STATE OF UTAH

SENATE JOURNAL

EIGHTH EXTRAORDINARY SESSION
OF THE
FIFTY−FIFTH LEGISLATURE

Convened and Adjourned on
Wednesday, May 19, 2004
CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Eighth Extraordinary Session of the Fifty–Fifth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Eighth Extraordinary Session convening on Wednesday, May 19, 2004, and adjourning sine die on the same day.

Annette B. Moore
Secretary of the Senate

Sandy D. Tenney
Manager, Senate Services

Mary B. Andrus
Journal Clerk
Pursuant to the proclamation of Her Excellency, Governor Olene S. Walker, the Senate of the Fifty−Fifth Legislature of the State of Utah met in the Senate Chamber at the State Capitol in the Eighth Extraordinary Session at 12:00 noon on Wednesday, May 19, 2004.

The Senate was called to order with President Mansell presiding.

**Prayer** – Senator Curtis Bramble

**Pledge** – Senator Lyle Hillyard

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

**PROCLAMATION**

WHEREAS, since the close of the 2004 General Session of the 55th 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, OLENE S. WALKER, 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 Senate only of the 55th Legislature of the State of Utah into a Eighth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 19th day of May, 2004 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 2004 General Session of the 55th 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 State Capitol Complex in Salt Lake City, Utah, this 4th day of May, 2004.

Olene S. Walker
Governor

Gayle F. McKeachnie
Lieutenant Governor

CERTIFICATION

I, GAYLE F. McKEACHNIE, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under date of May 4, 2004, and signed by Governor Olene S. Walker, is a true and correct copy of the original Proclamation calling the Senate only of the Fifty–Fifth Legislature of the State of Utah into a Eighth Extraordinary Session at the Senate Capitol at Salt Lake City, Utah, on the 19th day of May, 2004, 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 2004 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 4th day of May, 2004.

Gayle F. McKeachnie
Lieutenant Governor

Roll call – All Senators present, except Senators Bell, Eastman and Stephenson, excused.

COMMITTEE OF THE WHOLE

On motion of Senator Waddoups, Michael Young, newly appointed president of the University of Utah spoke in Committee of the Whole. Senator Hale commented.

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

* * *

On motion of Senator Hillyard, the Senate voted to adopt the Senate Rules of the 2004 General Session of the Fifty−Fifth Legislature as the rules for the Eighth Extraordinary Session.

President Mansell appointed a committee comprised of Senators Parley Hellewell, Leonard Blackham, and Paula Julander to notify the Governor that the Senate is convened in the Eighth Extraordinary Session in accordance with her proclamation.

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

Sandy D. Tenney read the following communications:

COMMUNICATION FROM THE GOVERNOR

Dear President Mansell and Members of the Senate: March 31, 2004

In accordance with Sections 67−1−1 and 2, Utah Code Annotated 1953, I propose and transmit the following appointments:
DISTRICT COURT

Constandinos (Deno) G. Himonas appointed as a Judge of the District Court of the Third Judicial District. Utah Constitution Article VIII, Section 8 and Section 78–3–3, Utah Code Annotated 1953, as amended.

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

Olene S. Walker
Governor

Communication filed.

CONFIRMATION COMMITTEE REPORT

Mr. President: May 19, 2004

The Senate Judicial Confirmation Committee met on May 5, 2004 and unanimously reports a favorable recommendation for Mr. Constandinos (Deno) G. Himonas to be confirmed to the position of District Court Judge in the Third Judicial District.

D. Chris Buttars,
Committee Chair

Senator Hillyard moved to consent to the appointment as read by Sandy D. Tenney. Senators Buttars and Dmitrich commented. The motion passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bramble Buttars
Davis Dmitrich B. Evans J. Evans
Gladwell Hale Hellewell Hickman
Hillyard Jenkins Julander Killpack
Knudson Mayne Thomas Valentine
Waddoups Mansell

Absent or not voting were: Senators
Bell Blackham Eastman Hatch
Stephenson Walker Wright

COMMITTEE OF THE WHOLE

On motion of Senator Buttars, Judge Constandinos G. Himonas spoke in Committee of the Whole.
On motion of Senator Buttars, the Committee of the Whole was dissolved.

***

Mr. President:
May 4, 2004

In accordance with Sections 67−1−1 and 2, Utah Code Annotated 1953, I propose and transmit the following appointments:

QUALITY GROWTH COMMISSION
Darrell H. Smith appointed to fill the unexpired term of Dennis P. Larkin on the Quality Growth Commission, a term to expire April 15, 2005. Section 11−38−201, Utah Code Annotated 1953, as amended.

UTAH DIGITAL HEALTH SERVICE COMMISSION
Terry Holmes appointed to fill the unexpired term of Dennis R. Hauze on the Utah Digital Health Service Commission, a term to expire October 1, 2006. Section 26−9f−103, Utah Code Annotated 1953, as amended.

Dennis D. Moser appointed to fill the unexpired term of Pam Morrison Lyman on the Utah Digital Health Service Commission, a term to expire October 1, 2004. Section 26−9f−103, Utah Code Annotated 1953, as amended.

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

Olene S. Walker
Governor

Communication filed.

Senator Hillyard moved to consent to the appointments as read by Sandy D. Tenney. The motion passed on the following roll call:

**Y eas, 23; Nays, 0; Absent, 6.**

**Voting in the affirmative were:** Senators

Allen  Arent  Bramble  Buttars
Davis  Dmitrich  B. Evans  J. Evans
Gladwell  Hale  Hatch  Hellewell
Hickman  Hillyard  Jenkins  Julander
Killpack  Knudson  Mayne  Thomas
Valentine  Waddoups  Mansell

**Absent or not voting were:** Senators

Bell  Blackham  Eastman  Stephenson
Walker  Wright
President Mansell directed the committee to wait upon the Governor’s representative to notify her 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 Waddoups, and at 12:40 p.m., the Senate adjourned sine die.
STATE OF UTAH

SENATE JOURNAL

NINTH EXTRAORDINARY SESSION
OF THE
FIFTY–FIFTH LEGISLATURE

Convened and Adjourned on
Wednesday, June 16, 2004
CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Ninth Extraordinary Session of the Fifty–Fifth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Ninth Extraordinary Session convening on Wednesday, June 16, 2004, and adjourning sine die on the same day.

Annette B. Moore
Secretary of the Senate

Sandy D. Tenney
Manager, Senate Services

Mary B. Andrus
Journal Clerk
STATE OF UTAH

SENATE JOURNAL

NINTH EXTRAORDINARY SESSION
of the
FIFTY–FIFTH LEGISLATURE

Pursuant to the proclamation of Her Excellency, Governor Olene S. Walker, the Senate of the Fifty–Fifth Legislature of the State of Utah met in the Senate Chamber at the State Capitol in the Ninth Extraordinary Session at 12:00 noon on Wednesday, June 16, 2004.

The Senate was called to order with President Mansell presiding.

Prayer – Senator Scott Jenkins

Pledge – Senator Karen Hale

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

PROCLAMATION

WHEREAS, since the close of the 2004 General Session of the 55th 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, OLENE S. WALKER, 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 Senate only of the 55th Legislature of the State of Utah into a Ninth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 16th day of June, 2004 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 2004 General Session of the 55th 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 State Capitol Complex in Salt Lake City, Utah, this 2nd day of June, 2004.

Olene S. Walker
Governor

Gayle F. McKeachnie
Lieutenant Governor

CERTIFICATION

I, GAYLE F. McKEACHNIE, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under date of June 2, 2004, and signed by Governor Olene S. Walker, is a true and correct copy of the original Proclamation calling the Senate only of the Fifty−Fifth Legislature of the State of Utah into a Ninth Extraordinary Session at the Senate Capitol at Salt Lake City, Utah, on the 16th day of June, 2004, 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 2004 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 2nd day of June, 2004.

Gayle F. McKeachnie
Lieutenant Governor

Roll call – All Senators present, except Senators Buttars, Gladwell, and Wright excused.

* * *

On motion of Senator Hillyard, the Senate voted to adopt the Senate Rules of the 2004 General Session of the Fifty–Fifth Legislature as the rules for the Ninth Extraordinary Session.

President Mansell appointed a committee comprised of Senators Beverly Evans, Greg Bell, and Ed Mayne to notify the Governor that the Senate is convened in the Ninth Extraordinary Session in accordance with her proclamation.

Senator Bev Evans advised the Senate that the Governor’s representative has been notified of the convening of the Ninth Extraordinary Session.

Sandy D. Tenney read the following communications:

COMMUNICATION FROM THE GOVERNOR

Dear President Mansell and Members of the Senate: May 25, 2004

In accordance with Sections 67–1–1 and 2, Utah Code Annotated 1953, I propose and transmit the following appointment:

DISTRICT COURT

Christine Schell Decker appointed as a Judge of the Juvenile Court of the Third Judicial District. Utah Constitution Article VIII, Section 8 and Section 78–3–3, Utah Code Annotated 1953, as amended.
Thank you for your timely consideration and confirmation of the above appointment.

Olene S. Walker
Governor

Communication filed.

CONFIRMATION COMMITTEE REPORT

Mr. President: June 15, 2004

The Senate Judicial Confirmation Committee met on June 15, 2004 and unanimously reports a favorable recommendation for Ms. Christine Schell Decker to be confirmed to the position of Juvenile Court Judge in the Third Judicial District.

Michael G. Waddoups, Acting Committee Chair

Senator Waddoups moved to consent to the appointment as read by Sandy D. Tenney. Senators Bell and Arent commented. The motion passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Blackham
Bramble Davis Dmitrich Eastman
B. Evans J. Evans Hale Hatch
Hellewell Hickman Hillyard Jenkins
Julander Killpack Knudson Mayne
Thomas Valentine Waddoups Walker
Mansell

Absent or not voting were: Senators
Buttars Gladwell Stephenson Wright

COMMITTEE OF THE WHOLE

On motion of Senator Waddoups, Judge Christine Schell Decker spoke in Committee of the Whole.

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

***

Mr. President: June 2, 2004

In accordance with Sections 67−1−1 and 2, Utah Code Annotated 1953, I propose and transmit the following appointments:
DEPARTMENT OF FINANCIAL INSTITUTIONS  

STATE TAX COMMISSION  
Marc Johnson reappointed as a member of the State Tax Commission for a term to expire June 30, 2008. Section 59−1−201, Utah Code Annotated 1953, as amended. Mr. Johnson is an independent.

JUDICIAL CONDUCT COMMISSION  
Flora Ogan reappointed as a member of the Judicial Conduct Commission for term to expire June 30, 2008. Section 78−8−102 Utah Code Annotated 1953, as amended. Ms. Ogan is a republican.

Rod Orton reappointed as a member of the Judicial Conduct Commission for term to expire June 30, 2008. Section 78−8−102 Utah Code Annotated 1953, as amended. Mr. Orton is a republican.

SOLID AND HAZARDOUS WASTE CONTROL BOARD  
Kory Coleman appointed to fill the unexpired term of Kenneth Alkema, a term to expire May 8, 2005. Section 19−6−103, Utah Code Annotated 1953, as amended. Mr. Coleman is a republican.

HEBER VALLEY HISTORIC RAILROAD AUTHORITY  
Ralph Gochnour reappointed as a member of the Heber Valley Historic Railroad Authority, for a term to expire June 30, 2008. Section 9−3−302, Utah Code Annotated 1953, as amended.

COMMITTEE OF CONSUMER SERVICES  
Kelly Casaday reappointed as a member of the Committee of Consumer Services for a term to expire June 30, 2008. Section 54−10−2 Utah Code Annotated 1953, as amended. Mr. Casaday is a republican.

Dee Jay Hammon reappointed as a member of the Committee of Consumer Services for a term to expire June 30, 2008. Section 54−10−2 Utah Code Annotated 1953, as amended. Mr. Hammon is a republican.

Betsy Wolf reappointed as a member of the Committee of Consumer Services for a term to expire June 30, 2008. Section 54−10−2 Utah Code Annotated 1953, as amended. Ms. Wolf is an independent.
Thank you for your timely consideration and confirmation of the above appointments.

Olene S. Walker  
Governor

Communication filed.

On motion of Senator Valentine the President, Majority and Minority Leaders voted to waive the 15-day requirement on the June 2, 2004 appointments.

Senator Hillyard moved to consent to the appointments as read by Sandy D. Tenney. The motion passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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

Senator Bev Evans 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 Waddoups, and at 12:45 p.m., the Senate adjourned sine die.
CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Third Special Session of the Fifty-Fifth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Third Special Session convening on Monday, June 28, 2004, and adjourning sine die the same day.

Annette B. Moore  
Secretary of the Senate

Sandy D. Tenney  
Manager, Senate Services

Mary B. Andrus  
Journal Clerk
Pursuant to the proclamation of Her Excellency, Governor Olene S. Walker, the Senate of the Fifty–Fifth Legislature of the State of Utah met in the Senate Chamber at the State Capitol in a Special Session at 12:00 noon, on Monday, June 28, 2004.

The Senate was called to order with President Mansell presiding.

Prayer – Senator Peter Knudson

Pledge – Senator Sheldon Killpack

Roll call – All Senators present except Senators Hatch, Hickman, Hellewell, and Arent excused.

Annette B. Moore read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the adjournment of the 2004 General Session of the Fifty–Fifth 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, OLENE S. WALKER, 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–Fifth Legislature of the State of Utah into a Special Session at the State Capitol in Salt Lake City, Utah, on the 28th day of June, 2004 at 12:00 noon, for the following purpose:

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Capitol Complex in Salt Lake City, Utah, this 24th day of June, 2004.

Olene S. Walker
Governor

Gayle F. McKeachnie
Lieutenant Governor

CERTIFICATION

I, GAYLE F. McKEACHNIE, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under date of June 24th, 2004, and signed by Governor Olene S. Walker, is a true and correct copy of the original Proclamation calling the Fifty–Fifth Legislature of the State of Utah into a Special Session at the State
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 Capitol Complex in Salt Lake City, Utah, this 24th day of June, 2004.

Gayle F. McKeachnie
Lieutenant Governor

* * *

On motion of Senator Valentine, the Senate voted to adopt the Senate Rules of the 2004 General Session of the Fifty-Fifth Legislature as the rules for the Third Special Session.

President Mansell appointed a committee comprised of Senators Dan Eastman, James Evans, and Ed Mayne to notify Governor Olene S. Walker that the Senate is convened in the Third Special Session in accordance with her proclamation and is organized and ready to receive any communications from her.

President Mansell appointed a committee comprised of Senators David Gladwell, Chris Buttars, and Karen Hale to notify the House of Representatives that the Senate is organized and ready to do business.

Senator Gladwell reported that the House has been notified.

Senator Eastman reported that the Governor has been notified.

* * *

On motion of Senator Hillyard, 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.
The motion passed by the required constitutional two-thirds majority.

INTRODUCTION OF BILLS

S.B. 3001, Taxes, Fees, or Charges Amendments (C. Bramble), read the first time by short title and referred to the Rules Committee.

On motion of Senator Waddoups, under suspension of the rules, the bill was placed on the Second Reading Calendar for immediate consideration.

SECOND READING CALENDAR

S.B. 3001, TAXES, FEES, OR CHARGES AMENDMENTS, was read the second time. Senator Bramble explained the bill. Senators Thomas, Hillyard, James Evans, Waddoups, Blackham, and Walker commented.

Senator Bramble proposed the following amendment:

1. Page 1, Lines 14 through 17
   14 ▶ addresses the collection of sales and use taxes by sellers that lack certain contacts
   15   with the state and provides for the distribution of those revenues to the General
   16   Fund, the Remote Sales Restricted Account, and counties, cities, and towns;
   17   ▶ amends the revenues required to be deposited into the Remote Sales Restricted Account and the General Fund;
   17   ▶ addresses amnesty for sellers relating to certain taxes, fees, or charges;

2. Page 2, Lines 28 through 29:
   28 59−12−103, as last amended by Chapters 156, 255 and 300, Laws of Utah 2004
   29 59−12−103.2, as last amended by Chapter 255, Laws of Utah 2004

3. Page 3, Lines 62 through 65:
   62 (iii) “purchase price”;
(2) (a) the amendments made by Section 9, Chapter 312, Laws of Utah 2003, and

Section 11, Chapter 255, Laws of Utah 2004, to Section 59–12–103 take effect on July 1, 2005, except that beginning on July 1, 2005, the dollar amount listed in Subsection 59–12–103(7)(b)(ii) in Section 11, Chapter 255, Laws of Utah 2004, shall be changed from $8,779,673 to $7,279,673; and

4. Page 4, Lines 112 through 113:

(b) beginning on July 1, 2004, through June 30, 2005, Section 59–12–204 shall read as provided in Section [[4]] 5 of this bill;

5. Page 4, Lines 116 through 117:

(b) beginning on July 1, 2004, through June 30, 2005, Section 59–12–205 shall read as provided in Section [[5]] 6 of this bill;

6. Page 5, Lines 121 through 122:

(b) beginning on July 1, 2004, through June 30, 2005, Section 59–12–207 shall read as provided in Section [[6]] 7 of this bill;

7. Page 15, Line 446:

(ii) [[($8,779,673)] $7,279,673].

8. Page 15, Line 447:

Section 3. Section 59–12–103.2 (Effective 07/01/04) is amended to read:

59–12–103.2. Remote Sales Restricted Account −− Creation −− Funding for account −− Interest −− Deposit of revenues into the General Fund.

(1) There is created within the General Fund a restricted account known as the “Remote Sales Restricted Account.”

(2) The account shall be funded from the portion of the sales and use tax deposited by the commission as provided in Section 59–12–103.
(3) (a) The account shall earn interest.
   (b) The interest described in Subsection (3)(a) shall be deposited
   into the account.

   [[[(4) The Division of Finance shall deposit any revenues in the
   Remote Sales Restricted Account as of July 1, 2004, into the
   General Fund.]]]

   Renumber remaining sections accordingly.

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

###

Senator Bramble proposed the following amendment:

1. Page 1, Line 8:
   After “title” insert “and enacts uncodified material”

2. Page 1, Line 20:
   After “language;” delete “and”

3. Page 1, Line 20:
   After line 20 insert:
   “\* requires the Revenue and Taxation Interim Committee to conduct a
   study; and”

4. Page 2, Line 35:
   After line 35 insert:
   “Uncodified Material Affected:
   ENACTS UNCODIFIED MATERIAL”

5. Page 28, Line 845:
   After line 845 insert:
   Section 8. Revenue and Taxation Interim Committee study.
   The Revenue and Taxation Interim Committee:
   (1) shall, during the 2004 interim, study persons impacted by S.B.
   3001, 2004 Third Special Session, and make recommendations on
   mitigating any negative impacts on those persons created by
   modifications made to tax rates by S.B. 3001, 2004 Third Special
   Session; and
   (2) may study any other issues relating to S.B. 3001, 2004 Third Special
   Session, as determined by the Revenue and Taxation Interim
   Committee.

Renumber remaining sections accordingly.
Senator Bramble’s motion to amend passed on a voice vote.

On motion of Senator Bramble, under suspension of the rules, S.B. 3001, TAXES, FEES, OR CHARGES 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

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<td>Walker</td>
<td>Wright</td>
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**Absent or not voting were:** Senators

| Arent  | Hatch  | Hellewell | Hickman |

S.B. 3001, as amended, was transmitted to the House.

* * *

On motion of Senator Waddoups, and at 1:05 p.m., the Senate sauntered.

The Senate was called to order at 1:30 p.m., with President Mansell presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: June 28, 2004

The House passed S.B. 3001, TAXES, FEES OR CHARGES AMENDMENTS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 3001 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

President Mansell appointed Senators Eastman, James Evans, and Mayne to wait upon the Governor and ask if she has any further business to bring before the Senate.
President Mansell appointed Senators Jenkins, Thomas, and Killpack to notify the House of Representatives that the Senate has concluded its business and is ready to adjourn sine die.

Senator Eastman reported that his committee, with a like committee from the House, have notified the Governor that the Legislature has concluded its business and is ready to adjourn sine die.

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

On motion of Senator Waddoups, and at 1:40 p.m., the Third Special Session of the Fifty-Fifth Legislature adjourned sine die.
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SENATE AND HOUSE BILLS AND RESOLUTIONS

FIFTY–FIFTH LEGISLATURE
THIRD SPECIAL SESSION

Convened and Adjourned on
Wednesday, June 28, 2004
S.B. 3001 — TAXES, FEES, OR CHARGES AMENDMENTS (C. Bramble)

Read the first time by short title and referred to the Rules Committee. ........................................... 22
Read the second time ................................................................................................................................. 22
Amendments ............................................................................................................................................... 22
Read the second and third time .................................................................................................................. 25
Transmitted to the House ........................................................................................................................... 25
Signed by the President and transmitted to the Governor ......................................................................... 25
STATE OF UTAH

SENATE JOURNAL

TENTH EXTRAORDINARY SESSION
OF THE
FIFTY−FIFTH LEGISLATURE

Convened and Adjourned on
Wednesday, August 18, 2004
CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Tenth Extraordinary Session of the Fifty−Fifth Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Tenth Extraordinary Session convening on Wednesday, August 18, 2004, and adjourning sine die on the same day.

Annette B. Moore
Secretary of the Senate

Sandy D. Tenney
Manager, Senate Services

Mary B. Andrus
Journal Clerk
Pursuant to the proclamation of Her Excellency, Governor Olene S. Walker, the Senate of the Fifty-Fifth Legislature of the State of Utah met in the Senate Chamber at the State Capitol Complex in the Tenth Extraordinary Session at 12:00 noon on Wednesday, August 18, 2004.

The Senate was called to order with President Mansell presiding.

Prayer – Senator Carlene Walker

Pledge – Senator Bill Hickman

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

PROCLAMATION

WHEREAS, since the close of the 2004 General Session of the 55th 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, OLENE S. WALKER, 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 Senate only of the 55th Legislature of the State of Utah into a Tenth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 18th day of August, 2004 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 2004 General Session of the 55th 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 State Capitol Complex in Salt Lake City, Utah, this 3rd day of August, 2004.

Olene S. Walker
Governor

Gayle F. McKeachnie
Lieutenant Governor

CERTIFICATION

I, GAYLE F. McKEACHNIE, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under date of August 3, 2004, and signed by Governor Olene S. Walker, is a true and correct copy of the original Proclamation calling the Senate only of the Fifty−Fifth Legislature of the State of Utah into a Tenth Extraordinary Session at the Senate Capitol at Salt Lake City, Utah, on the 18th day of August, 2004, 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 2004 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 3rd day of August, 2004.

Gayle F. McKeachnie
Lieutenant Governor

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

On motion of Senator Hillyard, the Senate voted to adopt the Senate Rules of the 2004 General Session of the Fifty-Fifth Legislature as the rules for the Tenth Extraordinary Session.

President Mansell appointed a committee comprised of Senators Thomas Hatch, Sheldon Killpack, and Mike Dmitrich to notify the Governor’s representative that the Senate is convened in the Tenth Extraordinary Session in accordance with his proclamation.

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

Sandy D. Tenney read the following communications:

COMMUNICATION FROM THE GOVERNOR

Dear President Mansell and Members of the Senate: July 9, 2004
In accordance with Sections 67–1–1 and 2, Utah Code Annotated 1953, I propose and transmit the following appointment:

DISTRICT COURT
John R. Morris, Jr. appointed as a Judge of the District Court of the Second Judicial District. Utah Constitution Article VIII, Section 8 and Section 78–3–3, Utah Code Annotated 1953, as amended.
Thank you for your timely consideration and confirmation of the above appointment.

Olene S. Walker
Governor

Communication filed.

CONFIRMATION COMMITTEE REPORT

Mr. President: August 18, 2004

The Senate Judicial Confirmation Committee met on August 10, 2004 and unanimously reports a favorable recommendation for Mr. John R. Morris to be confirmed to the position of District Court Judge in the Second Judicial District.

D. Chris Buttars
Committee Chair

Senator Hillyard moved to consent to the appointment as read by Sandy D. Tenney. The motion passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen              Arent              Bell              Blackham
Buttars           Davis              Dmitrich          Eastman
J. Evans          Gladwell           Hale              Hatch
Hellewell          Hickman           Hillyard          Jenkins
Julander          Killpack           Knudson           Mayne
Stephenson        Thomas             Valentine         Waddoups
Walker            Mansell

Absent or not voting was: Senator
Bramble           B. Evans           Wright

On motion of Senator Buttars, Judge John R. Morris spoke in Committee of the Whole.

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

COMMUNICATION FROM THE GOVERNOR

Dear President Mansell and Members of the Senate: August 3, 2004

In accordance with Sections 67−1−1 and 2, Utah Code Annotated 1953, I propose and transmit the following appointments:
Board of Substance Abuse and Mental Health

Michael J. Crookston reappointed as a member of the Board of Substance Abuse and Mental Health for a term to expire September 1, 2008. Section 62A–15–106 Utah Code Annotated 1953, as amended. Mr. Crookston is an independent.

Joleen G. Meredith reappointed as a member of the Board of Substance Abuse and Mental Health for a term to expire September 1, 2008. Section 62A–15–106 Utah Code Annotated 1953, as amended. Ms. Meredith is a democrat.


School and Institutional Trust Lands Board of Trustees

John Y. Ferry appointed to replace Ruland Gill as a member of the School and Institutional Trust Lands Board of Trustees for a term to expire June 30, 2010. Section 53C–1–202 Utah Code Annotated 1953, as amended.

Real Estate Commission

Blaine Walker to replace Danny Holt as a member of the Real Estate Commission for a term to expire June 30, 2008. Section 61–2–5.5 Utah Code Annotated 1953, as amended.

Bonnie Peretti to replace Tom Morgan as a member of the Real Estate Commission for a term to expire June 30, 2008. Section 61–2–5.5 Utah Code Annotated 1953, as amended.

State Board of Regents

Katharine Bagley Garff appointed to fill the unexpired term of Charlie Johnson as a member of the State Board of Regents, a term to expire June 30, 2009. Section 53 B–1–104 Utah Code Annotated 1953, as amended. Ms. Garff is a republican.

Trenton R. Kemp to replace Bill Edwards as student regent on the State Board of Regents for a term to expire June 30, 2005. Section 53 B–1–104 Utah Code Annotated 1953, as amended.

Radiation Control Board

Kent Bradford reappointed as a member of the Radiation Control Board for a term to expire July 1, 2008. Section 19–3–103 Utah Code Annotated 1953, as amended. Mr. Bradford is an independent.

Gregory G. Oman reappointed as a member of the Radiation Control Board for a term to expire July 1, 2008. Section 19–3–103 Utah Code Annotated 1953, as amended. Mr. Oman is a republican.

Robert S. Pattison reappointed as a member of the Radiation Control Board for a term to expire July 1, 2008. Section 19–3–103 Utah Code Annotated 1953, as amended. Mr. Pattison is a non partisan.

Dan L. Perry reappointed as a member of the Radiation Control Board for a term to expire July 1, 2008. Section 19–3–103 Utah Code Annotated 1953, as amended. Mr. Perry is a republican.

Joseph Miner appointed to replace Gary L. Edwards as a member of the Radiation Control Board for a term to expire July 1, 2008. Section 19–3–103 Utah Code Annotated 1953, as amended. Mr. Miner is a republican.

Real Estate Appraiser Licensing and Certification Board
Craig Morley appointed to replace Michael Christensen as a member of the Real Estate Appraiser Licensing and Certification Board for a term to expire July 1, 2008. Section 61–2b–7 Utah Code Annotated 1953, as amended.

Lynn Christensen appointed to replace Joe Stott as a member of the Real Estate Appraiser Licensing and Certification Board for a term to expire July 1, 2008. Section 61–2b–7 Utah Code Annotated 1953, as amended.

Holly Christensen appointed to replace Dawn Buxton as a member of the Real Estate Appraiser Licensing and Certification Board for a term to expire July 1, 2008. Section 61–2b–7 Utah Code Annotated 1953, as amended.

Utah Valley State College Board of Trustees
Janette Hales Beckham appointed to fill the unexpired term of Karen Ashton as a member of the Utah Valley State College Board of Trustees, a term to expire June 30, 2007. Section 53B–2–104 Utah Code Annotated 1953, as amended.

Youth Parole Authority
Jeff Norton appointed to fill the unexpired, member term of Randy Ence as a member of the Youth Parole Authority for a term to expire April 1, 2007. Section 62–A–7–109 Utah Code Annotated 1953, as amended.

Alvin Emery appointed to fill the unexpired term of Carlos Esqueda as a member of the Youth Parole Authority for a term to expire April 1, 2007. Section 62–A–7–109 Utah Code Annotated 1953, as amended.

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

Olene S. Walker
Governor

Communication filed.

Senator Hillyard moved to consent to the appointments as read by Sandy D. Tenney. The motion passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen      Arent      Bell      Blackham
Bramble   Buttars    Davis    Dmitrich
Eastman   B. Evans   J. Evans Gladwell
Hale      Hatch      Hellewell Hickman
Hillyard  Jenkins    Julander Killpack
Knudson   Mayne      Stephenson Thomas
Valentine Waddoups Walker Mansell

Absent or not voting was: Senator
Wright

* * *

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

Senator Hatch 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 Waddoups, and at 12:30 p.m., the Senate adjourned sine die.
STATE OF UTAH

SENATE JOURNAL

FOURTH SPECIAL SESSION
OF THE
FIFTY–FIFTH LEGISLATURE

Convened and Adjourned on Wednesday, September 15, 2004
CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Fourth Special Session of the Fifty–Fifth 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 Wednesday, September 15, 2004, and adjourning sine die the same day.

Annette B. Moore
Secretary of the Senate

Sandy D. Tenney
Manager, Senate Services

Mary B. Andrus
Journal Clerk
STATE OF UTAH

SENATE JOURNAL

FOURTH SPECIAL SESSION
of the
FIFTY–FIFTH LEGISLATURE

Pursuant to the proclamation of Her Excellency, Governor Olene S. Walker, the Senate of the Fifty–Fifth Legislature of the State of Utah met in the Senate Chamber at the State Capitol Complex in a Special Session at 2:30 p.m., on Wednesday, September 15, 2004.

The Senate was called to order with President Mansell presiding.

Prayer – Senator Thomas Hatch

Pledge – Senator Mike Dmitrich

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

Annette B. Moore read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the adjournment of the 2004 General Session of the Fifty–Fifth 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, OLENE S. WALKER, 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–Fifth Legislature of the State of Utah into a Fourth Special Session at the State Capitol Complex in Salt Lake City, Utah, on the 15th day of September, 2004 at 2:00 p.m., for the following purposes:

1. To consider allocating funds to improve the state correctional facilities in Draper;
2. To consider allocating funds to care for, preserve, and provide for the security of state lands at Range Creek;

3. To consider amendments to Title 75 regarding out-of-state trustees;

4. To consider certain deductions from income tax for persons called to active service in the military;

5. 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 2004 General Session; and

6. To consider such other measures as may be brought to the attention of the Legislature by supplemental communication from the governor before or during the Special Session hereby called.

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 Capitol Complex in Salt Lake City, Utah, this 10th day of September, 2004.

Olene S. Walker
Governor

Gayle F. McKeachnie
Lieutenant Governor

CERTIFICATION

I, GAYLE F. McKEACHNIE, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under date of September 10th, 2004, and signed by Governor Olene S. Walker, is a true and correct copy of the original Proclamation calling the Fifty-Fifth Legislature of the State of Utah into a Special Session at the State
Capitol Complex at Salt Lake City, Utah, on the 15th day of September, 2004, at 2:00 p.m., for the purposes named in the Proclamation.

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 Capitol Complex in Salt Lake City, Utah, this 10th day of September, 2004.

Gayle F. McKeachnie
Lieutenant Governor

***

On motion of Senator Hillyard, the Senate voted to adopt the Senate Rules of the 2004 General Session of the Fifty–Fifth Legislature as the rules for the Fourth Special Session.

President Mansell appointed a committee comprised of Senators Bill Hickman, James Evans, and Ron Allen to notify Governor Olene S. Walker that the Senate is convened in the Fourth Special Session in accordance with her proclamation and is organized and ready to receive any communications from her.

President Mansell appointed a committee comprised of Senators Carlene Walker, Scott Jenkins, and Karen Hale to notify the House of Representatives that the Senate is organized and ready to do business.

Senator Walker reported that the House has been notified.

Senator Hickman reported that the Governor has been notified.

***

On motion of Senator Hillyard, 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.
The motion passed by the required constitutional two-thirds majority.

INTRODUCTION OF BILLS

S.B. 4001, Trust Business Amendments (L. Hillyard), read the first time by short title and referred to the Rules Committee.


S.B. 4003, Supplemental Appropriations Act II Amendments – Redirection of Certain Federal Funds to Inmate Housing (L. Blackham), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Waddoups, under suspension of the rules, S.B. 4001, S.B. 4002, and S.B. 4003 were placed on the Second Reading Calendar for immediate consideration.

SECOND READING CALENDAR

S.B. 4001, TRUST BUSINESS AMENDMENTS, was read the second time.

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

1st Sub. S.B. 4001, Trust Business Amendments (L. Hillyard)

On motion of Senator Hillyard, under suspension of the rules, 1st Sub. S.B. 4001, TRUST BUSINESS AMENDMENTS, was considered read the second and third times. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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Absent or not voting were: Senators
Gladwell          Killpack          Mayne

1st Sub. S.B. 4001, as amended, was transmitted to the House.

***

S.B. 4002, INDIVIDUAL INCOME TAX − TREATMENT OF CERTAIN MILITARY INCOME, was read the second time.

On motion of Senator Bramble, the bill was circled.

***

S.B. 4003, SUPPLEMENTAL APPROPRIATIONS ACT II AMENDMENTS − REDIRECTION OF CERTAIN FEDERAL FUNDS TO INMATE HOUSING, was read the second time.

On motion of Senator Blackham, the bill was circled.

ADVISE AND CONSENT

Sandy D. Tenney read the following communications:

COMMUNICATION FROM THE GOVERNOR

Dear President Mansell and Members of the Senate: August 31, 2004

In accordance with Sections 67−1−1 and 2, Utah Code Annotated 1953, I propose and transmit the following appointments:

Air Quality Board
Marcelle Shoop appointed to fill the unexpired term of Jonathan Cherry as a member of the Air Quality Board, a term to expire March 1, 2007. Section 19−2−103 Utah Code Annotated 1953, as amended. Ms. Shoop is non−partisan.

Board of Travel Development
Georgianna Knudson appointed to fill the unexpired term of Vickie L. McCall as a member of the Board of Travel Development, a term to expire July 1, 2005. Section 9−3−202 Utah Code Annotated 1953, as amended. Ms. Knudson is a republican.

Permanent Community Impact Fund
Ralph Okerlund reappointed as a member of the Permanent Community Impact Fund, a term to expire July 1, 2008. Section 9−4−304, Utah Code Annotated 1953, as amended.
Securities Advisory Board

Henry R. Autry reappointed as a member of the Securities Advisory Board, a term to expire July 1, 2008. Section 61–1–18.5 Utah Code Annotated 1953, as amended.

Laura Polacheck appointed to replace Richard Smiley as a member of the Securities Advisory Board, a term to expire July 1, 2008. Section 61–1–18.5 Utah Code Annotated 1953, as amended.

Edward L. McCartney appointed to replace W. Rex Thornton as a member of the Securities Advisory Board, a term to expire July 1, 2008. Section 61–1–18.5 Utah Code Annotated 1953, as amended.

State Records Committee

Scott Whitaker appointed to replace Brian Winterowd as a member of the State Records Committee, for a term to expire July 1, 2008. Section 63–2–501 Utah Code Annotated 1953, as amended.

Carl Albrecht appointed to replace Cherie Nash Willis as a member of the State Records Committee, for a term to expire July 1, 2008. Section 63–2–501 Utah Code Annotated 1953, as amended.

Utah 911 Committee

Dave White appointed as a member of the Utah 911 Committee, for a term to expire June 30, 2008. Section 53–10–601 Utah Code Annotated 1953, as amended.

Chuck McCown appointed as a member of the Utah 911 Committee, for a term to expire June 30, 2008. Section 53–10–601 Utah Code Annotated 1953, as amended.

Lance Checketts appointed as a member of the Utah 911 Committee, for a term to expire June 30, 2008. Section 53–10–601 Utah Code Annotated 1953, as amended.

