Page 2, Lines 41 through 42:

41 76-5-301.1, as last amended by Chapter 301, Laws of Utah
 2001
76-5-302, as last amended by Chapter 301, Laws of Utah 2001
 42 76-5-402, as last amended by Chapter 267, Laws of Utah 1991

- 4. Page 5, Lines 134 through 140:

134 (5) "Dangerous weapon" means:
 135 (a) any item capable of causing death or serious bodily injury; or
 136 (b) a facsimile or representation of the item {~~and~~} if :
 137 (i) the actor's use or apparent intended use of the item leads the
 victim to reasonably
 138 believe the item is likely to cause death or serious bodily injury; or
 139 (ii) the actor represents to the victim verbally or in any other
 manner that he is in
 140 control of such an item.

5. Page 5, Line 147:

147 (f) sodomy on a child {~~—i~~} Section 76–5–403.1;

6. Page 19, Line 563:

563 Notwithstanding Sections 76–3–201 and 77–18–1 and Title 77,
Chapter 16a, Commitment and Treatment of Mentally Ill
Persons. except as

7. Page 20, Lines 586 through 587:

586 [(40)] (14) any attempt to commit a felony listed in
{~~Subsections~~} Subsection [(5), (6), and (7)] (6).

587 (8), or (10).

8. Page 20, Line 589 through Page 21, Line 617:

589 76–3–407. Repeat and habitual sex offenders -- Additional
prison term for prior

590 felony convictions.

591 (1) As used in this section:

592 (a) “ {~~Type one~~} Prior sexual offense” means:

593 (i) a felony offense described in Title 76, Chapter 5, Part 4,
Sexual Offenses;

594 (ii) sexual exploitation of a minor, Section 76–5a–3;

595 (iii) a felony offense of enticing a minor over the Internet,
Section 76–4–401;

596 (iv) a felony attempt to commit an offense described in
Subsections (1)(a)(i) through

597 (iii); or

598 (v) an offense in another state, territory, or district of the United
States that, if

599 committed in Utah, would constitute an offense described in
Subsections (1)(a)(i) through (iv).

600 (b) “ {~~Type two sexual~~} Sexual offense” means:

601 (i) an offense that is a felony of the second or third degree, or an
attempted offense.

602 which attempt is a felony of the second or third degree, described in Title 76, Chapter 5, Part 4.

603 Sexual Offenses;

604 (ii) sexual exploitation of a minor, Section 76-5a-3;

605 (iii) a felony offense of enticing a minor over the Internet, Section 76-4-401;

606 (iv) a felony attempt to commit an offense described in Subsection (1)(b)(ii) or (iii); or

607 (v) an offense in another state, territory, or district of the United States that, if

608 committed in Utah, would constitute an offense described in Subsections (1)(b)(i) through (iv).

609 (2) Notwithstanding any other provision of law, the maximum penalty for a {~~-type two~~ }

610 sexual offense is increased by five years for each {~~-prior~~ } conviction of the defendant for a {~~-type~~

611 ~~one~~ } prior sexual offense that arose from a separate criminal episode, if the trier of fact finds that:

612 (a) the defendant was convicted of {~~-the type one~~ } a prior sexual offense; and

613 (b) the defendant was convicted of the {~~-type one~~ } prior sexual offense described in Subsection

614 (2)(a) before the defendant was convicted of the {~~-type two~~ } sexual offense for which the

615 defendant is being sentenced.

616 (3) The increased maximum term described in Subsection (2) shall be in addition to,

617 and consecutive to, any other prison term served by the {~~-person~~ } defendant .

9. Page 21, Line 645 through Page 22, Line 646:

645 (6) Imprisonment under this section is mandatory in accordance with Section 76-3-406.

Section 11, Section 76-5-302 is amended to read:

76-5-302. Aggravated kidnapping.

(1) An actor commits aggravated kidnapping if the actor, in the course of committing unlawful detention or kidnapping:

(a) possesses, uses, or threatens to use a dangerous weapon as defined in Section 76-1-601; or

(b) acts with intent:

(i) to hold the victim for ransom or reward, or as a shield or hostage, or to compel a third person to engage in particular conduct or to forbear from engaging in particular conduct;

(ii) to facilitate the commission, attempted commission, or flight after commission or attempted commission of a felony;

(iii) to hinder or delay the discovery of or reporting of a felony;

(iv) to inflict bodily injury on or to terrorize the victim or another;

(v) to interfere with the performance of any governmental or political function; or

(vi) to commit a sexual offense as described in Title 76, Chapter 5, Part 4, Sexual Offenses.

(2) As used in this section, “in the course of committing unlawful detention or kidnapping” means in the course of committing, attempting to commit, or in the immediate flight after the attempt or commission of a violation of:

(a) Section 76-5-301, kidnapping; or

(b) Section 76-5-304, unlawful detention.

(3) Aggravated kidnapping is a first degree felony punishable by ~~{-imprisonment for an indeterminate term of not less than 6, 10, or 15 years and which may be for life.-}~~ a term of imprisonment of:

(a) except as provided in Subsection (3)(b), (3)(c), or (4), not less than 15 years and which may be for life;

(b) except as provided in Subsection (3)(c) or (4), life without parole, if the trier of fact finds that during the course of the commission of the aggravated kidnapping the defendant caused serious bodily injury to another; or

(c) life without parole, if the trier of fact finds that at the time of the commission of the aggravated kidnapping, the defendant was previously convicted of a grievous sexual offense.

(4) If, when imposing a sentence under Subsection (3)(a) or (b), a court finds that a lesser term than the term described in Subsection (3)(a) or (b) is in the interests of justice and states the reasons for this finding on the record, the court may impose a term of imprisonment of not less than:

(a) for purposes of Subsection (3)(b), 15 years and which may be for life; or

(b) for purposes of Subsection (3)(a) or (b):

(i) ten years and which may be for life; or

(ii) six years and which may be for life.

(5) The provisions of Subsection (4) do not apply when a person is sentenced under Subsection (3)(c).

(6) Imprisonment under this section is mandatory in accordance with Section 76-3-406.

Renumber remaining sections accordingly.

10. Page 24, Lines 713 through 714:

713 {~~(i)~~} (a) ten years and which may be for life; or

714 {~~(ii)~~} (b) six years and which may be for life.

11. Page 26, Lines 785 through 787:

785 (b) except as provided in Subsection (2)(c) or (3), life without parole, if the trier of fact

786 finds that during the course of the commission of the sodomy upon
{~~of~~} a child the defendant

787 caused serious bodily injury to another; or

12. Page 27, Line 812:

812 punishable by a term of imprisonment of not less than
{~~1~~} one year nor more than 15 years; or

13. Page 30, Line 916:

916 (b) for purposes of Subsection (2)(a) or {~~(2)~~} (b):

14. Page 25, Lines 749 through 752:

749 76-5-403. Sodomy -- Forcible sodomy.

750 (1) A person commits sodomy when the actor engages in any sexual act with a person

751 who is at least 14 years of age {~~or older~~} but younger than 18 years of age, involving the genitals of one person and mouth or anus of

752 another person, regardless of the sex of either participant. ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 131**, DOCUMENT FRAUD, by Representative K. Morgan, with the following amendments:

1. Page 1, Lines 13 through 16
House Committee Amendments
1-31-2007:
13 This bill:
14 ► prohibits a person or entity from forging, counterfeiting,
altering, or falsely making
15 or providing a document to unlawfully establish legal status and
subjects a violator
16 to a civil penalty {~~of not less than \$50,000~~} up to
\$75,000 ;
2. Page 2, Lines 41 through 44
House Committee Amendments
1-31-2007:
41 (3) (a) A person or entity that violates Subsection (2) is subject
to a civil penalty {~~of not~~
42 ~~less than \$50,000~~} up to \$75,000 recoverable, with
attorney fees and costs, in a civil action that may be
43 brought by the Office of the Attorney General ~~to~~ on behalf of the
Department of Workforce
44 Services ~~to~~ for each document subject to the violation. ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **1st Sub. H.B. 189**, CRIMINAL STATUTE OF LIMITATIONS AMENDMENTS, by Representative C. Wimmer.

Gregory S. Bell, Chair

On motion of Senator Waddoups, the committee reports were adopted. **1st Sub. H.B. 242**, as amended, **S.B. 222**, **H.B. 351**, as amended, **3rd Sub. H.B. 86**, as amended, **H.B. 131**, as amended, and **1st Sub. H.B. 189** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President:

February 20, 2007

The Health and Human Services Committee reports a favorable recommendation on **H.B. 133**, PARENT-TIME AMENDMENTS, by

Representative L. Fowlke, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

Mr. President: February 20, 2007

The Education Committee recommends **H.B. 323**, EDUCATION FUND CONFORMING AMENDMENTS, by Representative R. Bigelow, be replaced and favorably recommends **2nd Sub. H.B. 323**, EDUCATION FUND CONFORMING AMENDMENTS and that it be considered read for the second time and placed on the Consent Calendar; and

The Education Committee reports a favorable recommendation on **H.B. 195**, HIGHER EDUCATION TUITION ASSISTANCE AMENDMENTS, by Representative S. Wyatt, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Education Committee reports a favorable recommendation on **H.B. 100**, ACCESSING PORNOGRAPHY ON SCHOOL PROPERTY, by Representative D. Bowman, and recommends it be considered read for the second time and placed on the Consent Calendar.

Gregory S. Bell, Acting Chair

Mr. President: February 21, 2007

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 349**, ACCOUNTING AUDIT STANDARDS, by Representative K. Grover, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 462**, COUNTY PERSONNEL MANAGEMENT ACT, by Representative D. Litvack, and recommends it be considered read for the second time and placed on the Consent Calendar.

Carlene M. Walker, Chair

Mr. President: February 21, 2007

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 157**, VICTIM RESTITUTION, by

Representative S. Clark, and recommends it be considered read for the second time and placed on the Consent Calendar.

Gregory S. Bell, Chair

On motion of Senator Waddoups, the committee reports were adopted. **H.B. 133, 2nd Sub. H.B. 323, H.B. 195, H.B. 100, H.B. 349, H.B. 462, and H.B. 157** were considered read the second time and placed on the Consent Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 21, 2007

With committee review, the Transportation and Public Utilities and Technology Committee has returned **S.B. 79, LOCAL COMMUNITY RAIL SECURITY ACT**, by Senator E. Mayne, to the Rules Committee without recommendation.

Carlene M. Walker, Chair

On motion of Senator Hickman, the committee reports were adopted. **S.B. 79** was returned to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: February 20, 2007

Without consideration, the Education Committee has returned **S.B. 180, SCHOOL CONSTRUCTION CONTRACT AMENDMENTS**, by Senator S. Jenkins, to the Rules Committee; and

Without consideration, the Education Committee has returned **1st Sub. H.B. 79, CONCURRENT ENROLLMENT AMENDMENTS**, by Representative K. Holdaway, to the Rules Committee; and

Without consideration, the Education Committee has returned **1st Sub. H.B. 95, ACCELERATED LEARNING PROGRAM AMENDMENTS**, by Representative C. Moss, to the Rules Committee.

Margaret Dayton, Chair

Mr. President: February 21, 2007

Without committee review, the Transportation and Public Utilities and Technology Committee has returned **S.B. 168, VEHICLE SAFETY INSPECTION AMENDMENTS**, by Senator G. Bell, to the Rules Committee; and

Without committee review, the Transportation and Public Utilities and Technology Committee has returned **S.B. 256**, COUNTY ATTORNEY AMENDMENTS, by Senator G. Davis, to the Rules Committee.

Carlene M. Walker, Chair

On motion of Senator Waddoups, the committee reports were adopted. **S.B. 180, 1st Sub. H.B. 79, 1st Sub. H.B. 95, S.B. 168, and S.B. 256** were returned to the Rules Committee.

SECOND READING CALENDAR

S.B. 80, EDUCATION REFORM, was read the second time.

On motion of Senator Stephenson, the bill was circled.

* * *

S.B. 262, REAL PROPERTY AMENDMENTS, was read the second time. Senator Madsen explained the bill.

Senator Madsen proposed the following amendment:

- 1. Page 1, Line 14:
Delete "rules,"
- 2. Page 2, Line 35:
Delete "association rules,"

Senator Madsen's motion to amend passed on a voice vote. Senators Waddoups, Peterson, and Bell commented. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Fife	Goodfellow
Greiner	Jenkins	Jones	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	

Absent or not voting were: Senators

Bramble	Eastman	Hickman	Hillyard
Killpack	Valentine		

* * *

1st Sub. S.B. 202, LEGISLATURE’S COUNSEL TO UNITED STATES SENATORS, was read the second time.

On motion of Senator Stephenson, the bill was circled.

* * *

S.B. 249, ECONOMIC DEVELOPMENT INCENTIVES MODIFICATIONS, was read the second time.

On motion of Senator Christensen, the bill was circled.

* * *

On motion of Senator Stephenson, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Stephenson, the circle was removed from **S.B. 211**, ELECTION LAW CHANGES, and it was before the Senate. Senator Stephenson explained the bill.

On motion of Senator McCoy, the following substitute bill replaced the original bill:

3rd Sub. S.B. 211 Election Law Changes (H. Stephenson)

Senators Dmitrich, Mayne, Buttars, Davis, Walker, and Goodfellow commented. The bill passed on the following roll call:

Yeas, 16; Nays, 7; Absent, 6.

Voting in the affirmative were: Senators

Christensen	Davis	Dayton	Dmitrich
Greiner	Jenkins	Knudson	Madsen
McCoy	Niederhauser	Peterson	Stephenson
Stowell	Van Tassell	Waddoups	Walker

Voting in the negative were: Senators

Bell	Buttars	Fife	Goodfellow
Jones	Mayne	Romero	

Absent or not voting were: Senators

Bramble	Eastman	Hickman	Hillyard
Killpack	Valentine		

3rd Sub. S.B. 211 was transmitted to the House for consideration.

* * *

On motion of Senator Stephenson, the circle was removed from **H.B. 89**, GOVERNMENT ASSISTANCE EXPENDITURE REPORT, and it was before the Senate. The bill passed on the following roll call:

Yeas, 21; Nays, 0; Absent, 8.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Dmitrich	Fife	Goodfellow	Greiner
Jenkins	Jones	Knudson	Madsen
Mayne	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker			

Absent or not voting were: Senators

Bramble	Buttars	Eastman	Hickman
Hillyard	Killpack	McCoy	Valentine

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.

* * *

On motion of Senator Peterson, the circle was removed from **2nd Sub. H.B. 84**, TRAUMATIC BRAIN INJURY FUND.

On motion of Senator Peterson, the following substitute bill replaced the original bill:

3rd Sub. H.B. 84 Traumatic Brain Injury Fund (J. Gowans)

On motion of Senator Peterson, the bill was circled.

SECOND READING CALENDAR

On motion of Senator Mayne, the circle was removed from **1st Sub. S.B. 61**, PORTABILITY OF MEDICAL ASSISTANCE FUNDS, and it was before the Senate. Senator Mayne explained the bill.

Senator Mayne proposed the following amendment:

1. Page 1, Lines 16 through 20

16 ▶ requires the Department of Health to within funds
appropriated by the Legislature for this purpose, and subject to approval
by the federal government, provide home or community-based
 services to

17 a Medicaid eligible aged person who is a resident of Utah and who
 qualifies to be

18 placed in, or remain in, a nursing home, if the person applies to
 receive the services

19 and the services can be provided at a cost to the state that is equal to,
 or less than, 50 percent of

20 the cost to the state of maintaining the person in a nursing home;

2. Page 2, Line 54:

54 (1) {~~The~~} Within funds appropriated by the
Legislature for this purpose, and subject to approval by the federal
government, the department shall provide home or community-based
 services to an aged person

3. Page 3, Lines 63 through 65:

63 (b) the cost to the state of providing the home or
community-based services described

64 in this Subsection (1) is less than, or equal to, 50 percent of the
cost to the state of providing care to the

65 person in a nursing home.

Senator Mayne's motion to amend passed on a voice vote. Senators Walker, Christensen, Dayton, and Van Tassell commented. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 1; Absent, 5.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Dmitrich	Fife	Goodfellow	Greiner
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	

Voting in the negative was: Senator Christensen

Absent or not voting were: Senators

Bramble	Eastman	Hickman	Hillyard
Valentine			

* * *

On motion of Senator Davis, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Davis, the Senate voted to reconsider its action on **1st Sub. S.B. 64, TOURISM, RECREATION, CULTURAL, AND CONVENTION FACILITIES TAX – ADVISORY BOARD.** The bill was placed at the top of the Third Reading Calendar. Senator Jenkins, McCoy, Fife, and Mayne commented.

1st Sub. S.B. 64, TOURISM, RECREATION, CULTURAL, AND CONVENTION FACILITIES TAX – ADVISORY BOARD, was before the Senate, explained by Senator Waddoups, and passed on the following roll call:

Yeas, 23; Nays, 2; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stowell
Van Tassell	Waddoups	Walker	

Voting in the negative were: Senators

Greiner	Stephenson
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Absent or not voting were: Senators

Bramble	Hickman	Hillyard	Valentine
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1st Sub. S.B. 64 was transmitted to the House.

TIME CERTAIN CALENDAR

On motion of Senator Eastman, under suspension of the rules, **H.B. 304, STATE TREASURER COMPENSATION,** was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker		

Absent or not voting were: Senators

Bramble	Hillyard	Valentine
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H.B. 304 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Killpack, the circle was removed from **1st Sub. S.B. 232, MILITARY INSTALLATION DEVELOPMENT AUTHORITY**, and it was before the Senate. Senator Killpack explained the bill.

Senator Killpack proposed the following amendment:

1. Page 2, Lines 26 through 27

26 Other Special Clauses:

27 {~~None~~} This bill provides an immediate effective date.

2. Page 2, Line 42:

42 {~~63H 1 503, Utah Code Annotated 1953~~}

3. Page 9, Lines 265 through 270:

265 {~~Section 13. Section 63H 1 503 is enacted to read:~~

266 ~~63H 1 503. State Tax Commission and county assessor required to account for~~

267 ~~new growth.~~

268 ~~The State Tax Commission and the assessor of each county in which a development~~

269 project area is located shall count as new growth the assessed value of property with respect to

270 which the taxing entity is receiving taxes or increased taxes for the first time. }

Renumber remaining sections accordingly.

4. Page 15, Line 459:

459 (4) The authority shall pay all expenses of the deactivation and dissolution.

Section 26. 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.

Senator Killpack’s motion to amend passed on a voice vote.

On motion of Senator Killpack, under suspension of the rules, **1st Sub. S.B. 232, MILITARY INSTALLATION DEVELOPMENT AUTHORITY**, was considered read the second and third times. Senators Davis and Stephenson commented. The bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker		

Absent or not voting were: Senators

Bramble	Dayton	Valentine
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1st Sub. S.B. 232 was transmitted to the House.

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On motion of Senator Davis, the Senate voted to lift **H.C.R. 7, RESOLUTION HONORING VICTIMS AND FAMILY MEMBERS**

IMPACTED BY TROLLEY SQUARE TRAGEDY, from the Rules Committee and place it at the top of the Second Reading Calendar.

On motion of Senator McCoy, under suspension of the rules, **H.C.R. 7, RESOLUTION HONORING VICTIMS AND FAMILY MEMBERS IMPACTED BY TROLLEY SQUARE TRAGEDY**, was considered read the second and third times and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	

Absent or not voting were: Senators

Bramble	Valentine
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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 Eastman, and at 5:00 p.m., the Senate recessed.

EVENING SESSION

The Senate reassembled at 6:25 p.m., with President Valentine presiding.

STANDING COMMITTEE REPORTS

Mr. President:

February 21, 2007

The Transportation and Public Utilities and Technology Committee recommends **S.B. 271, SOLID AND HAZARDOUS WASTE ACT AMENDMENTS**, by Senator S. Killpack, be replaced and favorably recommends **1st Sub. S.B. 271, SOLID AND HAZARDOUS WASTE ACT AMENDMENTS**.

Carlene M. Walker, Chair

On motion of Senator Hickman, the committee report was adopted. **1st Sub. S.B. 271** was placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President:

February 21, 2007

With committee review the Health and Human Services Committee deleted **S.B. 165**, PRODUCER AND AFFILIATE DISCLOSURE AMENDMENTS, by Senator M. Waddoups, and replaced it with **1st Sub. S.B. 165**, PRODUCER AND AFFILIATE DISCLOSURE AMENDMENTS, and has returned it to the Rules Committee; and

With committee review the Health and Human Services Committee deleted **S.J.R. 4**, RESOLUTION RELATING TO HEALTH CARE, by Senator S. McCoy, and replaced it with **1st Sub. S.J.R. 4**, RESOLUTION RELATING TO HEALTH CARE, with the following amendments and has returned it to the Rules Committee:

1. Page 1, Line 1:

1 RESOLUTION {~~ESTABLISHING~~
RIGHT~~}~~ RELATING TO

2. Page 1, Line 14:

14 ► require the Legislature to provide for the establishment
and maintenance of a {~~state~~} statewide

3. Page 1, Line 16:

16 insurance {~~and~~} ; and
 ► require the Legislature to enact statutes interpreting and
implementing this provision.

4. Page 2, Line 28:

28 (1) The Legislature shall provide for the establishment and
maintenance of a {~~state~~} statewide system

5. Page 2, Line 29:

29 for the provision of affordable, medically necessary health care
services or insurance.

 (2) The Legislature shall enact statutes interpreting and
implementing Subsection (1). ; and

With committee review the Health and Human Services Committee deleted **S.B. 124**, DENTAL HYGIENIST LICENSING ACT AMENDMENTS, by Senator M. Waddoups, and replaced it with **1st Sub. S.B. 124**, DENTAL

HYGIENIST LICENSING ACT AMENDMENTS, and has returned it to the Rules Committee; and

With committee review the Health and Human Services Committee deleted **1st Sub. H.B. 249**, BUDGET PRIORITY FOR IN-HOME AND COMMUNITY BASED LONG-TERM CARE, by Representative E. Hutchings, and replaced it with **2nd Sub. H.B. 249**, BUDGET PRIORITY FOR IN-HOME AND COMMUNITY BASED LONG-TERM CARE, and has returned it to the Rules Committee.

D. Chris Buttars, Chair

On motion of Senator Hickman, the committee reports were adopted. **1st Sub. S.B. 165**, **1st Sub. S.J.R. 4**, as amended, **1st Sub. S.B. 124**, and **1st Sub. H.B. 249** were returned to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: February 21, 2007

Without committee review the Health and Human Services Committee has returned **S.B. 214**, CERTIFICATE OF NEED FOR CERTAIN AMBULANCE SERVICES, by Senator D. Peterson, to the Rules Committee; and

Without committee review the Health and Human Services Committee has returned **H.B. 276**, HEALTH FACILITY COMMITTEE AMENDMENTS, by Representative C. Herrod, to the Rules Committee; and

Without committee review the Health and Human Services Committee has returned **H.B. 302**, MEDICAL EXAMINER – TESTING FOR SUBSTANCES IN CASES OF SUSPECTED SUICIDE, by Representative W. Harper, to the Rules Committee; and

D. Chris Buttars, Chair

On motion of Senator Hickman, the committee reports were adopted. **S.B. 214**, **H.B. 276**, and **H.B. 302** were returned to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: February 21, 2007

The Health and Human Services Committee has tabled **3rd Sub. H.B. 163**, OPTIONS FOR HEALTH CARE, by Representative J. Dunnigan, with the following amendments and has returned it to the Rules Committee for filing.

1. Page 11, Lines 316 through 322:

316 (c) An insurer may offer policies that provide that when an insured receives services

317 from a health care provider not under contract, the insurer:

318 (i) will reimburse the insured in an amount or percentage specified in the contract,

319 however, that percentage may not be less than :

(A) 50% of the average amount paid by the insurer

320 for comparable services of preferred health care providers who are members of the same class

321 of health care providers unless the illness or injury treated by the health care provider are not

322 within the scope of the insurance contract; and

(B) 75% of the average amount paid by the insurer for the treatment of an emergency medical condition as required under Section 31A-22-627;

D. Chris Buttars, Chair

On motion of Senator Hickman, the committee report was adopted. **3rd Sub. H.B. 163** was returned to the Rules Committee.

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On motion of Senator Bramble and at 6:30 p.m., the Senate adjourned until 10:00 a.m., Thursday, February 22, 2007.

THIRTY-NINTH DAY

MORNING SESSION

February 22, 2007

The Senate was called to order at 10:00 a.m., with President John Valentine presiding.

Prayer – Senator Michael Waddoups

Pledge of Allegiance – Senator Pat Jones

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 102)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 22, 2007

The House passed, **S.B. 31**, SUNSET REVIEW AND REAUTHORIZATIONS, 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. 113**, LIMITATION OF ACTIONS, by Senator G. Bell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 137**, HOMELAND SECURITY 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, **1st Sub. S.B. 158**, B AND C ROADS 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. 173**, CRIMINAL INTENT AMENDMENTS, by Senator S. McCoy, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 188**, WILDLIFE RESOURCES CONSERVATION EASEMENT RESTRICTED ACCOUNT, 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. 31, S.B. 113, S.B. 137, 1st Sub. S.B. 158, S.B. 173, and S.B. 188 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

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Mr. President:

February 21, 2007

The House passed, as substituted and amended, **1st Sub. H.B. 118**, RESIDENCY REQUIREMENTS FOR IN-STATE TUITION, by Representative J. Draxler, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 140**, SAFE DRINKING WATER AMENDMENTS, by Representative S. Andersen, and it is transmitted for consideration; and

The House passed, as substituted and amended, **H.B. 149**, CLASS SIZE REDUCTION IN GRADES KINDERGARTEN THROUGH THREE, by Representative K. Morgan, et al, and it is transmitted for consideration; and

The House passed **H.B. 175**, VEHICLE USE REGARDING ILLEGAL DRUGS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 234**, COMPENSATION OF LOCAL SCHOOL BOARD MEMBERS, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 237**, REQUIREMENTS FOR OFF-HIGHWAY VEHICLES, by Representative A. Tilton, and it is transmitted for consideration; and

The House passed **H.B. 238**, MUNICIPAL TELECOMMUNICATIONS LICENSE TAX AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **1st Sub. H.B. 296**, APPROVAL OF SUBDIVISIONS, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed **H.B. 316**, EXPANSION OF CAREER SERVICE TO THE OFFICE OF ATTORNEY GENERAL, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 338**, EMERGENCY ROOM TORT REFORM, by Representative B. Last, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 339**, REGULATION OF COTTAGE FOOD PRODUCTION OPERATION, by Representative R. Barrus, and it is transmitted for consideration; and

The House passed **H.B. 341**, ATTORNEY GENERAL CRIME VIOLENCE PREVENTION SPECIAL REVENUE FUND, by Representative P. Neuenschwander, and it is transmitted for consideration; and

The House passed, as substituted, **4th Sub. H.B. 352**, LOCAL GOVERNMENT REGULATION OF BILLBOARDS, by Representative M. Brown, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 371**, APPLIED TECHNOLOGY EDUCATION AMENDMENTS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 372**, LOCAL DISTRICT AMENDMENTS, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 393**, TRUTH IN BONDING, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 395**, WAIVERS OF IMMUNITY – EXCEPTIONS, by Representative G. Hughes, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 118**, **1st Sub. H.B. 140**, **H.B. 149**, **H.B. 175**, **H.B. 234**, **1st Sub. H.B.237**, **H.B. 238**, **1st Sub. H.B. 339**, **1st Sub. H.B. 296**, **H.B. 316**, **H.B. 338**, **H.B. 341**, **4th Sub. H.B. 352**, **1st Sub. H.B. 371**, **1st Sub. H.B. 372**, **H.B. 393**, and **H.B. 395** were read the first time and referred to the Rules Committee.

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Mr. President:

February 21, 2007

The House refused to concur with the Senate Amendments to **4th Sub. H.B. 236**, STUDENT CLUBS AMENDMENTS, by Representative A. Tilton, and requests the Senate recede from its amendments.

Sandy D. Tenney, Chief Clerk

On motion of Senator Buttars, the Senate voted to refuse to recede from its amendments to **4th Sub. H.B. 236**. President Valentine appointed a conference

committee consisting of Senators Buttars, McCoy, and Christensen to meet with a like committee from the House.

CONSENT CALENDAR

1st Sub. H.B. 142, FEE IN LIEU OF PROPERTY TAX 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

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Bramble	Jenkins	Stephenson
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1st Sub. H.B. 142 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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H.B. 293, CENTRALLY ASSESSED PROPERTY, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Bramble	Jenkins	Stephenson
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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.

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H.B. 23, EMPLOYMENT SECURITY ACT AMENDMENTS, was read the third time, explained by Senator Hickman, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Bramble	Eastman	Jenkins	Stephenson
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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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H.B. 307, CERTIFIED INVESTMENT ADVISER, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Bramble	Eastman	Stephenson
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H.B. 307 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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H.B. 188, EASEMENTS – COUNTIES AND MUNICIPALITIES, was read the third time, explained by Senator Madsen, and passed on the following roll call:

Yeas, 21; Nays, 0; Absent, 8.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Dmitrich	Fife	Goodfellow	Greiner
Hillyard	Jenkins	Jones	Knudson
Madsen	Mayne	Niederhauser	Peterson
Romero	Stowell	Van Tassell	Waddoups
Valentine			

Absent or not voting were: Senators

Bramble	Christensen	Eastman	Hickman
Killpack	McCoy	Stephenson	Walker

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.

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H.B. 285, LAND USE DEVELOPMENT MANAGEMENT ACT AMENDMENTS, was read the third time, explained by Senator Bell, and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Dmitrich	Fife	Goodfellow	Greiner
Hickman	Hillyard	Jenkins	Jones
Knudson	Madsen	Mayne	Niederhauser
Peterson	Romero	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Bramble	Christensen	Eastman	Killpack
McCoy	Stephenson		

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. 335, LOCAL GOVERNMENT – CHARITABLE CONTRIBUTIONS, was read the third time, explained by Senator Hickman, and passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Dmitrich	Fife	Goodfellow	Greiner
Hickman	Hillyard	Jones	Knudson
Madsen	Mayne	Niederhauser	Peterson
Romero	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Bramble	Christensen	Eastman	Jenkins
Killpack	McCoy	Stephenson	

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.

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H.B. 337, LOCAL GOVERNMENT POST-EMPLOYMENT BENEFIT TRUST FUNDS AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Dmitrich	Fife	Goodfellow	Greiner
Hickman	Hillyard	Jones	Knudson
Madsen	Mayne	Niederhauser	Peterson
Romero	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Bramble	Christensen	Eastman	Jenkins
Killpack	McCoy	Stephenson	

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.

* * *

H.B. 367, GLOBAL POSITIONING REFERENCE NETWORK, was read the third time, explained by Senator Walker, and passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Jones
Knudson	Madsen	Mayne	Peterson
Romero	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Bramble	Hillyard	Jenkins	Killpack
McCoy	Niederhauser	Stephenson	

H.B. 367 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. 261, EXPIRATION OF GIFT CERTIFICATES, 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

Buttars	Christensen	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Jones	Knudson
Madsen	Mayne	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Bell	Bramble	Hillyard	Jenkins
Killpack	McCoy	Niederhauser	

H.B. 261 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

S.B. 192, SERVICE ANIMALS, was read the third time.

On motion of Senator Eastman, the bill was circled.

* * *

2nd Sub. S.B. 195, FISH HEALTH AMENDMENTS, was read the third time and explained by Senator Peterson.

Senator Peterson proposed the following amendment:

1. Page 1, Line 14

14 ▶ allows an aquaculture facility to be retested for a health approval number;

 ▶ requires an aquaculture facility to notify the Department of Agriculture and Food of an inspection:

2. Page 4, Line 99:

99 collected during the inspections required by this section.

(d) (i) If the fish health inspector conducting the inspection is not an employee of the department, the owner or operator of the aquaculture facility shall notify the department of the date and time of the inspection at least five business days before the day on which the inspection will occur.

(ii) The department may be present for the inspection.

Senator Peterson'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

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Hickman	Jones	Knudson
Madsen	Mayne	McCoy	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Buttars	Greiner	Hillyard	Jenkins
Killpack	Niederhauser		

2nd Sub. S.B. 195 was transmitted to the House for consideration.

* * *

S.B. 262, REAL PROPERTY AMENDMENTS, was read the third time, explained by Senator Madsen, and passed on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Hickman	Hillyard	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Voting in the negative was: Senator

Romero

Absent or not voting were: Senators

Buttars	Greiner	Jenkins
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S.B. 262 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 61, PORTABILITY OF MEDICAL ASSISTANCE FUNDS, was read the third time, explained by Senator Mayne, and passed on the following roll call:

Yeas, 22; Nays, 1; Absent, 6.

Voting in the affirmative were: Senators

Bell	Davis	Dayton	Dmitrich
Eastman	Fife	Goodfellow	Hickman
Hillyard	Jenkins	Jones	Knudson
Madsen	Mayne	Niederhauser	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Voting in the negative was: Senator Christensen

Absent or not voting were: Senators

Bramble	Buttars	Greiner	Killpack
McCoy	Peterson		

1st Sub. S.B. 61 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Davis, the Senate voted to lift **S.B. 190, ANIMAL CRUELTY OFFENSES**, from the Rules Committee and place it at the top of the Second Reading Calendar.

On motion of Senator Davis, the bill was circled.

* * *

On motion of Senator Madsen, the Senate voted to suspend the rules and consider Senate bills on a House bill day.

* * *

S.B. 78, PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES, was read the second time. Senator Madsen explained the bill. Senators Fife, Christensen, Van Tassell, Romero, Bell, and Buttars commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 7; Absent, 0.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Greiner
Hickman	Jenkins	Killpack	Knudson
Madsen	Mayne	Niederhauser	Peterson
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Voting in the negative were: Senators

Bell	Fife	Goodfellow	Hillyard
Jones	McCoy	Romero	

* * *

On motion of Senator Knudson, the circle was removed from **S.B. 205**, ALCOHOLIC BEVERAGE CONTROL AMENDMENTS, and it was before the Senate. Senator Knudson explained the bill.

On motion of Senator Knudson, under suspension of the rules, **S.B. 205**, ALCOHOLIC BEVERAGE CONTROL AMENDMENTS, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Fife	Greiner
Hickman	Hillyard	Jenkins	Jones
Knudson	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting were: Senators

Bramble	Eastman	Goodfellow	Killpack
Madsen			

S.B. 205 was transmitted to the House.

* * *

S.B. 201, RIGHTS OF CITIZENS TO CARRY FIREARMS IN DECLARED EMERGENCY, was read the second time.

On motion of Senator Hillyard, the bill was circled.

* * *

S.B. 236, TRADEMARK PROTECTION ACT, was read the second time.

On motion of Senator Hillyard, the bill was circled.

* * *

S.B. 222, KINDERGARTEN READINESS INITIATIVE, was read the second time.

On motion of Senator Stephenson, the bill was circled.

* * *

1st Sub. S.B. 271, SOLID AND HAZARDOUS WASTE ACT AMENDMENTS, was read the second time.

On motion of Senator Hillyard, the bill was circled.

* * *

On motion of Senator Davis, the circle was removed from **S.B. 190**, ANIMAL CRUELTY OFFENSES, and it was before the Senate and read for the second time. Senator Davis explained the bill.

Senator Davis proposed the following amendment:

1. Page 2, Line 53

53 accepted ~~Œ~~ local ~~←Œ~~ husbandry practices including animals kept or owned for agricultural purposes as part of a small farm or activity that is operated without expectation of of its being a primary source of income ;

Senator Davis' motion to amend passed on a voice vote. Senators Hillyard, Christensen, Stephenson, McCoy, Buttars, and Jenkins commented. The bill passed on the following roll call:

Yeas, 15; Nays, 11; Absent, 3.

Voting in the affirmative were: Senators

Bell	Davis	Dmitrich	Fife
Goodfellow	Hillyard	Jones	Knudson
Mayne	McCoy	Peterson	Romero
Van Tassell	Waddoups	Walker	

Voting in the negative were: Senators

Buttars	Christensen	Dayton	Eastman
Greiner	Hickman	Jenkins	Madsen
Niederhauser	Stephenson	Valentine	

Absent or not voting were: Senators

Bramble	Killpack	Stowell
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* * *

On motion of Senator Eastman, the circle was removed from **S.B. 236**, TRADEMARK PROTECTION ACT, and it was before the Senate. Senator Eastman explained the bill.

Senator Eastman proposed the following amendment:

- 1. Page 12, Line 338:
 Senate Committee Amendments
 February 20, 2007
 After “with whom the division contracts” insert “may, at the discretion of the division be” and delete “is”

Senator Eastman’s motion to amend passed on a voice vote. Senators Bell and Jenkins commented.

On motion of Senator Eastman, under suspension of the rules, **S.B. 236, TRADEMARK PROTECTION ACT**, was considered read the second and third times. Senators McCoy and Romero declared conflicts of interest. The bill passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Knudson
Madsen	Mayne	McCoy	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker			

Absent or not voting were: Senators

Killpack	Niederhauser	Peterson	Valentine
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S.B. 236 was transmitted to the House.

COMMITTEE OF THE WHOLE

On motion of Senator Goodfellow, Steven Goodrich, UPS spokesman spoke in Committee of the Whole. A citation was read honoring United Parcel Service for its 100 years in business. Senator Bell commented.

On motion of Senator Eastman, the Committee of the Whole was dissolved.

* * *

On motion of Senator Bramble, and at 12:00 noon, the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:30 p.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 22, 2007

The House passed, **S.B. 163**, AMENDMENTS TO MUNICIPAL AND COUNTY LAND USE, 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. 191**, GOVERNMENTAL IMMUNITY LIMITS 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. 260**, PROPERTY TAX – DEFINITION OF GOODWILL, 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. 163, S.B. 191, and S.B. 260 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, 2007

The House passed **H.B. 185**, HIGHER EDUCATION PARTNERSHIPS APPROPRIATION, by Representative G. Snow, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 343**, FOSTER PLACEMENT AND ADOPTION AMENDMENTS, by Representative L. Fowlke, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 365**, EMINENT DOMAIN AUTHORITY OF COMMUNITY DEVELOPMENT AND RENEWAL AGENCIES, by Representative S. Urquhart, and it is transmitted for consideration; and

The House passed **H.B. 427**, NONRESIDENT SALES OF MOTOR HOMES, by Representative L. Shurtliff, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 185, H.B. 343, H.B. 365, and H.B. 427** were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: February 21, 2007

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 177, INCOME TAX CREDITS, ADDITIONS, AND SUBTRACTIONS FOR COLLEGE SAVINGS**, by Senator W. Niederhauser; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 246, GOVERNMENT LAW CHANGES**, by Senator S. Killpack; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 254, PRIVATE INVESTIGATOR REGULATION AMENDMENTS**, by Senator M. Dayton.

Wayne L. Niederhauser, Chair

On motion of Senator Hickman, the committee reports were adopted. **S.B. 177, S.B. 246, and S.B. 254** were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 20, 2007

With committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **S.B. 58, WRONGFUL DEATH AMENDMENTS**, by Senator S. McCoy, to the Rules Committee without recommendation; and

With committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **S.B. 157, PARENTAL NOTIFICATION OF CHILD INTERVIEW BY LAW ENFORCEMENT**, by Senator D. C. Buttars, to the Rules Committee without recommendation; and

With committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **S.B. 164, STATUTE OF LIMITATIONS FOR BODILY INJURY**, by Senator G. Bell, to the Rules Committee without recommendation; and

With committee review the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **H.B. 45, COMPARATIVE NEGLIGENCE AMENDMENTS**, by Representative S. Wyatt, to the Rules Committee without recommendation; and

With committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **H.B. 255, PROHIBITION OF CITATION**

QUOTAS, by Representative N. Hansen, to the Rules Committee without recommendation.

Gregory S. Bell, Chair

On motion of Senator Hickman, the committee reports were adopted. **S.B. 58, S.B. 157, S.B. 164, H.B. 45, and H.B. 255** were returned to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: February 20, 2007

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **S.B. 115, EMERGENCY MEDICINE TORT REFORM**, by Senator S. Killpack, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **S.B. 129, PRIVATE INVESTIGATOR REGULATION ACT AMENDMENTS**, by Senator D. C. Buttars, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **S.B. 178, CUSTODY AMENDMENTS**, by Senator G. Bell, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **1st Sub. H.B. 105, ILLEGAL IMMIGRATION ENFORCEMENT ACT**, by Representative G. Donnelson, to the Rules Committee.

Gregory S. Bell, Chair

Mr. President: February 21, 2007

Without committee review, the Retirement and Independent Entities Committee has returned **H.B. 12, ADDITIONAL STATE RETIREMENT BENEFIT**, by Representative L. Shurtliff, to the Rules Committee; and

Without committee review, the Retirement and Independent Entities Committee has returned **1st Sub. H.B. 198, PUBLIC SAFETY RETIREMENT**, by Representative R. Bigelow, to the Rules Committee.

Curtis S. Bramble, Chair

On motion of Senator Hickman, the committee reports were adopted. **S.B. 115, S.B. 129, S.B. 178, 1st Sub. H.B. 105, H.B. 12, and 1st Sub. H.B. 198** were returned to the Rules Committee.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 22, 2007

The Speaker of the House has appointed a Conference Committee consisting of Representatives A. Tilton, S. Wyatt, and J. Biskupski to meet with a like committee from the Senate to consider or amend **4th Sub. H.B. 236**, STUDENT CLUBS AMENDMENTS, by Representative A. Tilton.

Sandy D. Tenney, Chief Clerk

* * *

Mr. President:

February 2, 2007

The House passed **H.B. 294**, BENEFITS AND INSURANCE OF CONSTITUTIONAL OFFICERS, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 382**, AMENDMENTS TO EDUCATION FUNDING, by Representative B. Dee, et al, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 425**, STREET-LEGAL ALL-TERRAIN VEHICLE AMENDMENTS, by Representative M. Noel, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 294**, **H.B. 382**, and **1st Sub. H.B. 425** were read the first time and referred to the Rules Committee.

SECOND READING CALENDAR

H.B. 92, ADOPTION OF AN ADULT PROVISIONS, was read the second time. Senator Van Tassell explained the bill.

Senator Van Tassell proposed the following amendment:

1. Page 3, Line 62:
Lilac
After "adult" insert "adoptee"

Senator Van Tassell's motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hillyard
Jenkins	Knudson	Madsen	Mayne
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	

Absent or not voting were: Senators

Hickman	Jones	Killpack	McCoy
Walker	Valentine		

* * *

1st Sub. H.B. 102, LAND AND WATER REINVESTMENT, was read the second time. Senator Stowell explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.**Voting in the affirmative were:** Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hillyard
Jenkins	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups			

Absent or not voting were: Senators

Hickman	Jones	Walker	Valentine
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On motion of Senator Knudson, **1st Sub. H.B. 102** was placed on Third Reading Table due to fiscal impact.

* * *

H.B. 145, FARMERS MARKET EXEMPTIONS, was read the second time. Senator Peterson explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.**Voting in the affirmative were:** Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman

Fife	Goodfellow	Greiner	Hillyard
Jenkins	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassel
Waddoups	Walker		

Absent or not voting were: Senators

Hickman	Jones	Valentine
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* * *

H.B. 70, ASSAULT ON A PEACE OFFICER – PENALTY AMENDMENT, was read the second time. Senator Greiner explained the bill.

Senator Mayne proposed the following amendment:

1. Page 1, Line 15
House Committee Amendments
1-22-2007

15 A misdemeanor to a third degree felony ;
 ► provides that the section amended in this bill does not affect the exercise of constitutional rights, including the right of free speech and the right of assembly ; and

2. Page 2, Line 39
House Committee Amendments
1-22-2007:

39 and makes specific findings concerning the disposition in writing or on the record.

(5) This section does not affect or limit any individual’s constitutional right to the lawful expression of free speech, the right of assembly, or any other recognized rights secured by the Constitution or laws of the state or by the Constitution or laws of the United States.

Senator Mayne’s motion to amend passed 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

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman

Fife	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Hickman	McCoy
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On motion of Senator Knudson, **H.B. 70** was placed on Third Reading Table due to fiscal impact.

* * *

H.B. 93, CAPITAL OFFENSES AMENDMENTS, was read the second time. Senator Buttars explained the bill. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Goodfellow	Hickman
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On motion of Senator Buttars, **H.B. 93** was placed on Third Reading Table due to fiscal impact.

* * *

On motion of Senator Madsen, the circle was removed from **S.B. 201, RIGHTS OF CITIZENS TO CARRY FIREARMS IN DECLARED EMERGENCY**, and it was before the Senate. Senator Madsen explained the bill.

On motion of Senator Madsen, under suspension of the rules, **S.B. 201, RIGHTS OF CITIZENS TO CARRY FIREARMS IN DECLARED EMERGENCY**, was considered read the second and third times. Senators Dayton,

Romero, Eastman, Hillyard, Greiner, Buttars, Fife, and Jones commented. The bill passed on the following roll call:

Yeas, 26; Nays, 3; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Killpack	Knudson
Madsen	Mayne	Niederhauser	Peterson
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Voting in the negative were: Senators

Jones	McCoy	Romero
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S.B. 201 was transmitted to the House.

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On motion of Senator Bramble, the Senate voted to recall **S.B. 109**, TRANSFERS OF STRUCTURED SETTLEMENTS, from Legislative Research and General Counsel and return to the House for a technical amendment.

* * *

On motion of Senator Bramble, the circle was removed from **S.B. 194**, BOARDS OF EDUCATION MEMBERSHIP AMENDMENTS, and it was before the Senate.

On motion of Senator Bramble, the following substitute bill replaced the original bill:

2nd Sub. S.B. 194 Boards of Education Membership Amendments (C. Bramble)

On motion of Senator Bramble, the bill was circled.

* * *

On motion of Senator Bramble, the Senate voted to move **3rd Sub. H.B. 86** to the top of the Second Reading Calendar.

* * *

3rd Sub. H.B. 86, PENALTIES FOR SEXUAL OFFENSES AND KIDNAPPING, was read the second time. Senator Stephenson explained the bill.

Senator Bramble proposed the following amendment:

- 1. Page 25, Lines 750 through 752
Senate Committee Amendments
2-21-2007

750 (1) A person commits sodomy when the actor engages in any sexual act with a person

751 who is $\hat{S}\rightarrow$ {~~at least~~} $\leftarrow\hat{S}$ 14 years of age $\hat{S}\rightarrow$
 {-} or older {-} {~~, but younger than 18 years of age.~~} $\leftarrow\hat{S}$

751a involving the genitals of one person and mouth or anus of

752 another person, regardless of the sex of either participant.

Senator Bramble’s motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

On motion of Senator Knudson, **3rd Sub. H.B. 86** was placed on Third Reading Table due to fiscal impact.

INTRODUCTION OF BILLS

S.B. 228, State Agency and Higher Education Compensation Amendments (L. Hillyard), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Hillyard, the Senate voted to lift **S.B. 228**, STATE AGENCY AND HIGHER EDUCATION COMPENSATION AMENDMENTS, from Rules and place it at the top of the Second Reading Calendar.

On motion of Senator Hillyard, the bill was circled.

* * *

On motion of Senator Eastman, the Senate voted to suspend the rules on the 24-hour requirement and consider Senate bill below the line.

* * *

S.B. 177, INCOME TAX CREDITS, ADDITIONS, AND SUBTRACTIONS FOR COLLEGE SAVINGS, was read the second time.

On motion of Senator Niederhauser, the bill was circled.

* * *

S.B. 246, GOVERNMENT LAW CHANGES, was read the second time.

On motion of Senator Killpack, the bill was circled.

* * *

On motion of Senator Dayton, under suspension of the rules, **S.B. 254**, PRIVATE INVESTIGATOR REGULATION AMENDMENTS, was considered read the second and third times. Senator Dayton explained the bill. The bill passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Dmitrich	Fife	Goodfellow	Greiner
Hickman	Hillyard	Jenkins	Jones
Killpack	Knudson	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Bramble	Buttars	Eastman	Madsen
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S.B. 254 was transmitted to the House.

* * *

On motion of Senator Niederhauser, the circle was removed from **S.B. 177**, INCOME TAX CREDITS, ADDITIONS, AND SUBTRACTIONS FOR COLLEGE SAVINGS, and it was before the Senate. Senator Niederhauser explained the bill. Senators Waddoups, Jones, Knudson, and Bell commented. The bill passed second reading on the following roll call:

Yeas, 17; Nays, 10; Absent, 2.

Voting in the affirmative were: Senators

Buttars	Christensen	Dayton	Dmitrich
Goodfellow	Greiner	Jenkins	Killpack
Madsen	Mayne	Niederhauser	Peterson
Stephenson	Stowell	Van Tassell	Waddoups
Valentine			

Voting in the negative were: Senators

Bell	Davis	Eastman	Fife
Hillyard	Jones	Knudson	McCoy
Romero	Walker		

Absent or not voting were: Senators

Bramble	Hickman
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* * *

On motion of Senator McCoy, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator McCoy, the circle was removed from **S.B. 192**, SERVICE ANIMALS, and it was before the Senate. Senator McCoy explained the bill.

Senator McCoy proposed the following amendment:

1. Page 1, Line 26

- 26 • replacing “assistance animal” with “service animal”;
 ► creates misdemeanor penalties for falsely representing that an

animal is a service animal, or for misrepresenting to a health care provider the need for a service animal;

- 2. Page 6, Lines 159 through 163
Senate Committee Amendments
2-5-2007:

159 (b) This section does not prohibit an owner or lessor of private housing

160 accommodations from charging a person, including a person with a disability, a reasonable

161 deposit as security for any damage or wear and tear that might be caused by ~~the~~ a service

162 animal[-] if the owner or lessor would charge a similar deposit to other persons for potential

163 wear and tear {~~by an animal that is not a service animal~~ } .

- 3. Page 7, Lines 198 through 201:

198 [26-30-4]. 62A-5b-106. Interference with rights provided in this chapter ~~- Misrepresentation of rights under this chapter. { - a~~
199 class C misdemeanor. }

200 (1) Any person, or agent of any person, who denies or interferes with the rights provided in

201 this chapter is guilty of a class C misdemeanor.

(2) A person is guilty of a class B misdemeanor if:

(a) the person intentionally and knowingly falsely represents to another person that an animal is a service animal as defined in Section 62A-5b-102; or

(b) the person knowingly and intentionally misrepresents a material fact to a health care provider for the purpose of obtaining documentation from the health care provider necessary to designate an animal as a service animal as defined in Section 62A-5b-102.

Senator McCoy’s motion to amend passed on a voice vote. Senators Waddoups and Goodfellow commented. The bill passed on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife

Goodfellow	Greiner	Hickman	Hillyard
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Peterson	Romero
Stowell	Van Tassell	Waddoups	Walker

Voting in the negative was: Senator
Jenkins

Absent or not voting were: Senators

Bramble	Niederhauser	Stephenson	Valentine
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S.B. 192 was transmitted to the House for consideration.

* * *

On motion of Senator Hillyard, the Senate vote to lift **H.B. 15**, DRIVER LICENSE PRIVILEGE SUSPENSION FOR FAILURE TO PAY CHILD SUPPORT, from the Third Reading Table and place it at bottom of the Third Reading Calendar.

SECOND READING CALENDAR

1st Sub. H.B. 147, RESTITUTION AMENDMENTS, was read the second time. Senator Bell explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker		

Absent or not voting were: Senators

Bramble	Davis	Valentine
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* * *

H.B. 228, PENALTY FOR HOMICIDE OF A CHILD, was read the second time. 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

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker

Absent or not voting was: Senator
Valentine

* * *

H.B. 262, SEARCH WARRANT AMENDMENTS, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Knudson	Madsen
Mayne	McCoy	Niederhauser	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker			

Absent or not voting were: Senators

Bramble	Killpack	Peterson	Valentine
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* * *

On motion of Senator Madsen, the circle was removed from **H.B. 226, SALES AND USE TAX – HIGHWAYS AND PUBLIC TRANSPORTATION AMENDMENTS**, and it was before the Senate. Senator Madsen explained the bill. Senator Waddoups commented. The bill passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife

Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Knudson	Madsen
Mayne	McCoy	Niederhauser	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker			

Absent or not voting were: Senators

Bramble	Killpack	Peterson	Valentine
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* * *

1st Sub. H.B. 7, STATE POST–RETIREMENT BENEFITS TRUST FUNDS, was read the second time. Senator Dayton explained the bill. Senator Bell commented. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.**Voting in the affirmative were:** Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Knudson	Madsen
Mayne	McCoy	Niederhauser	Romero
Van Tassell	Waddoups	Walker	

Absent or not voting were: Senators

Bramble	Killpack	Peterson	Stephenson
Stowell	Valentine		

* * *

H.B. 8, RETIREMENT OFFICE AMENDMENTS, was read the second time. Senator Walker explained the bill. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.**Voting in the affirmative were:** Senators

Buttars	Christensen	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Knudson	Madsen	Mayne
McCoy	Niederhauser	Romero	Stephenson
Waddoups	Walker		

Absent or not voting were: Senators

Bell	Bramble	Killpack	Peterson
Stowell	Van Tassell	Valentine	

* * *

H.B. 21, PUBLIC SAFETY RETIREMENT CONVERSION WINDOW, was read the second time. Senator Buttars explained the bill. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Knudson	Madsen
Mayne	McCoy	Niederhauser	Romero
Stephenson	Waddoups	Walker	

Absent or not voting were: Senators

Bramble	Killpack	Peterson	Stowell
Van Tassell	Valentine		

* * *

3rd Sub. H.B. 277, CONSTRUCTION AMENDMENTS, was read the second time. Senator Jenkins explained the bill.

Senator Jenkins proposed the following amendment:

1. Page 2, Line 41:
Delete "180" and insert "150"

Senator Jenkins' motion to amend passed on a voice vote.

###

Senator Jenkins proposed the following amendment:

1. Page 7, Lines 197 through 203c
Senate Committee Amendments
2-15-2007

197 (b) ~~Ŝ~~→ [For a construction project where a building permit is not issued, within] Within ←~~Ŝ~~

197a 15 days

198 after commencement of physical construction work at the project site, the original contractor or

199 owner-builder may file a notice of commencement with the database ~~Ŝ~~→ [-

200 ~~(c) If a building permit is issued more than 15 days after commencement of physical~~

201 ~~construction work at the project site, a notice of commencement based on that building permit~~

202 ~~is effective only as to a person who did not provide labor, service, equipment, or material~~

203 ~~before the filing of the notice of commencement] {-if:~~

203a ~~(i) a building permit is not issued; or~~

203b ~~(ii) a building permit is issued but a notice of commencement under Subsection (1)(a) is~~

203c ~~not obtained~~ ←~~Ŝ~~-} whether or not a building permit is issued or a notice of commencement is filed under Subsection (1)(a) .

Senator Jenkins’ motion to amend passed on a voice vote. Senators Bell and Eastman commented. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 2; Absent, 6.

Voting in the affirmative were: Senators

Christensen	Davis	Dayton	Dmitrich
Eastman	Fife	Goodfellow	Hickman
Hillyard	Jenkins	Jones	Killpack
Madsen	Mayne	Niederhauser	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker			

Voting in the negative were: Senators

Bell	McCoy
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Absent or not voting were: Senators

Bramble	Buttars	Greiner	Knudson
Peterson	Valentine		

* * *

On motion of Senator Hillyard, the circle was removed from **S.B. 228**, STATE AGENCY AND HIGHER EDUCATION COMPENSATION AMENDMENTS, and it was before the Senate and read the second time. Senator Hillyard explained the bill. Senators Waddoups commented.

On motion of Senator Hillyard, under suspension of the rules, **S.B. 228**, STATE AGENCY AND HIGHER EDUCATION COMPENSATION 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

Bell	Christensen	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Bramble	Buttars	Peterson
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S.B. 228 was transmitted to the House.

* * *

On motion of Senator Stephenson, the circle was removed from **S.B. 80**, EDUCATION REFORM, and it was before the Senate.

On motion of Senator Stephenson, the following substitute bill replaced the original bill:

1st Sub. S.B. 80 Education Reforms (H. Stephenson)

Senator Stephenson explained the bill. Senators Jones and Dmitrich commented. The bill passed second reading on the following roll call:

Yeas, 18; Nays, 8; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Dayton
Eastman	Greiner	Hillyard	Jenkins

Killpack	Knudson	Madsen	Niederhauser
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Voting in the negative were: Senators

Davis	Dmitrich	Fife	Goodfellow
Jones	Mayne	McCoy	Romero

Absent or not voting were: Senators

Bramble	Hickman	Peterson
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COMMUNICATIONS FROM THE HOUSE

Mr. President: February 22, 2007

The House passed, as substituted, **2nd Sub. H.B. 43**, INDIVIDUAL INCOME TAX SUBTRACTIONS FOR INSURANCE RELATING TO MEDICAL CARE, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 348**, COUNTY GOVERNMENT REFORM, by Representative M. Brown, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 362**, ANNEXATION AMENDMENTS, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 416**, TEACHER LOAN PROGRAM, by Representative L. Hemingway, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **2nd Sub. H.B. 43**, **1st Sub. H.B. 348**, **1st Sub. H.B. 362**, and **1st Sub. H.B. 416** were read the first time and referred to the Rules Committee.

* * *

Mr. President: February 22, 2007

Upon reconsideration the House passed **S.B. 109**, TRANSFERS OF STRUCTURED SETTLEMENTS, by Senator E. Mayne, as amended, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

On motion of Senator Mayne, the Senate voted to concur in the House amendments to **S.B. 109**, TRANSFERS OF STRUCTURED SETTLEMENTS.

The bill, as amended and under suspension of the rules, passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Bramble	Buttars	Hickman	Peterson
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S.B. 109 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Eastman and at 5:05 p.m., the Senate adjourned until 8:00 a.m., Friday, February 23, 2007.

FORTIETH DAY

MORNING SESSION

February 23, 2007

The Senate was called to order at 8:30 a.m., with President John Valentine presiding.

Prayer – Lacey Harris, Northern Ute and Northern Piute

Pledge of Allegiance – Senator Dan Eastman

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 102)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 22, 2007

The House passed, as amended, **H.B. 380**, STATE FACILITY WATER CONSERVATION PROGRAM, by Representative L. Wiley, and it is transmitted for consideration; and

The House passed, as substituted and amended, **3rd Sub. H.B. 422**, DIVIDING GROUNDWATER WITH ANOTHER STATE, by Representative J. Biskupski, and it is transmitted for consideration; and

The House passed **H.B. 449**, ACCIDENT REPORT RECORDS ACCESS, by Representative M. Walker, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 380**, **3rd Sub. H.B. 422**, and **H.B. 449** were read the first time and referred to the Rules Committee.

CONSENT CALENDAR

H.B. 132, REGISTRATION AND LICENSE REQUIREMENTS FOR PESTICIDE BUSINESSES AND APPLICATORS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

Yeas, 21; Nays, 0; Absent, 8.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife

Goodfellow	Greiner	Jenkins	Jones
Killpack	Knudson	Mayne	Niederhauser
Romero	Stowell	Van Tassell	Waddoups
Valentine			

Absent or not voting were: Senators

Bramble	Hickman	Hillyard	Madsen
McCoy	Peterson	Stephenson	Walker

H.B. 132 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.C.R. 6, UTAH FARMING HERITAGE DISTRICT RESOLUTION, was read the third time.

On motion of Senator Waddoups, the bill was circled.

* * *

On motion of Senator Knudson, the Senate voted to lift **H.B. 115, HONORING HEROES SPECIAL GROUP LICENSE PLATE,** from the Consent Calendar and place it at the bottom of the Second Reading Calendar.

* * *

H.B. 354, BUS PASSENGER SAFETY ACT AMENDMENTS, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

Yeas, 20; Nays, 0; Absent, 9.

Voting in the affirmative were: Senators

Buttars	Christensen	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Jenkins	Jones	Knudson
Mayne	Niederhauser	Romero	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting were: Senators

Bell	Bramble	Hickman	Hillyard
Killpack	Madsen	McCoy	Peterson
Stephenson			

H.B. 354 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 326, REPEAL OF JUVENILE JUSTICE SERVICES VICTIM RESTITUTION ACCOUNT, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Knudson	Mayne	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting were: Senators

Bramble	Hickman	Killpack	Madsen
McCoy			

H.B. 326 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

S.B. 78, PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES, was read the third time.

On motion of Senator Walker, the bill was circled.

* * *

S.B. 190, ANIMAL CRUELTY OFFENSES, was read the third time.

On motion of Senator Davis, the bill was circled.

* * *

H.B. 92, ADOPTION OF AN ADULT PROVISIONS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Mayne
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Bramble	Hickman	Madsen	McCoy
Niederhauser	Peterson		

H.B. 92, as amended, was returned to the House for further consideration.

* * *

H.B. 145, FARMERS MARKET EXEMPTIONS, was read the third time.

On motion of Senator Bell, the bill was circled.

* * *

S.B. 177, INCOME TAX CREDITS, ADDITIONS, AND SUBTRACTIONS FOR COLLEGE SAVINGS, was read the third time.

On motion of Senator Bramble, the bill was circled.

* * *

H.B. 15, DRIVER LICENSE PRIVILEGE SUSPENSION FOR FAILURE TO PAY CHILD SUPPORT, was read the third time and explained by Senator Walker.

On motion of Senator Walker, the bill was circled.

* * *

On motion of Senator Bramble, the circle was removed from **S.B. 209, STATE FRANCHISING AUTHORITY FOR VIDEO SERVICES**, and it was before the Senate. Senator Bramble explained the bill.

Senator Bramble proposed the following amendment:

1. Page 9, Line 255–257:
Delete lines 255 to 257

Senator Bramble's motion to amend passed on a voice vote. Senators Knudson and Mayne commented. The bill passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Hickman	Jenkins
Jones	Killpack	Knudson	Mayne
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Walker	Valentine

Absent or not voting were: Senators

Greiner	Hillyard	Madsen	McCoy
Waddoups			

S.B. 209 was transmitted to the House for consideration.

* * *

1st Sub. H.B. 147, RESTITUTION AMENDMENTS, was read the third time, explained by Senator Bell, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Jenkins	Jones	Killpack	Knudson
Mayne	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Walker
Valentine			

Absent or not voting were: Senators

Hillyard	Madsen	McCoy	Waddoups
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1st Sub. H.B. 147 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 228, PENALTY FOR HOMICIDE OF A CHILD, was read the third time and explained by Senator Buttars. Senator Bell commented and the bill passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Jones	Killpack
Knudson	Mayne	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Bramble	Hickman	Hillyard	Jenkins
Madsen	McCoy		

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. 262, SEARCH WARRANT AMENDMENTS, was read the third time.

On motion of Senator Waddoups, the bill was circled.

* * *

H.B. 226, SALES AND USE TAX – HIGHWAYS AND PUBLIC TRANSPORTATION AMENDMENTS, was read the third time.

On motion of Senator Eastman, the bill was circled.

* * *

1st Sub. H.B. 7, STATE POST–RETIREMENT BENEFITS TRUST FUND, 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

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Jones	Killpack
Knudson	Mayne	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Bramble	Hickman	Hillyard	Jenkins
Madsen	McCoy		

1st Sub. H.B. 7 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 8, RETIREMENT OFFICE AMENDMENTS, was read the third time, explained by Senator Walker, and passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Jones	Killpack
Knudson	Mayne	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Bramble	Hickman	Hillyard	Jenkins
Madsen	McCoy		

H.B. 8 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 21, PUBLIC SAFETY RETIREMENT CONVERSION WINDOW, was read the third time, explained by Senator Buttars, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Bramble Hickman Hillyard McCoy

H.B. 21 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

3rd Sub. H.B. 277, CONSTRUCTION AMENDMENTS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Eastman Hickman Hillyard McCoy

3rd Sub. H.B. 277, as amended, was returned to the House for further consideration.

* * *

1st Sub. S.B. 80, EDUCATION REFORM, was read the third time and explained by Senator Stephenson. Senator Mayne commented.

On motion of Senator Stephenson, the bill was circled.

SECOND READING CALENDAR

On motion of Senator Dayton, the circle was removed from **1st Sub. S.B. 243, DIRECT-ENTRY MIDWIFE AMENDMENTS**, and it was before the Senate. Senator Dayton explained the bill.

On motion of Senator Dayton, the Senate voted to refer the bill to Rules for interim study.

* * *

On motion of Senator Killpack, the circle was removed from **1st Sub. S.B. 271, SOLID AND HAZARDOUS WASTE ACT AMENDMENTS**, and it was before the Senate. Senator Killpack explained the bill.

On motion of Senator Killpack, under suspension of the rules, **1st Sub. S.B. 271, SOLID AND HAZARDOUS WASTE ACT 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

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Hickman	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker			

Absent or not voting were: Senators

Eastman	Hillyard	McCoy	Valentine
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1st Sub. S.B. 271 was transmitted to the House.

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H.B. 295, INSURANCE LAW AMENDMENTS, was read the second time. Senator Waddoups explained the bill. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Goodfellow	Greiner
Hickman	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker

Absent or not voting were: Senators

Bramble	Eastman	Fife	Hillyard
Valentine			

COMMITTEE OF THE WHOLE

On motion of Senator Killpack, Mark W. P. Liao, Director General, Taipei Economic and Cultural Office in San Francisco spoke in Committee of the Whole.

On motion of Senator Killpack, the Committee of the Whole was dissolved.

* * *

On motion of Senator Bramble, under suspension of the rules, **S.C.R. 4, CONCURRENT RESOLUTION URGING PARTICIPATION BY TAIWAN IN WORLD HEALTH ORGANIZATION**, was considered read the second and third times. Senator Bramble explained the bill. The bill passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

S.C.R. 4 was transmitted to the House.

* * *

1st Sub. H.B. 252, UTAH SUICIDE PREVENTION ACT, was read the second time. Senator Niederhauser explained the bill. Senator Bell commented. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Jenkins	Jones	Killpack	Knudson
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Voting in the negative was: Senator Madsen

Absent or not voting was: Senator Hillyard

On motion of Senator Knudson, **1st Sub. H.B. 252** was placed on Third Reading Table due to fiscal impact.

* * *

On motion of Senator Goodfellow, the circle was removed from **1st Sub. H.B. 108**, TRANSPORTATION STUDY – EAST–WEST CORRIDOR IN A COUNTY OF THE FIRST CLASS, and it was before the Senate.

On motion of Senator Bramble, the following substitute bill replaced the original bill:

4th Sub. H.B. 108 Transportation Studies – East West Corridor in a County of the First Class (R. Bigelow)

On motion of Senator Goodfellow, the bill was circled.

* * *

On motion of Senator Bramble, and at 10:10 a.m., the Senate sauntered.

The Senate was called to order at 10:25 a.m., with President Pro Tem Knudson presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 23, 2007

The Speaker of the House has signed **S.B. 109**, TRANSFERS OF STRUCTURED SETTLEMENTS, by Senator E. Mayne, and it is transmitted for the signature of the President; and

The House passed, **S.B. 154**, STATEMENT UNDER PENALTY OF PERJURY, by Senator S. McCoy, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 8**, JOINT RESOLUTION SUPPORTING KANE COUNTY EXPANSION OF CORRECTIONAL FACILITIES, 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. 109, **S.B. 154**, and **S.J.R. 8** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 23, 2007

The House passed, as amended, **H.B. 190**, CONTROLLED SUBSTANCE SCHEDULE AMENDMENT, by Representative P. Ray, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 281**, CRIME VICTIM REPARATIONS AMENDMENTS, by Representative S. Wyatt, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 314**, TRANSPORTATION FUNDING REVISIONS, by Representative R. Lockhart, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 450**, LAW ENFORCEMENT DISTRICTS, by Representative M. Walker, and it is transmitted for consideration; and

The House passed **H.J.R. 12**, RESOLUTION REAFFIRMING THE WORDS, UNDER GOD, IN THE PLEDGE OF ALLEGIANCE, by Representative K. Gibson, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 190**, **H.B. 281**, **1st Sub. H.B. 314**, **H.B. 450**, and **H.J.R. 12** were read the first time and referred to the Rules Committee.