Eric Varney appointed as a member of the Utah 911 Committee, for a term to expire June 30, 2008. Section 53–10–601 Utah Code Annotated 1953, as amended.

Water Quality Board

Paula Doughty appointed to fill the unexpired term of William R. Williams as a member of the Water Quality Board for a term to expire March 1, 2005. Section 19–5–103 Utah Code Annotated 1952, as amended. Mr. Doughty is an independent.
Board of Child and Family Services

David Lewis Corwin reappointed as a member of the Board of Child and Family Services for a term to expire July 1, 2008. Sections 62A-1-107 and 62A-4a-102 Utah Code Annotated 1953, as amended. Mr. Corwin is an independent.


Alan N. Garfield appointed to replace Gladys Hale as a member of the Board of Child and Family Services for a term to expire July 1, 2008. Sections 62A-1-107 and 62A-4a-102 Utah Code Annotated 1953, as amended. Mr. Garfield is a republican.


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

Olene S. Walker
Governor

On motion of Senator Hillyard, the Senate voted to consent to the governor’s appointments on the following roll call:

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

Voting in the affirmative were: Senators

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SECOND READING CALENDAR

On motion of Senator Bramble, the circle was removed from S.B. 4002

Senator Bramble proposed the following amendment:

1. Page 1, Lines 9 through 10,

   9 This bill amends the Individual Income Tax Act to provide for a
   10 federal taxable income for a one taxable year period.

2. Page 1, Lines 14 through 15:

   14 C0034 provides for a one taxable year period a subtraction from
   15 federal taxable income for certain income a resident or
   nonresident individual receives for qualifying military service;

3. Page 1, Lines 21 through 22:

   21 This bill has retrospective operation for the taxable
   { years } year beginning on or after January 1,
   22 2004 but beginning on or before December 31, 2004.

4. Page 12, Lines 347 through 355:

   347 (n) (i) except as provided in Subsection (2)(n)(ii), for
   the taxable { years } year beginning on or
   348 after January 1, 2004, but beginning on or before December 31,
   2004, income a resident or nonresident individual receives:
   349 (A) for qualifying military service; and
   350 (B) to the extent that income is included in adjusted gross income
   on that resident or
Day 1  Wednesday, September 15, 2004  49

351 nonresident individual’s federal individual income tax return for the taxable year;

352 (ii) notwithstanding Subsection (2)(n)(i), a subtraction from federal taxable income is not allowed under Subsection (2)(n)(i) for income included in adjusted gross income on a resident or nonresident individual’s federal individual income tax return for the taxable year if

355 that income is received from a source that constitutes a:

5. Page 16, Lines 467 through 468:

467 This bill has retrospective operation for the taxable years beginning on or after January 1, 2004, but beginning on or before December 31, 2004.

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

# # #

Senator Bramble proposed the following amendment:

1. Page 5, Lines 124 through 140:

124 (q) “Qualifying military service” means:

125 (i) in the case of a member of the Army, Navy, Air Force, Marine Corps, or Coast Guard, active duty in accordance with an order received under:

127 (A) 10 U.S.C. Sec. 12301;
128 (B) 10 U.S.C. Sec. 12302;
129 (C) 10 U.S.C. Sec. 12303; or
130 (D) 10 U.S.C. Sec. 12304; or

131 (ii) in the case of a member of The Army National Guard of the United States or The Air National Guard of the United States:
(A) active duty in accordance with an order received under:
(I) 10 U.S.C. Sec. 12301;
(II) 10 U.S.C. Sec. 12302;
(III) 10 U.S.C. Sec. 12303; or
(IV) 10 U.S.C. Sec 12304; or
(B) service under a call to active

service:

{ (A) }  (I) authorized by the:

{ (A) }  (I) (Aa) President of the United States; or

{ (B) }  (II) for a period of more than 30 consecutive
days:

{ (C) }  (III) in accordance with an order received
under 32 U.S.C. Sec. 502(f); and

{ (D) }  (IV) for purposes of responding to a national
emergency:

{ (I) }  (Aa) declared by the President of the United
States; and

{ (I) }  (Bb) supported by federal funds.

Senator Bramble’s motion to amend passed on a voice vote. Senators
Valentine and Mayne commented.

On motion of Senator Bramble, under suspension of the rules, S.B. 4002,
INDIVIDUAL INCOME TAX − TREATMENT OF CERTAIN MILITARY
INCOME, 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

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Absent or not voting were: Senators
Eastman  Gladwell

S.B. 4002, as amended, was transmitted to the House.

COMMUNICATIONS FROM THE HOUSE

Mr. President: September 15, 2004

The House passed, as substituted and amended, 1st Sub. H.B. 4001, SUPPLEMENTAL APPROPRIATIONS ACT − III − RANGE CREEK, by Representative R. Bigelow as follows:

1. Page 2, Line 44 and 46:
   Insert after the word “use” the figure “$150,000” of

It is transmitted for consideration.

Carole E. Peterson, Chief Clerk
Communications filed. 1st Sub. H.B. 4001 was read the first time.

On motion of Senator Waddoups, the Senate voted consider the bill read for the first time and to place 1st Sub. H.B. 4001 on the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Blackham, under suspension of the rules, 1st Sub. H.B. 4001, SUPPLEMENTAL APPROPRIATIONS ACT III − RANGE CREEK, 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
Allen  Arent  Bell  Blackham
Bramble  Buttars  Davis  Dmitrich
Eastman  B. Evans  J. Evens  Hale
Hellewell  Hickman  Hillyard  Jenkins
Julander  Killpack  Knudson  Mayne
Thomas  Valentine  Waddoups  Walker
Mansell

Voting in the negative were: Senators
Hatch  Wright

Absent or not voting were: Senators
Gladwell  Stephenson
1st Sub. H.B. 4001 was signed by the President of the Senate in open session and returned to the House.

On motion of Senator Bev Evans the Senate voted to allow her to change her vote from nay to aye on 1st Sub. H.B. 4001.

***

On motion of Senator Waddoups, and at 3:15 p.m., the Senate sauntered.

The Senate was called to order at 3:55 p.m., with President Mansell presiding.

***

On motion of Senator Blackham, the circle was removed from S.B. 4003, SUPPLEMENTAL APPROPRIATIONS ACT II AMENDMENTS – REDIRECTION OF CERTAIN FEDERAL FUNDS TO INMATE HOUSING, and it was before the Senate.

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

2nd Sub. S.B. 4003, Supplemental Appropriations Act II Amendments – Redirection of Certain Federal Funds to Inmate Housing (L. Blackham)

Senator Blackham explained the bill. Senator Bev Evans commented.

On motion of Senator Blackham, under suspension of the rules, 2nd Sub. S.B. 4003, SUPPLEMENTAL APPROPRIATIONS ACT II AMENDMENTS – REDIRECTION OF CERTAIN FEDERAL FUNDS TO INMATE HOUSING, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 23; Nays, 1; Absent, 5.

Voting in the affirmative were: Senators

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<th>Arent</th>
<th>Bell</th>
<th>Blackham</th>
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<tr>
<td>Bramble</td>
<td>Buttar</td>
<td>Davis</td>
<td>Eastman</td>
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<td>J. Evans</td>
<td>Hale</td>
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<td>Jenkins</td>
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<td>Stephenson</td>
<td>Thomas</td>
<td>Valentine</td>
<td>Waddoups</td>
</tr>
<tr>
<td>Walker</td>
<td>Wright</td>
<td>Mansell</td>
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</tr>
</tbody>
</table>

Voting in the negative was: Senator

B. Evans
Absent or not voting were: Senators
Dmitrich         Gladwell        Hickman        Hillyard
Julander

2nd Sub. S.B. 4003 was transmitted to the House.

COMMUNICATIONS FROM THE HOUSE

Mr. President: September 15, 2004
The House passed 1st Sub. S.B. 4001, TRUST BUSINESS AMENDMENTS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

1st Sub. S.B. 4001 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

***

On motion of Senator Bramble the Senate voted to include the following intent language in the Senate Journal.

INTENT LANGUAGE FOR S.B. 4002

In passing S.B. 4002, INDIVIDUAL INCOME TAX − TREATMENT OF CERTAIN MILITARY INCOME, the Legislature intends the following:

The Legislature finds that the National Guard and other reserve components of the armed forces are separate and distinct from the active components of the armed forces. The Legislature also finds that members of the active components of the armed forces have a greater expectation of being ordered to leave their homes and serve their county than do members of the National Guard or other reserve components of the armed forces. The deployment of members of the National Guard or other reserve components of the armed forces is particularly disruptive to regular civilian employment and activities. Therefore, it is the intent of the Legislature to apply the benefits allowed by this bill only to members of the National Guard or other reserve components of the armed forces.

***

On motion of Senator Waddoups, and at 4:05 p.m., the Senate sauntered.

The Senate was called to order at 4:40 p.m., with President Mansell presiding.
COMMUNICATIONS FROM THE HOUSE

Mr. President: September 15, 2004

The House passed, S.B. 4002, INDIVIDUAL INCOME TAX – TREATMENT OF CERTAIN MILITARY INCOME, 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 2nd Sub. S.B. 4003, SUPPLEMENTAL APPROPRIATIONS ACT II AMENDMENTS – REDIRECTION OF CERTAIN FEDERAL FUNDS TO INMATE HOUSING, by Senator L. Blackham, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 4002 and 2nd Sub. S.B. 4003 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

President Mansell appointed Senators James Evans, Parley Hellewell, and Ed Mayne to wait upon the Governor and ask if she has any further business to bring before the Senate.

President Mansell appointed Senators Carlene Walker, Scott Jenkins, and Karen Hale to notify the House of Representatives that the Senate has concluded its business and is ready to adjourn sine die.

Senator Evans reported that his committee, with a like committee from the House, have notified the Governor that the Legislature has concluded its business and is ready to adjourn sine die.

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

On motion of Senator Waddoups, and at 4:50 p.m., the Fourth Special Session of the Fifty-Fifth Legislature adjourned sine die.
<table>
<thead>
<tr>
<th>Bill Number</th>
<th>Description</th>
<th>Read for the First Time</th>
<th>Placed on Calendar</th>
<th>Read the Second and Third Time</th>
<th>Signed by the President and Transmitted to the Governor</th>
</tr>
</thead>
<tbody>
<tr>
<td>HB. 4001</td>
<td>SUPPLEMENTAL APPROPRIATIONS ACT III – RANGE CREEK (R. Bigelow)</td>
<td>51</td>
<td>51</td>
<td>51</td>
<td>51</td>
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<tr>
<td>SB. 4001</td>
<td>TRUST BUSINESS AMENDMENTS (L. Hillyard)</td>
<td>44</td>
<td>44</td>
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<tr>
<td>SB. 4002</td>
<td>INDIVIDUAL INCOME TAX – TREATMENT OF CERTAIN MILITARY INCOME (C. Bramble)</td>
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<td>45</td>
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<tr>
<td>SB. 4003</td>
<td>SUPPLEMENTAL APPROPRIATIONS ACT II AMENDMENTS – REDIRECTION OF CERTAIN FEDERAL FUNDS TO INMATE HOUSING (L. Blackham)</td>
<td>44</td>
<td>45</td>
<td>52</td>
<td>54</td>
</tr>
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</table>
CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Eleventh Extraordinary Session of the Fifty–Fifth 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, October 20, 2004, and adjourning sine die on the same day.

Annette B. Moore
Secretary of the Senate

Sandy D. Tenney
Manager, Senate Services

Mary B. Andrus
Journal Clerk
STATE OF UTAH

SENATE JOURNAL

ELEVENTH EXTRAORDINARY SESSION
of the
FIFTY–FIFTH LEGISLATURE

Pursuant to the proclamation of Her Excellency, Governor Olene S. Walker, the Senate of the Fifty–Fifth Legislature of the State of Utah met in the Senate Chamber at the State Capitol in the Eleventh Extraordinary Session at 12:00 noon on Wednesday, October 20, 2004.

The Senate was called to order at 12:30 p.m. with President Mansell presiding.

Prayer – Senator Beverly Ann Evans

Pledge – Senator Tom Hatch

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

PROCLAMATION

WHEREAS, since the close of the 2004 General Session of the 55th 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, OLENE S. WALKER, 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 Senate only of the 55th Legislature of the State of Utah into an Eleventh Extraordinary Session at the Senate Chambers, State Capitol Complex, in Salt Lake City, Utah, on the 20th day of October, 2004 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 2004 General Session of the 55th 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 State Capitol Complex in Salt Lake City, Utah, this 6th day of October, 2004.

Olene S. Walker
Governor

Gayle F. McKeachnie
Lieutenant Governor

CERTIFICATION

I, GAYLE F. McKEACHNIE, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under date of October 6, 2004, and signed by Governor Olene S. Walker, is a true and correct copy of the original Proclamation calling the Senate only of the Fifty-Fifth 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 20th day of October, 2004, 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 2004 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 6th day of October, 2004.

Gayle F. McKeachnie
Lieutenant Governor

Roll call – All Senators present, except Senators Blackham, Gladwell and Wright, excused.

On motion of Senator Hillyard, the Senate voted to adopt the Senate Rules of the 2004 General Session of the Fifty-Fifth Legislature as the rules for the Eleventh Extraordinary Session.

President Mansell appointed a committee comprised of Senators Dan Eastman, Dave Thomas, and Gene Davis to notify the Governor’s representative that the Senate is convened in the Eleventh 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 Eleventh Extraordinary Session.

Sandy D. Tenney read the following communications:

COMMUNICATION FROM THE GOVERNOR

Dear President Mansell and Members of the Senate: September 10, 2004

In accordance with Sections 67–1–1 and 2, Utah Code Annotated 1953, I propose and transmit the following appointment:

DISTRICT COURT

John Paul Kennedy appointed as a Judge of the District Court of the Third Judicial District. Utah Constitution Article VIII, Section 8 and Section 78–3–3, Utah Code Annotated 1953, as amended.
Thank you for your timely consideration and confirmation of the above appointment.

Olene S. Walker
Governor

Communication filed.

CONFIRMATION COMMITTEE REPORT

Mr. President: October 12, 2004

The Senate Judicial Confirmation Committee met on October 12, 2004 and unanimously reports a favorable recommendation for Mr. John Paul Kennedy to be confirmed to the position of District Court Judge in the Third Judicial District.

D. Chris Buttars,
Committee Chair

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

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

Voting in the affirmative were: Senators

Allen Arent Bell Bramble
Buttars Davis Dmitrich Eastman
B. Evans Hale Hatch Hellewell
Hickman Hillyard Jenkins Julander
Killpack Knudson Mayne Stephenson
Thomas Valentine Waddoups Walker
Mansell

Absent or not voting were: Senators

Blackham J. Evans Gladwell Wright

On motion of Senator Buttars, Judge John Paul Kennedy spoke in Committee of the Whole.

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

COMMUNICATION FROM THE GOVERNOR

Dear President Mansell and Members of the Senate: October 6, 2004

In accordance with Sections 67–1–1 and 2, Utah Code Annotated 1953, I propose and transmit the following appointments:
State Capitol Preservation Board
Lawrence D. Reaveley reappointed as a member of the State Capitol Preservation Board, a term to expire July 1, 2006. Section 63C−9−201 Utah Code Annotated 1953, as amended.

Neal P. Stowe reappointed as a member of the State Capitol Preservation Board, a term to expire July 1, 2006. Section 63C−9−201 Utah Code Annotated 1953, as amended.

Workers Compensation Fund Board of Directors
Robert B. Murray appointed to replace Melvin C. Green as a member of the Workers Compensation Fund Board of Directors for a term to expire June 30, 2008. Section 31A−33−106 Utah Code Annotated 1953, as amended.

Ruth Lybbert appointed to replace Howard E. Dransfield, as a public member of the Workers Compensation Fund Board of Directors for a term to expire June 30, 2008. Section 31A−33−106 Utah Code Annotated 1953, as amended.

Board of Regents
Meghan Holbrook appointed to fill the unexpired term of David L. Maher as a member of the Board of Regents, a term to expire June 30, 2009. Section 53B−1−104 UCA. Ms. Holbrook is a democrat.

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

Olene S. Walker
Governor

Communication filed.

On motion of Senator Valentine, the Senate, pursuant to Section 67−1−2 of the Utah Code, voted to waive the 15−day requirement on the submittal dated October 6, 2004, for purposes of acting on gubernatorial nominees.

Senator Hillyard moved to consent to the appointments as read by Sandy D. Tenney. The motion passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen    Arent    Bell    Bramble
Buttars  Davis    Dmitrich  Eastman
B. Evans  Hale    Hatch    Hellewell
Hickman  Hilyard  Jenkins  Julander
Absent or not voting were: Senators
Blackham       J. Evans       Gladwell       Wright

* * *

President Mansell 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 Waddoups, and at 12:50 p.m., the Senate adjourned sine die.
CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Twelfth Extraordinary Session of the Fifty-Fifth 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, November 10, 2004, and adjourning sine die on the same day.

Annette B. Moore
Secretary of the Senate

Sandy D. Tenney
Manager, Senate Services

Mary B. Andrus
Journal Clerk
STATE OF UTAH

SENATE JOURNAL

TWELFTH EXTRAORDINARY SESSION
of the
FIFTY–FIFTH LEGISLATURE

Pursuant to the proclamation of Her Excellency, Governor Olene S. Walker, the Senate of the Fifty–Fifth Legislature of the State of Utah met in the Senate Chamber at the State Capitol in the Twelfth Extraordinary Session at 12:00 noon on Wednesday, November 10, 2004.

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

Prayer – Senator Sheldon Killpack

Pledge – Senator Peter Knudson

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

PROCLAMATION

WHEREAS, since the close of the 2004 General Session of the 55th 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, OLENE S. WALKER, 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 Senate only of the 55th Legislature of the State of Utah into an Twelfth Extraordinary Session at the Senate Chambers, State Capitol Complex, in Salt Lake City, Utah, on the 10th day of November, 2004 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 2004 General Session of the 55th 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 State Capitol Complex in Salt Lake City, Utah, this 29th day of October, 2004.

Olene S. Walker
Governor

Gayle F. McKeachnie
Lieutenant Governor

CERTIFICATION

I, GAYLE F. McKEACHNIE, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under date of October 29, 2004, and signed by Governor Olene S. Walker, is a true and correct copy of the original Proclamation calling the Senate only of the Fifty-Fifth Legislature of the State of Utah into an Twelfth Extraordinary Session at the Senate Chamber, State Capitol Complex, at Salt Lake City, Utah, on the 10th day of November, 2004, 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 2004 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 29th day of October, 2004.

Gayle F. McKeachnie
Lieutenant Governor

Roll call – All Senators present, except Senators Gladwell and Wright, excused.

On motion of Senator Hillyard, the Senate voted to adopt the Senate Rules of the 2004 General Session of the Fifty–Fifth Legislature as the rules for the Twelfth Extraordinary Session.

President Mansell appointed a committee comprised of Senators Beverly Ann Evans, Dave Thomas, and Ed Mayne to notify the Governor’s representative that the Senate is convened in the Twelfth Extraordinary Session in accordance with his proclamation.

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

Sandy D. Tenney read the following communications:

COMMUNICATION FROM THE GOVERNOR

Dear President Mansell and Members of the Senate: October 29, 2004

In accordance with Sections 67−1−1 and 2, Utah Code Annotated 1953, I propose and transmit the following appointments:

Board of Child and Family Services

Dr. George I. Monsivais appointed to fill the unexpired term of Alan N. Garfield as a member of the Board of Child and Family Services, a term to expire July 1, 2008. Section 63C–9−201 Utah Code Annotated 1953, as amended. Mr. Monsivais is a democrat.
Vicki Cottrell appointed to fill the unexpired term of Paulette Gareen as a member of the Board of Child and Family Services, a term to expire July 1, 2008. Section 63C−9−201 Utah Code Annotated 1953, as amended. Ms. Cottrell is a republican.

**Board of Juvenile Justice Services**

Steven T. Barth appointed to fill the unexpired term of Perry L. Buckner as a member of the Board of Juvenile Justice Services, a term to expire April 1, 2007. Section 62 A−1−105 Utah Code Annotated 1953, as amended. Mr. Barth is a democrat.

Martin Olsen appointed to fill the unexpired term of Myron T. Benson as a member of the Board of Juvenile Justice Services, a term to expire April 1, 2007. Section 62 A−1−105 Utah Code Annotated 1953, as amended. Mr. Olsen is an independent.

**Health Data Committee**

Terry S. Haven reappointed to the Health Data Committee for a term to expire June 30, 2008. Section 26−33a−103 Utah Code Annotated 1953, as amended. Mr. Haven is a democrat.

Clark B. Hinckley reappointed to the Health Data Committee for a term to expire June 30, 2008. Section 26−33a−103 Utah Code Annotated 1953, as amended. Mr. Hinckley is a republican.

Gail M. McGuill reappointed to the Health Data Committee for a term to expire June 30, 2008. Section 26−33a−103 Utah Code Annotated 1953, as amended. Ms. McGuill is a democrat.

Gregory P. Poulsen reappointed to the Health Data Committee for a term to expire June 30, 2008. Section 26−33a−103 Utah Code Annotated 1953, as amended. Mr. Poulsen is a republican.

Marilyn Millet Tang reappointed to the Health Data Committee for a term to expire June 30, 2008. Section 26−33a−103 Utah Code Annotated 1953, as amended. Ms. Tang is an independent.

Dr. Judy Ann Buffmire appointed to replace Sandra Lee Peck as a member of the Health Data Committee for a term to expire June 30, 2008. Section 26−33a−103 Utah Code Annotated 1953, as amended. Dr. Buffmire is a democrat.

David Call appointed to replace D. Scott Ideson as a member of the Health Data Committee for a term to expire June 30, 2008. Section 26−33a−103 Utah Code Annotated 1953, as amended. Mr. Call is a republican.
Salt Lake Community College Board of Trustees
Stanley Parrish appointed to fill the unexpired term of Kevin S. Garn as a member of the Salt Lake Community College Board of Trustees, a term to expire June 30, 2007. Section 53B−2−104, Utah Code Annotated 1953 as amended.

Jesselie Anderson appointed to fill the unexpired term of Mary Bangerter as a member of the Salt Lake Community College Board of Trustees, a term to expire June 30, 2005. Section 53B−2−104, Utah Code Annotated 1953 as amended.

Utah Digital Health Service Commission
Dennis D. Moser reappointed to the Utah Digital Health Service Commission for a term to expire October 1, 2007. Section 26−9f−103 Utah Code Annotated 1953, as amended.

Deb LaMarche appointed to replace Marta Petersen as a member of the Utah Digital Health Service Commission for a term to expire October 1, 2007. Section 26−9f−103 Utah Code Annotated 1953, as amended.

David Kane appointed to replace Janica Husband−Johnson as a member of the Utah Digital Health Service Commission for a term to expire October 1, 2007. Section 26−9f−103 Utah Code Annotated 1953, as amended.

Chet Loftis appointed to fill the unexpired term of Judge John Morris as a member of the Utah Digital Health Service Commission for a term to expire October 1, 2005. Section 26−9f−103 Utah Code Annotated 1953, as amended.

Utah Athletic Foundation Board of Directors


State Money Management Council
William Wallace appointed to fill the unexpired term of Kent A. Nelson as a member of the State Money Management Council, a term to expire March 1, 2005.
Section 51−7−16, Utah Code Annotated 1953 as amended. Mr. Wallace is an independent.

**Solid and Hazardous Waste Control Board**

Mr. Craig B. Forster appointed to fill the unexpired term of W. Cullen Battle as a member of the Solid and Hazardous Waste Control Board, a term to expire May 8, 2007. Section 19−6−103, Utah Code Annotated 1953 as amended. Mr. Forster is a non partisan.

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

_Olene S. Walker_
Governor

Communication filed.

On motion of Senator Valentine, the Senate, pursuant to Section 67−1−2 of the Utah Code, voted to waive the 15−day requirement on the submittal dated October 29, 2004, for purposes of acting on gubernatorial nominees.

Senator Hillyard moved to consent to the appointments as read by Sandy D. Tenney. The motion passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen  Arent  Bell  Blackham
Bramble  Buttars  Davis  Dmitrich
Eastman  B. Evans  J. Evens  Hale
Hatch  Hellewell  Hickman  Hillyard
Jenkins  Julander  Killpack  Knudson
Mayne  Stephenson  Thomas  Valentine
Waddoups  Walker  Mansell

**Absent or not voting were:** Senators

Gladwell  Wright

* * *

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

Senator Evans 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 Waddoups, and at 12:30 p.m., the Senate adjourned sine die.
CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the 2005 General 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 General Session convening on Monday, January 17, 2005, and adjourning sine die on Wednesday, March 2, 2005.

Annette B. Moore
Secretary of the Senate

Sandy D. Tenney
Manager, Senate Services

Mary B. Andrus
Journal Clerk
My first year as President of the Senate was marked by change . . . new faces, a new location, a new leadership team, and a new administration.

The fall elections of 2004 brought changes to three senate districts. Fred Fife III replaced James Evans in District 2, Mark B. Madsen replaced Bill Wright in District 13, and Allen M. Christensen replaced David Gladwell in District 19. It is always difficult to say good bye to those with whom you have worked closely for a number of years; but at the same time, welcoming new people into an organization is always energizing and exciting. I look forward to working with and getting to know these new colleagues.

The convening of the 56th Legislature on January 17, 2005, brought another change when Senator Leonard M. Blackham resigned to accept an appointment as Commissioner of Agriculture under the administration of newly elected governor, Jon M. Huntsman, Jr. Shortly thereafter Darin G. Peterson was appointed by Governor Huntsman to fill Senator Blackham’s vacated seat in District 24. The third week of the session brought yet another change when Senator Paula Julander resigned her seat in District 2 because of declining health. Scott D. McCoy was soon appointed by Governor Huntsman to represent District 2.

We extend our heart−felt thanks to those who have moved on. We have appreciated their dedicated service and wish them well in all their pursuits.

Moving to a new, smaller location in August of 2004 had the potential of creating some significant challenges; but the session went very smoothly—better than anyone thought possible—in spite of our smaller quarters. Everyone worked together well to make the transition as seamless as possible, and I felt the session was very productive and congenial. Senators on both sides of the aisle agreed.

I feel honored to have been elected by my colleagues to the office of president, and I welcome the opportunity they have given me to serve them and the state of Utah. I look forward with great enthusiasm to the challenges that lie ahead and pledge my time and best efforts during the next two years to exploring ways to preserve the quality of life that the people of Utah cherish.

I express appreciation to the members of my leadership team—Senators Peter Knudson, Dan Eastman, and Beverly Evans—for their excellent service and support. A special note of thanks must be given to Senators Lyle Hillyard and Curtis Bramble for their work on the budget; to Senator Michael Waddoups for his work as Rules Committee Chair; and to Senator Bill Hickman, Senate Chair of the Capitol Facilities and Administration Appropriations Subcommittee. I also extend an expression of gratitude to Senators Mike Dmitrich, Ron Allen, Gene Davis, and Karen Hale for their service and cooperation.

John L. Valentine
President Utah State Senate
SENATE LEADERSHIP

MAJORITY LEADERSHIP (Republican)

Peter C. Knudson  
*Majority Leader*

Dan R. Eastman  
*Majority Whip*

Beverly Ann Evans  
*Asst. Majority Whip*

MINORITY LEADERSHIP (Democrat)

Mike Dmitrich  
*Minority Leader*

Ron Allen  
*Minority Whip*

Gene Davis  
*Asst. Minority Whip*

SENATE STAFF

Annette B. Moore  
*Secretary of the Senate*

Sandy D. Tenney  
*Manager, Senate Services*

Lynette Erickson  
*Docket Clerk*
SENATE LEADERSHIP
President of the Senate (R) ............................... John L. Valentine
Majority Leader (R) ................................. Peter C. Knudson
Majority Whip (R) ................................. Dan R. Eastman
Assistant Majority Whip (R) ...................... Beverly Ann Evans
Minority Leader (D) ............................. Mike Dmitrich
Minority Whip (D) .............................. Ron Allen
Assistant Minority Whip (D) ................. Gene Davis

HOUSE LEADERSHIP
Speaker of the House (R) ............................ Greg J. Curtis
Majority Leader (R) ............................. Jeff Alexander
Majority Whip (R) .............................. Stephen H. Urquhart
Assistant Majority Whip (R) ............... Ben C. Ferry
Minority Leader (D) .......................... Ralph Becker
Minority Whip (D) .......................... Brad King
Assistant Minority Whip (D) ................. Patricia Jones

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
<table>
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<td>Fred J Fife III</td>
<td>1</td>
<td>Salt Lake</td>
<td>(D)</td>
<td>842 W 900 S</td>
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<td></td>
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<td>Salt Lake City Ut 84104</td>
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<td>Home (801) 521–7383</td>
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<tr>
<td>*Paula F Julander</td>
<td>2</td>
<td>Salt Lake</td>
<td>(D)</td>
<td>476 “B” Street</td>
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<tr>
<td>Minority Caucus Mgr</td>
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<td>Salt Lake City Ut 84103</td>
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<td>Home (801) 363–0868</td>
</tr>
<tr>
<td>Gene Davis</td>
<td>3</td>
<td>Salt Lake</td>
<td>(D)</td>
<td>865 Parkway Ave</td>
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Scott McCoy replaced Senator Paula Julander on February 7, 2005
*UTAH STATE CONSTITUTION
LEGISLATIVE DEPARTMENT
ARTICLE VI

*Copies of the Utah State Constitution, with amendments, are available in the Legislative Billroom.

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


*Copies available in the Legislative Billroom.
STATE OF UTAH
SENATE JOURNAL
2005 GENERAL SESSION
of the
FIFTY-SIXTH LEGISLATURE
FIRST DAY
MORNING SESSION
January 17, 2005

Pursuant to the provisions of the Constitution of the State of Utah, the Senators of the Fifty-Sixth Legislature of the State of Utah convened in General Session in the Senate Chamber on Monday, January 17, 2005 at ten o’clock a.m.

The Senate was called to order at 10:20 a.m., with The Honorable Fred D. Howard, Judge Fourth Judicial District Court for Utah County, presiding.

PRAYER BY ELDER RUSSELL M. NELSON,
QUORUM OF TWELVE APOSTLES,
CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS

Oh God, our Eternal Father, on this historic occasion we humbly pray unto Thee. We thank Thee for our many blessings unto us, for life and all that sustains life. We thank Thee for citizenship in the United States of America and pledge allegiance to its flag, to its constitution and to its divine destiny. May it always be seen as a beacon of hope, a bulwark of freedom and a font of righteousness to all the world.

We thank Thee for this sovereign state of Utah. We sense, at least in some degree, the faith of its founders, those great pioneers who made the desert blossom as a rose. Others who followed brought diversity and depth to the culture and a unique legacy that we now enjoy. Help us to know the history of our past and to see Thy divine purpose in our future. The prophet Isaiah foresaw our day when the mountain of the Lord’s house shall be established in the tops of the mountains and shall be exalted above the hills and all nations shall flow unto it. We witness the fulfillment of that prophecy. People of all nations do flow unto these mountains, to see and to feel our uniqueness. Wilt Thou bless the people of this state of Utah that they may prosper. Bless their families to find joy and protect peace and goodness for their neighbors, friends and guests.
We beseech thy blessings upon governmental leaders of this state. Assembled in this hallowed chamber of the state Senate, we thank Thee for these distinguished men and women who dutifully and prayerfully serve in this chamber. They come from various locations, backgrounds and cultures. We express unto Thee, our Father, profound gratitude for each one of them. Wilt Thou bless them and their families. Bless them with safety in their travels. Bless their personal affairs while they give time to this important work. Help them to bind us together as a people and promote the strength that unity provides. May their example of cooperation serve to minimize differences that exist among people. Bless these Senators to keep principle above politics, wisdom above information, and morality above partially.

As a new governor of the state has been elected, we pray for him. Grant unto Governor Huntsman the wisdom, character and courage that he needs as he leads our people. May his example always be worthy of emulation.

Wilt Thou bless companion legislators in the Utah House of Representatives. Bless them in their efforts and opportunities. May they have a spirit of cooperation with the Senate that will mutually enhance their work. We pray for Thy blessings to be upon the legislative, executive and judicial branches of the government of the state to the ends that Thy children can live here in peace, prosperity and integrity.

As all nations shall flow unto this state, we pray that we may honor our visitors, care for them and show a standard that will lift them. May they return to their homes with recollections that will relieve a troubled world.

Prayerfully, I now invoke a blessing upon this Senate of the state of Utah and do so by the sacred authority vested in me, in the name of Jesus Christ, Amen.

**POSTING OF COLORS & PLEDGE OF ALLEGIANCE**

**UTAH NATIONAL GUARD**

Pledge of Allegiance – David Lambert, law partner in the firm of Howard, Lewis and Petersen

**SPECIAL MUSICAL PRESENTATION**

The Orem High School “Show and Chamber Choir,” directed by Sterling Keyes, performed “The Star Spangled Banner” and a musical presentation entitled “A Gershwin Portrait.”

On motion of Senator Peter Knudson, the Senate voted to express appreciation to Elder Nelson for delivering the invocation and to have his words spread upon the pages of the Senate Journal.
Annette B. Moore read the following Certification of Membership for the 2005 General Session of the Utah State Senate:

CERTIFICATE OF MEMBERSHIP OF THE 2005 GENERAL SESSION OF THE UTAH STATE SENATE 56TH 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 2, 2004, 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, 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–FOURTH DISTRICT: Counties of Juab, Piute, Sanpete, Sevier, Tooele, Wayne
   Leonard M. Blackham

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

I FURTHER CERTIFY that at a General Election held within and for the State of Utah on Tuesday, November 5, 2002, 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, 2003, to–wit:

SECOND DISTRICT: County of Salt Lake
  Paula Julander
THIRD DISTRICT: County of Salt Lake
  Gene Davis
FOURTH DISTRICT: County of Salt Lake
  Patrice Arent
FIFTH DISTRICT: County of Salt Lake
  Ed Mayne
SEVENTH DISTRICT: County of Salt Lake
  Karen Hale
NINTH DISTRICT: County of Salt Lake
  L. Alma “Al” Mansell
ELEVENTH DISTRICT: Counties of Salt Lake, Utah
  Howard Stephenson
TWELFTH DISTRICT: Counties of Salt Lake, Tooele
  Ron Allen
FIFTEENTH DISTRICT: County of Utah
  Parley G. Hellewell
SEVENTEENTH DISTRICT: Counties of Box Elder, Cache, Tooele
  Peter C. Knudson
EIGHTEENTH DISTRICT: Counties of Davis, Weber
  David L. Thomas
TWENTY–SECOND DISTRICT: County of Davis
  Gregory S. Bell
TWENTY–SIXTH DISTRICT: Counties of Daggett, Duchesne, Summit, Uintah, Wasatch
  Beverly Evans
TWENTY–EIGHTH DISTRICT: Counties of Beaver, Garfield, Kane, Millard, Washington
  Thomas Hatch
I FURTHER CERTIFY that at a General Election held within and for the State of Utah on Tuesday, November 5, 2002, the following named person was chosen by the electors as a member of the Legislature of the State of Utah, to serve in the Senate, for the term of two years, beginning January 1, 2003, to–wit:

FIRST DISTRICT: County of Salt Lake  
James L. Evans

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 seventeenth day of January, 2005.

Gary Herbert  
Lieutenant Governor

Communication filed.

***

The Honorable Judge Fred D. Howard administered the Oath of Office to all reelected, newly elected, and appointed members of the Senate for the Fifty–Sixth Legislature.

***

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

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

The Honorable Judge Fred D. Howard declared nominations for the office of President of the Senate were in order.

On motion of Senator Peter Knudson and seconded by Senator Ron Allen, Senator John L. Valentine was nominated to serve as the President of the Utah State Senate for the Fifty–Sixth Legislature.

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

The Honorable Judge Fred D. Howard administered the Oath of Office to the President of the Senate, John L. Valentine.
On motion of Senator Peter Knudson, the Senate expressed appreciation to the Honorable Judge Fred D. Howard for taking time from his busy schedule to participate in the opening of the Utah State Senate.

WELCOMING REMARKS BY PRESIDENT VALENTINE

I have thought a lot about what I was going to say this morning, and some of the things I want to say are very heartfelt. We have an empty chair this morning. It’s for our good friend Sen. Mike Dmitrich. Sen. Dmitrich has been a good friend of mine for the entire time that I have been in the Legislature. For those of you who would like to express sympathies to Sen. Dmitrich by the way of flowers or other gifts, Sen. Dmitrich has asked that those be sent here to the Senate rather than being sent to the hospital or to be sent home. Sen. Dmitrich has asked that he have a swearing-in sometime later today and we’re going to try to accommodate that. We are checking with the legal staff now to see the mechanics of how to actually accomplish that. He is a good friend and we miss him. It’s hard to see that empty chair this morning.

We have a number of challenges that are going to be facing us in this the 2005 General Session. Those challenges include issues of transportation, education, tax reform; they take center stage in our debates this next year. It will take great leadership on the part of us as senators to address these issues for the people of this state, without regard for regional differences, political party or station in life. Leadership is that elusive quality that helps people find solutions to the issues of the day that are not only accepted but will actually work.

To you, my fellow senators, I say you are all leaders. You were elected by the people of your district to lead and to represent them. But leadership is not a position. You are not a leader merely because you have the title of senator. Instead, leadership is something you earn from the people that you lead.

We will be graded by history for the dreams that we share and the decisions that we make while we are in office. That grading will be made upon our ability to communicate issues, solutions and the advantages and disadvantages of those solutions. The issues we face are not easy. We will not always agree. But to quote Bill Cooney, “A leader’s job is to make the complex simple.” That’s our job as leaders. That’s our job as senators, as representatives of people. As observed by Konrad Adenauer, “As soon as you are complicated, you are ineffectual.” We will try I think as senators, to make the complex easy to understand because complexity comes with the territory in public service. Our ability to communicate will be the real test of our ability to lead. Communication requires us to be civil with each other, even in times of passionate disagreement. As senators we must always remember the importance of collegiality and respect for our differences.
This will be especially challenging in these facilities. We will be here for three sessions. During these three sessions, we’ll have difficult times trying to make certain that we communicate the messages that we want to communicate, but it will be our responsibility to help the State understand how representative government is working when this physical access is so difficult. It will work if we will be leaders and will lead in the manner just indicated.

To the people of the State of Utah, this indeed is a new era. It is a time for great promise and great contrasts. We have peace and we have war at the same time. We have natural disasters and seemingly the end of a drought that has lasted for six years. We have economic recovery and neighbors who are still looking for quality work. As your representatives, we will make the best decisions we can on the issues of the day. We can promise no more and no less.

In conclusion, the hallmark of a true leader is the ability to see problems before they become a crisis. My fellow senators, let us be visionaries with gratitude and humility before the Almighty. Let us seek solutions together before decisions are forced upon us by circumstances and events.

Again, thank you for giving me the opportunity of being your President, the President of the Senate of the people of Utah.

* * *

President Valentine directed that the following be recorded in the Senate Journal as leaders for the 56th Legislature 2005 General Session:

President – John L. Valentine
Majority Leader – Peter Knudson
Majority Whip – Dan R. Eastman
Asst. Majority Whip – Beverly Ann Evans
Minority Leader – Mike Dmitrich
Minority Whip – Ron Allen
Asst. Minority Whip – Gene Davis

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

Welcoming remarks were made by Senator Ron Allen, Minority Whip, and Senator Peter Knudson, Majority Leader.

President Valentine appointed a Senate Rules Committee comprised of Senator Michael Waddoups, Chairman, and Senators Curtis Bramble, Chris
Buttars, Sheldon Killpack, David Thomas, Carlene Walker, Gene Davis, and Ed Mayne to formulate the Senate Rules Committee and work with the House of Representatives in formulating Joint Rules.

Senator Carlene Walker moved that the words of President Valentine be spread upon the pages of the Senate Journal.

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

On motion of Senator Michael Waddoups, the Senate Rules and the Joint Rules of the 2004 General Session for the Fifty–Fifth Legislature were adopted with the understanding that changes to these rules for the Fifty–Sixth Legislature will be considered and adopted as soon as possible.

President Valentine appointed Senators Curtis Bramble, Bill Hickman, and Fred Fife as a committee to notify the House of Representatives that the Senate is organized and ready to do business.

President Valentine appointed Senators Sheldon Killpack, Dave Thomas, and Patrice Arent as a committee to notify Governor Jon M. Huntsman Jr. that the Senate is organized for the 2005 General Session of the Fifty–Sixth Legislature and ready to do business.

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

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

On motion of Senator Waddoups, and 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 a Senate calendar and not read the long title of the bills and resolutions unless a majority of the Senate directs the reading of the long title, short title, or both of any House or Senate bill or resolution.

At the direction of President Valentine, information and membership concerning the following committees are to be officially recorded in the Senate Journal:
Business and Labor
Scott Jenkins, Chair
Thomas Hatch
Parley Hellewell
Bill Hickman
Sheldon Killpack
Al Mansell
Michael G. Waddoups
Gene Davis
Ed Mayne

Education
Dave Thomas, Chair
D. Chris Buttars
Dan Eastman
Mark Madsen
Howard Stephenson
Patrice Arent
Karen Hale

Natural Resources, Agriculture and Environment
Michael Waddoups, Chair
Beverly Evans
Thomas Hatch
Fred Fife
Paula Julander

Health and Human Services
Allen Christensen, Chair
Greg Bell
Beverly Evans
Peter Knudson
John Valentine
Ron Allen
Paula Julander

Workforce Services and Community and Economic Development
Carlene Walker, Chair
Dan Eastman
Beverly Evans
Peter Knudsen
Mark Madsen
Fred Fife
Ed Mayne

Judiciary, Law Enforcement and Criminal Justice
Chris Buttars, Chair
Greg Bell
Al Mansell
Mark Madsen
Lyle W. Hillyard
Dave Thomas
Mike Dmitrich
Patrice Arent

Revenue and Taxation
Curtis S. Bramble, Chair
Greg Bell
Lyle Hillyard
Howard Stephenson
John Valentine
Mike Dmitrich
Ron Allen

Government Operations and Political Subdivisions
Parley Hellewell, Chair
Allen Christensen
Bill Hickman
Gene Davis
Karen Hale
On motion of Senator Bell, the Senate voted to adopt the following committee report and employ the persons recommended by Senate Bell.

**EMPLOYEE COMMITTEE REPORT**

Senator Bell introduced the Senate Staff.

Annette B. Moore Secretary of the Senate
Sandy D. Tenney Manager of Senate Services
Leslie O. McLean Administrative Asst.
Janeen M. Halverson Minority Administrative Assistant
Lynette Erickson Docket Clerk
Greg Johnson Voting Machine Operator
Ric Cantrell System Analyst and Computer Specialist
Rolayne Day Majority Administrative Assistant
Mary Andrus Secretarial Supervisor & Committee Secretary
Saundra Maeser Journal Clerk
Bonnie Brinton Rules Secretary
Cherie M. Schmidt Committee Secretary
Karen Allred Committee Secretary
INTRODUCTION OF INTERNS

Senator Karen Hale introduced the Senate interns for the 2005 General Session.

Marianne Ickes  Senator Ron Allen
Ben Kingery  Senator Patrice M. Arent
Doug Hansen  Senator Greg Bell
COMMITTEE OF THE WHOLE

On motion of Senator Knudson, Darius Gray, past president of Genesis, spoke in Committee of the Whole for a presentation by the Martin Luther King Human Rights Commission. He was introduced by Phyllis Carruth.

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

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On motion of Senator Knudson, and at 11:45 p.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:00 p.m., with President Valentine presiding.

INTRODUCTION OF BILLS

S.B. 4. Uninsured Motorist Property Damage Coverage Amendments (D. Eastman), read the first time by short title and referred to the Rules Committee.

S.B. 5. Traffic Code Recodification and Revisions (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.B. 7, **Funding for Tourism** (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 8, **Local Corridor Preservation Funding** (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.B. 9, **Aerospace and Aviation Development Zone Modifications** (M. Dmitrich), read the first time by short title and referred to the Rules Committee.

S.B. 10, **Liability Reform Act Amendments** (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 11, **Initiative Petitions Amendments** (B. Evans), read the first time by short title and referred to the Rules Committee.

S.B. 12, **Department of Workforce Services Amendments** (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 13, **Individual Income Tax − Subtraction for Certain Military Income** (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 14, **Uniform Parentage Act** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 15, **Children’s Justice Center Amendments** (D. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 16, **Department of Workforce Services − Access to Financial Records** (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 17, **Foster Care Citizen Review Board** (D. Eastman), read the first time by short title and referred to the Rules Committee.

S.B. 18, **Regulating Proprietary Postsecondary Schools** (D. Eastman), read the first time by short title and referred to the Rules Committee.

S.B. 19, **Disease Testing of Individuals Exposed to Blood Borne Pathogens** (P. Julander), read the first time by short title and referred to the Rules Committee.

S.B. 20, **Office of Legislative Auditor − Access to Information** (M. Waddoups), read the first time by short title and referred to the Rules Committee.
S.B. 21, Limitation on Liability Regarding Liquefied Petroleum Gas (D. Eastman), read the first time by short title and referred to the Rules Committee.

S.B. 22, Drug Offender Reform Act (D. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 23, Property Tax Treatment of Tangible Personal Property (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 24, Waste Amendments (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 25, Transportation Amendments and Highway Jurisdictional Transfer Task Force (C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 26, Public Utilities Amendments (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 27, Sunset Reauthorizations (L. Mansell), read the first time by short title and referred to the Rules Committee.


S.B. 29, Licensing of Crane Operators (G. Davis), read the first time by short title and referred to the Rules Committee.

S.B. 30, Amendments to Search Warrants (D. Thomas), read the first time by short title and referred to the Rules Committee.

S.B. 31, Local Government Amendments (D. Thomas), read the first time by short title and referred to the Rules Committee.

S.B. 32, Limitation of Landowner Liability for Public Recreation (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 33, Exemptions to Residential Property Tax (E. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 34, Patient Access Reform (P. Hellewell), read the first time by short title and referred to the Rules Committee.
S.B. 35, Venture Capital Funding Amendments (D. Thomas), read the first time by short title and referred to the Rules Committee.

S.B. 36, Sales and Use Taxation of Pawn Transactions (R. Allen), read the first time by short title and referred to the Rules Committee.

S.B. 37, Motor Vehicle Business Regulation Act Amendments (D. Eastman), read the first time by short title and referred to the Rules Committee.

S.B. 38, Garnishment by Deferred Deposit Lenders (R. Allen), read the first time by short title and referred to the Rules Committee.

S.B. 39, Consumer Credit Protection (C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 40, Regulation of Title Insurance Industry (T. Hatch), read the first time by short title and referred to the Rules Committee.

S.B. 41, School and Institutional Trust Lands Management Act Revisions (M. Dmitrich), read the first time by short title and referred to the Rules Committee.

S.B. 76, Amendments to Navajo Trust Fund (B. Evans), read the first time by short title and referred to the Rules Committee.

S.B. 77, Amendments to Indoor Clean Air Act (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.B. 78, Optional Forms of County Government Amendment (D. Thomas), read the first time by short title and referred to the Rules Committee.

S.B. 79, Extension of Sunset Date on Resource Development Coordinating Committee (B. Evans), read the first time by short title and referred to the Rules Committee.

S.B. 80, Special Service Districts – Service Expansion (M. Dmitrich), read the first time by short title and referred to the Rules Committee.
S.B. 81, Local Government Approval for Solid Nonhazardous and Hazardous Waste Disposal (B. Evans), read the first time by short title and referred to the Rules Committee.

S.B. 82, Individual Income Tax – Earned Income Tax Credit (T. Hatch), read the first time by short title and referred to the Rules Committee.

S.B. 83, Medical Decisions of a Parent or Guardian (D. Thomas), read the first time by short title and referred to the Rules Committee.

S.B. 84, Do Not Call Registry Amendments (D. Thomas), read the first time by short title and referred to the Rules Committee.

S.B. 85, Federal Research Committee (G. Davis), read the first time by short title and referred to the Rules Committee.

S.B. 86, 2004 General Obligation Bond Amendments (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 87, Residence Lien Restriction and Lien Recovery Fund Amendments (D. Thomas), read the first time by short title and referred to the Rules Committee.

S.B. 88, Creation of Local Districts (C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 89, Mutual Dependence Benefits Contract (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 90, County Officers Serving on Boards of County Mental Health and Substance Abuse Providers (D. Thomas), read the first time by short title and referred to the Rules Committee.

S.B. 91, Interstate Juvenile Compact (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 92, Utah Attorney’s Fees Recovery Act (D. Thomas), read the first time by short title and referred to the Rules Committee.

S.B. 93, Children’s Justice Center Addition (T. Hatch), read the first time by short title and referred to the Rules Committee.

S.B. 94, Restitution Amendments (G. Bell), read the first time by short title and referred to the Rules Committee.
S.B. 95, Office of Museum Services Amendments (R. Allen), read the first time by short title and referred to the Rules Committee.

S.B. 96, Commerce Service Fund Amendments (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 97, Consolidation of City and County Library (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 98, Motor Vehicle Registration and Title Amendments (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.B. 99, Damages for Trespass in State Parks (T. Hatch), read the first time by short title and referred to the Rules Committee.

S.B. 100, Access to High Speed Internet At State Capitol Complex (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.B. 101, Utah Administrative Rulemaking Act Revision (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 102, Lobbyist Reporting Amendments (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 103, Liens on Aircraft (T. Hatch), read the first time by short title and referred to the Rules Committee.

S.B. 104, Judiciary Amendments (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 105, Judgment Interest Rate (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 106, Utah Religious Land Use Act (D. Thomas), read the first time by short title and referred to the Rules Committee.

S.B. 107, Licensure and Regulation of Programs and Facilities (T. Hatch), read the first time by short title and referred to the Rules Committee.

S.B. 108, Telecommunications Revisions (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 109, Safety Belt Enforcement (K. Hale), read the first time by short title and referred to the Rules Committee.
S.B. 110, Medical Device Notification and Liability (D. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 111, Amendments Prohibiting Health Insurance Discrimination (P. Julander), read the first time by short title and referred to the Rules Committee.

S.B. 112, Child Protection Amendments (G. Bell), read the first time by short title and referred to the Rules Committee.

S.C.R. 1, Resolution Encouraging Managed Lanes Study (C. Walker), read the first time by short title and referred to the Rules Committee.

S.C.R. 3, Resolution Honoring Searchers (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.C.R. 4, Resolution Approving Utah Recreational Land Exchange (B. Evans), read the first time by short title and referred to the Rules Committee.

S.J.R. 1, Joint Resolution Approving Appointment of Legislative Auditor General (J. Valentine), read the first time by short title and referred to the Rules Committee.

S.J.R. 2, Resolution on Property Tax for Certain Personal Property (J. Hickman), read the first time by short title and referred to the Rules Committee.

S.J.R. 3, Resolution Encouraging Mediation (C. Walker), read the first time by short title and referred to the Rules Committee.

S.J.R. 4, Joint Rules Resolution – Interim Rules Recodification (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.J.R. 5, Resolution Approving Contract for State Capitol Renovation (L. Mansell), read the first time by short title and referred to the Rules Committee.

COMMITTEE OF THE WHOLE

On motion of Senator Knudson, Chief Justice Christine M. Durham, Utah Supreme Court, spoke in Committee of the Whole.

STATE OF THE JUDICIARY
CHIEF JUSTICE CHRISTINE M. DURHAM

President Valentine, Speaker Curtis, Members of the Utah Senate and the Utah House of Representatives, thank you for the invitation to speak to you about
Utah’s judicial branch of government. May I first offer congratulations and best wishes to those newly elected to serve in this body, and particularly to those recently selected for leadership in the Legislature. With the inauguration of a new governor and the accompanying changes in department and agency leadership, Utah’s government is experiencing great change and many transitions, a phenomenon quite common in American democracy. In contrast to the legislative and executive branches, however, I am struck by the relative continuity and stability of the judicial branch of government. Certainly we have had judges retire, and we have replaced them in due course, but no one expects dramatic policy changes or a new and different “judicial agenda.” Our approach to our work, especially in the adjudication context, is (and is intended to be) steady, sure, and slow to change course. If government can be thought of as a ship, the judiciary’s function most closely resembles that of the rudder. As political and social winds move and change direction, first representatives, then senators and the executive branch are required, under our democratic system, to adjust if they are to keep moving forward. The judiciary, on the other hand, is anchored to the law, precedent, and ultimately to the constitution, and so our movement is restricted and slow. Some may think we are too slow to follow emerging currents, but I think this predictability and steadiness is more often a source of security and public confidence in government.

We know that the confidence and trust the people have in their governments have been tested in recent times. It is no accident that as democracies emerge in other parts of the world, one of their first tasks is to establish courts and judicial functions that can bring stability, predictability, and a mechanism for instituting the rule of law, so that the fundamental issues that arise in these nascent countries can be resolved without violence. One of our own, former Justice Court judge and now Chief Warrant Officer–IV Kim Adamson, is currently an active duty Marine on assignment in Falluja, Iraq. Her responsibility, amidst car bombings and gunfire, is to put together the nuts and bolts of a judicial system, and not just any system, but one that will have the trust and support of the populace. We wish her well and pray for her safe return.

In another part of the world, Ukraine, with a democracy somewhat farther along than Iraq’s, has recently survived a significant potential threat to the rule of law. Imagine you are a judge in Ukraine, and the Russian–backed candidate for president has apparently won election, then a second election is ordered and he loses. Do you have the institutional strength, the public trust, and the political independence to stand by your new constitution and the result it requires? In Ukraine, the high court judges did have those things, but it is worth noting that the court’s determination of the law in that case coincided with a popular outcome. One wonders if the foundation of that court system is yet firm enough, the rudder
deep and strong enough, to withstand the winds that blow in the wake of an unpopular decision, even if it is right.

The metaphor of the judicial branch as rudder works well when considering our decision-making or adjudicative role, but there is of course another dimension to the work of the courts, and that is the administrative function. In that function we must operate much more like the rest of government and the private sector; we require agility and the ability to change in the face of new challenges and technological developments. One of my colleagues on the Supreme Court tells me that hockey player Wayne Gretzky is widely acknowledged to have revolutionized the sport, and once observed that his success was attributable to his ability to “skate to where the puck is going to be, not to where it is.” Our goal is the same. The needs of court users are constantly changing, and we are constantly trying to be there first. As the legal community becomes increasingly interested in electronic filing, we need to have already worked out how to do it—and we have; as the public becomes more adept at using automatic, interactive telephonic payment systems in the commercial context, we need to apply the technology to, for example, traffic tickets—and we have; and as more and more people expect to interact effectively with government on the Internet, we need to be sure that our website exceeds their expectations—and we have. Just this past year, our court website had over one million users and won a third national award for web design. On our site you can, for example, check court calendars, identify recently-entered civil judgments, use current guidelines to calculate child support payments, and even produce documents ready for court filing. We have also begun using contemporaneous Internet audio streaming for arguments in the Supreme Court, which are archived for informational and educational purposes.

There are many other examples of our efforts in the courts to be responsive, collaborative, and focused on outcomes for litigants and the community. As many of you know, Utah is a national leader in the use of problem-solving courts—drug courts, mental health courts, domestic violence courts, and so on. We have learned from our experience with these models that judges, in cooperation with treatment specialists and law enforcement resources, can enlarge on their traditional roles as neutral arbiters to become effective coaches and motivators. They can help many defendants to recover from addiction and move on to productive, crime-free lives. They say “seeing is believing,” and I invite each of you to visit one of our problem-solving courts and see the work they do. It is a powerful experience—not one you will soon forget.

You will be addressing the problem-solving approach in criminal cases this session as you consider Senator Buttars’ proposal in Senate Bill 22, the Drug Offender Reform Act (DORA). We strongly support this legislation’s goal of
providing more information to sentencing judges and more resources for treatment efforts, particularly in the form of drug courts.

Other flexible responses to challenges facing the courts have served us well. Opening Juvenile Court hearings has, I believe, increased public access to and understanding of the work of this most important part of our system. Public access to information in court records is also an issue. We, like most of government and the private sector, are struggling with the implications of electronic communications and record keeping for questions of personal privacy and public security. The Judicial Council currently has these issues on its agenda for study and policy setting. Another challenge—three years of budget cuts—has been used by the judiciary to think hard about the highest and best use of our resources. Prior to the Judicial Council’s last annual budget process, we asked the entire judiciary to examine all court programs closely and to report to the Council on ways to ensure that our most important priorities are being met. That exercise both greatly enhanced the Council’s budget planning and also allowed us to adjust our fiscal commitments in ways consistent with our highest values. We believe that the end result is better service to the people who need it. One final example, perhaps a somewhat personal one as it involves the Supreme Court, of flexibility in the face of challenge, comes from the recent election. Faced with a highly time-sensitive challenge to the contents of a ballot in a local election, our court was able to conduct a public hearing, deliberate, and issue a decision in 24 hours, sufficient time for ballots to be prepared before the election. Many of you may have watched the court’s hearing in a live broadcast that permitted citizens an unprecedented opportunity to see the court at work. This kind of speed on our part is not always possible, indeed not usually desirable, but in this case our effort was, I believe, in the best interest of the community.

I have tried to direct these remarks not just to the challenges faced by Utah’s courts but also to the solutions we have developed and are developing. Let me try to quantify the challenges for a moment. Last year, 833,719 cases were filed in Utah’s courts. That works out to 3,350 every business day. It is not just the volume of these 3,350 new cases each day that presents the challenge. It is the fact that we are becoming an increasingly diverse state, and a growing number of those appearing in court require various kinds of assistance. For example: foreign language interpreters are necessary for all court–related events in a growing number of criminal cases; 30 percent of the cases filed in District Court have parties representing themselves, most of whom have little familiarity with the procedural rules and the law that govern their cases; 55 percent of felony cases involve defendants who are indigent and must be represented by public defenders whose resources are being constantly stretched by expanding demand; and finally, an estimated 70 percent of defendants in criminal cases and parents in child
welfare cases have some form of substance abuse or addiction problems. Each of these numbers reflects one or more of the challenges I have already mentioned today, and some that I have not, like the urgent need for better access to representation for low-income people in civil cases and the burgeoning need for adequate court interpreter services. We in the judiciary understand our responsibility to identify these issues and to think creatively, in cooperation with others, about responses.

Thus, this business of trying to “skate to where the puck is going to be” is strenuous and demanding. Our capacity to do it derives, in my view, from two things: the quality of our governance system and the quality of our judges. Under Utah’s constitutional scheme, the Supreme Court is ultimately responsible for the careful articulation of what the law is, and the Judicial Council—made up of judges from each court level and a representative from the State Bar—is charged with setting administrative policy. This separate but coordinated leadership of Utah’s judicial branch permits focus, expertise and vision by the Court on the one hand and the Council on the other, each in exercising its distinct role. I believe that the recognition that Utah’s governance system enjoys from our judicial peers nation-wide is a tribute to its successful design and the support it has received from the other branches of government.

I also believe that Utah’s judges, individually and collectively, are among the finest in the nation. A comparison with any of our sister states reveals that the incidence of problems with Utah’s judges is very low and relatively minor. I regularly review judicial misconduct reports from around the country, and of course our Court reviews the work of the Judicial Conduct Commission, whose composition and functioning the Legislature controls. As I review the national reports, I am struck repeatedly by the kinds of problems we don’t have in Utah, a perception I hope would be borne out by your colleagues who sit on the Judicial Conduct Commission. With remarkably few exceptions, Utah’s judges are men and women of integrity, competence, and commitment, and I am deeply proud to serve with them.

I referred earlier to the importance of courts in maintaining the rule of law, and we are wise to remember that our courts will never be more able or more visionary than the judges who staff them. Utah’s system of selection, retention, education and professional support of judges is strong, but we must always be mindful of what it takes to maintain high standards. For example, our highest priority building block request this year is for five additional law clerks to assist our 70 district judges in the complex civil and criminal cases they handle. Ideally every trial judge in the state will someday have a law clerk to assist with research, writing, and the organization and management of discovery, evidence, and trial in difficult cases; for the time being, we will be happy to reduce our ratio to five to
one. Additionally, you will be reviewing a judicial compensation recommendation from your Executive and Judicial Compensation Commission, which former Governor Walker and Governor Huntsman have funded in their proposed budgets. It is designed to address problems developing in our capacity to attract to the judiciary those with the intelligence, the character, the competence, the work ethic, the experience, and the commitment to decide the questions and solve the problems the future will inevitably bring. Governor Huntsman has expressed to me his concern for this part of the legacy he will leave from his service—judges worthy of the task of preserving the rule of law and earning the trust and confidence of the people.

Finally, for the past two years I have spoken on this occasion about the work the courts, in cooperation with the other branches of government, have been doing in the area of child welfare, and I would like to share recent developments with you. Last summer, a national commission supported by the Pew Charitable Trusts issued the report of a year-long study entitled “Fostering the Future: Safety, Permanence and Well-Being for Children in Foster Care.” The report targeted two areas: (1) improving federal funding mechanisms for state services; and (2) “improving court oversight of child welfare cases to facilitate better and more timely decisions related to children’s safety, permanence and well-being.” Two of the report’s specific recommendations bear mention: first, the Pew Commission believes that “to protect children and promote their well-being, courts and public agencies should be required to demonstrate effective collaboration on behalf of children,” and recommends that states should establish broad-based commissions for that purpose under the leadership of the Chief Justice and child welfare agency heads; second, the report recommends that “Chief Justices and state court leadership must take the lead, acting as the foremost champions for children in their court systems and making sure the recommendations here are enacted in their states.” In response to that call, I am working on the organization of a Utah version of the Pew Commission, where top leaders from the three branches of government, and the business, faith-based, and child-advocacy communities, can work collaboratively to ensure that Utah’s policies and practices consistently place the safety, permanency and well-being of children first. I hope that President Valentine and Speaker Curtis, along with Governor Huntsman and other leaders from government and the larger community, will be part of the unique opportunity Utah has to develop a system that will be a model for other states.

In conclusion, I would like to share with you the mission of the Utah judiciary, as articulated by the Judicial Council: it is “to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law.” I look forward to working with you this session in pursuing that mission and the goal
we in government all share—that of earning the respect and trust of the people we
serve.

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

COMMUNICATIONS FROM THE GOVERNOR

Mr. President: January 17, 2005
In accordance with Utah Code Ann. 67−1−1 and 67−1−2, I propose and
transmit the following appointments:

Department of Administrative Services
D’Arcy Dixon Pignanelli appointed as the Executive Director of the

Department of Agriculture
Leonard Blackham appointed as the Commissioner of Agriculture. See Utah
Code Ann. 4−2−3.

Department of Commerce
Russell Skousen appointed as the Executive Director of the Department of

Department of Corrections
Scott Carver reappointed as the Executive Director of the Department of
Corrections. See Utah Code Ann. 64−13−3.

Department of Environmental Quality
Dianne Nielson reappointed as the Executive Director of the Department of
Environmental Quality. See Utah Code Ann. 19−1−104.

Department of Financial Institutions
Edward Leary reappointed as the Commissioner of Financial Institutions for

Department of Health
David Sundwall appointed as the Executive Director of the Department of

Department of Human Resource Management
Jeff Herring appointed as the Executive Director of the Department of Human

Department of Insurance
Kent Michie appointed as the Commissioner of Insurance. See Utah Code
Ann. 31A−2−102.
Department of Natural Resources
Michael Styler appointed as the Executive Director of the Department of Natural Resources. See Utah Code Ann. 63–34–5.

Department of Public Safety

Department of Transportation
John Njord reappointed as the Executive Director of Transportation. See Utah Code Ann. 72–1–202.

Commission on Criminal and Juvenile Justice
Michele Christiansen 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
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 January 5, 2005, for purposes of acting on gubernatorial nominees.

On motion of Senator Knudson, the Senate voted to consent to the Governor’s appointments as read by Sandy Tenney. The appointments were confirmed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

Dmitrich  Mansell  Mayne
Senator Blackham declared a conflict of interest.

**COMMITTEE OF THE WHOLE**


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

**OATH OF OFFICE**

President Valentine administered the oath of office to Darin G. Peterson who was appointed by the Governor to fill the unexpired term of Leonard Blackham, Senate District 24.

**COMMITTEE OF THE WHOLE**

On motion of Senator Knudson, Kenneth W. Brewer, Poet Laureate of Utah, spoke in the Committee of the Whole.

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

**RULES COMMITTEE REPORTS**

To the Members of the Senate: January 17, 2005

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

**Business and Labor Committee**

- **S.B. 21** Limitation on Liability Regarding Liquefied Petroleum Gas (Sen. D. Eastman)
- **S.B. 29** Licensing of Crane Operators (Sen. G. Davis)
- **S.B. 32** Limitation of Landowner Liability for Public Recreation (Sen. G. Bell)
- **S.B. 38** Garnishment by Deferred Deposit Lenders (Sen. R. Allen)
- **S.B. 39** Consumer Credit Protection (Sen. C. Walker)
- **S.B. 87** Residence Lien Restriction and Lien Recovery Fund Amendments (Sen. D. Thomas)
- **S.B. 96** Commerce Service Fund Amendments (Sen. G. Bell)
- **S.B. 103** Liens on Aircraft (Sen. T. Hatch)

**Government Operations and Political Subdivisions Committee**

- **S.B. 11** Initiative Petitions Amendments (Sen. B. Evans)
<table>
<thead>
<tr>
<th>Bill No.</th>
<th>Title</th>
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<tbody>
<tr>
<td>S.B. 31</td>
<td>Local Government Amendments (Sen. D. Thomas)</td>
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<tr>
<td>S.B. 76</td>
<td>Amendments to Navajo Trust Fund (Sen. B. Evans)</td>
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<td>S.B. 78</td>
<td>Optional Forms of County Government Amendment (Sen. D. Thomas)</td>
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<tr>
<td>S.B. 80</td>
<td>Special Service Districts – Service Expansion (Sen. M. Dmitrich)</td>
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<tr>
<td>S.B. 85</td>
<td>Federal Research Committee (Sen. G. Davis)</td>
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<tr>
<td>S.B. 86</td>
<td>2004 General Obligation Bond Amendments (Sen. P. Knudson)</td>
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<tr>
<td>S.B. 88</td>
<td>Creation of Local Districts (Sen. C. Walker)</td>
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<tr>
<td>S.B. 90</td>
<td>County Officers Serving on Boards of County Mental Health and Substance Abuse Providers (Sen. D. Thomas)</td>
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<tr>
<td>S.B. 97</td>
<td>Consolidation of City and County Library (Sen. D. Thomas)</td>
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<tr>
<td>S.B. 102</td>
<td>Lobbyist Reporting Amendments (Sen. G. Bell)</td>
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<tr>
<td>S.B. 106</td>
<td>Utah Religious Land Use Act (Sen. D. Thomas)</td>
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**Health and Human Services Committee**

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<tbody>
<tr>
<td>S.B. 19</td>
<td>Disease Testing of Individuals Exposed to Blood Borne Pathogens (Sen. P. Julander)</td>
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<tr>
<td>S.B. 77</td>
<td>Amendments to Indoor Clean Air Act (Sen. M. Waddoups)</td>
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<tr>
<td>S.B. 83</td>
<td>Medical Decisions of a Parent or Guardian (Sen. D. Thomas)</td>
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<td>S.B. 89</td>
<td>Mutual Dependence Benefits Contract (Sen. G. Bell)</td>
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<tr>
<td>S.B. 107</td>
<td>Licensure and Regulation of Programs and Facilities (Sen. T. Hatch)</td>
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**Judiciary, Law Enforcement, and Criminal Justice Committee**

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<th>Bill No.</th>
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<tr>
<td>S.B. 14</td>
<td>Uniform Parentage Act (Sen. L. Hillyard)</td>
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<tr>
<td>S.B. 15</td>
<td>Children’s Justice Center Amendments (Sen. D. C. Buttars)</td>
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<td>S.B. 30</td>
<td>Amendments to Search Warrants (Sen. D. Thomas)</td>
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<td>S.B. 91</td>
<td>Interstate Juvenile Compact (Sen. L. Hillyard)</td>
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<td>S.B. 92</td>
<td>Utah Attorney’s Fees Recovery Act (Sen. D. Thomas)</td>
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<td>S.B. 93</td>
<td>Children’s Justice Center Addition (Sen. T. Hatch)</td>
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<td>S.B. 94</td>
<td>Restitution Amendments (Sen. G. Bell)</td>
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<td>S.B. 104</td>
<td>Judiciary Amendments (Sen. L. Hillyard)</td>
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<td>S.B. 105</td>
<td>Judgment Interest Rate (Sen. S. Jenkins)</td>
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<tr>
<td>S.J.R. 3</td>
<td>Resolution Encouraging Mediation (Sen. C. Walker)</td>
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Natural Resources, Agriculture, and Environment Committee
S.B. 79 Extension of Sunset Date on Resource Development Coordinating Committee (Sen. B. Evans)
S.B. 81 Local Government Approval for Solid Nonhazardous and Hazardous Waste Disposal (Sen. B. Evans)
S.B. 99 Damages for Trespass in State Parks (Sen. T. Hatch)

Revenue and Taxation Committee
S.B. 13 Individual Income Tax − Subtraction for Certain Military Income (Sen. H. Stephenson)
S.B. 24 Waste Amendments (Sen. C. Bramble)
S.B. 33 Exemptions to Residential Property Tax (Sen. E. Mayne)
S.B. 36 Sales and Use Taxation of Pawn Transactions (Sen. R. Allen)
S.B. 82 Individual Income Tax − Earned Income Tax Credit (Sen. T. Hatch)
S.J.R. 2 Resolution on Property Tax for Certain Personal Property (Sen. J. Hickman)

Transportation, Public Utilities and Technology Committee
S.B. 4 Uninsured Motorist Property Damage Coverage Amendments (Sen. D. Eastman)
S.B. 8 Local Corridor Preservation Funding (Sen. S. Killpack)
S.B. 25 Transportation Amendments and Highway Jurisdictional Transfer Task Force (Sen. C. Walker)
S.B. 26 Public Utilities Amendments (Sen. G. Bell)
S.B. 37 Motor Vehicle Business Regulation Act Amendments (Sen. D. Eastman)
S.B. 84 Do Not Call Registry Amendments (Sen. D. Thomas)
S.B. 98 Motor Vehicle Registration and Title Amendments (Sen. S. Killpack)
S.B. 108 Telecommunications Revisions (Sen. C. Bramble)

Workforce Services and Community and Economic Development
S.B. 7 Funding for Tourism (Sen. S. Jenkins)
S.B. 16 Department of Workforce Services − Access to Financial Records (Sen. S. Jenkins)
S.B. 35 Venture Capital Funding Amendments (Sen. D. Thomas)
S.B. 95 Office of Museum Services Amendments (Sen. R. Allen)

Michael Waddoups
Rules Committee Chair

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

**RULES COMMITTEE REPORTS**

To the Members of the Senate: January 17, 2005

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

<table>
<thead>
<tr>
<th>Bill Number</th>
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<tbody>
<tr>
<td>S.C.R. 3</td>
<td>Resolution Honoring Searchers (Sen. L. Hillyard)</td>
<td>Sen. L. Hillyard</td>
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<tr>
<td>S.B. 100</td>
<td>Access to High Speed Internet At State Capitol Complex</td>
<td>Sen. S. Killpack</td>
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<tr>
<td>S.J.R. 5</td>
<td>Resolution Approving Contract for State Capitol Renovation (Sen. A. Mansell)</td>
<td>Sen. A. Mansell</td>
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<tr>
<td>S.C.R. 1</td>
<td>Resolution Encouraging Managed Lanes Study (Sen. C. Walker)</td>
<td>Sen. C. Walker</td>
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<tr>
<td>S.J.R. 1</td>
<td>Joint Resolution Approving Appointment of Legislative Auditor General (Sen. J. Valentine)</td>
<td>Sen. J. Valentine</td>
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<td>S.B. 10</td>
<td>Liability Reform Act Amendments (Sen. G. Bell)</td>
<td>Sen. G. Bell</td>
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<tr>
<td>S.B. 12</td>
<td>Department of Workforce Services Amendments (Sen. S. Jenkins)</td>
<td>Sen. S. Jenkins</td>
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<tr>
<td>S.B. 18</td>
<td>Regulating Proprietary Postsecondary Schools (Sen. D. Eastman)</td>
<td>Sen. D. Eastman</td>
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<td>S.B. 23</td>
<td>Property Tax Treatment of Tangible Personal Property (Sen. C. Bramble)</td>
<td>Sen. C. Bramble</td>
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<tr>
<td>S.B. 27</td>
<td>Sunset Reauthorizations (Sen. L. A. Mansell)</td>
<td>Sen. L. A. Mansell</td>
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</tbody>
</table>
S.B. 101 Utah Administrative Rulemaking Act Revision  
(Sen. H. Stephenson)  
Michael Waddoups  
Rules Committee Chair  

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

COMMITTEE OF THE WHOLE

On motion of Senator Knudson, Dr. David Sundwall, Executive Director of the Department of Health, D’Arcy Dixon Pignanelli, Executive Director of the Department of Administrative Services, Dianne Nielson, Executive Director of the Department of Environmental Quality, Russell Skousen, Executive Director of the Department of Commerce, Edward Leary, Commissioner of Financial Institutions, and Kent Mitchie, Commissioner of Insurance, and Jeff Herring, Executive Director of the Department of Human Resource Management spoke in Committee of the Whole.