SECOND READING CALENDAR

On motion of Senator Hickman, the circle was removed from **S.B. 249**, ECONOMIC DEVELOPMENT INCENTIVES MODIFICATIONS, and it was before the Senate. Senator Hickman explained the bill.

On motion of Senator Hickman, under suspension of the rules, **S.B. 249**, ECONOMIC DEVELOPMENT INCENTIVES MODIFICATIONS, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 20; Nays, 0; Absent, 9.

Voting in the affirmative were: Senators

Christensen	Davis	Dayton	Fife
Goodfellow	Greiner	Hickman	Jenkins
Jones	Knudson	Madsen	Mayne
McCoy	Niederhauser	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker

Absent or not voting were: Senators

Bell	Bramble	Buttars	Dmitrich
Eastman	Hillyard	Killpack	Peterson
Valentine			

S.B. 249 was transmitted to the House.

* * *

H.B. 299, NURSE PRACTICE ACT AMENDMENTS, was read the second time. Senator Christensen explained the bill. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 0; Absent, 9.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dmitrich
Fife	Goodfellow	Greiner	Jenkins
Jones	Knudson	Madsen	Mayne
McCoy	Niederhauser	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker

Absent or not voting were: Senators

Bramble	Buttars	Dayton	Eastman
Hickman	Hillyard	Killpack	Peterson
Valentine			

* * *

H.B. 240, PUBLIC EDUCATION JOB ENHANCEMENT PROGRAM AMENDMENTS, was read the second time. Senator Stephenson explained the bill. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 0; Absent, 9.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dmitrich
Fife	Goodfellow	Greiner	Jenkins
Jones	Knudson	Madsen	Mayne
McCoy	Niederhauser	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker

Absent or not voting were: Senators

Bramble	Buttars	Dayton	Eastman
Hickman	Hillyard	Killpack	Peterson
Valentine			

* * *

1st Sub. H.B. 120, UTILITY FACILITY REVIEW BOARD, was read the second time. Senator Bell explained the bill. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 0; Absent, 9.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dmitrich
Fife	Goodfellow	Greiner	Jenkins
Jones	Knudson	Madsen	Mayne
McCoy	Niederhauser	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker

Absent or not voting were: Senators

Bramble	Buttars	Dayton	Eastman
Hickman	Hillyard	Killpack	Peterson
Valentine			

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H.B. 268, SPECIAL GROUP LICENSE PLATE SYMBOL DECAL REORDER AMENDMENTS, was read the second time.

On motion of Senator Waddoups, the bill was circled.

* * *

H.B. 301, DEPARTMENT OF TRANSPORTATION PROJECTS – CATEGORICALLY EXCLUDED ENVIRONMENTAL PROJECTS, was read the second time. Senator Bell explained the bill. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Dmitrich	Fife	Goodfellow	Greiner
Jenkins	Jones	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker		

Absent or not voting were: Senators

Bramble	Buttars	Eastman	Hickman
Hillyard	Killpack	Valentine	

* * *

H.B. 315, REGULATION OF ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES, was read the second time. Senator Madsen explained the bill. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 1; Absent, 7.**Voting in the affirmative were:** Senators

Bell	Christensen	Davis	Dayton
Dmitrich	Fife	Goodfellow	Jenkins
Jones	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker			

Voting in the negative was: Senator Greiner

Absent or not voting were: Senators

Bramble	Buttars	Eastman	Hickman
Hillyard	Killpack	Valentine	

* * *

H.B. 263, JAIL EXPENSES AMENDMENTS, was read the second time. Senator Greiner explained the bill. Senator McCoy commented. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 2; Absent, 7.**Voting in the affirmative were:** Senators

Christensen	Davis	Dayton	Dmitrich
Fife	Goodfellow	Greiner	Jenkins
Jones	Knudson	Madsen	Mayne
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker

Voting in the negative were: Senators

Bell	McCoy
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Absent or not voting were: Senators

Bramble	Buttars	Eastman	Hickman
Hillyard	Killpack	Valentine	

* * *

1st Sub. H.B. 275, OFFENSE AGAINST PEACE OFFICERS, was read the second time. Senator Greiner explained the bill.

Senator Greiner proposed the following amendment:

- 1. Page 1, Lines 9 through 12
House Committee Amendments
1-30-2007

9 This bill modifies the Criminal Code ~~{—and the Code of Criminal Procedure—}~~ regarding

10 ~~{—peace officers, including an officer’s authority to stop a person,—}~~ the offense of propelling

11 an item at a peace officer or correctional officer ~~{—, and the offense of assaulting a peace~~

12 ~~officer—}~~ .

- 2. Page 1, Line 18
House Committee Amendments
1-30-2007:

18 include persons other than prisoners ; and
▶ provides that the offense of propelling a bodily substance at an officer when the actor is infected with HIV, hepatitis B, or hepatitis C includes the requirement that the actor know that he or she is infected .

- 3. Page 3, Line 63
House Committee Amendments
1-30-2007:

63 (ii) the prisoner’s or detained person’s saliva, and the prisoner or detained person knows he or she is infected with HIV, hepatitis B, or hepatitis

Senator Greiner’s motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Dmitrich	Fife	Goodfellow	Greiner
Jenkins	Jones	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker		

Absent or not voting were: Senators

Bramble	Buttars	Eastman	Hickman
Hillyard	Killpack	Valentine	

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1st Sub. H.B. 87, SEVERANCE TAX RELATED AMENDMENTS, was read the second time.

On motion of Senator Van Tassell, the bill was circled.

* * *

2nd Sub. H.B. 111, PERSONAL PROPERTY – CERTIFIED TAX RATE AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. Senators Greiner, Stephenson, and Dmitrich commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Fife	Goodfellow
Greiner	Hickman	Jenkins	Jones
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Van Tassell	Walker		

Absent or not voting were: Senators

Bramble	Eastman	Hillyard	Killpack
Stowell	Waddoups	Valentine	

* * *

On motion of Senator Buttars, the Senate voted to recall **H.B. 202, MEDICAL RECOMMENDATIONS FOR CHILDREN,** from enrolling for the purpose of an amendment.

* * *

H.J.R. 11, JOINT RULES RESOLUTION – RECODIFICATION AND REVISIONS, was read the second time. Senator Hickman explained the bill. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Fife	Goodfellow
Greiner	Hickman	Jenkins	Jones
Knudson	Madsen	Mayne	McCoy
Peterson	Romero	Stephenson	Van Tassell
Waddoups	Walker		

Absent or not voting were: Senators

Bramble	Eastman	Hillyard	Killpack
Niederhauser	Stowell	Valentine	

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H.B. 258, CONTINUING EDUCATION REQUIREMENTS FOR ARCHITECTS, was read the second time.

On motion of Senator Dmitrich, the bill was circled.

* * *

H.B. 340, INSURER RECEIVERSHIP ACT, was read the second time.

On motion of Senator Dmitrich, the bill was circled.

* * *

H.B. 197, AMENDMENTS TO BACKGROUND CHECKS BY DEPARTMENT OF HEALTH, was read the second time. Senator Christensen explained the bill. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Dayton
Dmitrich	Fife	Goodfellow	Greiner

Hickman	Jenkins	Jones	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Van Tassell
Waddoups	Walker		

Absent or not voting were: Senators

Bramble	Davis	Eastman	Hillyard
Killpack	Stowell	Valentine	

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1st Sub. H.B. 312, FUNDING FOR DEPARTMENT OF HEALTH EARLY INTERVENTION PROGRAMS, was read the second time.

On motion of Senator Christensen, the bill was circled.

* * *

H.C.R. 5, EARLY CHILDHOOD READING READINESS RESOLUTION, was read the second time. Senator Stephenson explained the bill.

Senator Romero proposed the following amendment:

1. Page 3, Lines 60 through 65

60 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the Utah

61 Commission on Literacy, the Utah Parent Center, Utah Children, Utah Head Start, the Utah

62 Department of Health, the Utah Office of Child Care, the Utah Rural Schools Association, the

63 Utah Association for Gifted Children, the Utah Family Partnership Network, the Utah Reading

64 Clinic, the Utah Council of International Reading Association, Utah Public Libraries, Kids on

65 the Move, the Utah Association for the Education of Young Children, public and charter elementary school community councils, the American Federation of Teachers, Utah Teachers United, the Utah Council of Educators, parent teacher organizations, and the members of the

Senator Romero’s motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 0; Absent, 8.

Voting in the affirmative were: Senators

Bell	Christensen	Dayton	Dmitrich
Fife	Goodfellow	Greiner	Hickman
Jenkins	Jones	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Van Tassell	Waddoups
Walker			

Absent or not voting were: Senators

Bramble	Buttars	Davis	Eastman
Hillyard	Killpack	Stowell	Valentine

* * *

1st Sub. H.B. 117, TRANSFER OF DENSITY, was read the second time.

On motion of Senator Niederhauser, the bill was circled.

* * *

2nd Sub. H.B. 222, OPEN AND PUBLIC MEETINGS – ELECTRONIC NOTICE, was read the second time.

On motion of Senator Hickman, the bill was circled.

* * *

H.B. 317, CAPITOL HILL COMPLEX – LEGISLATIVE SPACE, was read the second time. Senator Walker 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

Buttars	Christensen	Davis	Dayton
Dmitrich	Fife	Goodfellow	Greiner
Hickman	Jenkins	Jones	Knudson
Madsen	Mayne	McCoy	Peterson
Romero	Stephenson	Van Tassell	Waddoups
Walker			

Absent or not voting were: Senators

Bell	Bramble	Eastman	Hillyard
Killpack	Niederhauser	Stowell	Valentine

* * *

H.B. 194, TAMPERING WITH EVIDENCE AMENDMENTS, was read the second time.

On motion of Senator Davis, the bill was circled.

* * *

H.B. 333, MATERIALS HARMFUL TO MINORS, was read the second time. Senator Dayton explained the bill. Senators Davis and Buttars commented. The bill passed second reading on the following roll call:

Yeas, 16; Nays, 6; Absent, 7.

Voting in the affirmative were: Senators

Bell	Buttars	Dayton	Greiner
Hickman	Jenkins	Jones	Knudson
Madsen	Niederhauser	Peterson	Romero
Stephenson	Van Tassell	Waddoups	Walker

Voting in the negative were: Senators

Davis	Dmitrich	Fife	Goodfellow
Mayne	McCoy		

Absent or not voting were: Senators

Bramble	Christensen	Eastman	Hillyard
Killpack	Stowell	Valentine	

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H.B. 342, PROTECTIVE ORDER REVISIONS, was read the second time.

On motion of Senator Hickman, the bill was circled.

* * *

On motion of Senator Niederhauser, the circle was removed from **1st Sub. H.B. 117**, TRANSFER OF DENSITY, and it was before the Senate. Senator Niederhauser explained the bill. Senators Dayton and Bell commented. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Fife	Goodfellow

Greiner	Hickman	Jenkins	Jones
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker

Absent or not voting were: Senators

Bramble	Eastman	Hillyard	Killpack
Valentine			

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 23, 2007

The House passed, **S.C.R. 4**, CONCURRENT RESOLUTION URGING PARTICIPATION BY TAIWAN IN WORLD HEALTH ORGANIZATION, by Senator C. Bramble, 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.C.R. 4 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 23, 2007

The House passed, as substituted, **1st Sub. H.B. 153**, SECURITIES AMENDMENTS, by Representative J. Bird, et al, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 292**, REGULATION OF DIRECT PATHOLOGY BILLING, by Representative M. Walker, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 321**, OFF-HIGHWAY VEHICLE AMENDMENTS, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 359**, CONTROLLED SUBSTANCE AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 392**, WESTERN STATES PRESIDENTIAL PREFERENCE POLL, by Representative D. Aagard, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 153**, **1st Sub. H.B. 292**, **H.B. 321**, **H.B. 359**, and **1st Sub. H.B. 392** were read the first time and referred to the Rules Committee.

SECOND READING CALENDAR

H.B. 146, COUNTY TAX SALES OF PROPERTY, was read the second time.

On motion of Senator Hickman, the bill was circled.

* * *

1st Sub. H.B. 273, INDOOR SMOKING AMENDMENTS, was read the second time.

On motion of Senator Hickman, the bill was circled.

* * *

H.J.R. 4, RESOLUTION REVISING EXECUTIVE OFFICER SUCCESSION PROVISIONS, was read the second time. Senator Hickman explained the bill. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Fife	Goodfellow
Greiner	Hickman	Jenkins	Jones
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker

Absent or not voting were: Senators

Bramble	Eastman	Hillyard	Killpack
Valentine			

* * *

On motion of Senator Hickman, and at 12:00 noon, the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:40 p.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 23, 2007

The House adopted the Joint Conference Committee Report dated February 23, 2007, and passed **2nd Sub. S.B. 20**, STATE HIGHWAY AMENDMENTS, by Senator C. Walker, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

Mr. President: February 22, 2007

The Joint Conference Committee comprised of Sens. Walker, Killpack, and McCoy, and Reps. Dougall, Harper, and Hendrickson, recommends **1st Sub. S.B. 20**, STATE HIGHWAY AMENDMENTS, by Senator C. Walker, be replaced and favorably recommends **2nd Sub. S.B. 20**, STATE HIGHWAY AMENDMENTS.

Senate Carlene Walker and
Representative John Dougall,
Chairs

* * *

On motion of Senator Walker, the Senate voted to adopt the conference committee report to **2nd Sub. S.B. 20**, STATE HIGHWAY AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jones	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Jenkins Killpack

2nd Sub. S.B. 20 was returned to the House for the signature of the Speaker.

* * *

Mr. President:

February 23, 2007

The House passed, as amended, **H.B. 186**, SCHOOL SAFETY AMENDMENTS, by Representative C. Moss, and it is transmitted for consideration; and

The House transmits **H.B. 202**, MEDICAL RECOMMENDATIONS FOR CHILDREN, by Representative M. Morley, and returns it to Senate for reconsideration; and

The House passed, as substituted, **1st Sub. H.B. 347**, MUNICIPAL ELECTION LAW PROVISIONS, by Representative D. Aagard, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 460**, CHILD AND FAMILY PROTECTION, by Representative L. Fowlke, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 186**, **H.B. 202**, **1st Sub. H.B. 347**, and **1st Sub. H.B. 460** were read the first time and referred to the Rules Committee.

* * *

Mr. President:

February 23, 2007

The House transmits **H.B. 202**, MEDICAL RECOMMENDATIONS FOR CHILDREN, by Representative M. Morley, and returns it to Senate for reconsideration.

Sandy D. Tenney, Chief Clerk

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H.B. 202, MEDICAL RECOMMENDATIONS FOR CHILDREN, was before the Senate and explained by Senator Buttars.

Senator Buttars proposed the following amendment:

1. Page 2, Line 70:
Delete "medication, including"

Senator Buttars' motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 20; Nays, 9; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Eastman	Greiner	Hickman
Jenkins	Killpack	Knudson	Madsen
Niederhauser	Peterson	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Voting in the negative were: Senators

Davis	Dmitrich	Fife	Goodfellow
Hillyard	Jones	Mayne	McCoy
Romero			

H.B. 202, as amended, was returned to the House.

COMMUNICATIONS FROM THE GOVERNOR

ADVISE AND CONSENT

Mr. President:

February 8, 2007

In accordance with Utah Code Ann. 67-1-1 and 67-1-2, I propose and transmit the following appointments:

Department of Administrative Services

Kim Hood is appointed as the Executive Director of the Department of Administrative Services. See Utah Code Ann. 63A-1-105.

Board of Tourism Development

Mayor Peter Corroon is appointed to replace Camille Cain as a member of the Board of Tourism Development, a term to expire July 1, 2009. See Utah Code Ann. 63-38f-1407. Mr. Corroon is a Democrat.

Pamela Hilton is appointed to replace Mona Given as a member of the Board of Tourism Development, a term to expire July 1, 2007. See Utah Code Ann. 63-38f-1407. Ms. Hilton is a Democrat.

Board of Oil Gas and Mining

Doug Johnson is reappointed as a member of the Board of Oil Gas and Mining, a term to expire March 1, 2011. See Utah Code Ann. 40-6-4. Mr. Johnson is a Republican.

Samuel C. Quigley is reappointed as a member of the Board of Oil Gas and Mining, a term to expire March 1, 2011. See Utah Code Ann. 40-6-4. Mr. Quigley is an Independent.

Ruland J. Gill is appointed to replace Jim Peacock as a member of the Board of Oil Gas and Mining, a term to expire March 1, 2011. See Utah Code Ann. 40-6-4. Mr. Gill is a Republican.

Air Quality Board

Ernest Wessman is reappointed as a member of the Air Quality Board, a term to expire March 1, 2011. See Utah Code Ann. 19-2-103. Mr. Wessman is an Independent.

Kathy Van Dame is appointed to replace John Veranth as a member of the Air Quality Board, a term to expire March 1 2011. See Utah Code Ann. 19-2-103. Ms. Van Dame is an Independent.

Dr. Craig Petersen is appointed to replace Jerry Grover as a member of the Air Quality Board, a term to expire March 1 2011. See Utah Code Ann. 19-2-103. Dr. Petersen is a Republican.

Mayor Darrell Smith is appointed to replace JoAnn B. Seghini as a member of the Air Quality Board, a term to expire March 1 2011. See Utah Code Ann. 19-2-103. Mayor Smith is a Republican.

Stephen C. Sands, II is appointed to replace Scott Lawson as a member of the Air Quality Board, a term to expire March 1 2011. See Utah Code Ann. 19-2-103. Mr. Sands is an Independent.

Public Service Commission

Ric Campbell is reappointed as a member of the Public Service Commission, a term to expire March 1, 2011. See Utah Code Ann. 54-1-1.5. Mr. Campbell is a Republican.

Utah Geological Survey

Mark Donald Bunnell is appointed to replace Robert M. Robison, a term to expire March 1, 2011. See Utah Code Ann. 63-73-3. Mr. Bunnell is a Republican.

Kenneth Philip Puchlik is appointed to replace Charles A. Semborski, a term to expire March 1, 2011. See Utah Code Ann. 63-73-3. Mr. Puchlik is a Republican.

Alisa Felton Schofield is appointed to replace Kathleen P. Ochsenbein, a term to expire March 1, 2011. See Utah Code Ann. 63-73-3. Ms. Schofield is a Democrat.

Dixie College Board of Trustees

Chris Roybal is appointed to replace R.J. Snow as a member of the Dixie College Board of Trustees, a term to expire June 30, 2009. See Utah Code Ann. 53B-2-104.

Permanent Community Impact Fund Board

Mike McKee is appointed to replace Jim Abegglen as a member of the Permanent Community Impact Fund Board, a term to expire July 1, 2009. See Utah Code Ann. 9-4-304.

William Rodney Harrison is appointed to replace Craig Collett as a member of the Permanent Community Impact Fund Board, a term to expire July 1, 2009. See Utah Code Ann. 9-4-304.

Rural Development Fund Board

Duke Cox is appointed to replace Ray Spencer as a member of the Rural Development Fund Board, a term to expire July 1, 2011. See Utah Code Ann. 9-14-103.

Grand County Water Conservancy District Board of Directors

John W. Keyes, III is appointed to replace James L. Walker as a member of the Grand County Water Conservancy District Board of Directors, a term to expire January 1, 2008. See Utah Code Ann. 17A-2-1409.

Quality Growth Commission

Kenneth Mitchell is appointed to replace Dan Lofgren as a member of the Quality Growth Commission, a term to expire April 15, 2011. See Utah Code Ann. 11-38-201. Mr. Mitchell is from Weber County.

Brent Tanner is appointed to replace Dave Allen as a member of the Quality Growth Commission, a term to expire April 15, 2011. See Utah Code Ann. 11-38-201. Mr. Tanner is from Davis County.

Sally Elliot is appointed to replace Carol Page as a member of the Quality Growth Commission, a term to expire April 15, 2011. See Utah Code Ann. 11-38-201. Ms. Elliot is from Summit County.

Larry Ellertson is appointed to replace Camille Cain as a member of the Quality Growth Commission, a term to expire April 15, 2011. See Utah Code Ann. 11-38-201. Mr. Ellertson is from Utah County.

Justin Allen is appointed to replace Lewis Billings as a member of the Quality Growth Commission, a term to expire April 15, 2011. See Utah Code Ann. 11-38-201. Mr. Allen is from Davis County.

Laraine Swenson is appointed to replace Carlton Christensen as a member of the Quality Growth Commission, a term to expire April 15, 2011. See Utah Code Ann. 11-38-201. Ms. Swenson is from Cache County.

Water Quality Board

Leland J. Meyers is reappointed as a member of the Water Quality Board, a term to expire March 1, 2011. See Utah Code Ann. 19-5-103. Mr. Myers is an Independent.

Dave Echols is reappointed as a member of the Water Quality Board, a term to expire March 1, 2011. See Utah Code Ann. 19-5-103. Mr. Echols is a Republican.

Jay Olsen is reappointed as a member of the Water Quality Board, a term to expire March 1, 2011. See Utah Code Ann. 19-5-103. Mr. Olsen is a Republican.

Mayor Daniel Snarr is reappointed as a member of the Water Quality Board, a term to expire March 1, 2011. See Utah Code Ann. 19-5-103. Mayor Snarr is an Independent.

Steve Simpson is appointed to replace Ron Sims as member of the Water Quality Board, a term to expire March 1, 2011. See Utah Code Ann. 19-5-103. Mr. Simpson is a Republican.

Thank you for your timely consideration and confirmation of the above appointments.

Jon M. Huntsman, Jr.
Governor

On motion of Senator Hillyard, the Senate voted to consent to the above appointments with the following roll call vote:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator

Bramble

INTRODUCTION OF BILLS

S.B. 277, Securities Law Amendments (C. Bramble), read the first time by short title and referred to the Rules Committee.

On motion of Senator Bramble, **S.B. 277**, SECURITIES LAW AMENDMENTS, was lifted from Rules and placed at the top of the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Bramble, under suspension of the rules, **S.B. 277**, SECURITIES LAW AMENDMENTS, was considered read the second and third times. Senator Bramble explained the bill. The bill passed on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Voting in the negative was: Senator
Dayton

Absent or not voting was: Senator
Hillyard

S.B. 277 was transmitted to the House.

THIRD READING CALENDAR

On motion of Senator Madsen, the circle was removed from **S.B. 78**, PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES, and it was before the Senate. Senator Madsen explained the bill. The bill passed on the following roll call:

Yeas, 19; Nays, 8; Absent, 2.

Voting in the affirmative were: Senators

Bramble	Christensen	Dayton	Dmitrich
Eastman	Greiner	Hickman	Jenkins
Killpack	Knudson	Madsen	Mayne
Niederhauser	Peterson	Stephenson	Van Tassell
Waddoups	Walker	Valentine	

Voting in the negative were: Senators

Bell	Davis	Fife	Goodfellow
Jones	McCoy	Romero	Stowell

Absent or not voting were: Senators

Buttars	Hillyard
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S.B. 78 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Knudson, the circle was removed from **H.B. 268**, SPECIAL GROUP LICENSE PLATE SYMBOL DECAL REORDER AMENDMENTS, and it was before the Senate. Senator Knudson explained the bill. The bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Buttars	Christensen	Hillyard
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On motion of Senator Bramble, the circle was removed from **2nd Sub. S.B.194**, BOARDS OF EDUCATION MEMBERSHIP AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill.

On motion of Senator Bramble, under suspension of the rules, **2nd Sub. S.B. 194**, BOARDS OF EDUCATION MEMBERSHIP AMENDMENTS, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 18; Nays, 7; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Davis	Dayton
Eastman	Hickman	Jenkins	Killpack

Knudson	Madsen	Niederhauser	Peterson
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Voting in the negative were: Senators

Fife	Goodfellow	Greiner	Jones
Mayne	McCoy	Romero	

Absent or not voting were: Senators

Buttars	Christensen	Dmitrich	Hillyard
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2nd Sub. S.B. 194 was transmitted to the House.

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On motion of Senator Davis, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Davis, the circle was removed from **S.B. 190**, ANIMAL CRUELTY OFFENSES, and it was before the Senate. Senator Davis explained the bill.

Senator Davis proposed the following amendment:

1. Page 1, Line 24
Senate Committee Amendments
2-5-2007

24 possession of animals for a specified period;
▶ provides an exemption regarding torture if the animals are used for agricultural purposes;
2. Page 2, Lines 52 through 54:

52 (A)(I) animals {~~- kept or~~ } owned , kept, managed, or used for agricultural purposes and cared for in accordance with
53 accepted {~~-[§]→ local ←[§]-~~} husbandry practices ;
54 (B) animals used for rodeo purposes and cared for in accordance with accepted {~~-[§]→ local ←[§]-~~ }
3. Page 3, Line 63
Senate Committee Amendments
2-5-2007:

63 for in accordance with accepted { ~~—Ŝ→~~ local ~~←Ŝ~~ }
husbandry practices.

4. Page 4, Line 106:

(c) This Subsection (6) does not apply to an animal owned, kept, managed, or used for agricultural purposes, if the actor owns the animal or has lawful authority to keep, manage, or use the animal.

106 [~~5~~] (7) It is a defense to prosecution under this section that the conduct of the actor

Senator Davis’ motion to amend passed on a voice vote. Senators Christensen and McCoy commented. The bill passed on the following roll call:

Yeas, 18; Nays, 9; Absent, 2.

Voting in the affirmative were: Senators

Bell	Davis	Dmitrich	Eastman
Fife	Goodfellow	Jones	Killpack
Knudson	Mayne	McCoy	Peterson
Romero	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Voting in the negative were: Senators

Buttars	Christensen	Dayton	Greiner
Hickman	Jenkins	Madsen	Niederhauser
Stephenson			

Absent or not voting were: Senators

Bramble	Hillyard
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S.B. 190 was transmitted to the House for consideration.

On motion of Senator Davis, the Senate voted to include the following intent language in the Senate Journal:

INTENT LANGUAGE FOR S.B. 190

It is the intent of the Utah State Legislature that by the passage of S.B. 190 that no part of this section apply to animals used for animal husbandry purposes. These animals may include, but are not limited to cattle, sheep, swine, goats, equine, and any other working animal used for agricultural purposes.

Animal husbandry practices are a vital and critical component and tool for the furtherance of animal agricultural in the state. Accepted animal husbandry

practices are commonly understood and acknowledged throughout the industry and are accepted based upon science, health, and safety of the animals and historical practice from within the industry.

Accepted animal husbandry practices are not determined by the size of an agricultural operation nor by the number of animals of husbandry on any given farm. Accepted animal husbandry practices may include, but are not limited to castration, dehorning, tail docking, branding, sheering, shoeing, and any other management practice as is reasonably necessary for the furtherance of agricultural purposes.

* * *

On motion of Senator Walker, the circle was removed from **H.B. 15, DRIVER LICENSE PRIVILEGE SUSPENSION FOR FAILURE TO PAY CHILD SUPPORT**, and it was before the Senate. The bill passed on the following roll call:

Yeas, 18; Nays, 9; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Eastman	Jenkins	Jones	Killpack
Knudson	Mayne	McCoy	Niederhauser
Romero	Stephenson	Stowell	Van Tassell
Walker	Valentine		

Voting in the negative were: Senators

Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Hickman	Madsen
Waddoups			

Absent or not voting were: Senators

Hillyard	Peterson
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H.B. 15, as amended, was returned to the House for further consideration.

SECOND READING CALENDAR

On motion of Senator Hickman, the circle was removed from **1st Sub. H.B. 273, INDOOR SMOKING AMENDMENTS**, and it was before the Senate. Senator Hickman explained the bill. Senators Waddoups, Davis, and Mayne commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 4; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Jones	Killpack
Knudson	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Walker		

Voting in the negative were: Senators

Buttars	Christensen	Jenkins	Waddoups
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Absent or not voting were: Senators

Hillyard	Madsen	Valentine
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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 **1st Sub. S.B. 218, COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AMENDMENTS**, and it was before the Senate. Senator Bramble explained the bill.

On motion of Senator Bramble, the following substitute bill replaced the original bill:

2nd Sub. S.B. 218 Community Development and Renewal Agency Amendments (C. Bramble)

The bill passed on the following roll call:

Yeas, 20; Nays, 0; Absent, 9.

Voting in the affirmative were: Senators

Bramble	Christensen	Dayton	Dmitrich
Eastman	Fife	Goodfellow	Greiner
Jenkins	Jones	Killpack	Knudson
McCoy	Niederhauser	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker

Absent or not voting were: Senators

Bell	Buttars	Davis	Hickman
Hillyard	Madsen	Mayne	Peterson
Valentine			

2nd Sub. S.B. 218 was transmitted to the House for consideration.

* * *

On motion of Senator Niederhauser, the circle was removed from **S.B. 145, MULTI-CHANNEL VIDEO OR AUDIO SERVICE TAX – COUNTY OR MUNICIPALITY FRANCHISE FEE TAX CREDIT**, and it was before the Senate. Senator Niederhauser explained the bill. The bill passed on the following roll call:

Yeas, 20; Nays, 0; Absent, 9.

Voting in the affirmative were: Senators

Bramble	Christensen	Dayton	Dmitrich
Eastman	Fife	Goodfellow	Greiner
Jenkins	Jones	Killpack	Knudson
McCoy	Niederhauser	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker

Absent or not voting were: Senators

Bell	Buttars	Davis	Hickman
Hillyard	Madsen	Mayne	Peterson
Valentine			

S.B. 145 was transmitted to the House for consideration.

* * *

On motion of Senator Stephenson, the circle was removed from **1st Sub. S.B. 80, EDUCATION REFORM**, and it was before the Senate. Senator Stephenson explained the bill. Senator Killpack declared a conflict of interest. The bill passed on the following roll call:

Yeas, 16; Nays, 6; Absent, 7.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Dayton
Eastman	Jenkins	Killpack	Knudson
Niederhauser	Peterson	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Voting in the negative were: Senators

Dmitrich	Fife	Goodfellow	Jones
McCoy	Romero		

Absent or not voting were: Senators

Buttars	Davis	Greiner	Hickman
Hillyard	Madsen	Mayne	

1st Sub. S.B. 80 was transmitted to the House for consideration.

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On motion of Senator Van Tassell, the Senate voted to move to Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Van Tassell, the circle was removed from **1st Sub. H.B. 87, SEVERANCE TAX RELATED AMENDMENTS**, and it was before the Senate. Senator Van Tassell explained the bill.

On motion of Senator Van Tassell, the following substitute bill replaced the original bill:

2nd Sub. H.B. 87 Severance Tax Related Amendments (K. Van Tassell)

Senator Dmitrich commented.

On motion of Senator Van Tassell, the bill was circled.

* * *

On motion of Senator Niederhauser, the circle was removed from **S.B. 261, DISPOSITION OF REAL PROPERTY**, 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. S.B. 261 Disposition of Real Property (W. Niederhauser)

Senator Niederhauser proposed the following amendment:

1. Page 5, Lines 125 through 126

125 ~~[(4)-(a)] (c)~~ Before a municipality may dispose of ~~{-a-}~~
~~[significant] {-parcel-of-}~~ an interest in real property

126 with a fair market value of more than \$50,000, the municipality shall:

- 2. Page 5, Line 149 through Page 6, Line 150:

149 (5) (a) { ~~A municipal legislative body shall hold a public hearing before making~~ } Before a municipality makes a
 150 decision to convey property { ~~under~~ } pursuant to
Subsection (4) (b)(ii), the municipal legislative body shall hold a public hearing .

- 3. Page 6, Lines 168 through 169:

168 (e) (i) A person may appeal a { ~~municipal legislative body's~~ } municipality's final decision to convey
 169 property under Subsection (4) (b)(ii) within 30 days after the day on which the final decision is made

- 4. Page 6, Line 173:

173 (iii) A { ~~municipal legislative body's~~ } municipality's decision to convey property under Subsection (4) (b)(ii) is

Senator Niederhauser’s motion to amend passed on a voice vote. Senator Fife commented.

On motion of Senator Niederhauser, under suspension of the rules, **1st Sub. S.B. 261, DISPOSITION OF REAL PROPERTY**, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 21; Nays, 0; Absent, 8.

Voting in the affirmative were: Senators

Bell	Davis	Dayton	Dmitrich
Fife	Greiner	Hickman	Jenkins
Jones	Killpack	Knudson	Mayne
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Bramble	Buttars	Christensen	Eastman
Goodfellow	Hillyard	Madsen	McCoy

1st Sub. S.B. 261 was transmitted to the House.

* * *

On motion of Senator Knudson, the circle was removed from **H.B. 342, PROTECTIVE ORDER REVISIONS**, and it was before the Senate. Senator

Knudson explained the bill. Senators Greiner, Stephenson, Jenkins, and Romero commented. The bill passed second reading on the following roll call:

Yeas, 17; Nays, 6; Absent, 6.

Voting in the affirmative were: Senators

Bell	Davis	Dmitrich	Eastman
Fife	Jones	Knudson	Mayne
McCoy	Niederhauser	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Voting in the negative were: Senators

Dayton	Greiner	Hickman	Jenkins
Killpack	Peterson		

Absent or not voting were: Senators

Bramble	Buttars	Christensen	Goodfellow
Hillyard	Madsen		

* * *

On motion of Senator Niederhauser, the circle was removed from **3rd Sub. S.J.R. 11, RESOLUTION PROVIDING APPOINTMENT OF STATE SUPERINTENDENT OF EDUCATION**, and it was before the Senate. Senator Niederhauser explained the bill. Senator Jones commented.

On motion of Senator Niederhauser, under suspension of the rules, **3rd Sub. S.J.R. 11, RESOLUTION PROVIDING APPOINTMENT OF STATE SUPERINTENDENT OF EDUCATION**, 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

Bell	Bramble	Buttars	Christensen
Dayton	Eastman	Hickman	Hillyard
Jenkins	Killpack	Knudson	Madsen
Niederhauser	Peterson	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Voting in the negative were: Senators

Davis	Dmitrich	Fife	Goodfellow
Greiner	Jones	Mayne	McCoy
Romero			

3rd Sub. S.J.R. 11 was transmitted to the House.

* * *

On motion of Senator Van Tassell, the circle was removed from **2nd Sub. H.B. 87, SEVERANCE TAX RELATED AMENDMENTS**, and it was before the Senate. Senator Van Tassell explained the bill. Senators Valentine and Bramble commented. The bill passed second reading on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator Hickman

On motion of Senator Bramble, **2nd Sub. H.B. 87** was placed on Third Reading Table due to fiscal impact.

* * *

On motion of Senator Killpack, the circle was removed from **H.B. 258, CONTINUING EDUCATION REQUIREMENTS FOR ARCHITECTS**, and it was before the Senate. Senator Killpack explained the bill. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Voting in the negative was: Senator
Dayton

Absent or not voting was: Senator
Hickman

* * *

On motion of Senator Killpack, the circle was removed from **H.B. 146, COUNTY TAX SALES OF PROPERTY**, and it was before the Senate. Senator Killpack explained the bill. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker

Absent or not voting were: Senators

Eastman	Hickman	Hillyard	McCoy
Valentine			

* * *

On motion of Senator Goodfellow, the circle was removed from **4th Sub. H.B. 108, TRANSPORTATION STUDIES**, and it was before the Senate. Senator Goodfellow explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker			

Absent or not voting were: Senators

Eastman Hickman Hillyard Valentine

* * *

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 **S.B. 177, INCOME TAX CREDITS, ADDITIONS, AND SUBTRACTIONS FOR COLLEGE SAVINGS**, and it was before the Senate. Senator Niederhauser explained the bill. Senators Knudson, Bell, and Stephenson commented. Senator Van Tassell declared a conflict of interest. The bill failed on the following roll call:

Yeas, 13; Nays, 15; Absent, 1.

Voting in the affirmative were: Senators

Bramble Buttars Davis Dayton
Dmitrich Goodfellow Madsen Mayne
Niederhauser Peterson Stephenson Waddoups
Walker

Voting in the negative were: Senators

Bell Christensen Eastman Fife
Greiner Hillyard Jenkins Jones
Killpack Knudson McCoy Romero
Stowell Van Tassell Valentine

Absent or not voting was: Senator
Hickman

S.B. 177 was referred to the staff for filing.

SECOND READING CALENDAR

On motion of Senator Killpack, the circle was removed from **S.B. 246, GOVERNMENT LAW CHANGES**, and it was before the Senate.

On motion of Senator Bell, the following substitute bill replaced the original bill:

3rd Sub. S.B. 246 Government Law Changes (S. Killpack)

Senator Killpack explained the bill.

Senator Jenkins made a motion to substitute the bill. The motion failed on a voice vote. Senators Peterson and Bramble commented.

On motion of Senator Killpack, under suspension of the rules, **3rd Sub. S.B. 246**, GOVERNMENT LAW CHANGES, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator
Hickman

3rd Sub. S.B. 246 was transmitted to the House.

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Senator Greiner made the motion that **S.B. 177** be held for 24 hours.

* * *

On motion of Senator Bramble, the Senate voted to send the following bills back to the Rules Committee for sifting:

1st Sub S.B. 120	Vehicle Towing Requirements (Sen. B. Goodfellow)
3rd Sub. H.B. 84	Traumatic Brain Injury Fund (Rep. J. Gowans)
H.B. 145	Farmers Market Exemptions (Rep. R. Menlove)
H.B. 262	Search Warrant Amendments (Rep. S. Wyatt)
H.B. 226	Sales and Use Tax – Highways and Public Transportation Amendments (Rep. J. Dougall)
H.B. 28	Domestic Violence and Dating Violence Amendments (Rep. D. Litvack)
1st Sub. S.B. 223	Tax Amendments (Sen. W. Niederhauser)
S.B. 208	Judicial Review, Attorney Fees, and Procedure Relating to Tax Commission Decisions (Sen. H. Stephenson)

- H.B. 340** Insurer Receivership Act (Rep. J. Dunnigan)
- 1st Sub. H.B. 312** Funding for Department of Health Early Intervention Programs (Rep. S. Urquhart)
- 2nd Sub. H.B. 222** Open and Public Meetings – Electronic Notice (Rep. J. Dougall)
- 1st Sub. S.B. 202** Legislature’s Counsel to United States Senators (Sen. H. Stephenson)
- H.B. 194** Tampering with Evidence Amendments (Rep. L. Fowlke)
- S.B. 222** Kindergarten Readiness Initiative (Sen. H. Stephenson)
- H.B. 351** Revolving Loan Fund for Certain Energy Efficient Projects (Rep. R. Barrus)
- H.B. 131** Document Fraud (Rep. K. Morgan)
- 1st Sub. H.B. 189** Criminal Statute of Limitations Amendments (Rep. C. Wimmer)
- H.B. 115** Honoring Heroes Special Group License Plate (Rep. Paul Ray)

RULES COMMITTEE REPORTS

To the Members of the Senate: February 23, 2007

The Rules Committee recommends that, under suspension of the rules, the following bills be placed at the bottom of the Second Reading Calendar:

- 1st Sub. H.B. 79** Concurrent Enrollment Amendments (Rep. K. Holdaway)
- 1st Sub. H.B. 242** Medicaid False Claims Act Amendments (Rep. B. Last)
- 1st Sub. H.B. 65** Special and Local Districts Amendments (Rep. B. Dee)
- H.B. 155** Student Achievement Assessment Amendments (Rep. M. Newbold)
- 1st Sub. H.B. 176** Certain County Debt Forgiven (Rep. D. Clark)
- 1st Sub. H.B. 368** Early Voting Polling Places (Rep. M. Walker)
- H.B. 2** Executive Compensation Revisions (Rep. D. Clark)

Bill Hickman
Rules Committee Chair

Report filed. On motion of Senator Bramble, the committee report was adopted.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 23, 2007

The Speaker of the House has signed **2nd Sub. S.B. 20**, STATE HIGHWAY AMENDMENTS, by Senator C. Walker, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

2nd Sub. S.B. 20 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 23, 2007

The House concurred in the Senate amendments and passed **H.B. 202**, MEDICAL RECOMMENDATIONS FOR CHILDREN, by Representative M. Morley, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

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.

* * *

Mr. President: February 23, 2007

The House passed, as substituted and amended, **1st Sub. H.B. 128**, DIVORCE ORIENTATION, by Representative L. Fowlke, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 161**, CORPORATE FRANCHISE AND INCOME TAX CREDITS RELATING TO BIODIESEL OR SYNGAS PRODUCTION, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 172**, UTAH VIRTUAL SCHOOLS, by Representative B. Ferry, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 174**, EDUCATION VOUCHER AMENDMENTS, by Representative B. Last, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 318**, CHARTER SCHOOL FACILITIES FINANCING ACT, by Representative S. Urquhart, and it is transmitted for consideration; and

The House passed, as substituted and amended, **3rd Sub. H.B. 334**, EMINENT DOMAIN, by Representative A. Tilton, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 360**, ORDERLY SCHOOL TERMINATION ACT AMENDMENTS, by Representative B. Last, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 383**, AMENDMENTS TO TRANSPORTATION FUNDING PROVISIONS, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 369**, NURSING CARE FACILITY LICENSURE MODIFICATIONS, by Representative S. Urquhart, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 402**, PAWNSHOP TRANSACTION INFORMATION AMENDMENTS, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 432**, IDENTITY THEFT DATABASE AMENDMENTS, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed **H.C.R. 2**, CONCURRENT RESOLUTION SUPPORTING AIRPORT SURVEILLANCE RADAR ACQUISITION, by Representative S. Sandstrom, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 128**, **2nd Sub. H.B. 161**, **1st Sub. H.B. 172**, **H.B. 174**, **H.B. 318**, **3rd Sub. H.B. 334**, **H.B. 360**, **H.B. 383**, **H.B. 369**, **1st Sub. H.B. 402**, **H.B. 432**, and **H.C.R. 2** were read the first time and referred to the Rules Committee.

* * *

Mr. President:

February 23, 2007

The Joint Conference Committee comprised of Sens. Buttars, Christensen, and McCoy, and Reps. Tilton, Wyatt, and Biskupski, recommends **4th Sub. H.B. 236**, STUDENT CLUBS AMENDMENTS, by Representative A. Tilton, be

replaced and favorably recommends **7th Sub. H.B. 236**, STUDENT CLUBS AMENDMENTS.

Senator D. Chris Buttars and
Representative Aaron Tilton,
Chairs.

On motion of Senator Buttars, the Senate voted to adopt the conference committee report and concur in the amendments to **7th Sub. H.B. 236**, STUDENT CLUBS AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 16; Nays, 8; Absent, 5.

Voting in the affirmative were: Senators

Bramble	Buttars	Dayton	Eastman
Greiner	Hillyard	Killpack	Knudson
Niederhauser	Peterson	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Voting in the negative were: Senators

Davis	Dmitrich	Fife	Goodfellow
Jones	Mayne	McCoy	Romero

Absent or not voting were: Senators

Bell	Christensen	Hickman	Jenkins
Madsen			

7th Sub. H.B. 236 was returned to the House for the signature of the Speaker.

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On motion of Senator Bramble and at 5:30 p.m., the Senate adjourned until 9:00 a.m., Monday, February 26, 2007.

FORTY–THIRD DAY

MORNING SESSION

February 26, 2007

The Senate was called to order at 9:15 a.m., with President John Valentine presiding.

Prayer – Pastor Mike Pair, Pentecostal Holiness Church with the Zion’s Hill Ministries International Church

Pledge of Allegiance – Senator Gene Davis

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 102)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 23, 2007

The House passed, as substituted and amended, **1st Sub. H.B. 126**, REPORTING OF FRAUDULENT INSURANCE ACTS, by Representative D. Aagard, and it is transmitted for consideration; and

The House passed, as substituted and amended, **2nd Sub. H.B. 164**, CHARTER SCHOOL AMENDMENTS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 165**, SCHOOL FEE AMENDMENTS, by Representative C. Frank, and it is transmitted for consideration; and

The House passed **H.B. 179**, EXPUNGEMENT LAW AMENDMENTS, by Representative L. Fowlke, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 196**, HIGHER EDUCATION CRIMINAL BACKGROUND CHECKS, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 283**, PROTECTIVE ORDER AMENDMENTS, by Representative L. Fowlke, and it is transmitted for consideration; and

The House passed, as substituted and amended, **3rd Sub. H.B. 291**, STUDENTS QUALIFYING FOR SERVICES FOR DEAF, by Representative K. Sumsion, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 463**, CRIME OF CLAIMING MILITARY AWARD BY NONRECIPIENT, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed **H.B. 466**, INCORPORATION OF A TOWN AMENDMENTS, by Representative M. Brown, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 469**, FAILURE TO DISCLOSE IDENTITY, by Representative C. Oda, and it is transmitted for consideration; and

The House passed, as amended, **H.J.R. 16**, JOINT RESOLUTION SUPPORTING GOVERNOR'S CHILD AND FAMILY CABINET COUNCIL, by Representative P. Ray, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 126**, **2nd Sub. H.B. 164**, **1st Sub. H.B. 165**, **H.B. 179**, **1st Sub. H.B. 196**, **H.B. 283**, **3rd Sub. H.B. 291**, **1st Sub. H.B. 463**, **H.B. 466**, **H.B. 469**, and **H.J.R. 16** were read the first time and referred to the Rules Committee.

INTRODUCTION OF BILLS

S.B. 1, Current Fiscal Year Supplemental Appropriations Act (L. Hillyard), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

H.B. 133, PARENT-TIME AMENDMENTS, was read the third time.

On motion of Senator Eastman, the bill was circled.

* * *

2nd Sub. H.B. 323, EDUCATION FUND CONFORMING AMENDMENTS, was read the third time.

On motion of Senator Hillyard, the bill was circled.

* * *

H.B. 195, HIGHER EDUCATION TUITION ASSISTANCE AMENDMENTS, was read the third time.

On motion of Senator Hillyard, the bill was circled.

* * *

H.B. 100, ACCESSING PORNOGRAPHY ON SCHOOL PROPERTY, 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

Bramble	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Valentine		

Absent or not voting were: Senators

Bell	Niederhauser	Walker
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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.

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H.B. 349, ACCOUNTING AUDIT STANDARDS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Valentine	

Absent or not voting were: Senators

Bell	Walker
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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.

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H.B. 462, COUNTY PERSONNEL MANAGEMENT ACT, was read the third time, explained by Senator Mayne, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Valentine

Absent or not voting was: Senator
Walker

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.

* * *

H.B. 157, VICTIM RESTITUTION, was read the third time, explained by Senator Dayton, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Valentine

Absent or not voting was: Senator
Walker

H.B. 157 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Madsen, the circle was removed from **H.C.R. 6, UTAH FARMING HERITAGE DISTRICT RESOLUTION** 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

Bramble	Buttars	Christensen	Davis
Dayton	Dmitrich	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassel
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Bell	Eastman
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H.C.R. 6 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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On motion of Senator Hillyard, the circle was removed from **2nd Sub. H.B. 323, EDUCATION FUND CONFORMING AMENDMENTS.**

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to lift **2nd Sub. H.B. 323** from the Consent Calendar and place it at the top of the Third Reading Calendar.

THIRD READING CALENDAR

2nd Sub. H.B. 323, EDUCATION FUND CONFORMING 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

Bell	Buttars	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow

Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Bramble	Christensen	Greiner	Hickman
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2nd Sub. H.B. 323, as amended, was returned to the House for further consideration.

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CONSENT CALENDAR

On motion of Senator Hillyard, the circle was removed from **H.B. 195**, HIGHER EDUCATION TUITION ASSISTANCE 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

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Bramble	Hickman	Killpack
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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.

* * *

On motion of Senator Bell, the circle was removed from **H.B. 133**, PARENT-TIME AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Bramble	Killpack
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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.

THIRD READING CALENDAR

H.B. 295, INSURANCE LAW AMENDMENTS, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Jenkins	Jones	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Hillyard	Killpack
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H.B. 295, as amended, was returned to the House for further consideration.

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H.B. 299, NURSE PRACTICE ACT AMENDMENTS, was read the third time, explained by Senator Christensen, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Eastman	Fife	Goodfellow

Greiner	Hickman	Hillyard	Jenkins
Jones	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Bramble	Dmitrich	Killpack
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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.

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H.B. 240, PUBLIC EDUCATION JOB ENHANCEMENT PROGRAM AMENDMENTS, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Christensen	Killpack
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H.B. 240 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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1st Sub. H.B. 120, UTILITY FACILITY REVIEW BOARD, was read the third time, explained by Senator Bell, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife

Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Knudson	Madsen
Mayne	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Bramble	Killpack	McCoy
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1st Sub. H.B. 120 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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H.B. 301, DEPARTMENT OF TRANSPORTATION PROJECTS – CATEGORICALLY EXCLUDED ENVIRONMENTAL PROJECTS, was read the third time, explained by Senator Bell, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Knudson
Madsen	Mayne	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Killpack	McCoy	Niederhauser
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H.B. 301 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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H.B. 315, REGULATION OF ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES, was read the third time, explained by Senator Madsen, and passed on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife

Goodfellow	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Voting in the negative was: Senator Greiner

Absent or not voting were: Senators

Buttars	Hickman	McCoy
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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. 263, JAIL EXPENSES AMENDMENTS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker			

Absent or not voting were: Senators

Hickman	McCoy	Niederhauser	Valentine
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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.

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On motion of Senator Hillyard, the Senate voted to lift **2nd Sub. H.B. 87**, SEVERANCE TAX RELATED AMENDMENTS, from the Third Reading Table and place it at the top of the Third Reading Calendar.

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1st Sub. H.B. 275, OFFENSE AGAINST PEACE OFFICERS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker		

Absent or not voting were: Senators

Hickman	McCoy	Valentine
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1st Sub. H.B. 275, as amended, was returned to the House for further consideration.

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2nd Sub. H.B. 111, PERSONAL PROPERTY – CERTIFIED TAX RATE AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	

Absent or not voting were: Senators

Hickman	Valentine
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Senator Bramble declared a conflict of interest.

2nd Sub. H.B. 111 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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2nd Sub. H.B. 87, SEVERANCE TAX RELATED AMENDMENTS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker		

Absent or not voting were: Senators

Davis	Hickman	Valentine
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2nd Sub. H.B. 87, as amended, was returned to the House for further consideration.

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H.J.R. 11, JOINT RULES RESOLUTION – RECODIFICATION AND REVISIONS, was read the third time, explained by Senator Hickman, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker		

Absent or not voting were: Senators

Bell	Hillyard	Valentine
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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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H.B. 197, AMENDMENTS TO BACKGROUND CHECKS BY DEPARTMENT OF HEALTH, 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

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Jenkins	Jones	Knudson	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker			

Absent or not voting were: Senators

Hillyard	Killpack	Madsen	Valentine
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H.B. 197 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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H.C.R. 5, EARLY CHILDHOOD READING READINESS RESOLUTION, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Jenkins	Jones	Killpack	Knudson
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker		

Absent or not voting were: Senators

Hillyard	Madsen	Valentine
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H.C.R. 5 , as amended, was returned to the House for further consideration.

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H.B. 317, CAPITAL HILL COMPLEX – LEGISLATIVE SPACE, was read the third time, explained by Senator Walker, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker		

Absent or not voting were: Senators

Christensen	Madsen	Valentine
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H.B. 317 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. 333, MATERIALS HARMFUL TO MINORS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

Yeas, 21; Nays, 4; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Dayton
Eastman	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Mayne	Niederhauser	Peterson
Romero	Stowell	Van Tassell	Waddoups
Walker			

Voting in the negative were: Senators

Davis	Dmitrich	Fife	McCoy
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Absent or not voting were: Senators

Christensen	Madsen	Stephenson	Valentine
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H.B. 333 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. 117, TRANSFER OF DENSITY, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Jenkins	Jones	Killpack	Knudson
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker		

Absent or not voting were: Senators

Hillyard	Madsen	Valentine
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1st Sub. 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.

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H.J.R. 4, RESOLUTION REVISING EXECUTIVE OFFICER SUCCESSION PROVISIONS, was read the third time, explained by Senator Hickman, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Jenkins	Jones	Killpack	Knudson
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Hillyard	Madsen
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H.J.R. 4 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. 268, SPECIAL GROUP LICENSE PLATE SYMBOL DECAL REORDER AMENDMENTS, was read the third time and explained by Senator Knudson.

On motion of Senator Knudson, **H.B. 268** was placed on Third Reading Table due to fiscal impact.

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1st Sub. H.B. 273, INDOOR SMOKING AMENDMENTS, was read the third time, explained by Senator Hickman, and passed on the following roll call:

Yeas, 23; Nays, 3; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Jones	Killpack
Knudson	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Walker	Valentine	

Voting in the negative were: Senators

Hillyard	Jenkins	Waddoups
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Absent or not voting were: Senators

Bramble	Christensen	Madsen
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1st Sub. 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. 342, PROTECTIVE ORDER REVISIONS, was read the third time and explained by Senator Knudson. Senators Greiner, Romero, and Bramble commented and the bill failed on the following roll call:

Yeas, 11; Nays, 15; Absent, 3.

Voting in the affirmative were: Senators

Bell	Davis	Dmitrich	Fife
Goodfellow	Jones	Knudson	Mayne
McCoy	Romero	Walker	

Voting in the negative were: Senators

Bramble	Buttars	Dayton	Eastman
Greiner	Hickman	Hillyard	Jenkins
Killpack	Niederhauser	Peterson	Stowell
Van Tassell	Waddoups	Valentine	

Absent or not voting were: Senators

Christensen Madsen Stephenson

H.B. 342 was filed.

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H.B. 258, CONTINUING EDUCATION REQUIREMENTS FOR ARCHITECTS, was read the third time and explained by Senator Killpack. Senator Waddoups commented and the bill passed on the following roll call:

Yeas, 22; Nays, 1; Absent, 6.

Voting in the affirmative were: Senators

Bramble	Christensen	Davis	Dmitrich
Eastman	Fife	Goodfellow	Greiner
Hillyard	Jenkins	Killpack	Knudson
Mayne	McCoy	Niederhauser	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Voting in the negative was: Senator

Dayton

Absent or not voting were: Senators

Bell Buttars Hickman Jones
Madsen Peterson

H.B. 258 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 146, COUNTY TAX SALES OF PROPERTY, was read the third time and explained by Senator Killpack. Senator Jenkins commented and the bill passed on the following roll call:

Yeas, 21; Nays, 0; Absent, 8.

Voting in the affirmative were: Senators

Bramble	Christensen	Dayton	Dmitrich
Eastman	Fife	Goodfellow	Greiner
Hillyard	Jenkins	Jones	Killpack
McCoy	Niederhauser	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Bell	Buttars	Davis	Hickman
Knudson	Madsen	Mayne	Peterson

H.B. 146 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

4th Sub. H.B. 108, TRANSPORTATION STUDY – EAST–WEST CORRIDORS IN SALT LAKE COUNTY AND COUNTIES OF THE SECOND CLASS, was read the third time and explained by Senator Goodfellow. Senator Bramble commented and the bill passed on the following roll call:

Yeas, 21; Nays, 0; Absent, 8.

Voting in the affirmative were: Senators

Bramble	Christensen	Dayton	Dmitrich
Eastman	Fife	Goodfellow	Greiner
Hillyard	Jenkins	Jones	Killpack
McCoy	Niederhauser	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Bell	Buttars	Davis	Hickman
Knudson	Madsen	Mayne	Peterson

4th Sub. H.B. 108, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Bramble, and at 10:50 a.m., the Senate sauntered.

The Senate was called to order at 11:25 a.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 26, 2007

The House passed, **1st Sub. S.B. 136**, UNLAWFUL DETAINER AMENDMENTS, by Senator M. Waddoups, which has been signed by the Speaker and it is transmitted for the signature of the President; and

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 136 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 26, 2007

The House passed, as amended, **2nd Sub. S.B. 167**, UTAH SPORTS AUTHORITY, by Senator M. Dmitrich, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 241**, ELECTION LAW MODIFICATIONS, by Senator P. Knudson, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

* * *

Mr. President: February 26, 2007

The House passed, as substituted and amended, **2nd Sub. H.B. 377**, RETIREMENT BENEFIT AMENDMENTS, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 438**, JAIL CONTRACTING – JAIL COMPENSATION AMENDMENTS, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 440**, DRUG PRODUCT EQUIVALENT AMENDMENTS, by Representative E. Hutchings, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **2nd Sub. H.B. 377**, **H.B. 438**, and **1st Sub. H.B. 440** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 26, 2007

The Rules Committee recommends that, under suspension of the rules, the following bills be placed at the bottom of the Second Reading Calendar:

H.B. 383 Amendments to Transportation Funding Provisions
(Rep. R. Lockhart)

1st Sub. H.B. 36 Income Tax Additions and Subtractions for Higher
Education Savings (Rep. F. Hunsaker)

- 1st Sub. H.B. 118** Residency Requirements for In–state Tuition
(Rep. J. Draxler)
- H.B. 393** Truth in Bonding (Rep. G. Hughes)
- 2nd Sub. H.B. 134** School and Institutional Trust Lands Amendments
(Rep. J. Mathis)
- H.B. 137** Pain Medication Management and Education
(Rep. B. Daw)
- H.B. 340** Insurer Receivership Act (Rep. J. Dunnigan)
- H.B. 185** Higher Education Partnerships Appropriation
(Rep. G. Snow)
- H.B. 192** Revoking Authority to Use State Lands as a Bird Refuge
(Rep. B. Ferry)
- 1st Sub. H.B. 260** Post Retirement Employment (Rep. G. Donnelson)
- 1st Sub. H.B. 296** Approval of Subdivisions (Rep. G. Froerer)
- 1st Sub. H.B. 309** Scott B. Lundell Tuition Waiver for Military Members’
Surviving Dependents (Rep. G. Hughes)
- H.B. 316** Expansion of Career Service to the Office of Attorney
General (Rep. R. Lockhart)
- H.B. 341** Attorney General Crime Violence Prevention Special
Revenue Fund (Rep. P. Neuenschwander)
- 1st Sub. H.B. 347** Municipal Election Law Provisions (Rep. D. Aagard)
- H.B. 374** Integrated Health System Fair Practices Act
(Rep. R. Lockhart)
- H.B. 426** Change to Department of Veterans’ Affairs
(Rep. G. Hughes)
- 3rd Sub. H.B. 163** Options for Health Care (Rep. J. Dunnigan)
- H.B. 245** Child Welfare Amendments (Rep. M. Newbold)
Bill Hickman
Rules Committee Chair

Report filed. On motion of Senator Hickman, the committee report was adopted.

* * *

On motion of Senator Bramble, and at 11:35 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:40 p.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 26, 2007

The House passed, **S.B. 45**, NURSING AMENDMENTS, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 77**, INSURABLE INTEREST AMENDMENTS, by Senator R. Romero, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 83**, ACUPUNCTURE LICENSING ACT AMENDMENTS, by Senator S. McCoy, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 101**, CREDIT SERVICES ORGANIZATIONS ACT CHANGES, 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. 166**, NOTARY PUBLIC AMENDMENTS, by Senator R. Romero, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 181**, FEES TO COVER COST OF ELECTRONIC PAYMENTS, 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. 183**, RESTRICTIONS ON DESIGNATION OF WETLANDS, by Senator S. Killpack, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 192**, SERVICE ANIMALS, by Senator S. McCoy, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 193**, AMENDMENTS TO MENTAL HEALTH PROFESSIONAL PRACTICE ACT, by Senator P. Jones, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 197**, LOCAL INITIATIVE AND PETITION BALLOT TITLES, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 203**, DISCLOSURE OF PROPERTY TAX INFORMATION, 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. 215**, AMENDMENTS TO LAND USE DEVELOPMENT AND MANAGEMENT ACT, by Senator G. Bell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 228**, STATE AGENCY AND HIGHER EDUCATION COMPENSATION 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. 45, S.B. 77, S.B. 83, S.B. 101, 1st Sub. S.B. 166, S.B. 181, S.B. 183, S.B. 192, S.B. 193, S.B. 197, 1st Sub. S.B. 203, S.B. 215, and S.B. 228 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, 2007

The House concurred in the Senate amendments and passed **H.B. 15**, DRIVER LICENSE PRIVILEGE SUSPENSION FOR FAILURE TO PAY CHILD SUPPORT, by Representative Julie Fisher, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 92**, ADOPTION OF AN ADULT PROVISIONS, by Representative J. Mathis, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 15 and **H.B. 92** 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, 2007

The House substituted and passed, **1st Sub. S.B. 199**, DIVISION OF REAL ESTATE AND TITLE INSURANCE RELATED AMENDMENTS, by Senator S. Killpack, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 227**, UTAH FIRE PREVENTION BOARD AMENDMENT, by Senator P. Knudson, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

* * *

Mr. President:

February 26, 2007

The House refused to concur with the Senate Amendments to **3rd Sub. H.B. 277**, CONSTRUCTION AMENDMENTS, by Representative M. Morley, 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 **3rd Sub. H.B. 277**. President Valentine appointed a conference committee consisting of Senators Jenkins, Van Tassell, and Fife to meet with a like committee from the House.

COMMITTEE OF THE WHOLE

On motion of Senator Bramble, Phyllis Taylor, representing the Taylor Foundation, spoke in Committee of the Whole. Senator Stephenson commented.

On motion of Senator Bramble, the Committee of the Whole was dissolved.

On motion of Senator Bramble, the Senate voted to add to the Master Study Resolution the "Taylor Plan".

SECOND READING CALENDAR

1st Sub. H.B. 79, CONCURRENT ENROLLMENT AMENDMENTS, was read the second time. Senator Bell explained the bill. This bill did not have a Senate standing committee hearing.

On motion of Senator Bell, the following substitute bill replaced the original bill:

2nd Sub. H.B. 79 Concurrent Enrollment Amendments (K. Holdaway)

Senator Dayton proposed the following amendment:

- 1. Page 1, Line 18

18 increase in the value of the weighted pupil unit;
allows the president of an institution of higher education to authorize a partial tuition charge of up to \$25 per credit hour if there is not adequate funding for concurrent enrollment courses at that institution;

- 2. Page 3, Line 74:

74 (ii) teaching is done through live classroom instruction or telecommunications; ~~{-and-}~~

- 3. Page 3, Line 78:

78 university campuses; and
(iv) students may only be charged fees or partial tuition in accordance with Subsections (6) and (7); and

- 4. Page 4, Line 97:

97 (iii) (A) ~~{-Higher-}~~ Except as provided in Subsection (7), education tuition and fees may not be charged for participation in this

- 5. Page 4, Line 103:

103 additional admissions application fee may be charged by the institution.

(7) If the president of an institution of higher education determines that there is not adequate funding for the concurrent enrollment courses offered through that institution, the president may authorize the institution to charge partial tuition of up to \$25 per credit hour for each concurrent enrollment course for which the student will receive college credit, paid directly to the institution of higher education that offers the credit.

Senator Dayton’s motion to amend failed on a voice vote. Senators Jenkins, Bramble, Hillyard, and Mayne commented. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard

Jenkins	Jones	Killpack	Knudson
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Voting in the negative was: Senator Dayton

Absent or not voting was: Senator Madsen

On motion of Senator Hillyard, **2nd Sub. H.B. 79** was placed on Third Reading Table due to fiscal impact.

* * *

On motion of Senator Killpack, under suspension of the rules, **1st Sub. H.B. 242, MEDICAID FALSE CLAIMS ACT AMENDMENTS**, was considered read the second and third times and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Mayne
Niederhauser	Peterson	Romero	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting were: Senators

Davis	Hickman	Madsen	McCoy
Stephenson			

1st Sub. H.B. 242, as amended, was returned to the House for further consideration.

* * *

1st Sub. H.B. 65, SPECIAL AND LOCAL DISTRICTS AMENDMENTS, was read the second time.

Senator Walker proposed the following amendment:

1. Page 108, Line 3326

3326 last completed real property assessment roll of the county in which the property is located; {~~-or~~} and

2. Page 329, Lines 10173 through 10174:

10173 (2) A hearing under Subsection (1) may not be held less than 21 days {~~-or more than 30~~

10174 days } after the filing of the validation petition.

3. Page 330, Lines 10206 through 10209:

10206 {~~-(1) The filing of a validation petition and the giving of notice as required in Section~~

10207 17B-1-1204 give the district court jurisdiction of the validation petition and validation

10208 proceedings. }

10209 {~~-(2) }~~ (1) At each validation petition hearing, the court shall {~~-examine into and~~} determine all

4. Page 330, Line 10211:

10211 {~~-(3) }~~ (2) The district court shall:

5. Page 330, Line 10216:

10216 {~~-(4) }~~ (3) The district court shall disregard each error, irregularity, or omission that does not

6. Page 330, Line 10218:

10218 {~~-(5) }~~ (4) Except as otherwise specified in this part, the Utah Rules of Civil Procedure shall

7. Page 331, Lines 10229 through 10232:

10229 (3) {~~-Notwithstanding Rule 55(e) and Rule 60(b) of the Utah Rules of Civil Procedure or~~

10230 any other provision of law, each } A district court judgment adjudicating matters raised by a

10231 validation petition {~~-shall~~} :

10232 (a) {~~-be~~} is binding and conclusive as to the local district and all other parties to the

8. Page 331, Line 10234:

10234 (b) {~~constitute~~} constitutes a permanent injunction against any action or proceeding to contest any

9. Page 331, Lines 10236 through 10246:

10236 {~~(4) After a final judgment has been entered in validation proceedings:~~

10237 (a) no court has jurisdiction to adjudicate the matters adjudicated in the validation

10238 proceedings; and

10239 (b) the right of any person to litigate a matter adjudicated in the validation proceedings

10240 terminates. }

10241 {~~(5)~~} (4) (a) {~~An~~} Each appeal of a final judgment in validation proceedings {~~may~~} shall be {~~taken only to~~} filed with

10242 the Supreme Court {~~and~~ -} (b) An appeal of a final judgment in validation proceedings may be filed only by a party to the validation proceedings.

10243 {~~(b) Each appeal of a final judgment in validation proceedings shall be filed within ten~~

10244 days after the date of the entry of the final judgment. }

10245 (c) The {~~Supreme Court~~} appellate court hearing an appeal under this section shall expedite {~~and give priority to~~} the hearing {~~and decision~~} of

10246 {~~an~~} the appeal {~~under this section~~} .

Senator Walker’s motion to amend passed on a voice vote. Senator Walker explained the bill. Senators Buttars, Stowell, Greiner, Jenkins, and Valentine commented. The bill passed second reading on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman

Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator Stephenson

* * *

H.B. 155, STUDENT ACHIEVEMENT ASSESSMENT AMENDMENTS, was read the second time. Senator Stephenson explained the bill. This bill did not have a Senate standing committee hearing.

Senator Stephenson proposed the following amendment:

1. Page 10, Line 281

281 614(a)(1) of the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

(13) School districts and charter schools shall provide each student who qualifies for a basic skills education stipend information about the Basic Skills Education Stipend Program, including:

(a) voucher applications; and

(b) how to access a list of approved public and private providers.

Senator Stephenson’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

Bell	Bramble	Christensen	Davis
Dayton	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Voting in the negative was: Senator Dmitrich

Absent or not voting were: Senators

Buttars	Niederhauser
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On motion of Senator Hillyard, **H.B. 155** was placed on Third Reading Table due to fiscal impact.

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1st Sub. H.B. 176, CERTAIN COUNTY DEBT FORGIVEN, was read the second time. Senator Hickman explained the bill. This bill did not have a Senate standing committee hearing. Senators Hillyard, Romero, and Buttars commented. Senator Jones declared a conflict of interest. The bill passed second reading on the following roll call:

Yeas, 15; Nays, 11; Absent, 3.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dmitrich	Eastman	Goodfellow	Hickman
Jones	Killpack	Knudson	Peterson
Stowell	Walker	Valentine	

Voting in the negative were: Senators

Bell	Dayton	Fife	Hillyard
Jenkins	Madsen	McCoy	Romero
Stephenson	Van Tassell	Waddoups	

Absent or not voting were: Senators

Greiner	Mayne	Niederhauser
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On motion of Senator Knudson, **1st Sub. H.B. 176** was placed on Third Reading Table due to fiscal impact.

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On motion of Senator Killpack, under suspension of the rules, **1st Sub. H.B. 368**, EARLY VOTING POLLING PLACES, was considered read the second and third times. This bill did not have a Senate standing committee hearing. Senator Davis commented and the bill passed on the following roll call:

Yeas, 22; Nays, 1; Absent, 6.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Goodfellow	Greiner	Hickman	Jones
Killpack	Madsen	Niederhauser	Peterson
Romero	Stephenson	Stowell	Waddoups
Walker	Valentine		

Voting in the negative was: Senator
McCoy

Absent or not voting were: Senators
Fife Hillyard Jenkins Knudson
Mayne Van Tassell

1st Sub. H.B. 368 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 2, EXECUTIVE COMPENSATION REVISIONS, was read the second time.

On motion of Senator Bramble, the bill was circled.

* * *

On motion of Senator Bramble, under suspension of the rules, the Senate voted to consider bills that have not been on the board for the required 24-hour period.

* * *

H.B. 383, AMENDMENTS TO TRANSPORTATION FUNDING PROVISIONS, was read the second time. This bill did not have a Senate standing committee hearing.

On motion of Senator Stowell, the bill was circled.

* * *

On motion of Senator Bramble, and at 4:05 p.m., the Senate sauntered.

The Senate was called to order at 4:20 p.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 26, 2007

The House passed, **1st Sub. S.B. 87, HOMEOWNERS ASSOCIATION REQUIREMENTS**, by Senator J. Hickman, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 161**, HUNTING AND FISHING LICENSE 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, **1st Sub. S.B. 196**, EXECUTIVE COMPENSATION 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. 205**, ALCOHOLIC BEVERAGE CONTROL AMENDMENTS, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 232**, MILITARY INSTALLATION DEVELOPMENT AUTHORITY, by Senator S. Killpack, et al, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 266**, INCOME TAX FILING 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, **1st Sub. S.B. 271**, SOLID AND HAZARDOUS WASTE ACT AMENDMENTS, by Senator S. Killpack, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 87, S.B. 161, 1st Sub. S.B. 196, S.B. 205, 1st Sub. S.B. 232, S.B. 266, and 1st Sub. S.B. 271 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, 2007

The House adopted the Joint Conference Committee Report dated February 26, 2007, and passed **7th Sub. H.B. 236**, STUDENT CLUBS AMENDMENTS, by Representative A. Tilton, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

7th Sub. 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.

* * *

Mr. President: February 26, 2007

The House passed **H.J.R. 13**, RESOLUTION SUPPORTING WORKING FAMILIES ECONOMIC DEVELOPMENT INITIATIVE, by Representative T. Cosgrove, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.J.R. 13** was read the first time and referred to the Rules Committee.

* * *

Mr. President: February 26, 2007

The Speaker of the House has appointed a Conference Committee consisting of Representatives M. Morley, M. Noel, and L. Wiley to meet with a like committee from the Senate to consider or amend **3rd Sub. H.B. 277**, CONSTRUCTION AMENDMENTS, by Representative M. Morley.

Sandy D. Tenney, Chief Clerk

* * *

Mr. President: February 26, 2007

The House substituted and passed, **3rd Sub. S.B. 56**, EDUCATION EMPLOYEE ASSOCIATION AMENDMENTS, by Senator M. Madsen, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

* * *

On motion of Senator Christensen, the Senate voted to lift **H.B. 39**, CONCEALED WEAPONS FEES AMENDMENTS, from the Third Reading Table and place it at the top of the Third Reading Calendar.

THIRD READING CALENDAR

H.B. 39, CONCEALED WEAPONS FEES AMENDMENTS, was read the third time and explained by Senator Christensen.

Senator Christensen proposed the following amendment:

- 1. Page 1, Lines 12 through 16
House Floor Amendments
1-26-2007

12 {~~weapons~~} firearm permits.

13 Highlighted Provisions:

14 This bill:

15 ► allows the Criminal Investigations and Technical Services Division to use fees

16 collected for the issuance, renewal, and replacement of concealed {~~weapons~~} firearm permits

- 2. Page 1, Line 21
House Floor Amendments
1-26-2007:

21 {~~None~~} This bill appropriates:
as an ongoing appropriation subject to future budget constraints, a negative \$653,900 from the General Fund and a positive \$653,900 from dedicated credits for fiscal year 2007-08 to the Bureau of Criminal Identification.

- 3. Page 2, Lines 40 through 41
House Floor Amendments
1-26-2007:

40 (5) (a) The division ~~H~~→ [may] shall ~~←H~~ use the fees collected under Subsections (1), (2),

40a (3), and (4) as a

41 dedicated credit to cover the costs of issuing concealed {~~weapons~~} firearm permits under this part.

(b) All revenue collected from the fees identified in Subsections (1), (2), (3), and (4) in excess of the amount necessary to cover the cost of issuing concealed firearm permits under this part shall be deposited in the state treasury and credited to the General Fund.

- 4. Page 2, Line 48a
House Floor Amendments
1-26-2007:

48a ~~H~~→ Section 2. Appropriation.
(1) As an ongoing appropriation subject to future budget

constraints, there is appropriated from the General Fund for the fiscal year 2007–08, a negative \$653,900 and from dedicated credits for the fiscal year 2007–08, a positive \$653,900 to the Bureau of Criminal Identification within the Criminal Investigations and Technical Services Division of the Department of Public Safety to cover the cost of the bureau’s issuing concealed firearm permits.

(2) The appropriations in Subsection (1) are in addition to amounts previously appropriated to the bureau for the fiscal year 2007–08.

Section 3. Effective date.

Senator Christensen’s motion to amend passed on a voice vote.

On motion of Senator Christensen, the bill was circled.

* * *

On motion of Senator Bramble, the Senate voted to lift **1st Sub. S.B. 223, TAX AMENDMENTS**, from Rules and place it at the top of the Second Reading Calendar.

SECOND READING CALENDAR

1st Sub. S.B. 223, TAX AMENDMENTS, was read the second time.

On motion of Senator Niederhauser, the following substitute bill replaced the original bill:

2nd Sub. S.B. 223 Tax Amendments (W. Niederhauser)

Senator Niederhauser explained the bill. Senators Waddoups, Bell, Bramble, Jones, McCoy, Dmitrich, and Romero commented.

On motion of Senator Niederhauser, under suspension of the rules, **2nd Sub. S.B. 223, TAX AMENDMENTS**, was considered read the second and third times. Senator Jones declared a conflict of interest. The bill passed on the following roll call:

Yeas, 27; Nays, 2; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack

Knudson	Madsen	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Voting in the negative were: Senators
 Mayne McCoy

2nd Sub. S.B. 223 was transmitted to the House.

On motion of Senator Niederhauser, the Senate voted to include the following intent language in the Senate Journal.

INTENT LANGUAGE TO 2ND SUB. S.B. 223

It is the intent of the Legislature in passing 2nd Sub. S.B. 223, Tax Amendments, that the Revenue and Taxation Interim Committee, with the assistance of the Utah Tax Review Commission, draft legislation to repeal the state individual income tax imposed on the basis of graduated brackets and rates as required by S. B. 223. The Legislature intends that the legislation contain all provisions necessary to effectuate this repeal. Further, it is the intent of the Legislature to urge the governor to place this legislation on the call of a special session to be held during the 2007 session.

* * *

On motion of Senator Stowell, the Senate voted to include the following intent language in the Senate Journal:

It is the intent of the Legislature in passing 2nd Sub. S.B. 223, Tax Amendments, that each fiscal year as part of the appropriations process, the Legislative Fiscal Analyst shall analyze growth in the sales and use tax base for rural hospitals to provide information to the Legislature to assist the Legislature in determining whether the appropriation to the Rural Health Care Facilities Fund should be modified to account for inflation or deflation.

* * *

On motion of Senator Hickman, the Senate voted to lift from rules, **H.B. 226, 3rd Sub. H.B. 84, and H.B. 262** and place them at the bottom of the Third Reading Calendar above the line.

* * *

H.B. 226, SALES AND USE TAX – HIGHWAYS AND PUBLIC TRANSPORTATION AMENDMENTS, was before the Senate.

On motion of Senator Hillyard, the bill was circled.

* * *

3rd Sub. H.B. 84, TRAUMATIC BRAIN INJURY FUND, was before the Senate.

On motion of Senator Hillyard, the bill was circled.

* * *

H.B. 262, SEARCH WARRANT AMENDMENTS, was before the Senate.

On motion of Senator Hillyard, the bill was circled.

* * *

On motion of Senator Bramble, and at 5:10 p.m., the Senate recessed.

EVENING SESSION

The Senate reassembled at 6:10 p.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 26, 2007

The House passed, **S.B. 73**, NEW UTAH LICENSE PLATE DESIGN, by Senator D. Eastman, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 186**, MOTOR VEHICLE AMENDMENTS, by Senator D. Eastman, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 255**, CRANE SAFETY AMENDMENTS, by Senator G. Davis, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 3**, RESOLUTION ENCOURAGING CONGRESSIONAL FUNDING FOR STATE CHILDREN'S HEALTH INSURANCE PROGRAM, 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. 73, S.B. 186, S.B. 255, and S.J.R. 3 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, 2007

The Joint Conference Committee comprised of Sens. Jenkins, Van Tassell, and Fife, and Reps. Morley, Noel, and Wiley, recommends **3rd Sub. H.B. 277, CONSTRUCTION AMENDMENTS**, by Representative M. Morley, with the following amendments:

1. Include the Senate amendments on Page 3, Lines 60–63 and 71, of the Goldenrod copy dated 02–15–2007.
2. Include the Senate amendments on Page 7, Lines 184–184a, 187–187b, 197, and 199–203d, of the Goldenrod copy dated 02–22–2007.

Senator Scott Jenkins and
Representative Mike Morley,
Chairs

On motion of Senator Jenkins, the Senate voted to adopt the conference committee report to **3rd Sub. H.B. 277, CONSTRUCTION AMENDMENTS**. The bill, as amended, passed on the following roll call:

Yeas, 20; Nays, 5; Absent, 4.

Voting in the affirmative were: Senators

Christensen	Davis	Dayton	Dmitrich
Fife	Goodfellow	Hillyard	Jenkins
Jones	Killpack	Knudson	Mayne
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Voting in the negative were: Senators

Bell	Eastman	Greiner	McCoy
Niederhauser			

Absent or not voting were: Senators

Bramble	Buttars	Hickman	Madsen
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3rd Sub. H.B. 277 was returned to the House for further consideration.

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Mr. President: February 26, 2007

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 87, SEVERANCE TAX RELATED AMENDMENTS**, by Representative G. Snow, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **4th Sub. H.B. 108**, TRANSPORTATION STUDY – EAST–WEST CORRIDORS IN SALT LAKE COUNTY AND COUNTIES OF THE SECOND CLASS, by Representative R. Bigelow, 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. 275**, OFFENSE AGAINST PEACE OFFICERS, 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. 295**, INSURANCE LAW AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 323**, EDUCATION FUND CONFORMING 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 **H.C.R. 5**, EARLY CHILDHOOD READING READINESS RESOLUTION, by Representative K. Morgan, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

2nd Sub. H.B. 87, 4th Sub. H.B. 108, 1st Sub. H.B. 275, H.B. 295, 2nd Sub. H.B. 323, and H.C.R. 5, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Stowell, the circle was removed from **H.B. 383**, AMENDMENTS TO TRANSPORTATION FUNDING PROVISIONS, and it was before the Senate. Senator Stowell explained the bill.

On motion of Senator Stowell, the bill was circled.

* * *

On motion of Senator Hillyard, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Hillyard, the circle was removed from **H.B. 262**, SEARCH WARRANT AMENDMENTS and it was before the Senate. The bill passed on the following roll call:

Yeas, 21; Nays, 0; Absent, 8.

Voting in the affirmative were: Senators

Christensen	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Madsen
McCoy	Niederhauser	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Bell	Bramble	Buttars	Davis
Hickman	Knudson	Mayne	Peterson

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.

* * *

On motion of Senator Eastman, the Senate voted to move to Second Reading Calendar.

SECOND READING CALENDAR

1st Sub. H.B. 36, INCOME TAX ADDITIONS AND SUBTRACTIONS FOR HIGHER EDUCATION SAVINGS, was read the second time.

On motion of Senator Niederhauser, the bill was circled.

* * *

1st Sub. H.B. 118, RESIDENCY REQUIREMENTS FOR IN-STATE TUITION, was read the second time. This bill did not have a Senate standing committee hearing. Senator Hillyard explained the bill. Senators Waddoups, Dayton, Romero, Niederhauser, Stowell, Stephenson, and Valentine commented. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 3; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hillyard	Jones	Killpack
Knudson	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Walker	Valentine	

Voting in the negative were: Senators

Dayton	Jenkins	Waddoups
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Absent or not voting were: Senators

Bramble	Hickman	Madsen
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H.B. 393, TRUTH IN BONDING, was read the second time. This bill did not have a Senate standing committee hearing. 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

Bell	Bramble	Buttars	Christensen
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator

Davis

* * *

On motion of Senator Bramble, the circle was removed from **H.B. 2, EXECUTIVE COMPENSATION REVISIONS**, and it was before the Senate.

On motion of Senator Bramble, under suspension of the rules, **H.B. 2, EXECUTIVE COMPENSATION REVISIONS**, was considered read the second and third times and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.**Voting in the affirmative were:** Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

H.B. 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 Hillyard, the Senate voted to lift **S.B. 1**, CURRENT FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS ACT, from Rules and place it at the top of the Second Reading Calendar.

* * *

S.B. 1, CURRENT FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS ACT, was read the second time.

On motion of Senator Hillyard, the bill was circled.

* * *

RULES COMMITTEE REPORTS

To the Members of the Senate: February 26, 2007

The Rules Committee recommends that, under suspension of the rules, the following bills be placed at the bottom of the Second Reading Calendar:

- 1st Sub. H.B. 371** Applied Technology Education Amendments
(Rep. R. Bigelow)
- H.B. 318** Charter School Facilities Financing Act
(Rep. S. Urquhart)
- H.B. 328** Child Protection and Parental Rights Amendments
(Rep. W. Harper)
- 3rd Sub. H.B. 158** Amendments to Transportation Provisions
(Rep. W. Harper)
- H.B. 302** Medical Examiner – Testing for Substances in Cases of
Suspected Suicide (Rep. W. Harper)
- H.B. 369** Nursing Care Facility Licensure Modifications
(Rep. S. Urquhart)
- H.B. 365** Eminent Domain Authority of Community Development
and Renewal Agencies (Rep. S. Urquhart)
- 1st Sub. H.B. 95** Accelerated Learning Program Amendments
(Rep. C. Moss)
- H.B. 234** Compensation of Local School Board Members
(Rep. J. Dougall)
- 1st Sub. H.B. 119** Emergency Communication Funding (Rep. B. Dee)
- H.B. 180** Parole Amendments (Rep. C. Oda)

H.B. 424	Definition of Agri-tourism (Rep. M. Morley)
2nd Sub. H.B. 286	School Discipline and Conduct Amendments (Rep. E. Hutchings)
1st Sub. H.B. 348	County Government Reform (Rep. M. Brown)
H.B. 45	Comparative Negligence Amendments (Rep. S. Wyatt)
4th Sub. H.B. 352	Local Government Regulation of Billboards (Rep. M. Brown)
2nd Sub. H.B. 358	Cervical Cancer Prevention (Rep. K. Morgan)
H.B. 313	Administration of Medication to Students Amendments (Rep. R. Lockhart)
H.B. 145	Farmers Market Exemptions (Rep. R. Menlove)
H.B. 343	Foster Placement and Adoption Amendments (Rep. L. Fowlke)
H.B. 419	Cosmetologist/barber, Esthetician, Electrologist, and Nail Technician Licensing Act Amendments (Rep. S. Clark)
H.B. 449	Accident Report Records Access (Rep. M. Walker)
1st Sub. H.B. 140	Safe Drinking Water Amendments (Rep. S. Andersen)
	Bill Hickman
	Rules Committee Chair

Report filed. On motion of Senator Hickman, the committee report was adopted.

* * *

On motion of Senator Bramble and at 7:00 p.m., the Senate adjourned until 9:00 a.m., Tuesday, February 27, 2007.

FORTY-FOURTH DAY
MORNING SESSION
February 27, 2007

The Senate was called to order at 9:40 a.m., with President John Valentine presiding.

- Prayer** – Senator Brent Goodfellow
- Pledge of Allegiance** – Senator Mark Madsen
- Roll Call** – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 102)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 26, 2007
 The House has rejected **1st Sub. S.B. 57**, HIGH SCHOOL GRADUATION AMENDMENTS, by Senator M. Madsen, and it is transmitted for filing.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 57 was returned to the staff for filing.

* * *

Mr. President: February 26, 2007
 The House concurred in the Senate amendments and passed **1st Sub. H.B. 242**, MEDICAID FALSE CLAIMS ACT AMENDMENTS, by Representative B. Last, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. H.B. 242 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 26, 2007
 The House passed, as amended, **H.B. 473**, REVENUE BOND AND CAPITAL FACILITIES AUTHORIZATIONS, by Representative D. G. Buxton, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 473** was read the first time and referred to the Rules Committee.

CONCURRENCE CALENDAR

On motion of Senator Dmitrich, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 167**, UTAH SPORTS AUTHORITY. The bill, as amended, passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

2nd Sub. S.B. 167 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 **S.B. 241**, ELECTION LAW MODIFICATIONS. The bill, as amended, passed on the following roll call:

Yeas, 26; Nays, 2; Absent, 1.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Mayne	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Voting in the negative were: Senators

Madsen	McCoy
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Absent or not voting was: Senator

Bramble

S.B. 241 was returned to the House for the signature of the Speaker.

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On motion of Senator Killpack, the Senate voted to concur in the House amendments to **1st Sub. S.B. 199**, DIVISION OF REAL ESTATE AND TITLE INSURANCE RELATED AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Bramble	Hillyard	Stowell
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1st Sub. S.B. 199 was returned to the House for the signature of the Speaker.

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On motion of Senator Knudson, the Senate voted to concur in the House amendments to **S.B. 227**, UTAH FIRE PREVENTION BOARD AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator

Bramble

S.B. 227 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Madsen, the Senate voted to concur in the House amendments to **3rd Sub. S.B. 56**, EDUCATION EMPLOYEE ASSOCIATION AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 20; Nays, 8; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Eastman	Greiner	Hillyard
Jenkins	Killpack	Knudson	Madsen
Niederhauser	Peterson	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Voting in the negative were: Senators

Davis	Dmitrich	Fife	Goodfellow
Jones	Mayne	McCoy	Romero

Absent or not voting was: Senator

Hickman

3rd Sub. S.B. 56 was returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Hillyard, the circle was removed from **S.B. 1**, SUPPLEMENTAL APPROPRIATIONS ACT, and it was before the Senate. Senator Hillyard explained the bill.

On motion of Senator Hillyard, under suspension of the rules, **S.B. 1**, SUPPLEMENTAL APPROPRIATIONS ACT, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 25; Nays, 2; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Van Tassell	Waddoups	Walker
Valentine			

Voting in the negative were: Senators
Jenkins Stephenson

Absent or not voting were: Senators
Dayton Stowell

S.B. 1 was transmitted to the House.

* * *

On motion of Senator Bramble, the Senate voted to recall **1st Sub. S.B. 30**, CREATION OF NEW SCHOOL DISTRICT AMENDMENTS, from Legislative Research and General Counsel.

* * *

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to lift the following bills from the Third Reading Table and place them at the bottom of the Third Reading Calendar: **H.B. 47, 2nd Sub. H.B. 79, 1st Sub. H.B. 91, 1st Sub. H.B. 102, H.B. 107, and H.B. 241.**

On motion of Senator Hillyard, the Senate voted to move the following bills to the top of the Second Reading Calendar: **H.B. 185, H.B. 245, and H.B. 383.**

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to lift the following bills from the Rules Committee and place them on the Second Reading Calendar: **2nd Sub. H.B. 164, H.B. 174, 1st Sub. H.B. 196, H.B. 212, 2nd Sub. H.B. 222, 1st Sub. H.B. 314, H.B. 351, H.B. 382, H.B. 432, and H.B. 461.**

COMMUNICATIONS FROM THE GOVERNOR

Mr. President:

February 2, 2007

In accordance with Utah Code 67-1-1 and 67-1-2 (2004), I propose and transmit the following appointment:

SEVENTH JUDICIAL DISTRICT COURT

Douglas B. Thomas is appointed as a Judge of the Seventh District Court. See Utah Const. art. VIII, 9; Utah Code 78-29-2.

Thank you for your timely consideration and confirmation of the above appointment.

Jon M. Huntsman, Jr.
Governor

COMMITTEE REPORT

Mr. President: October 3, 2006

The Senate Judiciary, Law Enforcement, and Criminal Justice Confirmation Committee met on February 26, 2007 and unanimously reports a favorable recommendation for Mr. Douglas B. Thomas to be confirmed to the position of Judge in the Seventh District Court.

D. Chris Buttars, Chair

Senator Hillyard moved to consent to the above appointment. Senators Buttars and Dmitrich commented. The motion passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

COMMITTEE OF THE WHOLE

On motion of Senator Hillyard, Judge Douglas B. Thomas, spoke in Committee of the Whole.

On motion of Senator Hillyard, the Committee of the Whole was dissolved.

* * *

On motion of Senator Hickman, under suspension of the rules, the Senate voted to lift the following bills from the Rules Committee and place them on the bottom of the Second Reading Calendar: **1st Sub. H.B. 362** and **H.C.R. 2**

On motion of Senator Hickman, under suspension of the rules, the Senate voted to lift the following bill from the Rules Committee and place it on the bottom of the Third Reading Calendar: **H.B. 145**

On motion of Senator Hillyard, the Senate voted to remove the following bills from the Second Reading Calendar: **H.B. 212** and **H.B. 461**

THIRD READING CALENDAR

On motion of Senator Christensen, the circle was removed from **H.B. 39**, CONCEALED WEAPONS FEES AMENDMENTS and it was before the Senate.

Senator Christensen proposed the following amendment:

- 1. Page 2, Lines 41b through 41d
Senate 2nd Reading Amendments
2-26-2007

41b **Ŝ→** (b) All revenue collected from the fees identified in Subsections (1), (2), (3), and (4) in

41c excess of the amount necessary to cover the cost of issuing concealed firearm permits under

41d this part shall be { ~~deposited in the state treasury and credited to the General Fund~~ } retained by the Bureau of Criminal Identification to help fund any other costs incurred by the bureau, but only for the fiscal year 2007-08 . **←Ŝ**

Senator Christensen’s motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker		

Absent or not voting were: Senators

Eastman	Hickman	Valentine
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H.B. 39, as amended, was returned to the House for further consideration.

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1st Sub. H.B. 65, SPECIAL AND LOCAL DISTRICTS AMENDMENTS, was read the third time.

On motion of Senator Walker, the bill was circled.

* * *

1st Sub. H.B. 118, RESIDENCY REQUIREMENTS FOR IN-STATE TUITION, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

Yeas, 23; Nays, 3; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hillyard	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Walker	

Voting in the negative were: Senators

Dayton	Jenkins	Waddoups
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Absent or not voting were: Senators

Christensen	Hickman	Valentine
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1st Sub. H.B. 118 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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H.B. 393, TRUTH IN BONDING, was read the third time and explained by Senator Stephenson.

Senator Stephenson proposed the following amendment:

1. Page 2, Line 46
House Floor Amendments
2-21-2007

46 the same value as the average value of a \hat{H} → [residence]
{ ~~business~~ ← \hat{H} } residence in the taxing entity)

Senator Stephenson's motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker			

Absent or not voting were: Senators

Christensen	Hickman	Niederhauser	Valentine
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H.B. 393, as amended, was returned to the House for further consideration.

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H.B. 47, PILOT PROGRAM FOR FAMILY PRESERVATION SERVICES, was read the third time.

On motion of Senator Bell, the bill was circled.

* * *

2nd Sub. H.B. 79, CONCURRENT ENROLLMENT AMENDMENTS, was read the third time and explained by Senator Bell. Senator Buttars commented and the bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Christensen	Dayton	Hickman
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2nd Sub. H.B. 79, as amended, was returned to the House for further consideration.

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On motion of Senator Walker, the circle was removed from **1st Sub. H.B. 65**, SPECIAL AND LOCAL DISTRICTS AMENDMENTS and it was before the Senate. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Christensen	Hickman
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1st Sub. H.B. 65, as amended, was returned to the House for further consideration.

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1st Sub. H.B. 91, COMMISSION ON CRIMINAL AND JUVENILE JUSTICE FUNDING, was read the third time, explained by Senator Killpack, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hillyard	Jenkins	Jones
Killpack	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Buttars	Christensen	Hickman	Knudson
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1st Sub. H.B. 91 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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On motion of Senator Bell, the circle was removed from **H.B. 47, PILOT PROGRAM FOR FAMILY PRESERVATION SERVICES** and it was before the Senate. The bill passed on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker

Voting in the negative was: Senator Peterson

Absent or not voting were: Senators

Buttars	Christensen	Hickman	Valentine
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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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1st Sub. H.B. 102, LAND AND WATER REINVESTMENT, was read the third time and explained by Senator Stowell.

On motion of Senator Hillyard, the bill was circled.

* * *

H.B. 107, FUNDING FOR PROSECUTION AND PREVENTION OF CHILD PORNOGRAPHY OFFENSES, was read the third time, explained by Senator Greiner, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard

Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator Buttars

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.

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H.B. 241, APPROPRIATION FOR TERREL H. BELL PROGRAM, was read the third time and explained by Senator Dayton.

Senator Hillyard proposed the following amendment:

1. Page 1, Lines 21 through 22
House Committee Amendments
1-23-2007

21 ▶ as on ongoing appropriation subject to future budget constraints, {~~-\$692,300-~~} \$1,200,000 from the
22 ~~Ĥ~~→ [Uniform School] Education ←~~Ĥ~~ Fund for fiscal year 2007-08 to the State Board of Regents.

2. Page 2, Lines 31 through 32
House Committee Amendments
1-23-2007:

31 appropriated from the ~~Ĥ~~→ [Uniform School] Education ←~~Ĥ~~ Fund for fiscal year 2007-08.
31a {~~-\$692,300~~} \$1,200,000 to the State
32 Board of Regents for the Terrel H. Bell Teaching Incentive Loans Program.

Senator Hillyard’s motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman

Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Valentine	

Absent or not voting were: Senators
Killpack Walker

H.B. 241, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Bramble, the Senate voted to return **3rd Sub. H.B. 163**, OPTIONS FOR HEALTH CARE, to the Rules Committee.

* * *

H.B. 145, FARMERS MARKET EXEMPTION, was read the third time, explained by Senator Peterson, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator
Hillyard

H.B. 145, as amended, was returned to the House for further consideration.

SECOND READING CALENDAR

On motion of Senator Peterson, under suspension of the rules, **2nd Sub. H.B. 134**, SCHOOL AND INSTITUTIONAL TRUST LANDS AMENDMENTS, was considered read the second and third times. Senators Stowell and Valentine commented and the bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Dayton	Madsen
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2nd Sub. H.B. 134 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 Hickman, under suspension of the rules, the Senate voted to lift the following bills from the Rules Committee and place them on the bottom of the Second Reading Calendar: **H.B. 360** and **H.B. 238**

* * *

On motion of Senator Niederhauser, the circle was removed from **1st Sub. H.B. 36, INCOME TAX ADDITIONS AND SUBTRACTIONS FOR HIGHER EDUCATION SAVINGS**, and it was before the Senate.

On motion of Senator Niederhauser, the following substitute bill replaced the original bill:

2nd Sub. H.B. 36 Income Tax Additions and Subtractions for Higher Education Savings (F. Hunsaker)

Senator Niederhauser explained the bill. Senator Hillyard commented.

On motion of Senator Niederhauser, under suspension of the rules, **2nd Sub. H.B. 36, INCOME TAX ADDITIONS AND SUBTRACTIONS FOR HIGHER EDUCATION SAVINGS**, was considered read the second and third times and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jones	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Jenkins Killpack

2nd Sub. H.B. 36, as amended, was returned to the House for further consideration.

* * *

H.B. 185, HIGHER EDUCATION PARTNERSHIPS APPROPRIATION, was read the second time. Senator Van Tassell explained the bill.

On motion of Senator Van Tassell, the bill was circled.

* * *

On motion of Senator Madsen, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Madsen, the circle was removed from **H.B. 226**, SALES AND USE TAX – HIGHWAYS AND PUBLIC TRANSPORTATION AMENDMENTS.

Senator Madsen proposed the following amendment:

1. Page 4, Line 98:
Delete “75%” and insert “80%”
2. Page 4, Line 100:
Delete “25%” and insert “20%”

Senator Madsen’s motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Knudson
Madsen	Mayne	McCoy	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Killpack	Niederhauser
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H.B. 226, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Bell, the Senate voted to lift **H.B. 243** from the Third Reading Table, and place it on the Third Reading Calendar.

H.B. 243, ENERGY POLICY AMENDMENTS, was read the third time and explained by Senator Bell.

Senator Bell proposed the following amendment:

1. Page 1, Line 15–18:
Delete Lines 15 to 18
2. Page 3, Line 63–69:
Delete Lines 63–69

Senator Bell's motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Bramble Killpack

H.B. 243, as amended, was returned to the House for further consideration.

SECOND READING CALENDAR

On motion of Senator Christensen, under suspension of the rules, **H.B. 245**, CHILD WELFARE 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

Bell	Christensen	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Bramble Buttars Killpack Stephenson

H.B. 245 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Hillyard, the circle was removed from **H.B. 185**, HIGHER EDUCATION PARTNERSHIPS APPROPRIATION, and it was before the Senate. Senator Hillyard explained the bill.

On motion of Senator Hillyard, the following substitute bill replaced the original bill:

1st Sub. H.B. 185 Higher Education Partnerships Appropriation (G. Snow)

Senator Jenkins commented.

On motion of Senator Van Tassell, under suspension of the rules, **1st Sub. H.B. 185**, HIGHER EDUCATION PARTNERSHIPS APPROPRIATION, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Bramble	Buttars	Stephenson
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1st Sub. H.B. 185 was returned to the House for further consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 27, 2007

The Speaker of the House has signed **2nd Sub. S.B. 167**, UTAH SPORTS AUTHORITY, by Senator M. Dmitrich, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 199**, DIVISION OF REAL ESTATE AND TITLE INSURANCE RELATED AMENDMENTS, by Senator S. Killpack, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 241**, ELECTION LAW MODIFICATIONS, by Senator P. Knudson, and it is transmitted for the signature of the President; and

The House passed, **S.B. 198**, TOURISM AMENDMENTS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

Sandy D. Tenney, Chief Clerk

2nd Sub. S.B. 167, 1st Sub. S.B. 199, S.B. 241, and S.B. 198 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 27, 2007

The House adopted the Joint Conference Committee Report dated February 27, 2007, and passed **3rd Sub. H.B. 277**, CONSTRUCTION AMENDMENTS,

by Representative M. Morley, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

3rd Sub. 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.

* * *

Mr. President:

February 27, 2007

The House passed, as amended, **2nd Sub. S.B. 23**, CHILD SUPPORT GUIDELINES, by Senator G. Bell, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 160**, PHARMACY PRACTICE ACT AMENDMENTS, by Senator P. Knudson, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

* * *

On motion of Senator Bramble, and at 11:50 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:45 p.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 27, 2007

The House passed, as amended, **H.B. 150**, NEW FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS ACT, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed **H.B. 212**, SCHOOL DISCIPLINE AMENDMENTS, by Representative L. Fowlke, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 150** and **H.B. 212** were read the first time and referred to the Rules Committee.

SECOND READING CALENDAR

On motion of Senator Bramble, the Senate voted to lift **H.B. 150**, NEW FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS ACT, from Rules and place it at the top of the Second Reading Calendar.

On motion of Senator Bramble, the bill was circled.

* * *

On motion of Senator Bramble, to lift **H.B. 104**, ALCOHOLIC BEVERAGE LICENSEES AND GAMBLING-LIKE ACTIVITIES, from Rules and place it on the Second Reading Calendar below **1st Sub. HB. 95**.

* * *

On motion of Senator Stowell, the circle was removed from **H.B. 383**, AMENDMENTS TO TRANSPORTATION FUNDING PROVISIONS and it was before the Senate.

On motion of Senator Stowell, the following substitute bill replaced the original bill:

1st Sub. H.B. 383 Amendments to Transportation Funding Provisions (B. Lockhart)

Senators Mayne, Waddoups, Killpack, and Buttars commented. The bill passed second reading on the following roll call vote:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	

Absent or not voting were: Senators

Bell	Valentine
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* * *

2nd Sub. H.B. 164, CHARTER SCHOOL AMENDMENTS, was read the second time.

On motion of Senator Hillyard, the following substitute bill replaced the original bill:

3rd Sub. H.B. 164 Charter School Amendments (R. Bigelow)

On motion of Senator Hillyard, the bill was circled.

* * *

H.B. 174, EDUCATION VOUCHER AMENDMENTS, was read the second time.

On motion of Senator Hillyard, the bill was circled.

* * *

1st Sub. H.B. 196, HIGHER EDUCATION CRIMINAL BACKGROUND CHECKS, was read the second time.

On motion of Senator Hillyard, the bill was circled.

* * *

2nd Sub. H.B. 222, OPEN AND PUBLIC MEETINGS – ELECTRONIC NOTICE, was read the second time.

On motion of Senator Bramble, the following substitute bill replaced the original bill:

4th Sub. H.B. 222 Open and Public Meetings – Electronic Notice (J. Dougall)

Senator Bramble explained the bill. Senators McCoy, Jones, Stowell, and Hillyard commented. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Greiner Hickman

* * *

1st Sub. H.B. 314, TRANSPORTATION FUNDING REVISIONS, was read the second time.

On motion of Senator Killpack, the bill was circled.

* * *

On motion of Senator Knudson, the circle was removed from **H.B. 174**, EDUCATION VOUCHER AMENDMENTS and it was before the Senate. Senators Bell and Romero commented. The bill passed second reading on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Waddoups	Walker	Valentine

Absent or not voting was: Senator

Van Tassell

* * *

On motion of Senator Knudson, the circle was removed from **1st Sub. H.B. 196**, HIGHER EDUCATION CRIMINAL BACKGROUND CHECKS, and it was before the Senate. Senator Knudson explained the bill.

On motion of Senator Knudson, under suspension of the rules, **1st Sub. H.B. 196**, HIGHER EDUCATION CRIMINAL BACKGROUND CHECKS, was considered read the second and third times and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman

Fife	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Hickman	Van Tassell
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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.

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On motion of Senator Eastman, under suspension of the rules, **H.B. 351**, REVOLVING LOAN FUND FOR CERTAIN ENERGY EFFICIENT PROJECTS, was considered read the second and third times. Senator Romero commented and the bill passed on the following roll call:

Yeas, 25; Nays, 3; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hillyard
Jones	Killpack	Knudson	Madsen
Mayne	Niederhauser	Peterson	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Voting in the negative were: Senators

Jenkins	McCoy	Romero
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Absent or not voting was: Senator

Hickman

H.B. 351, as amended, was returned to the House for further consideration.

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H.B. 382, AMENDMENTS TO EDUCATION FUNDING, was read the second time.

On motion of Senator Eastman, the following substitute bill replaced the original bill:

3rd Sub. H.B. 382 Amendments to Education Funding (B. Dee)

Senator Eastman explained the bill. Senator Stephenson commented.

On motion of Senator Eastman, under suspension of the rules, **3rd Sub. H.B. 382, AMENDMENTS TO EDUCATION FUNDING**, was considered read the second and third times and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Hickman	Peterson
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3rd Sub. H.B. 382, as amended, was returned to the House for further consideration.

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On motion of Senator Bramble, under suspension of the rules, **H.B. 432, IDENTITY THEFT DATABASE AMENDMENTS**, was considered read the second and third times. Senators Walker and Greiner commented and the bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Buttars	Hickman
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H.B. 432 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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On motion of Senator Bramble, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

4th Sub. H.B. 222, OPEN AND PUBLIC MEETINGS – ELECTRONIC NOTICE, under suspension of the rules, 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

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Hillyard	Jenkins
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Voting in the negative was: Senator Jones

Absent or not voting were: Senators

Greiner	Hickman
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4th Sub. H.B. 222, as amended, was returned to the House for further consideration.

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On motion of Senator Bramble, the Senate voted to move to Second Reading Calendar.

SECOND READING CALENDAR

H.B. 137, PAIN MEDICATION MANAGEMENT AND EDUCATION, was read the second time. Senator Bramble explained the bill. Senators Greiner, Christensen, and Hillyard commented. The bill passed second reading on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator

Hickman

On motion of Senator Knudson, **H.B. 137** was placed on Third Reading Table due to fiscal impact.

* * *

On motion of Senator Bramble, under suspension of the rules, **H.B. 340**, INSURER RECEIVERSHIP ACT, was considered read the second and third times. Senator Van Tassell commented and the bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator

Hickman

H.B. 340 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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H.B. 192, REVOKING AUTHORITY TO USE STATE LANDS AS A BIRD REFUGE, was read the second time. Senator Knudson explained the bill. Senators

Mayne, Jones, Goodfellow, Jenkins, and Romero commented. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 4; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Goodfellow
Hillyard	Jenkins	Killpack	Knudson
Madsen	Mayne	Peterson	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Voting in the negative were: Senators

Fife	Jones	McCoy	Romero
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Absent or not voting were: Senators

Buttars	Greiner	Hickman	Niederhauser
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On motion of Senator Hillyard, the circle was removed from **H.B. 150**, NEW FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS ACT and it was before the Senate. Senator Hillyard explained the bill.

Senator Jenkins proposed the following amendment:

1. Page 16, Line 568:
Delete “57,341,000” and insert “71,841,000”
2. Page 16, Line 583:
After line 583 insert:
“UU Nursing Building 13,500,000
MATC N. Utah County Building 1,000,000”

Senator Jenkins’ motion to amend passed on a voice vote.

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Senator Bramble proposed the following amendment:

1. Page 4, Line 144:
Delete lines 144 and 145

- 2. Page 5, Line 146:
Delete lines 146 and 147

Senator Bramble’s motion to amend passed on a voice vote.

On motion of Senator Hillyard, under suspension of the rules, **H.B. 150**, NEW FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS ACT, was considered read the second and third times and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator Buttaris

H.B. 150, as amended, was returned to the House for further consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 27, 2007

The House passed, **S.B. 22**, SALES AND USE TAX EXEMPTIONS FOR CERTAIN GOVERNMENTAL ENTITIES AND ENTITIES WITHIN THE STATE SYSTEMS OF PUBLIC AND HIGHER EDUCATION, 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 **3rd Sub. S.B. 56**, EDUCATION EMPLOYEE ASSOCIATION AMENDMENTS, by Senator M. Madsen, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 227**, UTAH FIRE PREVENTION BOARD AMENDMENT, by Senator P. Knudson, and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 2**, RESOLUTION REGARDING PERMANENT STATE TRUST FUND, 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. 22, 3rd Sub. S.B. 56, S.B. 227, and S.J.R. 2 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

February 27, 2007

The House passed, as substituted, **1st Sub. H.B. 177**, CORRECTIONAL FACILITY BIDDING PROCESS – PRIVATIZATION OF CORRECTIONAL FACILITIES, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 375**, SEX OFFENDER RESTRICTIONS, by Representative G. Hughes, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 177** and **1st Sub. H.B. 375** were read the first time and referred to the Rules Committee.

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Mr. President:

February 27, 2007

The House substituted, amended, and passed, **4th Sub. S.B. 18**, CREATION OF SEVERANCE TAX AND INFRASTRUCTURE AND ECONOMIC DIVERSIFICATION ACCOUNTS, by Senator L. Hillyard, and it is transmitted for further consideration; and

The House substituted and passed, **3rd Sub. S.B. 49**, OPTIONAL EXTENDED-DAY KINDERGARTEN, by Senator L. Hillyard, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 50**, DRUG OFFENDERS REFORM ACT, by Senator D. C. Buttars, and it is transmitted for further consideration; and

The House substituted and passed, **2nd Sub. S.B. 80**, EDUCATION REFORM – CRITICAL LANGUAGES PROGRAM, by Senator H. Stephenson, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

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On motion of Senator Bramble, and at 4:30 p.m., the Senate sauntered.

The Senate was called to order at 4:50 p.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 27, 2007

The House passed, as amended, **S.B. 53, HIGHER EDUCATION ENGINEERING PARTNERSHIP**, by Senator G. Bell, 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 27, 2007

The Rules Committee recommends that, under suspension of the rules, the following bills be placed at the bottom of the Second Reading Calendar:

- | | |
|--------------------------|---|
| H.B. 466 | Incorporation of a Town Amendments (Rep. M. Brown) |
| 1st Sub. H.B. 402 | Pawnshop Transaction Information Amendments
(Rep. R. Lockhart) |
| H.B. 276 | Health Facility Committee Amendments (Rep. C. Herrod) |
| H.B. 281 | Crime Victim Reparations Amendments (Rep. S. Wyatt) |
| 1st Sub. H.B. 339 | Regulation of Cottage Food Production Operation
(Rep. R. Barrus) |
| 1st Sub. H.B. 292 | Regulation of Direct Pathology Billing (Rep. M. Walker) |
| H.B. 239 | School Community Council Amendments
(Rep. R. Menlove) |
| H.B. 283 | Protective Order Amendments (Rep. L. Fowlke) |
| H.B. 162 | Illegal Drug Sites Contamination Amendments
(Rep. D. Litvack) |
| 1st Sub. H.B. 460 | Child and Family Protection (Rep. L. Fowlke) |
| 1st Sub. H.B. 440 | Drug Product Equivalent Amendments
(Rep. E. Hutchings) |
| 1st Sub. H.B. 189 | Criminal Statute of Limitations Amendments
(Rep. C. Wimmer) |
| 1st Sub. H.B. 126 | Reporting of Fraudulent Insurance Acts (Rep. D. Aagard) |

- H.B. 300** Fireworks Display Fee Amendment (Rep. R. Menlove)
- 1st Sub. H.B. 237** Requirements for Off-highway Vehicles (Rep. A. Tilton)
- H.B. 427** Nonresident Sales of Motor Homes (Rep. L. Shurtliff)
- H.J.R. 12** Resolution Reaffirming the Words, Under God, in the Pledge of Allegiance (Rep. K. Gibson)
- H.B. 388** Motor and Special Fuel Tax Amendments (Rep. C. Frank)
- H.J.R. 13** Resolution Supporting Working Families Economic Development Initiative (Rep. T. Cosgrove)
- 1st Sub. H.B. 105** Illegal Immigration Enforcement Act (Rep. G. Donnelson)
- H.J.R. 2** Resolution Supporting Energy Efficiency (Rep. R. Becker)
- 1st Sub. H.B. 463** Crime of Claiming Military Award by Nonrecipient (Rep. G. Froerer)
- H.B. 395** Waivers of Immunity – Exceptions (Rep. G. Hughes)
- H.B. 303** Campaign Finance Filing Requirements (Rep. G. Hughes)
- 1st Sub. H.B. 425** Street-legal All-terrain Vehicle Amendments (Rep. M. Noel)

Bill Hickman
Rules Committee Chair

Report filed. On motion of Senator Hickman, the committee report was adopted.

* * *

On motion of Senator Hillyard, the Senate voted to lift **H.B. 223** from the Third Reading Table and place it at the top of the Third Reading Calendar.

THIRD READING CALENDAR

H.B. 223, VOTER INFORMATION WEBSITE, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

- | | | | |
|-------------|----------|----------|-------------|
| Bell | Bramble | Buttars | Christensen |
| Davis | Dayton | Dmitrich | Eastman |
| Fife | Greiner | Hickman | Hillyard |
| Jenkins | Killpack | Knudson | Madsen |
| Mayne | Peterson | Romero | Stephenson |
| Van Tassell | Waddoups | Walker | Valentine |

Absent or not voting were: Senators

Goodfellow Jones McCoy Niederhauser
Stowell

H.B. 223 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Hillyard, the circle was removed from **3rd Sub. H.B. 164, CHARTER SCHOOL AMENDMENTS** and it was before the Senate. Senator Hillyard explained the bill. Senator Jenkins commented.

On motion of Senator Hillyard, under suspension of the rules, **3rd Sub. H.B. 164, CHARTER SCHOOL AMENDMENTS**, was considered read the second and third times and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

3rd Sub. H.B. 164 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Hillyard, the Senate voted to lift **H.B. 212, SCHOOL DISCIPLINE AMENDMENTS**, from Rules and place it at the top of the Second Reading Calendar.

H.B. 212, SCHOOL DISCIPLINE AMENDMENTS, was read the second time.

On motion of Senator Hillyard, the bill was circled.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 27, 2007

The House passed, as amended, **S.B. 70**, UTAH VALLEY UNIVERSITY INSTITUTIONAL NAME CHANGE, by Senator J. Valentine, 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 Bramble, the Senate voted to move **S.B. 70** to the top of the Concurrence Calendar.

On motion of Senator Bramble, under suspension of the rules, the Senate voted to concur in the House amendments to **S.B. 70**, UTAH VALLEY UNIVERSITY INSTITUTIONAL NAME CHANGE. The bill, as amended, passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator Killpack

S.B. 70 was returned to the House for the signature of the Speaker.

COMMITTEE OF THE WHOLE

On motion of Senator Bramble, Andrew Stone, Student Body President of Utah Valley State College spoke in Committee of the Whole. Senators Hickman and Dayton commented.

On motion of Senator Eastman, the Committee of the Whole was dissolved.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 27, 2007

The House passed **H.B. 461**, EDUCATION REVISIONS, by Representative S. Sandstrom, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 461** was read the first time and referred to the Rules Committee.

* * *

On motion of Senator Hickman, the Senate voted to lift **3rd Sub. H.B. 334**, EMINENT DOMAIN, from Rules and place it at the bottom of the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Bell, the circle was removed from **H.B. 212**, SCHOOL DISCIPLINE AMENDMENTS and it was before the Senate. Senator Bell explained the bill.

On motion of Senator Bell, under suspension of the rules, **H.B. 212**, SCHOOL DISCIPLINE AMENDMENTS, 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

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Hickman	Hillyard	Jenkins	Jones
Knudson	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Voting in the negative were: Senators

Dayton	Greiner	Madsen
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Absent or not voting were: Senators

Goodfellow	Killpack
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H.B. 212 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 Senate voted to lift **H.B. 308, INVEST MORE FOR EDUCATION FUND – VOLUNTARY CONTRIBUTION TO PUBLIC EDUCATION**, from Rules and place it at the bottom of the Second Reading Calendar.

* * *

1st Sub. H.B. 260, POST RETIREMENT EMPLOYMENT, was read the second time.

On motion of Senator Bramble, the bill was circled.

* * *

1st Sub. H.B. 296, APPROVAL OF SUBDIVISIONS, was read the second time. Senator Eastman explained the bill. Senators Hickman, Buttars, Killpack, Romero, Jones, Jenkins, Bell, Christensen, and Valentine commented. Senators Bell, Madsen, and Niederhauser declared conflicts of interest. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 6; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	Niederhauser	Peterson	Stephenson
Waddoups	Walker	Valentine	

Voting in the negative were: Senators

Fife	Hickman	McCoy	Romero
Stowell	Van Tassell		

* * *

On motion of Senator Bramble, the circle was removed from **1st Sub. H.B. 260, POST RETIREMENT EMPLOYMENT**, and it was before the Senate.

On motion of Senator Bramble, the following substitute bill replaced the original bill:

2nd Sub. H.B. 260 Post Retirement Employment (G. Donnelson)

Senator Bramble explained the bill.

On motion of Senator Bramble, under suspension of the rules, **2nd Sub. H.B. 260, POST RETIREMENT EMPLOYMENT**, was considered read the second and third times and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Buttars	Hickman
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2nd Sub. H.B. 260, as amended, was returned to the House for further consideration.

* * *

1st Sub. H.B. 309, SCOTT B. LUNDELL TUITION WAIVER FOR MILITARY MEMBERS' SURVIVING DEPENDENTS, was read the second time. Senator Killpack explained the bill. Senators Valentine and Dayton commented. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Davis	Hickman
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* * *

On motion of Senator Killpack, the circle was removed from **1st Sub. H.B. 314, TRANSPORTATION FUNDING REVISIONS**, and it was before the Senate.

On motion of Senator Killpack, the following substitute bill replaced the original bill:

2nd Sub. H.B. 314 Transportation Funding Revisions (R. Lockhart)

Senator Killpack explained the bill.

Senator Stephenson proposed the following amendment:

- 1. Page 20, Lines 605 through 607

605 (III) the highway construction project mitigates congestion;
{~~and~~ }

606 (IV) whether local matching funds are available for the highway construction project;

607 and
(V) the highway construction project is a critical alternative route for priority Interstate 15 reconstruction projects; and

Senator Stephenson’s motion to amend passed on a voice vote. Senator Dmitrich commented. The Senate voted to suspend the rules to consider a bonding bill after the deadline.

On motion of Senator Killpack, under suspension of the rules, **2nd Sub. H.B. 314, TRANSPORTATION FUNDING REVISIONS**, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 3; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	Niederhauser	Peterson
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Voting in the negative were: Senators

Dayton McCoy Romero

2nd Sub. H.B. 314, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Killpack, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Killpack, under suspension of the rules, the Senate voted to move **1st Sub. H.B. 309**, SCOTT B. LUNDELL TUITION WAIVER FOR MILITARY MEMBERS’ SURVIVING DEPENDENTS, to the top of the Third Reading Calendar.

1st Sub. H.B. 309, SCOTT B. LUNDELL TUITION WAIVER FOR MILITARY MEMBERS’ SURVIVING DEPENDENTS, under suspension of the rules, was read the third time, explained by Senator Killpack, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

1st Sub. H.B. 309 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

COMMITTEE OF THE WHOLE

On motion of Senator Killpack, Colonel Scott T. Olsen spoke in Committee of the Whole. Senators Romero and Walker commented.

On motion of Senator Killpack, the Committee of the Whole was dissolved.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 27, 2007

The House passed, as amended, **1st Sub. S.B. 170**, DISTRIBUTION OF LOCAL SALES AND USE TAX REVENUES, by Senator G. Davis, et al, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

* * *

Mr. President:

February 27, 2007

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 36**, INCOME TAX ADDITIONS, SUBTRACTIONS, AND CREDITS FOR HIGHER EDUCATION SAVINGS, by Representative F. Hunsaker, et al, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 39**, CONCEALED WEAPONS FEES 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. 65**, SPECIAL AND LOCAL DISTRICTS 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. 79**, CONCURRENT ENROLLMENT AMENDMENTS, by Representative K. Holdaway, et al, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 145**, FARMERS MARKET EXEMPTIONS, 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. 185**, HIGHER EDUCATION PARTNERSHIPS APPROPRIATION, by Representative G. Snow, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 226**, SALES AND USE TAX – HIGHWAYS AND PUBLIC TRANSPORTATION 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 **H.B. 241**, APPROPRIATION FOR TERREL H. BELL PROGRAM, by Representative R. Menlove, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 243**, ENERGY POLICY AMENDMENTS, by Representative R. Barrus, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 393**, TRUTH IN BONDING, by Representative G. Hughes, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

2nd Sub. H.B. 36, H.B. 39, 1st Sub. H.B. 65, 2nd Sub. H.B. 79, H.B. 145, 1st Sub. H.B. 185, H.B. 226, H.B. 241, H.B. 243, and H.B. 393 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 Bramble and at 6:20 p.m., the Senate adjourned until 9:00 a.m., Wednesday, February 28, 2007.

FORTY-FIFTH DAY

MORNING SESSION

February 28, 2007

The Senate was called to order at 9:20 a.m., with President John Valentine presiding.

Prayer – Richard Turley, Church Historian, The Church of Jesus Christ of Latter-Day Saints

Pledge of Allegiance – Senator Jon Greiner

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS

(PLEASE REFER TO DAY 1, PAGE 102)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 27, 2007

The House passed, **1st Sub. S.B. 64**, TOURISM, RECREATION, CULTURAL, AND CONVENTION FACILITIES TAX – ADVISORY BOARD, by Senator M. Waddoups, 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. 70**, UTAH VALLEY UNIVERSITY INSTITUTIONAL NAME CHANGE, by Senator J. Valentine, et al, and it is transmitted for the signature of the President; and

The House passed, **2nd Sub. S.B. 75**, ADVANCE HEALTH CARE DIRECTIVE ACT, by Senator A. Christensen, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 204**, HUMAN REMAINS RELATED AMENDMENTS, by Senator D. Peterson, 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. 64, S.B. 70, 2nd Sub. S.B. 75, and 1st Sub. S.B. 204 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 27, 2007

The House concurred in the Senate amendments and passed **H.B. 150**, NEW FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS ACT, by

Representative R. Bigelow, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **4th Sub. H.B. 222**, OPEN AND PUBLIC MEETINGS – ELECTRONIC NOTICE, by Representative J. Dougall, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 351**, REVOLVING LOAN FUND FOR CERTAIN ENERGY EFFICIENT PROJECTS, by Representative R. Barrus, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 382**, AMENDMENTS TO EDUCATION FUNDING, by Representative B. Dee, et al, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 150, **4th Sub. H.B. 222**, **H.B. 351**, and **3rd Sub. H.B. 382**, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President:

February 27, 2007

The House passed, as amended, **S.B. 119**, MUNICIPAL LICENSE FEE OR TAX ON PUBLIC ASSEMBLY FACILITIES, by Senator B. Goodfellow, and it is transmitted for further consideration; and

The House passed, as amended, **1st Sub. S.B. 240**, LITIGATION FUND RESTRICTED ACCOUNT FOR HIGHWAY PROJECTS, by Senator S. Killpack, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

CONCURRENCE CALENDAR

On motion of Senator Bell, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 23**, CHILD SUPPORT GUIDELINES. The bill, as amended, failed on the following roll call:

Yeas, 12; Nays, 14; Absent, 3.

Voting in the affirmative were: Senators

Bell	Christensen	Eastman	Hillyard
Jenkins	Jones	Killpack	Knudson
McCoy	Niederhauser	Romero	Walker

Voting in the negative were: Senators

Buttars	Davis	Dayton	Fife
Goodfellow	Greiner	Hickman	Madsen
Mayne	Stephenson	Stowell	Van Tassell
Waddoups	Valentine		

Absent or not voting were: Senators

Bramble	Dmitrich	Peterson
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2nd Sub. S.B. 23 was returned to the staff for filing.

* * *

On motion of Senator Knudson, the Senate voted to concur in the House amendments to **S.B. 160**, PHARMACY PRACTICE ACT AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Knudson	Madsen	Mayne
McCoy	Niederhauser	Romero	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting were: Senators

Bramble	Dmitrich	Killpack	Peterson
Stephenson			

S.B. 160 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 **4th Sub. S.B. 18**, CREATION SEVERANCE TAX CREATION OF SEVERANCE TAX AND INFRASTRUCTURE AND ECONOMIC DIVERSIFICATION ACCOUNTS.

On motion of Senator Hillyard, under suspension of the rules, **4th Sub. S.B. 18, CREATION OF SEVERANCE TAX AND INFRASTRUCTURE AND ECONOMIC DIVERSIFICATION ACCOUNTS**, was read for the 1st, 2nd, and 3rd time. The bill, as amended, passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bramble	Christensen	Dayton	Eastman
Fife	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Bell	Buttars	Davis	Dmitrich
Hickman	Mayne		

4th Sub. S.B. 18 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 **3rd Sub. S.B. 49, OPTIONAL EXTENDED-DAY KINDERGARTEN**. The bill, as amended, passed on the following roll call:

Yeas, 18; Nays, 5; Absent, 6.

Voting in the affirmative were: Senators

Bramble	Christensen	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jones
Killpack	Knudson	McCoy	Niederhauser
Peterson	Romero	Stowell	Van Tassell
Walker	Valentine		

Voting in the negative were: Senators

Dayton	Jenkins	Madsen	Stephenson
Waddoups			

Absent or not voting were: Senators

Bell	Buttars	Davis	Dmitrich
Hickman	Mayne		

3rd Sub. S.B. 49 was returned to the House for the signature of the Speaker.

* * *

S.B. 50, DRUG OFFENDERS REFORM ACT, was before the Senate.

On motion of Senator Bramble, the bill was circled.

* * *

On motion of Senator Stephenson, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 80, EDUCATION REFORM – CRITICAL LANGUAGES PROGRAM**. The bill, as amended, passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators

Bramble	Christensen	Dayton	Dmitrich
Eastman	Fife	Goodfellow	Greiner
Hillyard	Jenkins	Jones	Knudson
Madsen	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Bell	Buttars	Davis	Hickman
Killpack	Mayne		

2nd Sub. S.B. 80 was returned to the House for the signature of the Speaker.

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On motion of Senator Bramble, the circle was removed from **S.B. 50, DRUG OFFENDERS REFORM ACT**, and it was before the Senate.

On motion of Senator Bramble, the Senate refused to concur in the House amendments. **S.B. 50** was returned to the House.

* * *

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to **S.B. 53, HIGHER EDUCATION ENGINEERING PARTNERSHIP**. The bill, as amended, passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bramble	Christensen	Dayton	Dmitrich
Eastman	Fife	Goodfellow	Greiner
Hillyard	Jenkins	Jones	Knudson
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Bell	Buttars	Davis	Hickman
Killpack	Madsen	Mayne	

S.B. 53 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, the Senate refused to concur in the House amendments to **1st Sub. S.B. 170** and asked the House to recede from its amendments. **1st Sub. S.B. 170** was returned to the House.

THIRD READING CALENDAR

On motion of Senator Hillyard, the Senate voted to lift **1st Sub. H.B. 5**, INTERNET SEXUAL CONTENT – PROTECTION OF MINORS, from the Third Reading Table and place it at the bottom of the Third Reading Calendar.

On motion of Senator Hillyard, the circle was removed from **1st Sub. H.B. 102**, LAND AND WATER REINVESTMENT, and it was before the Senate.

On motion of Senator Hillyard, the following substitute bill replaced the original bill:

2nd Sub. H.B. 102 Land and Water Reinvestment (D. Clark)

Senator Stowell commented. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators
Buttars Christensen

2nd Sub. H.B. 102, as amended, was returned to the House for further consideration.

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On motion of Senator Bramble, the Senate voted to lift **1st Sub. H.B. 176**, CERTAIN COUNTY DEBT FORGIVEN, from the Third Reading Table and place it at the bottom of the Third Reading Calendar.

* * *

1st Sub. H.B. 383, AMENDMENTS TO TRANSPORTATION FUNDING PROVISIONS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator
Killpack

1st Sub. H.B. 383, as amended, was returned to the House for further consideration.

* * *

H.B. 174, EDUCATION VOUCHER AMENDMENTS, was read the third time and explained by Senator Knudson. Senators Niederhauser and Bramble commented and the bill passed on the following roll call:

Yeas, 23; Nays, 5; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife

Goodfellow	Greiner	Hickman	Hillyard
Jones	Knudson	Mayne	McCoy
Niederhauser	Romero	Stephenson	Van Tassell
Waddoups	Walker	Valentine	

Voting in the negative were: Senators

Buttars	Jenkins	Madsen	Peterson
Stowell			

Absent or not voting was: Senator

Killpack

H.B. 174 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 192, REVOKING AUTHORITY TO USE STATE LANDS AS A BIRD REFUGE, was read the third time and explained by Senator Knudson. Senators Mayne and Dayton commented and the bill passed on the following roll call:

Yeas, 25; Nays, 2; Absent, 2.**Voting in the affirmative were:** Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	Peterson
Stephenson	Stowell	Van Tassell	Waddoups
Walker			

Voting in the negative were: Senators

McCoy	Romero
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Absent or not voting were: Senators

Niederhauser	Valentine
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H.B. 192 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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On motion of Senator Hillyard, the Senate voted to lift the following bills from the Third Reading Table to the bottom of the Third Reading Calendar:

3rd Sub. H.B. 86, H.B. 137, H.B. 155, and H.B. 268

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On motion of Senator Hillyard, the Senate voted to lift the following bills from Rules and place them at the top of the Second Reading Calendar: **1st Sub. H.B. 375, H.B. 461, and 1st Sub. H.B. 128**

* * *

1st Sub. H.B. 296, APPROVAL OF SUBDIVISIONS, was read the third time and explained by Senator Eastman. Senators Christensen, Jenkins, Romero, and Valentine commented and the bill failed on the following roll call:

Yeas, 13; Nays, 15; Absent, 1.

Voting in the affirmative were: Senators

Bramble	Dmitrich	Eastman	Goodfellow
Greiner	Jones	Killpack	Knudson
Madsen	Peterson	Stephenson	Waddoups
Walker			

Voting in the negative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Fife	Hickman	Hillyard
Jenkins	Mayne	McCoy	Romero
Stowell	Van Tassell	Valentine	

Absent or not voting was: Senator Niederhauser

1st Sub. H.B. 296 was returned to the House.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 28, 2007

The Rules Committee recommends that, under suspension of the rules, **H.B. 338**, Emergency Room Tort Reform (Rep. B. Last), be placed on the Second Reading Calendar below **1st Sub. H.B. 189**, with the following amendment approved by the sponsor:

1. Page 2, Line 42
House Floor Amendments
2-21-2007:

42 (e) “Health care provider” { ~~is defined in Section 78-14-3.~~ } means a physician licensed under either Title 58.

Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practices Act.

Bill Hickman
Rules Committee Chair

Report filed. On motion of Senator Hickman, the committee report was adopted.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 28, 2007

The Rules Committee recommends that, under suspension of the rules, the following bills be placed on the Second Reading Calendar in the order indicated:

- 2nd Sub. H.B. 377** Retirement Benefit Amendments (Rep. J. Dougall) –
(below H.B. 189)
- H.B. 115** Honoring Heroes Special Group License Plate
(Rep. P. Ray) – (bottom of Second Reading Calendar)

Bill Hickman
Rules Committee Chair

Report filed. On motion of Senator Hickman, the committee report was adopted.

THIRD READING CALENDAR

1st Sub. H.B. 5, INTERNET SEXUAL PREDATOR PENALTIES, was read the third time and explained by Senator Peterson.

Senator Peterson proposed the following amendment:

1. Page 1, Line 16

16 offense, so that the enticement offense is a second degree felony for the first violation, and for any subsequent violation is a first degree felony with a specified

2. Page 3, Lines 76 through 79:

76 (3) An enticement of a minor under Subsection (1) with the intent to commit:

77 (a) a first degree felony is a ;
(i) ~~{-}~~ second degree felony ~~{-}~~ upon the first conviction for violation of this Subsection (3)(a); and
(ii) first degree felony punishable by

78 imprisonment for an indeterminate term of not fewer than three years and which may be for

79 life . upon a second or any subsequent conviction for a violation of this Subsection (3)(a) ;

Senator Peterson’s motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Knudson	Mayne
McCoy	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Christensen	Killpack	Madsen	Niederhauser
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1st Sub. H.B. 5, as amended, was returned to the House for further consideration.

* * *

1st Sub. H.B. 176, CERTAIN COUNTY DEBT FORGIVEN, was read the third time and explained by Senator Hickman. Senator Jenkins commented and the bill failed on the following roll call:

Yeas, 13; Nays, 15; Absent, 1.

Voting in the affirmative were: Senators

Bramble	Buttars	Davis	Dmitrich
Goodfellow	Jones	Knudson	Mayne
Niederhauser	Peterson	Stowell	Walker
Valentine			

Voting in the negative were: Senators

Bell	Christensen	Dayton	Eastman
Fife	Greiner	Hickman	Hillyard
Jenkins	Madsen	McCoy	Romero
Stephenson	Van Tassell	Waddoups	

Absent or not voting was: Senator Killpack

1st Sub. H.B. 176 was filed.

* * *

3rd Sub. H.B. 86, PENALTIES FOR SEXUAL OFFENSES AND KIDNAPPING, was read the third time and explained by Senator Stephenson.

Senator Stephenson proposed the following amendment:

1. Page 12, Lines 361 through 364

361 (8) The sentencing enhancement described in this section does not apply if:

362 (a) the offense for which the person is being sentenced is:

363 (i) a grievous sexual offense; {~~or~~ }

364 (ii) child kidnapping, Section 76-5-301.1;

(iii) aggravated kidnapping, Section 76-5-302; or

(iv) forcible sexual abuse, Section 76-5-404; and

2. Page 16, Line 488 through Page 17, Line 491:

488 (6) The sentencing enhancement described in this section does not apply if:

489 (a) the offense for which the person is being sentenced is:

490 (i) a grievous sexual offense; {~~or~~ }

491 (ii) child kidnapping, Section 76-5-301.1;

(iii) aggravated kidnapping, Section 76-5-302; or

(iv) forcible sexual abuse, Section 76-5-404; and

3. Page 18, Lines 526 through 529:

526 (4) The sentencing enhancement described in this section does not apply if:

527 (a) the offense for which the person is being sentenced is:

528 (i) a grievous sexual offense; {~~or~~ }

529 (ii) child kidnapping, Section 76-5-301.1;76-5-301.1; or

(iii) aggravated kidnapping, Section 76-5-302; and

4. Page 19, Lines 553 through 556:

553 (3) The sentencing enhancement described in this section does not apply if:

554 (a) the offense for which the person is being sentenced is:

555 (i) a grievous sexual offense; {~~or~~}

556 (ii) child kidnapping, Section 76-5-301.1; 76-5-301.1;

(iii) aggravated kidnapping, Section 76-5-302; or

(iv) forcible sexual abuse; Section 76-5-404; and

5. Page 23, Line 706:

706 defendant {~~causes~~} caused serious bodily injury to another; or

Senator Stephenson’s motion to amend passed on a voice vote.

On motion of Senator Hillyard, the bill was circled.

* * *

H.B. 137, PAIN MEDICATION MANAGEMENT AND EDUCATION, was read the third time.

On motion of Senator Bramble, the bill was circled.

* * *

H.B. 155, STUDENT ACHIEVEMENT ASSESSMENT AMENDMENTS, was read the third time.

On motion of Senator Stephenson, the bill was circled.

* * *

H.B. 268, SPECIAL GROUP LICENSE PLATE SYMBOL DECAL REORDER AMENDMENTS, 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

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman

Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Peterson	Romero	Stephenson	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators
 Niederhauser Stowell

H.B. 268 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Buttars, the Senate voted to lift **H.B. 93** from the Third Reading Table and place it at the bottom of the Third Reading Calendar.

On motion of Senator Buttars, the bill was circled.

* * *

On motion of Senator Stephenson, the circle was removed from **3rd Sub. H.B. 86, PENALTIES FOR SEXUAL OFFENSES AND KIDNAPPING**, and it was before the Senate. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators
 Eastman Stowell

3rd Sub. H.B. 86, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Hillyard, the circle was removed from **H.B. 93, CAPITAL OFFENSES AMENDMENTS** and it was before the Senate. The bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator
Davis

H.B. 93 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. 137, PAIN MEDICATION MANAGEMENT AND EDUCATION** and it was before the Senate.

Senator Bramble proposed the following amendment:

1. Page 2, Line 37:
House Committee Amendments
2-2-07
Delete "\$250,000" and insert "\$150,000 one time"
2. Page 4, Line 91:
House Committee Amendments
2-2-07
Delete "\$250,000" and insert "\$150,000 one time"
3. Page 4, Line 91a:
House Committee Amendments
2-2-07
Delete "\$250,000" and insert "\$150,000 one time"

Senator Bramble's motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

H.B. 137 was returned to the House for further consideration.

* * *

Senator Hickman, under suspension of the rules, made the motion to reconsider the Senates action on **1st Sub. H.B. 176**. The motion passed on a voice vote.

1st Sub. H.B. 176, CERTAIN COUNTY DEBT FORGIVEN, was before the Senate, explained by Senator Hickman, and passed on the following roll call:

Yeas, 17; Nays, 12; Absent, 0.