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

SECOND READING CALENDAR

On motion of Senator Hillyard, under suspension of the rules, S.C.R. 3, RESOLUTION HONORING SEARCHERS, was considered read the second and third times. This bill did not have a Senate standing committee hearing. Senator Hillyard explained the bill. The bill passed on the following roll call:

**Voting in the affirmative were:** Senators
Allen    Arent    Bell    Peterson
Bramble  Butters  Christensen  Davis
Eastman  Evans    Fife    Hale
Hatch    Hellewell  Hickman  Hillyard
Jenkins  Julander  Killpack  Kunsen
Madsen  Mansell  Stephenson  Thomas
Waddoups Walker    Valentine

**Absent or not voting were:** Senators
Dmitrich  Mayne

S.C.R. 3 was transmitted to the House for consideration.

COMMITTEE OF THE WHOLE

On motion of Senator Hillyard, Roger Winkler, Commander, Detective Division, Salt Lake City Police Department, spoke in Committee of the Whole.
On motion of Senator Hillyard, the Committee of the Whole was dissolved.

* * *

On motion of Senator Knudson, under suspension of the rules, the Senate voted to have the next two bills read for the second and third times.

** S.B. 100, ACCESS TO HIGH SPEED INTERNET AT STATE CAPITOL COMPLEX, ** was read the second time. This bill did not have a Senate standing committee hearing.

On motion of Senator Killpack, the bill was circled.

* * *

On motion of Senator Mansell, under suspension of the rules, ** S.J.R. 5, RESOLUTION APPROVING CONTRACT FOR STATE CAPITOL RENOVATION, ** was considered read the second and third times. This bill did not have a Senate standing committee hearing. Senator Mansell explained the bill. Senator Jenkins declared a conflict of interest. The bill passed on the following roll call:

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

** Voting in the affirmative were: ** Senators

Allen Arent Bell Peterson
Bramble Buttars Christensen Davis
Eastman Evans Fife Hale
Hellewell Hickman Hillyard Jenkins
Julander Killpack Kundsen Madsen
Mansell Stephenson Thomas Waddoups
Walker Valentine

** Absent or not voting were: ** Senators

Dmitrich Hatch Mayne

** S.J.R. 5 ** was transmitted to the House for consideration.

* * *

On motion of Senator Killpack, the circle was removed from ** S.B. 100, ACCESS TO HIGH SPEED INTERNET AT STATE CAPITOL COMPLEX, ** and it was before the Senate.
Senator Killpack proposed the following amendment:

1. Page 4, Line 108 through 111:
   “(b) The board’s provision of wireless Internet service under Subsection (5)(a)(vii) shall be discontinued in the legislative area if the president of the Senate and the speaker of the House of Representatives each submit a signed letter to the board indicating that the service is disruptive to the legislative process and is to be discontinued.”

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

On motion of Senator Killpack, under suspension of the rules, S.B. 100, ACCESS TO HIGH SPEED INTERNET AT STATE CAPITOL COMPLEX, 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

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**Absent or not voting were:** Senators

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<th>Mayne</th>
<th>Stephenson</th>
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S.B. 100, as amended, was transmitted to the House for consideration.

* * *

On motion of Senator Walker, under suspension of the rules, S.C.R. 1, RESOLUTION ENCOURAGING MANAGED LANES STUDY, was considered read the second and third times. This bill did not have a Senate standing committee hearing. Senator Walker explained the bill. Senator Bramble commented. The bill passed on the following roll call:

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

Allen    Arent    Bell    Peterson
Bramble  Buttars  Christensen  Davis
Eastman  Evans    Fife    Hale
Hatch    Hellewell Hickman  Hillyard
Jenkins  Julander Killpack  Kundsen
Madsen  Mansell  Stephenson  Thomas
Waddoups Walker  Valentine

Absent or not voting were: Senators

Dmitrich  Mayne

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

* * *

On motion of Senator Knudson, under suspension of the rules, S.J.R. 1, JOINT RESOLUTION APPROVING APPOINTMENT OF LEGISLATIVE AUDITOR GENERAL, was considered read the second and third times. This bill did not have a Senate standing committee hearing. 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

Allen    Arent    Bell    Peterson
Bramble  Buttars  Christensen  Davis
Eastman  Evans    Fife    Hale
Hatch    Hellewell Hickman  Hillyard
Jenkins  Julander Killpack  Kundsen
Madsen  Mansell  Stephenson  Thomas
Walker  Valentine

Absent or not voting were: Senators

Dmitrich  Mansell  Mayne

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

SECOND READING CALENDAR

S.B. 5, TRAFFIC CODE RECODIFICATION AND REVISIONS, was read the second time. Senator Killpack explained the bill. This bill did not have a Senate standing committee hearing.
Senator Killpack proposed the following amendment:

1. Page 90, Line 2784:
   Delete “41−6a−508 and 41−6a−512” and insert “41−6a−512 and 41−6a−528”

2. Page 207, Line 6392:
   After “rear bicycle” reinstate “reflector”

3. Page 243, Line 7516:
   Delete “41−6−40” and insert “41−6a−404”

4. Page 247, Line 7632:
   Delete “14−6a−402” and insert “41−6a−402”

5. Page 277, Line 8560:
   Delete “14−6a−1205” and insert “41−6a−1205”

6. Page 278, Line 8604:
   Delete “14−6a−515” and insert “41−6a−515”

7. Page 281, Line 8680:
   Delete “14−6a−1630” and insert “41−6a−1630”

8. Page 281, Line 8695:
   Delete “14−6a−102” and insert “41−6a−102”

9. Page 284, Line 8800:
   Delete “14−6a−303” and insert “41−6a−303”

10. Page 287, Line 8863:
    Delete “14−6a−1642” and insert “41−6a−1642”

11. Page 287, Line 8893:
    Delete “14−6a−523” and insert “41−6a−523”

12. Page 289, Line 8931:
    Delete “14−6a−523” and insert “41−6a−523”

13. Page 290, Line 8968:
    Delete “14−6a−523” and insert “41−6a−523”

14. Page 291, Line 8997:
    Delete “14−6a−501” and insert “41−6a−501”
Senator Killpack’s motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen               Arent           Bell           Peterson
Bramble            Buttars         Christensen   Davis
Eastman            Evans           Fife           Hale
Hatch              Hellewell       Hillyard      Jenkins
Julander           Killpack        Kundsen       Madsen
Stephenson         Thomas          Waddoups      Walker
Valentine

**Absent or not voting were:** Senators

Dmitrich           Hickman        Mansell       Mayne

* * *

**S.B. 6, SALES AND USE TAX AGRICULTURE EXEMPTIONS,** was read the second time. This bill did not have a Senate standing committee hearing. Senator Allen 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

Allen               Arent           Bell           Peterson
Bramble            Buttars         Christensen   Davis
Eastman            Evans           Fife           Hale
Hatch              Hellewell       Hillyard      Jenkins
Julander           Killpack        Kundsen       Madsen
Stephenson         Thomas          Waddoups      Walker
Valentine
Absent or not voting were: Senators
Dmitrich    Hickman    Mansell    Mayne

On motion of Senator Knudson, the Senate voted to suspend the 24-hour rule for bill considered today.

S.B. 9, AEROSPACE AND AVIATION DEVELOPMENT ZONE MODIFICATIONS, was read the second time. This bill did not have a Senate standing committee hearing.

On motion of Senator Davis, the bill was circled.

S.B. 10, LIABILITY REFORM ACT AMENDMENTS, was read the second time. This bill did not have a Senate standing committee hearing.

On motion of Senator Bell, the bill was circled.

S.B. 12, DEPARTMENT OF WORKFORCE SERVICES AMENDMENTS, was read the second time. This bill did not have a Senate standing committee hearing. Senator Jenkins 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
Arent    Bell    Peterson    Bramble
Buttars   Christensen    Davis    Eastman
Evans    Fife    Hale    Hatch
Hellewell    Hickman    Hillyard    Jenkins
Julander    Killpack    Kundsen    Madsen
Stephenson    Thomas    Waddoups    Walker
Valentine

Absent or not voting were: Senators
Allen    Dmitrich    Mansell    Mayne
S.B. 17, FOSTER CARE CITIZEN REVIEW BOARD, was read the second time. This bill did not have a Senate standing committee hearing. 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

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**Absent or not voting were:** Senators

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S.B. 18, REGULATING PROPRIETARY POSTSECONDARY SCHOOLS, was read the second time. This bill did not have a Senate standing committee hearing. Senator Eastman explained the bill. Senator Arent commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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COMMUNICATIONS FROM THE HOUSE

Mr. President: January 17, 2005

The House passed H.C.R. 5, RESOLUTION HONORING UTAH MILITARY SERVICE PERSONNEL, by Representative F. Hunsaker, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk
Communications filed. H.C.R. 5 was read the first time.

On motion of Senator Knudson, the Senate voted to move H.C.R. 5 to the top of the Second Reading Calendar.

* * *

On motion of Senator Hillyard, under suspension of the rules, H.C.R. 5, RESOLUTION HONORING UTAH MILITARY SERVICE PERSONNEL, was considered read the second and third times. This bill did not have a Senate standing committee hearing. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen
Buttars
Fife
Hickman
Killpack
Thomas

Arent
Davis
Hale
Hillyard
Kundsen
Waddoups

Bell
Eastman
Hatch
Jenkins
Madsen
Walker

Evans
Hellewell
Julander
Stephenson
Valentine

Absent or not voting were: Senators

Bramble
Christensen
Dmitrich
Mansell
Mayne

H.C.R. 5 was signed by the President of the Senate in open session and returned to the House.

COMMITTEE OF THE WHOLE

On motion of Senator Hillyard, Col. Craig Morgan and Lt. Col. David Thomas from the Utah National Guard spoke in Committee of the Whole. Senator Hickman commented.

On motion of Senator Hillyard, the Committee of the Whole was dissolved.
On motion of Senator Knudson and at 4:30 p.m., the Senate adjourned until 10:00 a.m., Tuesday, January 18, 2005.
January 18, 2005
SECOND DAY

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

Prayer – Chaplain Michael Jackson, Primary Children’s Medical Center
Pledge of Allegiance – Senator Mark Madsen
Roll Call – All Senators present, except Senator Dmitrich, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 96)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 17, 2005
The House passed, S.C.R. 3, RESOLUTION HONORING SEARCHERS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.C.R. 3 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

INTRODUCTION OF BILLS

S.B. 42, Alcohol Restricted Drivers (C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 43, Penalty for Providing False Information to State Agency (P. Hellewell), read the first time by short title and referred to the Rules Committee.

S.B. 44, Government Records Amendments (C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 113, Employee Noncompetition Contracts (E. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 114, County and Municipal Zoning Regarding Billboards (M. Waddoups), read the first time by short title and referred to the Rules Committee.
S.B. 115, Permanent Total Disability Amendments (E. Mayne), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

S.B. 5, TRAFFIC CODE RECODIFICATION AND 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
Allen Arent Bramble Buttars
Davis Eastman Evans Fife
Hale Hatch Hellewell Hickman
Hillyard Jenkins Julander Killpack
Kundsen Madsen Mayne Peterson
Stephenson Thomas Waddoups Walker
Valentine

Absent or not voting were: Senators
Bell Christensen Dmitrich Mansell

S.B. 5, as amended, was transmitted to the House for consideration.

***

S.B. 6, SALES AND USE TAX AGRICULTURE EXEMPTIONS, was read the third time, explained by Senator Allen. Senators Hillyard and Valentine commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bramble Buttars
Davis Eastman Evans Fife
Hale Hatch Hellewell Hickman
Hillyard Jenkins Julander Killpack
Kundsen Madsen Mayne Peterson
Stephenson Thomas Waddoups Walker
Valentine

Absent or not voting were: Senators
Bell Christensen Dmitrich Mansell
S.B. 6 was transmitted to the House for consideration.

* * *

S.B. 12, DEPARTMENT OF WORKFORCE SERVICES 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

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

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S.B. 17, FOSTER CARE CITIZEN REVIEW BOARD, 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

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S.B. 17 was transmitted to the House for consideration.
**S.B. 18, REGULATING PROPRIETARY POSTSECONDARY SCHOOLS,** 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
Allen Arent Bramble Buttars
Davis Eastman Evans Fife
Hale Hatch Hellewell Hillyard
Jenkins Julander Killpack Kundsen
Madsen Mayne Peterson Stephenson
Thomas Waddoups Walker Valentine

**Absent or not voting were:** Senators
Bell Christensen Dmitrich Hickman
Mansell

**S.B. 18** was transmitted to the House for consideration.

**SECOND READING CALENDAR**

**S.B. 20, OFFICE OF LEGISLATIVE AUDITOR − ACCESS TO INFORMATION,** was read the second time. Senator Waddoups explained the bill. This bill did not have a Senate standing committee hearing. Senator Thomas commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators
Allen Arent Bramble Buttars
Davis Eastman Evans Fife
Hale Hatch Hellewell Hickman
Hillyard Jenkins Julander Killpack
Knudson Madsen Mayne Peterson
Stephenson Thomas Waddoups Walker
Valentine

**Absent or not voting were:** Senators
Bell Christensen Dmitrich Mansell

**S.B. 9, AEROSPACE AND AVIATION DEVELOPMENT ZONE MODIFICATIONS,**
and it was before the Senate. Senator Davis explained the bill. Senators Jenkins and Valentine commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**S.B. 22, DRUG OFFENDER REFORM ACT,** was read the second time. Senator Buttars explained the bill. This bill did not have a Senate standing committee hearing. Senator Thomas commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**S.B. 23, PROPERTY TAX TREATMENT OF TANGIBLE PERSONAL PROPERTY,** was read the second time. This bill did not have a Senate standing committee hearing. Senator Bramble explained the bill.
Senator Bramble proposed the following amendment:

1. Page 5, Lines 144 through 145

144 (6) Appeals of the valuation of An appeal relating to the uniform fee imposed on the tangible personal property described in Subsection 145 (2) shall be filed pursuant to Section 59–2–1005.

2. Page 5, Lines 147 through 148:

147 59–2–405.1. Uniform fee on certain vehicles weighing 12,000 pounds or less —

148 Distribution of revenues — Appeals —

3. Page 7, Lines 191 through 193:

191 (6) Appeals of the valuation of An appeal relating to the uniform fee imposed on the tangible personal property described in Subsection (2) shall be filed pursuant to Section 192 59–2–1005.—

4. Page 15, Lines 454 through 455:

454 (7) An appeal relating to the uniform statewide fees imposed on the tangible personal property described in Subsection (2) shall be filed pursuant to Section 59–2–1005.

5. Page 30, Lines 906 through 915:

906 (1) The For personal property assessed by a county assessor in accordance with Section 59–2–301, the county legislative body shall include with the signed statement required by Section 59–2–306 a notice of procedures for an appeal of any relating to the value of the personal property [valuation with each tax notice].

(2)(a) If personal property is subject to a fee in lieu of tax or the uniform tax under Article XIII, Sec. 2, Utah Constitution, and the fee or tax is based
911 upon the value of the property, the basis of the value may be appealed to the commission. {→—}

912 {→(2)—} [Any] (b) For the personal property described in Subsection {→(4)—} (2)(a), a taxpayer [dissatisfied]

913 with the taxable value of the taxpayer’s personal property] may make an appeal relating to the value of the

914 personal property by filing an application with the county legislative body no later than 30 days

915 after the mailing of the tax notice.

Senator Bramble’s motion to amend passed on a voice vote. Senators Thomas, Eastman, Bell, Jenkins, and Valentine commented. The bill passed second reading on the following roll call:

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

### Voting in the affirmative were:

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**S.B. 27, SUNSET REAUTHORIZATIONS,** was read the second time. This bill did not have a Senate standing committee hearing.

On motion of Senator Knudson, the bill was circled.

* * *

**S.B. 28, REAUTHORIZATION OF ENERGY POLICY TASK FORCE,** was read the second time. This bill did not have a Senate standing committee hearing.

On motion of Senator Eastman, **S.B. 28** was returned to the Rules Committee.
S.B. 101, UTAH ADMINISTRATIVE RULEMAKING ACT REVISION, was read the second time. This bill did not have a Senate standing committee hearing. Senator Stephenson explained the bill. Senator Allen commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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On motion of Senator Knudson and at 11:20 a.m., the Senate adjourned until 10:00 a.m., Wednesday, January 19, 2005.
THIRD DAY

The Senate was called to order at 10:20 a.m., with President John Valentine presiding.

Prayer – Pastor Mike Menning, Mountain Springs Community Church in Salt Lake City
Pledge of Allegiance – Senator Allen Christensen
Roll Call – All Senators present except Senator Dmitrich, excused

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 96)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 18, 2005

The House passed, S.B. 100, ACCESS TO HIGH SPEED INTERNET AT STATE CAPITOL COMPLEX, by Senator S. Killpack, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.J.R. 1, JOINT RESOLUTION APPROVING APPOINTMENT OF LEGISLATIVE AUDITOR GENERAL, by Senator J. Valentine, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 100 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: January 18, 2005

The House passed H.B. 5, PERSON WITH A DISABILITY MOTORCYCLE PARKING, by Representative T. Kiser, and it is transmitted for consideration; and
The House passed **H.B. 6**, MASTER HIGHWAY DESIGNATION AMENDMENTS, by Representative J. Murray, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 5** and **H.B. 6** were read the first time and referred to the Rules Committee.

**RULES COMMITTEE REPORTS**

To the Members of the Senate: January 18, 2005

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

**Business and Labor Committee**

- **S.B. 34** Patient Access Reform (Sen. P. Hellewell)
- **S.B. 40** Regulation of Title Insurance Industry (Sen. T. Hatch)
- **S.B. 113** Employee Noncompetition Contracts (Sen. E. Mayne)
- **S.B. 115** Permanent Total Disability Amendments (Sen. E. Mayne)

**Education Committee**

- **S.B. 41** School and Institutional Trust Lands Management Act Revisions (Sen. M. Dmitrich)
- **S.C.R. 4** Resolution Approving Utah Recreational Land Exchange (Sen. B. Evans)

**Government Operations and Political Subdivisions Committee**

- **S.B. 44** Government Records Amendments (Sen. C. Walker)
- **S.B. 114** County and Municipal Zoning Regarding Billboards (Sen. M. Waddoups)

**Health and Human Services Committee**

- **S.B. 112** Child Protection Amendments (Sen. G. Bell)

**Judiciary, Law Enforcement, and Criminal Justice Committee**

- **S.B. 43** Penalty for Providing False Information to State Agency (Sen. P. Hellewell)
- **S.B. 110** Medical Device Notification and Liability (Sen. D. C. Buttars)

**Transportation, Public Utilities and Technology Committee**

- **S.B. 42** Alcohol Restricted Drivers (Sen. C. Walker)
S.B. 109  Safety Belt Enforcement (Sen. K. Hale)

Michael Waddoups
Rules Committee Chair

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

RULES COMMITTEE REPORTS

To the Members of the Senate: January 18, 2005

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


Michael Waddoups
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: January 18, 2005

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 11, INITIATIVE PETITIONS AMENDMENTS, by Senator B. Evans; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 76, AMENDMENTS TO NAVAJO TRUST FUND, by Senator B. Evans; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 78, OPTIONAL FORMS OF COUNTY GOVERNMENT AMENDMENT, by Senator D. Thomas

Parley Hellewell, Chair

Mr. President: January 18, 2005

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 24, WASTE AMENDMENTS, by Senator C. Bramble; and

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 36, SALES AND USE TAXATION OF PAWN TRANSACTIONS, by Senator R. Allen, with the following amendments:
1. Page 1, Lines 8 through 15:

8 General Description:

9 This bill amends the Sales and Use Tax Act to address the taxation of redemptions or repurchases of property as part of a pawn transaction.

11 Highlighted Provisions:

12 This bill:

13 ▶ provides definitions;

14 ▶ provides a sales and use tax exemption for redemptions or repurchases of property as part of a pawn transaction; and

15 ▶ makes technical changes.

2. Page 43, Lines 1304 through 1307:

1304 (64) {sales} redemptions or repurchases of property {redeemed or repurchased} by a person if that property was:

1305 (a) delivered to a pawnbroker as part of a pawn transaction; and

1306 (b) redeemed or repurchased within the time period established in a written agreement

1307 between the person and the pawnbroker for redeeming or repurchasing the property.

Curtis Bramble, Chair

Mr. President: January 18, 2005

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on S.B. 7, FUNDING FOR TOURISM, by Senator S. Jenkins, et al, with the following amendments:

1. Page 5, Line 126:
   Delete “policy”

2. Page 11, Line 325:
   Delete “2004–05” and insert “2005–06”
The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on S.B. 16, DEPARTMENT OF WORKFORCE SERVICES − ACCESS TO FINANCIAL RECORDS, by Senator S. Jenkins, et al; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on S.B. 35, VENTURE CAPITAL FUNDING AMENDMENTS, by Senator D. Thomas; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on S.B. 95, OFFICE OF MUSEUM SERVICES AMENDMENTS, by Senator R. Allen.

Carlene Walker, Chair

On motion of Senator Waddoups, the committee reports were adopted. S.B. 11, S.B. 76, S.B. 78, S.B. 24, S.B. 36, as amended, S.B. 7, as amended, S.B. 16, S.B. 35, and S.B. 95 were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

S.B. 45, Charitable Purpose Determination (P. Hellewell), read the first time by short title and referred to the Rules Committee.

S.B. 46, Prescriptive Practice of Legend Drugs (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 116, Arbitration − Use of Subpoena Authorized (D. Eastman), read the first time by short title and referred to the Rules Committee.

S.B. 117, Repeal of Utah Tomorrow Strategic Planning Committee (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.B. 118, Identity Fraud Amendments (C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 119, Rural Medical Residency Training Programs (P. Knudson), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

S.B. 20, OFFICE OF LEGISLATIVE AUDITOR − ACCESS TO INFORMATION, 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
Allen  Arent  Bell  Bramble  
Buttars  Christensen  Davis  Eastman  
Evans  Fife  Hale  Hatch  
Hellewell  Hickman  Hillyard  Jenkins  
Julander  Killpack  Knudson  Madsen  
Mayne  Peterson  Stephenson  Thomas  
Waddoups  Walker  Valentine  

Absent or not voting were: Senators
Dmitrich  Mansell

S.B. 20 was transmitted to the House for consideration.

* * *

S.B. 9, AEROSPACE AND AVIATION DEVELOPMENT ZONE MODIFICATIONS, was read the third time, explained by Senator Davis, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen  Arent  Bell  Bramble  
Buttars  Christensen  Davis  Eastman  
Evans  Fife  Hale  Hatch  
Hellewell  Hickman  Hillyard  Jenkins  
Julander  Killpack  Knudson  Madsen  
Mayne  Peterson  Stephenson  Thomas  
Waddoups  Walker  Valentine  

Absent or not voting were: Senators
Dmitrich  Mansell

S.B. 9 was transmitted to the House for consideration.

* * *

S.B. 22, DRUG OFFENDER REFORM ACT, was read the third time.

On motion of Senator Buttars, the bill was circled.
S.B. 23, PROPERTY TAX TREATMENT OF TANGIBLE PERSONAL PROPERTY, was read the third time, explained by Senator Bramble. Senators Eastman, Thomas, and Hillyard commented.

On motion of Senator Bramble, the bill was circled.

S.B. 101, UTAH ADMINISTRATIVE RULEMAKING ACT REVISION, 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
Allen  Arent  Bell  Bramble
Buttars  Christensen  Davis  Eastman
Evans  Fife  Hale  Hatch
Hellewell  Hickman  Hillyard  Jenkins
Julander  Killpack  Knudson  Madsen
Mayne  Peterson  Stephenson  Thomas
Waddoups  Walker  Valentine

Absent or not voting were: Senators
Dmitrich  Mansell

S.B. 101 was transmitted to the House for consideration.

On motion of Senator Knudson and at 10:50 a.m., the Senate adjourned until 10:00 a.m., Thursday, January 20, 2005.
January 20, 2005

FOURTH DAY

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 Darin Peterson
Roll Call – All Senators present, except Senators Dmitrich and Mansell, excused

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 96)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 19, 2005

The House passed, S.J.R. 5, RESOLUTION APPROVING CONTRACT FOR STATE CAPITOL RENOVATION, by Senator L. A. Mansell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.J.R. 5 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

***

Mr. President: January 19, 2005

The House passed H.B. 8, CHILD PROTECTION TEAM MEETINGS, by Representative A. Tilton, and it is transmitted for consideration; and

The House passed H.B. 10, EMPLOYMENT SECURITY ACT AMENDMENTS, by Representative D. Cox, et al, and it is transmitted for consideration; and

The House passed H.B. 176, REVISOR’S STATUTE, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed, as amended, H.J.R. 6, RESOLUTION APPROVING COMPENSATION OF IN–SESSION EMPLOYEES, by Representative M. Newbold, and it is transmitted for consideration; and
The House passed **H.J.R. 8**, JOINT RULES RESOLUTION – USE OF LEGISLATIVE SEALS, by Representative R. Lockhart, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 8, H.B. 10, H.B. 176, H.J.R. 6, and H.J.R. 8** were read the first time and referred to the Rules Committee.

**RULES COMMITTEE REPORTS**

To the Members of the Senate: January 19, 2005

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

**Government Operations and Political Subdivisions Committee**
S.B. 117 Repeal of Utah Tomorrow Strategic Planning Committee (Sen. M. Waddoups)

**Health and Human Services Committee**
S.B. 46 Prescriptive Practice of Legend Drugs (Sen. P. Knudson)
S.B. 111 Amendments Prohibiting Health Insurance Discrimination (Sen. P. Julander)
S.B. 119 Rural Medical Residency Training Programs (Sen. P. Knudson)

**Judiciary, Law Enforcement, and Criminal Justice Committee**
S.B. 116 Arbitration – Use of Subpoena Authorized (Sen. D. Eastman)
S.B. 118 Identity Fraud Amendments (Sen. C. Walker)

**Revenue and Taxation Committee**
S.B. 45 Charitable Purpose Determination (Sen. P. Hellewell)

**Transportation, Public Utilities and Technology**
H.B. 5 Person with a Disability Motorcycle Parking (Rep. T. Kiser)
H.B. 6 Master Highway Designation Amendments (Rep. J. Murray)

Michael Waddoups
Rules Committee Chair

Report filed. On motion of Senator Waddoups, the committee report was adopted.
STANDING COMMITTEE REPORTS

Mr. President: January 19, 2005

The Business and Labor Committee reports a favorable recommendation on S.B. 21, LIMITATION ON LIABILITY REGARDING LIQUEFIED PETROLEUM GAS, by Senator D. Eastman, with the following amendments:

1. Page 2, Lines 36 through 40:

36 (2) There is a rebuttable presumption that a seller, supplier, installer, handler, or transporter of liquified petroleum gas and the necessary equipment and appliances have followed all applicable standards and procedures established by the Liquified Petroleum Gas Board adopted in accordance with Section 53−7−106 by the Utah Fire Prevention Board pursuant to Section 53−7−204 and the provisions of Title 53, Chapter 7, Part 3, Liquified Petroleum Gas Act.

The Business and Labor Committee reports a favorable recommendation on S.B. 32, LIMITATION OF LANDOWNER LIABILITY FOR PUBLIC RECREATION, by Senator G. Bell; and

The Business and Labor Committee reports a favorable recommendation on S.B. 103, LIENS ON AIRCRAFT, by Senator T. Hatch.

Scott Jenkins, Chair

Mr. President: January 19, 2005

The Health and Human Services Committee reports a favorable recommendation on S.B. 83, MEDICAL DECISIONS OF A PARENT OR GUARDIAN, by Senator D. Thomas.

Allen M. Christensen, Chair

Mr. President: January 19, 2005

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on S.B. 79, EXTENSION OF SUNSET DATE ON RESOURCE DEVELOPMENT COORDINATING COMMITTEE, by Senator B. Evans, with the following amendments:

1. Page 1, Lines 13 through 15
This bill:

extends the sunset date on the Resource Development Coordinating Committee through July 1, [2010–] 2015.

2. Page 2, Lines 30 through 31


The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on S.B. 81, LOCAL GOVERNMENT APPROVAL FOR SOLID NONHAZARDOUS AND HAZARDOUS WASTE DISPOSAL, by Senator B. Evans.

Michael G. Waddoups, Chair

Mr. President: January 19, 2005

The Transportation and Public Utilities and Technology Committee recommends S.B. 8, LOCAL CORRIDOR PRESERVATION FUNDING, by Senator S. Killpack, be replaced and favorably recommends 1st Sub. S.B. 8, LOCAL CORRIDOR PRESERVATION FUNDING; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.B. 37, MOTOR VEHICLE BUSINESS REGULATION ACT AMENDMENTS, by Senator D. Eastman, with the following amendments:

1. Page 1, Line 26:

26 certificate of title or manufacturer’s certificate of origin; {and–}

provide that the surety or principal of a bond shall notify the administrator of the Motor Vehicle Enforcement Division if a claim on the bond is successfully prosecuted or settled against the surety or the principal; and

2. Page 3, Lines 62 through 67:

62 (2) (a) A cause of action under Subsection (1) may not be maintained against a surety
unless:

(a) a claim is filed in writing with the administrator within one year after the cause of action arose; and

(b) the action is commenced within two years after the claim was filed with the administrator.

(b) The surety or principal shall notify the administrator if a claim on the bond is successfully prosecuted or settled against the surety or principal.

Sheldon L. Killpack, Chair

Mr. President: January 19, 2005

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 14, UNIFORM PARENTAGE ACT, by Senator L. Hillyard, with the following amendments:

1. Page 20, Lines 21 through 22:

Other Special Clauses:

This bill has an immediate effective date. This bill takes effect on January 1, 2006.

2. Page 48, Lines 1471 through 1475:

Section 101. Effective date.

If approved by two-thirds of all 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. This bill takes effect on January 1, 2006.

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 15, CHILDREN’S JUSTICE CENTER AMENDMENTS, by Senator D. C. Buttars, with the following amendments:
1. Page 1, Lines 13 through 14:

13 throughout the state by expanding the scope to include all crimes committed against children or in the presence of children when the child is a primary victim or a critical witness, such as domestic violence cases and drug−related child endangerment cases.

2. Page 2, Lines 32 through 33:

32 (b) other criminal offense committed against the child or committed in the presence of the child other crimes involving children where the child is a primary victim or a critical witness, such as in domestic violence cases and drug−related child endangerment cases.

3. Page 2, Lines 54 through 55:

54 serious physical abuse of children and other criminal offenses committed against children or committed in the presence of children, and other crimes involving children where the child is a primary victim or a critical witness, such as in domestic violence cases and drug−related child endangerment cases, in a facility known as a Children’s Justice Center.

4. Page 3, Lines 88 through 89:

88 (i) enhancing the community understanding of sexual abuse of children and physical abuse of children in the state, and other crimes in the state involving children where the child is a primary victim or a critical witness, such as in domestic violence cases and drug−related child endangerment cases; and

5. Page 4, Lines 99 through 100:

99 children and serious physical abuse of children, and other criminal offenses committed against children or committed in the presence of children crimes involving children where the child is a primary victim or a critical witness, such as in domestic violence cases and drug−related child endangerment cases, in a facility known as a Children’s
6. Page 5, Lines 143 through 144:

143 sexual abuse, [and neglect, and other criminal offenses committed against children or committed in the presence of children] crimes involving children where the child is a primary victim or a critical witness, such as in domestic violence cases and drug–related child endangerment cases;

7. Page 5, Lines 148 through 149:

148 protection for children [of abuse, child sexual abuse, [and neglect, and other criminal offenses committed against children or committed in the presence of children] crimes involving children where the child is a primary victim or a critical witness, such as in domestic violence cases and drug–related child endangerment cases.

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 30, AMENDMENTS TO SEARCH WARRANTS, by Senator D. Thomas; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 91, INTERSTATE JUVENILE COMPACT, by Senator L. Hillyard; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 93, CHILDREN’S JUSTICE CENTER ADDITION, by Senator T. Hatch; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 94, RESTITUTION AMENDMENTS, by Senator G. Bell; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.J.R. 3, RESOLUTION ENCOURAGING MEDIATION, by Senator C. Walker.

D. Chris Buttars, Chair

INTRODUCTION OF BILLS

S.B. 73, Tampering with Evidence (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 74, Medical Reserve Corps (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 75, Public Safety Database Amendments (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.B. 120, Allocation of Profits from School and Institutional Trust Lands (T. Hatch), read the first time by short title and referred to the Rules Committee.

S.B. 121, Property Tax Exemption Amendments (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 122, Nonresident Tuition Waiver for Job Corps Students (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 123, Governmental Immunity Act – Technical Amendments (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 124, Motor Vehicle Insurance – Property Damage Limit (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 125, Amendments to Individual Income Tax Credit for Special Needs Adoptions (P. Hellewell), read the first time by short title and referred to the Rules Committee.

S.B. 126, Medical Benefits Recovery Act Amendments (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.J.R. 6, Space Exploration Resolution (P. Knudson), read the first time by short title and referred to the Rules Committee.

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

S.R. 1, Senate Resolution Discouraging Participation in Free Trade Area of the Americas (D. Thomas), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Knudson, Governor Jon M. Hunstman will deliver his State of the State address to the Senate tomorrow, January 21, 2005 at 11:30 a.m.
THIRD READING CALENDAR

On motion of Senator Buttars, the circle was removed from S.B. 22, DRUG OFFENDER REFORM ACT, and it was before the Senate. Senator Buttars explained the bill.

Senator Buttars proposed the following amendment:

1. Page 1, Line 10

10 regarding screening { and assessment } and treatment of offenders regarding substance abuse. These

2. Page 1, Line 25:

25 This bill appropriates as nonlapsing funds :

3. Page 5, Line 129:

129 (k) { except as provided in Subsection (8), } provide funding equal to at least 20% of the

4. Page 6, Lines 171 through 174:

171 { (8) Local substance abuse authorities are not required to provide matching funding for state funds received for providing services under Section 77−18−1.1. This Subsection (8) takes precedence over Subsection (4)(k). } (8) As used in this section, “public funds” has the same meaning as in Section

5. Page 7, Lines 201 through 202:

201 (b) “Drug Offender Reform Act” and “act” { mean Section 77−18−1.1 and related provisions in Subsections 77−18−1(5)(d) and 77−27−9(2)(g) } screening, assessment, and substance abuse treatment provided to:

(i) convicted offenders under Subsections 77−18−1.1(2) and (3) with funds appropriated by the Legislature under Subsection 77−18−1.1(5); and
(ii) offenders released on parole under Subsection 77−27−9(2)(g)(v);
6. Page 7, Lines 210 through 211:

210 {−and−}

211 (c) include guidelines on the membership of local planning groups; and
(d) include guidelines on the membership of the Department of Corrections’ planning group.

7. Page 10, Line 282:

282 any assessment of the defendant, including recommendations for treatment, that occurs pursuant to Section 77–18–1.1 prior to sentencing.