Voting in the affirmative were: Senators

Bramble	Buttars	Davis	Dmitrich
Eastman	Fife	Goodfellow	Hickman
Jones	Knudson	Mayne	McCoy
Niederhauser	Peterson	Stowell	Walker
Valentine			

Voting in the negative were: Senators

Bell	Christensen	Dayton	Greiner
Hillyard	Jenkins	Killpack	Madsen
Romero	Stephenson	Van Tassell	Waddoups

1st Sub. 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.

SECOND READING CALENDAR

On motion of Senator Bramble, under suspension of the rules, **1st Sub. H.B. 128**, DIVORCE ORIENTATION, was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Voting in the negative was: Senator

Dayton

Absent or not voting were: Senators

Hickman	Jones	Peterson
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1st Sub. H.B. 128 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. 375, SEX OFFENDER RESTRICTIONS, was read the second time. Senator Dayton explained the bill. Senators Hillyard and Romero commented. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 2; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	Niederhauser	Peterson
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Voting in the negative were: Senators

McCoy	Romero
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Absent or not voting was: Senator

Hickman

* * *

On motion of Senator Van Tassell, under suspension of the rules, **H.B. 461**, EDUCATION REVISIONS, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Knudson	Madsen
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Hickman	Killpack	Mayne
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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 Stephenson, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Stephenson, the circle was removed from **H.B. 155**, STUDENT ACHIEVEMENT ASSESSMENT AMENDMENTS, and it was before the Senate. Senator McCoy commented.

Senator Stephenson proposed the following amendment:

1. Page 1, Line 22

22 ► modifies reporting requirements regarding U-PASS test results; {~~and~~}

2. Page 1, Line 24:

24 students to pass the Utah Basic Skills Competency Test {~~—~~} : and

► requires the State Board of Education to consider administering the Utah Basic Skills Competency Test on a Saturday to preserve instructional time.

3. Page 5, Line 121:

121 on the student's transcript of credits.

(4) The State Board of Education shall consider administering the basic skills competency test on a Saturday to preserve instructional time.

Senator Stephenson's motion to amend passed on a voice vote. The bill passed, under suspension of the rules, on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Jenkins
Jones	Killpack	Knudson	Madsen
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Hickman	Hillyard	Mayne
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H.B. 155, as amended, was returned to the House for further consideration.

SECOND READING CALENDAR

On motion of Senator Bramble, under suspension of the rules, **H.B. 316**, EXPANSION OF CAREER SERVICE TO THE OFFICE OF ATTORNEY GENERAL, 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

Bramble	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Buttars Mayne

1st Sub. H.B. 347 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. 374**, INTEGRATED HEALTH SYSTEM FAIR PRACTICES ACT, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Buttars Davis Mayne

Senator Bramble declared a conflict of interest.

H.B. 374 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: February 28, 2007

The House passed, as amended, **S.B. 90**, HIGHER EDUCATION ENHANCEMENTS, by Senator J. Hickman, 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 Goodfellow, the Senate voted to concur in the House amendments to **S.B. 119**, MUNICIPAL LICENSE FEE OR TAX ON PUBLIC

ASSEMBLY FACILITIES. The bill, as amended, passed on the following roll call:

Yeas, 24; Nays, 2; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
McCoy	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker

Voting in the negative were: Senators

Dayton	Valentine
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Absent or not voting were: Senators

Buttars	Mayne	Niederhauser
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S.B. 119 was returned to the House for the signature of the Speaker.

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On motion of Senator Killpack, the Senate voted to concur in the House amendments to **1st Sub. S.B. 240**, LITIGATION FUND RESTRICTED ACCOUNT FOR HIGHWAY PROJECTS. The bill, as amended, passed on the following roll call:

Yeas, 23; Nays, 3; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Hickman	Hillyard
Jones	Killpack	Knudson	Madsen
Peterson	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Voting in the negative were: Senators

Jenkins	McCoy	Romero
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Absent or not voting were: Senators

Greiner	Mayne	Niederhauser
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1st Sub. S.B. 240 was returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 28, 2007

The House passed, **S.J.R. 12**, RESOLUTION AMENDING UTAH CONSTITUTION, 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. 26**, UTAH COMMISSION ON AGING, 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.J.R. 12 and **S.B. 26** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 28, 2007

The House passed, as amended, **H.B. 160**, MINIMUM SCHOOL PROGRAM BUDGET AMENDMENTS, by Representative B. Last, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 160** was read the first time and referred to the Rules Committee.

* * *

Mr. President: February 28, 2007

The House refuses to recede from its amendments to **S.B. 50**, DRUG OFFENDERS REFORM ACT, by Senator D. C. Buttars, and has appointed a Conference Committee consisting of Representatives R. Lockhart, B. Dee, and T. Cosgrove to meet with a like committee from the Senate on this bill.

Sandy D. Tenney, Chief Clerk

On motion of Senator Buttars, the Senate voted to refuse to recede from its amendments to **S.B. 50**. President Valentine appointed a conference committee consisting of Senators Buttars, Peterson, and McCoy to meet with a like committee from the House.

Mr. President: February 28, 2007

The House refuses to recede from its amendments to **1st Sub. S.B. 170**, DISTRIBUTION OF LOCAL SALES AND USE TAX REVENUES, by Senator

G. Davis, et al, and has appointed a Conference Committee consisting of Representatives B. Dee, G. Hughes, and L. Shurtliff to meet with a like committee from the Senate on this bill.

Sandy D. Tenney, Chief Clerk

On motion of Senator Davis, the Senate voted to refuse to recede from its amendments to **1st Sub. S.B. 170**. President Valentine appointed a conference committee consisting of Senators Davis, Stephenson, and Bramble to meet with a like committee from the House.

SECOND READING CALENDAR

H.B. 426, CHANGE TO DEPARTMENT OF VETERANS' AFFAIRS, was read the second time. Senator Killpack explained the bill. Senators Christensen and Fife commented. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	McCoy	Niederhauser
Peterson	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Mayne	Romero
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* * *

On motion of Senator Bramble, and at 12:00 noon, the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 1:45 p.m., with President Valentine presiding.

SECOND READING CALENDAR

1st Sub. H.B. 371, APPLIED TECHNOLOGY EDUCATION AMENDMENTS, was read the second time.

On motion of Senator Hillyard, the bill was circled.

* * *

H.B. 318, CHARTER SCHOOL FACILITIES FINANCING ACT, was read the second time.

On motion of Senator Hillyard, the bill was circled.

* * *

H.B. 328, CHILD PROTECTION AND PARENTAL RIGHTS AMENDMENTS, was read the second time.

On motion of Senator Hillyard, the bill was circled.

* * *

On motion of Senator Killpack, the circle was removed from **1st Sub. H.B. 371, APPLIED TECHNOLOGY EDUCATION AMENDMENTS,** and it was before the Senate. Senators Stowell, Waddoups, Fife, and Dmitrich commented.

On motion of Senator Killpack, under suspension of the rules, **1st Sub. H.B. 371, APPLIED TECHNOLOGY EDUCATION AMENDMENTS,** was considered read the second and third times and passed on the following roll call:

Yeas, 25; Nays, 2; Absent, 2.

Voting in the affirmative were: Senators

- | | | | |
|------------|------------|--------------|-------------|
| Bell | Bramble | Buttars | Christensen |
| Davis | Dayton | Dmitrich | Fife |
| Goodfellow | Greiner | Hillyard | Jenkins |
| Jones | Killpack | Knudson | Madsen |
| Mayne | McCoy | Niederhauser | Peterson |
| Romero | Stephenson | Waddoups | Walker |
| Valentine | | | |

Voting in the negative were: Senators

Stowell Van Tassell

Absent or not voting were: Senators

Eastman Hickman

1st Sub. H.B. 371 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 **H.B. 318**, CHARTER SCHOOL FACILITIES FINANCING ACT, and it was before the Senate. Senator Dayton explained the bill.

On motion of Senator Dayton, under suspension of the rules, **H.B. 318**, CHARTER SCHOOL FACILITIES FINANCING ACT, was considered read the second and third times and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator

Hickman

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.

* * *

Senator Goodfellow made the motion, under suspension of the rules, for the Senate to reconsider its action on **2nd Sub. S.B. 23**, CHILD SUPPORT GUIDELINES. Senators Waddoups and Bell commented. The motion passed on a voice vote.

2nd Sub. S.B. 23, CHILD SUPPORT GUIDELINES, was before the Senate. On motion of Senator Bell the Senate voted to concur with the House

amendments. Senators Greiner, Jones, and Waddoups commented. The bill passed on the following roll call:

Yeas, 18; Nays, 11; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Dmitrich
Eastman	Fife	Goodfellow	Hillyard
Jenkins	Jones	Killpack	Knudson
McCoy	Niederhauser	Peterson	Romero
Van Tassell	Walker		

Voting in the negative were: Senators

Buttars	Davis	Dayton	Greiner
Hickman	Madsen	Mayne	Stephenson
Stowell	Waddoups	Valentine	

2nd Sub. S.B. 23, was returned to the House for further consideration.

* * *

On motion of Senator Bramble, the Senate voted to lift the following bills from Rules and place them on the Second Reading Calendar below H.B. 104: **1st Sub. H.B. 473, H.B. 194, H.J.R. 16, and 1st Sub. H.B. 364.**

* * *

On motion of Senator Dayton, the circle was removed from **H.B. 328, CHILD PROTECTION AND PARENTAL RIGHTS AMENDMENTS**, and it was before the Senate. Senator Dayton explained the bill.

On motion of Senator Dayton, under suspension of the rules, **H.B. 328, CHILD PROTECTION AND PARENTAL RIGHTS 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

Bramble	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator
Bell

H.B. 328 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 28, 2007

The House passed, **S.B. 38**, JUVENILE COURT JUDGE, by Senator C. Walker, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 93**, GOVERNOR'S RURAL PARTNERSHIP BOARD AMENDMENTS, by Senator J. Hickman, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 96**, SALES AND USE TAX EXEMPTION FOR DISPOSABLE HOME MEDICAL EQUIPMENT OR SUPPLIES, by Senator S. Killpack, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 151**, CASE MANAGEMENT PILOT PROJECT, by Senator G. Bell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 217**, SCIENCE AND TECHNOLOGY EDUCATION PROGRAM AMENDMENTS, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 38, S.B. 93, S.B. 96, S.B. 151, and S.B. 217 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 28, 2007

The House passed, as amended, **S.B. 35**, UNIFORM CHILD ABDUCTION PREVENTION ACT, by Senator L. Hillyard, 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 Hickman, the Senate voted to concur in the House amendments to **S.B. 90**, HIGHER EDUCATION ENHANCEMENTS. The bill, as amended, passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator
Christensen

S.B. 90 was returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

1st Sub. H.B. 158, AMENDMENTS TO TRANSPORTATION PROVISIONS, was read the second time.

On motion of Senator Stephenson, the bill was circled.

* * *

On motion of Senator Dayton, under suspension of the rules, **H.B. 302**, MEDICAL EXAMINER – TESTING FOR SUBSTANCES IN CASES OF SUSPECTED SUICIDE, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Christensen Davis Madsen

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 Knudson, under suspension of the rules, **H.B. 369**, NURSING CARE FACILITY LICENSURE MODIFICATIONS, was considered read the second and third times. Senator Jones commented and the bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Mayne	McCoy	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Madsen Niederhauser

Senator Bell declared a conflict of interest.

H.B. 369 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Killpack, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

H.B. 426, CHANGE TO DEPARTMENT OF VETERANS' AFFAIRS, was read the third time and explained by Senator Killpack. Senator Hillyard commented and the bill passed on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hillyard	Jenkins	Jones
Killpack	Knudson	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Valentine

Voting in the negative was: Senator
Hickman

Absent or not voting were: Senators

Bramble	Buttars	Madsen	Walker
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H.B. 426 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: February 28, 2007

The House passed, as amended, **S.B. 85, MINING TEST FEES**, by Senator M. Dmitrich, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

* * *

Mr. President: February 28, 2007

The House passed, **1st Sub. S.B. 91, UNIFORM COMMERCIAL CODE – GENERAL PROVISIONS**, 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. 234, OCCUPATIONAL AND ENVIRONMENTAL HEALTH AMENDMENTS**, by Senator E. Mayne, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 235, PUBLIC UTILITIES AMENDMENTS**, by Senator G. Bell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 91, 1st Sub. S.B. 234, and S.B. 235 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

SECOND READING CALENDAR

H.B. 365, EMINENT DOMAIN AUTHORITY OF COMMUNITY DEVELOPMENT AND RENEWAL AGENCIES, was read the second time.

On motion of Senator Jenkins, the following substitute bill replaced the original bill:

1st Sub. H.B. 365 Eminent Domain Authority of Community Development and Renewal Agencies (S. Urquhart)

Senator Bramble explained the bill. Senators Jenkins and Bell commented.

On motion of Senator Bramble, under suspension of the rules, **1st Sub. H.B. 365**, EMINENT DOMAIN AUTHORITY OF COMMUNITY DEVELOPMENT AND RENEWAL AGENCIES, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Buttars	Hickman	Mayne
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1st Sub. H.B. 365, as amended, was returned to the House for further consideration.

* * *

1st Sub. H.B. 95, ACCELERATED LEARNING PROGRAM AMENDMENTS, was read the second time.

On motion of Senator Romero, the bill was circled.

* * *

H.B. 104, ALCOHOLIC BEVERAGE LICENSEES AND GAMBLING-LIKE ACTIVITIES, was read the second time.

On motion of Senator Bramble, the bill was circled.

* * *

H.B. 473, REVENUE BOND AND CAPITAL FACILITIES AUTHORIZATIONS, was read the second time.

On motion of Senator Jenkins, the following substitute bill replaced the original bill:

1st Sub. H.B. 473 Revenue Bond and Capital Facilities Authorizations (D. Buxton)

On motion of Senator Jenkins, under suspension of the rules, **1st Sub. H.B. 473, REVENUE BOND AND CAPITAL FACILITIES AUTHORIZATIONS**, was considered read the second and third times and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
McCoy	Niederhauser	Peterson	Romero
Stowell	Waddoups	Walker	Valentine

Absent or not voting were: Senators

Bramble	Buttars	Mayne	Stephenson
Van Tassell			

1st Sub. H.B. 473, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Hillyard, under suspension of the rules, **H.B. 194, TAMPERING WITH EVIDENCE 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	Davis	Dayton	Dmitrich
Eastman	Fife	Goodfellow	Greiner

Hickman	Hillyard	Jenkins	Jones
Killpack	Knudson	Madsen	McCoy
Peterson	Romero	Stephenson	Stowell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Bell	Bramble	Christensen	Mayne
Niederhauser	Van Tassell		

H.B. 194 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Eastman, under suspension of the rules, **H.J.R. 16**, JOINT RESOLUTION SUPPORTING GOVERNOR'S CHILD AND FAMILY CABINET COUNCIL, 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	Davis	Dayton	Dmitrich
Eastman	Fife	Goodfellow	Greiner
Hickman	Hillyard	Jones	Killpack
Knudson	Madsen	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Bell	Bramble	Christensen	Jenkins
Mayne	Van Tassell		

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.

* * *

On motion of Senator Stephenson, under suspension of the rules, **1st Sub. H.B. 364**, PUBLIC SCHOOL TEXTBOOK EVALUATION, was considered read the second and third times.

Senator Stephenson proposed the following amendment:

- 1. Page 1, Lines 15 through 17
House Floor Amendments
2-21-2007

15 ▶ requires that the alignment evaluation be made available
on a website at no charge;

16 and

17 $\hat{H} \rightarrow$ {~~—~~} ▶ exempts charter schools from the evaluation
requirements. {~~—~~} $\leftarrow \hat{H}$

- 2. Page 3, Lines 62 through 64
House Floor Amendments
2-21-2007:

62 (f) Chapter 19, Part 1, Fiscal Procedures, pertaining to fiscal
procedures of school

63 districts and local school boards $\hat{H} \rightarrow$ {~~—~~} [~~—~~]; **and**

64 (g) Section 53A-14-107, requiring an independent evaluation
of instructional materials {~~—~~} $\leftarrow \hat{H}$.

Senator Stephenson’s motion to amend passed on a voice vote. Senator Hillyard commented and the bill passed on the following roll call:

Yeas, 23; Nays, 4; Absent, 2.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Jenkins	Jones
Killpack	Knudson	Madsen	Niederhauser
Peterson	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Voting in the negative were: Senators

Hickman	Hillyard	McCoy	Romero
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Absent or not voting were: Senators

Bramble	Mayne
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1st Sub. H.B. 364, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Bramble, and at 3:30 p.m., the Senate sauntered.

The Senate was called to order at 4:05 p.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 28, 2007

The House passed, as amended, **S.B. 46**, HEALTH CARE AMENDMENTS, by Senator P. Knudson, and it is transmitted for further consideration; and

The House passed, as amended, **2nd Sub. S.B. 223**, TAX AMENDMENTS, by Senator W. Niederhauser, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 268**, RURAL BROADBAND SERVICE FUND, by Senator J. Hickman, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

THIRD READING CALENDAR

1st Sub. H.B. 375, SEX OFFENDER RESTRICTIONS, under suspension of the rules, was read the third time and explained by Senator Dayton.

Senator Romero proposed the following amendment:

- 1. Page 1, Line 14

14 ► restricts locations where offenders convicted of specified sex offenses and who have not successfully completed probation or parole may be, with

- 2. Page 4, Line 100
House Floor Amendments
2-27-2007:

100 a person younger than 18 years of age

Senator Romero’s motion to amend failed on a voice vote. Senators Walker and Hillyard commented and the bill passed on the following roll call:

Yeas, 24; Nays, 5; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Dmitrich	Eastman	Goodfellow

Greiner	Hickman	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
Niederhauser	Peterson	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Voting in the negative were: Senators

Davis	Fife	Hillyard	McCoy
Romero			

1st Sub. H.B. 375 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Dayton, under suspension of the rules, **H.B. 234**, COMPENSATION OF LOCAL SCHOOL BOARD MEMBERS, was considered read the second and third times and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

H.B. 234 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Killpack, under suspension of the rules, **1st Sub. H.B. 119**, EMERGENCY COMMUNICATION FUNDING, was considered read the second and third times and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman

Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Peterson	Romero	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators
 Niederhauser Stephenson

1st Sub. H.B. 119 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Hickman, the Senate voted to lift **H.B. 160**, MINIMUM SCHOOL PROGRAM BUDGET AMENDMENTS, from Rules and place it at the top of the Second Reading Calendar.

CONCURRENCE CALENDAR

S.B. 35, UNIFORM CHILD ABDUCTION PREVENTION ACT, was before the Senate.

On motion to Senator Hillyard, the bill was circled.

* * *

S.B. 85, MINING TEST FEES, was before the Senate.

On motion of Senator Dmitrich, the bill was circled.

* * *

On motion of Senator Knudson, the Senate voted to concur in the House amendments to **S.B. 46**, HEALTH CARE AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack

Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

S.B. 46 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Hillyard, the circle was removed from **S.B. 35**, UNIFORM CHILD ABDUCTION PREVENTION ACT, and it was before the Senate.

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to **S.B. 35**, UNIFORM CHILD ABDUCTION PREVENTION ACT. The bill, as amended, passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

S.B. 35 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, **H.B. 396**, HIGHER EDUCATION TASK FORCE, was read for the first time and placed on the Second Reading Calendar.

On motion of Senator Bramble, the Senate voted to rearrange the following bills on the Second Reading Calendar and place them below H.B. 104:

H.B. 45, 2nd Sub. H.B. 358, 1st Sub. H.B. 362, H.B. 360, H.B. 238, H.B. 466, 1st Sub. H.B. 402, 1st Sub. H.B. 339, 1st Sub. H.B. 292, H.B. 395, 1st Sub. H.B. 425, and H.B. 276

On motion of Senator Bramble, and at 4:40, the Senate sauntered.

The Senate was called to order at 4:45, with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 28, 2007

The House substituted and passed, **2nd Sub. S.B. 98**, GOVERNMENTAL IMMUNITY FOR TRAILS, by Senator D. C. Buttars, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 179**, IMMUNITY OF COUNTIES AND MUNICIPALITIES FOR SKY DIVING ACTIVITIES, by Senator B. Goodfellow, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 189**, MEDICAID HOME AND COMMUNITY-BASED LONG-TERM CARE, by Senator G. Davis, and it is transmitted for further consideration; and

The House passed, as amended, **3rd Sub. S.B. 246**, GOVERNMENT LAW CHANGES, by Senator S. Killpack, et al, and it is transmitted for further consideration; and

The House substituted and passed, **2nd Sub. S.B. 261**, DISPOSITION OF REAL PROPERTY, 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:

February 28, 2007

The House concurred in the Senate amendments and passed **1st Sub. H.B. 5**, INTERNET SEXUAL CONTENT – PROTECTION OF MINORS, by Representative P. Ray, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **3rd Sub. H.B. 86**, PENALTIES FOR SEXUAL OFFENSES AND KIDNAPPING, by Representative C. Wimmer, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 102**, LAND AND WATER REINVESTMENT, by Representative D. Clark, et al, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 137**, PAIN MEDICATION MANAGEMENT AND EDUCATION, by Representative B. Daw, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 155**, STUDENT ACHIEVEMENT ASSESSMENT 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 **3rd Sub. H.B. 164**, CHARTER SCHOOL AMENDMENTS, by Representative R. Bigelow, and it is transmitted for the signature of the President; and

The House passed, as amended, **H.B. 260**, POST RETIREMENT EMPLOYMENT, by Representative G. Donnelson, and it is transmitted for consideration; and

The House concurred in the Senate amendments and passed **1st Sub. 383**, AMENDMENTS TO TRANSPORTATION FUNDING PROVISIONS, by Representative R. Lockhart, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. H.B. 5, 3rd Sub. H.B. 86, 2nd Sub. H.B. 102, H.B. 137, H.B. 155, 3rd Sub. H.B. 164, 2nd Sub. H.B. 260, and 1st Sub. H.B. 383, were 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 Niederhauser, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 223**, TAX AMENDMENTS. Senator Jones commented and the bill, as amended, passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Valentine		

Absent or not voting were: Senators

Bramble Mayne Walker

2nd Sub. S.B. 223 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Dmitrich, the circle was removed from **S.B. 85**, MINING TEST FEES, and it was before the Senate.

On motion of Senator Dmitrich, the Senate voted to concur in the House amendments to **S.B. 85**, MINING TEST FEES. The bill, as amended, passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Valentine	

Absent or not voting were: Senators

Mayne Walker

S.B. 85 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Hickman, the Senate voted to concur in the House amendments to **S.B. 268**, RURAL BROADBAND SERVICE FUND. The bill, as amended, passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Valentine	

Absent or not voting were: Senators
Mayne Walker

S.B. 268 was returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Stephenson, under suspension of the rules, **H.B. 160**, MINIMUM SCHOOL PROGRAM BUDGET AMENDMENTS, was considered read the second and third times. Senators Hillyard and Jones commented

Senator Mayne proposed the following amendment:

- 1. Page 14, Line 406

406 (1) There is appropriated from the Uniform School Fund for fiscal year 2007-08 only.

- 2. Page 14, Line 409:

409 53A-1-708.

(2) The State Board of Education shall retain \$350,000 of the amount provided in Subsection (1) to expand online test delivery, analysis, and reporting programs of the Career and Technical Education section of the Utah State Office of Education.

(3) The State Board of Education shall make a report to the Public Education Appropriations Subcommittee by November 30, 2007 that details progress on implementing online testing programs, including cost per test.

Senator Mayne’s motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators
Buttars Niederhauser

H.B. 160, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Bell, under suspension of the rules, **H.B. 396**, HIGHER EDUCATION TASK FORCE, 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

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Killpack	Knudson	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Walker	Valentine

Voting in the negative were: Senators

Madsen	Waddoups
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Absent or not voting were: Senators

Bramble	Jones	Mayne
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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.

CONCURRENCE CALENDAR

S.B. 98, GOVERNMENTAL IMMUNITY FOR TRAILS, was before the Senate.

On motion of Senator Hickman, the bill was circled.

* * *

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 261**, DISPOSITION OF REAL PROPERTY. The bill, as amended, passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dmitrich
Eastman	Fife	Goodfellow	Greiner

Hickman	Jenkins	Jones	Killpack
Knudson	Madsen	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting were: Senators

Bramble	Buttars	Dayton	Hillyard
Mayne			

2nd Sub. S.B. 261 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. 179, IMMUNITY OF COUNTIES AND MUNICIPALITIES FOR SKY DIVING ACTIVITIES**. The bill, as amended, passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dmitrich
Eastman	Fife	Goodfellow	Greiner
Jenkins	Jones	Killpack	Knudson
Madsen	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker		

Absent or not voting were: Senators

Bramble	Buttars	Dayton	Hickman
Hillyard	Mayne	Valentine	

S.B. 179 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Killpack, the Senate voted to concur in the House amendments to **3rd Sub. S.B. 246, GOVERNMENT LAW CHANGES**. The bill, as amended, passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators

Bell	Davis	Dayton	Dmitrich
Eastman	Fife	Goodfellow	Greiner

Hickman	Jenkins	Jones	Killpack
Knudson	Madsen	McCoy	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker		

Absent or not voting were: Senators

Bramble	Buttars	Christensen	Hillyard
Mayne	Niederhauser	Valentine	

3rd Sub. S.B. 246 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Davis, the Senate voted to concur in the House amendments to **S.B. 189, MEDICAID HOME AND COMMUNITY–BASED LONG–TERM CARE**. The bill, as amended, passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Christensen	Davis	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Jenkins	Jones
Killpack	Knudson	Madsen	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker

Absent or not voting were: Senators

Bramble	Buttars	Hillyard	Mayne
Valentine			

S.B. 189 was returned to the House for the signature of the Speaker.

* * *

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 28, 2007

The House adopted the Joint Conference Committee Report dated February 28, 2007, and passed **1st Sub. S.B. 50, DRUG OFFENDERS REFORM ACT**, by Senator D. C. Buttars, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

Mr. President: February 28, 2007

The Joint Conference Committee comprised of Sens. D. C. Buttars, D. Peterson, and S. McCoy, and Reps. R. Lockhart, B. Dee, and T .Cosgrove,

recommends **S.B. 50**, DRUG OFFENDERS REFORM ACT, by Senator D. C. Buttars, be replaced and favorably recommends **1st Sub. S.B. 50**, DRUG OFFENDERS REFORM ACT.

Senator D. C. Buttars
and Representative
Rebecca Lockhart, Chairs

On motion of Senator Buttars, the Senate voted to adopt the Joint Conference Committee report to **1st Sub. S.B. 50**, DRUG OFFENDERS REFORM ACT . The bill, as amended, passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Jenkins
Jones	Killpack	Knudson	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Bramble	Hillyard	Madsen	Mayne
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1st Sub. S.B. 50 was returned to the House for the signature of the Speaker.

CONCURRENCE CALENDAR

On motion of Senator Buttars, the circle was removed from **2nd Sub. S.B. 98**, GOVERNMENTAL IMMUNITY FOR TRAILS, and it was before the Senate.

On motion of Senator Buttars, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 98**, GOVERNMENTAL IMMUNITY FOR TRAILS. The bill, as amended, passed on the following roll call:

Yeas, 22; Nays, 5; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Eastman	Fife
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Niederhauser
Peterson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Voting in the negative were: Senators

Dmitrich Goodfellow McCoy Romero
Stephenson

Absent or not voting were: Senators

Madsen Mayne

2nd Sub. S.B. 98 was returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 28, 2007

The House passed, as amended, **2nd Sub. S.B. 218**, COMMUNITY DEVELOPMENT AND RENEWAL AGENCY 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.

* * *

Mr. President: February 28, 2007

The Speaker of the House has signed **3rd Sub. S.B. 49**, OPTIONAL EXTENDED-DAY KINDERGARTEN, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 53**, HIGHER EDUCATION ENGINEERING PARTNERSHIP, by Senator G. Bell, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 80**, EDUCATION REFORM – CRITICAL LANGUAGES PROGRAM, by Senator H. Stephenson, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 119**, MUNICIPAL LICENSE FEE OR TAX ON PUBLIC ASSEMBLY FACILITIES, by Senator B. Goodfellow, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 160**, PHARMACY PRACTICE ACT AMENDMENTS, by Senator P. Knudson, and it is transmitted for the signature of the President; and

The House passed, **2nd Sub. S.B. 59**, EXEMPTION FROM FISHING LICENSE, 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, **2nd Sub. S.B. 195**, FISH HEALTH AMENDMENTS, by Senator D. Peterson, 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. 240**, LITIGATION FUND RESTRICTED ACCOUNT FOR HIGHWAY PROJECTS, by Senator S. Killpack, and it is transmitted for the signature of the President; and

The House passed, **S.B. 247**, RETIREMENT SYSTEMS MEMBERSHIP EXCLUSIONS, by Senator M. Dmitrich, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 254**, PRIVATE INVESTIGATOR REGULATION AMENDMENTS, by Senator M. Dayton, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.C.R. 7**, CONCURRENT RESOLUTION APPROVING SETTLEMENT OF LAWSUIT, 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

3rd Sub. S.B. 49, S.B. 53, 2nd Sub. S.B. 80, S.B. 119, S.B. 160, 2nd Sub. S.B. 59, 2nd Sub. S.B. 195, 1st Sub. S.B. 240, S.B. 247, S.B. 254, 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.

SECOND READING CALENDAR

H.B. 45, COMPARATIVE NEGLIGENCE AMENDMENTS, was read the second time. Senator Bell explained the bill.

On motion of Senator Bell, the following substitute bill replaced the original bill:

1st Sub. H.B. 45 Comparative Negligence Amendments (S. Wyatt)

On motion of Senator Bell, the bill was circled.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 28, 2007

The Speaker of the House has signed **4th Sub. S.B. 18**, CREATION OF SEVERANCE TAX AND INFRASTRUCTURE AND ECONOMIC DIVERSIFICATION ACCOUNTS, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 23**, CHILD SUPPORT GUIDELINES, by Senator G. Bell, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 90**, HIGHER EDUCATION ENHANCEMENTS, by Senator J. Hickman, and it is transmitted for the signature of the President; and

The House passed, **S.B. 128**, STATE GOVERNMENT LAW REVISIONS – WITHDRAWAL FROM EDUCATION COMPACT, 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. 277**, SECURITIES LAW 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

4th Sub. S.B. 18, 2nd Sub. S.B. 23, S.B. 90, S.B. 128, and S.B. 277 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

February 28, 2007

The House has rejected **1st Sub. S.B. 221**, JUDICIAL SELECTION PROCEDURES AND RETENTION ELECTION TASK FORCE, by Senator D. C. Buttars, and it is transmitted for filing.

Sandy D. Tenney, Chief Clerk

* * *

On motion of Senator Bramble, and at 6:00 p.m., the Senate recessed.

EVENING SESSION

The Senate reassembled at 7:25 p.m., with President Valentine presiding.

SECOND READING CALENDAR

On motion of Senator Dayton, under suspension of the rules, **2nd Sub. H.B. 358, CERVICAL CANCER PREVENTION**, was considered read the second and third times.

Senator Dayton proposed the following amendment:

1. Page 2, Lines 37 through 40
House Committee Amendments
2-12-2007
 - 37 ~~26-7-3~~, Cervical cancer public awareness campaign.
 - 38 (1) The department shall create a public awareness campaign to educate parents, health
 - 39 care providers, and women ~~↗~~ [between the ages of 19 and 26]
~~↖~~ about the causes
 - 39a and risk factors
 - 40 associated with cervical cancer and the prevention of cervical cancer.
 - (2) The public awareness campaign required by Subsection (1) shall include:
 - (a) information about abstinence before and fidelity after marriage being the surest prevention of sexually transmitted diseases including the human papillomavirus; and
 - (b) a complete list of side effects and risks discovered during drug trials of any vaccine developed for the prevention of cervical cancer or human papillomavirus.

Senator Dayton's motion to amend passed on a voice vote.

###

Senator Dayton proposed the following amendment:

1. Page 1, Lines 25 through 28
House Committee Amendments
2-12-2007

25 Monies Appropriated in this Bill:

26 {~~This bill appropriates:~~

27 ~~▶ as an ongoing appropriation subject to future budget~~
~~constraints, \$25,000 from the~~

28 ~~General Fund for fiscal year 2007-08 to the Department of~~
~~Health.}~~

None

- 2. Page 2, Lines 41 through 44
House Committee Amendments
2-12-2007:

41 ~~Section 2. Appropriation.~~

42 ~~As an ongoing appropriation subject to future budget~~
~~constraints, there is appropriated~~

43 ~~from the General Fund for fiscal year 2007-08, \$25,000 to the~~
~~Department of Health for~~

44 ~~establishing the campaign described in Section 26-7-3.~~

Senator Dayton’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

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jones	Killpack	Knudson
Mayne	McCoy	Niederhauser	Peterson
Romero	Stowell	Van Tassell	Waddoups

Absent or not voting were: Senators

Jenkins	Madsen	Stephenson	Walker
Valentine			

2nd Sub. H.B. 358, as amended, was returned to the House for further consideration..

* * *

On motion of Senator Niederhauser, under suspension of the rules, **1st Sub. H.B. 362**, ANNEXATION AMENDMENTS, was considered read the second and third times.

Senator Niederhauser proposed the following amendment:

1. Page 2, Line 31
House Floor Amendments
2-22-2007

31 {~~None~~} This bill provides an effective date.
2. Page 4, Line 118 through Page 5, Line 119:

118 least 75% of the total private land area within the entire area
proposed for annexation representing at least 75% of the value of the
private real property within the entire area proposed for
annexation. have
119 consented in writing to the annexation.
3. Page 5, Line 122
House Floor Amendments
2-22-2007:

122 {~~(c) Subsections 10-2-425(4) and (5) do not apply to an~~
annexation under this section. }
4. Page 5, Lines 134 through 135
House Floor Amendments
2-22-2007:

134 {~~+~~} (a) send notice of the enactment to each affected
entity; {~~+~~}
135 {~~+~~} (b) {~~+~~} {~~(a)~~} file with the lieutenant
governor:
5. Page 5, Lines 145 through 146
House Floor Amendments
2-22-2007:

145 {~~+~~} (c) {~~+~~} {~~(b)~~} in accordance with
Section 26-8a-414, file the documents described in
146 Subsection (1) {~~+~~} (b) {~~+~~} {~~(a)~~} (i) with the
Department of Health.
6. Page 6, Line 156:

156 (4) {~~+~~} Each {~~+~~} {~~Except for an annexation~~
under Section 10-2-418, each } notice required

7. Page 6, Line 159:

159 (5) {-|-} An {-|-} {~~Except for an annexation under Section 10-2-418, an~~} annexation under this

8. Page 6, Line 161:

161 (a) for the annexation of an area located in a county of the first class except for an annexation under Section 10-2-418 :

9. Page 6, Line 174:

174 a notice of adoption of an annexation ordinance under Subsection (1)(a)(iii)(B).

Section 4. Effective dates.

(1) If this bill is approved by two-thirds of all the members elected to each house, the amendments to Section 10-2-402 take 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.

(2) The amendments to Sections 10-2-418 and 10-2-425 take effect on January 1, 2008.

Senator Niederhauser's motion to amend passed on a voice vote. The bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Davis	Jenkins	Stephenson
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1st Sub. H.B. 362 was returned to the House for further consideration.

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On motion of Senator Bell, the circle was removed from **1st Sub. H.B. 45**, COMPARATIVE FAULT AMENDMENTS, and it was before the Senate.

Senator Bell proposed the following amendment:

- 1. Page 3, Lines 73 through 77

73 (a) the defendant sought to be held jointly and severally
liable either intentionally engaged in the conduct, or { ~~acted~~
intentionally;

74 ~~(b) the conduct of the defendant sought to be held jointly and~~
~~severally liable was }~~

75 intended to cause the resulting damage or injury; and

76 { ~~(e)~~ } (b) the conduct of the defendant sought to be
held jointly and severally liable was a

77 substantial factor in causing the resulting damage or injury.

Senator Bell’s motion to amend passed on a voice vote. Senators Hillyard, Niederhauser, and McCoy commented.

1st Sub. H.B. 45 was read for the 1st, 2nd, and 3rd times.

On motion of Senator Bell, under suspension of the rules, **1st Sub. H.B. 45**, COMPARATIVE FAULT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 15; Nays, 13; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Eastman	Jenkins	Killpack
Madsen	Niederhauser	Peterson	Romero
Stephenson	Van Tassell	Walker	

Voting in the negative were: Senators

Davis	Dmitrich	Fife	Greiner
Hickman	Hillyard	Jones	Knudson
Mayne	McCoy	Stowell	Waddoups
Valentine			

Absent or not voting was: Senator Goodfellow

1st Sub. H.B. 45, as amended, was returned to the House for further consideration.

INTRODUCTION OF BILLS

S.B. 3, Appropriation Adjustments (L. Hillyard), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Hillyard, the Senate voted to lift **S.B. 3, APPROPRIATION ADJUSTMENTS**, from Rules and place it at the top of the Second Reading Calendar.

On motion of Senator Hillyard, the bill was circled.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 28, 2007

The House passed, as amended, **S.B. 200, REDUCED CIGARETTE IGNITION PROPENSITY**, by Senator E. Mayne, 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 Bramble, the circle was removed from **1st Sub. H.B. 104, ALCOHOLIC BEVERAGE LICENSEES AND GAMBLING-LIKE ACTIVITIES**, and it was before the Senate. Senator Bramble explained the bill. Senators Davis and Dmitrich commented.

On motion of Senator Bramble, under suspension of the rules, **1st Sub. H.B. 104, ALCOHOLIC BEVERAGE LICENSEES AND GAMBLING-LIKE ACTIVITIES**, 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

Bell	Bramble	Buttars	Christensen
Dayton	Eastman	Goodfellow	Greiner
Jenkins	Jones	Killpack	Knudson
Madsen	Niederhauser	Peterson	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Voting in the negative were: Senators

Davis	Dmitrich	Fife	Hickman
Mayne	McCoy		

Absent or not voting were: Senators

Hillyard	Romero
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1st Sub. H.B. 104 was signed by the President in open session and returned to House

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On motion of Senator Bramble, the Senate voted to lift the following bills from Rules and place them at the bottom of the Second Reading Calendar: **H.B. 438, 2nd Sub. H.B. 235, and H.B. 310**

On motion of Senator Bramble, the Senate voted to rearrange the following bills on the Second Reading Calendar and place them below H.B. 395:

H.B. 438, H.B. 276, 2nd Sub. H.B. 235, 4th Sub. H.B. 352, H.B. 300, H.B. 419, H.C.R. 2, 1st Sub. H.B. 308, 2nd Sub. H.B. 286, H.B. 343, H.B. 449, H.B. 427, H.B. 310, 1st Sub. H.B. 463, and H.B. 115

* * *

On motion of Senator Hillyard, the circle was removed from **S.B. 3, APPROPRIATION ADJUSTMENTS**, and it was before the Senate. Senator Hillyard explained the bill. Senators Fife, Walker, and Bramble commented.

Senator Fife proposed the following amendment:

1. Page 28, Line 1044:

It is the intent of the legislature as part of the veterans outreach funding that there be increased efforts to provide information and assist veterans and their families to get benefits and services currently available to them and to increase awareness of veteran owned businesses,

Senator Fife’s motion to amend passed on a voice vote.

On motion of Senator Hillyard, under suspension of the rules, **S.B. 3, APPROPRIATION ADJUSTMENTS**, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Buttars	Madsen
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S.B. 3 was transmitted to the House.

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On motion of Senator Hickman, under suspension of the rules, **H.B. 360**, ORDERLY SCHOOL TERMINATION ACT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Valentine		

Absent or not voting were: Senators

Buttars	Madsen	Walker
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H.B. 360 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, under suspension of the rules, **H.B. 238**, MUNICIPAL TELECOMMUNICATIONS LICENSE TAX AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Voting in the negative was: Senator

Greiner

Absent or not voting were: Senators

Eastman Madsen

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.

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On motion of Senator Killpack, under suspension of the rules, **H.B. 466**, INCORPORATION OF A TOWN AMENDMENTS, was considered read the second and third times. Senator Jenkins commented and the bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator

Madsen

H.B. 466 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, under suspension of the rules, **1st Sub. H.B. 402**, PAWNSHOP TRANSACTION INFORMATION AMENDMENTS, was considered read the second and third times. Senators Bell and McCoy commented and passed on the following roll call:

Yeas, 17; Nays, 11; Absent, 1.

Voting in the affirmative were: Senators

Bramble	Christensen	Dayton	Greiner
Hickman	Hillyard	Jones	Knudson
Madsen	Niederhauser	Peterson	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Voting in the negative were: Senators

Bell	Davis	Dmitrich	Eastman
Fife	Goodfellow	Jenkins	Killpack
Mayne	McCoy	Romero	

Absent or not voting was: Senator

Buttars

1st Sub. 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.

CONCURRENCE CALENDAR

On motion of Senator Bramble, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 218**, COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

2nd Sub. S.B. 218 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Mayne, the Senate voted to concur in the House amendments to **S.B. 200**, REDUCED CIGARETTE IGNITION PROPENSITY. The bill, as amended, passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator Hillyard

S.B. 200 was returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Dayton, under suspension of the rules, **1st Sub. H.B. 339**, REGULATION OF COTTAGE FOOD PRODUCTION OPERATION, was considered read the second and third times and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators Bramble Madsen

1st Sub. H.B. 339 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:

February 28, 2007

The House substituted, amended, and passed, **3rd Sub. S.B. 41**, LOCAL ISSUES AMENDMENTS, by Senator C. Walker, 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 Niederhauser, the circle was removed from **3rd Sub. H.B. 158**, AMENDMENTS TO TRANSPORTATION PROVISION, and it was before the Senate.

On motion of Senator Niederhauser, the following substitute bill replaced the original bill:

4th Sub. H.B. 158 Amendments to Transportation (W. Harper)

Senators Stephenson and Mayne commented.

On motion of Senator Stephenson, under suspension of the rules, **4th Sub. H.B. 158**, AMENDMENTS TO TRANSPORTATION PROVISIONS, was considered read the second and third times and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Mayne	McCoy	Niederhauser	Peterson
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Bramble	Madsen
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4th Sub. H.B. 158, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Killpack, under suspension of the rules, **1st Sub. H.B. 292**, REGULATION OF DIRECT PATHOLOGY BILLING, 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

Bell	Buttars	Christensen	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Mayne
Niederhauser	Peterson	Romero	Stowell
Van Tassell	Waddoups	Walker	Valentine

Voting in the negative was: Senator
McCoy

Absent or not voting were: Senators

Bramble	Davis	Madsen	Stephenson
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1st Sub. H.B. 292 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 28, 2007

The House concurred in the Senate amendments and passed **H.B. 160**, MINIMUM SCHOOL PROGRAM BUDGET 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 **2nd Sub. H.B. 358**, CERVICAL CANCER PREVENTION, by Representative K. Morgan, 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. 364**, PUBLIC SCHOOL TEXTBOOK EVALUATION, by Representative G. Froerer, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 365**, EMINENT DOMAIN AUTHORITY OF COMMUNITY

DEVELOPMENT AND RENEWAL AGENCIES, by Representative S. Urquhart, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 473, REVENUE BOND AND CAPITAL FACILITIES AUTHORIZATIONS**, by Representative D. G. Buxton, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 160, 2nd Sub. H.B. 358, 1st Sub. H.B. 364, 1st Sub. H.B. 365, and 1st Sub. H.B. 473, were 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 Walker, the Senate voted to concur in the House amendments to **3rd Sub. S.B. 41, LOCAL ISSUES AMENDMENTS**.

3rd Sub. S.B. 41, under suspension of the rules, was considered read for the 1st, 2nd, and 3rd times. The bill, as amended, passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Dayton
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Bramble	Davis	Killpack	Stephenson
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3rd Sub. S.B. 41 was returned to the House for the signature of the Speaker.

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On motion of Senator Walker, the Senate voted to return **S.B. 30, CREATION OF NEW SCHOOL DISTRICT AMENDMENTS**, to Legislative Research for enrolling.

SECOND READING CALENDAR

On motion of Senator Eastman, under suspension of the rules, **H.B. 395**, **WAIVERS OF IMMUNITY – EXCEPTIONS**, was considered read the second and third times. Senator Hillyard commented and the bill failed on the following roll call:

Yeas, 11; Nays, 14; Absent, 4.

Voting in the affirmative were: Senators

Buttars	Christensen	Dayton	Eastman
Hickman	Killpack	Madsen	Niederhauser
Peterson	Waddoups	Walker	

Voting in the negative were: Senators

Bell	Dmitrich	Fife	Goodfellow
Greiner	Hillyard	Jenkins	Jones
Knudson	McCoy	Romero	Stowell
Van Tassell	Valentine		

Absent or not voting were: Senators

Bramble	Davis	Mayne	Stephenson
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H.B. 395 was returned to the House for filing.

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On motion of Senator Stowell, under suspension of the rules, **H.B. 438**, **JAIL CONTRACTING – JAIL COMPENSATION AMENDMENTS**, was considered read the second and third times. Senator Hillyard, Hickman, Waddoups, and Valentine commented and the bill passed on the following roll call:

Yeas, 23; Nays, 5; Absent, 1.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Jones	Killpack
Knudson	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Walker	Valentine	

Voting in the negative were: Senators

Bell	Hickman	Hillyard	Jenkins
Waddoups			

Absent or not voting was: Senator
Madsen

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, and at 9:40 p.m., the Senate sauntered.

The Senate was called to order at 10:00 p.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 28, 2007

The House passed, as amended, **3rd Sub. S.B. 211**, ELECTION LAW CHANGES, by Senator H. Stephenson, and it is transmitted for further consideration; and

The House substituted and passed, **2nd Sub. S.B. 251**, HIGHER EDUCATION – CONCEALED FIREARMS RESTRICTIONS, by Senator G. Bell, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

* * *

Mr. President: February 28, 2007

The House passed, **S.B. 1**, CURRENT FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS ACT, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 118**, MECHANICS' LIEN AND PAYMENT AMENDMENTS, by Senator S. Jenkins, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 35**, UNIFORM CHILD ABDUCTION PREVENTION ACT, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 46**, HEALTH CARE AMENDMENTS, by Senator P. Knudson, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 50**, DRUG OFFENDERS REFORM ACT, by Senator D. C. Buttars, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 85**, MINING TEST FEES, by Senator M. Dmitrich, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 98**, GOVERNMENTAL IMMUNITY FOR TRAILS, by Senator D. C. Buttars, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 179**, IMMUNITY OF COUNTIES AND MUNICIPALITIES FOR SKY DIVING ACTIVITIES, by Senator B. Goodfellow, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 189**, MEDICAID HOME AND COMMUNITY-BASED LONG-TERM CARE, by Senator G. Davis, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 223**, TAX 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. 246**, GOVERNMENT LAW CHANGES, by Senator S. Killpack, et al, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 261**, DISPOSITION OF REAL PROPERTY, by Senator W. Niederhauser, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 268**, RURAL BROADBAND SERVICE FUND, by Senator J. Hickman, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 1, S.B. 118, S.B. 35, S.B. 46, 1st Sub. S.B. 50, S.B. 85, 2nd Sub. S.B. 98, S.B. 179, S.B. 189, 2nd Sub. S.B. 223, 3rd Sub. S.B. 246, 2nd Sub. S.B. 261, and S.B. 268 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

February 28, 2007

The House has rejected **2nd Sub. S.B. 159**, LABOR ORGANIZATIONS AMENDMENTS, by Senator H. Stephenson, and it is transmitted for filing.

Sandy D. Tenney, Chief Clerk

* * *

On motion of Senator Buttars, the Senate voted to reconsider its action on **1st Sub. S.B. 221**.

1st Sub. S.B. 221, JUDICIAL SELECTION PROCEDURES AND RETENTION ELECTION TASK FORCE, was before the Senate.

On motion of Senator Buttars, the following substitute bill replaced the original bill:

2nd Sub. S.B. 221 Judicial Retention Election Task Force (D. C. Buttars)

On motion of Senator Buttars, under suspension of the rules, **2nd Sub. S.B. 221**, JUDICIAL SELECTION PROCEDURES AND RETENTION ELECTION TASK FORCE, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Voting in the negative was: Senator Romero

Absent or not voting was: Senator Hickman

2nd Sub. S.B. 221 was transmitted to the House.

* * *

On motion of Senator Hillyard, the Senate voted to recall **H.B. 395** from the House.

CONCURRENCE CALENDAR

3rd Sub. S.B. 211, ELECTION LAW CHANGES, was before the Senate.

On motion of Senator Hillyard, the bill was circled.

* * *

On motion of Senator Bell, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 251**, HIGHER EDUCATION – CONCEALED FIREARMS RESTRICTIONS. Senator Waddoups commented. The bill, as amended, passed on the following roll call:

Yeas, 24; Nays, 4; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dmitrich	Eastman	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Romero	Stowell
Van Tassell	Waddoups	Walker	Valentine

Voting in the negative were: Senators

Christensen	Dayton	Jenkins	Peterson
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Absent or not voting was: Senator Stephenson

2nd Sub. S.B. 251 was returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 28, 2007

The House passed, as amended, **S.B. 238**, MOTOR VEHICLE INSURANCE AMENDMENTS, by Senator S. Killpack, 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 Stephenson, the circle was removed from **3rd Sub. S.B. 211, ELECTION LAW CHANGES**, and it was before the Senate.

Senator Stephenson made the motion for the Senate to concur in the House amendments to **3rd Sub. S.B. 211, ELECTION LAW CHANGES**. Senator Dmitrich made a substitute motion to refuse to concur with the amendments. Senators McCoy, Jones, and Davis commented.

On motion of Senator Walker, the bill was circled.

* * *

On motion of Senator Killpack, the Senate voted to concur in the House amendments to **S.B. 238, MOTOR VEHICLE INSURANCE AMENDMENTS**. The bill, as amended, passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator Eastman

S.B. 238 was returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 28, 2007

The House passed **S.B. 3, APPROPRIATION ADJUSTMENTS**, by Senator L. Hillyard, with the following amendments:

1. Page 17, Line 611:
Delete "520,000" and insert "620,000"
2. Page 17, Line 614:
Delete "150,000" and insert "250,000"

- 3. Page 17, Line 617:
Delete "200,000" and insert "100,000"
- 4. Page 17, Line 619:
Delete "200,000" and insert "100,000"
and returns it to the Senate for consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to **S.B. 3, APPROPRIATION ADJUSTMENTS**. Senators Romero, McCoy, and Knudson, commented. The bill, as amended, passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Buttars	Eastman	Madsen
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S.B. 3 was returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 28, 2007

The House passed, **1st Sub. S.B. 138, ADMINISTRATIVE RULE CRIMINAL AND CIVIL PENALTY AMENDMENTS**, by Senator H. Stephenson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 200, REDUCED CIGARETTE IGNITION PROPENSITY**, by Senator E. Mayne, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 218**, COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AMENDMENTS, by Senator C. Bramble, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 138, S.B. 200, and 2nd Sub. S.B. 218 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

SECOND READING CALENDAR

On motion of Senator Stowell, under suspension of the rules, **H.B. 276**, HEALTH FACILITY COMMITTEE AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Buttars	Christensen	Davis
Dayton	Dmitrich	Fife	Goodfellow
Greiner	Hickman	Hillyard	Jenkins
Killpack	Knudson	Mayne	McCoy
Niederhauser	Peterson	Romero	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting were: Senators

Bramble	Eastman	Jones	Madsen
Stephenson			

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.

* * *

On motion of Senator Bramble, under suspension of the rules, **2nd Sub. H.B. 235**, ABORTION LAW REVISIONS, was considered read the second and third times.

Senator Bramble proposed the following amendment:

1. Page 1, Lines 14 through 22

14 ► provides that, if Roe v. Wade is overturned, the provisions of this bill will

15 immediately be in effect and will supercede conflicting provisions of the Utah

16 Code;

17 ► provides that, if Roe v. Wade is overturned, no person may perform an abortion,

18 unless:

19 • it is necessary in order to avert a woman’s death or to avert a serious risk to a

20 woman of substantial and irreversible impairment of a major bodily function; {~~or~~}

21 • the woman is pregnant as the result of incest or rape that is reported to law

22 enforcement before the abortion is performed and the abortion is performed while the unborn child is under 20 weeks gestational age ; or

• the unborn child has a medical condition that makes it highly unlikely that the unborn child will survive more than 24 hours after birth and there is not a medically acceptable intervention or procedure that may be performed without undue risk to the mother’s health and that has a reasonable chance of extending the unborn child’s life beyond 24 hours;

2. Page 1, Lines 23 through 25:

23 ► addresses the confidentiality of the name of a victim of incest or rape; and

24 ► provides a severability clause; {~~and~~

25 ► includes legislative intent for the appropriations made in this bill } .

3. Page 2, Lines 27 through 29:

27 {~~This bill appropriates:~~

28 ► ~~as a one time appropriation, \$173,000; and~~

29 ► ~~as ongoing appropriations, \$2,640,600. }~~ None

4. Page 2, Line 49 through Page 3, Line 61:

49 (3) Subject to Subsection (1), no person may perform an abortion unless:

50 (a) a medical condition exists that, on the basis of the attending
physician's good faith

51 clinical judgment, so complicates the medical condition of a
woman as to necessitate the

52 abortion of her pregnancy to avert:

53 (i) the woman's death; or

54 (ii) a serious risk of substantial and irreversible impairment of a
major bodily function

55 of the woman; {~~or~~ }

56 (b) (i) the woman upon whom the abortion is performed is
pregnant as a result of:

57 (A) incest, as defined in Subsection 76-5-406(10) or Section
76-7-102;

58 (B) rape, as defined in Section 76-5-402; or

59 (C) rape of a child, as defined in Section 76-5-402.1;
{~~and~~ }

60 (ii) the incident described in Subsection (3)(b)(i) is reported to a
law enforcement

61 agency before the abortion is performed {~~and~~ } ; and

(iii) the unborn child is under 20 weeks gestational age; or
(c) on the basis of the attending physician's good faith clinical
judgment;

(i) the unborn child has a medical condition that makes it highly
unlikely that the unborn child will survive more than 24 hours after birth;
and

(ii) there is not a medically acceptable intervention or procedure
that:

(A) may be performed before or after the child's birth;

(B) may be performed without undue risk to the mother's health;

and

(C) has a reasonable chance of extending the unborn child's life
beyond 24 hours.

5. Page 3, Line 75 through Page 4, Line 92: 75 {~~-~~
 Section 2. One-time appropriation for Early Intervention Services—
 Ongoing

76 ~~appropriations for Early Intervention Services and Utah Birth Defect Network—~~

77 ~~Legislative intent.~~

78 ~~(1) As a one time appropriation, there is appropriated for the fiscal year 2006–07,~~

79 ~~\$173,000 from the General Fund to the Department of Health, Children with Special Health~~

80 ~~Care Needs, for Early Intervention Services.~~

81 ~~(2) As an ongoing appropriation, subject to future budget constraints, there is~~

82 ~~appropriated for the fiscal year 2007–08, \$360,000 from the General Fund to the Department of~~

83 ~~Health, Children with Special Health Care Needs, for Early Intervention Services.~~

84 ~~(3) As an ongoing appropriation, subject to future budget constraints, there is~~

85 ~~appropriated for the fiscal year 2007–08, \$2,280,600 from the General Fund to the Department~~

86 ~~of Health, Community and Family Health Services, for the Utah Birth Defect Network.~~

87 ~~(4) It is the intent of the Legislature that the appropriations described in Subsections (1)~~

88 ~~and (2) will assist families who have children with special needs, thereby encouraging pregnant~~

89 ~~women to not seek an abortion to avoid the birth of a child who has birth defects.~~

90 ~~(5) It is the intent of the Legislature that the appropriation described in Subsection (3)~~

91 ~~will reduce the incidence of birth defects, thereby reducing the number of abortions of unborn~~

92 ~~children that are performed to avoid the birth of a child with birth defects.~~

Senator Bramble's motion to amend passed on a voice vote.

###

Senator McCoy proposed the following amendment:

1. Page 2, Line 42:
After "Constitution" insert "outlawing abortion"
2. Page 2, Line 44:
After "Constitution" insert "outlawing abortion"

Senator McCoy's motion to amend passed on a voice vote.

###

Senator McCoy proposed the following amendment:

1. Page 1, Lines 10 through 11
10 This bill provides for an immediate revision of the portion of the Utah Criminal Code
11 relating to abortion if Roe v. Wade is overturned. This bill also provides that abortion does not include contraception.
2. Page 1, Line 13:
13 This bill:
 - ▶ defines the term "contraception";
 - ▶ provides that abortion does not include contraception;
3. Page 2, Line 32:
32 Utah Code Sections Affected:
AMENDS:
76-7-301, as last amended by Chapters 90 and 272, Laws of Utah 2004
4. Page 2, Line 36:
36 Be it enacted by the Legislature of the state of Utah:
Section 1. Section 76-7-301 is amended to read:
76-7-301. Definitions.
As used in this part:
 - (1) (a) "Abortion" means the intentional termination or attempted termination of human pregnancy after implantation of a fertilized ovum, and includes any and all procedures undertaken to kill a

live unborn child and includes all procedures undertaken to produce a miscarriage.

(b) "Abortion" does not include ;

(i) removal of a dead unborn child {~~—~~} ; or

(ii) contraception.

(2) "Contraception," except as otherwise provided in this part, means the use of any process, device, or method to prevent pregnancy, including steroidal, chemical, physical or barrier, natural or permanent methods for preventing the union of an ovum with the spermatozoon or the subsequent implantation of the fertilized ovum in the uterus.

{~~(2)~~} (3) "Medical emergency" means that condition which, on the basis of the physician's good faith clinical judgment, so threatens the life of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert her death, or for which a delay will create serious risk of substantial and irreversible impairment of major bodily function.

{~~(3)~~} (4) (a) "Partial birth abortion" means an abortion in which the person performing the abortion:

(i) deliberately and intentionally vaginally delivers a living fetus until, in the case of a head first presentation, the entire fetal head is outside the body of the mother, or, in the case of breech presentation, any part of the fetal trunk past the navel is outside the body of the mother, for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus; and

(ii) performs the overt act, other than completion of delivery, that kills the partially living fetus.

(b) "Partial birth abortion" does not include the dilation and evacuation procedure involving dismemberment prior to removal, the suction curettage procedure, or the suction aspiration procedure for abortion.

{~~(4)~~} (5) "Physician" means a medical doctor licensed to practice medicine and surgery under Title 58, Chapter 67, Utah Medical Practice Act, a physician in the employment of the government of the United States who is similarly qualified, or an osteopathic physician licensed to practice osteopathic medicine under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.

{~~(5)~~} (6) "Hospital" means a general hospital licensed by the Department of Health according to Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act, and includes a clinic or other medical facility to the extent that such clinic or other medical

facility provides equipment and personnel sufficient in quantity and quality to provide the same degree of safety to the pregnant woman and the unborn child as would be provided for the particular medical procedures undertaken by a general hospital licensed by the Department of Health. It shall be the responsibility of the Department of Health to determine if such clinic or other medical facility so qualifies and to so certify.

Re-number remaining sections accordingly.

Senator McCoy's motion to amend failed on a voice vote. The bill passed on the following roll call:

Yeas, 20; Nays, 7; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Dayton	Eastman	Goodfellow	Hickman
Jenkins	Jones	Killpack	Knudson
Niederhauser	Peterson	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Voting in the negative were: Senators

Davis	Dmitrich	Fife	Hillyard
Mayne	McCoy	Romero	

Absent or not voting were: Senators

Greiner	Madsen
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2nd Sub. H.B. 235, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Waddoups, under suspension of the rules, **4th Sub. H.B. 352, LOCAL GOVERNMENT REGULATION OF BILLBOARDS**, 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

Bramble	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Hickman	Hillyard	Jenkins
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Waddoups	Valentine	

Voting in the negative were: Senators

Bell Greiner Jones Stowell
Van Tassell

Absent or not voting was: Senator

Walker

Senator Valentine declared a conflict of interest.

4th Sub. H.B. 352 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: February 28, 2007

The House passed, as amended, **1st Sub. S.B. 74**, PENALTIES RELATING TO TAXES, FEES, OR CHARGES, by Senator H. Stephenson, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

* * *

Mr. President: February 28, 2007

The House passed, as amended, **H.J.R. 14**, MASTER STUDY RESOLUTION, by Representative D. Clark, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.J.R. 14** was read the first time and referred to the Rules Committee.

On motion of Senator Bramble, the Senate voted to lift **H.J.R. 14** from the Rules Committee and place it at the top of the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Bramble, under suspension of the rules, **H.J.R. 14**, MASTER STUDY RESOLUTION, was considered read the second and third times and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Eastman	Stowell
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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.

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On motion of Senator Knudson, under suspension of the rules, **H.B. 300**, FIREWORKS DISPLAY FEE AMENDMENT, was considered read the second and third times and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Eastman	Stephenson	Stowell
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H.B. 300 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Hickman, under suspension of the rules, **H.B. 419**, COSMETOLOGIST/BARBER, ESTHETICIAN, ELECTROLOGIST, AND NAIL TECHNICIAN LICENSING ACT AMENDMENTS, was considered read the second and third times. Senator Goodfellow commented and the bill passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Eastman	Stowell
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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.

CONCURRENCE CALENDAR

On motion of Senator Stephenson, the circle was removed from **3rd Sub. S.B. 211, ELECTION LAW CHANGES**, 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. 211, ELECTION LAW CHANGES**. Senators Mayne and Dmitrich commented. The bill, as amended, passed on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Peterson	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Voting in the negative was: Senator

Romero

Absent or not voting was: Senator

Niederhauser

3rd Sub. S.B. 211 was returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 28, 2007

The House passed, as amended, **3rd Sub. S.B. 81**, HOME SCHOOL AND EXTRACURRICULAR ACTIVITY AMENDMENTS, by Senator M. Madsen, 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 Madsen, the Senate refused to concur in the House amendments. **3rd Sub. S.B. 81** was returned to the House and asked that they recede from their amendments.

* * *

On motion of Senator Stephenson, the Senate voted to concur in the House amendments to **1st Sub. S.B. 74**, PENALTIES RELATING TO TAXES, FEES, OR CHARGES. The bill, as amended, passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator Killpack

1st Sub. S.B. 74 was returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Bramble, under suspension of the rules, **H.C.R. 2**, CONCURRENT RESOLUTION SUPPORTING AIRPORT SURVEILLANCE

RADAR ACQUISITION, was considered read the second and third times. Senators Buttars and Valentine commented and the bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator Killpack

Senators Valentine, Bramble, and Greiner declared conflicts of interest.

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.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 28, 2007

The House adopted the Joint Conference Committee Report dated February 28, 2007, and passed **1st Sub. S.B. 170**, DISTRIBUTION OF LOCAL SALES AND USE TAX REVENUES, by Senator G. Davis, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The Joint Conference Committee comprised of Sens. Davis, Bramble, and Stephenson, and Reps. Dee, Hughes, and Shurtliff, recommends **1st Sub. S.B. 170**, DISTRIBUTION OF LOCAL SALES AND USE TAX REVENUES, by Senator G. Davis, et al, with the following amendments:

1. Include the House amendments on Page 1 of the Lilac copy dated 02-21-2007.

- 2. Include the Senate amendments on Page 3 of the Goldenrod copy dated 02-13-2007.

Senator Gene Davis and
Representative Brad Dee,
Chairs

On motion of Senator Davis, the Senate voted to adopt the conference committee report to **1st Sub. S.B. 170**, DISTRIBUTION OF LOCAL SALES AND USE TAX REVENUES. The bill, as amended, passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator Killpack

1st Sub. S.B. 170 was returned to the House for the signature of the Speaker.

* * *

Mr. President: February 28, 2007

The House transmits **H.B. 395**, WAIVERS OF IMMUNITY – EXCEPTIONS, by Representative G. Hughes, for further consideration.

Sandy D. Tenney, Chief Clerk

SECOND READING CALENDAR

1st Sub. H.B. 308, INVEST MORE FOR EDUCATION FUND – VOLUNTARY CONTRIBUTION TO PUBLIC EDUCATION, was read the second time.

On motion of Senator Bramble, the following substitute bill replaced the original bill:

2nd Sub. H.B. 308 Invest More for Education Funds – Voluntary Contribution to Public Education (G. Hughes)

Senators Bell, McCoy, Hillyard, and Fife commented.

On motion of Senator Bramble, under suspension of the rules, **2nd Sub. H.B. 308, INVEST MORE FOR EDUCATION FUND – VOLUNTARY CONTRIBUTION TO PUBLIC EDUCATION**, was considered read the second and third times and passed on the following roll call:

Yeas, 15; Nays, 14; Absent, 0.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Dayton
Eastman	Greiner	Killpack	Madsen
Mayne	Niederhauser	Peterson	Stephenson
Stowell	Waddoups	Walker	

Voting in the negative were: Senators

Bell	Davis	Dmitrich	Fife
Goodfellow	Hickman	Hillyard	Jenkins
Jones	Knudson	McCoy	Romero
Van Tassell	Valentine		

2nd Sub. H.B. 308 was returned to the House for further consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 28, 2007

The House passed, as amended, **S.B. 44, SCRAP METAL TRANSACTIONS**, by Senator J. Greiner, and it is transmitted for further consideration; and

The House substituted and passed, **1st Sub. S.B. 224, JUDICIARY AMENDMENTS**, by Senator L. Hillyard, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

CONCURRENCE CALENDAR

On motion of Senator Greiner, the Senate voted to concur in the House amendments to **S.B. 44, SCRAP METAL TRANSACTIONS**. The bill, as amended, passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

S.B. 44 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. 224**, JUDICIARY AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Absent or not voting was: Senator

Buttars

S.B. 224 was returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 28, 2007

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 314**, TRANSPORTATION FUNDING REVISIONS, by Representative R. Lockhart, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 362**, ANNEXATION AMENDMENTS, by Representative G. Hughes, and it is transmitted for the signature of the President; and

Sandy D. Tenney, Chief Clerk

2nd Sub. H.B. 314 and **1st Sub. H.B. 362**, 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 28, 2007

The House passed, **S.B. 69**, LOCAL TRANSPORTATION CORRIDOR PRESERVATION FUND AMENDMENTS, by Senator S. Killpack, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 69 was signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

SECOND READING CALENDAR

H.B. 395, WAIVERS OF IMMUNITY – EXCEPTIONS, was read the second time.

On motion of Senator Eastman, the bill was circled.

* * *

On motion of Senator Walker, under suspension of the rules, **2nd Sub. H.B. 286**, SCHOOL DISCIPLINE AND CONDUCT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 24; Nays, 5; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Greiner	Hickman	Hillyard	Jones
Killpack	Knudson	Madsen	Mayne
Niederhauser	Peterson	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Voting in the negative were: Senators

Dayton	Goodfellow	Jenkins	McCoy
Romero			

2nd Sub. H.B. 286 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Eastman, under suspension of the rules, **H.B. 343**, FOSTER PLACEMENT AND ADOPTION AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 28; Nays, 1; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Voting in the negative was: Senator

Romero

H.B. 343 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 Eastman, under suspension of the rules, **H.B. 449**, ACCIDENT REPORT RECORDS ACCESS, was considered read the second and third times. Senator Greiner commented and the bill passed on the following roll call:

Yeas, 24; Nays, 4; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
Niederhauser	Peterson	Stephenson	Stowell
Van Tassell	Waddoups	Walker	Valentine

Voting in the negative were: Senators

Greiner	Hickman	McCoy	Romero
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Absent or not voting was: Senator Hillyard

H.B. 449 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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On motion of Senator Eastman, under suspension of the rules, **H.B. 427**, **NONRESIDENT SALES OF MOTOR HOMES**, was considered read the second and third times and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

H.B. 427 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. 310**, **TRANSFER OF STUDENT RECORDS**, was considered read the second and third times and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Valentine

Absent or not voting was: Senator Walker

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.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 28, 2007

The Speaker of the House has signed **3rd Sub. S.B. 41**, LOCAL ISSUES AMENDMENTS, by Senator C. Walker, and it is transmitted for the signature of the President; and

The House passed, **S.B. 71**, COUNTY RECORDER 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. 144**, FINANCIAL INSTITUTIONS 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. 219**, REAL ESTATE MODIFICATIONS, 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, **2nd Sub. S.B. 221**, JUDICIAL SELECTION PROCEDURES AND RETENTION ELECTION TASK FORCE, 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. 236**, TRADEMARK PROTECTION ACT, by Senator D. Eastman, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

3rd Sub. S.B. 41, S.B. 71, S.B. 144, S.B. 219, 2nd Sub. S.B. 221, and S.B. 236 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

SECOND READING CALENDAR

On motion of Senator Greiner, under suspension of the rules, **1st Sub. H.B. 463**, CRIME OF CLAIMING MILITARY AWARD BY NONRECIPIENT, was considered read the second and third times. Senator McCoy commented and the bill passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hickman
Hillyard	Jenkins	Jones	Killpack
Knudson	Madsen	Mayne	McCoy
Niederhauser	Peterson	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

1st Sub. H.B. 463 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: February 28, 2007

The Speaker of the House has signed **S.B. 3**, APPROPRIATION ADJUSTMENTS, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 44**, SCRAP METAL TRANSACTIONS, by Senator J. Greiner, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 74**, PENALTIES RELATING TO TAXES, FEES, OR CHARGES, by Senator H. Stephenson, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 170**, DISTRIBUTION OF LOCAL SALES AND USE TAX REVENUES, by Senator G. Davis, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **3rd Sub. S.B. 211**, ELECTION LAW CHANGES, by Senator H. Stephenson, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 224**, JUDICIARY 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. 238**, MOTOR VEHICLE INSURANCE AMENDMENTS, by Senator S. Killpack, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 251**, HIGHER EDUCATION – CONCEALED FIREARMS RESTRICTIONS, by Senator G. Bell, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 3, S.B. 44, 1st Sub. S.B. 74, 1st Sub. S.B. 170, 3rd Sub. S.B. 211, 1st Sub, S.B. 224, S.B. 238, and 2nd 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.

* * *

On motion of Senator Bramble, the Senate struck the enacting clause on all House bills and resolutions remaining on the Senate calendar and with the Rules Committee.

On motion of Senator Bramble, the Senate struck the enacting clause on all Senate bills and resolutions remaining on the calendar and with the Rules Committee and ordered them filed.

President John Valentine 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 2007 General Session of the Fifty–Seventh Legislature.

President Valentine appointed Senators Allen Christensen, Wayne Niederhauser, and Ross Romero to wait upon the Governor and ask if he has any further business to bring before the Senate.

President Valentine appointed Senators Margaret Dayton, Dennis Stowell, and Scott McCoy to notify the House of Representatives that the Senate has concluded its business and is ready to adjourn sine die.

Senator Curtis Bramble and Senator Mike Dmitrich expressed appreciation to the opposite party.

Senator Greg Bell, 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 Bell also expressed appreciation to the Senate interns for the exceptional work they have done throughout the session.

On motion of Senator Bell, the Senate voted to give each member of the Senate staff an additional 16 hours' compensation at the rates established for each employee.

President Valentine expressed appreciation to Senator Bramble, Senator Eastman, Senator Killpack, Senator Hickman, and Senator Lyle Hillyard for his excellent service as Appropriations Chairman and Senator Peter Knudson for his service as Appropriations Vice-Chairman.

Senator Dayton reported the House has been notified that the business of the Senate has concluded and the Senate is ready to adjourn sine die.

Senator Christensen reported that his committee, with a like committee from the House of Representatives had notified the Governor. The Governor asked that the committee convey to each house that he has no further business to bring before the legislature but that he would like to speak before each house prior to their adjournment sine die.

Governor Jon M. Huntsman Jr. made closing remarks and expressed appreciation to the Senate.

On motion of Senator Bramble and at 12:00 a.m., the Senate adjourned sine die.

SENATE STRUCK ENACTING CLAUSE (HOUSE BILLS AND RESOLUTIONS)

Mr. President:

February 28, 2007

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. 11 | Observing Juneteenth Day by the State (Rep. N. Hansen) |
| H.B. 12 | Additional State Retirement Benefit (Rep. L. Shurtliff) |
| H.B. 19 | Navajo Revitalization Fund (Rep. B. King) |
| H.B. 25 | Mortgage Fraud (Rep. P. Ray) |
| H.B. 28 | Domestic Violence and Dating Violence Amendments
(Rep. D. Litvack) |
| H.B. 32 | Expedited Parent-time Enforcement (Rep. Julie Fisher) |
| 2nd Sub. H.B. 43 | Individual Income Tax Subtractions for Insurance
Relating to Medical Care (Rep. J. Dunnigan) |
| H.B. 68 | School Fee Waiver Amendments (Rep. L. Shurtliff) |
| H.B. 70 | Assault on a Peace Officer – Penalty Amendment
(Rep. P. Ray) |

- 3rd Sub. H.B. 84** Traumatic Brain Injury Fund (Rep. J. Gowans)
1st Sub. H.B. 95 Accelerated Learning Program Amendments (Rep. C. Moss)
- 1st Sub. H.B. 105** Illegal Immigration Enforcement Act (Rep. G. Donnelson)
- H.B. 106** Registration Targeting Women and Minority-owned Enterprises (Rep. M. Wheatley)
- H.B. 113** Discharge of a Firearm Amendments (Rep. C. Wimmer)
H.B. 115 Honoring Heroes Special Group License Plate (Rep. P. Ray)
- 4th Sub. H.B. 122** Clean Air and Efficient Vehicle Tax Incentives (Rep. R. McGee)
- 1st Sub. H.B. 124** Agricultural Education (Rep. R. Menlove)
1st Sub. H.B. 126 Reporting of Fraudulent Insurance Acts (Rep. D. Aagard)
H.B. 131 Document Fraud (Rep. K. Morgan)
1st Sub. H.B. 140 Safe Drinking Water Amendments (Rep. S. Andersen)
1st Sub. H.B. 149 Class Size Reduction in Grades Kindergarten Through Three (Rep. K. Morgan)
- 1st Sub. H.B. 153** Securities Amendments (Rep. J. Bird)
H.B. 154 Exoneration and Innocence Assistance (Rep. D. Litvack)
2nd Sub. H.B. 161 Corporate Franchise and Income Tax Credits Relating to Biodiesel or Syngas Production (Rep. M. Noel)
- H.B. 162** Illegal Drug Sites Contamination Amendments (Rep. D. Litvack)
- 3rd Sub. H.B. 163** Options for Health Care (Rep. J. Dunnigan)
1st Sub. H.B. 165 School Fee Amendments (Rep. C. Frank)
1st Sub. H.B. 172 Utah Virtual Schools (Rep. B. Ferry)
H.B. 175 Vehicle Use Regarding Illegal Drugs (Rep. P. Ray)
1st Sub. H.B. 177 Correctional Facility Bidding Process – Privatization of Correctional Facilities (Rep. G. Hughes)
- 1st Sub. H.B. 178** Regulation of Lobbyists and Gifts (Rep. R. Becker)
H.B. 179 Expungement Law Amendments (Rep. L. Fowlke)
H.B. 180 Parole Amendments (Rep. C. Oda)
H.B. 184 State Office of Education Human Resource Management Amendments (Rep. R. Menlove)
- H.B. 186** School Safety Amendments (Rep. C. Moss)
1st Sub. H.B. 189 Criminal Statute of Limitations Amendments (Rep. C. Wimmer)
- H.B. 190** Controlled Substance Schedule Amendment (Rep. P. Ray)
1st Sub. H.B. 198 Public Safety Retirement (Rep. R. Bigelow)
H.B. 214 Senior Permits for State Parks (Rep. S. Allen)

- H.B. 217** Cell Phone Restriction for Teen Drivers
(Rep. K. Holdaway)
- H.B. 232** Sheriff Qualifications (Rep. K. Gibson)
- H.B. 237** Requirements for Off-highway Vehicles (Rep. A. Tilton)
- H.B. 239** School Community Council Amendments
(Rep. R. Menlove)
- H.B. 246** Campaign Contribution Amendments (Rep. J. Dougall)
- 2nd Sub. H.B. 249** Budget Priority for In-home and Community Based
Long-term Care (Rep. E. Hutchings)
- H.B. 252** Utah Suicide Prevention Act (Rep. W. Harper)
- 1st Sub. H.B. 254** Pete Suazo Athletic Commission (Rep. G. Hughes)
- H.B. 255** Prohibition of Citation Quotas (Rep. N. Hansen)
- H.B. 272** Prohibition Relating to Fees on Foster Homes for the Use
of Emergency Services (Rep. W. Harper)
- H.B. 281** Crime Victim Reparations Amendments (Rep. S. Wyatt)
- H.B. 282** Sales and Use Taxation of Food and Food Ingredients
(Rep. M. Newbold)
- H.B. 283** Protective Order Amendments (Rep. L. Fowlke)
- 3rd Sub. H.B. 291** Students Qualifying for Services for Deaf
(Rep. K. Sumsion)
- H.B. 294** Benefits and Insurance of Constitutional Officers
(Rep. M. Noel)
- H.B. 303** Campaign Finance Filing Requirements (Rep. G. Hughes)
- 1st Sub. H.B. 312** Funding for Department of Health Early Intervention
Programs (Rep. S. Urquhart)
- H.B. 313** Administration of Medication to Students Amendments
(Rep. R. Lockhart)
- 1st Sub. H.B. 320** Recovery of Federal Reimbursement for Costs Associated
with Illegal Immigrants (Rep. K. Morgan)
- H.B. 321** Off-highway Vehicle Amendments (Rep. M. Noel)
- 3rd Sub. H.B. 334** Eminent Domain (Rep. A. Tilton)
- H.B. 338** Emergency Room Tort Reform (Rep. B. Last)
- 1st Sub. H.B. 348** County Government Reform (Rep. M. Brown)
- H.B. 350** Marriage Preparation Education (Rep. R. McGee)
- H.B. 355** Innkeeper's Rights Act Modifications (Rep. M. Walker)
- H.B. 359** Controlled Substance Amendments (Rep. C. Oda)
- 1st Sub. H.B. 370** Severance Tax Revisions (Rep. J. Mathis)
- 1st Sub. H.B. 372** Local District Amendments (Rep. R. Lockhart)
- 2nd Sub. H.B. 377** Retirement Benefit Amendments (Rep. J. Dougall)
- H.B. 380** State Facility Water Conservation Program
(Rep. L. Wiley)

H.B. 381	Professional Excellence Programs (Rep. R. Menlove)
H.B. 388	Motor and Special Fuel Tax Amendments (Rep. C. Frank)
1st Sub. H.B. 392	Western States Presidential Preference Poll (Rep. D. Aagard)
H.B. 395	Waivers of Immunity – Exceptions (Rep. G. Hughes)
H.B. 411	Fire Management Areas (Rep. M. Noel)
1st Sub. H.B. 416	Teacher Loan Program (Rep. L. Hemingway)
3rd Sub. H.B. 422	Dividing Groundwater with Another State (Rep. J. Biskupski)
H.B. 424	Definition of Agri–tourism (Rep. M. Morley)
1st Sub. H.B. 425	Street–legal All–terrain Vehicle Amendments (Rep. M. Noel)
1st Sub. H.B. 440	Drug Product Equivalent Amendments (Rep. E. Hutchings)
H.B. 446	Charitable Solicitations Act Amendments (Rep. J. Gowans)
H.B. 447	Burglary of a Railroad Car (Rep. J. Gowans)
H.B. 450	Law Enforcement Districts (Rep. M. Walker)
H.B. 454	Voting Machines Used by Municipalities (Rep. N. Hansen)
1st Sub. H.B. 460	Child and Family Protection (Rep. L. Fowlke)
H.B. 469	Failure to Disclose Identity (Rep. C. Oda)
H.J.R. 2	Resolution Supporting Energy Efficiency (Rep. R. Becker)
H.J.R. 7	Resolution Urging United States Withdrawal from Security and Prosperity Partnership of North America (Rep. S. Sandstrom)
H.J.R. 12	Resolution Reaffirming the Words, Under God, in the Pledge of Allegiance (Rep. K. Gibson)
H.J.R. 13	Resolution Supporting Working Families Economic Development Initiative (Rep. T. Cosgrove) Annette B. Moore Secretary of the Senate

**HOUSE STRUCK ENACTING CLAUSE
(SENATE BILLS AND RESOLUTIONS)**

Mr. President:

February 28, 2007

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:

- 2nd Sub. S.B. 12** Funding for Purchase of State Highway Rights of Way (H. Stephenson)
- 3rd Sub. S.B. 13** Tax Incentives for Alternate Power Generation (H. Stephenson)
- 1st Sub. S.B. 37** Sales and Use Tax – Dental Prostheses (P. Knudson)
- S.B. 39** Public Safety Retirement Death Benefit Modifications (J. Greiner)
- S.B. 43** Smoking Ban in Vehicle When a Child is Present (S. McCoy)
- 1st Sub. S.B. 61** Portability of Medical Assistance Funds (E. Mayne)
- S.B. 62** College and University Tuition Tax Credits (G. Bell)
- S.B. 63** State Zero–Based Budgeting (W. Niederhauser)
- S.B. 65** Elementary School Math Initiative (G. Bell)
- 3rd Sub. S.B. 66** Employer Health Insurance Options – Cafeteria Plans (M. Waddoups)
- S.B. 72** Crime Victim Reparations Records (G. Bell)
- S.B. 78** Protection of Constitutionally Guaranteed Activities in Certain Private Venues (M. Madsen)
- 3rd Sub. S.B. 81** Home School and Extracurricular Activity Amendments (M. Madsen)
- S.B. 82** Amendments to Utah Comprehensive Health Insurance Pool (G. Davis)
- S.B. 102** Master Plumber Licensing (S. Jenkins)
- 1st Sub. S.B. 107** Notice of Available Charity Care (M. Waddoups)
- S.B. 121** Department of Commerce Fund Amendments (K. VanTassell)
- 1st Sub. S.B. 123** Amendment Regarding Search Warrant Procedure (J. Greiner)
- 1st Sub. S.B. 142** Sales and Use Tax Exemption for Certain Business Inputs (H. Stephenson)
- S.B. 145** Multi–Channel Video or Audio Service Tax – County or Municipality Franchise Fee Tax Credit (W. Niederhauser)
- S.B. 152** Presumptive Personal Representative (G. Bell)
- 2nd Sub. S.B. 162** Pete Suazo Utah Athletic Commission (E. Mayne)
- 1st Sub. S.B. 171** Research Activities Tax Credit Amendments (H. Stephenson)
- S.B. 172** Municipal Land Use, Development, and Management Changes (S. Killpack)
- S.B. 174** Education Transportation Amendments (D. {Peterson)
- S.B. 176** Utah Business Assistance Center Pilot Act (D. Stowell)
- S.B. 184** Revisions to Child Support Definitions (L. Hillyard)

- 2nd Sub. S.B. 185** Utility Improvement District Revisions (K. VanTassell)
S.B. 187 Utah Relocation Assistance Act Amendments
(L. Hillyard)
- 2nd Sub. S.B. 194** Boards of Education Membership Amendments
(C. Bramble)
- S.B. 201** Rights of Citizens to Carry Firearms in Declared
Emergency (M. Madsen)
- S.B. 206** Punitive Damages Amendments (L. Hillyard)
S.B. 209 State Franchising Authority for Video Services
(C. Bramble)
- S.B. 216** Utah Antitrust Act Amendments (L. Hillyard)
S.B. 231 Veterans Amendments (F. Fife)
S.B. 242 Income Tax Additions, Subtractions, and Tax Credits for
Higher Education Savings (G. Bell)
- S.B. 249** Economic Development Incentives Modifications
(J. Hickman)
- S.B. 250** Military Justice Code Amendments (P. Knudson)
S.B. 262 Real Property Amendments (M. Madsen)
- 1st Sub. S.C.R. 6** Resolution Urging States Rights to Innovative Health
Care (G. Bell)
- S.C.R. 8** Concurrent Resolution Affirming Fundamental Rights of
Muslim Community of Utah (P. Knudson)
- S.J.R. 10** Joint Resolution Supporting Garfield County Expansion
of Correctional Facilities (D. Stowell)
- 3rd Sub. S.J.R. 11** Resolution Providing Appointment of State
Superintendent of Education (W. Niederhauser)
Sandy D. Tenney
Chief Clerk of the House

* * *

Mr. President: February 28, 2007
The Rules Committee recommends the enacting clause be stricken on the
following Senate Bills and Resolutions and they be filed:

- S.B. 29** Instream Flow to Protect Trout Habitat (Sen. P. Knudson)
S.B. 34 Minimum Wage Amendments (Sen. E. Mayne)
1st Sub. S.B. 36 Safety Belt Amendments (Sen. P. Jones)
S.B. 40 Earned Income Tax Credit (Sen. D. Peterson)
S.B. 57 High School Graduation Amendments (Sen. M. Madsen)
S.B. 58 Wrongful Death Amendments (Sen. S. McCoy)
S.B. 67 Utah Public Notice Website Provisions (Sen. D. Stowell)
1st Sub. S.B. 68 Funding for Tourism Promotion (Sen. W. Niederhauser)

- S.B. 76** Electronic Device Recycling (Sen. S. McCoy)
S.B. 79 Local Community Rail Security Act (Sen. E. Mayne)
S.B. 84 Confidentiality of Reports to Driver License Division (Sen. A. Christensen)
S.B. 88 Uniform Real Property Electronic Recording (Sen. L. Hillyard)
S.B. 95 Permanent Instream Flow to Preserve Water Quality (Sen. M. Dmitrich)
S.B. 105 Authorization of Opinion Question to Voters (Sen. E. Mayne)
1st Sub. S.B. 111 Free Exercise of Religion Without Government Interference (Sen. D. C. Buttars)
S.B. 115 Emergency Medicine Tort Reform (Sen. S. Killpack)
S.B. 116 Contribution Limits for State Constitutional Officers (Sen. G. Bell)
1st Sub. S.B. 120 Vehicle Towing Requirements (Sen. B. Goodfellow)
1st Sub. S.B. 124 Dental Hygienist Licensing Act Amendments (Sen. M. Waddoups)
S.B. 129 Private Investigator Regulation Act Amendments (Sen. D. C. Buttars)
S.B. 130 Municipal Code Amendments (Sen. D. Eastman)
S.B. 132 Property Tax Abatement or Deferral (Sen. D. Stowell)
S.B. 139 Legislative Management Committee Membership (Sen. C. Bramble)
1st Sub. S.B. 141 Commission and Council Seats in Counties of the First and Second Class (Sen. S. Killpack)
1st Sub. S.B. 146 Prescriptive Practice of Legend Drugs (Sen. P. Knudson)
S.B. 149 Limit on Gifts to Legislators (Sen. G. Bell)
S.B. 157 Parental Notification of Child Interview by Law Enforcement (Sen. D. C. Buttars)
2nd Sub. S.B. 159 Labor Organizations Amendments (Sen. H. Stephenson)
S.B. 164 Statute of Limitations for Bodily Injury (Sen. G. Bell)
1st Sub. S.B. 165 Producer and Affiliate Disclosure Amendments (Sen. M. Waddoups)
S.B. 168 Vehicle Safety Inspection Amendments (Sen. G. Bell)
S.B. 169 Sodomy Amendments (Sen. S. McCoy)
S.B. 177 Income Tax Credits, Additions, and Subtractions for College Savings (Sen. W. Niederhauser)
S.B. 178 Custody Amendments (Sen. G. Bell)
S.B. 180 School Construction Contract Amendments (Sen. S. Jenkins)

- S.B. 190** Animal Cruelty Offenses (Sen. G. Davis)
- 1st Sub. S.B. 202** Legislature’s Counsel to United States Senators
(Sen. H. Stephenson)
- 1st Sub. S.B. 207** Waste Tire Recycling Act Revisions (Sen. F. Fife)
- S.B. 208** Judicial Review, Attorney Fees, and Procedure Relating
to Tax Commission Decisions (Sen. H. Stephenson)
- S.B. 212** Revisors Directive on Unconstitutional Statutes
(Sen. S. McCoy)
- S.B. 214** Certificate of Need for Certain Ambulance Services
(Sen. D. Peterson)
- S.B. 220** Water Conservancy Districts – Selection of Board of
Trustees (Sen. W. Niederhauser)
- S.B. 222** Kindergarten Readiness Initiative (Sen. H. Stephenson)
- S.B. 230** Liability for Contaminated Property (Sen. F. Fife)
- 1st Sub. S.B. 243** Direct–entry Midwife Amendments (Sen. M. Dayton)
- S.B. 245** General Government Revisions – Authorization of Sales
Tax Opinion Question (Sen. C. Bramble)
- 1st Sub. S.B. 248** Parent and Child Amendments (Sen. C. Bramble)
- S.B. 253** Sales and Use Tax Exemption for Railroad Common
Carrier Locomotive Engine Fuel (Sen. P. Knudson)
- S.B. 256** County Attorney Amendments (Sen. G. Davis)
- S.B. 276** Transfer–on–Death Deeds for Real Property
(Sen. R. Romero)
- 1st Sub. S.J.R. 4** Resolution Relating to Health Care (Sen. S. McCoy)
- S.J.R. 5** Joint Resolution – Constitutional Amendment Relating to
Appraising and Assessing Certain Property (Sen. G. Bell)
- S.J.R. 6** Resolution Submitting Minimum Wage Question to
Voters (Sen. E. Mayne)
- S.J.R. 13** Resolution Submitting Question to Voters on Removing
the State and Local Sales and Use Taxes on Food and
Food Ingredients (Sen. W. Niederhauser)
- S.R. 2** Resolution Affirming Fundamental Rights of Muslim
Community of Utah (Sen. P. Knudson)
- Bill Hickman
Rules Committee Chair

**SUMMARY OF LEGISLATION
2007 GENERAL SESSION**

	House	Senate	Total
Bills Introduced	433	252	685
Bills Passed	229	163	392
Bills Vetoed	0	0	0
Line Items Vetoed	0	0	0
<i>Total Bills Enacted</i>	229	163	392
Joint Resolutions Introduced	16	13	29
Concurrent Resolutions Introduced	7	5	12
House & Senate Resolutions Introduced	2	3	5
<i>Total Resolutions Introduced</i>	25	23	46
Joint Resolutions Passed	8	7	15
Concurrent Resolutions Passed	7	5	12
House & Senate Resolutions Passed	2	2	4
<i>Total Resolutions Passed</i>	17	14	31

**STATISTICAL SUMMARY OF GENERAL SESSIONS
2000-2006**

	2000	2001	2002	2003	2004	2005	2006
Bills Introduced	700	664	664	706	673	670	663
Bills Passed	360	380	380	392	419	370	371
Bills Vetoed	5	3	3	4	6	2	4
Vetos Overridden	0	0	1	0	0	0	0
Joint Resolutions Introduced	31	31	31	40	36	41	38
Joint Resolutions Passed	15	23	23	21	18	32	17
Concurrent Resolutions Introduced	13	17	17	22	21	24	11
Concurrent Resolutions Passed	10	11	11	11	16	20	5
House & Senate Resolutions Introduced	10	14	14	17	14	13	7
House & Senate Resolutions Passed	8	10	10	13	10	9	6

SUBJECT INDEX

ALL SENATE AND HOUSE BILLS
AND RESOLUTIONS

(P) – Passed & (F) – Failed

2007 GENERAL SESSION
FIFTY–SEVENTH LEGISLATURE
January 15 through February 28, 2007

ABORTION

- Abortion Law Revisions, Ray, P. HB 235 (F)
- Parental Consent to Abortion Amendments, Gibson, K. HB 139 (F)

ABUSE

- Sentencing of a Pregnant Person for Certain Drug or Alcohol
Related Offenses, Hutchings, E. HB 409 (F)

ABUSE, NEGLECT, OR EXPLOITATION OF DISABLED ADULTS

- Exploitation of a Vulnerable Adult Amendments, Hillyard, L. SB 7 (P)

ADMINISTRATIVE RULES AND PROCEDURES

- Administrative Rule Criminal and Civil
 - Penalty Amendments, Stephenson, H. SB 138 (P)
- Administrative Rules Reauthorization, Stephenson, H. SB 122 (P)
- Filings of Administrative Rules, Orders, and
Regulations, Stephenson, H. SB 32 (P)
- Impact of Administrative Rules on Small Businesses, Clark, S. HB 64 (P)
- State Agency Timely Adoption of Administrative Rules, Clark, D. HB 327 (P)

ADMINISTRATIVE SERVICES

- Division of Facilities Construction and Management
Amendments, Buxton, D. G. HB 216 (P)

ADOPTION

- Adoption Amendments, Allen, S. HB 51 (P)
- Adoption of an Adult Provisions, Mathis, J. HB 92 (P)
- Foster Placement and Adoption Amendments, Fowlke, L. HB 343 (P)

ADVERTISING

- Materials Harmful to Minors, Tilton, A. HB 333 (P)

AERONAUTICS

- Aviation Amendments, Harper, W. HB 414 (F)

AGRICULTURE

- Agricultural Education, Menlove, R. HB 124 (F)
- Brand Inspection of Livestock Seized by the
Federal Government, Noel, M. HB 72 (P)

- Definition of Agri–tourism, Morley, M. HB 424 (F)
 Department of Agriculture Amendments, Dayton, M. SB 47 (P)
 Farmers Market Exemptions, Menlove, R. HB 145 (P)
 Registration and License Requirements for Pesticide
 Businesses and Applicators, Draxler, J. HB 132 (P)
 Utah Dairy Act Amendments, Gibson, K. HB 311 (P)
 Utah Farming Heritage District Resolution, Painter, P. HCR 6 (P)

AIRPORTS

- Concurrent Resolution Supporting Airport Surveillance
 Radar Acquisition, Sandstrom, S. HCR 2 (P)

ALCOHOLIC BEVERAGE CONTROL

- Alcoholic Beverage Control Amendments, Knudson, P. SB 205 (P)
 Alcoholic Beverage Enforcement and Treatment Restricted
 Account Amendments, Waddoups, M. SB 51 (P)
 Alcoholic Beverage Licensees and Gambling–like
 Activities, Sandstrom, S. HB 104 (P)

ALCOHOLIC BEVERAGES

- Alcoholic Beverage Enforcement and Treatment
 Restricted Account Amendments, Waddoups, M. SB 51 (P)
 Alcoholic Beverage Licensees and Gambling–like Activities,
 Sandstrom, S. HB 104 (P)

ANTITRUST LAW

- Integrated Health System Fair Practices Act, Lockhart, R. HB 374 (P)
 Utah Antitrust Act Amendments, Hillyard, L. SB 216 (F)

APPLIED TECHNOLOGY EDUCATION

- Applied Technology Education Amendments, Bigelow, R. HB 371 (P)
 Utah Applied Technology College Governance Act, Stowell, D. SB 229 (F)

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- Appropriation Adjustments, Hillyard, L. SB 3 (P)
 Appropriation for Terrel H. Bell Program, Menlove, R. HB 241 (P)
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 Education Reform – Critical Languages Program, Stephenson, H. SB 80 (P)
 Education Revisions, Sandstrom, S. HB 461 (P)

Executive Compensation Revisions, Clark, D.	HB 2 (P)
Funding for Prosecution and Prevention of Child Pornography Offenses, Bigelow, R.	HB 107 (P)
Funding for Purchase of State Highway Rights of Way, Stephenson, H.	SB 12 (F)
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Minimum School Program Budget Amendments, Last, B.	HB 160 (P)
New Fiscal Year Supplemental Appropriations Act, Bigelow, R.	HB 150 (P)
State Agency and Higher Education Base Budget Appropriations, Bigelow, R.	HB 1 (P)
State Agency and Higher Education Compensation Amendments, Hillyard, L.	SB 228 (P)
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Judicial Review, Attorney Fees, and Procedure Relating to Tax Commission Decisions, Stephenson, H.	SB 208 (F)
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Retirement Benefit Amendments, Dougall, J.	HB 377 (F)
Retirement Benefit Modifications, Buttars, D. C.	SB 265 (F)
School and Institutional Trust Lands Revisions, Christensen, A. . . .	SB 175 (F)
School Seismic Safety, Herrod, C.	HB 458 (F)
Tax Amendments, Niederhauser, W.	SB 223 (P)

Tax Changes, Newbold, M.	HB 420 (F)
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Utah School Seismic Hazard Inventory, Wiley, L.	HB 431 (F)
Waste Modifications, Davis, G.	SB 264 (F)

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Alcoholic Beverage Enforcement and Treatment	
Restricted Account Amendments, Waddoups, M.	SB 51 (P)
Alcoholic Beverage Licensees and Gambling-like	
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Automated Teller Machine Charges for International	
Accounts, Fisher, Julie	HB 88 (P)
Centers of Excellence Amendments, Daw, B.	HB 125 (P)
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Corporation Law Amendments, Garn, K.	HB 271 (P)
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Expiration of Gift Certificates, Harper, W.	HB 261 (P)
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- Hospital Lien Amendments, Urquhart, S. HB 345 (F)
- Impact of Administrative Rules on Small Businesses, Clark, S. HB 64 (P)
- Insurable Interest Amendments, Romero, R. SB 77 (P)
- Insurance Department Funding, Dunnigan, J. HB 386 (F)
- Insurance Law Amendments, Dunnigan, J. HB 295 (P)
- Insurer Receivership Act, Dunnigan, J. HB 340 (P)
- Lending Registration Acts, Mayne, E. SB 16 (P)
- Limited Liability Company Amendments, Neuenschwander, P. HB 464 (F)
- Master Plumber Licensing, Jenkins, S. SB 102 (F)
- Materials Harmful to Minors, Tilton, A. HB 333 (P)
- Mechanics Lien Amendments, Froerer, G. HB 357 (F)
- Mechanics' Lien and Payment Amendments, Jenkins, S. SB 118 (P)
- Mechanics Liens on Certain New
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- Minimum Wage Amendments, Mayne, E. SB 34 (F)
- Minimum Wage Provisions, Hansen, N. HB 256 (F)
- Mobile Home Owners' Rights, Riesen, P. HB 332 (F)
- Mobile Home Park – Notice of Sale of Underlying
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- Nonprofit Corporation Amendments, Hillyard, L. SB 9 (P)
- Occupational and Professional Licensure Review
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- Organized Retail Theft, Ray, P. HB 4 (P)
- Pete Suazo Athletic Commission, Hughes, G. HB 254 (F)
- Professional Employer Organization Related
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- Public Service Commission – Equipment Distribution
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- Real Estate Modifications, Stowell, D. SB 219 (P)
- Registration and License Requirements for Pesticide Businesses
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- Registration Targeting Women and Minority-owned
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- Regulating Credit Records of a Minor, Hutchings, E. HB 435 (F)
- Repeal of Utah Technology Commission, Dougall, J. HB 244 (P)
- Reporting of Fraudulent Insurance Acts, Aagard, D. HB 126 (F)
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- Resolution Supporting Presidential Trade
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- Revised Business Corporations Act Amendments, Hillyard, L. SB 99 (P)

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 Pay Child Support, Fisher, Julie HB 15 (P)

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 Support Laws, Wyatt, S. HB 434 (F)

Revisions to Child Support Definitions, Hillyard, L. SB 184 (F)

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Child Protection and Parental Rights Amendments, Harper, W. HB 328 (P)

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Parent and Child Amendments, Bramble, C. SB 248 (F)

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Child Protection and Parental Rights Amendments, Harper, W. HB 328 (P)

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- Medical Recommendations for Children, Morley, M. HB 202 (P)
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- Penalty for Homicide of a Child, Wimmer, C. HB 228 (P)
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 - Children and Employees, Daw, B. HCR 3 (P)
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- School Truancy and Compulsory Education
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 - Alcohol Related Offenses, Hutchings, E. HB 409 (F)
 - Smoking Ban in Vehicle When a Child Is Present, McCoy, S. SB 43 (F)
- Transitional Services to Children, Clark, D. HB 468 (F)
- Uniform Child Abduction Prevention Act, Hillyard, L. SB 35 (P)
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- Violent Crime in Presence of a Child, Fisher, Janice HB 274 (P)

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- County Jail – Work Release Process Amendments, Wyatt, S. HB 206 (P)
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- Repeal of Prisoner Demands for Disposition, Hillyard, L. SB 125 (P)
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- Sex Offenders Registry Amendments, Fowlke, L. HB 284 (F)

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- Camcorder Piracy of Media, Garn, K. HB 279 (P)
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Read the second time	140
Read the third time	154
Transmitted to the House	155
Signed by the President and transmitted to the Governor	342
S.B. 22 — SALES AND USE TAX EXEMPTIONS FOR CERTAIN GOVERNMENTAL ENTITIES AND ENTITIES WITHIN THE STATE SYSTEMS OF PUBLIC AND HIGHER EDUCATION (<i>H. Stephenson</i>)	
Read the first time by short title and referred to the Rules Committee.	110
Assigned to standing committee	128
Committee report adopted and placed on calendar	174
Read the second time	273
Read the third time	289
Transmitted to the House	290
Signed by the President and transmitted to the Governor	917

S.B. 23 — CHILD SUPPORT GUIDELINES (<i>G. Bell</i>)	
Read the first time by short title and referred to the Rules Committee.	110
Assigned to standing committee	127
Substituted	150
Committee report adopted and placed on calendar	150
Read the second time	207
Substituted	207
Amendments	207, 229
Circled	207
Uncircled	216
Read the third time	229
Transmitted to the House	230
Placed on Concurrence Calendar	907
Concurrence failed	930
Reconsideration	954
Returned to the House	955
Signed by the President and transmitted to the Governor	978
S.B. 24 — PROBATE CODE AMENDMENTS (<i>R. Romero</i>)	
Read the first time by short title and referred to the Rules Committee.	110
Placed on calendar	117
Read the second time	141
Read the third time	155
Circled	155
Uncircled	177
Amendments	177
Transmitted to the House	179
Signed by the President and transmitted to the Governor	260
S.B. 25 — WARRANTY DEED – TECHNICAL AMENDMENTS (<i>D. Stowell</i>)	
Read the first time by short title and referred to the Rules Committee.	110
Placed on calendar	117
Read the second time	141
Read the third time	156
Transmitted to the House	156
Signed by the President and transmitted to the Governor	298
S.B. 26 — UTAH COMMISSION ON AGING (<i>P. Jones</i>)	
Read the first time by short title and referred to the Rules Committee.	110
Assigned to standing committee	126
Amendments	147
Committee report adopted and placed on calendar	150
Read the second time	160
Read the third time	176
Transmitted to the House	177
Signed by the President and transmitted to the Governor	951
S.B. 27 — TECHNICAL AMENDMENTS TO ASSUMPTION OF INDEBTEDNESS ON RESIDENTIAL REAL PROPERTY (<i>S. Jenkins</i>)	
Read the first time by short title and referred to the Rules Committee.	110
Placed on calendar	117
Read the second time	141
Read the third time	156
Transmitted to the House	156
Signed by the President and transmitted to the Governor	298

S.B. 28 — WATER CONVEYANCE EASEMENTS (<i>D. Stowell</i>)	
Read the first time by short title and referred to the Rules Committee	110
Placed on calendar	117
Read the second time	142
Read the third time	156
Transmitted to the House	157
Signed by the President and transmitted to the Governor	342
S.B. 29 — INSTREAM FLOW TO PROTECT TROUT HABITAT (<i>P. Knudson</i>)	
Read the first time by short title and referred to the Rules Committee	110
Assigned to standing committee	127
Amendments	239
Committee report adopted and placed on calendar	240
Read the second time	428
Read the third time	448
Transmitted to the House	448
House rejected, filed	610
Enacting Clause Stricken	1026
S.B. 30 — CREATION OF NEW SCHOOL DISTRICT AMENDMENTS (<i>C. Walker</i>)	
Read the first time by short title and referred to the Rules Committee	110
Assigned to standing committee	126
Substituted	261
Committee report adopted and placed on calendar	264
Read the second time	431
Circled	431
Uncircled	432
Amendments	432, 433, 449
Read the third time	449
Transmitted to the House	450
Placed on Concurrence Calendar	609
Concurrence	644
Returned to the House	645
Signed by the President and transmitted to the Governor	664
Recalled	893
Returned to staff for enrolling	992
S.B. 31 — SUNSET REVIEW AND REAUTHORIZATIONS (<i>C. Bramble</i>)	
Read the first time by short title and referred to the Rules Committee	111
Placed on calendar	117
Read the second time	142
Circled	142
Uncircled	206
Read the third time	215
Circled	215
Uncircled	561
Transmitted to the House	561
Signed by the President and transmitted to the Governor	767
S.B. 32 — FILINGS OF ADMINISTRATIVE RULES, ORDERS, AND REGULATIONS (<i>H. Stephenson</i>)	
Read the first time by short title and referred to the Rules Committee	111
Placed on calendar	117
Read the second time	143
Read the third time	157
Transmitted to the House	157
Signed by the President and transmitted to the Governor	458

S.B. 33 — SPECIAL GROUP LICENSE PLATE – GOLD STAR FAMILY (<i>C. Walker</i>)	
Read the first time by short title and referred to the Rules Committee.	111
Assigned to standing committee	128
Committee report adopted and placed on calendar	201
Read the second and third time	310
Transmitted to the House	311
Signed by the President and transmitted to the Governor	722
S.B. 34 — MINIMUM WAGE AMENDMENTS (<i>E. Mayne</i>)	
Read the first time by short title and referred to the Rules Committee.	111
Enacting Clause Stricken	1026
S.B. 35 — UNIFORM CHILD ABDUCTION PREVENTION ACT (<i>L. Hillyard</i>)	
Read the first time by short title and referred to the Rules Committee.	111
Assigned to standing committee	127
Committee report adopted and placed on calendar	228
Read the second time	405
Read the third time	424
Transmitted to the House	424
Placed on Concurrence Calendar	956
Before the Senate	966
Circled	966
Uncircled	967
Concurrence	967
Returned to the House	967
Signed by the President and transmitted to the Governor	995
S.B. 36 — SAFETY BELT ENFORCEMENT AMENDMENTS (<i>P. Jones</i>)	
Read the first time by short title and referred to the Rules Committee.	111
Assigned to standing committee	128
Amendments	212
Committee report adopted and placed on calendar	213
Read the second time	365
Amendments	365
Read the third time	386
Transmitted to the House	386
House rejected, filed	643
Enacting Clause Stricken	1026
S.B. 37 — SALES AND USE TAX – DENTAL PROSTHESES (<i>P. Knudson</i>)	
Read the first time by short title and referred to the Rules Committee.	111
Assigned to standing committee	128
Substituted	301
Committee report adopted and placed on calendar	301
Read the second time	528
Read the third time	558
Transmitted to the House	558
Enacting Clause Stricken	1025
S.B. 38 — JUVENILE COURT JUDGE (<i>C. Walker</i>)	
Read the first time by short title and referred to the Rules Committee.	111
Assigned to standing committee	127
Committee report adopted and placed on calendar	150
Read the second time	217
Read the third time	230
Transmitted to the House	231
Signed by the President and transmitted to the Governor	956

S.B. 39 — PUBLIC SAFETY RETIREMENT DEATH BENEFIT MODIFICATIONS (<i>J. Greiner</i>)	
Read the first time by short title and referred to the Rules Committee.	111
Assigned to standing committee	127
Read the second time and placed on Consent Calendar	611
Read the third time	703
Transmitted to the House	704
Enacting Clause Stricken	1025
S.B. 40 — EARNED INCOME TAX CREDIT (<i>D. Peterson</i>)	
Read the first time by short title and referred to the Rules Committee.	111
Assigned to standing committee	128
Returned to the Rules Committee	735
Enacting Clause Stricken	1026
S.B. 41 — FORMS OF MUNICIPAL GOVERNMENT (<i>C. Walker</i>)	
Read the first time by short title and referred to the Rules Committee.	111
Assigned to standing committee	126
Substituted	300
Committee report adopted and placed on calendar	301
Read the second time	525
Substituted	525
Amendments	525
Read the third time	556
Transmitted to the House	557
Placed on Concurrence Calendar	990
Concurrence	992
Read for the first, second and third times	992
Returned to the House	992
Signed by the President and transmitted to the Governor	1018
S.B. 42 — PREFERRED PRESCRIPTION DRUG LIST (<i>A. Christensen</i>)	
Read the first time by short title and referred to the Rules Committee.	111
Assigned to standing committee	126
Amendments	148, 231, 267, 268
Committee report adopted and placed on calendar	150
Read the second time	179
Circled	179
Uncircled	217
Read the third time	231
Held	233
Reconsideration	254
Placed on calendar	254
Before the Senate	266
Transmitted to the House	268
Signed by the President and transmitted to the Governor	458
S.B. 43 — SMOKING BAN IN VEHICLE WHEN A CHILD IS PRESENT (<i>S. McCoy</i>)	
Read the first time by short title and referred to the Rules Committee.	111
Assigned to standing committee	171
Committee report adopted and placed on calendar	213
Read the second time	320
Read the third time	335
Transmitted to the House	335
Enacting Clause Stricken	1025

S.B. 44 — SCRAP METAL TRANSACTIONS (<i>J. Greiner</i>)	
Read the first time by short title and referred to the Rules Committee	111
Assigned to standing committee	125
Amendments	277
Committee report adopted and placed on calendar	284
Read the second time	440
Read the third time	451
Transmitted to the House	451
Placed on Concurrence Calendar	1013
Concurrence	1013
Returned to the House	1014
Signed by the President and transmitted to the Governor	1020
S.B. 45 — NURSING AMENDMENTS (<i>P. Knudson</i>)	
Read the first time by short title and referred to the Rules Committee	111
Assigned to standing committee	126
Amendments	371
Committee report adopted and placed on calendar	374
Read the second time	547
Read the third time	572
Transmitted to the House	573
Signed by the President and transmitted to the Governor	868
S.B. 46 — HEALTH CARE AMENDMENTS (<i>P. Knudson</i>)	
Read the first time by short title and referred to the Rules Committee	112
Assigned to standing committee	126
Amendments	188
Committee report adopted and placed on calendar	190
Read the second time	295
Read the third time	305
Transmitted to the House	306
Placed on Concurrence Calendar	964
Concurrence	966
Returned to the House	967
Signed by the President and transmitted to the Governor	995
S.B. 47 — DEPARTMENT OF AGRICULTURE AMENDMENTS (<i>M. Dayton</i>)	
Read the first time by short title and referred to the Rules Committee	112
Assigned to standing committee	127
Committee report adopted and placed on calendar	174
Read the second time	293
Read the third time	304
Transmitted to the House	305
Placed on Concurrence Calendar	459
Concurrence	497
Returned to the House	497
Signed by the President and transmitted to the Governor	518
S.B. 48 — AMENDMENTS TO COAL MINING AND RECLAMATION (<i>M. Dmitrich</i>)	
Read the first time by short title and referred to the Rules Committee	112
Assigned to standing committee	127
Committee report adopted and placed on calendar	174
Read the second time	294
Read the third time	305
Transmitted to the House	305
Signed by the President and transmitted to the Governor	458

S.B. 49 — OPTIONAL EXTENDED-DAY KINDERGARTEN (<i>L. Hillyard</i>)	
Read the first time by short title and referred to the Rules Committee.	112
Assigned to standing committee	125
Committee report adopted and sent to the Rules Committee	583
Placed on calendar	606
Read the second time	660
Substituted	660
Read the third time	674
Transmitted to the House	674
Placed on Concurrence Calendar	917
Concurrence	932
Returned to the House	932
Signed by the President and transmitted to the Governor	977
S.B. 50 — DRUG OFFENDERS REFORM ACT (<i>D. C. Buttars</i>)	
Read the first time by short title and referred to the Rules Committee.	112
Assigned to standing committee	127
Committee report adopted and placed on calendar	228
Read the second time	406
Amendments	406
Read the third time	424
Transmitted to the House	425
Placed on Concurrence Calendar	917
Before the Senate	933
Circled	933
Uncircled	933
Refuse to Concur	933
Returned to the House	933
Substituted	975
Joint Conference Committee Report	975
Returned to the House	975
Signed by the President and transmitted to the Governor	995
S.B. 51 — ALCOHOLIC BEVERAGE ENFORCEMENT AND TREATMENT RESTRICTED ACCOUNT AMENDMENTS (<i>M. Waddoups</i>)	
Read the first time by short title and referred to the Rules Committee.	112
Assigned to standing committee	125
Read the second time and placed on Consent Calendar	213
Read the third time	266
Transmitted to the House	266
Signed by the President and transmitted to the Governor	458
S.B. 52 — HEALTH REGULATIONS FOR PUBLIC INDOOR TANNING BEDS (<i>P. Jones</i>)	
Read the first time by short title and referred to the Rules Committee.	112
Assigned to standing committee	126
Amendments	188
Committee report adopted and placed on calendar	190
Read the second time	295
Read the third time	306
Transmitted to the House	306
Placed on the Concurrence Calendar	596
Concurrence	612
Returned to the House	612
Signed by the President and transmitted to the Governor	642

S.B. 53 — HIGHER EDUCATION ENGINEERING PARTNERSHIP (<i>G. Bell</i>)	
Read the first time by short title and referred to the Rules Committee	112
Assigned to standing committee	125
Committee report adopted and placed on calendar	213
Read the second time	364
Read the third time	385
Transmitted to the House	386
Placed on Concurrence Calendar	918
Concurrence	933
Returned to the House	934
Signed by the President and transmitted to the Governor	977
S.B. 54 — MOTOR VEHICLE DEALER PERFORMANCE BOND AMENDMENTS (<i>D. Eastman</i>)	
Read the first time by short title and referred to the Rules Committee	151
Assigned to standing committee	172
Committee report adopted and placed on calendar	201
Read the second time	311
Read the third time	330
Transmitted to the House	331
Signed by the President and transmitted to the Governor	595
S.B. 55 — TRANSFER AND DISPOSITION OF PROTECTED PROPERTY AMENDMENTS (<i>D. Peterson</i>)	
Read the first time by short title and referred to the Rules Committee	151
Assigned to standing committee	186
Amendments	227
Committee report adopted and placed on calendar	228
Read the second time	407
Read the third time	425
Transmitted to the House	425
Signed by the President and transmitted to the Governor	657
S.B. 56 — TEACHER ASSOCIATION AMENDMENTS (<i>M. Madsen</i>)	
Read the first time by short title and referred to the Rules Committee	174
Assigned to standing committee	197
Committee report adopted and placed on calendar	228
Read the second time	389
Read the third time	400
Intent Language	401
Transmitted to the House	401
Placed on Concurrence Calendar	878
Concurrence	892
Returned to the House	892
Signed by the President and transmitted to the Governor	917
S.B. 57 — HIGH SCHOOL GRADUATION AMENDMENTS (<i>M. Madsen</i>)	
Read the first time by short title and referred to the Rules Committee	201
Assigned to standing committee	220
Substituted	519
Committee report adopted and placed on calendar	520
Placed on calendar	625
Read the second and third time	729
Transmitted to the House	730
House rejected, filed	889
Enacting Clause Stricken	1026

S.B. 58 — WRONGFUL DEATH AMENDMENTS (<i>S. McCoy</i>)	
Read the first time by short title and referred to the Rules Committee	201
Assigned to standing committee	220
Returned to the Rules Committee	782
Enacting Clause Stricken	1026
S.B. 59 — EXEMPTION FROM FISHING LICENSE (<i>D. Stowell</i>)	
Read the first time by short title and referred to the Rules Committee	213
Assigned to standing committee	238
Substituted	282
Committee report adopted and placed on calendar	284
Read the second time	488
Circled	488, 491, 523
Uncircled	491, 507, 523
Substituted	491
Amendments	507
Read the third time	522
Transmitted to the House	524
Signed by the President and transmitted to the Governor	977
S.B. 60 — UNIFORM PRUDENT MANAGEMENT OF INSTITUTIONAL FUNDS (<i>L. Hillyard</i>)	
Read the first time by short title and referred to the Rules Committee	214
Assigned to standing committee	238
Read the second time and placed on Consent Calendar	398
Read the third time	473
Transmitted to the House	473
Signed by the President and transmitted to the Governor	716
S.B. 61 — PORTABILITY OF MEDICAL ASSISTANCE FUNDS (<i>E. Mayne</i>)	
Read the first time by short title and referred to the Rules Committee	214
Assigned to standing committee	238
Substituted	629
Committee report adopted and returned to rules	630
Placed on calendar	679
Read the second time	741
Circled	741
Uncircled	757
Amendments	758
Read the third time	775
Transmitted to the House	776
Enacting Clause Stricken	1025
S.B. 62 — COLLEGE AND UNIVERSITY TUITION TAX CREDITS (<i>G. Bell</i>)	
Read the first time by short title and referred to the Rules Committee	214
Assigned to standing committee	238
Amendments	418
Committee report adopted and placed on calendar	419
Placed on calendar	606
Read the second time	662
Read the third time	675
Transmitted to the House	675
Enacting Clause Stricken	1025

S.B. 63 — STATE ZERO-BASED BUDGETING (*W. Niederhauser*)

- Read the first time by short title and referred to the Rules Committee. 229
- Assigned to standing committee 260
- Amendments 392
- Committee report adopted and placed on calendar 397
- Read the second time 578
- Circled 578
- Uncircled 656
- Read the third time 672
- Amendments 672
- Transmitted to the House 674
- Enacting Clause Stricken 1025

S.B. 64 — TOURISM, RECREATION, CULTURAL, AND CONVENTION FACILITIES TAX – ADVISORY BOARD (*M. Waddoups*)

- Read the first time by short title and referred to the Rules Committee. 229
- Assigned to standing committee 261
- Amendments 345
- Committee report adopted and placed on calendar 351
- Read the second time 539
- Circled 539, 650, 715
- Uncircled 635, 715, 737
- Read the third time 650
- Substituted 715
- Failed 737
- Reconsideration 759
- Transmitted to the House 759
- Signed by the President and transmitted to the Governor 929

S.B. 65 — ELEMENTARY SCHOOL MATH INITIATIVE (*G. Bell*)

- Read the first time by short title and referred to the Rules Committee. 240
- Assigned to standing committee 260
- Committee report adopted and placed on calendar 316
- Read the second time 524
- Substituted 524
- Circled 524
- Uncircled 575
- Read the third time 589
- Transmitted to the House 590
- Enacting Clause Stricken 1025

S.B. 66 — EMPLOYER HEALTH INSURANCE OPTIONS – CAFETERIA PLANS (*M. Waddoups*)

- Read the first time by short title and referred to the Rules Committee. 240
- Assigned to standing committee 260
- Substituted 373, 547
- Committee report adopted and placed on calendar 374
- Read the second time 547
- Amendments 548, 573
- Read the third time 573
- Transmitted to the House 574
- Enacting Clause Stricken 1025

S.B. 67 — UTAH PUBLIC NOTICE WEBSITE PROVISIONS (*D. Stowell*)

- Read the first time by short title and referred to the Rules Committee. 241
- Assigned to standing committee 276
- Returned to the Rules Committee 725
- Enacting Clause Stricken 1026

S.B. 68 — FUNDING FOR TOURISM PROMOTION (<i>W. Niederhauser</i>)	
Read the first time by short title and referred to the Rules Committee	241
Assigned to standing committee	277
Substituted	725
Returned to the Rules Committee	725
Enacting Clause Stricken	1026
S.B. 69 — LOCAL TRANSPORTATION CORRIDOR PRESERVATION FUND AMENDMENTS (<i>S. Killpack</i>)	
Read the first time by short title and referred to the Rules Committee	241
Assigned to standing committee	276
Committee report adopted and placed on calendar	327
Read the second time	536
Read the third time	559
Transmitted to the House	559
Signed by the President and transmitted to the Governor	1015
S.B. 70 — UTAH VALLEY UNIVERSITY INSTITUTIONAL NAME CHANGE (<i>J. Valentine</i>)	
Read the first time by short title and referred to the Rules Committee	241
Assigned to standing committee	276
Amendments	315
Committee report adopted and placed on calendar	316
Placed on Time Certain Calendar	380
Read the second time	505
Read the third time	521
Transmitted to the House	522
Placed on Concurrence Calendar	921
Concurrence	921
Returned to the House	921
Signed by the President and transmitted to the Governor	929
S.B. 71 — COUNTY RECORDER AMENDMENTS (<i>D. Stowell</i>)	
Read the first time by short title and referred to the Rules Committee	241
Assigned to standing committee	276
Amendments	467
Committee report adopted and placed on calendar	471
Placed on calendar	606
Read the second and third time	692
Transmitted to the House	693
Signed by the President and transmitted to the Governor	1018
S.B. 72 — CRIME VICTIM REPARATIONS RECORDS (<i>G. Bell</i>)	
Read the first time by short title and referred to the Rules Committee	241
Assigned to standing committee	276
Committee report adopted and placed on calendar	351
Read the second time	544
Read the third time	570
Circled	570
Uncircled	574
Transmitted to the House	574
Enacting Clause Stricken	1025
S.B. 73 — NEW UTAH LICENSE PLATE DESIGN (<i>D. Eastman</i>)	
Read the first time by short title and referred to the Rules Committee	241
Assigned to standing committee	276
Committee report adopted and placed on calendar	327
Read the second time	537
Read the third time	560
Transmitted to the House	560
Signed by the President and transmitted to the Governor	882

S.B. 74 — PENALTIES RELATING TO TAXES, FEES, OR CHARGES (<i>H. Stephenson</i>)	
Read the first time by short title and referred to the Rules Committee.	265
Assigned to standing committee	300
Substituted	346
Committee report adopted and placed on calendar	351
Read the second time	539
Amendments	539
Read the third time	565
Transmitted to the House	566
Placed on Concurrence Calendar	1007
Concurrence	1010
Returned to the House	1010
Signed by the President and transmitted to the Governor	1020
S.B. 75 — ADVANCED HEALTH CARE DIRECTIVE ACT (<i>A. Christensen</i>)	
Read the first time by short title and referred to the Rules Committee.	285
Assigned to standing committee	313
Substituted	373, 575
Committee report adopted and placed on calendar	374
Read the second time	575
Read the third time	589
Transmitted to the House	589
Signed by the President and transmitted to the Governor	929
S.B. 76 — ELECTRONIC DEVICE RECYCLING (<i>S. McCoy</i>)	
Read the first time by short title and referred to the Rules Committee.	265
Assigned to standing committee	300
Returned to the Rules Committee	735
Enacting Clause Stricken	1027
S.B. 77 — INSURABLE INTEREST AMENDMENTS (<i>R. Romero</i>)	
Read the first time by short title and referred to the Rules Committee.	302
Assigned to standing committee	344
Amendments	413
Committee report adopted and placed on calendar	419
Placed on calendar	606
Read the second and third time	697
Amendments	697
Transmitted to the House	698
Signed by the President and transmitted to the Governor	868
S.B. 78 — PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES (<i>M. Madsen</i>)	
Read the first time by short title and referred to the Rules Committee.	631
Assigned to standing committee	679
Committee report adopted and placed on calendar	732
Read the second time	776
Read the third time	802
Circled	802
Uncircled	829
Transmitted to the House	830
Enacting Clause Stricken	1025
S.B. 79 — LOCAL COMMUNITY RAIL SECURITY ACT (<i>E. Mayne</i>)	
Read the first time by short title and referred to the Rules Committee.	302
Assigned to standing committee	345
Returned to the Rules Committee	754
Enacting Clause Stricken	1027

S.B. 80 — EDUCATION REFORM – CRITICAL LANGUAGES PROGRAM (<i>H. Stephenson</i>)	
Read the first time by short title and referred to the Rules Committee.	594
Assigned to standing committee	626
Amendments	681
Committee report adopted and returned to the Rules Committee	687
Placed on calendar	723
Read the second time	755
Circled	755, 807
Uncircled	797, 835
Substituted	797
Read the third time	807
Transmitted to the House	836
Placed on Concurrence Calendar	917
Concurrence	933
Returned to the House	933
Signed by the President and transmitted to the Governor	977
S.B. 81 — HOME SCHOOL AND EXTRACURRICULAR ACTIVITY AMENDMENTS (<i>M. Madsen</i>)	
Read the first time by short title and referred to the Rules Committee.	257
Assigned to standing committee	299
Committee report adopted and placed on calendar	419
Returned to the Rules Committee	578
Placed on calendar	606
Read the second time	662
Substituted	662
Read the third time	676
Amendments	676
Transmitted to the House	677
Refuse to Concur	1010
Enacting Clause Stricken	1025
S.B. 82 — AMENDMENTS TO UTAH COMPREHENSIVE HEALTH INSURANCE POOL (<i>G. Davis</i>)	
Read the first time by short title and referred to the Rules Committee.	112
Assigned to standing committee	126
Committee report adopted and placed on calendar	150
Read the second time	181
Read the third time	192
Transmitted to the House	192
Enacting Clause Stricken	1025
S.B. 83 — ACUPUNCTURE LICENSING ACT AMENDMENTS (<i>S. McCoy</i>)	
Read the first time by short title and referred to the Rules Committee.	112
Assigned to standing committee	171
Amendments	210
Committee report adopted and placed on calendar	213
Read the second time	317
Read the third time	331
Transmitted to the House	332
Signed by the President and transmitted to the Governor	868

S.B. 84 — CONFIDENTIALITY OF REPORTS TO DRIVER LICENSE DIVISION

(A. Christensen)

Read the first time by short title and referred to the Rules Committee.	112
Assigned to standing committee	128
Committee report adopted and placed on calendar	150
Read the second time	194
Read the third time	204
Failed	204
Enacting Clause Stricken	1027

S.B. 85 — MINING TEST FEES *(M. Dmitrich)*

Read the first time by short title and referred to the Rules Committee.	112
Assigned to standing committee	125
Committee report adopted and placed on calendar	150
Read the second time	158
Circled	158, 191, 966
Uncircled	179, 191, 970
Read the third time	191
Transmitted to the House	192
Placed on Concurrence Calendar	959
Before the Senate	966
Concurrence	970
Returned to the House	970
Signed by the President and transmitted to the Governor	995

S.B. 86 — REPEAL OF LIBEL AND SLANDER PROVISIONS *(S. McCoy)*

Read the first time by short title and referred to the Rules Committee.	112
Assigned to standing committee	127
Committee report adopted and placed on calendar	150
Read the second time	252
Read the third time	268
Transmitted to the House	269
Signed by the President and transmitted to the Governor	510

S.B. 87 — HOMEOWNERS ASSOCIATION REQUIREMENTS *(J. Hickman)*

Read the first time by short title and referred to the Rules Committee.	112
Assigned to standing committee	125
Committee report adopted and placed on calendar	150
Read the second time	158
Circled	158, 505
Uncircled	489, 508
Substituted	489
Read the third time	504
Amendments	504, 508
Transmitted to the House	509
Signed by the President and transmitted to the Governor	877

S.B. 88 — UNIFORM REAL PROPERTY ELECTRONIC RECORDING *(L. Hillyard)*

Read the first time by short title and referred to the Rules Committee.	113
Assigned to standing committee	125
Returned to the Rules Committee	735
Enacting Clause Stricken	1027

S.B. 89 — REVISING DEATH CERTIFICATES (<i>C. Walker</i>)	
Read the first time by short title and referred to the Rules Committee	113
Assigned to standing committee	126
Committee report adopted and placed on calendar	150
Read the second time	182
Read the third time	192
Transmitted to the House	193
Signed by the President and transmitted to the Governor	410
S.B. 90 — HIGHER EDUCATION ENHANCEMENTS (<i>J. Hickman</i>)	
Read the first time by short title and referred to the Rules Committee	113
Assigned to standing committee	125
Amendments	148
Committee report adopted and placed on calendar	150
Read the second time	182
Read the third time	193
Transmitted to the House	193
Placed on Concurrence Calendar	949
Concurrence	957
Returned to the House	957
Signed by the President and transmitted to the Governor	978
S.B. 91 — UNIFORM COMMERCIAL CODE – GENERAL PROVISIONS (<i>L. Hillyard</i>)	
Read the first time by short title and referred to the Rules Committee	113
Assigned to standing committee	125
Substituted	314
Committee report adopted and placed on calendar	316
Read the second time	534
Amendments	534
Read the third time	558
Transmitted to the House	559
Signed by the President and transmitted to the Governor	959
S.B. 92 — REVISED UNIFORM ANATOMICAL GIFT ACT (<i>L. Hillyard</i>)	
Read the first time by short title and referred to the Rules Committee	113
Assigned to standing committee	126
Amendments	148, 195, 790
Committee report adopted and placed on calendar	150
Read the second time	182
Circled	182, 205
Uncircled	195, 205
Read the third time	205
Transmitted to the House	206
Signed by the President and transmitted to the Governor	458
S.B. 93 — GOVERNOR’S RURAL PARTNERSHIP BOARD AMENDMENTS (<i>J. Hickman</i>)	
Read the first time by short title and referred to the Rules Committee	113
Assigned to standing committee	126
Committee report adopted and placed on calendar	174
Read the second time	254
Read the third time	269
Transmitted to the House	269
Signed by the President and transmitted to the Governor	956

S.B. 94 — USE OF MINERAL LEASE FUNDS BY SPECIAL SERVICE DISTRICTS (*M. Dmitrich*)
 Read the first time by short title and referred to the Rules Committee. 113
 Assigned to standing committee 126
 Committee report adopted and placed on calendar 174
 Read the second time 272
 Circled 272
 Uncircled 292
 Read the third time 303
 Transmitted to the House 304
 Signed by the President and transmitted to the Governor 458

S.B. 95 — PERMANENT INSTREAM FLOW TO PRESERVE WATER QUALITY (*M. Dmitrich*)
 Read the first time by short title and referred to the Rules Committee. 113
 Assigned to standing committee 127
 Returned to the Rules Committee 733
 Enacting Clause Stricken 1027

S.B. 96 — SALES AND USE TAX EXEMPTION FOR DISPOSABLE HOME MEDICAL EQUIPMENT OR SUPPLIES (*S. Killpack*)
 Read the first time by short title and referred to the Rules Committee. 113
 Assigned to standing committee 128
 Committee report adopted and placed on calendar 174
 Read the second time 274
 Circled 274
 Uncircled 291
 Read the third time 303
 Transmitted to the House 303
 Signed by the President and transmitted to the Governor 956

S.B. 97 — CONSTITUTIONAL REVISION COMMISSION MEMBERSHIP (*P. Knudson*)
 Read the first time by short title and referred to the Rules Committee. 113
 Assigned to standing committee 126
 Committee report adopted and placed on calendar 174
 Read the second time 272
 Read the third time 288
 Transmitted to the House 289
 Signed by the President and transmitted to the Governor 510

S.B. 98 — GOVERNMENTAL IMMUNITY FOR TRAILS (*D. C. Buttars*)
 Read the first time by short title and referred to the Rules Committee. 113
 Assigned to standing committee 197
 Committee report adopted and placed on calendar 301
 Read the second time 526
 Substituted 526
 Read the third time 557
 Circled 557, 972
 Uncircled 561, 975
 Amendments 562
 Transmitted to the House 563
 Placed on Concurrence Calendar 968
 Before the Senate 972
 Concurrence 975
 Returned to the House 976
 Signed by the President and transmitted to the Governor 995

S.B. 99 — REVISED BUSINESS CORPORATIONS ACT AMENDMENTS (<i>L. Hillyard</i>)	
Read the first time by short title and referred to the Rules Committee.	113
Assigned to standing committee	125
Read the second time and placed on Consent Calendar	285
Read the third time	352
Transmitted to the House	353
Signed by the President and transmitted to the Governor	742
S.B. 100 — MOTOR VEHICLE LICENSE AND REGISTRATION FEES EXEMPTION FOR PURPLE HEART LICENSE PLATES (<i>J. Hickman</i>)	
Read the first time by short title and referred to the Rules Committee.	113
Assigned to standing committee	128
Committee report adopted and placed on calendar	150
Read the second time	206
Read the third time	214
Transmitted to the House	215
Signed by the President and transmitted to the Governor	342
S.B. 101 — CREDIT SERVICES ORGANIZATIONS ACT CHANGES (<i>L. Hillyard</i>)	
Read the first time by short title and referred to the Rules Committee.	113
Assigned to standing committee	125
Amendments	221
Committee report adopted and placed on calendar	228
Read the second time	387
Read the third time	399
Transmitted to the House	399
Signed by the President and transmitted to the Governor	868
S.B. 102 — MASTER PLUMBER LICENSING (<i>S. Jenkins</i>)	
Read the first time by short title and referred to the Rules Committee.	114
Assigned to standing committee	125
Amendments	146, 175
Committee report adopted and placed on calendar	150
Read the second time	158
Circled	158
Uncircled	160
Read the third time	175
Transmitted to the House	176
Enacting Clause Stricken	1025
S.B. 103 — INELIGIBILITY FOR UNEMPLOYMENT COMPENSATION BENEFITS (<i>D. Eastman</i>)	
Read the first time by short title and referred to the Rules Committee.	114
Assigned to standing committee	125
Committee report adopted and placed on calendar	150
Read the second time	159
Read the third time	175
Transmitted to the House	175
Signed by the President and transmitted to the Governor	260
S.B. 104 — OFFICE OF RECOVERY SERVICES FEE (<i>A. Christensen</i>)	
Read the first time by short title and referred to the Rules Committee.	114
Assigned to standing committee	126
Committee report adopted and placed on calendar	190
Read the second time	308
Read the third time	328
Transmitted to the House	328
Signed by the President and transmitted to the Governor	602

S.B. 105 — AUTHORIZATION OF OPINION QUESTION TO VOTERS (<i>E. Mayne</i>)	
Read the first time by short title and referred to the Rules Committee.	114
Enacting Clause Stricken	1027
S.B. 106 — MOTOR VEHICLE BUSINESS FEE AMENDMENTS (<i>L. Hillyard</i>)	
Read the first time by short title and referred to the Rules Committee.	114
Assigned to standing committee	128
Amendments	226
Committee report adopted and placed on calendar	228
Read the second time	405
Read the third time	423
Transmitted to the House	424
Signed by the President and transmitted to the Governor	595
S.B. 107 — NOTICE OF AVAILABLE CHARITY CARE (<i>M. Waddoups</i>)	
Read the first time by short title and referred to the Rules Committee.	114
Assigned to standing committee	126
Substituted	282
Committee report adopted and placed on calendar	284
Read the second time	483
Amendments	483
Read the third time	503
Transmitted to the House	503
Enacting Clause Stricken	1025
S.B. 108 — WORKERS' COMPENSATION – TIME LIMITATIONS (<i>E. Mayne</i>)	
Read the first time by short title and referred to the Rules Committee.	114
Assigned to standing committee	171
Committee report adopted and placed on calendar	213
Read the second time	317
Read the third time	332
Transmitted to the House	332
Signed by the President and transmitted to the Governor	623
S.B. 109 — TRANSFERS OF STRUCTURED SETTLEMENTS (<i>E. Mayne</i>)	
Read the first time by short title and referred to the Rules Committee.	114
Assigned to standing committee	125
Amendments	187, 332
Committee report adopted and placed on calendar	190
Read the second time	294
Read the third time	305
Circled	305
Uncircled	332
Transmitted to the House	334
Signed by the President and transmitted to the Governor	485
Recalled from staff and returned to the House	787
Concurrence	798
Returned to the House	799
Signed by the President and transmitted to the Governor	810
S.B. 110 — MEMBERSHIP AND SERVICE OF UTAH COMMISSIONERS ON NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM STATE LAWS (<i>L. Hillyard</i>)	
Read the first time by short title and referred to the Rules Committee.	114
Assigned to standing committee	126
Committee report adopted and placed on calendar	201
Read the second time	309
Read the third time	329
Transmitted to the House	329
Signed by the President and transmitted to the Governor	623