8. Page 15, Line 448:


9. Page 15, Line 453:

453 (c) “Screening” has the same meaning as in Subsection 41–6–44(1).
(d) “Substance abuse treatment” means treatment obtained at a substance abuse program that is:
i) licensed by the Office of Licensing within the Department of Human Services; or
ii) operated by a state entity.

10. Page 15, Line 456:

456 (a) participate in a screening prior to sentencing; {−and−}

11. Page 15, Line 458:

458 by the screening; and
(c) participate in substance abuse treatment if the treatment is:
i) indicated to be appropriate by the assessment; and
ii) approved by the court.

12. Page 15, Line 461:

461 (a) participate in a screening prior to sentencing; {−and−}

13. Page 16, Line 463:
by the screening; and
(c) participate in substance abuse treatment if the treatment is:
(i) indicated to be appropriate by the assessment; and
(ii) approved by the court.

14. Page 16, Lines 464 through 465:

(4) The findings resulting from any screening and any assessment conducted pursuant

to this section shall be submitted to the court prior to sentencing of the offender.
(5) Moneys appropriated by the Legislature to assist in the funding of the screening, assessment, and substance abuse treatment provided under this section are not subject to any requirement regarding matching funds from a state or local governmental entity.

15. Page 17, Line 513:

(B) “Screening” has the same meaning as in Subsection 41−6−44(1).
(C) “Substance abuse treatment” has the same meaning as in Subsection 77−18−1.1(1).

16. Page 17, Line 522:

(B) participates in an assessment if it is indicated to be

appropriate by the screening.
(iv) When the board releases an offender on parole, it shall order as a

condition of parole that the offender participate in substance abuse treatment if:
(A) the assessment conducted under Subsection (2)(g) indicates

substance abuse treatment is appropriate; and
(B) substance abuse treatment is approved by the board.
(v) Moneys appropriated by the Legislature to assist in the funding of the screening, assessment, and substance abuse treatment provided under this (2)(g) are not subject to any requirement regarding matching funds from a state or local governmental entity.

17. Page 19, Line 566:

Office of the Courts to be used for the costs of court clerks.
(6) The appropriations under this Section 7. are nonlapsing.

Senator Buttars’ motion to amend passed on a voice vote. Senator Bell commented. The bill passed on the following roll call:
Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators
Allen    Arent    Bell    Bramble
Buttars  Christensen  Davis  Eastman
Evans    Fife  Hale    Hatch
Hellewell  Hickman  Hillyard  Jenkins
Julander  Killpack  Knudson  Madsen
Mayne    Peterson  Stephenson  Thomas
Waddoups  Walker  Valentine

Absent or not voting were: Senators
Dmitrich  Mansell

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

SECOND READING CALENDAR

S.J.R. 4, JOINT RULES RESOLUTION – INTERIM RULES RECODIFICATION, was read the second time. This bill did not have a Senate standing committee hearing. 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
Allen    Arent    Bell    Bramble
Buttars  Christensen  Davis  Eastman
Evans    Fife  Hale    Hatch
Hellewell  Hickman  Hillyard  Jenkins
Julander  Killpack  Knudson  Madsen
Mayne    Peterson  Stephenson  Thomas
Waddoups  Walker  Valentine

Absent or not voting were: Senators
Dmitrich  Mansell

* * *

S.B. 11, INITIATIVE PETITIONS AMENDMENTS, was read the second time. Senator Evans explained the bill. Senators Mayne, Stephenson, Hickman, and Bell commented. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.
Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttar Christensen Davis Eastman
Evans Fife Hale Hatch
Hellewell Hickman Hillyard Jenkins
Julander Killpack Knudson Madsen
Mayne Peterson Stephenson Thomas
Waddoups Walker Valentine

Absent or not voting were: Senators
Dmitrich Mansell

* * *

S.B. 76, AMENDMENTS TO NAVAJO TRUST FUND, was read the second time. Senator Evans 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
Allen Arent Bell Bramble
Buttar Christensen Davis Eastman
Evans Fife Hale Hatch
Hellewell Hickman Hillyard Jenkins
Julander Killpack Knudson Madsen
Mayne Peterson Stephenson Thomas
Waddoups Walker Valentine

Absent or not voting were: Senators
Dmitrich Julander Mansell

* * *

S.B. 78, OPTIONAL FORMS OF COUNTY GOVERNMENT AMENDMENT, was read the second time. Senator Thomas explained the bill. Senator Thomas 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
Allen Arent Bell Bramble
Buttar Christensen Davis Eastman
Evans    Fife    Hale    Hatch
Hellewell  Hickman  Hillyard  Jenkins
Julander    Killpack  Knudson  Madsen
Mayne    Peterson  Stephenson  Thomas
Waddoups    Walker  Valentine

Absent or not voting were: Senators
Dmitrich    Mansell

***

S.B. 24, WASTE AMENDMENTS, was read the second time.

On motion of Senator Bramble, the bill was circled.

***

S.B. 36, SALES AND USE TAXATION OF PAWN TRANSACTIONS, was read the second time. Senator Allen 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
Allen    Arent  Bell    Bramble
Buttars    Christensen  Davis  Eastman
Evans    Fife    Hale  Hatch
Hellewell  Hickman  Hillyard  Jenkins
Julander    Killpack  Knudson  Madsen
Mayne    Peterson  Stephenson  Thomas
Waddoups    Walker  Valentine

Absent or not voting were: Senators
Dmitrich    Mansell

***

S.B. 7, FUNDING FOR TOURISM, was read the second time. Senator Jenkins explained the bill. Senators Hillyard, Knudson, Mayne, Walker, Hatch, and Evans commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Allen    Arent  Bell    Bramble
Buttars    Christensen  Davis  Eastman
S.B. 16, DEPARTMENT OF WORKFORCE SERVICES – ACCESS TO FINANCIAL RECORDS, was read the second time. Senator Jenkins explained the bill. Senators Hickman and Mayne commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Dmitrich | Evans | Mansell |

* * *

S.B. 35, VENTURE CAPITAL FUNDING AMENDMENTS, was read the second time. Senator Thomas explained the bill.

On motion of Senator Thomas, the bill was circled.

* * *

S.B. 95, OFFICE OF MUSEUM SERVICES AMENDMENTS, was read the second time. Senator Allen explained the bill. The bill passed second reading on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**
Voting in the affirmative were: Senators

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Absent or not voting were: Senators

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On motion of Senator Knudson and at 11:30 p.m., the Senate adjourned until 10:00 a.m., Friday, January 21, 2005.
January 21, 2005

FIFTH DAY

The Senate was called to order at 10:05 a.m., with President John Valentine presiding.

**Prayer** – Bonnie Parkin, General Relief Society President, The Church of Jesus Christ of Latter–day Saints

**Pledge of Allegiance** – Senator Dave Thomas

**Roll Call** – All Senators present, except Senators Dmitrich and Mansell excused.

**READING OF TITLES OF BILLS AND RESOLUTIONS**

(PLEASE REFER TO DAY 1, PAGE 96)

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: January 20, 2005

The House passed **H.B. 15**, REPEAL OF STATE DEBT COLLECTION ADVISORY BOARD, by Representative D. Aagard, and it is transmitted for consideration; and

The House passed **H.B. 16**, REPEAL OF VEHICLE EQUIPMENT SAFETY COMMISSION, by Representative N. Hendrickson, and it is transmitted for consideration; and

The House passed **H.B. 19**, PROCUREMENT CODE RENUMBERING, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed **H.B. 20**, CALLING LOCAL SPECIAL ELECTIONS FOR SALES AND USE TAX PURPOSES, by Representative S. Clark, and it is transmitted for consideration; and

The House passed **H.B. 26**, CONVEYANCES OF PROPERTY, by Representative J. S. Adams, and it is transmitted for consideration; and

The House passed **H.B. 37**, ADMINISTRATIVE RULES REAUTHORIZATION, by Representative D. Ure, and it is transmitted for consideration; and
The House passed **H.J.R. 9**, RESOLUTION AMENDING JOINT RULES REGARDING CONFLICTS OF INTEREST, by Representative J. Dougall, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk


**RULES COMMITTEE REPORTS**

To the Members of the Senate: January 20, 2005

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

**Business and Labor Committee**
- **S.B. 75** Public Safety Database Amendments (Sen. M. Waddoups)
- **H.B. 10** Employment Security Act Amendments (Rep. D. Cox)

**Education Committee**
- **S.B. 120** Allocation of Profits from School and Institutional Trust Lands (Sen. T. Hatch)
- **S.B. 122** Nonresident Tuition Waiver for Job Corps Students (Sen. G. Bell)

**Government Operations and Political Subdivisions Committee**
- **S.B. 123** Governmental Immunity Act – Technical Amendments (Sen. G. Bell)
- **S.J.R. 7** Resolution Recognizing Ronald Reagan Day (Sen. P. Knudson)

**Health and Human Services Committee**
- **S.B. 74** Medical Reserve Corps (Sen. L. Hillyard)
- **S.B. 126** Medical Benefits Recovery Act Amendments (Sen. S. Killpack)
- **H.B. 8** Child Protection Team Meetings (Rep. A. Tilton)

**Judiciary, Law Enforcement, and Criminal Justice Committee**
- **S.B. 73** Tampering with Evidence (Sen. D. C. Buttars)
- **S.R. 1** Senate Resolution Discouraging Participation in Free Trade Area of the Americas (Sen. D. Thomas)
Revenue and Taxation Committee
S.B. 121 Property Tax Exemption Amendments (Sen. C. Bramble)
S.B. 125 Amendments to Individual Income Tax Credit for Special Needs Adoptions (Sen. P. Hellewell)

Transportation, Public Utilities and Technology
S.B. 124 Motor Vehicle Insurance – Property Damage Limit (Sen. S. Jenkins)

Workforce Services and Community and Economic Development
S.J.R. 6 Space Exploration Resolution (Sen. P. Knudson)
H.B. 176 Revisor’s Statute (Rep. R. Lockhart)
H.J.R. 6 Resolution Approving Compensation of In–session Employees (Rep. M. Newbold)
H.J.R. 8 Joint Rules Resolution – Use of Legislative Seals (Rep. R. Lockhart)

Michael Waddoups
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: January 21, 2005

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 86, 2004 GENERAL OBLIGATION BOND AMENDMENTS, by Senator P. Knudson, with the following amendments:

1. Page 3, Lines 59 through 60:

   59  [Oxbow Prison Purchase][0]

   60  Bourn’s Building Purchase  \{ –438,700 \}  296,800
       4,800,000

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 88, CREATION OF LOCAL DISTRICTS, by Senator C. Walker; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 90, COUNTY OFFICERS SERVING ON BOARDS OF COUNTY MENTAL HEALTH AND SUBSTANCE ABUSE PROVIDERS, by Senator D. Thomas; and
The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 97, CONSOLIDATION OF CITY AND COUNTY LIBRARY, by Senator G. Bell, with the following amendments:

1. Page 2, Lines 30 through 32:

   [When] (1) If a city library consolidates with a county library, the city library board of directors shall convey all assets and, except as provided in Subsection (2), trust funds to the county library board of directors, and the city library shall cease operation.

Parley G. Hellewell, Chair

On motion of Senator Knudson, the committee reports were adopted. S.B. 86, as amended, S.B. 88, S.B. 90, and S.B. 97, as amended, were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

S.B. 47, Wrongful Lien Offenses (B. Evans), read the first time by short title and referred to the Rules Committee.

S.B. 48, Insurance Cancellation and Nonrenewal Restrictions (P. Arent), read the first time by short title and referred to the Rules Committee.

S.B. 49, Motor Vehicle Liability Coverage Amendments (D. Eastman), read the first time by short title and referred to the Rules Committee.

S.B. 127, Tax, Fee, or Charge Amendments (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 128, Calculation of Interest on Tax Overpayments (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 129, Brine Shrimp Royalty Act Amendments (T. Hatch), read the first time by short title and referred to the Rules Committee.

S.B. 130, Retirement for Airport Police (M. Dmitrich), read the first time by short title and referred to the Rules Committee.
S.B. 131, Authorization for Additional Judicial Position (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 132, Health Care Consumer’s Report (A. Christensen), read the first time by short title and referred to the Rules Committee.

S.B. 133, Individual Income Tax – Return Filing Requirements (H. Stephenson), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

S.J.R. 4, JOINT RULES RESOLUTION – INTERIM RULES RECODIFICATION, 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

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**Absent or not voting were:** Senators

|Dmitrich| Mansell|

S.J.R. 4 was transmitted to the House for consideration.

TIME CERTAIN

On motion of Senator Knudson, the Senate will hear from President Kermit Hall, outgoing president of Utah State University, today at 11:15 a.m.

* * *

S.B. 11, INITIATIVE PETITIONS AMENDMENTS, was read the third time, explained by Senator Evans, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**
Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Eastman
Evans Fife Hale Hatch
Hellewell Hickman Hillyard Jenkins
Julander Killpack Knudson Madsen
Mayne Peterson Stephenson Thomas
Waddoups Walker Valentine

Absent or not voting were: Senators
Dmitrich Mansell

S.B. 11 was transmitted to the House for consideration.

***

S.B. 76, AMENDMENTS TO NAVAJO TRUST FUND, was read the third time, explained by Senator Evans, and passed on the following roll call:

Yea, 27; Nay, 0; Absent, 2.

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Eastman
Evans Fife Hale Hatch
Hellewell Hickman Hillyard Jenkins
Julander Killpack Knudson Madsen
Mayne Peterson Stephenson Thomas
Waddoups Walker Valentine

Absent or not voting were: Senators
Dmitrich Mansell

S.B. 76 was transmitted to the House for consideration.

***

On motion of Senator Bramble, the circle was removed from S.B. 23, PROPERTY TAX TREATMENT OF TANGIBLE PERSONAL PROPERTY, and it was before the Senate.

On motion of Senator Bramble, the following substitute bill replaced the original bill.
1st Sub. S.B.23 Property Tax Treatment of Tangible Personal Property
(C. Bramble)

Senator Bramble explained the bill. Senator Arent commented.

On motion of Senator Bramble, the bill was circled.

* * *

S.B. 78, OPTIONAL FORMS OF COUNTY GOVERNMENT AMENDMENT, was read the third time, explained by Senator Thomas, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen       Arent       Bell       Bramble
Buttars     Christensen Davis Eastman
Evans       Fife        Hale       Hellewell
Hickman     Hillyard    Jenkins Julander
Killpack    Knudson     Madsen     Mayne
Peterson    Stephenson Thomas Waddoups
Walker      Valentine

Absent or not voting were: Senators
Dmitrich    Hatch       Mansell

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

* * *

S.B. 36, SALES AND USE TAXATION OF PAWN TRANSACTIONS, was read the third time, explained by Senator Allen, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen       Arent       Bell       Bramble
Buttars     Christensen Davis Eastman
Evans       Fife        Hale       Hatch
Hellewell   Hickman     Hillyard Jenkins
Julander    Killpack    Knudson Madsen
Mayne       Peterson    Stephenson Thomas
Waddoups    Walker      Valentine
Absent or not voting were: Senators
Dmitrich Mansell

S.B. 36, as amended, was transmitted to the House for consideration.

***

S.B. 7, FUNDING FOR TOURISM, was read the third time, explained by Senator Jenkins.

Senator Jenkins proposed the following amendment:

1. Page 8, Line 238:
   Delete “(6)” and insert “(7)”

Senator Jenkins’ motion to amend passed on a voice vote. Senator Madsen commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Eastman
Evans Fife Hale Hatch
Hellewell Hickman Hillyard Jenkins
Julander Killpack Knudson Mayne
Peterson Stephenson Thomas Waddoups
Walker Valentine

Voting in the negative was: Senator Madsen

Absent or not voting were: Senators
Dmitrich Mansell

S.B. 7, as amended, was transmitted to the House for consideration.

***

S.B. 16, DEPARTMENT OF WORKFORCE SERVICES − ACCESS TO FINANCIAL RECORDS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

Yeas, 20; Nays, 7; Absent, 2.
Voting in the affirmative were: Senators
Allen Arent Bell Buttars
Christensen Davis Fife Hale
Hatch Hellewell Hillyard Jenkins
Julander Knudson Madsen Mayne
Peterson Thomas Waddoups Walker

Voting in the negative were: Senators
Bramble Eastman Evans Hickman
Killpack Stephenson Valentine

Absent or not voting were: Senators
Dmitrich Mansell

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

* * *

S.B. 95, OFFICE OF MUSEUM SERVICES AMENDMENTS, was read the third time, explained by Senator Allen, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Eastman
Evans Fife Hale Hatch
Hellewell Hickman Hillyard Jenkins
Julander Killpack Knudson Madsen
Mayne Peterson Stephenson Thomas
Waddoups Walker Valentine

Absent or not voting were: Senators
Dmitrich Mansell

S.B. 95 was transmitted to the House for consideration.

* * *

On motion of Senator Bramble, the circle was removed from 1st Sub. S.B. 23, PROPERTY TAX TREATMENT OF TANGIBLE PERSONAL PROPERTY, and it was before the Senate. Senator Bramble explained the bill. Senator Thomas commented. The bill passed on the following roll call:
Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Eastman
Evans Fife Hale Hatch
Hellewell Hickman Hillyard Jenkins
Julander Killpack Knudson Madsen
Mayne Peterson Stephenson Thomas
Waddoups Walker Valentine

Absent or not voting were: Senators
Dmitrich Mansell

1st Sub. S.B. 23, as substituted, was transmitted to the House for consideration.

SECOND READING CALENDAR

S.B. 21, LIMITATION ON LIABILITY REGARDING LIQUEFIED PETROLEUM GAS, was read the second time. Senator Eastman explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 2, Line 36–40:
   Delete lines 36 through 40.

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

###

Senator Hillyard proposed the following amendment:

1. Page 2, Line 38:
   Delete “and the necessary equipment and appliances”

Senator Hillyard’s motion to amend failed on a voice vote. Senators Hillyard, Hellewell, and Madsen commented. Senator Hillyard declared a conflict of interest. The bill passed second reading on the following roll call:

Yeas, 18; Nays, 7; Absent, 4.

Voting in the affirmative were: Senators
Bramble Buttars Christensen Eastman
Evans Hale Hatch Hellewell
Jenkins  Julander  Killpack  Knudson  
Mayne    Peterson  Thomas  Waddoups  
Walker    Valentine

**Voting in the negative were:** Senators  
Allen    Arent    Bell    Davis  
Fife     Hillyard  Madsen

**Absent or not voting were:** Senators  
Dmitrich  Hickman  Mansell  Stephenson

---

**COMMITTEE OF THE WHOLE**

On motion of Senator Knudson, Kermit Hall, outgoing President of Utah State University spoke in Committee of the Whole. Senators Knudson, Eastman, Allen, Hillyard, Evans, and Bell commented.

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

* * *

On motion of Senator Knudson, and at 11:27 a.m., the Senate sauntered.

The Senate was called to order at 11:32 a.m., with President Valentine presiding.

**COMMITTEE OF THE WHOLE**

On motion of Senator Knudson, Governor Jon M. Huntsman Jr. spoke in the Committee of the Whole and delivered a copy of his State of the State address to the President of the Senate. Senators Walker, Hellewell, Hatch, and Knudson commented.

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

**STATE−OF−THE−STATE ADDRESS BY GOVERNOR JON M. HUNTSMAN, JR.**
*(delivered at Fillmore Territorial Capital January 18, 2005)*

I am honored to be here tonight with my wife Mary Kaye – the finest human being I have ever known – and our family, to whom I owe a great debt of gratitude. I was elected, but together we serve.
I want to thank the great citizens of this State for allowing me this opportunity to be your governor, and I do so with honor and humility.

As citizens, you make this State work: you create the jobs, work hard, pay the taxes, raise families and ensure a better tomorrow.

Yours is the most important task of all, and I thank you for doing it.

This location gives me a deep sense of purpose. It is where my family’s roots are. A few blocks from here you will find generations of my ancestors – Huntsmans, Robisons, Melvilles, and Bunkers who all rest in the town cemetery.

Their tombstones say it all – father, son, daughter, mother, soldier, saint, educator, farmer. They are the ones who made this town of Fillmore in their own words, “The Center of the Universe.” My ancestors, no doubt, would be as surprised as I am to be delivering this message from our State’s first territorial capitol.

Nearly 150 years ago, Brigham Young gave the opening address at the beginning of the first legislative session of the Utah Territory inside this very room. His vision for our land focused on promoting education, industry and the production of goods, while keeping laws easy to understand and ultimately seeking to obtain the Territory’s admission into the Union as a State. It was a simple vision, but its relevance rings true even today.

Tonight, my brief words are driven by a personal philosophy that will serve as a backdrop for everything I do. I would like to begin by delivering a few thoughts on public service that I recently shared with my new cabinet and senior staff.

We are temporary custodians of our positions of responsibility, and with this service will come a strong sense of duty, obligation and integrity. We recognize that the taxpayers of this State are the customers and pay the bills. Public service is a privilege, not a right. Although we might not always agree on how we get there, the interests of our people always will be put first. We owe a great debt to our ancestors—whether they came in 1847 or, like Mary Kaye’s family, during the last generation. I am mindful of the living legacy they have left for us. I, too, want to ensure a successful legacy for the coming generations.

Our system of government, warts and all, is the envy of the world and relies on each succeeding generation to step up and put service first. This service continues today in many forms – police, fire, educators – and during a time of conflict – our military. Today, our State’s National Guard has close to 1,000 soldiers serving in Iraq and Afghanistan with an additional 500 currently in route. Since the
beginning of the global war on terrorism, more than 80 percent of our Utah National Guardsmen and women, both Army and Air, have been mobilized. This is in addition to those from Hill Air Force Base, one of the finest military installations in the country – that we will fight to keep in our State. We thank their spouses and families who sometimes bear the greatest of hardships. May God bless you all.

Tonight, I propose a new partnership between this State Legislature, our Administration, and all residents of Utah. There never has been a better time to pull together and realize the most challenging, yet most rewarding work lies ahead. My Administration’s policy priorities focus on four common-sense fundamentals – this card that I carry in my pocket is a daily reminder of these priorities – economic revitalization, education, quality of life and governance. Each one of these priorities has purpose in helping shape our tomorrow, each a reminder of our common destiny. And so today we must begin to pay less attention to party affiliation or which branch of government we come from and focus more on using our differences to strengthen our communities, our cities, and our State. The economy will be central. In recognizing the task ahead, we must be realistic about our competitive position as a State. No longer is the marketplace just along Main Street as it was for my grandfather here in Fillmore. Today, the marketplace is regional, national and global – with a level of speed and complexity not seen before in human history. We either rise to meet the competitive challenges of today or we fall behind.

In today’s world, there is no such thing as managing the status quo. For Utah, this should be good news as our competitive advantages are many: human resources, research universities, entrepreneurial drive, and our geographic location as the “Crossroads of the West.” Now is the time to go to work on our competitive environment. With capital flows that are instantaneous, our competition isn’t just Colorado, Nevada, and California, but also China, India, and Canada. When it comes to economic development, treading water will not be acceptable in my Administration. We must have job growth that keeps pace with population growth. And for a state now growing at twice the national average — this will not be easy. We must have good paying jobs that allow people to support a family and cover a mortgage – not those well below the national average. The greatest state in America deserves better.

We need to be able to pay our bills going forward so that our children and grandchildren can enjoy the same quality of life experience that we enjoy. We want an environment of opportunity for all who wish to call Utah home. To that end, we need a tax policy that is not only friendly to our citizens, but also creates a
competitive environment for business. Business as usual—will leave us behind our neighboring states.

During the next year, we must take a hard look at modernizing our tax structure which will have long-term benefits for our economy. This can truly serve as an economic development tool to encourage entrepreneurs to keep their businesses located in our State and re-invest their capital time and time again. It will foster existing industry to expand and consolidate operations from around the world and allow us to attract the kind of commerce that we are seeking in our great State—based on what we do best.

I recognize that tax reform is a complex and challenging issue that will take all of our efforts to implement. An important first step we can take this session is to allow for double-weighted sales regarding our corporate-income-tax formula, with the game-plan to eliminate the corporate tax over the next few years. This approach must be coupled, however, with a short-term strategy on sales and income taxes to ensure no revenue holes are left. I need your help on this. The last time we had a major revision in the tax code was in 1959—before I was even born. The personal computer didn’t exist. The word “internet” hadn’t entered our lexicon. Our economy relied on mining, not microchips. Eisenhower was president. It is time for change.

I will encourage efforts after this legislative session to review all aspects of our tax code and continue to find solutions that benefit Utah families, encourage economic growth and provide a stable revenue source for our State. Focusing on economic development is vitally important because it will provide us with the resources necessary to pay for a world-class education for our children. There is no expenditure more critical to our future success.

I am reminded of a letter I recently received from my son’s principal at Clayton Intermediate School—Rosemary Barron. She wrote:

“\textit{I urge you always to focus on public education. It is the vehicle to prepare our students toward active participation in our democracy. Nothing could be more important.}” I thank Rosemary for that reminder. In fact, our recently proposed budget calls for more funding support for public education than this State has seen in nearly a decade. We are bolstering support for reading, launched by Governor Walker, and for the first time—math. And we’ll soon focus on reading comprehension and writing. All of which are key pillars of literacy necessary for success in today’s world.

I come from a long line of educators, who looked upon their task of shaping tomorrow’s minds with immense pride. It is time to figure out a way to pay our
educators more. My budget recommendation offers unprecedented support for beginning teachers who are willing to become invested in the system. Also, after hearing too many sad stories about our good teachers paying for rulers, erasers, and pencils out of their own pocket, I have put 5.5 million dollars of new money into classroom supplies and materials. In the real world this means that each elementary school teacher will find an additional $300 dollars more for their classroom.

I fully support Utah’s public schools, public charter schools and school choice. I also will encourage business leaders to became more actively involved with education through implementing programs that unite them with parents, teachers, and students. It is time that every child had a learning environment that catered to their needs so they can have the education they deserve.

As some have said before, “Children are the messengers we send to a time we’ll never see.” What we are finding – not surprisingly – is that no two children learn alike. All children learn differently. My own six kids – all of whom are in public schools – defy any easy categorization. Our on-going challenge will be to find the genius hidden within each of our individual students. We will then need to ensure that our students not only have the tools, but the confidence needed to make meaningful contributions throughout their lives.

Also, when evaluating our educational system, let’s look to additional indicators of success. Instead of just the student to teacher ratio, let’s look to things like an adult to student ratio. Let’s tap into our vast volunteer potential and can-do spirit by asking parents and grandparents to come back to the classroom for purposes of mentoring, tutoring, and career guidance.

While we are fortunate that this year’s economic picture is bright, there are many unmet needs to be addressed. First, for too long, the dedicated people who serve the State of Utah have not had a meaningful pay increase. They need one, and deserve one, and I am committed to working with you to provide it. My budget calls for the largest compensation realignment in more than a decade.

Also, those of our friends and neighbors with some of the greatest health care needs, recently lost funding for dental and vision care. I support restoring and have budgeted 5 million dollars in funding for the Medicaid program that covers these costs. It’s the right thing to do and we know that preventative care will save costly emergency care in the future.

Transportation issues must also be addressed now if we are to avoid total gridlock later. Promises made must be promises kept. For example, when it comes to the Legacy Highway – let’s build it. And when it comes to taking the steps
necessary to build commuter rail – let’s take them. I have asked Lieutenant Governor Herbert to work with legislators and residents from throughout Utah to do what we must— to improve our roads, enhance our water systems, and make certain that Utah’s infrastructure is in solid, working condition.

One concern that could negatively impact our State for generations is the storage of class B & C radioactive waste. My position on this is clear: B & C waste will not be dumped in Utah. As your governor, I will do everything in my power to keep hotter levels of nuclear waste out. The most effective and permanent solution is to pass tough legislation. I will work with legislators—and by the time this legislative session is finished, we should no longer be discussing the possibility of B & C waste entering this state.

We will take measures during my Administration to protect our unparalleled quality of life. We live in Utah because of what it represents: home, family, and hope. No matter where you travel or how you travel — north, south, east or west — you meet some of the finest people, doing the most marvelous things for the betterment of their loved ones, their community, and their State. I encounter good people in city parks, local cafes, churches, on ranches, and in high-rises – virtually every where I go. Each time my heart is touched and I am reminded that it is my sacred duty and responsibility to make sure we have a viable, core infrastructure—and plan to pay for it in place—to meet our growing needs well into the future.

Finally, we will focus on excellence in governance. I will minimize politics and maximize service. I intend to implement an ethics–reform package for the Executive Branch that includes full disclosure. We will also implement a mandatory cooling–off period of one year for elected and appointed officials in the Executive Branch before they can become lobbyists. As governor, I believe in term limits. No Governor should serve more than two terms.

We will also focus on campaign–finance reform to keep fairness and transparency in government. I strongly believe these measures will make us more accountable for our actions and give us the ability to serve you— who in turn will have greater confidence in your public servants. As a newcomer to elected politics, I come before you tonight with this simple plan in place to pave the way for a better Utah. It won’t be easy. It won’t work without cooperation between all branches of government. It won’t be achieved tomorrow or within the next month. But it will be accomplished as we put partisanship aside and rally together toward a common destiny — that of jobs, education and quality of life.

Last week I witnessed first hand the devastation in Washington County as I stood on the edge of the Santa Clara River with families who watched their homes
swept away by the unforgiving flood. I can think of few things more emotionally wrenching than losing one’s home. We truly have citizens in need. Nevertheless, I took great hope as I joined with a volunteer army of thousands who stood shoulder to shoulder in the rain and mud to fill sandbags, remove debris and do all that they could to relieve the suffering of their friends and neighbors. I saw in action what each of us knows to be the case: Utah’s greatness isn’t her majestic mountains or awesome research facilities – it’s our people.

My desire as the 16th governor of the greatest state in America is to serve each of you to my fullest potential, to listen to your concerns, and work with you to find solutions. This next year can be the beginning of an unprecedented period of cooperation and community building. People truly reaching across boundaries – be they religious or race, political or geographic. A state that is sincerely civil and respectful of each individual’s pathway toward life, liberty and the pursuit of happiness will be our goal.

And I can promise you that as we work together, we will become a better people and a better State.

May God bless Utah and the United States of America.

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On motion of Senator Knudson and at 11:45 a.m., the Senate adjourned until 10:00 a.m., Monday, January 24, 2005.
January 24, 2005

EIGHTH DAY

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

Prayer – Senator Paula Julander
Pledge of Allegiance – Senator Tom Hatch
Roll Call – All Senators present except Senator Dmitrich, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 96)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

The House passed, as amended, **H.B. 24**, TRAFFIC CODE AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 30**, CONSUMER SALES PRACTICES ACT AMENDMENTS, by Representative T. Kiser, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 52**, FIRE PREVENTION AMENDMENTS, by Representative J. Murray, and it is transmitted for consideration; and

The House passed **H.C.R. 9**, RESOLUTION HONORING OUTGOING USU PRESIDENT KERMIT L. HALL, by Representative F. Hunsaker, and it is transmitted for consideration; and

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 24**, **H.B. 30**, **H.B. 52**, and **H.C.R. 9** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate:

The Rules Committee recommends assignment of the following bills to standing committees:
Business and Labor Committee
S.B. 48 Insurance Cancellation and Nonrenewal Restrictions (Sen. P. Arent)
H.B. 26 Conveyances of Property (Rep. J. S. Adams)

Government Operations and Political Subdivisions Committee
H.B. 15 Repeal of State Debt Collection Advisory Board (Rep. D. Aagard)
H.B. 19 Procurement Code Renumbering (Rep. R. Bigelow)

Health and Human Services Committee
S.B. 132 Health Care Consumer’s Report (Sen. A. Christensen)

Judiciary, Law Enforcement, and Criminal Justice Committee
S.B. 47 Wrongful Lien Offenses (Sen. B. Evans)
S.B. 130 Retirement for Airport Police (Sen. M. Dmitrich)
S.B. 131 Authorization for Additional Judicial Position (Sen. M. Madsen)

Natural Resources, Agriculture, and Environment Committee
S.B. 129 Brine Shrimp Royalty Act Amendments (Sen. T. Hatch)

Revenue and Taxation Committee
S.B. 127 Tax, Fee, or Charge Amendments (Sen. L. Hillyard)
S.B. 128 Calculation of Interest on Tax Overpayments (Sen. H. Stephenson)
S.B. 133 Individual Income Tax – Return Filing Requirements (Sen. H. Stephenson)
H.B. 20 Calling Local Special Elections for Sales and Use Tax Purposes (Rep. S. Clark)

Transportation, Public Utilities and Technology Committee
S.B. 49 Motor Vehicle Liability Coverage Amendments (Sen. D. Eastman)

Michael Waddoups
Rules Committee Chair

Report filed. On motion of Senator Waddoups, the committee report was adopted.
STANDING COMMITTEE REPORTS

Mr. President: January 21, 2005

The Business and Labor Committee reports a favorable recommendation on S.B. 40, REGULATION OF TITLE INSURANCE INDUSTRY, by Senator T. Hatch; and

The Business and Labor Committee reports a favorable recommendation on S.B. 87, RESIDENCE LIEN RESTRICTION AND LIEN RECOVERY FUND AMENDMENTS, by Senator D. Thomas; and

The Business and Labor Committee reports a favorable recommendation on S.B. 115, PERMANENT TOTAL DISABILITY AMENDMENTS, by Senator E. Mayne.

Scott K. Jenkins, Chair

Mr. President: January 21, 2005

The Health and Human Services Committee reports a favorable recommendation on S.B. 77, AMENDMENTS TO INDOOR CLEAN AIR ACT, by Senator M. Waddoups, with the following amendments:

1. Page 2, Lines 32 through 33:

32 (1) {Smoking−} Except as provided in Subsection (2), smoking is prohibited :
(a) in all enclosed indoor places of public access and publicly owned buildings and offices {, except under Subsection (2)−} ; and
(b) in private clubs as defined in Section 26−38−2

The Health and Human Services Committee reports a favorable recommendation on S.B. 89, MUTUAL DEPENDENCE BENEFITS CONTRACT, by Senator G. Bell; and

The Health and Human Services Committee reports a favorable recommendation on S.B. 112, CHILD PROTECTION AMENDMENTS, by Senator G. Bell.

Allen M. Christensen, Chair

Mr. President: January 21, 2005

The Education Committee reports a favorable recommendation on S.B. 120, ALLOCATION OF PROFITS FROM SCHOOL AND INSTITUTIONAL TRUST LANDS, by Senator T. Hatch, with the following amendments:
1. Page 2, Line 29:

29 Utah Enabling Act, Section 12, Utah Constitution Article X, Section 7, Utah Constitution Article XX.

The Education Committee recommends S.B. 122, NONRESIDENT TUITION WAIVER FOR JOB CORPS STUDENTS, by Senator G. Bell, be replaced and favorably recommends 1st Sub. S.B. 122, RESIDENT TUITION STATUS FOR JOB CORPS STUDENTS; and

The Education Committee reports a favorable recommendation on S.C.R. 4, RESOLUTION APPROVING UTAH RECREATIONAL LAND EXCHANGE, by Senator B. Evans.

D. Chris Buttars, Acting Chair

Mr. President: January 21, 2005

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.B. 4, UNINSURED MOTORIST PROPERTY DAMAGE COVERAGE AMENDMENTS, by Senator D. Eastman; and

The Transportation and Public Utilities and Technology Committee recommends S.B. 26, PUBLIC UTILITIES AMENDMENTS, by Senator G. Bell, be replaced and favorably recommends 1st Sub. S.B. 26, PUBLIC UTILITIES AMENDMENTS with the following amendments:

1. Page 19, Lines 559 through 567:

559 (2) (a) “Resource decision” means a decision, other than a decision to construct or acquire

560 a significant energy resource, involving:

561 (i) an energy utility’s acquisition, management, or operation of energy production,

562 processing, transmission, or distribution facilities or processes including:

563 (A) a facility or process for the efficient, reliable, or safe provision of energy to retail customers; or

565 (B) an energy efficiency and conservation program; or
566 (b) (ii) a decision determined by the commission to be appropriate for review under this part.

567 (b) The commission may adopt rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, to specify the nature of resource decisions subject to approval under Section 54–17–402.

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.B. 98, MOTOR VEHICLE REGISTRATION AND TITLE AMENDMENTS, by Senator S. Killpack; and

The Transportation and Public Utilities and Technology Committee recommends S.B. 108, TELECOMMUNICATIONS REVISIONS, by Senator C. Bramble, be replaced and favorably recommends 1st Sub. S.B. 108, TELECOMMUNICATIONS REVISIONS with the following amendments:

1. Page 4, line 107:
   After “services;” delete “and”

2. Page 4, line 108:
   After “commission” delete “.”
   Insert “; and”

3. Page 4, line 108:
   After line 108, insert “(m) no feature.”

Sheldon L. Killpack, Chair

Mr. President: January 21, 2005

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 43, PENALTY FOR PROVIDING FALSE INFORMATION TO STATE AGENCY, by Senator P. Hellewell; and

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends S.B. 104, JUDICIARY AMENDMENTS, by Senator L. Hillyard, be replaced and favorably recommends 1st Sub. S.B. 104, JUDICIARY AMENDMENTS; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 116, ARBITRATION – USE OF SUBPOENA AUTHORIZED, by Senator D. Eastman; and
The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 118**, IDENTITY FRAUD AMENDMENTS, by Senator C. Walker.

D. Chris Buttars, Chair


**INTRODUCTION OF BILLS**

**S.B. 50**, Controlled Substance Amendments (P. Julander), read the first time by short title and referred to the Rules Committee.

**S.B. 51**, New Motor Vehicle Franchise Act Amendments (D. Eastman), read the first time by short title and referred to the Rules Committee.

**S.B. 134**, Powersport Vehicle Franchise Act (D. Eastman), read the first time by short title and referred to the Rules Committee.

**THIRD READING CALENDAR**

**S.B. 21**, LIMITATION ON LIABILITY REGARDING LIQUEFIED PETROLEUM, was read the third time and explained by Senator Eastman. Senators Hillyard, Stephenson, Buttars, Madsen, and Bell commented and the bill passed on the following roll call:

**Yeas, 17; Nays, 11; Absent, 1.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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Absent or not voting was: Senator Dmitrich

S.B. 21, as amended, was transmitted to the House for consideration.

SECOND READING CALENDAR

S.B. 32, LIMITATION OF LANDOWNER LIABILITY FOR PUBLIC RECREATION, was read the second time. Senator Bell explained the bill.

Senator Bell proposed the following amendment:

1. Page 1, Line 17
   17    • riding certain rail cars { or other recreational rail conveyances } on a narrow gauge track ;

2. Page 1, Lines 18 through 23:
   18    > provides that the state or a subdivision of the state is not considered to have charged
   19    an admission fee for use of a railway corridor if the state or a political subdivision
   20    of the state owns the railway corridor, allows recreational use of the corridor, and
   21    does not charge a fee for that use, even if the user pays a fee to travel on a privately
   22    owned rail car { or other recreational conveyance } that crosses over the railway
   23    corridor; and

3. Page 3, Line 59:
   59    (o) riding narrow gauge rail cars { or other recreational rail conveyances } on a narrow gauge track that does not exceed 24 inch gauge ;

4. Page 3, Line 86 through Page 4, Line 92:
   86    (5) The state or a subdivision of the state that owns property purchased for a railway
   87    corridor is considered not to have charged for use of the railway corridor within the meaning of
Subsection (1)(c), even if the user pays a fee for travel on a privately owned rail car or other recreational rail conveyance that crosses or travels over the railway corridor if the state or a subdivision of the state:

(a) allows recreational use of the railway corridor and its surrounding area; and

(b) does not charge a fee for that use.

Senator Bell’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

Allen   Arent   Bell   Bramble
Buttars Christensen Davis Eastman
Evans   Fife    Hale    Hatch
Hellewell Hickman Hillyard Jenkins
Julander Killpack Knudson Madsen
Mansell Mayne Peterson Stephenson
Thomas  Waddoups Walker Valentine

**Absent or not voting was:** Senator Dmitrich

***

On motion of Senator Mansell, the circle was removed from **S.B. 27, SUNSET REAUTHORIZATIONS**, and it was before the Senate. Senator Mansell explained the bill.

Senator Bell proposed Amendment 2 dated January 17, 2005 at 4:16 p.m. After comments by Senators Thomas, Hickman, and Mansell, Senator Bell withdrew his motion to amend. Senator Jenkins commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen   Arent   Bell   Bramble
Buttars Christensen Eastman Evans
S.B. 103, LIENS ON AIRCRAFT, was read the second time. Senator Hatch explained the bill.

Senator Hatch proposed the following amendment:

1. Page 4, Lines 113 through 114

   (2) A repairman may retain possession of the aircraft until the amount due under Subsection (1) is paid, subject to the rights and interests of any secured party in the aircraft that has priority in accordance with Section 38−13−205 over the lien imposed under this chapter unless the secured party requested that the repairman make, alter, repair, or perform labor on the aircraft.

2. Page 9, Lines 247 through 250:

   38−13−205. Priority of liens.

   (1) Except as provided in Subsection (2), a lien imposed under this chapter has priority over any lien, mortgage, security interest, or other encumbrance arising after the day on which the lien is effective in accordance with Section 38−13−201.

   (2) The lien imposed under this chapter does not have priority over a lien imposed pursuant to Title 59, Chapter 2, Property Tax Act.

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

Yeas, 28; Nays, 0; Absent, 1.
Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Eastman
Evans Fife Hale Hatch
Hellewell Hickman Hillyard Jenkins
Julander Killpack Knudson Madsen
Mansell Mayne Peterson Stephenson
Thomas Waddoups Walker Valentine

Absent or not voting was: Senator Dmitrich

* * *

On motion of Senator Bramble, the circle was removed from S.B. 24, WASTE AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill. Senators Hillyard, Jenkins, and Valentine commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Eastman
Evans Fife Hale Hatch
Hickman Hillyard Jenkins Julander
Killpack Knudson Madsen Mayne
Peterson Stephenson Thomas Waddoups
Walker Valentine

Absent or not voting were: Senators
Dmitrich Hatch Mansell

* * *

S.B. 83, MEDICAL DECISIONS OF A PARENT OR GUARDIAN, was read the second time. Senator Thomas explained the bill.

Senator Thomas proposed the following amendment:

1. Page 1, Lines 14 through 25:

14 modifies provisions of Child and Family Services to provide that:
• a health care decision made by a child’s parent or guardian does not constitute neglect unless the state or other party to the proceeding shows, by clear and convincing evidence, that the decision is not reasonable and prudent; and

• a parent or guardian has the right to a second medical health care opinion;

modifies the Licensing Information System portion of Child and Family Services to provide that:

• a health care decision made by a child’s parent or guardian does not constitute severe child abuse or neglect unless the state or other party to the proceeding shows, by clear and convincing evidence, that the decision is not reasonable and prudent; and

• a parent or guardian retains the right to a second medical health care opinion;

2. Page 2, Lines 38 through 44:

modifies the Juvenile Court Act of 1996 to provide that a parent or guardian has the right to a second medical health care opinion;

modifies the Termination of Parental Rights Act to provide that:

• a health care decision made by a child’s parent does not constitute neglect unless the state or other party to the proceeding shows, by clear and convincing evidence, that the decision is not reasonable and prudent; and

• a parent has the right to a second medical health care opinion;
3. Page 6, Lines 153 through 154:

153 (ii) Nothing in Subsection (18)(d)(i) may prohibit a parent or guardian from exercising
154 the right to obtain a second {medical} health care opinion.

4. Page 11, Lines 325 through 326:

325 (9) Nothing in Subsection (3)(c) may prohibit a parent or guardian from exercising the
326 right to obtain a second {medical} health care opinion.

5. Page 17, Lines 519 through 520:

519 (v) Nothing in Subsection (1)(s)(iv) may prohibit a parent or guardian from exercising
520 the right to obtain a second {medical} health care opinion.

6. Page 20, Lines 613 through 614:

613 (b) Nothing in Subsection (4)(a) may prohibit a parent from exercising the right to
614 obtain a second {medical} health care opinion.

Senator Thomas’ motion to amend passed on a voice vote. Senators Davis, Knudson, Christensen, Walker, and Julander commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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Absent or not voting were: Senators

| Dmitrich | Evans | Hillyard |
S.B. 79, EXTENSION OF SUNSET DATE ON RESOURCE DEVELOPMENT COORDINATING COMMITTEE, was read the second time.

On motion of Senator Eastman, the bill was circled.

S.B. 81, LOCAL GOVERNMENT APPROVAL FOR SOLID NONHAZARDOUS AND HAZARDOUS WASTE DISPOSAL, was read the second time.

On motion of Senator Eastman, the bill was circled.

1st Sub. S.B. 8, LOCAL CORRIDOR PRESERVATION FUNDING, was read the second time. Senator Killpack explained the bill.

Senator Killpack proposed the following amendment:

1. Page 3, Lines 72 through 74

   (c) A motor vehicle that is exempt from the registration fee under Section 41−1a−1209 or Subsection 41−1a−419(3) is also exempt from the local option transportation corridor preservation fee required by this section.

   (d) A commercial motor vehicle with an apportioned registration under Section 41−1a−301 is exempt from the local option transportation corridor preservation fee required by this section.

Senator Killpack’s motion to amend passed on a voice vote. Senators Hillyard, Walker, Mansell, Stephenson, Hickman, and Thomas commented.

On motion of Senator Killpack, the bill was circled.

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 24, 2005

The House passed H.C.R. 8, RESOLUTION RECOGNIZING UTAH MANUFACTURERS ASSOCIATION, by Representative J. Alexander, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. H.C.R. 8 was read the first time and referred to the Rules Committee.
On motion of Senator Waddoups, under suspension of the rules, H.C.R. 8 RESOLUTION RECOGNIZING UTAH MANUFACTURERS ASSOCIATION, was lifted from Rules and placed at the top of the Second Reading Calendar.

On motion of Senator Waddoups, under suspension of the rules, H.C.R. 8, RESOLUTION RECOGNIZING UTAH MANUFACTURERS ASSOCIATION, 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

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**Absent or not voting were:** Senators

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H.C.R. 8 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**On motion of Senator Knudson and at 11:55 a.m., the Senate adjourned until 10:00 a.m., Tuesday, January 25, 2005.**
January 25, 2005

NINTH DAY

The Senate was called to order at 10:05 a.m., with President John Valentine presiding.

Prayer – Bishop Mark G. Sagers, Bennion Heights First Ward
Pledge of Allegiance – Senator Carlene Walker
Roll Call – All Senators present except Senator Dmitrich, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 96)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

January 24, 2005

The House passed, as amended, **H.B. 34**, EMERGENCY RELATED AMENDMENTS, by Representative S. Allen, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 36**, CHARTER SCHOOL CONSTRUCTION AMENDMENTS, by Representative J. Ferrin, and it is transmitted for consideration; and

The House passed **H.B. 43**, SCHOOL LAND TRUST PROGRAM FUNDING AMENDMENTS, by Representative S. Urquhart, et al, and it is transmitted for consideration; and

The House passed **H.J.R. 10**, JOINT RULES RESOLUTION – AMENDMENTS IN CONTEXT, by Representative R. Lockhart, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 34, 1st Sub. H.B. 36, H.B. 43, and H.J.R. 10** were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate:

January 24, 2005

The Rules Committee recommends assignment of the following bills to standing committees:
Business and Labor Committee
H.B. 30  Consumer Sales Practices Act Amendments  
(Rep. T. Kiser)
H.B. 52  Fire Prevention Amendments (Rep. J. Murray)

Education Committee
H.C.R. 9  Resolution Honoring Outgoing USU President Kermit L. Hall (Rep. F. Hunsaker)

Health and Human Services Committee
S.B. 50  Controlled Substance Amendments (Sen. P. Julander)

Transportation, Public Utilities and Technology Committee
S.B. 51  New Motor Vehicle Franchise Act Amendments  
(Sen. D. Eastman)
S.B. 134  Powersport Vehicle Franchise Act (Sen. D. Eastman)

Michael Waddoups  
Rules Committee Chair

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

RULES COMMITTEE REPORTS

To the Members of the Senate: January 24, 2005

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

H.J.R. 9  Resolution Amending Joint Rules Regarding Conflicts of Interest (Rep. J. Dougall)

Michael Waddoups  
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: January 24, 2005

The Government Operations and Political Subdivisions Committee recommends S.B. 44, GOVERNMENT RECORDS AMENDMENTS, by Senator C. Walker, be replaced and favorably recommends 1st Sub. S.B. 44, GOVERNMENT RECORDS AMENDMENTS; and
The Government Operations and Political Subdivisions Committee recommends **S.B. 106**, UTAH RELIGIOUS LAND USE ACT, by Senator D. Thomas, be replaced and favorably recommends **1st Sub. S.B. 106**, UTAH RELIGIOUS LAND USE ACT; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 114**, COUNTY AND MUNICIPAL ZONING REGARDING BILLBOARDS, by Senator M. Waddoups; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 117**, REPEAL OF UTAH TOMORROW STRATEGIC PLANNING COMMITTEE, by Senator M. Waddoups; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 123**, GOVERNMENTAL IMMUNITY ACT – TECHNICAL AMENDMENTS, by Senator G. Bell; and


Parley G. Hellewell, Chair

**Mr. President:** January 24, 2005

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.J.R. 6**, SPACE EXPLORATION RESOLUTION, by Senator P. Knudson; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 176**, REVISOR’S STATUTE, by Representative R. Lockhart; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.J.R. 6**, RESOLUTION APPROVING COMPENSATION OF IN-SESSION EMPLOYEES, by Representative M. Newbold; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.J.R. 8**, JOINT RULES RESOLUTION – USE OF LEGISLATIVE SEALS, by Representative R. Lockhart.

Carlene M. Walker, Chair

On motion of Senator Waddoups, the committee reports were adopted.

S.J.R. 6, H.B. 176, H.J.R. 6, and H.J.R. 8 were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

S.B. 52, Price Controls During Emergencies Act (P. Arent), read the first time by short title and referred to the Rules Committee.

S.B. 135, Drug Courts Pilot Project (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 137, Tourism, Recreation, Cultural, and Convention Facilities Tax Amendments (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 138, Judgment Interest Amendments (E. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 139, Minimum Wage Provisions (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.J.R. 8, Joint Rules Resolution – Appearance of Enrolled Bills (C. Bramble), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

S.B. 32, LIMITATION OF LANDOWNER LIABILITY FOR PUBLIC RECREATION, 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

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Absent or not voting were: Senators

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S.B. 32, as amended, was transmitted to the House for consideration.

* * *

S.B. 27, SUNSET REAUTHORIZATIONS, was read the third time.

On motion of Senator Mansell, the bill was circled.

* * *

S.B. 103, LIENS ON AIRCRAFT, was read the third time, explained by Senator Hatch, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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S.B. 103 was transmitted to the House for consideration.

* * *

S.B. 24, WASTE AMENDMENTS, was read the third time.

On motion of Senator Knudson, the bill was circled.

* * *

S.B. 83, MEDICAL DECISIONS OF A PARENT OR GUARDIAN, was read the third time, explained by Senator Thomas, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Bramble Dmitrich Evans Hillyard

S.B. 83, as amended, was transmitted to the House for consideration.

* * *

On motion of Senator Mansell, the circle was removed from S.B. 27, SUNSET REAUTHORIZATIONS, and it was before the Senate. Senator Mansell explained the bill. Senator Bell commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Buttars
Christensen Davis Eastman Fife
Hale Hatch Hellewell Hickman
Hillyard Jenkins Julander Killpack
Knudson Madsen Mansell Mayne
Peterson Thomas Waddoups Walker
Valentine

Absent or not voting were: Senators
Bramble Dmitrich Evans Stephenson

S.B. 27 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Thomas, the circle was removed from S.B. 35, VENTURE CAPITAL FUNDING AMENDMENTS, and it was before the Senate.

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

1st Sub. S.B. 35, Relationships With Venture Capital Entities (D. Thomas)
Senator Thomas explained the bill. Senator Allen commented. The bill, as substituted, passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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On motion of Senator Evans, the circle was removed from **S.B. 79, EXTENSION OF SUNSET DATE ON RESOURCE DEVELOPMENT COORDINATING COMMITTEE**, and it was before the Senate. Senator Evans 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

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Absent or not voting were: Senators

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<th>Bramble</th>
<th>Dmitrich</th>
<th>Jenkins</th>
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**S.B. 37, MOTOR VEHICLE BUSINESS REGULATION ACT AMENDMENTS**, was read the second time. 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
Allen    Arent    Bell    Buttars
Christensen  Davis  Eastman    Evans
Fife      Hale     Hatch    Hellewell
Hickman  Hillyard  Jenkins    Julander
Killpack Knudson  Madsen    Mansell
Mayne    Peterson  Stephenson    Thomas
Waddoups Walker    Valentine

Absent or not voting were: Senators
Bramble  Dmitrich

* * *

On motion of Senator Evans, the circle was removed from S.B. 81, LOCAL GOVERNMENT APPROVAL FOR SOLID NONHAZARDOUS AND HAZARDOUS WASTE DISPOSAL, and it was before the Senate. Senator Evans 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
Allen    Arent    Bell    Buttars
Christensen  Davis  Eastman    Evans
Fife      Hale     Hatch    Hellewell
Hickman  Hillyard  Jenkins    Julander
Killpack Knudson  Madsen    Mansell
Mayne    Peterson  Stephenson    Thomas
Waddoups Walker    Valentine

Absent or not voting were: Senators
Bramble  Dmitrich

* * *

S.B. 14, UNIFORM PARENTAGE ACT, was read the second time. Senator Hillyard explained the bill. Senators Hickman, Buttars, Walker, Arent, and Peterson commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Allen    Arent    Bell    Buttars
Christensen  Davis  Eastman    Evans
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Fife       Hale       Hatch       Hellewell
Hickman    Hillyard   Jenkins     Julander
Knudson    Madsen     Mayne       Peterson
Thomas     Waddoups   Walker      Valentine

Absent or not voting were: Senators
Bramble    Dmitrich   Killpack    Mansell
Stephenson

***

S.B. 15, CHILDREN’S JUSTICE CENTER AMENDMENTS, was read the second time. Senator Buttars explained the bill. Senator Walker commented. Senators Valentine and Walker declared conflicts of interest. The bill, as amended, passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Allen      Arent      Bell         Buttars
Christensen Davis      Eastman     Evans
Fife       Hale       Hatch       Hellewell
Hickman    Hillyard   Jenkins     Julander
Killpack   Knudson    Madsen      Mansell
Mayne      Peterson   Stephenson  Thomas
Waddoups   Walker     Valentine

Absent or not voting were: Senators
Bramble    Dmitrich

***

On motion of Senator Killpack, the circle was removed from 1st Sub. S.B. 8, LOCAL CORRIDOR PRESERVATION FUNDING, and it was before the Senate. Senator Killpack explained the bill.

Senator Stephenson proposed Amendment 2 dated January 25, 2005 at 10:38 a.m. After comments by Senators Thomas, Hickman, and Mansell, Senator Stephenson withdrew his motion to amend. The bill, as amended, passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Allen      Arent      Bell         Bramble
Buttars    Christensen Davis      Eastman
Voting in the negative were: Senators
Hickman Jenkins Madsen Peterson
Stephenson Waddoups

Absent or not voting was: Senator
Dmitrich

* * *

On motion of Senator Knudson and at 11:45 a.m., the Senate adjourned until 10:00 a.m., Wednesday, January 26, 2005.
January 26, 2005

TENTH DAY

The Senate was called to order at 10:20 a.m., with President John Valentine presiding.

Prayer – Bishop William L. Smith, President, Big D Signature
Pledge of Allegiance – Senator Lyle Hillyard
Roll Call – All Senators present except Senator Dmitrich, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 96)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 25, 2005

The House passed, as substituted, 1st Sub. H.B. 28, JUVENILE JUSTICE RECODIFICATION AND REVISIONS, by Representative D. Aagard, and it is transmitted for consideration; and

The House passed H.B. 51, ELECTRONIC PAYMENTS TO LOCAL GOVERNMENT ENTITIES, by Representative J. Murray, and it is transmitted for consideration; and

The House passed, as amended, H.B. 162, MUNICIPAL ABATEMENT OF WEEDS AND OTHER NEGLECTED ITEMS ON PROPERTY, by Representative M. Morley, and it is transmitted for consideration; and

The House passed, as amended, H.B. 185, UTAH COMPUTER CRIMES ACT AMENDMENTS, by Representative B. Daw, et al, and it is transmitted for consideration; and

The House passed, as amended, H.B. 186, CONSUMER PROTECTION AMENDMENTS, by Representative S. Allen, and it is transmitted for consideration; and

The House passed, as amended, H.J.R. 1, JOINT RESOLUTION RELATED TO FINANCIAL INSTITUTIONS, by Representative J. Alexander, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. 1st Sub. H.B. 28, H.B. 51, H.B. 162, H.B. 185, H.B. 186, and H.J.R. 1 were read the first time and referred to the Rules Committee.
Mr. President: January 25, 2005

The House passed, as amended, **S.B. 5, TRAFFIC CODE RECODIFICATION AND REVISIONS**, by Senator S. Killpack, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bill was placed on the Concurrence Calendar.

**RULES COMMITTEE REPORTS**

To the Members of the Senate: January 25, 2005

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

**Business and Labor Committee**
- S.B. 52: Price Controls During Emergencies Act (Sen. P. Arent)
- S.B. 138: Judgment Interest Amendments (Sen. E. Mayne)

**Education Committee**

**Judiciary, Law Enforcement, and Criminal Justice Committee**
- S.B. 135: Drug Courts Pilot Project (Sen. L. Hillyard)

**Revenue and Taxation Committee**

Michael Waddoups
Rules Committee Chair

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

**STANDING COMMITTEE REPORTS**

Mr. President: January 25, 2005

The Business and Labor Committee reports a favorable recommendation on **H.B. 10, EMPLOYMENT SECURITY ACT AMENDMENTS**, by Representative D. Cox; and
The Business and Labor Committee reports a favorable recommendation on **H.B. 26**, CONVEYANCES OF PROPERTY, by Representative J. S. Adams.

Scott K. Jenkins, Chair

Mr. President: January 25, 2005

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 15**, REPEAL OF STATE DEBT COLLECTION ADVISORY BOARD, by Representative D. Aagard; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 19**, PROCUREMENT CODE RENUMBERING, by Representative R. Bigelow; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 37**, ADMINISTRATIVE RULES REAUTHORIZATION, by Representative D. Ure.

Parley G. Hellewell, Chair

Mr. President: January 25, 2005

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 125**, AMENDMENTS TO INDIVIDUAL INCOME TAX CREDIT FOR SPECIAL NEEDSADOPTIONS, by Senator P. Hellewell, with the following amendments:

1. Page 1, Lines 13 through 14:
   13 amends the definition of “child who has a special need”; requires that an adoption occur in this state for a taxpayer to be eligible for a tax credit;
   14 provides that a taxpayer may not claim a tax credit if the taxpayer adopts a child of

2. Page 2, Lines 40 through 47:
   40 Except as provided in Subsection (3), for taxable years beginning on or after
   41 January 1, 2005, a taxpayer who adopts a child who has a special need may claim on the
   42 taxpayer’s individual income tax return for the taxable year a refundable credit of $1,000
43 against taxes otherwise due under this chapter for:
44 (a) adoptions for which a court issues an order granting the adoption on or after
45 January 1, [2001] 2005;
46 (b) the taxable year during which a court issues an order granting the adoption; and
47 (c) each child who has a special need whom the taxpayer adopts

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 128, CALCULATION OF INTEREST ON TAX OVERPAYMENTS, by Senator H. Stephenson; and

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 133, INDIVIDUAL INCOME TAX − RETURN FILING REQUIREMENTS, by Senator H. Stephenson; and

The Revenue and Taxation Committee reports a favorable recommendation on H.B. 20, CALLING LOCAL SPECIAL ELECTIONS FOR SALES AND USE TAX PURPOSES, by Representative S. Clark.

Curtis S. Bramble, Chair

Mr. President: January 25, 2005

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.B. 42, ALCOHOL RESTRICTED DRIVERS, by Senator C. Walker, with the following amendments:

1. Page 1, Lines 9 through 10:
   9 provisions relating to certain persons operating a vehicle with any measurable or detectable amount
   10 of alcohol in the person’s body.

2. Page 1, Line 18:
   18 vehicle with any measurable or detectable amount of alcohol in the person’s body;

3. Page 1, Line 22:
   22 person driving with any measurable or detectable amount of alcohol in the person’s body;

   provides that a peace officer may impound a vehicle for certain violations:
4. Page 12, Lines 363 through 364:

(ii) a five or ten−year prohibition of the person driving with any measurable or detectable amount of alcohol in the person’s body depending on the person’s prior driving history.

5. Page 16, Lines 476 through 479:

(c) having any measurable or detectable amount of alcohol in the person’s body if the person is an alcohol restricted driver as defined under Section 41−6−44.40; or (d) having any measurable or detectable amount of alcohol in the person’s body if the person has been issued a conditional driver license under Section 53−3−232.

6. Page 16, Lines 483 through 487:

(1) If a peace officer arrests or cites the operator of a vehicle for violating Section 41−6−44, 41−6−44.6, or 41−6−44.10, 41−6−44.41, 53−3−231, or 53−3−232, Subsection 41−6−44.7(10), or a local ordinance similar to Section 41−6−44 which complies with Subsection 41−6−43(1), the peace officer shall seize and impound the vehicle in accordance with Section 41−6−102.5, except as provided under Subsection (2).

7. Page 18, Lines 548 through 554:

(1) An alcohol restricted driver who operates or is in actual physical control of a vehicle in this state with any measurable or detectable amount of alcohol in the person’s body is guilty of a class B misdemeanor.

(2) A “measurable or detectable amount” of alcohol in the person’s body may be established by:

(a) a chemical test;
553  (b) evidence other than a chemical test; or
554  (c) a combination of Subsections (2)(a) and (b).

8. Page 20, Lines 596 through 597:

596  (xv) operating or being in actual physical control of a motor
597  vehicle while having any measurable or detectable amount of
   alcohol in the person’s body in violation of Section 41–6–44.41

The Transportation and Public Utilities and Technology Committee reports a
favorable recommendation on S.B. 109, SAFETY BELT ENFORCEMENT, by
Senator K. Hale; and

The Transportation and Public Utilities and Technology Committee reports a
favorable recommendation on S.B. 124, MOTOR VEHICLE INSURANCE –
PROPERTY DAMAGE LIMIT, by Senator S. Jenkins; and

The Transportation and Public Utilities and Technology Committee reports a
favorable recommendation on H.B. 5, PERSON WITH A DISABILITY
MOTORCYCLE PARKING, by Representative T. Kiser; and

The Transportation and Public Utilities and Technology Committee reports a
favorable recommendation on H.B. 6, MASTER HIGHWAY DESIGNATION
AMENDMENTS, by Representative J. Murray.

Sheldon L. Killpack, Chair

Mr. President: January 25, 2005

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a
favorable recommendation on S.B. 47, WRONGFUL LIEN OFFENSES, by
Senator B. Evans; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a
favorable recommendation on S.B. 73, TAMPERING WITH EVIDENCE, by
Senator D. C. Buttars; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a
favorable recommendation on S.B. 131, AUTHORIZATION FOR
ADDITIONAL JUDICIAL POSITION, by Senator M. Madsen; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a
favorable recommendation on S.R. 1, SENATE RESOLUTION
DISCOURAGING PARTICIPATION IN FREE TRADE AREA OF THE AMERICAS, by Senator D. Thomas.

D. Chris Buttars, Chair


INTRODUCTION OF BILLS

S.B. 53, Land Value Property Tax Study (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 54, Property Tax Confidentiality Amendments (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 55, Access to Patient Medical Records (P. Arent), read the first time by short title and referred to the Rules Committee.

S.B. 72, Child Welfare Amendments (D. Eastman), read the first time by short title and referred to the Rules Committee.

S.B. 136, Justice Court Operations Amendments (E. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 140, Personal Use of Campaign Funds (K. Hale), read the first time by short title and referred to the Rules Committee.

S.B. 141, Military Installation Partnerships (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.B. 142, Pharmacy Practice Act Amendments (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 143, Open and Public Meetings – Recording Requirement (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.J.R. 9, Resolution Recognizing 100 Years of Rotary International (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.J.R. 10, Resolution to Congress Regarding Oil and Gas Drilling and Exploration (H. Stephenson), read the first time by short title and referred to the Rules Committee.
THIRD READING CALENDAR

1st Sub. S.B. 35, VENTURE CAPITAL FUNDING AMENDMENTS, was read the third time, explained by Senator Thomas.

Senator Thomas proposed the following amendment:

1. Page 2, Lines 49 through 52

   (ii) A business dealing or relationship entered into under Subsection (c)(i) does not

   preclude the private entity or partnership from participating in or receiving benefits from a venture capital program authorized or sanctioned by the laws of this state, unless otherwise

   precluded by the specific law that authorizes or sanctions the program.

   (iii) Subsections (c)(i) and (ii) also apply to the Utah College of Applied Technology created in Title 53B, Chapter 2a, Utah College of Applied Technology.

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

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

Voting in the affirmative were: Senators

Allen    Arent    Bell    Bramble
Buttars  Christensen  Davis  Eastman
Evans    Hale      Hatch   Hellewell
Hillyard Jenkins  Julander  Killpack
Knudson  Madsen   Mansell  Mayne
Peterson Stephenson  Thomas  Waddoups
Walker    Valentine

Absent or not voting were: Senators

Dmitrich  Fife      Hickman

1st Sub. S.B. 35, as amended, was transmitted to the House for consideration.

* * *

S.B. 79, EXTENSION OF SUNSET DATE ON RESOURCE DEVELOPMENT, was read the third time, explained by Senator Evans, and passed on the following roll call:
Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Eastman
Evans Hale Hatch Hellewell
Hillyard Jenkins Julander Killpack
Knudson Madsen Mansell Mayne
Peterson Stephenson Thomas Waddoups
Walker Valentine

Absent or not voting were: Senators
Dmitrich Fife Hickman

S.B. 79, as amended, was transmitted to the House for consideration.

***

S.B. 37, MOTOR VEHICLE BUSINESS REGULATION ACT AMENDMENTS, was read the third time, explained by Senator Eastman, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Eastman
Evans Hale Hatch Hellewell
Hillyard Jenkins Julander Killpack
Knudson Madsen Mansell Mayne
Peterson Thomas Waddoups Walker
Valentine

Voting in the negative was: Senator
Stephenson

Absent or not voting were: Senators
Dmitrich Fife Hickman

S.B. 37, as amended, was transmitted to the House for consideration.

***

S.B. 81, LOCAL GOVERNMENT APPROVAL FOR SOLID NONHAZARDOUS AND HAZARDOUS WASTE DISPOSAL, was read the third time, explained by Senator Evans, and passed on the following roll call:
Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Christensen Davis Evans Hale
Hatch Hellewell Hillyard Jenkins
Julander Killpack Knudson Madsen
Mansell Mayne Peterson Stephenson
Thomas Waddoups Walker Valentine

Absent or not voting were: Senators
Buttars Dmitrich Eastman Fife
Hickman

S.B. 81 was transmitted to the House for consideration.

* * *

S.B. 14, UNIFORM PARENTAGE ACT, 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
Allen Arent Bell Bramble
Buttars Christensen Davis Evans
Hale Hatch Hellewell Hillyard
Jenkins Julander Killpack Knudson
Madsen Mansell Mayne Peterson
Stephenson Thomas Waddoups Walker
Valentine

Absent or not voting were: Senators
Dmitrich Eastman Fife Hickman

S.B. 14, as amended, was transmitted to the House for consideration.

* * *

S.B. 15, CHILDREN’S JUSTICE CENTER AMENDMENTS, was read the third time and explained by Senator Buttars. Senator Valentine declared a conflict of interest. Senator Hillyard commented and the bill passed on the following roll call:
Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators
Allen	Arent	Bell	Bramble
Buttars	Christensen	Davis	Eastman
Evans	Hale	Hatch	Hellewell
Hillyard	Jenkins	Julander	Killpack
Knudson	Madsen	Mansell	Mayne
Peterson	Stephenson	Thomas	Waddoups
Walker	Valentine

Absent or not voting were: Senators
Dmitrich	Fife	Hickman

S.B. 15, as amended, was transmitted to the House for consideration.

* * *

1st Sub. S.B. 8, LOCAL CORRIDOR PRESERVATION FUNDING, was read the third time.

On motion of Senator Killpack, the bill was circled.

SECOND READING CALENDAR

S.B. 30, AMENDMENTS TO SEARCH WARRANTS, was read the second time. Senator Thomas 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
Allen	Bell	Bramble	Buttars
Christensen	Davis	Eastman	Evans
Hale	Hatch	Hellewell	Hillyard
Jenkins	Julander	Killpack	Knudson
Madsen	Mansell	Mayne	Peterson
Stephenson	Thomas	Waddoups	Walker
Valentine

Absent or not voting were: Senators
Arent	Dmitrich	Fife	Hickman

* * *

On motion of Senator Hellewell, under suspension of the rules, the Senate voted to move S.B. 43 to the top of the Second Reading Calendar for the purpose of substituting the bill.
S.B. 43, PENALTY FOR PROVIDING FALSE INFORMATION TO STATE AGENCY, was read the second time.

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

2nd Sub. S.B. 43, Penalty for Providing False Information to State Agency (P. Hellewell)

On motion of Senator Hellewell, the bill was circled.

* * *

S.B. 91, INTERSTATE JUVENILE COMPACT, 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
Allen           Arent       Bell       Bramble
Christensen    Eastman    Evans      Hale
Hatch          Hellewell  Hickman    Hillyard
Jenkins        Julander   Killpack   Knudson
Madsen         Mansell    Mayne      Peterson
Stephenson     Thomas     Waddoups   Walker
Valentine

Absent or not voting were: Senators
Buttars        Davis       Dmitrich   Fife

* * *

S.B. 93, CHILDREN’S JUSTICE CENTER ADDITION, was read the second time. Senator Hatch explained the bill. Senator Walker declared a conflict of interest. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Allen           Arent       Bell       Bramble
Christensen    Eastman    Fife       Hale
Hatch          Hellewell  Hickman    Hillyard
Jenkins        Julander   Killpack   Knudson
Madsen    Mansell    Mayne    Peterson
Stephenson Thomas Waddoups Walker
Valentine

Absent or not voting were: Senators
Buttars    Davis    Dmitrich    Evans

* * *

S.B. 94, RESTITUTION AMENDMENTS, was read the second time. Senator Bell explained the bill. Senators Hillyard and Jenkins commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Allen    Arent    Bell    Christensen
Eastman Fife    Hale    Hatch
Hellwell Hickman Hillyard Jenkins
Julander Killpack Knudson Madsen
Madsen    Mayne    Peterson    Stephenson
Thomas Waddoups Walker Valentine

Absent or not voting were: Senators
Bramble Buttars Davis Dmitrich
Evans

* * *

S.J.R. 3, RESOLUTION ENCOURAGING MEDIATION, 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
Allen    Arent    Bell    Buttars
Christensen Eastman Fife    Hale
Hatch Hellewell Hickman Hillyard
Jenkins Julander Killpack Knudson
Madsen Mansell Mayne Peterson
Stephenson Thomas Waddoups Walker Valentine
**Absent or not voting were:** Senators
Bramble    Davis    Dmitrich    Evans

* * *

**S.B. 86, 2004 GENERAL OBLIGATION BOND AMENDMENTS,** was read the second time. Senator Knudson explained the bill.

Senator Hale proposed the following amendment:

1. Page 4, Line 94:
   Delete Line 94.

Senator Hale’s motion to amend passed on a voice vote. Senators Hale, Hillyard, and Valentine commented. The bill, as amended, passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators
Allen     Arent     Bell     Bramble
Buttars   Christensen  Eastman  Fife
Hale      Hatch      Hellewell Hickman
Hillyard  Jenkins    Julander  Killpack
Knudson   Madsen     Mansell  Mayne
Peterson  StephensonThomas  Waddoups
Walker    Valentine

**Absent or not voting were:** Senators
Davis    Dmitrich    Evans

* * *

**S.B. 88, CREATION OF LOCAL DISTRICTS,** was read the second time. Senator Walker 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
Allen     Arent     Bell     Bramble
Christensen  Eastman  Fife     Hale
Hatch      Hellewell Jenkins Julander
Killpack   Knudson   Madsen  Mansell
Mayne      Peterson  Stephenson Thomas
Waddoups   Walker    Valentine
**Absent or not voting were:** Senators

Buttars  Davis  Dmitrich  Evans
Hickman  Hillyard

***

**S.B. 90.** COUNTY OFFICERS SERVING ON BOARDS OF COUNTY MENTAL HEALTH AND SUBSTANCE ABUSE PROVIDERS, was read the second time. Senator Thomas explained the bill. Senators Walker and Jenkins commented. Senator Walker declared a conflict of interest. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen  Arent  Bell  Bramble
Buttars  Christensen  Eastman  Fife
Hale  Hatch  Hellewell  Hillyard
Jenkins  Julander  Killpack  Knudson
Madsen  Mayne  Peterson  Stephenson
Thomas  Waddoups  Valentine

**Absent or not voting were:** Senators

Davis  Dmitrich  Evans  Hickman
Mansell  Walker

***

**S.B. 97.** CONSOLIDATION OF CITY AND COUNTY LIBRARY, was read the second time. Senator Bell explained the bill. Senator Hillyard commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen  Arent  Bell  Bramble
Buttars  Christensen  Eastman  Fife
Hale  Hatch  Hellewell  Hillyard
Julander  Killpack  Knudson  Madsen
Mayne  Peterson  Stephenson  Thomas
Waddoups  Walker  Valentine

**Absent or not voting were:** Senators

Davis  Dmitrich  Evans  Hickman
Jenkins  Mansell
S.B. 40, REGULATION OF TITLE INSURANCE INDUSTRY, was read the second time. Senator Hatch explained the bill.