S.B. 111 — FREE EXERCISE OF RELIGION WITHOUT GOVERNMENT INTERFERENCE (<i>D. C. Buttars</i>)	
Read the first time by short title and referred to the Rules Committee.	114
Assigned to standing committee	126
Amendments	198
Committee report adopted and placed on calendar	201
Read the second time	309
Substituted	309
Read the third time	329
Transmitted to the House	330
Recalled	585
Referred to the Rules Committee	596
Enacting Clause Stricken	1027
S.B. 112 — METHAMPHETAMINE PRECURSOR ACCESS AMENDMENTS (<i>D. C. Buttars</i>)	
Read the first time by short title and referred to the Rules Committee.	114
Assigned to standing committee	127
Committee report adopted and placed on calendar	228
Read the second time	408
Read the third time	426
Substituted	426
Transmitted to the House	426
Placed on Concurrence Calendar	610
Before the Senate	645
Circled	645
Uncircled	647
Concurrence	647
Returned to the House	648
Signed by the President and transmitted to the Governor	664
S.B. 113 — LIMITATION OF ACTIONS (<i>G. Bell</i>)	
Read the first time by short title and referred to the Rules Committee.	114
Assigned to standing committee	127
Committee report adopted and placed on calendar	284
Read the second time	506
Read the third time	522
Transmitted to the House	522
Signed by the President and transmitted to the Governor	767
S.B. 114 — AGGRAVATED MURDER AMENDMENTS (<i>G. Bell</i>)	
Read the first time by short title and referred to the Rules Committee.	114
Assigned to standing committee	127
Committee report adopted and placed on calendar	228
Read the second time	408
Read the third time	427
Transmitted to the House	427
Signed by the President and transmitted to the Governor	595
S.B. 115 — EMERGENCY MEDICINE TORT REFORM (<i>S. Killpack</i>)	
Read the first time by short title and referred to the Rules Committee.	114
Assigned to standing committee	127
Returned to the Rules Committee	782
Enacting Clause Stricken	1027

S.B. 116 — CONTRIBUTION LIMITS FOR STATE CONSTITUTIONAL OFFICERS (<i>G. Bell</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	213
Returned to standing committee	213
Returned to the Rules Committee	725
Enacting Clause Stricken	1027
S.B. 117 — MEDICAID RECOVERY AMENDMENTS (<i>A. Christensen</i>)	
Read the first time by short title and referred to the Rules Committee.	115
Assigned to standing committee	126
Amendments	189
Committee report adopted and placed on calendar	190
Read the second time	308
Read the third time	328
Transmitted to the House	328
Signed by the President and transmitted to the Governor	602
S.B. 118 — MECHANICS' LIEN AND PAYMENT AMENDMENTS (<i>S. Jenkins</i>)	
Read the first time by short title and referred to the Rules Committee.	115
Assigned to standing committee	125
Committee report adopted and placed on calendar	228
Read the second time	387
Read the third time	399
Transmitted to the House	399
Signed by the President and transmitted to the Governor	995
S.B. 119 — MUNICIPAL LICENSE FEE OR TAX ON PUBLIC ASSEMBLY FACILITIES (<i>B. Goodfellow</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	301
Read the second time	527
Amendments	527
Read the third time	557
Transmitted to the House	557
Placed on Concurrence Calendar	930
Concurrence	949
Returned to the House	950
Signed by the President and transmitted to the Governor	977
S.B. 120 — VEHICLE TOWING REQUIREMENTS (<i>B. Goodfellow</i>)	
Read the first time by short title and referred to the Rules Committee.	115
Assigned to standing committee	128
Substituted	226
Committee report adopted and placed on calendar	228
Read the second time	405
Read the third time	424
Circled	424
Returned to the Rules Committee	842
Enacting Clause Stricken	1027
S.B. 121 — DEPARTMENT OF COMMERCE FUND AMENDMENTS (<i>K. VanTassell</i>)	
Read the first time by short title and referred to the Rules Committee.	115
Assigned to standing committee	125
Committee report adopted and placed on calendar	213
Read the second time	318
Read the third time	334
Transmitted to the House	334
Enacting Clause Stricken	1025

S.B. 122 — ADMINISTRATIVE RULES REAUTHORIZATION (<i>H. Stephenson</i>)	
Read the first time by short title and referred to the Rules Committee.	115
Assigned to standing committee	126
Read the second time and placed on Consent Calendar	201
Read the third time	250
Transmitted to the House	251
Placed on Concurrence Calendar	437
Concurrence	446
Returned to the House	447
Signed by the President and transmitted to the Governor	458
S.B. 123 — AMENDMENT REGARDING SEARCH WARRANT PROCEDURE (<i>J. Greiner</i>)	
Read the first time by short title and referred to the Rules Committee.	115
Assigned to standing committee	127
Substituted	228
Amendments	228
Committee report adopted and placed on calendar	228
Read the second time	427
Read the third time	447
Transmitted to the House	447
Enacting Clause Stricken	1025
S.B. 124 — DENTAL HYGIENIST LICENSING ACT AMENDMENTS (<i>M. Waddoups</i>)	
Read the first time by short title and referred to the Rules Committee.	115
Assigned to standing committee	126
Substituted	763
Returned to the Rules Committee	764
Enacting Clause Stricken	1027
S.B. 125 — REPEAL OF PRISONER DEMANDS FOR DISPOSITION (<i>L. Hillyard</i>)	
Read the first time by short title and referred to the Rules Committee.	124
Assigned to standing committee	171
Committee report adopted and placed on calendar	228
Read the second time	427
Read the third time	447
Transmitted to the House	448
Signed by the President and transmitted to the Governor	602
S.B. 126 — SALES REPRESENTATIVE COMMISSION PAYMENT ACT (<i>S. Killpack</i>)	
Read the first time by short title and referred to the Rules Committee.	125
Assigned to standing committee	171
Committee report adopted and placed on calendar	213
Read the second time	318
Amendments	318
Read the third time	334
Transmitted to the House	335
Signed by the President and transmitted to the Governor	623

S.B. 127 — TOURISM MARKETING PERFORMANCE RESTRICTED SPECIAL REVENUE FUND (*S. Jenkins*)

- Read the first time by short title and referred to the Rules Committee. 125
- Assigned to standing committee 172
- Committee report adopted and placed on calendar 201
- Read the second time 306
- Amendments 307
- Read the second and third time 307
- Transmitted to the House 308
- Placed on Concurrence Calendar 568
- Concurrence 588
- Returned to the House 589
- Signed by the President and transmitted to the Governor 595

S.B. 128 — STATE GOVERNMENT LAW REVISIONS – WITHDRAWAL FROM EDUCATION COMPACT (*M. Dayton*)

- Read the first time by short title and referred to the Rules Committee. 135
- Assigned to standing committee 171
- Committee report adopted and placed on calendar 228
- Read the second time 401
- Read the third time 421
- Transmitted to the House 421
- Signed by the President and transmitted to the Governor 978

S.B. 129 — PRIVATE INVESTIGATOR REGULATION ACT AMENDMENTS (*D. C. Buttars*)

- Read the first time by short title and referred to the Rules Committee. 135
- Assigned to standing committee 171
- Returned to the Rules Committee 782
- Enacting Clause Stricken 1027

S.B. 130 — MUNICIPAL CODE AMENDMENTS (*D. Eastman*)

- Read the first time by short title and referred to the Rules Committee. 136
- Assigned to standing committee 171
- Amendments 393
- Committee report adopted and placed on calendar 397
- Returned to the Rules Committee 578
- Placed on calendar 625
- Read the second time 661
- Circled 661
- Uncircled 688
- Enacting Clause Stricken 688, 1027

S.B. 131 — RETIREMENT AND INDEPENDENT ENTITIES COMMITTEE (*C. Bramble*)

- Read the first time by short title and referred to the Rules Committee. 136
- Assigned to standing committee 172
- Reassigned to standing committee 192
- Read the second time and placed on Consent Calendar 229
- Read the second and third time 233
- Transmitted to the House 233
- Signed by the President and transmitted to the Governor 436

S.B. 132 — PROPERTY TAX ABATEMENT OR DEFERRAL (*D. Stowell*)

- Read the first time by short title and referred to the Rules Committee. 136
- Assigned to standing committee 172
- Returned to the Rules Committee 733
- Enacting Clause Stricken 1027

S.B. 133 — LOCAL SCHOOL BOARD PUBLIC HEARING REQUIREMENTS (<i>P. Jones</i>)	
Read the first time by short title and referred to the Rules Committee.	151
Assigned to standing committee	171
Amendments	211
Committee report adopted and placed on calendar	213
Read the second time	364
Read the third time	386
Transmitted to the House	386
Signed by the President and transmitted to the Governor	623
S.B. 134 — PSYCHOLOGIST LICENSING ACT AMENDMENTS (<i>L. Hillyard</i>)	
Read the first time by short title and referred to the Rules Committee.	151
Assigned to standing committee	171
Committee report adopted and placed on calendar	213
Read the second time	320
Read the third time	335
Transmitted to the House	336
Signed by the President and transmitted to the Governor	742
S.B. 135 — PUBLIC EMPLOYEES DISABILITY BENEFITS LIMITATIONS (<i>L. Hillyard</i>)	
Read the first time by short title and referred to the Rules Committee.	151
Assigned to standing committee	171
Committee report adopted and placed on calendar	228
Read the second time	402
Read the third time	421
Transmitted to the House	422
Signed by the President and transmitted to the Governor	742
S.B. 136 — UNLAWFUL DETAINER AMENDMENTS (<i>M. Waddoups</i>)	
Read the first time by short title and referred to the Rules Committee.	151
Assigned to standing committee	172
Amendments	347
Committee report adopted and placed on calendar	351
Read the second time	544
Substituted	544
Read the third time	570
Transmitted to the House	570
Signed by the President and transmitted to the Governor	864
S.B. 137 — HOMELAND SECURITY AMENDMENTS (<i>J. Greiner</i>)	
Read the first time by short title and referred to the Rules Committee.	174
Assigned to standing committee	198
Read the second time and placed on Consent Calendar	398
Read the third time	474
Transmitted to the House	474
Signed by the President and transmitted to the Governor	767
S.B. 138 — ADMINISTRATIVE RULE CRIMINAL PENALTY AMENDMENTS (<i>H. Stephenson</i>)	
Read the first time by short title and referred to the Rules Committee.	175
Assigned to standing committee	198
Substituted	397
Committee report adopted and placed on calendar	398
Returned to the Rules Committee	578
Placed on calendar	625
Read the second time	718
Circled	718
Uncircled	719
Read the second and third time	719
Transmitted to the House	719
Signed by the President and transmitted to the Governor	1000

S.B. 139 — LEGISLATIVE MANAGEMENT COMMITTEE MEMBERSHIP (<i>C. Bramble</i>)	
Read the first time by short title and referred to the Rules Committee.	175
Assigned to standing committee	197
Committee report adopted and placed on calendar	264
Read the second time	438
Circled	438
Uncircled	505
Enacting Clause Stricken	505 , 1027
S.B. 140 — IDENTITY FRAUD AMENDMENTS (<i>C. Walker</i>)	
Read the first time by short title and referred to the Rules Committee.	175
Assigned to standing committee	198
Read the second time and placed on Consent Calendar	398
Read the third time	474
Transmitted to the House	474
Signed by the President and transmitted to the Governor	609
S.B. 141 — COMMISSION AND COUNCIL SEATS IN COUNTIES OF THE FIRST AND SECOND CLASS (<i>S. Killpack</i>)	
Read the first time by short title and referred to the Rules Committee.	190
Assigned to standing committee	197
Substituted	725
Returned to the Rules Committee	725
Enacting Clause Stricken	1027
S.B. 142 — SALES AND USE TAX EXEMPTIONS AND REFUND FOR CERTAIN BUSINESS INPUTS (<i>H. Stephenson</i>)	
Read the first time by short title and referred to the Rules Committee.	190
Assigned to standing committee	198
Amendments	224
Committee report adopted and placed on calendar	228
Read the second time	404
Read the third time	423
Transmitted to the House	423
Enacting Clause Stricken	1025
S.B. 143 — PERSONAL USE OF STATE VEHICLES AUTHORIZED FOR LAW ENFORCEMENT OFFICERS IN THE OFFICE OF THE ATTORNEY GENERAL (<i>D. Peterson</i>)	
Read the first time by short title and referred to the Rules Committee.	190
Assigned to standing committee	197
Committee report adopted and placed on calendar	228
Read the second time	403
Read the third time	422
Circled	422
Uncircled	425
Transmitted to the House	426
Signed by the President and transmitted to the Governor	623
S.B. 144 — FINANCIAL INSTITUTIONS AMENDMENTS (<i>L. Hillyard</i>)	
Read the first time by short title and referred to the Rules Committee.	190
Assigned to standing committee	197
Committee report adopted and placed on calendar	316
Read the second time	536
Read the third time	559
Circled	559
Uncircled	559
Transmitted to the House	560
Signed by the President and transmitted to the Governor	1018

S.B. 145 — MULTI-CHANNEL VIDEO OR AUDIO SERVICE TAX – COUNTY OR MUNICIPALITY FRANCHISE FEE TAX CREDIT (<i>W. Niederhauser</i>)	
Read the first time by short title and referred to the Rules Committee	190
Assigned to standing committee	209
Committee report adopted and placed on calendar	264
Read the second time	438
Circled	439
Uncircled	439
Read the third time	451
Circled	451
Uncircled	835
Transmitted to the House	835
Enacting Clause Stricken	1025
S.B. 146 — PRESCRIPTIVE PRACTICE OF LEGEND DRUGS (<i>P. Knudson</i>)	
Read the first time by short title and referred to the Rules Committee	190
Assigned to standing committee	209
Amendments	282
Committee report adopted and placed on calendar	284
Read the second time	484
Substituted	484
Failed	484
Enacting Clause Stricken	1027
S.B. 147 — EXEMPTIONS FROM LICENSURE MODIFICATIONS (<i>M. Dmitrich</i>)	
Read the first time by short title and referred to the Rules Committee	190
Assigned to standing committee	209
Committee report adopted and placed on calendar	284
Read the second time	440
Read the third time	451
Transmitted to the House	452
Signed by the President and transmitted to the Governor	742
S.B. 148 — BOAT REGISTRATION AMENDMENTS (<i>M. Waddoups</i>)	
Read the first time by short title and referred to the Rules Committee	190
Assigned to standing committee	209
Amendments	240
Committee report adopted and placed on calendar	240
Read the second time	428
Amendments	428
Read the third time	448
Transmitted to the House	449
Signed by the President and transmitted to the Governor	602
S.B. 149 — LIMIT ON GIFTS TO LEGISLATORS (<i>G. Bell</i>)	
Read the first time by short title and referred to the Rules Committee	190
Enacting Clause Stricken	1027
S.B. 150 — PROPERTY EXEMPT FROM EXECUTION (<i>L. Hillyard</i>)	
Read the first time by short title and referred to the Rules Committee	190
Assigned to standing committee	220
Read the second time and placed on Consent Calendar	285
Read the third time	354
Transmitted to the House	354
Signed by the President and transmitted to the Governor	567

S.B. 151 — CASE MANAGEMENT PILOT PROJECT (<i>G. Bell</i>)	
Read the first time by short title and referred to the Rules Committee.	190
Assigned to standing committee	220
Committee report adopted and placed on calendar	284
Read the second time	506
Read the third time	522
Transmitted to the House	522
Signed by the President and transmitted to the Governor	956
S.B. 152 — PRESUMPTIVE PERSONAL REPRESENTATIVE (<i>G. Bell</i>)	
Read the first time by short title and referred to the Rules Committee.	191
Assigned to standing committee	209
Committee report adopted and placed on calendar	284
Read the second time	524
Read the third time	555
Circled	555
Uncircled	555
Amendments	555
Transmitted to the House	556
Enacting Clause Stricken	1025
S.B. 153 — MALPRACTICE LIABILITY DURING PANDEMIC EVENT (<i>G. Bell</i>)	
Read the first time by short title and referred to the Rules Committee.	191
Assigned to standing committee	209
Amendments	388
Committee report adopted and placed on calendar	228
Read the second time	388
Read the third time	400
Transmitted to the House	400
Signed by the President and transmitted to the Governor	567
S.B. 154 — STATEMENT UNDER PENALTY OF PERJURY (<i>S. McCoy</i>)	
Read the first time by short title and referred to the Rules Committee.	201
Assigned to standing committee	238
Amendments	350
Committee report adopted and placed on calendar	351
Read the second time	545
Read the third time	570
Amendments	570
Transmitted to the House	571
Signed by the President and transmitted to the Governor	810
S.B. 155 — WASTE AMENDMENTS (<i>D. Peterson</i>)	
Read the first time by short title and referred to the Rules Committee.	201
Assigned to standing committee	209
Committee report adopted and placed on calendar	240
Read the second time	430
Amendments	430
Read the third time	449
Transmitted to the House	449
Placed on Concurrence Calendar	604
Concurrence	605
Returned to the House	605
Signed by the President and transmitted to the Governor	609

S.B. 156 — PUBLIC SERVICE COMMISSION – EQUIPMENT DISTRIBUTION PROGRAM (<i>B. Goodfellow</i>)	
Read the first time by short title and referred to the Rules Committee.	202
Assigned to standing committee	221
Read the second time and placed on Consent Calendar	285
Read the third time	353
Transmitted to the House	354
Signed by the President and transmitted to the Governor	567
S.B. 157 — PARENTAL NOTIFICATION OF CHILD INTERVIEW BY LAW ENFORCEMENT (<i>D. C. Buttars</i>)	
Read the first time by short title and referred to the Rules Committee.	214
Assigned to standing committee	238
Returned to the Rules Committee	782
Enacting Clause Stricken	1027
S.B. 158 — B AND C ROADS AMENDMENTS (<i>D. Stowell</i>)	
Read the first time by short title and referred to the Rules Committee.	214
Assigned to standing committee	239
Amendments	283
Committee report adopted and placed on calendar	284
Read the second time	489
Read the third time	503
Circled	503
Uncircled	523
Substituted	523
Transmitted to the House	523
Signed by the President and transmitted to the Governor	767
S.B. 159 — LABOR ORGANIZATIONS AMENDMENTS (<i>H. Stephenson</i>)	
Read the first time by short title and referred to the Rules Committee.	214
Assigned to standing committee	238
Amendments	371
Committee report adopted and placed on calendar	374
Read the second time	546
Read the third time	572
Transmitted to the House	572
House rejected, filed	996
Enacting Clause Stricken	1027
S.B. 160 — PHARMACY PRACTICE ACT AMENDMENTS (<i>P. Knudson</i>)	
Read the first time by short title and referred to the Rules Committee.	229
Assigned to standing committee	261
Amendments	373
Committee report adopted and placed on calendar	374
Read the second and third time	576
Transmitted to the House	576
Placed on Concurrence Calendar	907
Concurrence	931
Returned to the House	931
Signed by the President and transmitted to the Governor	977

S.B. 161 — HUNTING LICENSE AMENDMENTS (*A. Christensen*)

- Read the first time by short title and referred to the Rules Committee. 229
- Assigned to standing committee 261
- Committee report adopted and placed on calendar 284
- Read the second time 488
- Circled 488
- Uncircled 490
- Amendments 490
- Read the third time 505
- Transmitted to the House 505
- Signed by the President and transmitted to the Governor 877

S.B. 162 — PETE SUAZO UTAH ATHLETIC COMMISSION (*E. Mayne*)

- Read the first time by short title and referred to the Rules Committee. 241
- Assigned to standing committee 260
- Substituted 374
- Read the second time and placed on Consent Calendar 378
- Read the third time 445
- Transmitted to the House 445
- Enacting Clause Stricken 1025

S.B. 163 — AMENDMENTS TO MUNICIPAL AND COUNTY LAND USE (*D. Stowell*)

- Read the first time by short title and referred to the Rules Committee. 241
- Assigned to standing committee 260
- Amendments 471
- Read the second time and placed on Consent Calendar 472
- Read the third time 552
- Transmitted to the House 553
- Signed by the President and transmitted to the Governor 780

S.B. 164 — STATUTE OF LIMITATIONS FOR BODILY INJURY (*G. Bell*)

- Read the first time by short title and referred to the Rules Committee. 241
- Assigned to standing committee 261
- Returned to the Rules Committee 782
- Enacting Clause Stricken 1027

S.B. 165 — PRODUCER AND AFFILIATE DISCLOSURE AMENDMENTS (*M. Waddoups*)

- Read the first time by short title and referred to the Rules Committee. 241
- Assigned to standing committee 261
- Substituted 763
- Returned to the Rules Committee 764
- Enacting Clause Stricken 1027

S.B. 166 — NOTARY PUBLIC AMENDMENTS (*R. Romero*)

- Read the first time by short title and referred to the Rules Committee. 241
- Assigned to standing committee 276
- Substituted 345
- Committee report adopted and placed on calendar 351
- Read the second time 539
- Read the third time 565
- Amendments 565
- Transmitted to the House 565
- Signed by the President and transmitted to the Governor 868

S.B. 167 — UTAH SPORTS AUTHORITY (<i>M. Dmitrich</i>)	
Read the first time by short title and referred to the Rules Committee.	241
Assigned to standing committee	276
Substituted	394, 693
Committee report adopted and placed on calendar	397
Returned to the Rules Committee	578
Placed on calendar	606
Read the second time	693
Read the third time	706
Amendments	707
Transmitted to the House	707
Placed on Concurrence Calendar	865
Concurrence	890
Returned to the House	890
Signed by the President and transmitted to the Governor	906
S.B. 168 — VEHICLE SAFETY INSPECTION AMENDMENTS (<i>G. Bell</i>)	
Read the first time by short title and referred to the Rules Committee.	241
Assigned to standing committee	277
Returned to the Rules Committee	755
Enacting Clause Stricken	1027
S.B. 169 — SODOMY AMENDMENTS (<i>S. McCoy</i>)	
Read the first time by short title and referred to the Rules Committee.	241
Enacting Clause Stricken	1027
S.B. 170 — DISTRIBUTION OF LOCAL SALES AND USE TAX REVENUES (<i>G. Davis</i>)	
Read the first time by short title and referred to the Rules Committee.	242
Assigned to standing committee	276
Substituted	346
Committee report adopted and placed on calendar	351
Read the second time	543
Read the third time	566
Amendments	566, 1011
Transmitted to the House	566
Placed on Concurrence Calendar	927
Refuse to Concur	934
Returned to the House	934, 1012
Joint Conference Committee Report	1012
Signed by the President and transmitted to the Governor	1020
S.B. 171 — RESEARCH ACTIVITIES TAX CREDIT AMENDMENTS (<i>H. Stephenson</i>)	
Read the first time by short title and referred to the Rules Committee.	242
Assigned to standing committee	276
Committee report adopted and placed on calendar	351
Read the second time	543
Read the third time	546
Substituted	546
Circled	546
Uncircled	571
Transmitted to the House	571
Enacting Clause Stricken	1025

S.B. 172 — MUNICIPAL LAND USE, DEVELOPMENT, AND MANAGEMENT CHANGES
(S. Killpack)

Read the first time by short title and referred to the Rules Committee. 242

Assigned to standing committee 276

Amendments 394

Committee report adopted and placed on calendar 397

Returned to the Rules Committee 578

Placed on calendar 625

Read the second time 739

Circled 739

Uncircled 740

Read the second and third time 740

Transmitted to the House 741

Enacting Clause Stricken 1025

S.B. 173 — CRIMINAL INTENT AMENDMENTS *(S. McCoy)*

Read the first time by short title and referred to the Rules Committee. 242

Assigned to standing committee 276

Committee report adopted and placed on calendar 351

Read the second time 546

Read the third time 571

Transmitted to the House 572

Signed by the President and transmitted to the Governor 767

S.B. 174 — EDUCATION TRANSPORTATION AMENDMENTS *(D. Peterson)*

Read the first time by short title and referred to the Rules Committee. 420

Assigned to standing committee 459

Committee report adopted and placed on calendar 520

Placed on calendar 625

Read the second and third time 720

Transmitted to the House 721

Enacting Clause Stricken 1025

S.B. 176 — UTAH BUSINESS ASSISTANCE CENTER PILOT ACT *(D. Stowell)*

Read the first time by short title and referred to the Rules Committee. 420

Assigned to standing committee 459

Committee report adopted sent to the Rules Committee 583

Placed on calendar 625

Read the second and third time 715

Amendments 715

Transmitted to the House 716

Enacting Clause Stricken 1025

S.B. 177 — INCOME TAX CREDITS, ADDITIONS, AND SUBTRACTIONS FOR COLLEGE SAVINGS *(W. Niederhauser)*

Read the first time by short title and referred to the Rules Committee. 728

Assigned to standing committee 728

Committee report adopted and placed on calendar 781

Read the second time 789

Circled 789

Uncircled 790

Read the third time 803

Circled 803

Uncircled 841

Failed 841

Enacting Clause Stricken 1027

S.B. 178 — CUSTODY AMENDMENTS (<i>G. Bell</i>)	
Read the first time by short title and referred to the Rules Committee.	398
Assigned to standing committee	431
Returned to the Rules Committee	782
Enacting Clause Stricken	1027
S.B. 179 — IMMUNITY OF COUNTIES AND MUNICIPALITIES FOR SKY DIVING ACTIVITIES (<i>B. Goodfellow</i>)	
Read the first time by short title and referred to the Rules Committee.	265
Assigned to standing committee	300
Committee report adopted and placed on calendar	398
Returned to the Rules Committee	578
Placed on calendar	625
Read the second and third time	721
Transmitted to the House	721
Placed on Concurrence Calendar	968
Concurrence	973
Returned to the House	973
Signed by the President and transmitted to the Governor	995
S.B. 180 — SCHOOL CONSTRUCTION CONTRACT AMENDMENTS (<i>S. Jenkins</i>)	
Read the first time by short title and referred to the Rules Committee.	265
Assigned to standing committee	299
Returned to the Rules Committee	755
Enacting Clause Stricken	1027
S.B. 181 — FEES TO COVER COST OF ELECTRONIC PAYMENTS (<i>W. Niederhauser</i>)	
Read the first time by short title and referred to the Rules Committee.	265
Assigned to standing committee	300
Amendments	324
Committee report adopted and placed on calendar	327
Read the second time	537
Read the third time	560
Transmitted to the House	561
Signed by the President and transmitted to the Governor	868
S.B. 182 — CHILD SUPPORT MODIFICATIONS FOR TANF RECIPIENTS (<i>L. Hillyard</i>)	
Read the first time by short title and referred to the Rules Committee.	265
Assigned to standing committee	300
Read the second time and placed on Consent Calendar	420
Read the third time	496
Transmitted to the House	496
Signed by the President and transmitted to the Governor	742
S.B. 183 — RESTRICTIONS ON DESIGNATION OF WETLANDS (<i>S. Killpack</i>)	
Read the first time by short title and referred to the Rules Committee.	265
Assigned to standing committee	299
Committee report adopted and placed on calendar	471
Placed on calendar	606
Read the second and third time	663
Transmitted to the House	663
Signed by the President and transmitted to the Governor	868

S.B. 184 — REVISIONS TO CHILD SUPPORT DEFINITIONS (*L. Hillyard*)

- Read the first time by short title and referred to the Rules Committee. 265
- Assigned to standing committee 300
- Committee report adopted and placed on calendar 419
- Returned to the Rules Committee 578
- Placed on calendar 625
- Read the second and third time 726
- Transmitted to the House 727
- Enacting Clause Stricken 1025

S.B. 185 — UTILITY IMPROVEMENT DISTRICT REVISIONS (*K. VanTassell*)

- Read the first time by short title and referred to the Rules Committee. 265
- Assigned to standing committee 299
- Substituted 512
- Committee report adopted and placed on calendar 513
- Returned to the Rules Committee 578
- Placed on calendar 606
- Read the second and third time 698
- Transmitted to the House 699
- Enacting Clause Stricken 1026

S.B. 186 — MOTOR VEHICLE AMENDMENTS (*D. Eastman*)

- Read the first time by short title and referred to the Rules Committee. 265
- Assigned to standing committee 300
- Committee report adopted and placed on calendar 327
- Read the second time 538
- Read the third time 564
- Transmitted to the House 564
- Signed by the President and transmitted to the Governor 882

S.B. 187 — UTAH RELOCATION ASSISTANCE ACT AMENDMENTS (*L. Hillyard*)

- Read the first time by short title and referred to the Rules Committee. 265
- Assigned to standing committee 299
- Committee report adopted and placed on calendar 513
- Returned to the Rules Committee 578
- Placed on calendar 606
- Read the second and third time 693
- Transmitted to the House 694
- Enacting Clause Stricken 1026

S.B. 188 — WILDLIFE RESOURCES CONSERVATION EASEMENT RESTRICTED ACCOUNT
(*D. Stowell*)

- Read the first time by short title and referred to the Rules Committee. 265
- Assigned to standing committee 300
- Read the second time and placed on Consent Calendar 352
- Read the third time 420
- Transmitted to the House 421
- Signed by the President and transmitted to the Governor 767

S.B. 189 — MEDICAID HOME AND COMMUNITY-BASED LONG-TERM CARE (*G. Davis*)

- Read the first time by short title and referred to the Rules Committee. 265
- Assigned to standing committee 300
- Committee report adopted and placed on calendar 419
- Placed on calendar 606
- Read the second and third time 688
- Transmitted to the House 689
- Placed on Concurrence Calendar 968
- Concurrence 974
- Returned to the House 974
- Signed by the President and transmitted to the Governor 995

S.B. 190 — ANIMAL CRUELTY OFFENSES (<i>G. Davis</i>)	
Read the first time by short title and referred to the Rules Committee	265
Assigned to standing committee	300
Amendments	395, 778, 831
Committee report adopted and placed on calendar	397
Returned to the Rules Committee	578
Placed on calendar	776
Circled	776, 802
Uncircled	778, 831
Read the second time	778
Read the third time	802
Transmitted to the House	832
Intent language	832
Enacting Clause Stricken	1028
S.B. 191 — GOVERNMENTAL IMMUNITY LIMITS AMENDMENTS (<i>H. Stephenson</i>)	
Read the first time by short title and referred to the Rules Committee	266
Assigned to standing committee	299
Read the second time and placed on Consent Calendar	472
Read the third time	553
Transmitted to the House	553
Signed by the President and transmitted to the Governor	780
S.B. 192 — SERVICE ANIMALS (<i>S. McCoy</i>)	
Read the first time by short title and referred to the Rules Committee	266
Assigned to standing committee	300
Amendments	396
Committee report adopted and placed on calendar	397
Returned to the Rules Committee	578
Placed on calendar	625
Read the second time	714
Amendments	714
Circled	714, 774
Uncircled	738, 790
Read the third time	774
Transmitted to the House	792
Signed by the President and transmitted to the Governor	868
S.B. 193 — AMENDMENTS TO MENTAL HEALTH PROFESSIONAL PRACTICE ACT (<i>P. Jones</i>)	
Read the first time by short title and referred to the Rules Committee	266
Assigned to standing committee	300
Committee report adopted and placed on calendar	374
Read the second time	576
Read the third time	590
Transmitted to the House	590
Signed by the President and transmitted to the Governor	868
S.B. 194 — BOARDS OF EDUCATION MEMBERSHIP AMENDMENTS (<i>C. Bramble</i>)	
Read the first time by short title and referred to the Rules Committee	285
Assigned to standing committee	313
Committee report adopted and placed on calendar	374
Read the second time	577
Substituted	577
Circled	578, 787
Uncircled	787, 830
Read the second and third time	830
Transmitted to the House	831
Enacting Clause Stricken	1026

S.B. 195 — FISH HEALTH AMENDMENTS (<i>D. Peterson</i>)	
Read the first time by short title and referred to the Rules Committee	285
Assigned to standing committee	314
Substituted	397
Committee report adopted and placed on calendar	398
Returned to the Rules Committee	578
Placed on calendar	626
Read the second time	739
Substituted	740
Read the third time	774
Amendments	774
Transmitted to the House	775
Signed by the President and transmitted to the Governor	977
S.B. 196 — EXECUTIVE COMPENSATION AMENDMENTS (<i>C. Bramble</i>)	
Read the first time by short title and referred to the Rules Committee	285
Assigned to standing committee	313
Amendments	468
Committee report adopted and placed on calendar	471
Returned to the Rules Committee	578
Placed on calendar	606
Read the second time	699
Substituted	699
Read the second and third time	699
Transmitted to the House	700
Signed by the President and transmitted to the Governor	877
S.B. 197 — LOCAL INITIATIVE AND PETITION BALLOT TITLES (<i>P. Knudson</i>)	
Read the first time by short title and referred to the Rules Committee	285
Assigned to standing committee	313
Amendments	487
Read the second time and placed on Consent Calendar	488
Read the third time	554
Transmitted to the House	554
Signed by the President and transmitted to the Governor	868
S.B. 198 — TOURISM AMENDMENTS (<i>C. Bramble</i>)	
Read the first time by short title and referred to the Rules Committee	285
Assigned to standing committee	314
Committee report adopted and placed on calendar	471
Returned to the Rules Committee	578
Placed on calendar	625
Read the second and third time	720
Transmitted to the House	720
Signed by the President and transmitted to the Governor	906
S.B. 199 — DIVISION OF REAL ESTATE AND RELATED AMENDMENTS (<i>S. Killpack</i>)	
Read the first time by short title and referred to the Rules Committee	286
Assigned to standing committee	313
Amendments	375
Read the second time and placed on Consent Calendar	378
Read the third time	445
Transmitted to the House	446
Placed on Concurrence Calendar	868
Concurrence	891
Returned to the House	891
Signed by the President and transmitted to the Governor	906

S.B. 200 — REDUCED CIGARETTE IGNITION PROPENSITY (<i>E. Mayne</i>)	
Read the first time by short title and referred to the Rules Committee.	286
Assigned to standing committee	314
Amendments	417, 727
Committee report adopted and placed on calendar	419
Returned to the Rules Committee	578
Placed on calendar	625
Read the second time	711
Circled	712
Uncircled	727
Read the second and third time	728
Transmitted to the House	728
Placed on Concurrence Calendar	984
Concurrence	989
Returned to the House	989
Signed by the President and transmitted to the Governor	1000
S.B. 201 — RIGHTS OF CITIZENS TO CARRY FIREARMS IN DECLARED EMERGENCY (<i>M. Madsen</i>)	
Read the first time by short title and referred to the Rules Committee.	660
Assigned to standing committee	679
Amendments	731
Committee report adopted and placed on calendar	732
Read the second time	777
Circled	777
Uncircled	786
Read the second and third time	786
Transmitted to the House	787
Enacting Clause Stricken	1026
S.B. 202 — LEGISLATIVE DIRECTION RELATING TO UNITED STATES SENATORS (<i>H. Stephenson</i>)	
Read the first time by short title and referred to the Rules Committee.	352
Assigned to standing committee	607
Substituted	686
Amendments	686
Committee report adopted and referred to the Rules Committee	687
Placed on calendar	723
Read the second time	756
Circled	756
Returned to the Rules Committee	843
Enacting Clause Stricken	1028
S.B. 203 — DISCLOSURE OF PROPERTY TAX INFORMATION (<i>H. Stephenson</i>)	
Read the first time by short title and referred to the Rules Committee.	352
Assigned to standing committee	392
Substituted	514
Read the second time and placed on Consent Calendar	514
Read the third time	587
Transmitted to the House	587
Signed by the President and transmitted to the Governor	868

S.B. 204 — HUMAN REMAINS RELATED AMENDMENTS (<i>D. Peterson</i>)	
Read the first time by short title and referred to the Rules Committee.	327
Assigned to standing committee	371
Substituted	470
Committee report adopted and placed on calendar	471
Returned to the Rules Committee	578
Placed on calendar	606
Read the second time	694
Circled	694
Uncircled	710
Read the second and third time	710
Transmitted to the House	710
Signed by the President and transmitted to the Governor	929
S.B. 205 — ALCOHOLIC BEVERAGE CONTROL AMENDMENTS (<i>P. Knudson</i>)	
Read the first time by short title and referred to the Rules Committee.	488
Assigned to standing committee	511
Committee report adopted and returned to rules	630
Placed on calendar	679
Read the second time	741
Circled	741
Uncircled	777
Read the second and third time	777
Transmitted to the House	777
Signed by the President and transmitted to the Governor	877
S.B. 206 — PUNITIVE DAMAGES AMENDMENTS (<i>L. Hillyard</i>)	
Read the first time by short title and referred to the Rules Committee.	520
Assigned to standing committee	569
Committee report adopted and returned to rules	659
Placed on calendar	679
Read the second time	742
Circled	742
Uncircled	743
Read the second and third time	743
Transmitted to the House	743
Enacting Clause Stricken	1026
S.B. 207 — WASTE TIRE RECYCLING ACT REVISIONS (<i>F. Fife</i>)	
Read the first time by short title and referred to the Rules Committee.	378
Assigned to standing committee	412
Substituted	530
Committee report adopted and placed on calendar	532
Enacting Clause Stricken	1028
S.B. 208 — JUDICIAL REVIEW, ATTORNEY FEES, AND PROCEDURE RELATING TO TAX COMMISSION DECISIONS (<i>H. Stephenson</i>)	
Read the first time by short title and referred to the Rules Committee.	352
Assigned to standing committee	392
Committee report adopted and placed on calendar	471
Returned to the Rules Committee	578
Placed on calendar	625
Returned to the Rules Committee	842
Enacting Clause Stricken	1028

S.B. 209 — STATE FRANCHISING AUTHORITY FOR VIDEO SERVICES (<i>C. Bramble</i>)	
Read the first time by short title and referred to the Rules Committee.	520
Assigned to standing committee	533
Committee report adopted and returned to the Rules Committee	598
Placed on calendar	625
Read the second time	714
Read the third time	737
Circled	737
Uncircled	803
Amendments	803
Transmitted to the House	804
Enacting Clause Stricken	1026
S.B. 211 — ELECTION LAW CHANGES (<i>H. Stephenson</i>)	
Read the first time by short title and referred to the Rules Committee.	352
Assigned to standing committee	391
Read the second time and placed on Consent Calendar	472
Reassigned to Second Reading Calendar	524
Returned to the Rules Committee	578
Placed on calendar	606
Read the second time	689
Read the third time	706
Circled	706
Uncircled	756
Substituted	756
Transmitted to the House	757
Placed on Concurrence Calendar	994
Before the Senate	997
Circled	997, 998
Uncircled	998, 1009
Concurrence	1009
Returned to the House	1010
Signed by the President and transmitted to the Governor	1020
S.B. 212 — REVISORS DIRECTIVE ON UNCONSTITUTIONAL STATUTES (<i>S. McCoy</i>)	
Read the first time by short title and referred to the Rules Committee.	302
Enacting Clause Stricken	1028
S.B. 214 — CERTIFICATE OF NEED FOR CERTAIN AMBULANCE SERVICES (<i>D. Peterson</i>)	
Read the first time by short title and referred to the Rules Committee.	472
Assigned to standing committee	569
Returned to the Rules Committee	764
Enacting Clause Stricken	1028
S.B. 215 — AMENDMENTS TO LAND USE DEVELOPMENT AND MANAGEMENT ACT (<i>G. Bell</i>)	
Read the first time by short title and referred to the Rules Committee.	352
Assigned to standing committee	391
Committee report adopted and placed on calendar	471
Returned to the Rules Committee	578
Placed on calendar	625
Read the second and third time	728
Amendments	729
Transmitted to the House	729
Signed by the President and transmitted to the Governor	868

S.B. 216 — UTAH ANTITRUST ACT AMENDMENTS (*L. Hillyard*)

- Read the first time by short title and referred to the Rules Committee. 378
- Assigned to standing committee 412
- Committee report adopted and placed on calendar 494
- Returned to the Rules Committee 578
- Placed on calendar 606
- Read the second and third time 700
- Transmitted to the House 700
- Enacting Clause Stricken 1026

S.B. 217 — SCIENCE AND TECHNOLOGY EDUCATION PROGRAM AMENDMENTS
(*P. Knudson*)

- Read the first time by short title and referred to the Rules Committee. 327
- Assigned to standing committee 371
- Committee report adopted and placed on calendar 471
- Returned to the Rules Committee 578
- Placed on calendar 625
- Read the second and third time 718
- Transmitted to the House 718
- Signed by the President and transmitted to the Governor 956

S.B. 218 — COMMUNITY DEVELOPMENT AND RENEWAL AGENCY AMENDMENTS
(*C. Bramble*)

- Read the first time by short title and referred to the Rules Committee. 302
- Assigned to standing committee 344
- Substituted 512, 834
- Committee report adopted and placed on calendar 513
- Returned to the Rules Committee 578
- Placed on calendar 625
- Read the second time 713
- Read the third time 737
- Circled 737
- Uncircled 834
- Transmitted to the House 835
- Placed on Concurrence Calendar 976
- Concurrence 988
- Returned to the House 989
- Signed by the President and transmitted to the Governor 1000

S.B. 219 — REAL ESTATE MODIFICATIONS (*D. Stowell*)

- Read the first time by short title and referred to the Rules Committee. 302
- Assigned to standing committee 344
- Amendments 419
- Read the second time and placed on Consent Calendar 420
- Read the third time 496
- Transmitted to the House 496
- Signed by the President and transmitted to the Governor 1018

S.B. 220 — WATER CONSERVANCY DISTRICTS – SELECTION OF BOARD OF TRUSTEES
(*W. Niederhauser*)

- Read the first time by short title and referred to the Rules Committee. 302
- Assigned to standing committee 344
- Returned to the Rules Committee 735
- Enacting Clause Stricken 1028

S.B. 221 — JUDICIAL RETENTION ELECTION TASK FORCE (<i>D. C. Butars</i>)	
Read the first time by short title and referred to the Rules Committee.	327
Assigned to standing committee	370
Committee report adopted and placed on calendar	444
Returned to the Rules Committee	578
Placed on calendar	606
Read the second and third time	694
Amendments	694
Transmitted to the House	696
House rejected, filed	978
Reconsideration	996
Substituted	996
Read the second and third time	996
Transmitted to the House	996
Signed by the President and transmitted to the Governor	1018
S.B. 222 — KINDERGARTEN READINESS INITIATIVE (<i>H. Stephenson</i>)	
Read the first time by short title and referred to the Rules Committee.	432
Assigned to standing committee	679
Committee report adopted and placed on calendar	752
Read the second time	777
Circled	777
Returned to the Rules Committee	843
Enacting Clause Stricken	1028
S.B. 223 — TAX AMENDMENTS (<i>W. Niederhauser</i>)	
Read the first time by short title and referred to the Rules Committee.	352
Assigned to standing committee	392
Substituted	470
Committee report adopted and placed on calendar	471
Returned to the Rules Committee	578
Placed on calendar	625
Read the second time	721, 880
Circled	721
Returned to the Rules Committee	842
Placed on calendar	880
Read the second and third time	880
Substituted	880
Transmitted to the House	881
Placed on Concurrence Calendar	964
Concurrence	969
Returned to the House	970
Signed by the President and transmitted to the Governor	995
S.B. 224 — JUDICIARY AMENDMENTS (<i>L. Hillyard</i>)	
Read the first time by short title and referred to the Rules Committee.	378
Assigned to standing committee	412
Amendments	495
Read the second time and placed on Consent Calendar	495
Read the third time	585
Circled	585
Uncircled	588
Transmitted to the House	588
Placed on Concurrence Calendar	1013
Concurrence	1014
Returned to the House	1014
Signed by the President and transmitted to the Governor	1020

S.B. 227 — UTAH FIRE PREVENTION BOARD AMENDMENT (*P. Knudson*)

- Read the first time by short title and referred to the Rules Committee. 352
- Assigned to standing committee 392
- Read the second time and placed on Consent Calendar 472
- Read the third time 553
- Transmitted to the House 554
- Placed on Concurrence Calendar 869
- Concurrence 891
- Returned to the House 891
- Signed by the President and transmitted to the Governor 917

S.B. 228 — STATE AGENCY AND HIGHER EDUCATION COMPENSATION AMENDMENTS
(*L. Hillyard*)

- Read the first time by short title and referred to the Rules Committee. 788
- Placed on calendar 789
- Circled 789
- Uncircled 797
- Read the second and third time 797
- Transmitted to the House 797
- Signed by the President and transmitted to the Governor 868

S.B. 230 — LIABILITY FOR CONTAMINATED PROPERTY (*F. Fife*)

- Read the first time by short title and referred to the Rules Committee. 378
- Assigned to standing committee 412
- Returned to the Rules Committee 735
- Enacting Clause Stricken 1028

S.B. 231 — VETERANS AMENDMENTS (*F. Fife*)

- Read the first time by short title and referred to the Rules Committee. 378
- Assigned to standing committee 459
- Amendments 550
- Committee report adopted and placed on calendar 551
- Returned to the Rules Committee 578
- Placed on calendar 679
- Read the second and third time 742
- Transmitted to the House 743
- Enacting Clause Stricken 1026

S.B. 232 — MILITARY INSTALLATION DEVELOPMENT AUTHORITY (*S. Killpack*)

- Read the first time by short title and referred to the Rules Committee. 495
- Assigned to standing committee 534
- Substituted 597
- Committee report adopted and returned to the Rules Committee 598
- Placed on calendar 679
- Read the second time 742
- Circled 742
- Uncircled 760
- Amendments 760
- Read the second and third time 761
- Transmitted to the House 761
- Signed by the President and transmitted to the Governor 877

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Substituted	465
Committee report adopted and placed on calendar	471
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Placed on calendar	606
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S.B. 235 — PUBLIC UTILITIES AMENDMENTS (<i>G. Bell</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	532
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S.B. 240 — LITIGATION FUND RESTRICTED ACCOUNT FOR HIGHWAY PROJECTS (<i>S. Killpack</i>)	
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- Read the first time by short title and referred to the Rules Committee. 420
- Placed on calendar 459
- Returned to the Rules Committee 578
- Placed on calendar 625
- Read the second time 712
- Amendments 712
- Read the second and third time 712
- Transmitted to the House 713
- Signed by the President and transmitted to the Governor 977

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Read for the first time and referred to the Rules Committee	208
Assigned to standing committee	238
Read the second time and placed on Consent Calendar	285
Read the third time	353
Signed by the President and returned to the House	353
H.B. 18 — CHILD SUPPORT COLLECTION AMENDMENTS (<i>Julie Fisher</i>)	
Read for the first time and referred to the Rules Committee	197
Assigned to standing committee	220
Committee report adopted and placed on calendar	316
Read the second time	362
Read the third time	383
Signed by the President and returned to the House	384
H.B. 19 — NAVAJO REVITALIZATION FUND (<i>B. King</i>)	
Read for the first time and referred to the Rules Committee	220
Committee report adopted and placed on calendar	301
Read the second time	361
Tabled on Third Reading Calendar	361
Enacting Clause Stricken	1021
H.B. 20 — STATE DECLARATION OF STATE WATER WEEK (<i>R. Becker</i>)	
Read for the first time and referred to the Rules Committee	146
Assigned to standing committee	172
Committee report adopted and placed on calendar	201
Read the second time	233
Read the third time	251
Signed by the President and returned to the House	252
H.B. 21 — PUBLIC SAFETY RETIREMENT CONVERSION WINDOW (<i>M. Newbold</i>)	
Read for the first time and referred to the Rules Committee	171
Assigned to standing committee	186
Committee report adopted and placed on calendar	610
Read the second time	795
Read the third time	806
Signed by the President and returned to the House	807

H.B. 22 — MOTOR VEHICLES CODE REVISIONS (<i>J. Dummigan</i>)	
Read for the first time and referred to the Rules Committee	146
Assigned to standing committee	172
Amendments	226
Committee report adopted and placed on calendar	228
Read the second time	255
Circled	255
Uncircled	257
Read the third time	270
Returned to the House	271
Signed by the President and returned to the House	312
H.B. 23 — EMPLOYMENT SECURITY ACT AMENDMENTS (<i>S. Mascaro</i>)	
Read for the first time and referred to the Rules Committee	568
Assigned to standing committee	607
Read the second time and placed on Consent Calendar	688
Read the third time	770
Signed by the President and returned to the House	770
H.B. 24 — EMPLOYMENT SUPPORT ACT – TECHNICAL CHANGES (<i>K. Morgan</i>)	
Read for the first time and referred to the Rules Committee	171
Assigned to standing committee	187
Committee report adopted and placed on calendar	264
Read the second time	340
Read the third time	358
Signed by the President and returned to the House	358
H.B. 25 — MORTGAGE FRAUD (<i>P. Ray</i>)	
Read for the first time and referred to the Rules Committee	275
Enacting Clause Stricken	1021
H.B. 26 — PROPERTY TAX EXEMPTION FOR PERSONAL PROPERTY (<i>J. Dougall</i>)	
Read for the first time and referred to the Rules Committee	171
Assigned to standing committee	186
Committee report adopted and placed on calendar	228
Read the second time	255
Circled	255, 356
Uncircled	338, 534
Read the third time	356
Signed by the President and returned to the House	534
H.B. 27 — SALES AND USE TAX MODIFICATIONS (<i>B. Ferry</i>)	
Read for the first time and referred to the Rules Committee	186
Assigned to standing committee	209
Amendments	262
Committee report adopted and placed on calendar	264
Read the second time	337
Read the third time	355
Returned to the House	356
Signed by the President and returned to the House	411
H.B. 28 — DOMESTIC VIOLENCE AND DATING VIOLENCE AMENDMENTS (<i>D. Litvack</i>)	
Read for the first time and referred to the Rules Committee	171
Assigned to standing committee	187
Committee report adopted and placed on calendar	228
Read the second time	254
Circled	255
Returned to the Rules Committee	842
Enacting Clause Stricken	1021

H.B. 29 — PROFESSIONAL EMPLOYER ORGANIZATION RELATED AMENDMENTS <i>(J. Dunnigan)</i>	
Read for the first time and referred to the Rules Committee	197
Assigned to standing committee	220
Committee report adopted and placed on calendar	316
Read the second time	362
Circled	362
Uncircled	367
Read the third time	387
Signed by the President and returned to the House	387
H.B. 31 — DRIVER LICENSE OR IDENTIFICATION CARD REQUIREMENT FOR SEX OFFENDERS <i>(P. Ray)</i>	
Read for the first time and referred to the Rules Committee	171
Assigned to standing committee	186
Committee report adopted and placed on calendar	284
Read the second time	359
Read the third time	380
Signed by the President and returned to the House	380
H.B. 32 — EXPEDITED PARENT–TIME ENFORCEMENT <i>(Julie Fisher)</i>	
Read for the first time and referred to the Rules Committee	370
Assigned to standing committee	432
Committee report adopted and placed on calendar	494
Read the second time	599
Tabled on Third Reading Calendar	600
Enacting Clause Stricken	1021
H.B. 33 — SALES AND USE TAX EXEMPTIONS FOR VEHICLES, BOATS, BOAT TRAILERS, OR OUTBOARD MOTORS NOT REGISTERED IN THE STATE <i>(P. Painter)</i>	
Read for the first time and referred to the Rules Committee	186
Assigned to standing committee	209
Committee report adopted and placed on calendar	264
Read the second time	338
Circled	338
Uncircled	339
Read the third time	357
Signed by the President and returned to the House	357
H.B. 34 — SALES AND USE TAX EXEMPTIONS FOR CERTAIN PROPERTY BROUGHT INTO THE STATE <i>(R. Lockhart)</i>	
Read for the first time and referred to the Rules Committee	275
Assigned to standing committee	314
Committee report adopted and placed on calendar	471
Read the second time	593
Read the third time	613
Signed by the President and returned to the House	614
H.B. 36 — INCOME TAX ADDITIONS AND SUBTRACTIONS FOR HIGHER EDUCATION SAVINGS <i>(F. Hunsaker)</i>	
Read for the first time and referred to the Rules Committee	665
Placed on calendar	865
Read the second time	885
Circled	885
Uncircled	902
Substituted	902
Read the second and third time	902
Returned to the House	903
Signed by the President and returned to the House	928

H.B. 37 — CIGARETTE AND TOBACCO TAX AND LICENSING AMENDMENTS (<i>C. Frank</i>)	
Read for the first time and referred to the Rules Committee	197
Assigned to standing committee	220
Committee report adopted and placed on calendar	264
Read the second time	338
Read the third time	356
Circled	356
Uncircled	381
Signed by the President and returned to the House	381
H.B. 38 — AMENDMENTS TO LOCAL OPTION SALES AND USE TAXES ON CERTAIN ACCOMMODATIONS AND SERVICES (<i>M. Newbold</i>)	
Read for the first time and referred to the Rules Committee	431
Placed on calendar	435
Read the second time	435
Amendments	435
Read the third time	438
Returned to the House	438
Signed by the President and returned to the House	492
H.B. 39 — CONCEALED WEAPONS FEES AMENDMENTS (<i>C. Oda</i>)	
Read for the first time and referred to the Rules Committee	275
Assigned to standing committee	314
Committee report adopted and placed on calendar	398
Read the second time	480
Tabled on Third Reading Calendar	481
Placed on Third Reading Calendar	878
Read the third time	878
Amendments	878, 895
Circled	880
Uncircled	895
Returned to the House	895
Signed by the President and returned to the House	928
H.B. 40 — FUEL TAX BONDING REQUIREMENTS (<i>W. Harper</i>)	
Read for the first time and referred to the Rules Committee	171
Assigned to standing committee	187
Committee report adopted and placed on calendar	228
Read the second time	255
Circled	255
Uncircled	271
Read the third time	287
Circled	287
Uncircled	290
Signed by the President and returned to the House	290
H.B. 41 — SALES AND USE TAX – COMMON CARRIERS (<i>W. Harper</i>)	
Read for the first time and referred to the Rules Committee	171
Assigned to standing committee	187
Committee report adopted and placed on calendar	228
Read the second time	255
Circled	255
Uncircled	257
Read the third time	270
Signed by the President and returned to the House	270

H.B. 42 — SALES AND USE TAX EXEMPTION FOR AUTHORIZED CARRIERS (<i>W. Harper</i>)	
Read for the first time and referred to the Rules Committee	197
Assigned to standing committee	221
Committee report adopted and placed on calendar	264
Read the second time	339
Read the third time	356
Signed by the President and returned to the House	357
H.B. 43 — INDIVIDUAL INCOME TAX SUBTRACTIONS FOR INSURANCE RELATING TO MEDICAL CARE (<i>J. Dunnigan</i>)	
Read for the first time and referred to the Rules Committee	798
Enacting Clause Stricken	1021
H.B. 44 — MOTOR VEHICLE INSURANCE ARBITRATION AMENDMENTS (<i>S. Urquhart</i>)	
Read for the first time and referred to the Rules Committee	343
Assigned to standing committee	392
Committee report adopted and placed on calendar	444
Read the second time	481
Read the third time	501
Amendments	501
Returned to the House	502
Signed by the President and returned to the House	529
H.B. 45 — COMPARATIVE NEGLIGENCE AMENDMENTS (<i>S. Wyatt</i>)	
Read for the first time and referred to the Rules Committee	313
Assigned to standing committee	392
Returned to the Rules Committee	782
Placed on calendar	888
Read the second time	977
Substituted	977
Circled	977
Uncircled	982
Read for the first, second and third times	983
Amendments	983
Read the second and third time	983
Returned to the House	983
H.B. 46 — DISASTER RECOVERY FUNDING (<i>C. Oda</i>)	
Read for the first time and referred to the Rules Committee	485
Assigned to standing committee	511
Read the second time and placed on Consent Calendar	631
Read the third time	704
Signed by the President and returned to the House	705
H.B. 47 — PILOT PROGRAM FOR FAMILY PRESERVATION SERVICES (<i>R. Menlove</i>)	
Read for the first time and referred to the Rules Committee	220
Assigned to standing committee	261
Committee report adopted and placed on calendar	374
Read the second time	454
Tabled on Third Reading Calendar	474
Placed on calendar	893
Read the third time	897
Circled	897
Uncircled	899
Signed by the President and returned to the House	899

H.B. 48 — DEPARTMENT OF NATURAL RESOURCES AMENDMENTS (<i>R. Wheeler</i>)	
Read for the first time and referred to the Rules Committee	186
Assigned to standing committee	460
Amendments	461
Substituted	530
Committee report adopted and placed on calendar	532
Read the second time	621
Read the third time	648
Returned to the House	648
Signed by the President and returned to the House	717
H.B. 51 — ADOPTION AMENDMENTS (<i>S. Allen</i>)	
Read for the first time and referred to the Rules Committee	208
Assigned to standing committee	238
Committee report adopted and placed on calendar	316
Read the second time	363
Read the third time	384
Signed by the President and returned to the House	385
H.B. 52 — DRIVER LICENSE FEE AMENDMENTS (<i>B. Daw</i>)	
Read for the first time and referred to the Rules Committee	443
Assigned to standing committee	486
Committee report adopted and placed on calendar	532
Read the second time	633
Circled	633
Uncircled	636
Amendments	636
Read the third time	650
Returned to the House	651
Signed by the President and returned to the House	678
H.B. 53 — SHARE ASSESSMENT ACT (<i>J. Gowans</i>)	
Read for the first time and referred to the Rules Committee	197
Assigned to standing committee	220
Committee report adopted and placed on calendar	284
Read the second time	341
Circled	341
Uncircled	452
Read the third time	475
Signed by the President and returned to the House	476
H.B. 54 — OCCUPATIONAL AND PROFESSIONAL LICENSURE REVIEW COMMITTEE (<i>M. Morley</i>)	
Read for the first time and referred to the Rules Committee	186
Assigned to standing committee	209
Read the second time and placed on Consent Calendar	316
Read the third time	378
Signed by the President and returned to the House	379
H.B. 55 — DECEPTIVE TRADE PRACTICES AMENDMENTS (<i>S. Clark</i>)	
Read for the first time and referred to the Rules Committee	186
Assigned to standing committee	209
Committee report adopted and placed on calendar	284
Read the second time	340
Read the third time	358
Signed by the President and returned to the House	359

H.B. 56 — EMERGENCY ADMINISTRATION OF EPINEPHRINE (<i>T. Kiser</i>)	
Read for the first time and referred to the Rules Committee	186
Assigned to standing committee	209
Amendments	222
Committee report adopted and placed on calendar	228
Read the second time	255
Circled	255
Uncircled	293
Tabled on Third Reading Calendar	294
Lifted from Third Reading Table	402
Read the third time	402
Returned to the House	403
Signed by the President and returned to the House	510
H.B. 57 — PUBLIC HEALTH AMENDMENTS (<i>B. Last</i>)	
Read for the first time and referred to the Rules Committee	220
Assigned to standing committee	261
Read the second time and placed on Consent Calendar	488
Read the third time	554
Signed by the President and returned to the House	555
H.B. 58 — NEW SCHOOL DISTRICT PROPERTY TAX AMENDMENTS (<i>B. Daw</i>)	
Read for the first time and referred to the Rules Committee	485
Assigned to standing committee	512
Committee report adopted and placed on calendar	551
Read the second time	640
Circled	640
Uncircled	655
Read the third time	670
Signed by the President and returned to the House	670
H.B. 59 — UTAH INTERNATIONAL TRADE COMMISSION (<i>S. Allen</i>)	
Read for the first time and referred to the Rules Committee	237
Assigned to standing committee	277
Committee report adopted and placed on calendar	351
Read the second time	453
Read the third time	476
Signed by the President and returned to the House	476
H.B. 60 — NOTARY PUBLIC REVISIONS (<i>G. Donnelson</i>)	
Read for the first time and referred to the Rules Committee	186
Assigned to standing committee	209
Committee report adopted and placed on calendar	264
Read the second time	336
Circled	336
Uncircled	337
Read the third time	355
Signed by the President and returned to the House	355
H.B. 61 — ELECTION LAW AMENDMENTS (<i>D. Aagard</i>)	
Read for the first time and referred to the Rules Committee	208
Assigned to standing committee	238
Committee report adopted and placed on calendar	351
Read the second time	452
Circled	452
Uncircled	479
Read the third time	499
Circled	499
Uncircled	499
Signed by the President and returned to the House	500

H.B. 62 — LOBBYIST DISCLOSURE TECHNICAL AMENDMENTS (<i>G. Donnelson</i>)	
Read for the first time and referred to the Rules Committee	186
Assigned to standing committee	209
Committee report adopted and placed on calendar	264
Read the second time	336
Read the third time	354
Signed by the President and returned to the House	355
H.B. 63 — INITIATIVE AND REFERENDUM – SIGNATURE VERIFICATION PROCEDURES (<i>N. Hendrickson</i>)	
Read for the first time and referred to the Rules Committee	220
Assigned to standing committee	260
Committee report adopted and placed on calendar	351
Read the second time	452
Read the third time	475
Signed by the President and returned to the House	475
H.B. 64 — IMPACT OF ADMINISTRATIVE RULES ON SMALL BUSINESSES (<i>S. Clark</i>)	
Read for the first time and referred to the Rules Committee	208
Assigned to standing committee	238
Read the second time and placed on Consent Calendar	378
Read the third time	446
Signed by the President and returned to the House	446
H.B. 65 — SPECIAL AND LOCAL DISTRICTS AMENDMENTS (<i>B. Dee</i>)	
Read for the first time and referred to the Rules Committee	723
Placed on calendar	843
Read the second time	871
Amendments	871
Read the third time	895
Circled	896
Uncircled	898
Returned to the House	898
Signed by the President and returned to the House	928
H.B. 67 — AGE AMENDMENTS FOR HUNTING BIG GAME (<i>C. Oda</i>)	
Read for the first time and referred to the Rules Committee	220
Assigned to standing committee	261
Substituted	283
Committee report adopted and placed on calendar	284
Read the second time	341
Read the third time	359
Returned to the House	359
Signed by the President and returned to the House	411
H.B. 68 — SCHOOL FEE WAIVER AMENDMENTS (<i>L. Shurliff</i>)	
Read for the first time and referred to the Rules Committee	208
Assigned to standing committee	238
Committee report adopted and placed on calendar	374
Read the second time	478
Circled	478
Uncircled	632
Tabled on Third Reading Calendar	633
Enacting Clause Stricken	1021
H.B. 69 — COUNTY AND MUNICIPAL LAND USE PROVISIONS REGARDING SCHOOLS (<i>L. Wiley</i>)	
Read for the first time and referred to the Rules Committee	299
Assigned to standing committee	344
Committee report adopted and placed on calendar	471
Read the second time	592
Read the third time	613
Signed by the President and returned to the House	613

H.B. 70 — ASSAULT ON A PEACE OFFICER – PENALTY AMENDMENT (<i>P. Ray</i>)	
Read for the first time and referred to the Rules Committee	437
Assigned to standing committee	511
Committee report adopted and placed on calendar	598
Read the second time	785
Amendments	785
Tabled on Third Reading Calendar	786
Enacting Clause Stricken	1021
H.B. 71 — BALLOT FORM AMENDMENTS (<i>C. Johnson</i>)	
Read for the first time and referred to the Rules Committee	186
Assigned to standing committee	209
Committee report adopted and placed on calendar	301
Read the second time	360
Read the third time	382
Signed by the President and returned to the House	382
H.B. 72 — BRAND INSPECTION OF LIVESTOCK SEIZED BY THE FEDERAL GOVERNMENT (<i>M. Noel</i>)	
Read for the first time and referred to the Rules Committee	237
Assigned to standing committee	276
Committee report adopted and placed on calendar	351
Read the second time	453
Read the third time	476
Circled	476
Uncircled	477
Signed by the President and returned to the House	477
H.B. 76 — PUBLIC SAFETY DISPATCHER COMPENSATION (<i>D. Bowman</i>)	
Read for the first time and referred to the Rules Committee	323
Assigned to standing committee	460
Read the second time and placed on Consent Calendar	532
Read the third time	611
Signed by the President and returned to the House	612
H.B. 79 — CONCURRENT ENROLLMENT AMENDMENTS (<i>K. Holdaway</i>)	
Read for the first time and referred to the Rules Committee	275
Assigned to standing committee	679
Returned to the Rules Committee	755
Placed on calendar	843
Read the second time	869
Substituted	869
Amendments	869
Tabled on Third Reading Calendar	871
Placed on calendar	893
Read the third time	897
Returned to the House	897
Signed by the President and returned to the House	928
H.B. 80 — HEALTH INSURANCE AMENDMENTS (<i>J. Dunnigan</i>)	
Read for the first time and referred to the Rules Committee	197
Assigned to standing committee	261
Committee report adopted and placed on calendar	316
Read the second time	364
Read the third time	385
Signed by the President and returned to the House	385
H.B. 83 — FORGERY AMENDMENTS (<i>D. Aagard</i>)	
Read for the first time and referred to the Rules Committee	323
Assigned to standing committee	370
Read the second time and placed on Consent Calendar	445
Read the third time	520
Signed by the President and returned to the House	521

H.B. 84 — TRAUMATIC BRAIN INJURY FUND (<i>J. Gowans</i>)	
Read for the first time and referred to the Rules Committee	275
Assigned to standing committee	314
Committee report adopted and placed on calendar	374
Read the second time	477
Read the third time	498
Circled	498, 707
Uncircled	707, 757
Substituted	707, 757
Circled	757
Returned to the Rules Committee for sifting	842
Placed on calendar	881
Before the Senate	882
Circled	882
Enacting Clause Stricken	1022
H.B. 85 — SENTENCE REDUCTION CLARIFICATION (<i>S. Wyatt</i>)	
Read for the first time and referred to the Rules Committee	323
Assigned to standing committee	370
Committee report adopted and placed on calendar	444
Read the second time	482
Circled	482
Uncircled	482
Read the third time	502
Signed by the President and returned to the House	503
H.B. 86 — PENALTIES FOR SEXUAL OFFENSES AND CHILD KIDNAPPING (<i>C. Wimmer</i>)	
Read for the first time and referred to the Rules Committee	579
Assigned to standing committee	626
Amendments	747, 788, 940
Committee report adopted and placed on calendar	752
Read the second time	788
Tabled on Third Reading Calendar	788
Placed on Third Reading Calendar	936
Read the third time	940
Circled	941
Uncircled	942
Returned to the House	942
Signed by the President and returned to the House	969
H.B. 87 — SEVERANCE TAX RELATED AMENDMENTS (<i>G. Snow</i>)	
Read for the first time and referred to the Rules Committee	529
Assigned to standing committee	569
Committee report adopted and placed on calendar	666
Read the second time	816
Circled	816, 836
Uncircled	836, 839
Substituted	836
Tabled on Third Reading Calendar	839
Placed on Third Reading Calendar	856
Read the third time	857
Returned to the House	858
Signed by the President and returned to the House	884
H.B. 88 — AUTOMATED TELLER MACHINE CHARGES FOR INTERNATIONAL ACCOUNTS (<i>Julie Fisher</i>)	
Read for the first time and referred to the Rules Committee	313
Assigned to standing committee	344
Committee report adopted and placed on calendar	419
Read the second time	481
Read the third time	500
Signed by the President and returned to the House	501

H.B. 89 — GOVERNMENT ASSISTANCE EXPENDITURE REPORT (<i>M. Morley</i>)	
Read for the first time and referred to the Rules Committee	299
Assigned to standing committee	344
Committee report adopted and placed on calendar	551
Read the second time	639
Circled	639
Uncircled	719
Read the third time	738
Circled	738
Uncircled	757
Signed by the President and returned to the House	757
H.B. 91 — COMMISSION ON CRIMINAL AND JUVENILE JUSTICE FUNDING (<i>B. Dee</i>)	
Read for the first time and referred to the Rules Committee	443
Assigned to standing committee	486
Committee report adopted and placed on calendar	532
Read the second time	633
Circled	634
Uncircled	635
Tabled on Third Reading Calendar	636
Placed on calendar	893
Read the third time	898
Signed by the President and returned to the House	898
H.B. 92 — ADOPTION OF AN ADULT PROVISIONS (<i>J. Mathis</i>)	
Read for the first time and referred to the Rules Committee	443
Assigned to standing committee	486
Amendments	582, 783
Committee report adopted and placed on calendar	583
Read the second time	783
Read the third time	802
Returned to the House	803
Signed by the President and returned to the House	868
H.B. 93 — CAPITAL OFFENSES AMENDMENTS (<i>P. Ray</i>)	
Read for the first time and referred to the Rules Committee	493
Assigned to standing committee	533
Committee report adopted and placed on calendar	598
Read the second time	786
Tabled on Third Reading Calendar	786
Placed on Third Reading Calendar	942
Circled	942
Uncircled	942
Signed by the President and returned to the House	943
H.B. 95 — ACCELERATED LEARNING PROGRAM AMENDMENTS (<i>C. Moss</i>)	
Read for the first time and referred to the Rules Committee	624
Assigned to standing committee	680
Returned to the Rules Committee	755
Placed on calendar	887
Read the second time	960
Circled	960
Enacting Clause Stricken	1022