Senator Hatch proposed the following amendment:

1. Page 6, Lines 174 through 182

   174  (2) (a) Every title insurance [company] insurer, agency, and title insurance producer shall file with the commissioner:

   175  (i) a schedule of the escrow charges that the title insurance [company] insurer, agency, or title insurance producer proposes to use in this state for services performed in connection with the issuance of policies of title insurance; and

   179  (ii) any changes to the schedule of the escrow charges described in Subsection (2)(a)(i).

   180  (b) Except for a schedule filed by a title insurance insurer under this Subsection (2), a schedule filed under this Subsection (2) is subject to review by the Title and Escrow Commission.

   182  [465] (c) (i) The schedule of escrow charges required to be filed by Subsection (2)(a)(i)

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

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

Voting in the affirmative were: Senators

Allen  Arent  Bell  Bramble
Buttars  Christensen  Eastman  Fife
Hale    Hatch    Hellewell  Hickman
Hillyard Jenkins  Julander  Killpack
Knudson  Madsen  Mayne  Peterson
Stephenson  Thomas  Waddoups  Walker
Valentine

* * *
Absent or not voting were: Senators
Davis     Dmitrich    Evans    Mansell

* * *

S.B. 87, RESIDENCE LIEN RESTRICTION AND LIEN RECOVERY FUND AMENDMENTS, was read the second time. Senator Thomas explained the bill. Senators Bell 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
Allen     Arent     Bell     Bramble
Buttars   Christensen    Davis   Eastman
Fife      Hale       Hatch    Hellewell
Hillyard  Jenkins    Julander  Killpack
Knudson   Madsen    Mayne    Thomas
Waddoups  Walker     Valentine

Voting in the negative were: Senators
Hickman   Peterson   Stephenson

Absent or not voting were: Senators
Dmitrich  Evans     Mansell

* * *

On motion of Senator Knudson and at 11:45 a.m., the Senate adjourned until 10:00 a.m., Thursday, January 27, 2005.
January 27, 2005

ELEVENTH DAY

The Senate was called to order at 10:20 a.m., with President John Valentine presiding.

Prayer – Father Joseph Mayo, Cathedral of the Madeleine
Pledge of Allegiance – Senator Sheldon Killpack
Roll Call – All Senators present except Senators Julander and Dmitrich, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 96)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 16, 2005

The House passed, S.B. 18, REGULATING PROPRIETARY POSTSECONDARY SCHOOLS, by Senator D. Eastman, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 18 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

***

Mr. President: January 26, 2005

The House passed H.B. 12, HEALTH CARE ASSISTANTS, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed H.B. 164, REPEAL OF UTAH PERSONAL INTRODUCTION SERVICES PROTECTION ACT, by Representative S. Allen, and it is transmitted for consideration; and

The House passed H.B. 170, EXTENSION OF UTAH LOW-INCOME HOUSING TAX CREDITS, by Representative S. Clark, and it is transmitted for consideration; and

The House passed H.B. 177, WILDLIFE LICENSE REFUND AMENDMENTS, by Representative M. Dayton, and it is transmitted for consideration; and
The House passed **H.B. 179**, UTAH VENTURE CAPITAL ENHANCEMENT ACT AMENDMENTS, by Representative P. Wallike, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 181**, DUPLICATE WILDLIFE LICENSING AMENDMENTS, by Representative M. Dayton, and it is transmitted for consideration; and

The House passed **H.C.R. 7**, CONCURRENT RESOLUTION OPPOSING NUCLEAR TESTING, by Representative M. Noel, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk


**RULES COMMITTEE REPORTS**

To the Members of the Senate: January 26, 2005

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

**Business and Labor Committee**
- **S.J.R. 9** Resolution Recognizing 100 Years of Rotary International (Sen. P. Knudson)
- **H.B. 186** Consumer Protection Amendments (Rep. S. Allen)

**Government Operations and Political Subdivisions Committee**
- **H.B. 34** Emergency Related Amendments (Rep. S. Allen)
- **S.B. 136** Justice Court Operations Amendments (Sen. E. Mayne)
- **S.B. 140** Personal Use of Campaign Funds (Sen. K. Hale)
- **S.B. 143** Open and Public Meetings – Recording Requirement (Sen. S. Jenkins)
- **H.B. 51** Electronic Payments to Local Government Entities (Rep. J. Murray)

**Health and Human Services Committee**
- **S.B. 55** Access to Patient Medical Records (Sen. P. Arent)
- **S.B. 72** Child Welfare Amendments (Sen. D. Eastman)
- **S.B. 142** Pharmacy Practice Act Amendments (Sen. P. Knudson)
Judiciary, Law Enforcement, and Criminal Justice Committee
1st Sub. H.B. 28  Juvenile Justice Recodification and Revisions  
(Rep. D. Aagard)


Natural Resources, Agriculture, and Environment Committee
S.J.R. 10  Resolution to Congress Regarding Oil and Gas Drilling 
and Exploration (Sen. H. Stephenson)

H.B. 162  Municipal Abatement of Weeds and Other Neglected 
Items on Property (Rep. M. Morley)

Revenue and Taxation Committee
S.B. 53  Land Value Property Tax Study (Sen. H. Stephenson)
S.B. 54  Property Tax Confidentiality Amendments  
(Sen. H. Stephenson)

Workforce Services and Community and Economic Development
S.B. 137  Tourism, Recreation, Cultural, and Convention Facilities 
Tax Amendments (Sen. H. Stephenson)
S.B. 141  Military Installation Partnerships (Sen. S. Killpack)

Michael Waddoups  
Rules Committee Chair

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

RULES COMMITTEE REPORTS

To the Members of the Senate:  
January 26, 2005

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

R. Lockhart)

Michael Waddoups  
Rules Committee Chair

Report filed. On motion of Senator Waddoups, the committee report was 
adopted.
STANDING COMMITTEE REPORTS

Mr. President: January 26, 2005

The Health and Human Services Committee reports a favorable recommendation on **S.B. 46**, PRESCRIPTIVE PRACTICE OF LEGEND DRUGS, by Senator P. Knudson, with the following amendments:

1. Line 49:
   Delete “and” and insert “or”; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 107**, LICENSURE AND REGULATION OF PROGRAMS AND FACILITIES, by Senator T. Hatch.

   Allen M. Christensen, Chair

Mr. President: January 26, 2005

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 129**, BRINE SHRIMP ROYALTY ACT AMENDMENTS, by Senator T. Hatch.

   Michael G. Waddoups, Chair

Mr. President: January 26, 2005

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 49**, MOTOR VEHICLE LIABILITY COVERAGE AMENDMENTS, by Senator D. Eastman, with the following amendments:

1. Page 1, Lines 13 through 14:

   13  ▶ provides that motor vehicle liability coverage need not insure any liability that arises
   14 out of acts by the insured that are intended to cause property damage {−or−} bodily injury , or death ; {−and−}

   ▶ provides that a motor vehicle that has been denied liability coverage for intentional acts is covered under uninsured and undiminished motorist coverage; and

2. Page 1, Line 22:

   22  31A−22−303, as last amended by Chapters 90 and 126, Laws of Utah 2004
31A–22–305, as last amended by Chapters 117, 267 and 304, Laws of Utah 2004

3. Page 3, Line 87:

87 (d) arising out of acts by the insured that are intended to cause property damage, bodily injury, or death.

4. Page 6, Line 161:


Section 2. Section 31A–22–305 is amended to read:

31A–22–305. Uninsured and underinsured motorist coverage.

(1) As used in this section, “covered persons” includes:

(a) the named insured;
(b) persons related to the named insured by blood, marriage, adoption, or guardianship, who are residents of the named insured’s household, including those who usually make their home in the same household but temporarily live elsewhere;
(c) any person occupying or using a motor vehicle:
   (i) referred to in the policy; or
   (ii) owned by a self−insured; and
(d) any person who is entitled to recover damages against the owner or operator of the uninsured or underinsured motor vehicle because of bodily injury to or death of persons under Subsection (1)(a), (b), or (c).

(2) As used in this section, “uninsured motor vehicle” includes:

(a) (i) a motor vehicle, the operation, maintenance, or use of which is not covered under a liability policy at the time of an injury−causing occurrence; or
   (ii) (A) a motor vehicle covered with lower liability limits than required by Section 31A–22–304; and
   (B) the motor vehicle described in Subsection (2)(a)(ii)(A) is uninsured to the extent of the deficiency;
(b) an unidentified motor vehicle that left the scene of an accident proximately caused by the motor vehicle operator;
(c) a motor vehicle covered by a liability policy, but coverage for an accident is disputed by the liability insurer for more than 60 days or continues to be disputed for more than 60 days; {−or−}
(d) (i) an insured motor vehicle if, before or after the accident, the liability insurer of the motor vehicle is declared insolvent by a court of competent jurisdiction; and
(ii) the motor vehicle described in Subsection (2)(d)(i) is uninsured only to the extent that the claim against the insolvent insurer is not paid by a guaranty association or fund; or

(e) a motor vehicle covered by a liability policy, but coverage has been denied by the liability insurer under Subsection 31A−22−303(3)(d).

(3) (a) Uninsured motorist coverage under Subsection 31A−22−302(1)(b) provides coverage for covered persons who are legally entitled to recover damages from owners or operators of uninsured motor vehicles because of bodily injury, sickness, disease, or death.

(b) For new policies written on or after January 1, 2001, the limits of uninsured motorist coverage shall be equal to the lesser of the limits of the insured’s motor vehicle liability coverage or the maximum uninsured motorist coverage limits available by the insurer under the insured’s motor vehicle policy, unless the insured purchases coverage in a lesser amount by signing an acknowledgment form provided by the insurer that:

(i) waives the higher coverage;

(ii) reasonably explains the purpose of uninsured motorist coverage; and

(iii) discloses the additional premiums required to purchase uninsured motorist coverage with limits equal to the lesser of the limits of the insured’s motor vehicle liability coverage or the maximum uninsured motorist coverage limits available by the insurer under the insured’s motor vehicle policy.

(c) A self−insured, including a governmental entity, may elect to provide uninsured motorist coverage in an amount that is less than its maximum self−insured retention under Subsections (3)(b) and (4)(a) by issuing a declaratory memorandum or policy statement from the chief financial officer or chief risk officer that declares the:

(i) self−insured entity’s coverage level; and

(ii) process for filing an uninsured motorist claim.

(d) Uninsured motorist coverage may not be sold with limits that are less than the minimum bodily injury limits for motor vehicle liability policies under Section 31A−22−304.

(e) The acknowledgment under Subsection (3)(b) continues for that issuer of the uninsured motorist coverage until the insured, in writing, requests different uninsured motorist coverage from the insurer.

(f) (i) In conjunction with the first two renewal notices sent after
January 1, 2001, for policies existing on that date, the insurer shall disclose in the same medium as the premium renewal notice, an explanation of:

(A) the purpose of uninsured motorist coverage; and

(B) the costs associated with increasing the coverage in amounts up to and including the maximum amount available by the insurer under the insured’s motor vehicle policy.

(ii) The disclosure required under this Subsection (3)(f) shall be sent to all insureds that carry uninsured motorist coverage limits in an amount less than the insured’s motor vehicle liability policy limits or the maximum uninsured motorist coverage limits available by the insurer under the insured’s motor vehicle policy.

(4) (a) (i) Except as provided in Subsection (4)(b), the named insured may reject uninsured motorist coverage by an express writing to the insurer that provides liability coverage under Subsection 31A–22–302(1)(a).

(ii) This rejection shall be on a form provided by the insurer that includes a reasonable explanation of the purpose of uninsured motorist coverage.

(iii) This rejection continues for that issuer of the liability coverage until the insured in writing requests uninsured motorist coverage from that liability insurer.

(b) (i) All persons, including governmental entities, that are engaged in the business of, or that accept payment for, transporting natural persons by motor vehicle, and all school districts that provide transportation services for their students, shall provide coverage for all motor vehicles used for that purpose, by purchase of a policy of insurance or by self–insurance, uninsured motorist coverage of at least $25,000 per person and $500,000 per accident.

(ii) This coverage is secondary to any other insurance covering an injured covered person.

(c) Uninsured motorist coverage:

(i) is secondary to the benefits provided by Title 34A, Chapter 2, Workers’ Compensation Act;

(ii) may not be subrogated by the workers’ compensation insurance carrier;

(iii) may not be reduced by any benefits provided by workers’ compensation insurance;

(iv) may be reduced by health insurance subrogation only after the covered person has been made whole;
(v) may not be collected for bodily injury or death sustained by a person:

(A) while committing a violation of Section 41-1a-1314;
(B) who, as a passenger in a vehicle, has knowledge that the vehicle is being operated in violation of Section 41-1a-1314; or
(C) while committing a felony; and

(vi) notwithstanding Subsection (4)(c)(v), may be recovered:
(A) for a person under 18 years of age who is injured within the scope of Subsection (4)(c)(v) but limited to medical and funeral expenses; or
(B) by a law enforcement officer as defined in Section 53-13-103, who is injured within the course and scope of the law enforcement officer’s duties.

(d) As used in this Subsection (4), “motor vehicle” has the same meaning as under Section 41-1a-102.

(5) When a covered person alleges that an uninsured motor vehicle under Subsection (2)(b) proximately caused an accident without touching the covered person or the motor vehicle occupied by the covered person, the covered person must show the existence of the uninsured motor vehicle by clear and convincing evidence consisting of more than the covered person’s testimony.

(6) (a) The limit of liability for uninsured motorist coverage for two or more motor vehicles may not be added together, combined, or stacked to determine the limit of insurance coverage available to an injured person for any one accident.

(b) (i) Subsection (6)(a) applies to all persons except a covered person as defined under Subsection (7)(b)(ii).

(ii) A covered person as defined under Subsection (7)(b)(ii) is entitled to the highest limits of uninsured motorist coverage afforded for any one motor vehicle that the covered person is the named insured or an insured family member.

(iii) This coverage shall be in addition to the coverage on the motor vehicle the covered person is occupying.

(iv) Neither the primary nor the secondary coverage may be set off against the other.

(c) Coverage on a motor vehicle occupied at the time of an accident shall be primary coverage, and the coverage elected by a person described under Subsections (1)(a) and (b) shall be secondary coverage.

(7) (a) Uninsured motorist coverage under this section applies to bodily injury, sickness, disease, or death of covered persons while
occupying or using a motor vehicle only if the motor vehicle is described
in the policy under which a claim is made, or if the motor vehicle is a
newly acquired or replacement motor vehicle covered under the terms of
the policy. Except as provided in Subsection (6) or this Subsection (7), a
covered person injured in a motor vehicle described in a policy that
includes uninsured motorist benefits may not elect to collect uninsured
motorist coverage benefits from any other motor vehicle insurance
policy under which the person is a covered person.

(b) Each of the following persons may also recover uninsured
motorist benefits under any one other policy in which they are described
as a “covered person” as defined in Subsection (1):

   (i) a covered person injured as a pedestrian by an uninsured
       motor vehicle; and

   (ii) except as provided in Subsection (7)(c), a covered person
       injured while occupying or using a motor vehicle that is not owned,
       leased, or furnished:

       (A) to the covered person;
       (B) to the covered person’s spouse; or
       (C) to the covered person’s resident parent or resident sibling.

(c) (i) A covered person may recover benefits from no more than
two additional policies, one additional policy from each parent’s
household if the covered person is:

       (A) a dependent minor of parents who reside in separate
           households; and

       (B) injured while occupying or using a motor vehicle that is not
           owned, leased, or furnished:

           (I) to the covered person;
           (II) to the covered person’s resident parent; or
           (III) to the covered person’s resident sibling.

   (ii) Each parent’s policy under this Subsection (7)(c) is liable
       only for the percentage of the damages that the limit of liability of each
parent’s policy of uninsured motorist coverage bears to the total of both
parents’ uninsured coverage applicable to the accident.

(d) A covered person’s recovery under any available policies
may not exceed the full amount of damages.

(e) A covered person in Subsection (7)(b) is not barred against
making subsequent elections if recovery is unavailable under previous
elections.

(f) (i) As used in this section, “interpolicy stacking” means
recovering benefits for a single incident of loss under more than one
insurance policy.

(ii) Except to the extent permitted by Subsection (6) and this Subsection (7), interpolicy stacking is prohibited for uninsured motorist coverage.

(8) (a) As used in this section, “underinsured motor vehicle” includes a motor vehicle, the operation, maintenance, or use of which is covered under a liability policy at the time of an injury−causing occurrence, but which has insufficient liability coverage to compensate fully the injured party for all special and general damages.

(b) The term “underinsured motor vehicle” does not include:

(i) a motor vehicle that is covered under the liability coverage of the same policy that also contains the underinsured motorist coverage;

(ii) an uninsured motor vehicle as defined in Subsection (2); or

(iii) a motor vehicle owned or leased by:

(A) the named insured;

(B) the named insured’s spouse; or

(C) any dependent of the named insured.

(9) (a) (i) Underinsured motorist coverage under Subsection 31A−22−302(1)(c) provides coverage for covered persons who are legally entitled to recover damages from owners or operators of underinsured motor vehicles because of bodily injury, sickness, disease, or death.

(ii) A covered person occupying or using a motor vehicle owned, leased, or furnished to the covered person, the covered person’s spouse, or covered person’s resident relative may recover underinsured benefits only if the motor vehicle is:

(A) described in the policy under which a claim is made; or

(B) a newly acquired or replacement motor vehicle covered under the terms of the policy.

(b) For new policies written on or after January 1, 2001, the limits of underinsured motorist coverage shall be equal to the lesser of the limits of the insured’s motor vehicle liability coverage or the maximum underinsured motorist coverage limits available by the insurer under the insured’s motor vehicle policy, unless the insured purchases coverage in a lesser amount by signing an acknowledgment form provided by the insurer that:

(i) waives the higher coverage;

(ii) reasonably explains the purpose of underinsured motorist coverage; and

(iii) discloses the additional premiums required to purchase
underinsured motorist coverage with limits equal to the lesser of the limits of the insured’s motor vehicle liability coverage or the maximum underinsured motorist coverage limits available by the insurer under the insured’s motor vehicle policy.

(c) A self−insured, including a governmental entity, may elect to provide underinsured motorist coverage in an amount that is less than its maximum self−insured retention under Subsections (9)(b) and (9)(g) by issuing a declaratory memorandum or policy statement from the chief financial officer or chief risk officer that declares the:

(i) self−insured entity’s coverage level; and
(ii) process for filing an underinsured motorist claim.

(d) Underinsured motorist coverage may not be sold with limits that are less than:

(i) $10,000 for one person in any one accident; and
(ii) at least $20,000 for two or more persons in any one accident.

(e) The acknowledgment under Subsection (9)(b) continues for that issuer of the underinsured motorist coverage until the insured, in writing, requests different underinsured motorist coverage from the insurer.

(f) (i) The named insured’s underinsured motorist coverage, as described in Subsection (9)(a), is secondary to the liability coverage of an owner or operator of an underinsured motor vehicle, as described in Subsection (8).

(ii) Underinsured motorist coverage may not be set off against the liability coverage of the owner or operator of an underinsured motor vehicle, but shall be added to, combined with, or stacked upon the liability coverage of the owner or operator of the underinsured motor vehicle to determine the limit of coverage available to the injured person.

(g) (i) A named insured may reject underinsured motorist coverage by an express writing to the insurer that provides liability coverage under Subsection 31A−22−302(1)(a).

(ii) This written rejection shall be on a form provided by the insurer that includes a reasonable explanation of the purpose of underinsured motorist coverage and when it would be applicable.

(iii) This rejection continues for that issuer of the liability coverage until the insured in writing requests underinsured motorist coverage from that liability insurer.

(h) (i) In conjunction with the first two renewal notices sent after January 1, 2001, for policies existing on that date, the insurer shall disclose in the same medium as the premium renewal notice, an
explanation of:

(A) the purpose of underinsured motorist coverage; and

(B) the costs associated with increasing the coverage in amounts up to and including the maximum amount available by the insurer under the insured’s motor vehicle policy.

(ii) The disclosure required by this Subsection (9)(h) shall be sent to all insureds that carry underinsured motorist coverage limits in an amount less than the insured’s motor vehicle liability policy limits or the maximum underinsured motorist coverage limits available by the insurer under the insured’s motor vehicle policy.

(10) (a) (i) Except as provided in this Subsection (10), a covered person injured in a motor vehicle described in a policy that includes underinsured motorist benefits may not elect to collect underinsured motorist coverage benefits from any other motor vehicle insurance policy.

(ii) The limit of liability for underinsured motorist coverage for two or more motor vehicles may not be added together, combined, or stacked to determine the limit of insurance coverage available to an injured person for any one accident.

(iii) Subsection (10)(a)(ii) applies to all persons except a covered person described under Subsections (10)(b)(i) and (ii).

(b) (i) Except as provided in Subsection (10)(b)(ii), a covered person injured while occupying, using, or maintaining a motor vehicle that is not owned, leased, or furnished to the covered person, the covered person’s spouse, or the covered person’s resident parent or resident sibling, may also recover benefits under any one other policy under which they are a covered person.

(ii) (A) A covered person may recover benefits from no more than two additional policies, one additional policy from each parent’s household if the covered person is:

(I) a dependent minor of parents who reside in separate households; and

(II) injured while occupying or using a motor vehicle that is not owned, leased, or furnished to the covered person, the covered person’s resident parent, or the covered person’s resident sibling.

(B) Each parent’s policy under this Subsection (10)(b)(ii) is liable only for the percentage of the damages that the limit of liability of each parent’s policy of underinsured motorist coverage bears to the total of both parents’ underinsured coverage applicable to the accident.

(iii) A covered person’s recovery under any available policies
may not exceed the full amount of damages.

(iv) Underinsured coverage on a motor vehicle occupied at the
time of an accident shall be primary coverage, and the coverage elected
by a person described under Subsections (1)(a) and (b) shall be secondary
coverage.

(v) The primary and the secondary coverage may not be set off
against the other.

(vi) A covered person as described under Subsection (10)(b)(i)
is entitled to the highest limits of underinsured motorist coverage under
only one additional policy per household applicable to that covered
person as a named insured, spouse, or relative.

(vii) A covered injured person is not barred against making
subsequent elections if recovery is unavailable under previous elections.

(viii) (A) As used in this section, “interpolicy stacking” means
recovering benefits for a single incident of loss under more than one
insurance policy.

(B) Except to the extent permitted by this Subsection (10),
interpolicy stacking is prohibited for underinsured motorist coverage.

(c) Underinsured motorist coverage:

(i) is secondary to the benefits provided by Title 34A, Chapter 2,
Workers’ Compensation Act;

(ii) may not be subrogated by the workers’ compensation
insurance carrier;

(iii) may not be reduced by any benefits provided by workers’
compensation insurance;

(iv) may be reduced by health insurance subrogation only after
the covered person has been made whole;

(v) may not be collected for bodily injury or death sustained by a
person:

(A) while committing a violation of Section 41−1a−1314;

(B) who, as a passenger in a vehicle, has knowledge that the
vehicle is being operated in violation of Section 41−1a−1314; or

(C) while committing a felony; and

(vi) notwithstanding Subsection (10)(c)(v), may be recovered:

(A) for a person under 18 years of age who is injured within the
scope of Subsection (10)(c)(v) but limited to medical and funeral
expenses; or

(B) by a law enforcement officer as defined in Section
53−13−103, who is injured within the course and scope of the law
enforcement officer’s duties.
(11) The inception of the loss under Subsection 31A–21–313(1) for underinsured motorist claims occurs upon the date of the last liability policy payment.

(12) (a) Within five business days after notification in a manner specified by the department that all liability insurers have tendered their liability policy limits, the underinsured carrier shall either:
   (i) waive any subrogation claim the underinsured carrier may have against the person liable for the injuries caused in the accident; or
   (ii) pay the insured an amount equal to the policy limits tendered by the liability carrier.

(b) If neither option is exercised under Subsection (12)(a), the subrogation claim is considered to be waived by the underinsured carrier.

(13) Except as otherwise provided in this section, a covered person may seek, subject to the terms and conditions of the policy, additional coverage under any policy:
   (a) that provides coverage for damages resulting from motor vehicle accidents; and
   (b) that is not required to conform to Section 31A–22–302

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 16, REPEAL OF VEHICLE EQUIPMENT SAFETY COMMISSION, by Representative N. Hendrickson.

Sheldon L. Killpack, Chair

Mr. President: January 26, 2005

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends S.B. 92, UTAH ATTORNEY’S FEES RECOVERY ACT, by Senator D. Thomas, be replaced and favorably recommends 1st Sub. S.B. 92, UTAH ATTORNEY’S FEES RECOVERY ACT; and

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends S.B. 110, MEDICAL DEVICE NOTIFICATION AND LIABILITY, by Senator D. C. Butters, be replaced and favorably recommends 2nd Sub. S.B. 110, MEDICAL DEVICE NOTIFICATION AND LIABILITY; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 130, RETIREMENT FOR AIRPORT POLICE, by Senator M. Dmitrich.

D. Chris Butters, Chair

On motion of Senator Waddoups, the committee reports were adopted. S.B. 46, as amended, S.B. 107, S.B. 129, S.B. 49, as amended, H.B. 16,
1st Sub. S.B. 92, 2nd Sub. S.B. 110, and S.B. 130 were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

S.B. 56, Real Estate Listing Agreement Provisions (L. A. Mansell), read the first time by short title and referred to the Rules Committee.

S.B. 144, Motor Vehicle Stops At Port–of–entry (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 145, Prohibition Against Certain Medical Noncompetition Agreements (A. Christensen), read the first time by short title and referred to the Rules Committee.

S.B. 146, Avoiding Apprehension Amendment (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.B. 147, Psychologist Licensing Act Amendments (E. Mayne), read the first time by short title and referred to the Rules Committee.

S.C.R. 5, Resolution Approving Settlement of Lawsuit (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.J.R. 11, Resolution Limiting Number of Governor’s Terms (C. Walker), read the first time by short title and referred to the Rules Committee.

CONCURRENCE CALENDAR

On motion of Senator Killpack, the Senate voted to concur in the House amendments to S.B. 5, TRAFFIC CODE RECODIFICATION AND REVISIONS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

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Absent or not voting were: Senators

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S.B. 5 was returned to the House for the signature of the Speaker.

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On motion of Senator Waddoups, the Senate voted to move H.J.R. 8, H.J.R. 9, and H.J.R. 10 to the top of the Second Reading Calendar.

COMMITTEE OF THE WHOLE

On motion of Senator Killpack, The Honorable Yuzo Ota, Consul General of Japan spoke in Committee of the Whole. Representative Curtis Oda introduced Mr. Ota.

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

THIRD READING CALENDAR

S.B. 30, AMENDMENTS TO SEARCH WARRANTS, was read the third time.

On motion of Senator Hatch, the bill was circled.

***

S.B. 91, INTERSTATE JUVENILE COMPACT, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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Absent or not voting were: Senators

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S.B. 91 was transmitted to the House for consideration.

On motion of Senator Hillyard, the following intent language was adopted for S.B. 91.
INTENT LANGUAGE FOR S.B. 91

“The Interstate Compact on Juveniles applies only to adjudicated youth or status offenders under the jurisdiction of a court in Utah or any other state. The placement of youth not under the jurisdiction of a court in Utah or any other state is not intended to be governed by this compact.”

* * *

S.B. 93, CHILDREN’S JUSTICE CENTER ADDITION, was read the third time and explained by Senator Hatch. Senators Buttars and Evans commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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S.B. 93 was transmitted to the House for consideration.

* * *

S.B. 94, RESTITUTION AMENDMENTS, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Dmitrich Hickman Julander Killpack
Thomas

S.B. 94 was transmitted to the House for consideration.

* * *

S.J.R. 3, RESOLUTION ENCOURAGING MEDIATION, 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
Allen Arent Bell Bramble
Buttars Christensen Davis Eastman
Evans Fife Hale Hatch
Hellewell Hillyard Jenkins Knudson
Madsen Mansell Mayne Peterson
Stephenson Thomas Waddoups Walker
Valentine

Absent or not voting were: Senators
Dmitrich Hickman Julander Killpack

S.J.R. 3 was transmitted to the House for consideration.

* * *

On motion of Senator Thomas, the circle was removed from S.B. 30, AMENDMENTS TO SEARCH WARRANTS, and it was before the Senate. Senator Thomas explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Eastman
Evans Fife Hale Hatch
Hellewell Hillyard Jenkins Knudson
Madsen Mansell Mayne Peterson
Stephenson Thomas Waddoups Walker
Valentine
Absent or not voting were: Senators
Dmitrich Hickman Julander Killpack

S.B. 30 was transmitted to the House for consideration.

* * *

S.B. 86, 2004 GENERAL OBLIGATION BOND AMENDMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Eastman
Evans Fife Hale Hatch
Hellewell Hillyard Jenkins Knudson
Madsen Mansell Mayne Peterson
Stephenson Thomas Walker Valentine

Absent or not voting were: Senators
Dmitrich Hickman Julander Killpack Waddoups

S.B. 86, as amended, was transmitted to the House for consideration.

* * *

S.B. 88, CREATION OF LOCAL DISTRICTS, 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
Allen Arent Bell Bramble
Buttars Christensen Davis Eastman
Evans Fife Hale Hatch
Hellewell Hillyard Jenkins Killpack
Knudson Madsen Mansell Mayne Peterson
Stephenson Thomas Walker Valentine

Absent or not voting were: Senators
Dmitrich Hickman Julander Killpack Waddoups
S.B. 88 was transmitted to the House for consideration.

* * *

S.B. 90, COUNTY OFFICERS SERVING ON BOARDS OF COUNTY MENTAL HEALTH AND SUBSTANCE ABUSE PROVIDERS, was read the third time, explained by Senator Thomas, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Voting in the negative was:** Senator Jenkins

**Absent or not voting were:** Senators

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S.B. 90, as amended, was transmitted to the House for consideration.

* * *

S.B. 97, CONSOLIDATION OF CITY AND COUNTY LIBRARY, 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

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**Absent or not voting were:** Senators

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S.B. 97, as amended, was transmitted to the House for consideration.

* * *

S.B. 40, REGULATION OF TITLE INSURANCE INDUSTRY, was read the third time and explained by Senator Hatch. Senator Hatch declared a conflict of interest. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Dmitrich | Hickman | Julander |

S.B. 40, as amended, was transmitted to the House for consideration.

* * *

S.B. 87, RESIDENCE LIEN RESTRICTION AND LIEN RECOVERY FUND AMENDMENTS, was read the third time and explained by Senator Thomas. Senators Mansell and Valentine commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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Absent or not voting were: Senators
Bell       Dmitrich       Julander

S.B. 87 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Waddoups, under suspension of the rules, H.J.R. 8, JOINT RULES RESOLUTION – USE OF LEGISLATIVE SEALS, 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
Allen       Arent       Bramble       Christensen
Davis       Eastman     Evans        Fife
Hale        Hatch       Hellewell    Hickman
Hillyard    Jenkins     Killpack     Knudson
Madsen      Mansell     Mayne        Peterson
Stephenson  Thomas      Waddoups     Walker
Valentine

Absent or not voting were: Senators
Bell       Buttars       Dmitrich       Julander

H.J.R. 8 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Waddoups, under suspension of the rules, H.J.R. 9, RESOLUTION AMENDING JOINT RULES REGARDING CONFLICTS OF INTEREST, 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
Allen       Arent       Bramble       Buttars
Christensen Davis       Eastman     Evans
Fife        Hale        Hatch        Hellewell
Hickman     Hillyard    Jenkins     Killpack
Knudson     Madsen      Mayne        Peterson
Stephenson  Thomas      Waddoups     Walker
Valentine
Absent or not voting were: Senators
Bell Dmitrich Julander Mansell

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 Waddoups, under suspension of the rules, H.J.R. 10, JOINT RULES RESOLUTION – AMENDMENTS IN CONTEXT, 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
Allen Arent Bramble Buttars
Christensen Davis Eastman Evans
Fife Hale Hatch Hellewell
Hickman Hillyard Jenkins Killpack
Knudson Madsen Mansell Mayne
Peterson Stephenson Thomas Waddoups
Walker Valentine

Absent or not voting were: Senators
Bell Dmitrich Julander

H.J.R. 10 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

S.B. 115, PERMANENT TOTAL DISABILITY AMENDMENTS, was read the second time. Senator Mayne explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bramble Buttars
Christensen Davis Eastman Evans
Fife Hale Hellewell Hillyard
Jenkins Knudson Madsen Mansell
Mayne Peterson Stephenson Thomas
Waddoups Walker Valentine
Absent or not voting were: Senators
Bell Dmitrich Hatch Hickman
Julander Killpack

***

S.B. 77, AMENDMENTS TO INDOOR CLEAN AIR ACT, was read the second time. Senator Waddoups explained the bill. Senators Hickman, Arent, Davis, Hillyard, Christensen, Mayne, and Bell commented.

Senator Davis proposed the following amendment:

1. Page 2, Line 33:
   After “offices,” insert “and in private clubs” and delete “except under Subsection (2).”

2. Page 2, Lines 34–53:
   Delete Lines 34–53.

Senator Davis’ motion to amend failed on a voice vote. The bill passed second reading on the following roll call:

Yeas, 16; Nays, 10; Absent, 3.

Voting in the affirmative were: Senators
Allen Arent Bramble Buttars
Christensen Davis Eastman Fife
Hale Hellewell Hillyard Knudson
Mayne Thomas Waddoups Valentine

Voting in the negative were: Senators
Bell Evans Hatch Hickman
Jenkins Killpack Madsen Peterson
Stephenson Walker

Absent or not voting were: Senators
Dmitrich Julander Mansell

***

On motion of Senator Bell, the Senate voted to move H.J.R. 6 to the top of the Second Reading Calendar.

On motion of Senator Bell, under suspension of the rules, H.J.R. 6, RESOLUTION APPROVING COMPENSATION OF IN–SESSION
EMPLOYEES, 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

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**Absent or not voting were:** Senators

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**H.J.R. 6** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: 

January 27, 2005

The House passed, **S.B. 20**, OFFICE OF LEGISLATIVE AUDITOR − ACCESS TO INFORMATION, 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.J.R. 4**, JOINT RULES RESOLUTION − INTERIM RULES RECODIFICATION, by Senator M. Waddoups, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 20** and **S.J.R. 4** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

***

Mr. President: 

January 27, 2005

The House passed **H.B. 173**, STATE EMPLOYEE AMENDMENTS, by Representative A. Hardy, and it is transmitted for consideration; and
The House passed **H.B. 180**, RETIREMENT OFFICE AMENDMENTS, by Representative A. Hardy, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 173** and **H.B. 180** were read the first time and referred to the Rules Committee.