H.B. 96 — MOTOR VEHICLE DEALER AMENDMENTS (<i>P. Painter</i>)	
Read for the first time and referred to the Rules Committee	370
Assigned to standing committee	412
Committee report adopted and placed on calendar	471
Read the second time	591
Circled	591
Uncircled	604
Read the third time	618
Signed by the President and returned to the House	618
H.B. 97 — MOTOR VEHICLE REGISTRATION CHECKOFF FOR PROTECTING ACCESS TO PUBLIC LANDS AND OFF-HIGHWAY VEHICLE EDUCATION (<i>M. Noel</i>)	
Read for the first time and referred to the Rules Committee	370
Assigned to standing committee	412
Committee report adopted and placed on calendar	494
Read the second time	594
Read the third time	614
Signed by the President and returned to the House	615
H.B. 98 — COUNTY OPTION SALES AND USE TAX FOR HIGHWAYS, FIXED GUIDEWAYS, OR SYSTEMS OF PUBLIC TRANSIT AMENDMENTS (<i>C. Frank</i>)	
Read for the first time and referred to the Rules Committee	313
Assigned to standing committee	345
Committee report adopted and placed on calendar	514
Read the second time	603
Circled	603
Uncircled	634
Read the third time	650
Signed by the President and returned to the House	650
H.B. 99 — WATER LOAN PROGRAM AMENDMENTS (<i>P. Painter</i>)	
Read for the first time and referred to the Rules Committee	370
Assigned to standing committee	412
Committee report adopted and placed on calendar	494
Read the second time	594
Read the third time	615
Signed by the President and returned to the House	615
H.B. 100 — ACCESSING PORNOGRAPHY ON SCHOOL PROPERTY (<i>D. Bowman</i>)	
Read for the first time and referred to the Rules Committee	658
Assigned to standing committee	680
Read the second time and placed on Consent Calendar	754
Read the third time	849
Signed by the President and returned to the House	849
H.B. 102 — LAND AND WATER REINVESTMENT (<i>D. Clark</i>)	
Read for the first time and referred to the Rules Committee	443
Assigned to standing committee	486
Committee report adopted and placed on calendar	583
Read the second time	784
Tabled on Third Reading Calendar	784
Placed on calendar	893
Read the third time	899
Circled	899
Uncircled	934
Substituted	934
Returned to the House	935
Signed by the President and returned to the House	969

H.B. 103 — STATEWIDE MUTUAL AID ACT (<i>C. Oda</i>)	
Read for the first time and referred to the Rules Committee	299
Assigned to standing committee	344
Committee report adopted and placed on calendar	551
Read the second time	639
Read the third time	653
Signed by the President and returned to the House	654
H.B. 104 — ALCOHOLIC BEVERAGE LICENSEES AND GAMBLING–LIKE ACTIVITIES (<i>S. Sandstrom</i>)	
Read for the first time and referred to the Rules Committee	745
Placed on calendar	908
Read the second time	960
Circled	961
Uncircled	984
Read the second and third time	984
Signed by the President and returned to the House	985
H.B. 105 — ILLEGAL IMMIGRATION ENFORCEMENT ACT (<i>G. Donnelson</i>)	
Read for the first time and referred to the Rules Committee	596
Assigned to standing committee	626
Returned to the Rules Committee	782
Placed on calendar	919
Enacting Clause Stricken	1022
H.B. 106 — REGISTRATION TARGETING WOMEN AND MINORITY–OWNED ENTERPRISES (<i>M. Wheatley</i>)	
Read for the first time and referred to the Rules Committee	370
Enacting Clause Stricken	1022
H.B. 107 — FUNDING FOR PROSECUTION AND PREVENTION OF CHILD PORNOGRAPHY OFFENSES (<i>R. Bigelow</i>)	
Read for the first time and referred to the Rules Committee	443
Assigned to standing committee	486
Committee report adopted and placed on calendar	532
Read the second time	634
Tabled on Third Reading Calendar	634
Placed on calendar	893
Read the third time	899
Signed by the President and returned to the House	900
H.B. 108 — TRANSPORTATION STUDY – EAST–WEST CORRIDORS IN SALT LAKE COUNTY AND COUNTIES OF THE SECOND CLASS (<i>R. Bigelow</i>)	
Read for the first time and referred to the Rules Committee	370
Assigned to standing committee	412
Committee report adopted and placed on calendar	494
Read the second time	598
Circled	598, 604, 810
Uncircled	603, 810, 840
Substituted	603, 810
Read the third time	864
Returned to the House	864
Signed by the President and returned to the House	884
H.B. 110 — STATE FLEET EFFICIENCY REQUIREMENTS (<i>F. Hunsaker</i>)	
Read for the first time and referred to the Rules Committee	443
Assigned to standing committee	487
Committee report adopted and placed on calendar	532
Read the second time	633
Read the third time	650
Circled	650
Uncircled	707
Signed by the President and returned to the House	708

H.B. 111 — PERSONAL PROPERTY – CERTIFIED TAX RATE AMENDMENTS (<i>J. Dougall</i>)	
Read for the first time and referred to the Rules Committee	550
Assigned to standing committee	607
Committee report adopted and placed on calendar	666
Read the second time	816
Read the third time	857
Signed by the President and returned to the House	857
H.B. 112 — UTAH COUNCIL ON VICTIMS OF CRIME (<i>S. Wyatt</i>)	
Read for the first time and referred to the Rules Committee	437
Assigned to standing committee	512
Amendments	531
Committee report adopted and placed on calendar	532
Read the second time	637
Read the third time	651
Returned to the House	651
Signed by the President and returned to the House	678
H.B. 113 — DISCHARGE OF A FIREARM AMENDMENTS (<i>C. Wimmer</i>)	
Read for the first time and referred to the Rules Committee	550
Enacting Clause Stricken	1022
H.B. 114 — PRISONER LONG-TERM HEALTH CARE (<i>J. Biskupski</i>)	
Read for the first time and referred to the Rules Committee	519
Assigned to standing committee	569
Read the second time and placed on Consent Calendar	660
Read the third time	735
Signed by the President and returned to the House	736
H.B. 115 — HONORING HEROES SPECIAL GROUP LICENSE PLATE (<i>P. Ray</i>)	
Read for the first time and referred to the Rules Committee	580
Assigned to standing committee	627
Read the second time and placed on Consent Calendar	724
Placed on Second Reading Calendar	801
Returned to the Rules Committee	843
Placed on calendar	938
Enacting Clause Stricken	1022
H.B. 117 — TRANSFER OF DENSITY (<i>G. Froerer</i>)	
Read for the first time and referred to the Rules Committee	529
Assigned to standing committee	569
Committee report adopted and placed on calendar	687
Read the second time	819
Circled	819
Uncircled	820
Read the third time	860
Signed by the President and returned to the House	861
H.B. 118 — RESIDENCY REQUIREMENTS FOR IN-STATE TUITION (<i>J. Draxler</i>)	
Read for the first time and referred to the Rules Committee	768
Placed on calendar	866
Read the second time	885
Read the third time	896
Signed by the President and returned to the House	896
H.B. 119 — EMERGENCY COMMUNICATION FUNDING (<i>B. Dee</i>)	
Read for the first time and referred to the Rules Committee	665
Placed on calendar	887
Read the second and third time	965
Signed by the President and returned to the House	966

H.B. 120 — UTILITY FACILITY REVIEW BOARD (<i>A. Tilton</i>)	
Read for the first time and referred to the Rules Committee	568
Assigned to standing committee	608
Committee report adopted and placed on calendar	659
Read the second time	813
Read the third time	854
Signed by the President and returned to the House	855
H.B. 122 — CLEAN AIR AND EFFICIENT VEHICLE TAX INCENTIVES (<i>R. McGee</i>)	
Read for the first time and referred to the Rules Committee	624
Assigned to standing committee	680
Returned to the Rules Committee	735
Enacting Clause Stricken	1022
H.B. 124 — AGRICULTURAL EDUCATION (<i>R. Menlove</i>)	
Read for the first time and referred to the Rules Committee	519
Enacting Clause Stricken	1022
H.B. 125 — CENTERS OF EXCELLENCE AMENDMENTS (<i>B. Daw</i>)	
Read for the first time and referred to the Rules Committee	391
Assigned to standing committee	432
Committee report adopted and placed on calendar	514
Read the second time	603
Circled	603
Uncircled	618
Read the third time	645
Circled	645
Uncircled	646
Signed by the President and returned to the House	646
H.B. 126 — REPORTING OF FRAUDULENT INSURANCE ACTS (<i>D. Aagard</i>)	
Read for the first time and referred to the Rules Committee	848
Placed on calendar	918
Enacting Clause Stricken	1022
H.B. 128 — DIVORCE ORIENTATION (<i>L. Fowlke</i>)	
Read for the first time and referred to the Rules Committee	845
Placed on calendar	937
Read the second and third time	944
Signed by the President and returned to the House	945
H.B. 129 — LAND USE PROVISIONS (<i>M. Morley</i>)	
Read for the first time and referred to the Rules Committee	511
Assigned to standing committee	533
Read the second time and placed on Consent Calendar	598
Read the third time	668
Signed by the President and returned to the House	668
H.B. 130 — FUNERAL SERVICES LICENSING ACT AMENDMENTS (<i>K. McIff</i>)	
Read for the first time and referred to the Rules Committee	485
Assigned to standing committee	511
Amendments	584
Read the second time and placed on Consent Calendar	585
Read the third time	667
Returned to the House	667
Signed by the President and returned to the House	717
H.B. 131 — DOCUMENT FRAUD (<i>K. Morgan</i>)	
Read for the first time and referred to the Rules Committee	579
Assigned to standing committee	626
Amendments	752
Committee report adopted and placed on calendar	752
Returned to the Rules Committee	843
Enacting Clause Stricken	1022

H.B. 132 — REGISTRATION AND LICENSE REQUIREMENTS FOR PESTICIDE BUSINESSES AND APPLICATORS (<i>J. Draxler</i>)	
Read for the first time and referred to the Rules Committee	580
Assigned to standing committee	626
Read the second time and placed on Consent Calendar	702
Read the third time	800
Signed by the President and returned to the House	801
H.B. 133 — PARENT-TIME AMENDMENTS (<i>L. Fowlke</i>)	
Read for the first time and referred to the Rules Committee	624
Assigned to standing committee	680
Read the second time and placed on Consent Calendar	754
Read the third time	848
Circled	848
Uncircled	852
Signed by the President and returned to the House	853
H.B. 134 — SCHOOL AND INSTITUTIONAL TRUST LANDS AMENDMENTS (<i>J. Mathis</i>)	
Read for the first time and referred to the Rules Committee	642
Assigned to standing committee	680
Returned to the Rules Committee	735
Placed on calendar	866
Read the second and third time	901
Signed by the President and returned to the House	902
H.B. 135 — UTAH UNIFORM BUILDING STANDARDS ACT AMENDMENTS (<i>L. Wiley</i>)	
Read for the first time and referred to the Rules Committee	411
Assigned to standing committee	460
Amendments	584
Read the second time and placed on Consent Calendar	585
Read the third time	667
Returned to the House	667
Signed by the President and returned to the House	717
H.B. 137 — PAIN MEDICATION MANAGEMENT AND EDUCATION (<i>B. Daw</i>)	
Read for the first time and referred to the Rules Committee	745
Placed on calendar	866
Read the second time	913
Tabled on Third Reading Calendar	914
Placed on Third Reading Calendar	936
Read the third time	941
Circled	941
Uncircled	943
Amendments	943
Returned to the House	944
Signed by the President and returned to the House	969
H.B. 140 — SAFE DRINKING WATER AMENDMENTS (<i>S. Andersen</i>)	
Read for the first time and referred to the Rules Committee	768
Placed on calendar	888
Enacting Clause Stricken	1022
H.B. 142 — FEE IN LIEU OF PROPERTY TAX AMENDMENTS (<i>R. Wheeler</i>)	
Read for the first time and referred to the Rules Committee	568
Assigned to standing committee	607
Read the second time and placed on Consent Calendar	666
Read the third time	769
Signed by the President and returned to the House	769

H.B. 145 — FARMERS MARKET EXEMPTIONS (<i>R. Menlove</i>)	
Read for the first time and referred to the Rules Committee	511
Assigned to standing committee	533
Amendments	583
Committee report adopted and placed on calendar	583
Read the second time	784
Read the third time	803, 901
Circled	803
Returned to the Rules Committee	842
Placed on calendar	888, 894
Returned to the House	901
Signed by the President and returned to the House	928
H.B. 146 — COUNTY TAX SALES OF PROPERTY (<i>M. Morley</i>)	
Read for the first time and referred to the Rules Committee	642
Assigned to standing committee	679
Committee report adopted and placed on calendar	732
Read the second time	822
Circled	822
Uncircled	840
Read the third time	863
Signed by the President and returned to the House	864
H.B. 147 — RESTITUTION AMENDMENTS (<i>K. Garn</i>)	
Read for the first time and referred to the Rules Committee	511
Assigned to standing committee	533
Committee report adopted and placed on calendar	598
Read the second time	792
Read the third time	804
Signed by the President and returned to the House	804
H.B. 148 — EDUCATION VOUCHERS (<i>S. Urquhart</i>)	
Read for the first time and referred to the Rules Committee	431
Assigned to standing committee	431
Committee report adopted and placed on calendar	471
Placed on Time Certain Calendar	472
Read the second time	515
Amendments	515
Read the second and third times	516
Signed by the President and returned to the House	517
H.B. 149 — CLASS SIZE REDUCTION IN GRADES KINDERGARTEN THROUGH THREE (<i>K. Morgan</i>)	
Read for the first time and referred to the Rules Committee	768
Enacting Clause Stricken	1022
H.B. 150 — NEW FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS ACT (<i>R. Bigelow</i>)	
Read for the first time and referred to the Rules Committee	907
Placed on calendar	908
Circled	908
Uncircled	915
Amendments	915
Read the second and third time	916
Returned to the House	916
Signed by the President and returned to the House	930
H.B. 153 — SECURITIES AMENDMENTS (<i>J. Bird</i>)	
Read for the first time and referred to the Rules Committee	822
Enacting Clause Stricken	1022
H.B. 154 — EXONERATION AND INNOCENCE ASSISTANCE (<i>D. Litvack</i>)	
Read for the first time and referred to the Rules Committee	731
Enacting Clause Stricken	1022

H.B. 155 — STUDENT ACHIEVEMENT ASSESSMENT AMENDMENTS (<i>M. Newbold</i>)	
Read for the first time and referred to the Rules Committee	665
Placed on calendar	843
Read the second time	874
Amendments	874
Tabled on Third Reading Calendar	875
Placed on Third Reading Calendar	936
Read the third time	941
Circled	941
Uncircled	946
Amendments	946
Returned to the House	947
Signed by the President and returned to the House	969
H.B. 157 — VICTIM RESTITUTION (<i>S. Clark</i>)	
Read for the first time and referred to the Rules Committee	658
Assigned to standing committee	680
Read the second time and placed on Consent Calendar	754
Read the third time	850
Signed by the President and returned to the House	851
H.B. 158 — AMENDMENTS TO TRANSPORTATION PROVISIONS (<i>W. Harper</i>)	
Read for the first time and referred to the Rules Committee	723
Placed on calendar	887
Read the second time	957
Circled	957
Uncircled	990
Substituted	990
Read the second and third time	990
Returned to the House	991
H.B. 160 — MINIMUM SCHOOL PROGRAM BUDGET AMENDMENTS (<i>B. Last</i>)	
Read for the first time and referred to the Rules Committee	951
Placed on calendar	966
Read the second and third time	971
Amendments	971
Returned to the House	972
Signed by the President and returned to the House	992
H.B. 161 — CORPORATE FRANCHISE AND INCOME TAX CREDITS RELATING TO BIODIESEL OR SYNGAS PRODUCTION (<i>M. Noel</i>)	
Read for the first time and referred to the Rules Committee	845
Enacting Clause Stricken	1022
H.B. 162 — ILLEGAL DRUG SITES CONTAMINATION AMENDMENTS (<i>D. Litvack</i>)	
Read for the first time and referred to the Rules Committee	723
Placed on calendar	918
Enacting Clause Stricken	1022
H.B. 163 — OPTIONS FOR HEALTH CARE (<i>J. Dunnigan</i>)	
Read for the first time and referred to the Rules Committee	658
Assigned to standing committee	680
Amended	765
Committee report adopted	765
Returned to the Rules Committee	765, 901
Placed on calendar	866
Enacting Clause Stricken	1022

H.B. 164 — CHARTER SCHOOL AMENDMENTS (<i>R. Bigelow</i>)	
Read for the first time and referred to the Rules Committee	848
Placed on calendar	893
Read the second time	908
Substituted	909
Circled	909
Uncircled	920
Read the second and third time	920
Returned to the House	920
Signed by the President and returned to the House	969
H.B. 165 — SCHOOL FEE AMENDMENTS (<i>C. Frank</i>)	
Read for the first time and referred to the Rules Committee	848
Enacting Clause Stricken	1022
H.B. 172 — UTAH VIRTUAL SCHOOLS (<i>B. Ferry</i>)	
Read for the first time and referred to the Rules Committee	845
Enacting Clause Stricken	1022
H.B. 174 — EDUCATION VOUCHER AMENDMENTS (<i>B. Last</i>)	
Read for the first time and referred to the Rules Committee	845
Placed on calendar	893
Read the second time	909
Circled	909
Uncircled	910
Read the third time	935
Signed by the President and returned to the House	936
H.B. 175 — VEHICLE USE REGARDING ILLEGAL DRUGS (<i>P. Ray</i>)	
Read for the first time and referred to the Rules Committee	768
Enacting Clause Stricken	1022
H.B. 176 — CERTAIN COUNTY DEBT FORGIVEN (<i>D. Clark</i>)	
Read for the first time and referred to the Rules Committee	723
Placed on calendar	843
Read the second time	875
Tabled on Third Reading Calendar	875
Placed on Third Reading Calendar	935
Read the third time	939
Failed	939
Returned to the House for filing	940
Reconsideration	944
Signed by the President and returned to the House	944
H.B. 177 — CORRECTIONAL FACILITY BIDDING PROCESS – PRIVATIZATION OF CORRECTIONAL FACILITIES (<i>G. Hughes</i>)	
Read for the first time and referred to the Rules Committee	917
Enacting Clause Stricken	1022
H.B. 178 — REGULATION OF LOBBYISTS AND GIFTS (<i>R. Becker</i>)	
Read for the first time and referred to the Rules Committee	678
Enacting Clause Stricken	1022
H.B. 179 — EXPUNGEMENT LAW AMENDMENTS (<i>L. Fowlke</i>)	
Read for the first time and referred to the Rules Committee	848
Enacting Clause Stricken	1022
H.B. 180 — PAROLE AMENDMENTS (<i>C. Oda</i>)	
Read for the first time and referred to the Rules Committee	745
Placed on calendar	887
Enacting Clause Stricken	1022

H.B. 184 — STATE OFFICE OF EDUCATION HUMAN RESOURCE MANAGEMENT AMENDMENTS (<i>R. Menlove</i>)	
Read for the first time and referred to the Rules Committee	742
Enacting Clause Stricken	1022
H.B. 185 — HIGHER EDUCATION PARTNERSHIPS APPROPRIATION (<i>G. Snow</i>)	
Read for the first time and referred to the Rules Committee	780
Placed on calendar	866
Read the second time	903
Circled	903
Uncircled	905
Substituted	905
H.B. 185 — HIGHER EDUCATION PARTNERSHIPS APPROPRIATION (<i>G. Snow</i>)	
Read the second and third time	905
Returned to the House	906
Signed by the President and returned to the House	928
H.B. 186 — SCHOOL SAFETY AMENDMENTS (<i>C. Moss</i>)	
Read for the first time and referred to the Rules Committee	824
Enacting Clause Stricken	1022
H.B. 188 — EASEMENTS – COUNTIES AND MUNICIPALITIES (<i>A. Tilton</i>)	
Read for the first time and referred to the Rules Committee	568
Assigned to standing committee	607
Read the second time and placed on Consent Calendar	688
Read the third time	771
Signed by the President and returned to the House	771
H.B. 189 — CRIMINAL STATUTE OF LIMITATIONS AMENDMENTS (<i>C. Wimmer</i>)	
Read for the first time and referred to the Rules Committee	596
Assigned to standing committee	626
Committee report adopted and placed on calendar	752
Returned to the Rules Committee	843
Placed on calendar	918
Enacting Clause Stricken	1022
H.B. 190 — CONTROLLED SUBSTANCE SCHEDULE AMENDMENT (<i>P. Ray</i>)	
Read for the first time and referred to the Rules Committee	811
Enacting Clause Stricken	1022
H.B. 192 — REVOKING AUTHORITY TO USE STATE LANDS AS A BIRD REFUGE (<i>B. Ferry</i>)	
Read for the first time and referred to the Rules Committee	678
Placed on calendar	866
Read the second time	914
Read the third time	936
Signed by the President and returned to the House	936
H.B. 194 — TAMPERING WITH EVIDENCE AMENDMENTS (<i>L. Fowlke</i>)	
Read for the first time and referred to the Rules Committee	580
Assigned to standing committee	626
Committee report adopted and placed on calendar	724
Read the second time	820
Circled	820
Returned to the Rules Committee	843
Placed on calendar	955
Read the second and third time	961
Signed by the President and returned to the House	962

H.B. 195 — HIGHER EDUCATION TUITION ASSISTANCE AMENDMENTS (*S. Wyatt*)

- Read for the first time and referred to the Rules Committee 624
- Assigned to standing committee 680
- Read the second time and placed on Consent Calendar 754
- Read the third time 848
- Circled 849
- Uncircled 852
- Signed by the President and returned to the House 852

H.B. 196 — HIGHER EDUCATION CRIMINAL BACKGROUND CHECKS (*R. Menlove*)

- Read for the first time and referred to the Rules Committee 848
- Placed on calendar 893
- Read the second time 909
- Circled 909
- Uncircled 910
- Read the second and third time 910
- Signed by the President and returned to the House 911

H.B. 197 — AMENDMENTS TO BACKGROUND CHECKS BY DEPARTMENT OF HEALTH
(*D. G. Buxton*)

- Read for the first time and referred to the Rules Committee 493
- Assigned to standing committee 533
- Committee report adopted and placed on calendar 687
- Read the second time 817
- Read the third time 858
- Signed by the President and returned to the House 859

H.B. 198 — PUBLIC SAFETY RETIREMENT (*R. Bigelow*)

- Read for the first time and referred to the Rules Committee 658
- Assigned to standing committee 680
- Returned to the Rules Committee 782
- Enacting Clause Stricken 1022

H.B. 200 — STANDARDIZING DOCUMENTS FILED WITH COUNTY RECORDER (*C. Frank*)

- Read for the first time and referred to the Rules Committee 323
- Assigned to standing committee 370
- Committee report adopted and placed on calendar 513
- Read the second time 601
- Read the third time 616
- Amendments 616
- Returned to the House 616
- Signed by the President and returned to the House 657

H.B. 201 — GOVERNANCE OF LOCAL ORDINANCES REGARDING SMOKING (*P. Ray*)

- Read for the first time and referred to the Rules Committee 313
- Assigned to standing committee 344
- Read the second time and placed on Consent Calendar 420
- Read the third time 497
- Signed by the President and returned to the House 497

H.B. 202 — MEDICAL RECOMMENDATIONS FOR CHILDREN (*M. Morley*)

Read for the first time and referred to the Rules Committee 237

Assigned to standing committee 276

Reassigned to standing committee 302

Committee report adopted and placed on calendar 374

Read the second time 478

Circled 478

Uncircled 575

Placed on Time Certain Calendar 575

Before the Senate 593

Read the third time 614

Amendments 614, 824

Returned to the House 614

Signed by the President and returned to the House 657

Recalled 816

Reconsideration 824

Returned to the House 825

Signed by the President and returned to the House 844

H.B. 204 — MODIFICATIONS TO OPEN AND PUBLIC MEETINGS (*S. Wyatt*)

Read for the first time and referred to the Rules Committee 313

Assigned to standing committee 344

Committee report adopted and placed on calendar 397

Read the second time 480

Circled 480

Uncircled 620

Read the third time 647

Signed by the President and returned to the House 647

H.B. 205 — PUBLIC DEMONSTRATIONS AT FUNERALS (*R. Bigelow*)

Read for the first time and referred to the Rules Committee 220

Assigned to standing committee 260

Committee report adopted and placed on calendar 301

Read the second time 360

Read the third time 382

Signed by the President and returned to the House 383

H.B. 206 — COUNTY JAIL – WORK RELEASE PROCESS AMENDMENTS (*S. Wyatt*)

Read for the first time and referred to the Rules Committee 313

Assigned to standing committee 344

Read the second time and placed on Consent Calendar 445

Read the third time 521

Signed by the President and returned to the House 521

H.B. 207 — SCHOOL TRUANCY AND COMPULSORY EDUCATION AMENDMENTS (*E. Hutchings*)

Read for the first time and referred to the Rules Committee 220

Assigned to standing committee 260

Committee report adopted and placed on calendar 374

Read the second time 479

Read the third time 499

Signed by the President and returned to the House 499

H.B. 210 — COUNTY SHERIFF QUALIFICATION AMENDMENTS (*B. Dee*)

 Read for the first time and referred to the Rules Committee 323

 Assigned to standing committee 371

 Committee report adopted and placed on calendar 444

 Read the second time 482

 Read the third time 502

 Circled 502

 Uncircled 503

 Amendments 504

 Returned to the House 504

 Signed by the President and returned to the House 529

H.B. 211 — BACKGROUND CHECKS FOR DIVISION OF SERVICES FOR PEOPLE WITH
DISABILITIES (*R. Lockhart*)

 Read for the first time and referred to the Rules Committee 220

 Assigned to standing committee 261

 Committee report adopted and placed on calendar 374

 Read the second time 478

 Read the third time 498

 Signed by the President and returned to the House 499

H.B. 212 — SCHOOL DISCIPLINE AMENDMENTS (*L. Fowlke*)

 Read for the first time and referred to the Rules Committee 907

 Placed on calendar 893 920

 Removed from calendar 895

 Read the second time 920

 Circled 920

 Uncircled 922

 Read the second and third time 922

 Signed by the President and returned to the House 922

H.B. 214 — SENIOR PERMITS FOR STATE PARKS (*S. Allen*)

 Read for the first time and referred to the Rules Committee 197

 Enacting Clause Stricken 1022

H.B. 215 — SCHOOL REPORTING AMENDMENTS (*K. Morgan*)

 Read for the first time and referred to the Rules Committee 370

 Assigned to standing committee 412

 Committee report adopted and placed on calendar 520

 Read the second time 619

 Amendments 619

 Read the third time 645

 Returned to the House 645

 Signed by the President and returned to the House 678

H.B. 216 — DIVISION OF FACILITIES CONSTRUCTION AND MANAGEMENT
AMENDMENTS (*D. G. Buxton*)

 Read for the first time and referred to the Rules Committee 299

 Assigned to standing committee 344

 Read the second time and placed on Consent Calendar 514

 Read the third time 586

 Signed by the President and returned to the House 586

H.B. 217 — CELL PHONE RESTRICTION FOR TEEN DRIVERS (*K. Holdaway*)

 Read for the first time and referred to the Rules Committee 443

 Enacting Clause Stricken 1023

H.B. 218 — UTAH CHILDREN’S HEALTH INSURANCE PROGRAM (<i>J. Dunnigan</i>)	
Read for the first time and referred to the Rules Committee	458
Assigned to standing committee	511
Substituted	582
Committee report adopted and placed on calendar	583
Read the second time	654
Read the third time	669
Returned to the House	670
Signed by the President and returned to the House	717
H.B. 219 — UNCLAIMED PROPERTY ACT PROVISIONS (<i>F. Hunsaker</i>)	
Read for the first time and referred to the Rules Committee	313
Assigned to standing committee	344
Committee report adopted and placed on calendar	397
Read the second time	480
Read the third time	500
Signed by the President and returned to the House	500
H.B. 221 — TIMING TO COMMENCE A CIVIL ACTION BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY (<i>R. Menlove</i>)	
Read for the first time and referred to the Rules Committee	343
Assigned to standing committee	392
Read the second time and placed on Consent Calendar	495
Read the third time	585
Circled	585
Uncircled	586
Signed by the President and returned to the House	587
H.B. 222 — OPEN AND PUBLIC MEETINGS – ELECTRONIC NOTICE (<i>J. Dougall</i>)	
Read for the first time and referred to the Rules Committee	529
Assigned to standing committee	569
Committee report adopted and placed on calendar	687
Read the second time	819, 909
Circled	819
Returned to the Rules Committee	843
Placed on calendar	893
Substituted	909
Read the third time	913
Returned to the House	913
Signed by the President and returned to the House	930
H.B. 223 — VOTER INFORMATION WEBSITE (<i>W. Harper</i>)	
Read for the first time and referred to the Rules Committee	437
Assigned to standing committee	459
Committee report adopted and placed on calendar	551
Read the second time	640
Tabled on Third Reading Calendar	640
Read the third time	919
Signed by the President and returned to the House	920

H.B. 226 — SALES AND USE TAX – HIGHWAYS AND PUBLIC TRANSPORTATION
 AMENDMENTS (*J. Dougall*)
 Read for the first time and referred to the Rules Committee 443
 Assigned to standing committee 486
 Committee report adopted and placed on calendar 551
 Read the second time 640
 Circled 641, 805, 882
 Uncircled 793, 903
 Read the third time 805
 Returned to the Rules Committee 842
 Placed on calendar 881
 Before the Senate 881
 Amendments 903
 Returned to the House 904
 Signed by the President and returned to the House 928

H.B. 227 — MOTORBOAT LIABILITY INSURANCE REVISIONS (*K. Gibson*)
 Read for the first time and referred to the Rules Committee 370
 Assigned to standing committee 413
 Committee report adopted and placed on calendar 494
 Read the second time 598
 Read the third time 615
 Signed by the President and returned to the House 616

H.B. 228 — PENALTY FOR HOMICIDE OF A CHILD (*C. Wimmer*)
 Read for the first time and referred to the Rules Committee 437
 Assigned to standing committee 460
 Committee report adopted and placed on calendar 598
 Read the second time 792
 Read the third time 804
 Signed by the President and returned to the House 805

H.B. 231 — CONTROLLED SUBSTANCES PENALTY AMENDMENTS (*W. Harper*)
 Read for the first time and referred to the Rules Committee 485
 Assigned to standing committee 512
 Committee report adopted and placed on calendar 532
 Read the second time 637
 Read the third time 651
 Signed by the President and returned to the House 652

H.B. 232 — SHERIFF QUALIFICATIONS (*K. Gibson*)
 Read for the first time and referred to the Rules Committee 678
 Enacting Clause Stricken 1023

H.B. 234 — COMPENSATION OF LOCAL SCHOOL BOARD MEMBERS (*J. Dougall*)
 Read for the first time and referred to the Rules Committee 768
 Placed on calendar 887
 Read the second and third time 965
 Signed by the President and returned to the House 965

H.B. 235 — ABORTION LAW REVISIONS (*P. Ray*)
 Read for the first time and referred to the Rules Committee 579
 Placed on calendar 985
 Read the second and third time 1000
 Amendments 1000
 Returned to the House 1006

H.B. 236 — STUDENT CLUBS AMENDMENTS (<i>A. Tilton</i>)	
Read for the first time and referred to the Rules Committee	411
Assigned to standing committee	460
Substituted	460
Committee report adopted and placed on calendar	520
Read the second time	604
Circled	604, 650
Uncircled	632, 671
Read the third time	649
Amendments	671
Returned to the House	672
Refuse to Recede	768
Substituted	846
Concurrence	846
Returned to the House	846
Signed by the President and returned to the House	877
H.B. 237 — REQUIREMENTS FOR OFF-HIGHWAY VEHICLES (<i>A. Tilton</i>)	
Read for the first time and referred to the Rules Committee	768
Placed on calendar	919
Enacting Clause Stricken	1023
H.B. 238 — MUNICIPAL TELECOMMUNICATIONS LICENSE TAX AMENDMENTS (<i>W. Harper</i>)	
Read for the first time and referred to the Rules Committee	768
Placed on calendar	902
Read the second and third time	986
Signed by the President and returned to the House	987
H.B. 239 — SCHOOL COMMUNITY COUNCIL AMENDMENTS (<i>R. Menlove</i>)	
Read for the first time and referred to the Rules Committee	718
Placed on calendar	918
Enacting Clause Stricken	1023
H.B. 240 — PUBLIC EDUCATION JOB ENHANCEMENT PROGRAM AMENDMENTS (<i>R. Menlove</i>)	
Read for the first time and referred to the Rules Committee	493
Assigned to standing committee	533
Committee report adopted and placed on calendar	630
Read the second time	812
Read the third time	854
Signed by the President and returned to the House	854
H.B. 241 — APPROPRIATION FOR TERREL H. BELL PROGRAM (<i>R. Menlove</i>)	
Read for the first time and referred to the Rules Committee	370
Assigned to standing committee	412
Committee report adopted and placed on calendar	471
Read the second time	592
Tabled on Third Reading Calendar	592
Placed on calendar	893
Read the third time	900
Amendments	900
Returned to the House	901
Signed by the President and returned to the House	928

H.B. 242 — MEDICAID FALSE CLAIMS ACT AMENDMENTS (<i>B. Last</i>)	
Read for the first time and referred to the Rules Committee	658
Assigned to standing committee	680
Amendments	745
Committee report adopted and placed on calendar	752
Placed on calendar	843
Read the second and third time	871
Returned to the House	871
Signed by the President and returned to the House	889
H.B. 243 — ENERGY POLICY AMENDMENTS (<i>R. Barrus</i>)	
Read for the first time and referred to the Rules Committee	458
Assigned to standing committee	512
Committee report adopted and placed on calendar	532
Read the second time	621
Tabled on Third Reading Calendar	622
Placed on Third Reading Calendar	904
Amendments	904
Read the third time	904
Returned to the House	905
Signed by the President and returned to the House	928
H.B. 244 — REPEAL OF UTAH TECHNOLOGY COMMISSION (<i>J. Dougall</i>)	
Read for the first time and referred to the Rules Committee	343
Assigned to standing committee	392
Committee report adopted and placed on calendar	444
Read the second time	481
Circled	481
Uncircled	620
Tabled on Third Reading Calendar	638
Placed on calendar	693
Read the third time	706
Signed by the President and returned to the House	706
H.B. 245 — CHILD WELFARE AMENDMENTS (<i>M. Newbold</i>)	
Read for the first time and referred to the Rules Committee	745
Placed on calendar	866
Read the second and third time	905
Signed by the President and returned to the House	905
H.B. 246 — CAMPAIGN CONTRIBUTION AMENDMENTS (<i>J. Dougall</i>)	
Read for the first time and referred to the Rules Committee	443
Assigned to standing committee	486
Returned to the Rules Committee	552
Enacting Clause Stricken	1023
H.B. 247 — SPECIAL SERVICE DISTRICT AUTHORITY TO PROVIDE JAIL FACILITIES (<i>J. Mathis</i>)	
Read for the first time and referred to the Rules Committee	343
Assigned to standing committee	392
Committee report adopted and placed on calendar	514
Read the second time	602
Read the third time	617
Signed by the President and returned to the House	617
H.B. 249 — BUDGET PRIORITY FOR IN-HOME AND COMMUNITY BASED LONG-TERM CARE (<i>E. Hutchings</i>)	
Read for the first time and referred to the Rules Committee	493
Assigned to standing committee	533
Substituted	764
Returned to the Rules Committee	764
Enacting Clause Stricken	1023

H.B. 252 — UTAH SUICIDE PREVENTION ACT (<i>W. Harper</i>)	
Read for the first time and referred to the Rules Committee	437
Assigned to standing committee	460
Substituted	629
Amendments	629
Committee report adopted and placed on calendar	630
Read the second time	809
Tabled on Third Reading Calendar	810
Enacting Clause Stricken	1023
H.B. 253 — ALLOWING STATE MEMORIALS ON STATE PROPERTY (<i>W. Harper</i>)	
Read for the first time and referred to the Rules Committee	299
Assigned to standing committee	344
Read the second time and placed on Consent Calendar	398
Read the third time	473
Signed by the President and returned to the House	473
H.B. 254 — PETE SUAZO ATHLETIC COMMISSION (<i>G. Hughes</i>)	
Read for the first time and referred to the Rules Committee	550
Enacting Clause Stricken	1023
H.B. 255 — PROHIBITION OF CITATION QUOTAS (<i>N. Hansen</i>)	
Read for the first time and referred to the Rules Committee	443
Assigned to standing committee	486
Returned to the Rules Committee	782
Enacting Clause Stricken	1023
H.B. 257 — OPEN AND PUBLIC MEETING ACT AMENDMENTS (<i>G. Donnelson</i>)	
Read for the first time and referred to the Rules Committee	370
Assigned to standing committee	412
Committee report adopted and placed on calendar	514
Read the second time	603
Circled	603
Uncircled	604
Read the third time	617
Signed by the President and returned to the House	617
H.B. 258 — CONTINUING EDUCATION REQUIREMENTS FOR ARCHITECTS (<i>B. Dee</i>)	
Read for the first time and referred to the Rules Committee	550
Assigned to standing committee	607
Committee report adopted and placed on calendar	687
Read the second time	817
Circled	817
Uncircled	839
Read the third time	863
Signed by the President and returned to the House	863
H.B. 259 — MECHANICS LIENS ON CERTAIN NEW DEVELOPMENT HOUSING (<i>P. Painter</i>)	
Read for the first time and referred to the Rules Committee	343
Assigned to standing committee	391
Committee report adopted and placed on calendar	471
Read the second time	591
Read the third time	612
Signed by the President and returned to the House	613
H.B. 260 — POST RETIREMENT EMPLOYMENT (<i>G. Donnelson</i>)	
Read for the first time and referred to the Rules Committee	411
Assigned to standing committee	460
Substituted	611
Returned to the Rules Committee	611

H.B. 260 — POST RETIREMENT EMPLOYMENT (<i>G. Donnelson</i>)	
Placed on calendar	866
Read the second time	923
Circled	923
Uncircled	923
Substituted	923
Read the second and third time	924
Returned to the House	924
Signed by the President and returned to the House	969
H.B. 261 — EXPIRATION OF GIFT CERTIFICATES (<i>W. Harper</i>)	
Read for the first time and referred to the Rules Committee	485
Assigned to standing committee	511
Committee report adopted and placed on calendar	583
Read the second time	738
Read the third time	773
Signed by the President and returned to the House	774
H.B. 262 — SEARCH WARRANT AMENDMENTS (<i>S. Wyatt</i>)	
Read for the first time and referred to the Rules Committee	511
Assigned to standing committee	533
Committee report adopted and placed on calendar	598
Read the second time	793
Read the third time	805
Circled	805
Returned to the Rules Committee	842
Placed on calendar	881
Before the Senate	882
Circled	882
Uncircled	884
Signed by the President and returned to the House	885
H.B. 263 — JAIL EXPENSES AMENDMENTS (<i>C. Oda</i>)	
Read for the first time and referred to the Rules Committee	493
Assigned to standing committee	533
Committee report adopted and placed on calendar	659
Read the second time	814
Read the third time	856
Signed by the President and returned to the House	856
H.B. 264 — REVISOR'S STATUTE (<i>S. Urquhart</i>)	
Read for the first time and referred to the Rules Committee	275
Placed on calendar	313
Read the second and third time	361
Signed by the President and returned to the House	362
H.B. 265 — OBSTRUCTING A WARRANT OR ORDER TO SHOW CAUSE OF A PAROLEE OR PROBATIONER (<i>R. Lockhart</i>)	
Read for the first time and referred to the Rules Committee	443
Assigned to standing committee	486
Committee report adopted and placed on calendar	532
Read the second time	637
Read the third time	652
Signed by the President and returned to the House	652

H.B. 268 — SPECIAL GROUP LICENSE PLATE SYMBOL DECAL REORDER AMENDMENTS (<i>R. Menlove</i>)	
Read for the first time and referred to the Rules Committee	519
Assigned to standing committee	569
Committee report adopted and placed on calendar	659
Read the second time	813
Circled	813
Uncircled	830
Read the third time	861, 941
Tabled on Third Reading Calendar	862
Placed on Third Reading Calendar	936
Signed by the President and returned to the House	942
H.B. 270 — AMENDMENTS TO EXTRADITION STATUTE (<i>S. Wyatt</i>)	
Read for the first time and referred to the Rules Committee	443
Assigned to standing committee	486
Committee report adopted and placed on calendar	532
Read the second time	638
Read the third time	652
Signed by the President and returned to the House	653
H.B. 271 — CORPORATION LAW AMENDMENTS (<i>K. Garn</i>)	
Read for the first time and referred to the Rules Committee	443
Assigned to standing committee	486
Read the second time and placed on Consent Calendar	631
Read the third time	705
Signed by the President and returned to the House	706
H.B. 272 — PROHIBITION RELATING TO FEES ON FOSTER HOMES FOR THE USE OF EMERGENCY SERVICES (<i>W. Harper</i>)	
Read for the first time and referred to the Rules Committee	702
Enacting Clause Stricken	1023
H.B. 273 — INDOOR SMOKING AMENDMENTS (<i>C. Oda</i>)	
Read for the first time and referred to the Rules Committee	658
Assigned to standing committee	679
Committee report adopted and placed on calendar	732
Read the second time	822
Circled	822
Uncircled	833
Read the third time	862
Signed by the President and returned to the House	862
H.B. 274 — VIOLENT CRIME IN PRESENCE OF A CHILD (<i>Janice Fisher</i>)	
Read for the first time and referred to the Rules Committee	443
Assigned to standing committee	486
Committee report adopted and placed on calendar	532
Read the second time	639
Read the third time	653
Circled	653
Uncircled	675
Amendments	676
Returned to the House	676
Signed by the President and returned to the House	717

H.B. 275 — OFFENSE AGAINST PEACE OFFICERS (<i>C. Oda</i>)	
Read for the first time and referred to the Rules Committee	519
Assigned to standing committee	569
Committee report adopted and placed on calendar	659
Read the second time	815
Amendments	815
Read the third time	856
Returned to the House	857
Signed by the President and returned to the House	884
H.B. 276 — HEALTH FACILITY COMMITTEE AMENDMENTS (<i>C. Herrod</i>)	
Read for the first time and referred to the Rules Committee	580
Assigned to standing committee	626
Returned to the Rules Committee	764
Placed on calendar	918
Read the second and third time	1000
Signed by the President and returned to the House	1000
H.B. 277 — CONSTRUCTION AMENDMENTS (<i>M. Morley</i>)	
Read for the first time and referred to the Rules Committee	493
Assigned to standing committee	533
Amendments	627, 795, 883
Committee report adopted and placed on calendar	630
Read the second time	795
Read the third time	807
Returned to the House	807
Refuse to Recede, conference committee assigned	869
Conference committee report adopted	883
Returned to the House	883
Signed by the President and returned to the House	907
H.B. 279 — CAMCORDER PIRACY OF MEDIA (<i>K. Garn</i>)	
Read for the first time and referred to the Rules Committee	511
Assigned to standing committee	533
Read the second time and placed on Consent Calendar	631
Read the third time	705
Signed by the President and returned to the House	705
H.B. 281 — CRIME VICTIM REPARATIONS AMENDMENTS (<i>S. Wyatt</i>)	
Read for the first time and referred to the Rules Committee	811
Placed on calendar	918
Enacting Clause Stricken	1023
H.B. 282 — SALES AND USE TAXATION OF FOOD AND FOOD INGREDIENTS (<i>M. Newbold</i>)	
Read for the first time and referred to the Rules Committee	260
Enacting Clause Stricken	1023
H.B. 283 — PROTECTIVE ORDER AMENDMENTS (<i>L. Fowlke</i>)	
Read for the first time and referred to the Rules Committee	848
Placed on calendar	918
Enacting Clause Stricken	1023
H.B. 285 — LAND USE DEVELOPMENT MANAGEMENT ACT AMENDMENTS (<i>A. Tilton</i>)	
Read for the first time and referred to the Rules Committee	519
Assigned to standing committee	569
Read the second time and placed on Consent Calendar	688
Read the third time	771
Signed by the President and returned to the House	772

H.B. 286 — SCHOOL DISCIPLINE AND CONDUCT AMENDMENTS (<i>E. Hutchings</i>)	
Read for the first time and referred to the Rules Committee	665
Placed on calendar	888
Read the second and third time	1015
Signed by the President and returned to the House	1016
H.B. 291 — STUDENTS QUALIFYING FOR SERVICES FOR DEAF (<i>K. Sumsion</i>)	
Read for the first time and referred to the Rules Committee	848
Enacting Clause Stricken	1023
H.B. 292 — REGULATION OF DIRECT PATHOLOGY BILLING (<i>M. Walker</i>)	
Read for the first time and referred to the Rules Committee	822
Placed on calendar	918
Read the second and third time	991
Signed by the President and returned to the House	991
H.B. 293 — CENTRALLY ASSESSED PROPERTY (<i>K. McIff</i>)	
Read for the first time and referred to the Rules Committee	550
Assigned to standing committee	608
Read the second time and placed on Consent Calendar	666
Read the third time	769
Signed by the President and returned to the House	770
H.B. 294 — BENEFITS AND INSURANCE OF CONSTITUTIONAL OFFICERS (<i>M. Noel</i>)	
Read for the first time and referred to the Rules Committee	783
Enacting Clause Stricken	1023
H.B. 295 — INSURANCE LAW AMENDMENTS (<i>J. Dumnigan</i>)	
Read for the first time and referred to the Rules Committee	493
Assigned to standing committee	533
Amendments	629
Committee report adopted and placed on calendar	630
Read the second time	808
Read the third time	853
Returned to the House	853
Signed by the President and returned to the House	884
H.B. 296 — APPROVAL OF SUBDIVISIONS (<i>G. Froerer</i>)	
Read for the first time and referred to the Rules Committee	768
Placed on calendar	866
Read the second time	923
Read the third time	937
Failed	937
Returned to the House	937
H.B. 297 — CALCULATION OF CREDIT FOR CERTAIN REPOSSESSIONS OF A MOTOR VEHICLE (<i>W. Harper</i>)	
Read for the first time and referred to the Rules Committee	529
Assigned to standing committee	569
Read the second time and placed on Consent Calendar	660
Read the third time	735
Signed by the President and returned to the House	735
H.B. 299 — NURSE PRACTICE ACT AMENDMENTS (<i>R. Lockhart</i>)	
Read for the first time and referred to the Rules Committee	493
Assigned to standing committee	533
Committee report adopted and placed on calendar	630
Read the second time	812
Read the third time	853
Signed by the President and returned to the House	854

H.B. 300 — FIREWORKS DISPLAY FEE AMENDMENT (<i>R. Menlove</i>)	
Read for the first time and referred to the Rules Committee	723
Placed on calendar	919
Read the second and third time	1008
Signed by the President and returned to the House	1008
H.B. 301 — DEPARTMENT OF TRANSPORTATION PROJECTS – CATEGORICALLY EXCLUDED ENVIRONMENTAL PROJECTS (<i>S. Urquhart</i>)	
Read for the first time and referred to the Rules Committee	550
Assigned to standing committee	608
Committee report adopted and placed on calendar	659
Read the second time	813
Read the third time	855
Signed by the President and returned to the House	855
H.B. 302 — MEDICAL EXAMINER – TESTING FOR SUBSTANCES IN CASES OF SUSPECTED SUICIDE (<i>W. Harper</i>)	
Read for the first time and referred to the Rules Committee	568
Assigned to standing committee	607
Returned to the Rules Committee	764
Placed on calendar	887
Read the second and third time	957
Signed by the President and returned to the House	958
H.B. 303 — CAMPAIGN FINANCE FILING REQUIREMENTS (<i>G. Hughes</i>)	
Read for the first time and referred to the Rules Committee	718
Placed on calendar	919
Enacting Clause Stricken	1023
H.B. 304 — STATE TREASURER COMPENSATION (<i>D. Clark</i>)	
Read for the first time and referred to the Rules Committee	529
Assigned to standing committee	569
Committee report adopted and placed on calendar	687
Placed on Time Certain Calendar	688
Read the second and third time	759
Signed by the President and returned to the House	760
H.B. 307 — CERTIFIED INVESTMENT ADVISER (<i>Julie Fisher</i>)	
Read for the first time and referred to the Rules Committee	519
Assigned to standing committee	569
Read the second time and placed on Consent Calendar	688
Read the third time	770
Signed by the President and returned to the House	771
H.B. 308 — INVEST MORE FOR EDUCATION FUND – VOLUNTARY CONTRIBUTION TO PUBLIC EDUCATION (<i>G. Hughes</i>)	
Read for the first time and referred to the Rules Committee	678
Placed on calendar	923
Read the second time	1012
Substituted	1012
Read the second and third time	1013
Returned to the House	1013
H.B. 309 — SCOTT B. LUNDELL TUITION WAIVER FOR MILITARY MEMBERS' SURVIVING DEPENDENTS (<i>G. Hughes</i>)	
Read for the first time and referred to the Rules Committee	493
Placed on calendar	866
Read the second time	924
Read the third time	926
Signed by the President and returned to the House	926

H.B. 310 — TRANSFER OF STUDENT RECORDS (<i>T. Cosgrove</i>)	
Read for the first time and referred to the Rules Committee	745
Placed on calendar	985
Read the second and third time	1017
Signed by the President and returned to the House	1018
H.B. 311 — UTAH DAIRY ACT AMENDMENTS (<i>K. Gibson</i>)	
Read for the first time and referred to the Rules Committee	458
Assigned to standing committee	512
Amendments	530
Committee report adopted and placed on calendar	532
Read the second time	622
Read the third time	648
Returned to the House	649
Signed by the President and returned to the House	678
H.B. 312 — FUNDING FOR DEPARTMENT OF HEALTH EARLY INTERVENTION PROGRAMS (<i>S. Urquhart</i>)	
Read for the first time and referred to the Rules Committee	550
Assigned to standing committee	607
Committee report adopted and placed on calendar	687
Read the second time	818
Circled	818
Returned to the Rules Committee	843
Enacting Clause Stricken	1023
H.B. 313 — ADMINISTRATION OF MEDICATION TO STUDENTS AMENDMENTS (<i>R. Lockhart</i>)	
Read for the first time and referred to the Rules Committee	702
Placed on calendar	888
Enacting Clause Stricken	1023
H.B. 314 — TRANSPORTATION FUNDING REVISIONS (<i>R. Lockhart</i>)	
Read for the first time and referred to the Rules Committee	811
Placed on calendar	893
Read the second time	910
Circled	910
Uncircled	925
Substituted	925
Amendments	925
Returned to the House	926
Signed by the President and returned to the House	1015
H.B. 315 — REGULATION OF ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES (<i>A. Tilton</i>)	
Read for the first time and referred to the Rules Committee	568
Assigned to standing committee	608
Committee report adopted and placed on calendar	659
Read the second time	814
Read the third time	855
Signed by the President and returned to the House	856
H.B. 316 — EXPANSION OF CAREER SERVICE TO THE OFFICE OF ATTORNEY GENERAL (<i>R. Lockhart</i>)	
Read for the first time and referred to the Rules Committee	768
Placed on calendar	866
Read the second and third time	947
Signed by the President and returned to the House	948

H.B. 317 — CAPITOL HILL COMPLEX – LEGISLATIVE SPACE (<i>W. Harper</i>)	
Read for the first time and referred to the Rules Committee	519
Assigned to standing committee	569
Committee report adopted and placed on calendar	687
Read the second time	819
Read the third time	859
Signed by the President and returned to the House	860
H.B. 318 — CHARTER SCHOOL FACILITIES FINANCING ACT (<i>S. Urquhart</i>)	
Read for the first time and referred to the Rules Committee	845
Placed on calendar	887
Read the second time	953
Circled	953
Uncircled	954
Read the second and third time	954
Signed by the President and returned to the House	954
H.B. 320 — RECOVERY OF FEDERAL REIMBURSEMENT FOR COSTS ASSOCIATED WITH ILLEGAL IMMIGRANTS (<i>K. Morgan</i>)	
Read for the first time and referred to the Rules Committee	723
Enacting Clause Stricken	1023
H.B. 321 — OFF-HIGHWAY VEHICLE AMENDMENTS (<i>M. Noel</i>)	
Read for the first time and referred to the Rules Committee	822
Enacting Clause Stricken	1023
H.B. 323 — EDUCATION FUND CONFORMING AMENDMENTS (<i>R. Bigelow</i>)	
Read for the first time and referred to the Rules Committee	624
Assigned to standing committee	680
Substituted	753
Read the second time and placed on Consent Calendar	754
Circled	848
Uncircled	851
Placed on Third Reading Calendar	851
Read the third time	848, 851
Returned to the House	852
Signed by the President and returned to the House	884
H.B. 326 — REPEAL OF JUVENILE JUSTICE SERVICES VICTIM RESTITUTION ACCOUNT (<i>D. Aagard</i>)	
Read for the first time and referred to the Rules Committee	579
Assigned to standing committee	626
Read the second time and placed on Consent Calendar	724
Read the third time	802
Signed by the President and returned to the House	802
H.B. 327 — STATE AGENCY TIMELY ADOPTION OF ADMINISTRATIVE RULES (<i>D. Clark</i>)	
Read for the first time and referred to the Rules Committee	437
Assigned to standing committee	459
Read the second time and placed on Consent Calendar	552
Read the third time	643
Signed by the President and returned to the House	644
H.B. 328 — CHILD PROTECTION AND PARENTAL RIGHTS AMENDMENTS (<i>W. Harper</i>)	
Read for the first time and referred to the Rules Committee	665
Placed on calendar	887
Read the second time	953
Circled	953
Uncircled	955
Read the second and third time	955
Signed by the President and returned to the House	956

H.B. 333 — MATERIALS HARMFUL TO MINORS (<i>A. Tilton</i>)	
Read for the first time and referred to the Rules Committee	568
Assigned to standing committee	607
Committee report adopted and placed on calendar	724
Read the second time	820
Read the third time	860
Signed by the President and returned to the House	860
H.B. 334 — EMINENT DOMAIN (<i>A. Tilton</i>)	
Read for the first time and referred to the Rules Committee	845
Placed on calendar	922
Enacting Clause Stricken	1023
H.B. 335 — LOCAL GOVERNMENT – CHARITABLE CONTRIBUTIONS (<i>B. Dee</i>)	
Read for the first time and referred to the Rules Committee	568
Assigned to standing committee	607
Read the second time and placed on Consent Calendar	688
Read the third time	772
Signed by the President and returned to the House	772
H.B. 337 — LOCAL GOVERNMENT POST–EMPLOYMENT BENEFIT TRUST FUNDS AMENDMENTS (<i>K. Grover</i>)	
Read for the first time and referred to the Rules Committee	580
Assigned to standing committee	626
Read the second time and placed on Consent Calendar	688
Read the third time	772
Signed by the President and returned to the House	773
H.B. 338 — EMERGENCY ROOM TORT REFORM (<i>B. Last</i>)	
Read for the first time and referred to the Rules Committee	768
Amendments	937
Placed on calendar	937
Enacting Clause Stricken	1023
H.B. 339 — REGULATION OF COTTAGE FOOD PRODUCTION OPERATION (<i>R. Barrus</i>)	
Read for the first time and referred to the Rules Committee	768
Placed on calendar	918
Read the second and third time	989
Signed by the President and returned to the House	990
H.B. 340 — INSURER RECEIVERSHIP ACT (<i>J. Dunnigan</i>)	
Read for the first time and referred to the Rules Committee	550
Assigned to standing committee	607
Committee report adopted and placed on calendar	687
Read the second time	817
Circled	817
Returned to the Rules Committee	843
Placed on calendar	866
Read the second and third time	914
Signed by the President and returned to the House	914
H.B. 341 — ATTORNEY GENERAL CRIME VIOLENCE PREVENTION SPECIAL REVENUE FUND (<i>P. Neuenschwander</i>)	
Read for the first time and referred to the Rules Committee	768
Placed on calendar	866
Read the second and third time	948
Signed by the President and returned to the House	948

H.B. 342 — PROTECTIVE ORDER REVISIONS (<i>S. Wyatt</i>)	
Read for the first time and referred to the Rules Committee	580
Assigned to standing committee	626
Committee report adopted and placed on calendar	724
Read the second time	820
Circled	820
Uncircled	837
Read the third time	862
Failed	862
Filed	863
H.B. 343 — FOSTER PLACEMENT AND ADOPTION AMENDMENTS (<i>L. Fowlke</i>)	
Read for the first time and referred to the Rules Committee	780
Placed on calendar	888
Read the second and third time	1016
Signed by the President and returned to the House	1016
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Governor Signed on 3/7/2007
Effective Date: 4/30/2007

- S.B. 52 **Health Regulations for Public Indoor Tanning Beds** P. Jones
Governor Signed on 2/28/2007
Effective Date: 4/30/2007
- S.B. 53 **Higher Education Engineering Partnership** G. Bell
Governor Signed on 3/16/2007
Effective Date: 7/1/2007
- S.B. 54 **Motor Vehicle Dealer Performance
Bond Amendments** D. Eastman
Governor Signed on 3/14/2007
Effective Date: 4/30/2007
- S.B. 55 **Transfer and Disposition of Protected
Property Amendments** D. Peterson
Governor Signed on 3/12/2007
Effective Date: 4/30/2007
- S.B. 56 **Education Employee Association Amendments** M. Madsen
Governor Signed on 3/8/2007
Effective Date: 4/30/2007
- S.B. 57 **High School Graduation Amendments** M. Madsen
Senate/ filed on 2/27/2007
- S.B. 58 **Wrongful Death Amendments** S. McCoy
Senate/ enacting clause struck on 2/28/2007
- S.B. 59 **Exemption from Fishing License** D. Stowell
Governor Signed on 3/19/2007
Effective Date: 4/30/2007
- S.B. 60 **Uniform Prudent Management of
Institutional Funds** L. Hillyard
Governor Signed on 3/7/2007
Effective Date: 4/30/2007
- S.B. 61 **Portability of Medical Assistance Funds** E. Mayne
Senate/ filed on 2/28/2007

- S.B. 62 **College and University Tuition Tax Credits** G. Bell
Senate/ filed on 2/28/2007
- S.B. 63 **State Zero-based Budgeting** W. Niederhauser
Senate/ filed on 2/28/2007
- S.B. 64 **Tourism, Recreation, Cultural, and
Convention Facilities Tax – Advisory Board** M. Waddoups
Governor Signed on 3/13/2007
Effective Date: 4/30/2007
- S.B. 65 **Elementary School Math Initiative** G. Bell
Senate/ filed on 2/28/2007
- S.B. 66 **Employer Health Insurance Options –
Cafeteria Plans** M. Waddoups
Senate/ filed on 2/28/2007
- S.B. 67 **Utah Public Notice Website Provisions** D. Stowell
Senate/ enacting clause struck on 2/28/2007
- S.B. 68 **Funding for Tourism Promotion** W. Niederhauser
Senate/ enacting clause struck on 2/28/2007
- S.B. 69 **Local Transportation Corridor Preservation
Fund Amendments** S. Killpack
Governor Signed on 3/12/2007
Effective Date: 4/30/2007
- S.B. 70 **Utah Valley University Institutional Name Change** J. Valentine
Governor Signed on 3/19/2007
Effective Date: 7/1/2007
- S.B. 71 **County Recorder Amendments** D. Stowell
Governor Signed on 3/14/2007
Effective Date: 4/30/2007

- S.B. 72 **Crime Victim Reparations Records** G. Bell
Senate/ filed on 2/28/2007
- S.B. 73 **New Utah License Plate Design** D. Eastman
Governor Signed on 3/13/2007
Effective Date: 4/30/2007
- S.B. 74 **Penalties Relating to Taxes, Fees, or Charges** H. Stephenson
Governor Signed on 3/14/2007
Effective Date: 4/30/2007
- S.B. 75 **Advance Health Care Directive Act** A. Christensen
Governor Signed on 3/6/2007
Effective Date: 1/1/2008
- S.B. 76 **Electronic Device Recycling** S. McCoy
Senate/ enacting clause struck on 2/28/2007
- S.B. 77 **Insurable Interest Amendments** R. Romero
Governor Signed on 3/8/2007
Effective Date: 4/30/2007
- S.B. 78 **Protection of Constitutionally Guaranteed Activities in Certain Private Venues** M. Madsen
Senate/ filed on 2/28/2007
- S.B. 79 **Local Community Rail Security Act** E. Mayne
Senate/ enacting clause struck on 2/28/2007
- S.B. 80 **Education Reform – Critical Languages Program** H. Stephenson
Governor Signed on 3/13/2007
Effective Date: 7/1/2007
- S.B. 81 **Home School and Extracurricular Activity Amendments** M. Madsen
Senate/ filed on 2/28/2007

- S.B. 82 **Amendments to Utah Comprehensive Health Insurance Pool** G. Davis
Senate/ filed on 2/28/2007
- S.B. 83 **Acupuncture Licensing Act Amendments** S. McCoy
Governor Signed on 3/8/2007
Effective Date: 4/30/2007
- S.B. 84 **Confidentiality of Reports to Driver License Division** A. Christensen
Senate/ filed on 1/24/2007
- S.B. 85 **Mining Test Fees** M. Dmitrich
Governor Signed on 3/13/2007
Effective Date: 7/1/2007
- S.B. 86 **Repeal of Libel and Slander Provisions** S. McCoy
Governor Signed on 3/14/2007
Effective Date: 4/30/2007
- S.B. 87 **Homeowners Association Requirements** J. Hickman
Governor Signed on 3/13/2007
Effective Date: 4/30/2007
- S.B. 88 **Uniform Real Property Electronic Recording** L. Hillyard
Senate/ enacting clause struck on 2/28/2007
- S.B. 89 **Revising Death Certificates** C. Walker
Governor Signed on 3/6/2007
Effective Date: 4/30/2007
- S.B. 90 **Higher Education Enhancements** J. Hickman
Governor Signed on 3/14/2007
Effective Date: 7/1/2007
- S.B. 91 **Uniform Commercial Code – General Provisions** L. Hillyard
Governor Signed on 3/14/2007
Effective Date: 4/30/2007

- S.B. 92 **Revised Uniform Anatomical Gift Act** L. Hillyard
Governor Signed on 3/7/2007
Effective Date: 7/1/2007
- S.B. 93 **Governor's Rural Partnership Board Amendments** J. Hickman
Governor Signed on 3/12/2007
Effective Date: 4/30/2007
- S.B. 94 **Use of Mineral Lease Funds by
Special Service Districts** M. Dmitrich
Governor Signed on 3/12/2007
Effective Date: 4/30/2007
- S.B. 95 **Permanent Instream Flow to
Preserve Water Quality** M. Dmitrich
Senate/ enacting clause struck on 2/28/2007
- S.B. 96 **Sales and Use Tax Exemption for Disposable
Home Medical Equipment or Supplies** S. Killpack
Governor Signed on 3/13/2007
Effective Date: 7/1/2007
- S.B. 97 **Constitutional Revision Commission Membership** P. Knudson
Governor Signed on 3/14/2007
Effective Date: 4/30/2007
- S.B. 98 **Governmental Immunity for Trails** D. Buttars
Governor Signed on 3/19/2007
Effective Date: 4/30/2007
- S.B. 99 **Revised Business Corporations Act Amendments** L. Hillyard
Governor Signed on 2/27/2007
Effective Date: 2/27/2007
- S.B. 100 **Motor Vehicle License and Registration Fees
Exemption for Purple Heart License Plates** J. Hickman
Governor Signed on 3/14/2007
Effective Date: 4/30/2007
- S.B. 101 **Credit Services Organizations Act Changes** L. Hillyard
Governor Signed on 3/7/2007
Effective Date: 7/1/2007

- S.B. 102 **Master Plumber Licensing** S. Jenkins
Senate/ filed on 2/28/2007
- S.B. 103 **Ineligibility for Unemployment Compensation Benefits** D. Eastman
Governor Signed on 3/13/2007
Effective Date: 4/30/2007
- S.B. 104 **Office of Recovery Services Fee** A. Christensen
Governor Signed on 3/12/2007
Effective Date: 7/1/2007
- S.B. 105 **Authorization of Opinion Question to Voters** E. Mayne
Senate/ enacting clause struck on 2/28/2007
- S.B. 106 **Motor Vehicle Business Fee Amendments** L. Hillyard
Governor Signed on 3/12/2007
Effective Date: 7/1/2007
- S.B. 107 **Notice of Available Charity Care** M. Waddoups
Senate/ filed on 2/28/2007
- S.B. 108 **Workers' Compensation – Time Limitations** E. Mayne
Governor Signed on 3/7/2007
Effective Date: 4/30/2007
- S.B. 109 **Transfers of Structured Settlements** E. Mayne
Governor Signed on 3/7/2007
Effective Date: 4/30/2007
- S.B. 110 **Membership and Service of Utah Commissioners on National Conference of Commissioners on Uniform State Laws** L. Hillyard
Governor Signed on 3/8/2007
Effective Date: 4/30/2007
- S.B. 111 **Free Exercise of Religion Without Government Interference** D. Buttars
Senate/ enacting clause struck on 2/28/2007

- S.B. 112 **Methamphetamine Precursor Access Amendments** D. Buttars
Governor Signed on 3/19/2007
Effective Date: 4/30/2007
- S.B. 113 **Limitation of Actions** G. Bell
Governor Signed on 3/9/2007
Effective Date: 4/30/2007
- S.B. 114 **Aggravated Murder Amendments** G. Bell
Governor Signed on 3/14/2007
Effective Date: 4/30/2007
- S.B. 115 **Emergency Medicine Tort Reform** S. Killpack
Senate/ enacting clause struck on 2/28/2007
- S.B. 116 **Contribution Limits for State Constitutional Officers** G. Bell
Senate/ enacting clause struck on 2/28/2007
- S.B. 117 **Medicaid Recovery Amendments** A. Christensen
Governor Signed on 3/7/2007
Effective Date: 4/30/2007
- S.B. 118 **Mechanics' Lien and Payment Amendments** S. Jenkins
Governor Signed on 3/13/2007
Effective Date: 4/30/2007
- S.B. 119 **Municipal License Fee or Tax on
Public Assembly Facilities** B. Goodfellow
Governor Signed on 3/14/2007
Effective Date: 4/30/2007
- S.B. 120 **Vehicle Towing Requirements** B. Goodfellow
Senate/ enacting clause struck on 2/28/2007
- S.B. 121 **Department of Commerce Fund Amendments** K. VanTassell
Senate/ filed on 2/28/2007
- S.B. 122 **Administrative Rules Reauthorization** H. Stephenson
Governor Signed on 3/13/2007
Effective Date: 5/1/2007

- S.B. 123 **Amendment Regarding Search Warrant Procedure** J. Greiner
Senate/ filed on 2/28/2007
- S.B. 124 **Dental Hygienist Licensing Act Amendments** M. Waddoups
Senate/ enacting clause struck on 2/28/2007
- S.B. 125 **Repeal of Prisoner Demands for Disposition** L. Hillyard
Governor Signed on 2/23/2007
Effective Date: 2/23/2007
- S.B. 126 **Sales Representative Commission Payment Act** S. Killpack
Governor Signed on 3/7/2007
Effective Date: 4/30/2007
- S.B. 127 **Tourism Marketing Performance
Account Appropriation** S. Jenkins
Governor Signed on 2/16/2007
Effective Date: 2/16/2007
- S.B. 128 **State Government Law Revisions – Withdrawal
from Education Compact** M. Dayton
Governor Signed on 3/19/2007
Effective Date: 4/30/2007
- S.B. 129 **Private Investigator Regulation Act Amendments** D. Buttars
Senate/ enacting clause struck on 2/28/2007
- S.B. 130 **Municipal Code Amendments** D. Eastman
Senate/ enacting clause struck on 2/19/2007
- S.B. 131 **Retirement and Independent Entities Committee** C. Bramble
Governor Signed on 2/12/2007
Effective Date: 2/12/2007
- S.B. 132 **Property Tax Abatement or Deferral** D. Stowell
Senate/ enacting clause struck on 2/28/2007

- S.B. 133 **Local School Board Public Hearing Requirements** P. Jones
Governor Signed on 3/8/2007
Effective Date: 4/30/2007
- S.B. 134 **Psychologist Licensing Act Amendments** L. Hillyard
Governor Signed on 3/20/2007
Effective Date: 4/30/2007
- S.B. 135 **Public Employees Disability Benefits Limitations** L. Hillyard
Governor Signed on 3/8/2007
Effective Date: 4/30/2007
- S.B. 136 **Unlawful Detainer Amendments** M. Waddoups
Governor Signed on 3/19/2007
Effective Date: 4/30/2007
- S.B. 137 **Homeland Security Amendments** J. Greiner
Governor Signed on 3/7/2007
Effective Date: 4/30/2007
- S.B. 138 **Administrative Rule Criminal and Civil Penalty Amendments** H. Stephenson
Governor Signed on 3/15/2007
Effective Date: 4/30/2007
- S.B. 139 **Legislative Management Committee Membership** C. Bramble
Senate/ enacting clause struck on 2/9/2007
- S.B. 140 **Identity Fraud Amendments** C. Walker
Governor Signed on 3/8/2007
Effective Date: 4/30/2007
- S.B. 141 **Commission and Council Seats in Counties of the First and Second Class** S. Killpack
Senate/ enacting clause struck on 2/28/2007
- S.B. 142 **Sales and Use Tax Exemption for Certain Business Inputs** H. Stephenson
Senate/ filed on 2/28/2007

- S.B. 143 **Personal Use of State Vehicles Authorized for Law Enforcement Officers in the Office of the Attorney General** D. Peterson
Governor Signed on 3/7/2007
Effective Date: 4/30/2007
- S.B. 144 **Financial Institutions Amendments** L. Hillyard
Governor Signed on 3/14/2007
Effective Date: 4/30/2007
- S.B. 145 **Multi-channel Video or Audio Service Tax – County or Municipality Franchise Fee Tax Credit** W. Niederhauser
Senate/ filed on 2/28/2007
- S.B. 146 **Prescriptive Practice of Legend Drugs** P. Knudson
Senate/ filed on 2/13/2007
- S.B. 147 **Exemptions from Licensure Modifications** M. Dmitrich
Governor Signed on 3/12/2007
Effective Date: 4/30/2007
- S.B. 148 **Boat Registration Amendments** M. Waddoups
Governor Signed on 2/23/2007
Effective Date: 2/23/2007
- S.B. 149 **Limit on Gifts to Legislators** G. Bell
Senate/ enacting clause struck on 2/28/2007
- S.B. 150 **Property Exempt from Execution** L. Hillyard
Governor Signed on 3/15/2007
Effective Date: 4/30/2007
- S.B. 151 **Case Management Pilot Project** G. Bell
Governor Signed on 3/15/2007
Effective Date: 4/30/2007
- S.B. 152 **Presumptive Personal Representative** G. Bell
Senate/ filed on 2/28/2007

- S.B. 153 **Malpractice Liability During Pandemic Event** G. Bell
 Governor Signed on 3/6/2007
 Effective Date: 4/30/2007
- S.B. 154 **Statement Under Penalty of Perjury** S. McCoy
 Governor Signed on 3/14/2007
 Effective Date: 4/30/2007
- S.B. 155 **Waste Amendments** D. Peterson
 Became Law w/o Governor Signature on 2/28/2007
 Effective Date: 4/30/2007
- S.B. 156 **Public Service Commission – Equipment
 Distribution Program** B. Goodfellow
 Governor Signed on 3/7/2007
 Effective Date: 4/30/2007
- S.B. 157 **Parental Notification of Child Interview by
 Law Enforcement** D. Buttars
 Senate/ enacting clause struck on 2/28/2007
- S.B. 158 **B and C Roads Amendments** D. Stowell
 Governor Signed on 3/7/2007
 Effective Date: 4/30/2007
- S.B. 159 **Labor Organizations Amendments** H. Stephenson
 Senate/ filed on 2/28/2007
- S.B. 160 **Pharmacy Practice Act Amendments** P. Knudson
 Governor Signed on 3/14/2007
 Effective Date: 4/30/2007
- S.B. 161 **Hunting and Fishing License Amendments** A. Christensen
 Governor Signed on 3/12/2007
 Effective Date: 7/1/2007
- S.B. 162 **Pete Suazo Utah Athletic Commission** E. Mayne
 Senate/ filed on 2/28/2007

- S.B. 163 **Amendments to Municipal and County Land Use** D. Stowell
Governor Signed on 3/12/2007
Effective Date: 4/30/2007
- S.B. 164 **Statute of Limitations for Bodily Injury** G. Bell
Senate/ enacting clause struck on 2/28/2007
- S.B. 165 **Producer and Affiliate Disclosure Amendments** M. Waddoups
Senate/ enacting clause struck on 2/28/2007
- S.B. 166 **Notary Public Amendments** R. Romero
Governor Signed on 3/8/2007
Effective Date: 4/30/2007
- S.B. 167 **Utah Sports Authority** M. Dmitrich
Governor Signed on 3/19/2007
Effective Date: 7/1/2007
- S.B. 168 **Vehicle Safety Inspection Amendments** G. Bell
Senate/ enacting clause struck on 2/28/2007
- S.B. 169 **Sodomy Amendments** S. McCoy
Senate/ enacting clause struck on 2/28/2007
- S.B. 170 **Distribution of Local Sales and Use Tax Revenues** G. Davis
Governor Signed on 3/13/2007
Effective Date: 7/1/2007
- S.B. 171 **Research Activities Tax Credit Amendments** H. Stephenson
Senate/ filed on 2/28/2007
- S.B. 172 **Municipal Land Use, Development, and Management Changes** S. Killpack
Senate/ filed on 2/28/2007
- S.B. 173 **Criminal Intent Amendments** S. McCoy
Governor Signed on 3/13/2007
Effective Date: 4/30/2007

- S.B. 174 **Education Transportation Amendments** D. Peterson
Senate/ filed on 2/28/2007
- S.B. 175 **School and Institutional Trust Lands Revisions** A. Christensen
Bill Numbered by Title Without any Substance on 1/27/2007
- S.B. 176 **Utah Business Assistance Center Pilot Act** D. Stowell
Senate/ filed on 2/28/2007
- S.B. 177 **Income Tax Credits, Additions, and Subtractions for College Savings** W. Niederhauser
Senate/ filed on 2/23/2007
- S.B. 178 **Custody Amendments** G. Bell
Senate/ enacting clause struck on 2/28/2007
- S.B. 179 **Immunity of Counties and Municipalities for Sky Diving Activities** B. Goodfellow
Governor Signed on 3/14/2007
Effective Date: 4/30/2007
- S.B. 180 **School Construction Contract Amendments** S. Jenkins
Senate/ enacting clause struck on 2/28/2007
- S.B. 181 **Fees to Cover Cost of Electronic Payments** W. Niederhauser
Governor Signed on 3/14/2007
Effective Date: 7/1/2007
- S.B. 182 **Child Support Modifications for TANF Recipients** L. Hillyard
Governor Signed on 3/14/2007
Effective Date: 4/30/2007
- S.B. 183 **Restrictions on Designation of Wetlands** S. Killpack
Governor Signed on 3/20/2007
Effective Date: 4/30/2007

- S.B. 184 **Revisions to Child Support Definitions** L. Hillyard
Senate/ filed on 2/28/2007
- S.B. 185 **Utility Improvement District Revisions** K. VanTassell
Senate/ filed on 2/28/2007
- S.B. 186 **Motor Vehicle Amendments** D. Eastman
Governor Signed on 3/7/2007
Effective Date: 4/30/2007
- S.B. 187 **Utah Relocation Assistance Act Amendments** L. Hillyard
Senate/ filed on 2/28/2007
- S.B. 188 **Wildlife Resources Conservation Easement
Restricted Account** D. Stowell
Governor Signed on 3/12/2007
Effective Date: 4/30/2007
- S.B. 189 **Medicaid Home and Community-based
Long-term Care** G. Davis
Governor Signed on 3/12/2007
Effective Date: 4/30/2007
- S.B. 190 **Animal Cruelty Offenses** G. Davis
Senate/ filed on 2/28/2007
- S.B. 191 **Governmental Immunity Limits Amendments** H. Stephenson
Governor Signed on 3/7/2007
Effective Date: 7/1/2007
- S.B. 192 **Service Animals** S. McCoy
Governor Signed on 2/27/2007
Effective Date: 4/30/2007
- S.B. 193 **Amendments to Mental Health Professional
Practice Act** P. Jones
Governor Signed on 3/14/2007
Effective Date: 4/30/2007

- S.B. 194 **Boards of Education Membership Amendments** C. Bramble
Senate/ filed on 2/28/2007
- S.B. 195 **Fish Health Amendments** D. Peterson
Governor Signed on 3/12/2007
Effective Date: 4/30/2007
- S.B. 196 **Executive Compensation Amendments** C. Bramble
Governor Signed on 3/6/2007
Effective Date: 3/6/2007
- S.B. 197 **Local Initiative and Petition Ballot Titles** P. Knudson
Governor Signed on 2/28/2007
Effective Date: 2/28/2007
- S.B. 198 **Tourism Amendments** C. Bramble
Governor Signed on 3/9/2007
Effective Date: 4/30/2007
- S.B. 199 **Division of Real Estate and Title Insurance
Related Amendments** S. Killpack
Governor Signed on 3/15/2007
Effective Date: 4/30/2007
- S.B. 200 **Reduced Cigarette Ignition Propensity** E. Mayne
Governor Signed on 3/19/2007
Effective Date: 7/1/2008
- S.B. 201 **Rights of Citizens to Carry Firearms in
Declared Emergency** M. Madsen
Senate/ filed on 2/28/2007
- S.B. 202 **Legislature's Counsel to United States Senators** H. Stephenson
Senate/ enacting clause struck on 2/28/2007
- S.B. 203 **Disclosure of Property Tax Information** H. Stephenson
Governor Signed on 3/13/2007
Effective Date: 4/30/2007

- S.B. 204 **Human Remains Related Amendments** D. Peterson
Governor Signed on 3/13/2007
Effective Date: 4/30/2007
- S.B. 205 **Alcoholic Beverage Control Amendments** P. Knudson
Governor Signed on 3/14/2007
Effective Date: 4/30/2007
- S.B. 206 **Punitive Damages Amendments** L. Hillyard
Senate/ filed on 2/28/2007
- S.B. 207 **Waste Tire Recycling Act Revisions** F. Fife
Senate/ enacting clause struck on 2/28/2007
- S.B. 208 **Judicial Review, Attorney Fees, and Procedure
Relating to Tax Commission Decisions** H. Stephenson
Senate/ enacting clause struck on 2/28/2007
- S.B. 209 **State Franchising Authority for Video Services** C. Bramble
Senate/ filed on 2/28/2007
- S.B. 210 **Employer Liability – Dependant on Allowance of
Lawful Guns on Premises** M. Madsen
Bill Numbered by Title Without any Substance on 1/27/2007
- S.B. 211 **Election Law Changes** H. Stephenson
Governor Signed on 3/14/2007
Effective Date: 4/30/2007
- S.B. 212 **Revisors Directive on Unconstitutional Statutes** S. McCoy
Senate/ enacting clause struck on 2/28/2007
- S.B. 213 **Rights of Way Act Amendments** D. Peterson
Bill Numbered by Title Without any Substance on 1/27/2007

- S.B. 214 **Certificate of Need for Certain Ambulance Services** D. Peterson
Senate/ enacting clause struck on 2/28/2007
- S.B. 215 **Amendments to Land Use Development and Management Act** G. Bell
Governor Signed on 3/19/2007
Effective Date: 4/30/2007
- S.B. 216 **Utah Antitrust Act Amendments** L. Hillyard
Senate/ filed on 2/28/2007
- S.B. 217 **Science and Technology Education Program Amendments** P. Knudson
Governor Signed on 3/14/2007
Effective Date: 7/1/2007
- S.B. 218 **Community Development and Renewal Agency Amendments** C. Bramble
Governor Signed on 3/19/2007
Effective Date: 4/30/2007
- S.B. 219 **Real Estate Modifications** D. Stowell
Governor Signed on 3/14/2007
Effective Date: 4/30/2007
- S.B. 220 **Water Conservancy Districts – Selection of Board of Trustees** W. Niederhauser
Senate/ enacting clause struck on 2/28/2007
- S.B. 221 **Judicial Selection Procedures and Retention Election Task Force** D. Buttars
Governor Signed on 3/20/2007
Effective Date: 4/30/2007
- S.B. 222 **Kindergarten Readiness Initiative** H. Stephenson
Senate/ enacting clause struck on 2/28/2007

- S.B. 223 **Tax Amendments** W. Niederhauser
Governor Signed on 3/14/2007
Effective Date: 1/1/2008
- S.B. 224 **Judiciary Amendments** L. Hillyard
Governor Signed on 3/15/2007
Effective Date: 4/30/2007
- S.B. 225 **Proof of Citizenship Required to Vote** M. Madsen
Bill Numbered by Title Without any Substance on 1/27/2007
- S.B. 226 **Education Governance Amendments** G. Bell
Bill Numbered by Title Without any Substance on 1/27/2007
- S.B. 227 **Utah Fire Prevention Board Amendment** P. Knudson
Governor Signed on 3/8/2007
Effective Date: 4/30/2007
- S.B. 228 **State Agency and Higher Education
Compensation Amendments** L. Hillyard
Governor Signed on 3/20/2007
Effective Date: 7/1/2007
- S.B. 229 **Utah Applied Technology College Governance Act** D. Stowell
Bill Numbered by Title Without any Substance on 1/27/2007
- S.B. 230 **Liability for Contaminated Property** F. Fife
Senate/ enacting clause struck on 2/28/2007
- S.B. 231 **Veterans Amendments** F. Fife
Senate/ filed on 2/28/2007
- S.B. 232 **Military Installation Development Authority** S. Killpack
Governor Signed on 2/27/2007
Effective Date: 2/27/2007
- S.B. 233 **Highway Amendments** H. Stephenson
Bill Numbered by Title Without any Substance on 1/27/2007

- S.B. 234 **Occupational and Environmental Health Amendments** E. Mayne
Governor Signed on 3/13/2007
Effective Date: 4/30/2007
- S.B. 235 **Public Utilities Amendments** G. Bell
Governor Signed on 3/14/2007
Effective Date: 3/14/2007
- S.B. 236 **Trademark Protection Act** D. Eastman
Governor Signed on 3/19/2007
Effective Date: 4/30/2007
- S.B. 237 **Land Use Development and Management Act Amendments** G. Bell
Bill Numbered by Title Without any Substance on 1/27/2007
- S.B. 238 **Motor Vehicle Insurance Amendments** S. Killpack
Governor Signed on 3/20/2007
Effective Date: 4/30/2007
- S.B. 239 **Deduction for Long-Term Care Savings** S. Killpack
Bill Numbered by Title Without any Substance on 1/27/2007
- S.B. 240 **Litigation Fund Restricted Account for Highway Projects** S. Killpack
Governor Signed on 3/20/2007
Effective Date: 7/1/2007
- S.B. 241 **Election Law Modifications** P. Knudson
Governor Signed on 3/8/2007
Effective Date: 4/30/2007
- S.B. 242 **Income Tax Additions, Subtractions, and Tax Credits for Higher Education Savings** G. Bell
Senate/ filed on 2/28/2007
- S.B. 243 **Direct-entry Midwife Amendments** M. Dayton
Senate/ enacting clause struck on 2/28/2007

- S.B. 244 **Tax Modifications** J. Valentine
Bill Numbered by Title Without any Substance on 1/27/2007
- S.B. 245 **General Government Revisions – Authorization
of Sales Tax Opinion Question** C. Bramble
Senate/ enacting clause struck on 2/28/2007
- S.B. 246 **Government Law Changes** S. Killpack
Governor Signed on 3/13/2007
Effective Date: 4/30/2007
- S.B. 247 **Retirement Systems Membership Exclusions** M. Dmitrich
Governor Signed on 3/12/2007
Effective Date: 4/30/2007
- S.B. 248 **Parent and Child Amendments** C. Bramble
Senate/ enacting clause struck on 2/28/2007
- S.B. 249 **Economic Development Incentives Modifications** J. Hickman
Senate/ filed on 2/28/2007
- S.B. 250 **Military Justice Code Amendments** P. Knudson
Senate/ filed on 2/28/2007
- S.B. 251 **Higher Education – Concealed Firearms Restrictions** G. Bell
Governor Signed on 3/12/2007
Effective Date: 4/30/2007
- S.B. 252 **Regulation of Terminations of Dormitory
Residents of Institutions of Higher Education** G. Bell
Bill Numbered by Title Without any Substance on 1/27/2007
- S.B. 253 **Sales and Use Tax Exemption for Railroad
Common Carrier Locomotive Engine Fuel** P. Knudson
Senate/ enacting clause struck on 2/28/2007

- S.B. 254 **Private Investigator Regulation Amendments** M. Dayton
Governor Signed on 3/14/2007
Effective Date: 4/30/2007
- S.B. 255 **Crane Safety Amendments** G. Davis
Governor Signed on 3/8/2007
Effective Date: 7/1/2007
- S.B. 256 **County Attorney Amendments** G. Davis
Senate/ enacting clause struck on 2/28/2007
- S.B. 257 **General Government Provisions** G. Davis
Bill Numbered by Title Without any Substance on 1/27/2007
- S.B. 258 **Veterans Home** J. Greiner
Bill Numbered by Title Without any Substance on 1/27/2007
- S.B. 259 **Addressing Disruptive Behavior at Post
Secondary Institutions** G. Bell
Bill Numbered by Title Without any Substance on 1/27/2007
- S.B. 260 **Property Tax – Definition of Goodwill** W. Niederhauser
Governor Signed on 3/13/2007
Effective Date: 4/30/2007
- S.B. 261 **Disposition of Real Property** W. Niederhauser
Governor Signed on 3/14/2007
Effective Date: 4/30/2007
- S.B. 262 **Real Property Amendments** M. Madsen
Senate/ filed on 2/28/2007
- S.B. 263 **Historic Monument Provisions** M. Madsen
Bill Numbered by Title Without any Substance on 1/27/2007
- S.B. 264 **Waste Modifications** G. Davis
Bill Numbered by Title Without any Substance on 1/27/2007

- S.B. 265 **Retirement Benefit Modifications** D. Buttars
Bill Numbered by Title Without any Substance on 1/27/2007
- S.B. 266 **Income Tax Filing Amendments** W. Niederhauser
Governor Signed on 2/28/2007
Effective Date: 2/28/2007
- S.B. 267 **Retirement Amendments** C. Bramble
Bill Numbered by Title Without any Substance on 1/27/2007
- S.B. 268 **Rural Broadband Service Fund** J. Hickman
Governor Signed on 3/15/2007
Effective Date: 7/1/2007
- S.B. 269 **General Government Modifications** J. Hickman
Bill Numbered by Title Without any Substance on 1/27/2007
- S.B. 270 **Public and Higher Education Amendments** L. Hillyard
Bill Numbered by Title Without any Substance on 1/27/2007
- S.B. 271 **Solid and Hazardous Waste Act Amendments** S. Killpack
Governor Signed on 3/7/2007
Effective Date: 3/7/2007
- S.B. 272 **General Tax Amendments** S. Killpack
Bill Numbered by Title Without any Substance on 1/27/2007
- S.B. 273 **General Tax Revisions** P. Knudson
Bill Numbered by Title Without any Substance on 1/27/2007
- S.B. 274 **Legislative Process Amendments** J. Hickman
Bill Numbered by Title Without any Substance on 1/27/2007
- S.B. 275 **Higher Education Revisions** J. Hickman
Bill Numbered by Title Without any Substance on 1/27/2007

- S.B. 276 **Transfer-on-Death Deeds for Real Property** R. Romero
Senate/ enacting clause struck on 2/28/2007
- S.B. 277 **Securities Law Amendments** C. Bramble
Governor Signed on 3/14/2007
Effective Date: 4/30/2007
- S.C.R. 1 **Resolution Urging Congress to Address Social Security Number Identity Theft** C. Walker
Governor Signed on 3/8/2007
Effective Date: 3/8/2007
- S.C.R. 2 **Resolution Promoting Legislators Back to School Program** M. Dayton
Governor Signed on 3/14/2007
Effective Date: 3/14/2007
- S.C.R. 3 **Resolution Encouraging Architects' and Engineers' Professional Ethics** F. Fife
Bill Numbered by Title Without any Substance on 1/27/2007
- S.C.R. 4 **Concurrent Resolution Urging Participation by Taiwan in World Health Organization** C. Bramble
Governor Signed on 3/7/2007
Effective Date: 3/7/2007
- S.C.R. 5 **Resolution Opposing Divine Strake** G. Davis
Governor Signed on 2/22/2007
Effective Date: 2/22/2007
- S.C.R. 6 **Resolution Urging States Rights to Innovate Health Care** G. Bell
Senate/ filed on 2/28/2007
- S.C.R. 7 **Concurrent Resolution Approving Settlement of Lawsuit** C. Bramble
Governor Signed on 3/12/2007
Effective Date: 3/12/2007

- S.C.R. 8 **Concurrent Resolution Affirming Fundamental Rights of Muslim Community of Utah** P. Knudson
Senate/ filed on 2/28/2007
- S.J.R. 1 **Utah Athletic Foundation Resolution** D. Eastman
Senate/ to Lieutenant Governor on 3/5/2007
Effective Date: 2/2/2007
- S.J.R. 2 **Resolution Regarding Permanent State Trust Fund** L. Hillyard
Senate/ to Lieutenant Governor on 3/9/2007
Effective Date: 1/1/2009
- S.J.R. 3 **Resolution Encouraging Congressional Funding for State Children’s Health Insurance Program** P. Knudson
Senate/ to Lieutenant Governor on 3/7/2007
Effective Date: 2/26/2007
- S.J.R. 4 **Resolution Relating to Health Care** S. McCoy
Senate/ enacting clause struck on 2/28/2007
- S.J.R. 5 **Joint Resolution – Constitutional Amendment Relating to Appraising and Assessing Certain Property** G. Bell
Senate/ enacting clause struck on 2/16/2007
- S.J.R. 6 **Resolution Submitting Minimum Wage Question to Voters** E. Mayne
Senate/ enacting clause struck on 2/28/2007
- S.J.R. 7 **Joint Resolution Supporting Department of Corrections Contracting for Bed Spaces in Davis County Jail** M. Waddoups
Senate/ to Lieutenant Governor on 3/7/2007
Effective Date: 1/31/2007
- S.J.R. 8 **Joint Resolution Supporting Kane County Expansion of Correctional Facilities** D. Stowell
Senate/ to Lieutenant Governor on 3/7/2007
Effective Date: 2/23/2007

- S.J.R. 9 **Resolution Supporting Presidential Trade Promotion Authority** M. Madsen
Senate/ to Lieutenant Governor on 3/6/2007
Effective Date: 2/14/2007
- S.J.R. 10 **Joint Resolution Supporting Garfield County Expansion of Correctional Facilities** D. Stowell
Senate/ filed on 2/28/2007
- S.J.R. 11 **Resolution Providing Appointment of State Superintendent of Education** W. Niederhauser
Senate/ filed on 2/28/2007
- S.J.R. 12 **Resolution Amending Utah Constitution** J. Valentine
Senate/ to Lieutenant Governor on 3/9/2007
Effective Date: 1/1/2009
- S.J.R. 13 **Resolution Submitting Question to Voters on Removing the State and Local Sales and Use Taxes on Food and Food Ingredients** W. Niederhauser
Senate/ enacting clause struck on 2/28/2007
- S.R. 1 **Senate Rules Resolution – Occupational and Professional Licensure Review Committee Summary Report** S. Jenkins
Senate/ to Lieutenant Governor on 3/5/2007
Effective Date: 4/30/2007
- S.R. 2 **Resolution Affirming Fundamental Rights of Muslim Community of Utah** P. Knudson
Senate/ enacting clause struck on 2/6/2007
- S.R. 3 **Resolution Increasing Public Awareness of Capital Gains Tax Deduction** W. Niederhauser
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STATE OF UTAH

SENATE JOURNAL

**FIRST EXTRAORDINARY
SESSION
OF THE
FIFTY–SEVENTH LEGISLATURE**

Convened and Adjourned on
Wednesday, April 18, 2007

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the First Extraordinary Session of the Fifty–Seventh Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the First Extraordinary Session convening on Wednesday, April 18, 2007, 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**FIRST EXTRAORDINARY SESSION
of the
FIFTY–SEVENTH LEGISLATURE**

Pursuant to the proclamation of His Excellency, Governor Jon M. Huntsman, Jr., the Senate of the Fifty–Seventh Legislature of the State of Utah met in the Senate Chamber at the State Capitol Complex in the First Extraordinary Session at 12:00 noon on Wednesday, April 18, 2007.

The Senate was called to order at 12:20 p.m. with President John Valentine presiding.

Prayer – Senator Margaret Dayton

Pledge – Senator Chris Butters

Annette Moore, Secretary of the Senate, read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the close of the 2007 General Session of the 57th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature in Extraordinary Session;

NOW, THEREFORE, I, JON M. HUNTSMAN, JR., Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 57th Legislature into a First Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 18th day of April, 2007 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 2007 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF,
I have hereunto set my hand and
caused to be affixed the Great
Seal of the State of Utah. Done
at the Salt Lake Capitol
Complex in Salt Lake City,
Utah, this 2nd day of April,
2007.

Jon M. Huntsman, Jr.
Governor

Gary R. Herbert
Lieutenant Governor

CERTIFICATION

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of April 2, 2007, and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamation calling the Senate only into a First Extraordinary Session at the State Capitol Complex, at Salt Lake City, Utah, on the 18th day of April, 2007, 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 2007 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 17th day of April 2007.

Gary R. Herbert
Lieutenant Governor

Roll call – All Senators present, except Senator Greiner excused.

On motion of Senator Hickman, the Senate voted to adopt the Senate Rules of the 2007 General Session of the Fifty–Seventh Legislature as the rules for the First Extraordinary Session.

President Valentine appointed a committee comprised of Senators Peter Knudson, Darin Peterson, and Fred Fife to notify the Governor’s representative that the Senate is convened in the First Extraordinary Session in accordance with his proclamation.

Senator Knudson advised the Senate that the Governor’s representative has been notified of the convening of the First Extraordinary Session.

* * *

Leslie McLean read the following communications:

COMMUNICATION FROM THE GOVERNOR

Mr. President:

April 2, 2007

In accordance with Utah Code Ann. 67–1–1 and 67–1–2, I propose and transmit the following appointments:

THIRD DISTRICT COURT

Michele M. Christiansen is appointed as a Judge of the Third District Court. See Utah const. ant. VIII, 8; Utah Code 78–29–2.

Thank you for your timely consideration and confirmation of the above appointments.

Jon M. Huntsman, Jr.
Governor

CONFIRMATION LETTER

Mr. President: April 2, 2007

The Senate Judicial Confirmation Committee met on April 9, 2007, and reports a favorable recommendation for Ms. Michele M. Christiansen to be confirmed to the position of Judge in the Third District Court.

D. Chris Buttars, Chair

Senator Hillyard moved to consent to the appointment as read by Leslie McLean. Senator Buttars commented. The motion passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Bell	Greiner	Stephenson	Stowell
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COMMITTEE OF THE WHOLE

On motion of Senator Bramble, Judge Michele M. Christiansen spoke in Committee of the Whole. Senators Hillyard and Bramble commented.

On motion of Senator Bramble, the Committee of the Whole was dissolved.

COMMUNICATION FROM THE GOVERNOR

Mr. President: April 2, 2007

In accordance with Utah Code Ann. 67-1-1 and 67-1-2, I propose and transmit the following appointments:

Department of Workforce Services:

Kristen Cox is appointed to replace Tani Downing as Executive Director of the Department of Workforce Services. See Utah Code Ann. 35A-1-201.

CONFIRMATION LETTER

Mr. President:

April 18, 2007

The Senate Workforce Services and Community and Economic Development Confirmation Committee met on April 18, 2007 and reports a favorable recommendation for Ms. Kristen Cox to be confirmed to the position of Executive Director, Department of Workforce Services.

Mark B. Madsen, Chair

ADVISE AND CONSENT**Utah State Fair Corporation Board of Directors:**

Lorin L. Moench is reappointed as a member of the State Fair Corporation Board of Directors, a term to expire December 1, 2010. See Utah Code Ann. 9-4-1104.

Donald Marchant is reappointed as a member of the State Fair Corporation Board of Directors, a term to expire December 1, 2010. See Utah Code Ann. 9-4-1104.

Board of State History:

Ron Coleman is reappointed as a member of the Board of State History, a term to expire April 1, 2011. See Utah Code Ann. 9-8-204.

Chere Romney is reappointed as a member of the Board of State History, a term to expire April 1, 2011. See Utah Code Ann. 9-8-204.

Robert S. McPherson is appointed to replace John Barton as a member of the Board of State History, a term to expire April 1, 2011. See Utah Code Ann. 9-8-204.

Gregory C. Thompson is appointed to replace Pamela Miller as a member of the Board of State History, a term to expire April 1, 2011. See Utah Code Ann. 9-8-204.

Maria Garciaz is appointed to replace Paul Anderson as a member of the Board of State History, a term to expire April 1, 2011. See Utah Code Ann. 9-8-204.

Youth Parole Authority:

Ray Terry is appointed to replace Jeff Norton as a member of the Youth Parole Authority, a term to expire April 1, 2011. See Utah Code Ann. 62A-7-501.

Jean Boyack is appointed to replace Veronica Thomas as a member of the Youth Parole Authority, a term to expire April 1, 2011. See Utah Code Ann. 62A-7-501.

Alvin Emery is appointed to replace Ray Terry as a pro-tempore member of the Youth Parole Authority, a term to expire April 1, 2011. See Utah Code Ann. 62A-7-501.

Hank Hoole is reappointed as a member of the Youth Parole Authority, a term to expire April 1, 2011. See Utah Code Ann. 62A-7-501.

Doyle Talbot is reappointed as a member of the Youth Parole Authority, a term to expire April 1, 2011. See Utah Code Ann. 62A-7-501.

Gary Mackelprang is reappointed as a pro-tempore member of the Youth Parole Authority, a term to expire April 1, 2011. See Utah Code Ann. 62A-7-501.

Rodney Fakatou is reappointed as a pro-tempore member of the Youth Parole Authority, a term to expire April 1, 2011. See Utah Code Ann. 62A-7-501.

Board of Aging and Adult Services:

Pearl Rex-Hartzell is reappointed as a member of the Board of Aging and Adult Services, a term to expire April 1, 2011. See Utah Code Ann. 62A-1-105. Ms. Hartzell is a Republican.

Mildred Sparks is reappointed as a member of the Board of Aging and Adult Services, a term to expire April 1, 2011. See Utah Code Ann. 62A-1-105. Ms. Sparks is a Democrat.

W. Adrian Gale is appointed to replace Ken Brown as a member of the Board of Aging and Adult Services, a term to expire April 1, 2011. See Utah Code Ann. 62A-1-105. Mr. Gale is a Republican.

Board of Water Resources:

Harold Shirley is reappointed as a member of the Board of Water Resources, a term to expire March 1, 2011. See Utah Code Ann. 73-10-2. Mr. Shirley is a Democrat.

Paul McPherson is reappointed as a member of the Board of Water Resources, a term to expire March 1, 2011. See Utah Code Ann. 73-10-2. Mr. McPherson is a Democrat.

Craig Johansen is reappointed as a member of the Board of Water Resources, a term to expire March 1, 2011. See Utah Code Ann. 73–10–2. Mr. Johansen is a Democrat.

Robert Bessey is appointed to replace Warren Peterson as a member of the Board of Water Resources, a term to expire March 1, 2011. See Utah Code Ann. 73–10–2. Mr. Bessey is a Republican.

Drinking Water Board:

Daniel Allen Fleming is reappointed as a member of the Drinking Water Board, a term to expire May 1, 2011. See Utah Code Ann. 19–4–103. Mr. Fleming is an Independent.

Laurie McNeill is reappointed as a member of the Drinking Water Board, a term to expire May 1, 2011. See Utah Code Ann. 19–4–103. Ms. McNeill is an Independent.

Petra Rust is reappointed as a member of the Drinking Water Board, a term to expire May 1, 2011. See Utah Code Ann. 19–4–103. Ms. Rust is an Independent.

Ronald Thompson is reappointed as a member of the Drinking Water Board, a term to expire May 1, 2011. See Utah Code Ann. 19–4–103. Mr. Thompson is a Republican.

Crime Victims Reparations Board:

Mike Madsen is reappointed as a member of the Crime Victims Reparations Board, a term to expire April 15, 2011. See Utah Code Ann. 63–25a–404.

Brent Scharman is reappointed as a member of the Crime Victims Reparations Board, a term to expire April 15, 2011. See Utah Code Ann. 63–25a–404.

Marlene Gonzalez is appointed to replace Nancy Wright as a member of the Crime Victims Reparations Board, a term to expire April 15, 2011. See Utah Code Ann. 63–25a–404.

State Board of Regents:

John H. Zenger is appointed to replace Michael Jensen as a member of the State Board of Regents, a term to expire June 30, 2011. See Utah Code Ann. 53B–1–104.

Board of Juvenile Justice Services:

Martin N. Olsen is reappointed as a member of the Board of Juvenile Justice Services, a term to expire April 1, 2011. See Utah Code Ann. 62A–1–105.

Jody Valentine is reappointed as a member of the Board of Juvenile Justice Services, a term to expire April 1, 2011. See Utah Code Ann. 62A-1-105.

Transportation Commission:

Jerry Lewis is reappointed as a member of the Transportation Commission, a term to expire April 1, 2013. See Utah Code Ann. 72-1-301. Mr. Lewis is a Republican.

Stuart Adams is appointed to replace Kenneth Warnick as a member of the Transportation Commission, a term to expire April 1, 2013. See Utah Code Ann. 72-1-301. Mr. Adams is a Republican.

Meghan Holbrook is appointed to replace Jan Wells as a member of the Transportation Commission, a term to expire April 1, 2013. See Utah Code Ann. 72-1-301. Ms. Holbrook is a Democrat.

Thank you for your timely consideration and confirmation of the above appointments.

Jon M. Huntsman, Jr.
Governor

On motion of Senator Eastman, the Senate, pursuant to Section 67-1-2 of the Utah Code, voted to waive the 15-day requirement on the submittal dated April 2, 2007, for purposes of acting on gubernatorial nominees.

Senator Hillyard moved to consent to the appointment as read by Leslie McLean. The motion passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

Bramble	Buttars	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Hickman	Hillyard	Jenkins
Jones	Killpack	Knudson	Madsen
Mayne	McCoy	Niederhauser	Peterson
Romero	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Absent or not voting were: Senators

Bell	Greiner	Stephenson
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COMMITTEE OF THE WHOLE

On motion of Senator Bramble, Kristen Cox, Director of the Department of Workforce Services, spoke in Committee of the Whole.

On motion of Senator Bramble, the Committee of the Whole was dissolved.

* * *

President Valentine directed the committee to wait upon the Governor's representative to notify him that the Senate has concluded its business.

Senator Knudson reported that the committee had notified the Governor's representative that the Senate had concluded its business, and that the Governor has no further business to bring before the Senate.

On motion of Senator Bramble, and at 12:50 p.m., the Senate adjourned sine die.

STATE OF UTAH

SENATE JOURNAL

**SECOND EXTRAORDINARY
SESSION
OF THE
FIFTY–SEVENTH LEGISLATURE**

Convened and Adjourned on
Wednesday, May 16, 2007

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Second Extraordinary Session of the Fifty–Seventh Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Second Extraordinary Session convening on Wednesday, May 16, 2007, 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–SEVENTH LEGISLATURE**

Pursuant to the proclamation of His Excellency, Governor Jon M. Huntsman, Jr., the Senate of the Fifty–Seventh Legislature of the State of Utah met in the Senate Chamber at the State Capitol Complex in the Second Extraordinary Session at 12:00 noon on Wednesday, May 16, 2007.

The Senate was called to order at 12:25 p.m. with President John Valentine presiding.

Prayer – Senator Brent Goodfellow

Pledge – Senator Michael Waddoups

Annette Moore, Secretary of the Senate, read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the close of the 2007 General Session of the 57th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature in Extraordinary Session;

NOW, THEREFORE, I, JON M. HUNTSMAN, JR., Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 57th Legislature into a Second Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 16th day of May, 2007 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 2007 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF,
I have hereunto set my hand
and caused to be affixed the
Great Seal of the State of Utah.
Done at the Salt Lake Capitol
Complex in Salt Lake City,
Utah, this 1st day of May, 2007.

Jon M. Huntsman, Jr.
Governor

Gary R. Herbert
Lieutenant Governor

CERTIFICATION

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of May 1, 2007, and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamation calling the Senate only into a Second Extraordinary Session at the State Capitol Complex, at Salt Lake City, Utah, on the 16th day of May, 2007, 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 2007 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 15th day
of May 2007.

Gary R. Herbert
Lieutenant Governor

Roll call – All Senators present

On motion of Senator Hickman, the Senate voted to adopt the Senate Rules of the 2007 General Session of the Fifty–Seventh Legislature as the rules for the Second Extraordinary Session.

President Valentine appointed a committee comprised of Senators Dan Eastman, Carlene Walker, and Gene Davis to notify the Governor’s representative that the Senate is convened in the Second Extraordinary Session in accordance with his proclamation.

Senator Eastman 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: May 1, 2007

In accordance with Utah Code Ann. 67–1–1 and 67–1–2, I propose and transmit the following appointments:

Crime Victim Reparations Board

Brian Miller is appointed to replace Afton Rire as a member of the Crime Victim Reparations Board, a term to expire April 15, 2011. See Utah Code Ann. 63–25a–404.

Solid and Hazardous Waste Control Board:

Jeff Coombs is appointed to replace David Cunningham as a member of the Solid and Hazardous Waste Control Board, a term to expire May 8, 2011. See Utah Code Ann. 19–6–103. Mr. Coombs is a Republican.

Ryan Dupont is appointed to replace William Doucette as a member of the Solid and Hazardous Waste Control Board, a term to expire May 8, 2011. See Utah Code Ann. 19–6–103. Mr. Dupont is a Independent.

John Newman is reappointed as a member of the Solid and Hazardous Waste Control Board, a term to expire May 8, 2011. See Utah Code Ann. 19–6–103. Mr. Newman is a Republican.

Michael Brehm is reappointed as a member of the Solid and Hazardous Waste Control Board, a term to expire May 8, 2011. See Utah Code Ann. 19–6–103. Mr. Brehm is a Democrat.

Carlton Christensen is reappointed as a member of the Solid and Hazardous Waste Control Board, a term to expire May 8, 2011. See Utah Code Ann. 19–6–103. Mr. Christensen is a Republican.

Craig Forster is reappointed as a member of the Solid and Hazardous Waste Control Board, a term to expire May 8, 2011. See Utah Code Ann. 19–6–103. Mr. Forster is a Republican.

Board of Tourism Development:

Steve Burr is reappointed as a member of the Board of Tourism Development, a term to expire July 1, 2011. See Utah Code Ann. 63–38f–1407. Mr. Burr is a Independent.

Hans Fuegi is reappointed as a member of the Board of Tourism Development, a term to expire July 1, 2011. See Utah Code Ann. 63–38f–1407. Mr. Fuegi is a Independent.

Pam Hilton is reappointed as a member of the Board of Tourism Development, a term to expire July 1, 2011. See Utah Code Ann. 63–38f–1407. Ms. Hilton is a Democrat.

Steve Lindburg is reappointed as a member of the Board of Tourism Development, a term to expire July 1, 2011. See Utah Code Ann. 63–38f–1407. Mr. Lindberg is an Independent.

Jeff Robbins is reappointed as a member of the Board of Tourism Development, a term to expire July 1, 2011. See Utah Code Ann. 63–38f–1407. Mr. Robbins is a Republican.

Bob Syrett is reappointed as a member of the Board of Tourism Development, a term to expire July 1, 2011. See Utah Code Ann. 63–38f–1407. Mr. Syrett is an Independent.

William Malone is appointed to replace Shelleice Stokes as a member of the Board of Tourism Development, a term to expire July 1, 2011. See Utah Code Ann. 63–38f–1407. Mr. Malone is a Republican.

Thank you for your timely consideration and confirmation of the above appointments.

Jon M. Huntsman, Jr.
Governor

Senator Hillyard moved to consent to the appointment as read by Leslie McLean. The motion passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Stowell	Waddoups	Walker	Valentine

Absent or not voting were: Senators

Dayton	Peterson	Romero	Stephenson
Van Tassell			

* * *

President Valentine directed the committee to wait upon the Governor's representative to notify him that the Senate has concluded its business.

Senator Eastman reported that the committee had notified the Governor's representative that the Senate had concluded its business, and that the Governor has no further business to bring before the Senate.

On motion of Senator Bramble, and at 12:35 p.m., the Senate adjourned sine die.

STATE OF UTAH

SENATE JOURNAL

**THIRD EXTRAORDINARY
SESSION
OF THE
FIFTY–SEVENTH LEGISLATURE**

Convened and Adjourned on
Wednesday, June 20, 2007

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Third Extraordinary Session of the Fifty–Seventh Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Third Extraordinary Session convening on Wednesday, June 20, 2007, 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–SEVENTH LEGISLATURE**

Pursuant to the proclamation of His Excellency, Governor Jon M. Huntsman, Jr., the Senate of the Fifty–Seventh Legislature of the State of Utah met in the Senate Chamber at the State Capitol Complex in the Third Extraordinary Session at 12:00 noon on Wednesday, June 20, 2007.

The Senate was called to order at 12:25 p.m. with President John Valentine presiding.

Prayer – Senator Kevin Van Tassell

Pledge – Senator Mike Dmitrich

Annette Moore, Secretary of the Senate, read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the close of the 2007 General Session of the 57th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature in Extraordinary Session;

NOW, THEREFORE, I, JON M. HUNTSMAN, JR., Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 57th Legislature into a Third Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 20th day of June, 2007 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 2007 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF,
I have hereunto set my hand
and caused to be affixed the
Great Seal of the State of Utah.
Done at the Salt Lake Capitol
Complex in Salt Lake City,
Utah, this 5th day of June, 2007.

Jon M. Huntsman, Jr.
Governor

Gary R. Herbert
Lieutenant Governor

CERTIFICATION

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of June 5, 2007, and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamation calling the Senate only into a Third Extraordinary Session at the State Capitol Complex, at Salt Lake City, Utah, on the 20th day of June, 2007, 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 2007 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 6th day of June 2007.

Gary R. Herbert
Lieutenant Governor

Roll call – All Senators present except Senators Hillyard, Romero, Dayton, and Eastman, excused.

On motion of Senator Hickman, the Senate voted to adopt the Senate Rules of the 2007 General Session of the Fifty–Seventh Legislature as the rules for the Third Extraordinary Session.

President Valentine appointed a committee comprised of Senators Sheldon Killpack, Wayne Niederhauser, and Fred Fife to notify the Governor’s representative that the Senate is convened in the Third Extraordinary Session in accordance with his proclamation.

Senator Killpack advised the Senate that the Governor’s representative has been notified of the convening of the Third Extraordinary Session.

* * *

Leslie McLean read the following communications:

COMMUNICATION FROM THE GOVERNOR

Mr. President:

May 1, 2007

FOURTH JUDICIAL DISTRICT COURT

Darold J. McDade is appointed as a Judge of the Fourth District Court. See Utah const. ant. VIII, 8; Utah Code 78–29–2.

Thank you for your timely consideration and confirmation of the above appointment.

Jon M. Huntsman, Jr.
Governor

* * *

Mr. President: June 15, 2007

The Senate Judicial Confirmation Committee met on June 15, 2007, and reports a favorable recommendation for Mr. Darold J. McDade to be confirmed to the position of Judge in the Fourth District Court.

D. Chris Buttars, Chair

Senator Buttars moved to consent to the appointment as read by Leslie McLean. Senator Bell commented. The motion passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Fife	Goodfellow
Greiner	Hickman	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Dayton	Eastman	Hillyard	Romero
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COMMITTEE OF THE WHOLE

On motion of Senator Buttars, Judge Darold J. McDade spoke in Committee of the Whole.

On motion of Senator Buttars, the Committee of the Whole was dissolved.

COMMUNICATION FROM THE GOVERNOR

Mr. President: June 5, 2007

In accordance with Utah Code Ann. 67-1-1 and 67-1-2, I propose and transmit the following appointments:

Department of Environmental Quality:

Richard W. Sprott is appointed as the Executive Director of the Department of Environmental Quality. See Utah Code Ann. 19-1-104.

Department of Veterans' Affairs:

Terry D. Schow is appointed as the Executive Director of the Department of Veterans' Affairs. See Utah Code Ann. 71-8-2.

State Tax Commission:

D'Arcy Dixon Pignanelli is reappointed as a member of the State Tax Commission, a term to expire June 30, 2011. Mrs. Dixon Pignanelli is a Democrat. See Utah Code Ann. 59-1-201.

Board of Pardons and Parole:

Richard Jay Oldroyd is appointed as a pro tempore member of the Board of Pardons and Parole, a term to expire February 28, 2012. See Utah Code Ann. 77-27-2.

Labor Commission Appeals Board:

Patricia Smith Drawe is reappointed as a member of the Labor Commission Appeals Board, a term to expire March 1, 2013. See Utah Code Ann. 34A-1-205. Ms. Drawe is a Republican.

Title and Escrow Commission:

Canyon Anderson is appointed to replace Darwin Johnson as a member of the Title and Escrow Commission, a term to expire June 30, 2011. See Utah Code Ann. 31A-2-403.

Garry M. Goodsell is appointed to replace Joyce Clark as a member of the Title and Escrow Commission, a term to expire June 30, 2011. See Utah Code Ann. 31A-2-403.

State Records Committee:

John "Lex" Hemphill is appointed to replace Dixie Brunner as a member of the State Records Committee, a term to expire July 1, 2010. See Utah Code Ann. 63-2-501.

Robert D. Robertson is appointed to replace Carol Heales as a member of the State Records Committee, a term to expire July 1, 2010. See Utah Code Ann. 63-2-501.

Board of Juvenile Justice Services:

Robert L. Flores is appointed to replace Steven Barth as a member of the Board of Juvenile Justice Services, a term to expire April 1, 2011. See Utah Code Ann. 62A-1-105.

Veronica Thomas is appointed to replace James Earl as a member of the Board of Juvenile Justice Services, a term to expire April 1, 2011. See Utah Code Ann. 62A-1-105

Board of Services for People with Disabilities:

LuWenn Jones is appointed to replace Gary Watts as a member of the Board of Services for People with Disabilities, a term to expire April 1, 2011. See Utah Code Ann. 62A-1-105.

Darrellyn Davis is appointed to replace Terry Stettler as a member of the Board of Services for People with Disabilities, a term to expire April 1, 2011 See Utah Code Ann. 62A-1-105.

Nancy Lyon is reappointed as a member of the Board of Services for People with Disabilities, a term to expire April 1, 2011. See Utah Code Ann. 62A-1-105.

Drew Hansen is reappointed as a member of the Board of Services for People with Disabilities, a term to expire April 1, 2011. See Utah Code Ann. 62A-1-105.

Board of Parks and Recreation:

William R. Bleak is reappointed as a member of the Board of Parks and Recreation, a term to expire July 1, 2011. See Utah Code Ann. 63-11-14. Mr. Bleak is a Republican.

Karl Bentley is reappointed as a member of the Board of Parks and Recreation, a term to expire July 1, 2011. See Utah Code Ann. 63-11-14. Mr. Bentley is a Democrat.

Irene Hansen is reappointed as a member of the Board of Parks and Recreation, a term to expire July 1, 2011. See Utah Code Ann. 63-11-14. Ms. Hansen is an Independent

Utah Comprehensive Health Insurance Pool Board of Directors:

Irene May Link is reappointed 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.

Victor N. Gibb is reappointed 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.

Randall R. Smart is reappointed 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.

Board of Business and Economic Development:

Jerold Oldroyd is reappointed as a member of the Board of Business and Economic Development, a term to expire March 15, 2011. See Utah Code Ann. 9-2-203. Mr. Oldroyd is a Democrat.

Clifford White is reappointed as a member of the Board of Business and Economic Development, a term to expire March 15, 2011. See Utah Code Ann. 9–2–203. Mr. White is a Republican.

James Lee Sorenson is appointed to replace David Simmons as a member of the Board of Business and Economic Development, a term to expire March 15, 2011. See Utah Code Ann. 9–2–203. Mr. Sorenson is a Republican.

Stanley Ellington is appointed to replace Mark Howell as a member of the Board of Business and Economic Development, a term to expire March 15, 2011. See Utah Code Ann. 9–2–203. Mr. Ellington is a Democrat.

Nikos M. Linardakis is appointed to replace Dell Loy Hansen as a member of the Board of Business and Economic Development, a term to expire March 15, 2011. See Utah Code Ann. 9–2–203. Dr. Linardakis is not affiliated with a political party.

Utah Capital Investment Board:

Lonnie M. Bullard is reappointed as a member of the Utah Capital Investment Board, a term to expire November 1, 2010. See Utah Code Ann. 63–38f–1205.

Wildlife Board:

Tom Hatch is appointed to replace Jim Bowns as a member of the Wildlife Board, a term to expire August 15, 2013. See Utah Code Ann. 23–14–2.

Ernie Perkins is appointed to replace Richard Diamond as a member of the Wildlife Board, a term to expire August 15, 2013. See Utah Code Ann. 23–14–2.

Del Brady is appointed to replace Allan Smith as a member of the Wildlife Board, a term to expire August 15, 2013. See Utah Code Ann. 23–14–2.

Utah Arts Council:

Hal Cannon is appointed to replace Margaret Brady as a member of the Utah Arts Council, a term to expire July 1, 2011. See Utah Code Ann. 9–6–204.

R. Scott Phillips is appointed to replace Anne Cullimore Decker as a member of the Utah Arts Council, a term to expire July 1, 2011. See Utah Code Ann. 9–6–204.

Carol Smith is appointed to replace John T. Nielsen as a member of the Utah Arts Council, a term to expire July 1, 2011. See Utah Code Ann. 9–6–204.

Dr. Raymond Tymes–Jones is appointed to replace Kathleen Pitcher as a member of the Utah Arts Council, a term to expire July 1, 2011. See Utah Code Ann. 9–6–204.

Ann Mooney is appointed to replace Alexander Schiel as a member of the Utah Arts Council, a term to expire July 1, 2011. See Utah Code Ann. 9–6–204.

Dr. Gary Amano is appointed to replace June Decker Thorley as a member of the Utah Arts Council, a term to expire July 1, 2011. See Utah Code Ann. 9–6–204.

Alcoholic Beverage Control Commission:

Sam Granato is appointed to replace Frank Budd as a member of the Alcoholic Beverage Control Commission, a term to expire July 1, 2011. See Utah Code Ann. 32A–1–106. Mr. Granato is an Independent.

* * *

Mr. President:

June 19, 2007

The Business and Labor Confirmation Committee met on June 19, 2007 and reports a favorable recommendation for Mr. Sam Granato to be confirmed to the position of Alcoholic Beverage Control Commission.

Kevin Van Tassell, Chair

* * *

School and Institutional Trust Lands Board of Trustees:

Daniel C. Lofgren is appointed to replace James J. Eardley 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. Mr. Lofgren is a Republican.

Utah State University Board of Trustees:

David P. Cook is reappointed as a member of the Utah State University Board of Trustees, a term to expire June 30, 2011. See Utah Code Ann. 53B–2–104.

Suzanne Pierce–Moore is reappointed as a member of the Utah State University Board of Trustees, a term to expire June 30, 2011. See Utah Code Ann. 53B–2–104.

Richard Shipley is reappointed as a member of the Utah State University Board of Trustees, a term to expire June 30, 2011. See Utah Code Ann. 53B–2–104.

Scott Watterson is appointed to replace Brent Nyman as a member of the Utah State University Board of Trustees, a term to expire June 30, 2011. See Utah Code Ann. 53B–2–104.

Weber State University Board of Trustees:

Barney Chapman is reappointed as a member of the Weber State University Board of Trustees, a term to expire June 30, 2011. See Utah Code Ann. 53B–2–104.

Alan Hall is appointed to replace Thomas Davidson as a member of the Weber State University Board of Trustees, a term to expire June 30, 2011. See Utah Code Ann. 53B-2-104.

Camille Cain is appointed to replace Kathy Petersen as a member of the Weber State University Board of Trustees, a term to expire June 30, 2011. See Utah Code Ann. 53B-2-104.

Bryan Bowles is appointed to replace Mac Christensen as a member of the Weber State University Board of Trustees, a term to expire June 30, 2011. See Utah Code Ann. 53B-2-104.

University of Utah Board of Trustees:

Roger Boyer is reappointed as a member of the University Of Utah Board Of Trustees, a term to expire June 30, 2011. See Utah Code Ann. 53B-2-104.

Randy Dryer is reappointed as a member of the University Of Utah Board Of Trustees, a term to expire June 30, 2011. See Utah Code Ann. 53B-2-104.

Clark Ivory is appointed to replace Senator Jake Garn as a member of the University Of Utah Board Of Trustees, a term to expire June 30, 2011. See Utah Code Ann. 53B-2-104.

Jim Wall is appointed to replace James Macfarlane as a member of the University Of Utah Board Of Trustees, a term to expire June 30, 2011. See Utah Code Ann. 53B-2-104.

Salt Lake Community College Board of Trustees:

Jeff Edwards is reappointed as a member of the Salt Lake Community College Board of Trustees, a term to expire June 30, 2011. See Utah Code Ann. 53B-2-104.

Stan Parrish is reappointed as a member of the Salt Lake Community College Board of Trustees, a term to expire June 30, 2011. See Utah Code Ann. 53B-2-104.

France Davis is appointed to replace Leticia Medina as a member of the Salt Lake Community College Board of Trustees, a term to expire June 30, 2011. See Utah Code Ann. 53B-2-104.

Richard Tranter is appointed to replace Richard Bradfore as a member of the Salt Lake Community College Board of Trustees, a term to expire June 30, 2011. See Utah Code Ann. 53B-2-104.

Utah Valley State College Board of Trustees:

Jeanette Beckham is reappointed as a member of the Utah Valley State College Board of Trustees, a term to expire June 30, 2011. See Utah Code Ann. 53B-2-104.

Jason Chaffetz is reappointed as a member of the Utah Valley State College Board of Trustees, a term to expire June 30, 2011. See Utah Code Ann. 53B-2-104.

Dan Campbell is reappointed as a member of the Utah Valley State College Board of Trustees, a term to expire June 30, 2011. See Utah Code Ann. 53B-2-104.

Terry Shoemaker is appointed to replace Karen Acerson as a member of the Utah Valley State College Board of Trustees, a term to expire June 30, 2009. See Utah Code Ann. 53B-2-104.

Steve Lund is appointed to replace Ron Dallin as a member of the Utah Valley State College Board of Trustees, a term to expire June 30, 2011. See Utah Code Ann. 53B-2-104.

Snow College Board of Trustees:

John Willmore is reappointed as a member of the Snow College Board of Trustees, a term to expire June 30, 2011. See Utah Code Ann. 53B-2-104.

Tim Barney is reappointed as a member of the Snow College Board of Trustees, a term to expire June 30, 2011. See Utah Code Ann. 53B-2-104.

Dan Jorgensen is appointed to replace Jerold Johnson as a member of the Snow College Board of Trustees, a term to expire June 30, 2011. See Utah Code Ann. 53B-2-104.

Jessie Pace is appointed to replace Carl Albrecht as a member of the Snow College Board of Trustees, a term to expire June 30, 2011. See Utah Code Ann. 53B-2-104.

College of Eastern Utah Board of Trustees:

Dennis Dooley is reappointed as a member of the College of Eastern Utah Board of Trustees, a term to expire June 30, 2011. See Utah Code Ann. 53B-2-104.

Jerry Carlson is reappointed as a member of the College of Eastern Utah Board of Trustees, a term to expire June 30, 2011. See Utah Code Ann. 53B-2-104.

Patsy Bueno is appointed to replace Dominic Welch as a member of the College of Eastern Utah Board of Trustees, a term to expire June 30, 2011. See Utah Code Ann. 53B-2-104.

Lynn Stevens is appointed to replace Thomas Sawyer as a member of the College of Eastern Utah Board of Trustees, a term to expire June 30, 2011. See Utah Code Ann. 53B-2-104.

Southern Utah University Board of Trustees:

Anne Judd is reappointed as a member of the Southern Utah University Board of Trustees, a term to expire June 30, 2011. See Utah Code Ann. 53B-2-104.

Lee Fife is reappointed as a member of the Southern Utah University Board of Trustees, a term to expire June 30, 2011. See Utah Code Ann. 53B-2-104.

Dwayne Nielson is reappointed as a member of the Southern Utah University Board of Trustees, a term to expire June 30, 2011. See Utah Code Ann. 53B-2-104.

Jim Johnson is appointed to replace Marsha Fetzer as a member of the Southern Utah University Board of Trustees, a term to expire June 30, 2011. See Utah Code Ann. 53B-2-104.

Mary Chamberlain is appointed to replace David Jeppson as a member of the Southern Utah University Board of Trustees, a term to expire June 30, 2009. See Utah Code Ann. 53B-2-104.

Dixie State College Board of Trustees:

Shandon Gubler is reappointed as a member of the Dixie State College Board of Trustees, a term to expire June 30, 2011. See Utah Code Ann. 53B-2-104.

David Jeppson is appointed to replace Mary Chamberlain as a member of the Dixie State College Board of Trustees, a term to expire June 30, 2011. See Utah Code Ann. 53B-2-104.

Max Rose is appointed to replace Jeanine Holt as a member of the Dixie State College Board of Trustees, a term to expire June 30, 2011. See Utah Code Ann. 53B-2-104.

Shawn King is appointed to replace Stephen Wade as a member of the Dixie State College Board of Trustees, a term to expire June 30, 2011. See Utah Code Ann. 53B-2-104.

State Board of Regents:

Nolan Karras is reappointed as a member of the State Board of Regents, a term to expire June 30, 2013. See Utah Code Ann. 53B-1-104.

Sara Sinclair is reappointed as a member of the State Board of Regents, a term to expire June 30, 2013. See Utah Code Ann. 53B-1-104.

Marlon Snow is reappointed as a member of the State Board of Regents, a term to expire June 30, 2013. See Utah Code Ann. 53B-1-104.

Patti Harrington is appointed to replace Daryl Barrett as a member of the State Board of Regents, a term to expire June 30, 2013. See Utah Code Ann. 53B-1-104.

Tony Morgan is appointed to replace David Grant as a member of the State Board of Regents, a term to expire June 30, 2013. See Utah Code Ann. 53B-1-104.

Amy Brockman is appointed to replace Ali Hasnain as a member of the State Board of Regents, a term to expire June 30, 2008. See Utah Code Ann. 53B-1-104.

Thank you for your timely consideration and confirmation of the above appointments.

Jon M. Huntsman, Jr.
Governor

Senator Killpack moved to consent to the appointments. Senators Jensen and Hickman commented. The motion passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dmitrich	Fife	Goodfellow
Greiner	Hickman	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Dayton	Eastman	Hillyard	Romero
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President Valentine directed the committee to wait upon the Governor's representative to notify him that the Senate has concluded its business.

Senator Killpack reported that the committee had notified the Governor's representative that the Senate had concluded its business, and that the Governor has no further business to bring before the Senate.

On motion of Senator Bramble, and at 12:50 p.m., the Senate adjourned sine die.

STATE OF UTAH

SENATE JOURNAL

FOURTH EXTRAORDINARY
SESSION
OF THE
FIFTY–SEVENTH LEGISLATURE

Convened and Adjourned on
Wednesday, July 18, 2007

CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Fourth Extraordinary Session of the Fifty–Seventh Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Fourth Extraordinary Session convening on Wednesday, July 18, 2007, 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–SEVENTH LEGISLATURE

Pursuant to the proclamation of His Excellency, Governor Jon M. Huntsman, Jr., the Senate of the Fifty–Seventh Legislature of the State of Utah met in the Senate Chamber at the State Capitol Complex in the Fourth Extraordinary Session at 12:00 noon on Wednesday, July 18, 2007.

The Senate was called to order at 12:05 p.m. with President John Valentine presiding.

Prayer – Senator Howard Stephenson

Pledge – Senator Dennis Stowell

SPECIAL PRESENTATION

A special citation was read honoring Utah Corrections Officer Stephen R. Anderson. Senator Stephenson commented.

A special citation was read honoring Eric Fullerton. Senators Bramble, McCoy, Fife and Valentine commented.

* * *

Annette Moore, Secretary of the Senate, read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the close of the 2007 General Session of the 57th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature in Extraordinary Session;

NOW, THEREFORE, I, JON M. HUNTSMAN, JR., Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 57th Legislature into a Fourth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 18th day of July, 2007 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 2007 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF,
I have hereunto set my hand
and caused to be affixed the
Great Seal of the State of Utah.
Done at the Salt Lake Capitol
Complex in Salt Lake City,
Utah, this 3rd day of July, 2007.

Jon M. Huntsman, Jr.
Governor

Gary R. Herbert
Lieutenant Governor

CERTIFICATION

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of July 3rd, 2007, and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamation calling the Senate only into a Fourth Extraordinary Session at the State Capitol Complex, at Salt Lake City, Utah, on the 18th day of July, 2007, 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 2007 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 17th day of July 2007.

Gary R. Herbert
Lieutenant Governor

Roll call – All Senators present except Senator Goodfellow, excused.

On motion of Senator Hickman, the Senate voted to adopt the Senate Rules of the 2007 General Session of the Fifty–Seventh Legislature as the rules for the Fourth Extraordinary Session.

President Valentine appointed a committee comprised of Senators Dan Eastman, Greg Bell, and Ross Romero to notify the Governor’s representative that the Senate is convened in the Fourth Extraordinary Session in accordance with his proclamation.

Senator Eastman advised the Senate that the Governor’s representative has been notified of the convening of the Fourth Extraordinary Session.

* * *

Leslie McLean read the following communications:

COMMUNICATION FROM THE GOVERNOR

Mr. President: June 6, 2007

In accordance with Utah Code 67–1–1 and 67–1–2 (2004), I propose and transmit the following appointment:

THIRD DISTRICT JUVENILE COURT

Mark W. May is appointed as a Judge of the Third District Juvenile Court. See Utah const. ant. VIII, 8; Utah Code 78–29–2.

Thank you for your timely consideration and confirmation of the above appointment.

Jon M. Huntsman, Jr.
Governor

* * *

Mr. President: June 15, 2007

The Senate Judicial Confirmation Committee met on July 16, 2007, and reports a favorable recommendation for Mr. Mark W. May to be confirmed to the position of Judge in the Third District Juvenile Court.

D. Chris Buttars, Chair

Senator Hillyard moved to consent to the appointment as read by Leslie McLean. Senator Buttars commented. The motion passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Goodfellow	Peterson
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COMMITTEE OF THE WHOLE

On motion of Senator Bramble, Judge Mark W. May spoke in Committee of the Whole.

On motion of Senator Bramble, the Committee of the Whole was dissolved.

COMMUNICATION FROM THE GOVERNOR

Mr. President: June 5, 2007

In accordance with Utah Code Ann. 67-1-1 and 67-1-2, I propose and transmit the following appointments:

Utah State Retirement Board:

David Winder is reappointed as a member of the Utah State Retirement Board, a term to expire July 1, 2011, See Utah Code Ann. 49-11-202.

Phyllis Sorensen is reappointed as a member of the Utah State Retirement Board, a term to expire July 1, 2011, See Utah Code Ann. 49-11-202.

Larry Evans is appointed to replace Kenneth Serre as a member of the Utah State Retirement Board, a term to expire July 1, 2011, See Utah Code Ann. 49-11-202.

Thank you for your timely consideration and confirmation of the above appointments.

Jon M. Huntsman, Jr.
Governor

Mr. President:

July 2, 2007

The Senate Retirement and Independent Entities Confirmation Committee met on July 2, 2007 and reports a favorable recommendation for Mr. David B. Winder, Ms. Phyllis P. Sorensen, and Mr. Larry W. Evans to be confirmed as a member of the Utah State Retirement Board.

Sheldon L. Killpack, Chair

* * *

Mr. President:

July 3, 2007

In accordance with Utah Code Ann. 67-1-1 and 67-1-2, I propose and transmit the following appointments:

Alcoholic Beverage Control Commission:

Gordon Strachan is appointed to replace Larry Lunt as a member of the Alcoholic Beverage Control Commission, a term expire July 1, 2011. See Utah Code Ann. 32A-1-106. Mr. Strachan is a Republican.

Bobbie Bicknell Coray is appointed to replace Nicholas Hales as a member of the Alcoholic Beverage Control Commission, a term expire July 1, 2010. See Utah Code Ann. 32A-1-106. Mrs. Coray is an Independent.

Mr. President:

June 19, 2007

The Business and Labor Confirmation Committee met on July 17, 2007 and reports a favorable recommendation for Mr. Gordon Strachan and Ms. Bobbie

Bicknell Coray to be confirmed to the position of Alcoholic Beverage Control Commission.

Kevin Van Tassell, Chair

Drinking Water Board:

David K. Stevens is appointed to replace Laurie McNeill as a member of the Drinking Water Board, a term to expire May 8, 2011. See Utah Code Ann. 19-4-103. Mr. Stevens is an Independent.

Water Quality Board:

Merritt Frey is appointed to replace Neil Kochenour as a member of the Water Quality Board, a term to expire March 1, 2009. See Utah Code Ann. 19-5-103. Ms. Frey is an Independent.

Health Facility Committee:

Gary M. Kelso is appointed as a new member of the Health Facility Committee, a term to expire July 1, 2011. See Utah Code Ann. 26-21-3.

Steven C. Sabins is appointed as a new member of the Health Facility Committee, a term to expire July 1, 2011. See Utah Code Ann. 26-21-3.

Denell Bredsguard is appointed as a new member of the Health Facility Committee, a term to expire July 1, 2011. See Utah Code Ann. 26-21-3.

Paul C. Fairholm is reappointed as a member of the Health Facility Committee, a term to expire July 1, 2010. See Utah Code Ann. 26-21-3.

Tracy D. Stocking is reappointed as a member of the Health Facility Committee, a term to expire July 1, 2010. See Utah Code Ann. 26-21-3.

F. Robert Reeder is reappointed as a member of the Health Facility Committee, a term to expire July 1, 2010. See Utah Code Ann. 26-21-3.

Utah Comprehensive Health Insurance Pool Board of Directors:

Byron T. Okutsu is reappointed as a member of the Utah Comprehensive Insurance Pool Board of Directors, a term to expire June 30, 2011. See Utah Code Ann. 31A-29-104.

Thank you for your timely consideration and confirmation of the above appointments.

Jon M. Huntsman, Jr.
Governor

Senator Hillyard moved to consent to the appointment as read by Leslie McLean. The motion passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Romero	Stephenson	Stowell	Van Tassell
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Goodfellow	Peterson
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* * *

President Valentine directed the committee to wait upon the Governor's representative to notify him that the Senate has concluded its business.

Senator Eastman reported that the committee had notified the Governor's representative that the Senate had concluded its business, and that the Governor has no further business to bring before the Senate.

On motion of Senator Bramble, and at 12:50 p.m., the Senate adjourned sine die.

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