**INTRODUCTION OF BILLS**

**S.B. 148, Conservation Easement Endowment Restricted Account** (B. Evans), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Knudson and at 12:05 p.m., the Senate adjourned until 10:00 a.m., Friday, January 28, 2005.
January 28, 2005
TWELFTH DAY

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

Prayer – Rabbi Tracee Rosen
Pledge of Allegiance – Senator Scott Jenkins
Roll Call – All Senators present except Senators Julander and Hatch, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 96)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 27, 2005
The Speaker of the House has signed S.B. 5, TRAFFIC CODE RECODIFICATION AND REVISIONS, by Senator S. Killpack, and it is transmitted for the signature of the President; and

The House passed, S.B. 12, DEPARTMENT OF WORKFORCE SERVICES AMENDMENTS, by Senator S. Jenkins, 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. 16, DEPARTMENT OF WORKFORCE SERVICES – ACCESS TO FINANCIAL RECORDS, by Senator S. Jenkins, 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. 76, AMENDMENTS TO NAVAJO TRUST FUND, by Senator B. Evans, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 95, OFFICE OF MUSEUM SERVICES AMENDMENTS, by Senator R. Allen, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 5, S.B. 12, S.B. 16, S.B. 76, and S.B. 95 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.
Mr. President: January 27, 2005

The House passed H.B. 7, INDIVIDUAL INCOME TAX − CONTRIBUTIONS FOR EDUCATION, by Representative S. Allen, and it is transmitted for consideration; and

The House passed, as amended, H.B. 14, BOND ELECTION PROCESS AMENDMENTS, by Representative F. Hunsaker, and it is transmitted for consideration; and

The House passed, as amended, H.B. 23, DEPARTMENT OF WORKFORCE SERVICES − WORK EXPERIENCE AND TRAINING PROGRAMS, by Representative D. Cox, et al, and it is transmitted for consideration; and

The House passed, as amended, H.B. 48, MOTOR VEHICLE REGISTRATION AND SAFETY INSPECTION AMENDMENTS, by Representative B. Daw, and it is transmitted for consideration; and

The House passed, as amended, H.B. 54, CRIMINAL APPEAL AMENDMENTS, by Representative S. Wyatt, and it is transmitted for consideration; and

The House passed H.B. 55, DRUG OFFENSE PENALTY ENHANCEMENTS, by Representative B. Dee, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. H.B. 7, H.B. 14, H.B. 23, H.B. 48, H.B. 54, and H.B. 55 were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: January 27, 2005

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

Business and Labor Committee
S.B. 56 Real Estate Listing Agreement Provisions
(Sen. L. A. Mansell)
H.B. 164 Repeal of Utah Personal Introduction Services Protection Act (Rep. S. Allen)

Government Operations and Political Subdivisions Committee
S.J.R. 11 Resolution Limiting Number of Governor’s Terms
(Sen. C. Walker)
Health and Human Services Committee
S.B. 145  Prohibition Against Certain Medical Noncompetition Agreements (Sen. A. Christensen)
S.B. 147  Psychologist Licensing Act Amendments (Sen. E. Mayne)
H.B. 12   Health Care Assistants (Rep. R. Lockhart)
H.C.R. 7  Concurrent Resolution Opposing Nuclear Testing (Rep. M. Noel)

Judiciary, Law Enforcement, and Criminal Justice Committee
S.B. 146  Avoiding Apprehension Amendment (Sen. M. Waddoups)

Natural Resources, Agriculture, and Environment Committee
S.B. 148  Conservation Easement Endowment Restricted Account (Sen. B. Evans)
H.B. 177  Wildlife License Refund Amendments (Rep. M. Dayton)

Retirement and Independent Entities
H.B. 173  State Employee Amendments (Rep. A. Hardy)
H.B. 180  Retirement Office Amendments (Rep. A. Hardy)

Revenue and Taxation Committee
H.B. 170  Extension of Utah Low-income Housing Tax Credits (Rep. S. Clark)

Transportation, Public Utilities and Technology Committee
S.B. 144  Motor Vehicle Stops At Port-of-entry (Sen. P. Knudson)
S.C.R. 5  Resolution Approving Settlement of Lawsuit (Sen. P. Knudson)

Workforce Services and Community and Economic Development

Michael Waddoups
Rules Committee Chair

Report filed. On motion of Senator Waddoups, the committee report was adopted.
RULES COMMITTEE REPORTS

To the Members of the Senate: January 27, 2005

The Rules Committee recommends S.J.R. 8, JOINT RULES RESOLUTION – APPEARANCE OF ENROLLED BILLS, by Senator C. Bramble, be replaced and favorably recommends 1st Sub. S.J.R. 8, JOINT RULES RESOLUTION – APPEARANCE OF BILLS and recommends that the bill be placed at the bottom of the Second Reading Calendar.

Michael Waddoups
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: January 27, 2005

The Business and Labor Committee recommends S.B. 34, PATIENT ACCESS REFORM, by Senator D. C. Buttars, be replaced and favorably recommends 2nd Sub. S.B. 34, PATIENT ACCESS REFORM; and

The Business and Labor Committee reports a favorable recommendation on H.B. 52, FIRE PREVENTION AMENDMENTS, by Representative J. Murray.

Scott K. Jenkins, Chair

Mr. President: January 27, 2005

The Health and Human Services Committee reports a favorable recommendation on S.B. 74, MEDICAL RESERVE CORPS, by Senator L. Hillyard; and

The Health and Human Services Committee reports a favorable recommendation on S.B. 119, RURAL MEDICAL RESIDENCY TRAINING PROGRAMS, by Senator P. Knudson; and

The Health and Human Services Committee reports a favorable recommendation on S.B. 126, MEDICAL BENEFITS RECOVERY ACT AMENDMENTS, by Senator S. Killpack, with the following amendments:

1. Page 6, Lines 166 through 179:

166 (b) The department shall provide the recipient’s attorney the opportunity to enter into a
collection agreement with the department, with the recipient’s consent, unless:

* * * Some lines not shown * * *

(ii) there has been a failure by the recipient’s attorney to comply with any provision of this section by:

(A) failing to comply with the notice provisions of this section;
(B) failing or refusing to enter into a collection agreement;
(C) failing to comply with the terms of any previous collection agreement with the department; or
(D) failing to disburse funds owed to the state in accordance with this section in previous collection agreements with the department.

2. Page 7, Lines 198 through 199:

(ii) any medical costs for which the department is obligated to provide medical assistance; and

The Health and Human Services Committee reports a favorable recommendation on H.B. 8, CHILD PROTECTION TEAM MEETINGS, by Representative A. Tilton.

Allen M. Christensen, Chair

On motion of Senator Waddoups, the committee reports were adopted. 2nd Sub. S.B. 34, H.B. 52, S.B. 74, S.B. 119, S.B. 126, as amended, and H.B. 8 were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

S.B. 57, Use of State Sales and Use Tax Revenues for Business Development in Disadvantaged Rural Communities (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 58, Liability Protection of Educators (H. Stephenson), read the first time by short title and referred to the Rules Committee.
S.B. 59, Home School Amendments (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 71, Security Personnel Licensing Amendments (G. Davis), read the first time by short title and referred to the Rules Committee.

S.B. 149, Pete Suazo Athletic Commission Amendments (E. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 150, Food Safety Manager Certification (D. Peterson), read the first time by short title and referred to the Rules Committee.

S.B. 151, Driver Education Amendments (T. Hatch), read the first time by short title and referred to the Rules Committee.

S.B. 152, Business License Fees (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.B. 153, Tax Reform Task Force (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 154, Public Safety Retirement Amendments (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 155, State School Board Candidate Selection Committees (K. Hale), read the first time by short title and referred to the Rules Committee.

S.B. 156, Health Insurance – Prompt Payment Amendments (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.B. 157, Utah Consumer Credit Code Amendments (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 158, Dishonored Instrument Amendments (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 159, Assessment Offset for Donations Promoting Occupational Health and Safety (E. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 160, Child Support Exemption for Adoptive Parents of Certain Children in State Custody (P. Hellewell), read the first time by short title and referred to the Rules Committee.
THIRD READING CALENDAR

S.B. 115, PERMANENT TOTAL DISABILITY AMENDMENTS, was read the third time, explained by Senator Mayne, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Arent    Bell    Bramble    Buttars
Christensen    Davis    Eastman    Evans
Fife    Hale    Hellewell    Hickman
Hillyard    Jenkins    Killpack    Knudson
Madsen    Mansell    Mayne    Peterson
Stephenson    Thomas    Waddoups    Walker
Valentine

Absent or not voting were: Senators

Allen    Dmitrich    Hatch    Julander

S.B. 115 was transmitted to the House for consideration.

* * *

S.B. 77, AMENDMENTS TO INDOOR CLEAN AIR ACT, was read the third time.

On motion of Senator Waddoups, the bill was circled.

SECOND READING CALENDAR

S.B. 89, MUTUAL DEPENDENCE BENEFITS CONTRACT, was read the second time. Senator Bell explained the bill.

Senator Bell proposed the following amendment:

1. Page 6, Line 163

163 Subsection 57−1−5(1)(b).

(4) A party to a mutual dependence benefits contract may elect for different health−related rights and responsibilities than the other party to the mutual dependence benefits contract.

(5) A mutual dependence benefits contract does not create an insurable interest as defined in Subsections 31A−21−104(2)(a) and (b).
2. Page 6, Lines 180 through 181:

180  { \textit{and} } \\
181  \textit{(f) maintain a database of mutual dependence benefits contracts and terminations}, \\
\textit{(g) provide for the issuance of a certificate verifying the existence of a mutual dependence benefits contract to a party to a mutual dependence contract; and} \\
\textit{(h) notify a party to a mutual dependence benefits contract of the other party’s termination of the mutual dependence benefits contract by mailing notice to the party at the address on file with the department.}

Senator Bell’s motion to amend passed on a voice vote. Senators Valentine, Hickman, Bramble, and Buttars commented. Senator Bramble declared a conflict of interest. The bill passed second reading on the following roll call:

\textbf{Yeas, 15; Nays, 10; Absent, 4.}

\textbf{Voting in the affirmative were:} Senators

\begin{tabular}{llll}
Allen & Arent & Bell & Christensen \\
Davis & Dmitrich & Eastman & Fife \\
Hale & Killpack & Knudson & Mayne \\
Waddoups & Walker & Valentine & \\
\end{tabular}

\textbf{Voting in the negative were:} Senators

\begin{tabular}{llll}
Bramble & Buttars & Evans & Hellewell \\
Hickman & Jenkins & Madsen & Peterson \\
Stephenson & Thomas & & \\
\end{tabular}

\textbf{Absent or not voting were:} Senators

\begin{tabular}{llll}
Hatch & Hillyard & Julander & Mansell \\
\end{tabular}

\textbf{COMMITTEE OF THE WHOLE}

On motion of Senator Knudson, Congressman Jim Matheson spoke in Committee of the Whole. Senator Allen commented.

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

\* \* \*

\textbf{S.B. 112, CHILD PROTECTION AMENDMENTS,} was read the second time.
On motion of Senator Bell, the bill was circled.

* * *

**S.B. 120**, ALLOCATION OF PROFITS FROM SCHOOL AND INSTITUTIONAL TRUST LANDS, was read the second time.

On motion of Senator Bell, the bill was circled.

* * *

1st Sub. **S.B. 122**, NONRESIDENT TUITION WAIVER FOR JOB CORPS STUDENTS, was read the second time. Senator Bell explained the bill. Senator Buttars commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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<tr>
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**Absent or not voting were:** Senators

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* * *

**S.C.R. 4**, RESOLUTION APPROVING UTAH RECREATIONAL LAND EXCHANGE, was read the second time. Senator Evans 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

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<td>Valentine</td>
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</table>
Absent or not voting were: Senators
Bramble          Hale          Hatch          Hillyard
Julander         Madsen        Mansell       Stephenson

***

S.B. 4, UNINSURED MOTORIST PROPERTY DAMAGE COVERAGE AMENDMENTS, was read the second time. Senator Eastman 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
Allen            Arent          Bell           Christensen
Davis            Dmitrich       Eastman       Evans
Fife             Hellewell      Hickman       Jenkins
Killpack         Knudson        Mayne         Peterson
Thomas           Waddoups       Walker        Valentine

Absent or not voting were: Senators
Bramble          Buttars        Hale           Hatch
Hillyard         Julander       Madsen        Mansell
Stephenson

***

On motion of Senator Knudson and at 11:40 a.m., the Senate adjourned until 10:00 a.m., Monday, January 31, 2005.
January 31, 2005

FIFTEENTH DAY

The Senate was called to order at 10:05 a.m., with President John Valentine presiding.

Prayer – Senator Beverly Evans
Pledge of Allegiance – Senator Chris Buttars
Roll Call – All Senators present except Senator Julander, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 96)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 28, 2005

The House passed, as amended, H.B. 60, PRODUCER LICENSING AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed H.B. 69, FEDERAL HEALTH CARE TAX CREDIT PROGRAM ACT, by Representative C. Oda, and it is transmitted for consideration; and

The House passed H.B. 160, WILDLIFE LICENSE AGENTS AMENDMENTS, by Representative J. Fisher, and it is transmitted for consideration; and

The House passed, as amended, H.B. 183, VERIFICATION OF ELIGIBILITY FOR FEE WAIVERS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed H.B. 195, INSURANCE LAW AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed, as amended, H.C.R. 6, RESOLUTION RECOGNIZING UTAH’S LEGISLATORS BACK TO SCHOOL PROGRAM, by Representative M. Dayton, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. H.B. 60, H.B. 69, H.B. 160, H.B. 183, H.B. 195, and H.C.R. 6 were read the first time and referred to the Rules Committee.
RULES COMMITTEE REPORTS

To the Members of the Senate: January 28, 2005

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

Business and Labor Committee
S.B. 149  Pete Suazo Athletic Commission Amendments  
           (Sen. E. Mayne)
S.B. 156  Health Insurance – Prompt Payment Amendments  
           (Sen. M. Waddoups)
S.B. 157  Utah Consumer Credit Code Amendments  
           (Sen. P. Knudson)
S.B. 158  Dishonored Instrument Amendments (Sen. P. Knudson)
S.B. 159  Assessment Offset for Donations Promoting Occupational  
           Health and Safety (Sen. E. Mayne)

Education Committee
S.B. 58   Liability Protection of Educators (Sen. H. Stephenson)
S.B. 59   Home School Amendments (Sen. M. Madsen)
S.B. 151  Driver Education Amendments (Sen. T. Hatch)
S.B. 155  State School Board Candidate Selection Committees  
           (Sen. K. Hale)

Government Operations and Political Subdivisions Committee
S.B. 152  Business License Fees (Sen. M. Waddoups)

Health and Human Services Committee
S.B. 150  Food Safety Manager Certification (Sen. D. Peterson)

Judiciary, Law Enforcement, and Criminal Justice Committee
S.B. 71   Security Personnel Licensing Amendments  
           (Sen. G. Davis)
S.B. 160  Child Support Exemption for Adoptive Parents of Certain  
           Children in State Custody (Sen. P. Hellewell)
H.B. 54   Criminal Appeal Amendments (Rep. S. Wyatt)
H.B. 55   Drug Offense Penalty Enhancements (Rep. B. Dee)

Revenue and Taxation Committee
S.B. 153  Tax Reform Task Force (Sen. C. Bramble)
H.B. 7    Individual Income Tax – Contributions for Education  
           (Rep. S. Allen)
H.B. 14  Bond Election Process Amendments (Rep. F. Hunsaker)

Retirement and Independent Entities
S.B. 154  Public Safety Retirement Amendments  
(Sen. D. C. Buttars)

Transportation, Public Utilities and Technology Committee
H.B. 48  Motor Vehicle Registration and Safety Inspection  
Amendments (Rep. B. Daw)

Workforce Services and Community and Economic Development
S.B. 57  Use of State Sales and Use Tax Revenues for Business  
Development in Disadvantaged Rural Communities  
(Sen. P. Knudson)
H.B. 23  Department of Workforce Services − Work Experience  
and Training Programs (Rep. D. Cox)

Michael Waddoups  
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: January 28, 2005

The Government Operations and Political Subdivisions Committee reports a  
favorable recommendation on S.B. 31, LOCAL GOVERNMENT  
AMENDMENTS, by Senator D. Thomas, with the following amendments:

1. Page 1, Lines 11–15:  
Delete lines 11 through 15

2. Page 2, Line 32:  
After “interest;” insert “and”

3. Page 2, Lines 33–34:  
Delete lines 33 and 34

4. Page 2, Lines 43–44:  
Delete lines 43 and 44

5. Page 2, Lines 49–50:  
Delete lines 49 and 50
6. Page 2, Line 56:
   Delete line 56

7. Page 3, Lines 60–89:
   Delete lines 60 through 89

8. Page 4, Lines 90–120:
   Delete lines 90 through 120

9. Page 5, Lines 121–151:
   Delete lines 121 through 151

10. Page 6, Lines 152–162:
    Delete lines 152 through 162

11. Page 9, Lines 259–275:
    Delete lines 259 through 275

12. Page 10, Lines 276–306:
    Delete lines 276 through 306

13. Page 11, Lines 307–337:
    Delete lines 307 through 337

14. Page 12, Lines 338–367:
    Delete lines 338 through 367

15. Page 18, Lines 538–539:
    After “owner” bracket “at least 14 calendar days” and insert “or the owner’s agent”

16. Page 18, Lines 553–554:
    Delete lines 553 and 554

17. Page 19, Lines 555–585:
    Delete lines 555 through 585

18. Page 20, Lines 586–616:
    Delete lines 586 through 616

19. Page 21, Line 617:
    Delete line 617
    Renumber remaining sections accordingly
The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 136**, JUSTICE COURT OPERATIONS AMENDMENTS, by Senator E. Mayne; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 143**, OPEN AND PUBLIC MEETINGS – RECORDING REQUIREMENT, by Senator S. Jenkins, with the following amendments:

1. Page 2, Line 58:

   58 only written minutes [shall] {may } shall be used as evidence of the official action taken at such

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 34**, EMERGENCY RELATED AMENDMENTS, by Representative S. Allen; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 51**, ELECTRONIC PAYMENTS TO LOCAL GOVERNMENT ENTITIES, by Representative J. Murray, with the following amendments:

1. Page 2, Lines 29 through 33:

   29 (a) “Electronic payment” means the payment of money to a municipality by electronic
   30 means, including by means of a credit card, charge card, debit card, prepaid or stored value card or similar device, or automatic clearinghouse transaction.
   31 (b) “Electronic payment fee” means {an amount of money to defray the discount fee,}
   32 processing fee, or other fee charged by a credit card company or processing agent to process } a fee charged to the consumer that is uniform across all types of electronic payments for the convenience of using an
   33 electronic payment.

2. Page 2, Lines 43 through 47:

   43 (a) “Electronic payment” means the payment of money to a county by electronic means,
including by means of a credit card, charge card, debit card, prepaid or stored value card or similar device, or automatic clearinghouse transaction.

(b) “Electronic payment fee” means {an amount of money to defray the discount fee, processing fee, or other fee charged by a credit card company or processing agent to process} a fee charged to the consumer that is uniform across all types of electronic payments for the convenience of using an electronic payment.

3. Page 2, Line 56 through Page 3, Line 61:

(a) “Electronic payment” means the payment of money to an independent special district by electronic means, including by means of a credit card, charge card, debit card, prepaid or stored value card or similar device, or automatic clearinghouse transaction.

(b) “Electronic payment fee” means {an amount of money to defray the discount fee, processing fee, or other fee charged by a credit card company or processing agent to process} a fee charged to the consumer that is uniform across all types of electronic payments for the convenience of using an electronic payment.

Parley G. Hellewell, Chair

Mr. President: January 28, 2005

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 53, LAND VALUE PROPERTY TAX STUDY, by Senator H. Stephenson; and

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 54, PROPERTY TAX CONFIDENTIALITY AMENDMENTS, by Senator H. Stephenson; and

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 121, PROPERTY TAX EXEMPTION AMENDMENTS, by Senator C. Bramble, with the following amendments:
1. Page 1, Lines 18 through 24:

provides that, for property acquired after December 31, 2005, when the property ceases to qualify for a charitable exemption for property owned by a nonprofit entity and used exclusively for religious, charitable, or educational purposes or a government exemption because of a change in the ownership of the property, the new owner shall pay a proportional tax based upon the period of time:

- beginning on the day that the new owner acquired the property; and
- ending on the last day of the calendar year during which the new owner acquired the property;

provides that, for property acquired after December 31, 2005, when the property ceases to qualify for an exemption for property owned by a nonprofit entity and used exclusively for religious, charitable, or educational purposes or a government exemption because of a change in ownership of the property, the new owner and previous owner of the property are required to report the acquisition of the property to the county assessor within 30 days from the day that the new owner acquired the property;

2. Page 2, Lines 48 through 50:

(a) “charitable exclusive exemption” means a property tax exemption under Subsection (3)(d), for property owned by a nonprofit entity that is used exclusively for religious, charitable, or educational purposes;

3. Page 4, Lines 103 through 112:

(4) Subject to Subsection (5), if property that is allowed a charitable exclusive exemption or a government exemption ceases to qualify for the exemption because of a change in the
105 ownership of the property \( \rightarrow \); the new owner of the property shall pay a proportional tax based
106 upon the period of time:
107 \( \rightarrow \) (i) beginning on the day that the new owner acquired the property; and
108 \( \rightarrow \) (ii) ending on the last day of the calendar year during which the new owner acquired
109 the property \( \rightarrow \); and
(b) the new owner of the property and the person from whom the new owner acquires the property shall notify the county assessor, in writing, of the change in ownership of the property within 30 days from the day that the new owner acquires the property.
110 (5) Notwithstanding Subsection (4) (a), the proportional tax described in Subsection (4) (a):
111 (a) is subject to any \( \rightarrow \) charitable exclusive exemption or government exemption that the property is
112 entitled to under the new ownership of the property; and

4. Page 7, Lines 201 through 206:

201 (10) (a) For purposes of this Subsection (10), \( \rightarrow \) charitable exclusive exemption” is as defined in
202 Section 59–2–1101.
203 (b) (i) For purposes of Subsection (1)(a), and except as provided in Subsections
204 (10)(b)(ii) and (iii), when a person acquires property on or after January 1 that qualifies for \( \rightarrow \) charitable
205 an exclusive exemption, that person may apply for the \( \rightarrow \) charitable exclusive exemption on or before the later
206 of:

5. Page 7, Line 210 through Page 8, Line 215:

210 (ii) Notwithstanding Subsection (10)(b)(i), a person who acquires property on or after
211 January 1, 2004, and before January 1, 2005, that qualifies for \( \rightarrow \) charitable an exclusive exemption, may
apply for the exclusive exemption for the 2004 calendar year on or before September 30, 2005.

(iii) Notwithstanding Subsection (10)(b)(i), a person who acquires property on or after January 1, 2005, and before January 1, 2006, that qualifies for an exclusive exemption, may apply for the exclusive exemption for the 2005 calendar year on or before the later of:

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 127, TAX, FEE, OR CHARGE AMENDMENTS, by Senator L. Hillyard, with the following amendments:

1. Page 1, Line 22:
   After line 22 insert: “provides a credit for sales and use taxes relating to certain repossessions of a motor vehicle;”

2. Page 2, Line 49:
   After line 49 insert: “ENACTS:
   59−12−104.3, Utah Code Annotated 1953”

3. Page 54, Line 1665:
   After line 1665 insert: “Section 5. Section 59−12−104.3 is enacted to read:
   59−12−104.3. Credit for certain repossessions of a motor vehicle.
   (1) Subject to Subsection (2), a seller of a motor vehicle may claim a credit for a tax under this chapter:
   (a) that the seller collected; and
   (b) on a motor vehicle that:
   (i) has been repossessed; and
   (ii) that the seller resells.
   (2) The amount of the credit allowed by Subsection (1) is equal to the product of:
   (a) the portion of the motor vehicle’s purchase price that:
   (i) was subject to a tax under this chapter; and
   (ii) remains unpaid at the time of the repossession of the motor vehicle; and
   (b) the tax rate imposed by Subsection 59−12−103(2)(a):
   (i) on the motor vehicle’s purchase price; and
   (ii) on the date the motor vehicle was purchased by the person that owns
the motor vehicle at the time of the repossession.”
Renumber remaining sections accordingly

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 139, MINIMUM WAGE PROVISIONS, by Senator H. Stephenson.

Curtis S. Bramble, Chair

Mr. President: January 28, 2005

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 135, DRUG COURTS PILOT PROJECT, by Senator L. Hillyard; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 146, AVOIDING APPREHENSION AMENDMENT, by Senator M. Waddoups; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 185, UTAH COMPUTER CRIMES ACT AMENDMENTS, by Representative B. Daw, with the following amendments:

1. Page 2, Lines 52a through 52f
   House Floor Amendments
   1−25−2005:

   52a (8) “Information” does not include information obtained:
   52b (a) through use of:
   52c (i) an electronic product identification or tracking system; or
   52d (ii) other technology used by a retailer to identify, track, or price goods; and
   52e (b) by a retailer through the use of equipment designed to read the electronic product identification or tracking system data located entirely within the retailer’s retail location.
   52f

2. Page 3, Lines 74q through 74r
   House Floor Amendments
   1−25−2005:

   74q (d) a second degree felony when the damage caused or the value of the money,
74r property, or benefit obtained or sought to be obtained is or exceeds $5,000; \text{ or }

3. Page 3a, Lines 74ab through 74af
   a. House Floor Amendments
   b. 1–25–2005:

74ab \text{(b) Notwithstanding Subsection (2)(a), a retailer that uses an electronic product}

74ac \text{identification or tracking system, or other technology to identify, track, or price goods held for sale} is not guilty of a violation of subsection (2)(a) if the computer equipment designed to read the electronic product identification or tracking system data and used by the retailer to

74ae \text{identify, track, or price goods held for sale} is located entirely within the retailer’s retail location.

D. Chris Buttars, Chair

On motion of Senator Waddoups, the committee reports were adopted. S.B. 31, as amended, S.B. 136, S.B. 143, as amended, H.B. 34, H.B. 51, as amended, S.B. 53, S.B. 54, S.B. 121, as amended, S.B. 127, as amended, S.B. 139, S.B. 135, S.B. 146, and H.B. 185, as amended, were placed on Second Reading Calendar.

* * *

Mr. President: January 28, 2005

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on 1st Sub. H.B. 28, JUVENILE JUSTICE RECODIFICATION AND REVISIONS, by Representative D. Aagard, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

On motion of Senator Waddoups, the committee report was adopted. 1st Sub. H.B. 28 was considered read the second time and placed on the Consent Calendar.
INTRODUCTION OF BILLS

S.B. 61, Gross Receipts Tax on Privately Owned Health Care Organizations (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.B. 162. Changes to 2004 General Obligation Bond (R. Allen), read the first time by short title and referred to the Rules Committee.

S.B. 163, Capitol Preservation Board Amendments (B. Evans), read the first time by short title and referred to the Rules Committee.

S.B. 164, Individual Income Tax – Subtraction for Live Organ Donation Expenses (K. Hale), read the first time by short title and referred to the Rules Committee.

S.B. 165, Child Welfare Services (P. Hellewell), read the first time by short title and referred to the Rules Committee.

S.B. 166, Prohibition Against Certain Low–level Radioactive Waste (P. Arent), read the first time by short title and referred to the Rules Committee.

S.J.R. 13, Joint Resolution Amending Interim Legislative Rules (M. Waddoups), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

S.B. 89, MUTUAL DEPENDENCE BENEFITS CONTRACT, was read the third time.

On motion of Senator Knudson, the bill was circled.

* * *

1st Sub. S.B. 122, RESIDENT TUITION STATUS FOR JOB CORPS STUDENTS, was read the third time.

On motion of Senator Knudson, the bill was circled.

* * *

S.C.R. 4, RESOLUTION APPROVING UTAH RECREATIONAL LAND EXCHANGE, was read the third time, explained by Senator Evans, and passed on the following roll call:
Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators
Allen Arent Bramble Buttars
Christensen Davis Dmitrich Eastman
Evans Fife Hale Hatch
Hellewell Hickman Hillyard Killpack
Knudson Madsen Mansell Mayne
Peterson Thomas Waddoups Walker
Valentine

Absent or not voting were: Senators
Bell Jenkins Julander Stephenson

S.C.R. 4 was transmitted to the House for consideration.

* * *

S.B. 4, UNINSURED MOTORIST PROPERTY DAMAGE COVERAGE AMENDMENTS, 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
Allen Arent Bramble Buttars
Christensen Davis Dmitrich Eastman
Evans Fife Hale Hatch
Hellewell Hickman Hillyard Jenkins
Knudson Madsen Mansell Mayne
Peterson Thomas Waddoups Walker
Valentine

Absent or not voting were: Senators
Bell Jenkins Julander Stephenson

S.B. 4 was transmitted to the House for consideration.

SECOND READING CALENDAR

1st Sub. S.B. 26, PUBLIC UTILITIES AMENDMENTS, was read the second time.

On motion of Senator Knudson, the bill was circled.
S.B. 98, MOTOR VEHICLE REGISTRATION AND TITLE AMENDMENTS, was read the second time. Senator Killpack explained the bill. Senator Jenkins commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators
Allen       Arent       Bramble       Buttars
Christensen Davis Dmitrich Eastman
Evans       Fife        Hale          Hatch
Hellewell    Hickman    Hillyard    Killpack
Knudson     Madsen     Mansell    Mayne
Peterson    Waddoups   Walker      Valentine

**Voting in the negative were:** Senators
Jenkins    Thomas

**Absent or not voting were:** Senators
Bell        Julander    Stephenson

---

1st Sub. S.B. 108, TELECOMMUNICATIONS REVISIONS, was read the second time. Senator Bramble explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators
Allen       Arent       Bramble       Buttars
Christensen Davis Dmitrich Eastman
Evans       Fife        Hale          Hatch
Hellewell    Hickman    Hillyard    Jenkins
Killpack    Knudson    Madsen      Mansell
Mayne       Peterson   Thomas      Waddoups
Walker      Valentine

**Absent or not voting were:** Senators
Bell        Julander    Stephenson

---

On motion of Senator Hatch, the circle was removed from S.B. 120, ALLOCATION OF PROFITS FROM SCHOOL AND INSTITUTIONAL
TRUST LANDS, and it was before the Senate. Senator Hatch 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

Allen        Arent        Bell        Bramble
Buttars      Christensen  Davis       Dmitrich
Eastman      Evans        Fife        Hale
Hatch        Hellewell    Hickman     Hillyard
Jenkins      Killpack     Knudson     Madsen
Mansell      Mayne        Peterson    Thomas
Waddoups     Walker       Valentine

**Absent or not voting were:** Senators

Julander     Stephenson

* * *

On motion of Senator Hillyard, the circle was removed from **S.B. 112, CHILD PROTECTION AMENDMENTS**, and it was before the Senate. Senator Hillyard explained the bill.

Senator Hillyard proposed the following amendment:

**TITLE 25a**

**GRANDPARENTS**

**CHAPTER 1**

**RIGHTS OF GRANDPARENTS**

**PART 1**

**DEFINITIONS**


As used in this title:

(1) “Grandchild” means a person who is:

(a) a direct descendant of a person who is the father or mother of the child’s father or mother;

(b) under 18 years of age; and

(c) spoiled shamelessly by a grandparent.
(2) “Grandparent” means a person who is:
(a) a direct ancestor of any child;
(b) the father or mother of the child’s father or mother; and
(c) shamelessly spoils the child described in Subsections (2)(a) and (b).
(3) “Shamelessly spoils” means to give a grandchild:
(a) anything the grandchild wants, at any time the grandchild wants it, regardless of the extent to which the grandchild will:
(i) become spoiled rotten; or
(ii) develop an unrealistic expectation about what to expect from life.

PART 2
UNLAWFUL WITHHOLDING
25a–2–201. Unlawful withholding of grandchildren.
(1) It shall be unlawful for the parent of a grandchild to relocate, cause the relocation of, or conspire to cause the relocation of, a grandchild to any location further than fifty miles from the residence of any grandparent.
(2) Violation of Subsection (1) shall result in:
(a) a penalty of $5,000,000 per grandchild, per day, for each day that a grandchild is located outside of the distance described in Subsection (1); and
(b) imprisonment of the grandchildren in the home of the grandparent, not to exceed the shorter of:
(i) the natural life of the parent; or
(ii) when the grandchild starts asking to use the grandparent’s car.

Constitutional Note:
Based on a limited legal review it has been determined that:
(1) this amendment has a high likelihood of being found unconstitutional; and
(2) notwithstanding Subsection (1), the sponsor doesn’t care.

Senator Hillyard’s motion to amend passed on a voice vote. Senators Bell, Thomas, Bramble, Hickman, Arent, and Allen commented.

On motion of Senator Bell, the enacting clause was struck on the bill. The bill was returned to Rules for filing.

* * *

1st Sub. S.B. 104, JUDICIARY AMENDMENTS, was read the second time. Senator Hillyard explained the bill.
Senator Hillyard proposed the following amendment:

1. Page 5, Lines 146 through 149

   (2) Property held, issued, or owing by the court is payable or distributable if:

   (a) the court has notified all persons whose names appear on the records of the court as

   having an unadjudicated claim to the property that the property is being held subject to the

   claim, and

Senator Hillyard’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

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**Absent or not voting were:** Senators

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On motion of Senator Bell, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

On motion of Senator Bell, the circle was removed from **1st Sub. S.B. 122, RESIDENT TUITION STATUS FOR JOB CORPS STUDENTS**, and it was before the Senate. Senator Bell explained the bill. Senator Valentine commented. The bill passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**
Voting in the affirmative were: Senators
Allen    Arent    Bell    Bramble
Buttars  Christensen  Davis  Dmitrich
Eastman  Evans    Fife    Hale
Hatch    Hellewell  Hickman  Hillyard
Jenkins  Killpack  Knudson  Madsen
Mansell  Mayne    Peterson  Stephenson
Thomas   Waddoups  Walker  Valentine

Absent or not voting was: Senator
Julander

1st Sub. S.B. 122 was transmitted to the House for consideration.

* * *

On motion of Senator Bell, the Senate voted to move to Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Bell, the circle was removed from 1st Sub. S.B. 26, PUBLIC UTILITIES AMENDMENTS, and it was before the Senate. Senator Bell explained the bill. Senators Bramble and Mayne commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Allen    Arent    Bell    Bramble
Buttars  Christensen  Davis  Dmitrich
Eastman  Evans    Fife    Hale
Hatch    Hellewell  Hickman  Hillyard
Jenkins  Killpack  Knudson  Madsen
Mayne    Peterson  Stephenson  Thomas
Waddoups  Walker  Valentine

Absent or not voting were: Senators
Julander  Mansell

* * *

On motion of Senator Hellewell, the circle was removed from 2nd Sub. S.B. 43, PENALTY FOR PROVIDING FALSE INFORMATION TO STATE
AGENCY, and it was before the Senate. Senator Hellewell 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

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**Absent or not voting were:** Senators

| Davis | Julander |

**S.B. 116, ARBITRATION − USE OF SUBPOENA AUTHORIZED, was read the second time. Senator Eastman explained the bill. Senators Hickman and Mansell commented. The bill passed second reading on the following roll call:**

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

**Voting in the affirmative were:** Senators

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**Absent or not voting was:** Senator

| Julander |

**S.B. 118, IDENTITY FRAUD AMENDMENTS, was read the second time. Senator Walker 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
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Fife Hale
Hatch Hellewell Hickman Hillyard
Jenkins Killpack Knudson Madsen
Mansell Mayne Peterson Stephenson
Thomas Waddoups Walker Valentine

Absent or not voting was: Senator Julander

* * *

1st Sub. S.B. 44, GOVERNMENT RECORDS AMENDMENTS, was read the second time. Senator Walker explained the bill.

Senator Walker proposed the following amendment:

1. Page 1, Line 20

   requires government entities to {supervise a person’s copying of records} provide reasonable safeguards to protect

2. Page 8, Line 242 through Page 9, Line 250:

   {The governmental entity may allow a person requesting more than 50 pages of records to copy the
   governmental entity[(i) the person requests copies of more than 50 pages of records from a governmental entity[, and, if] (ii) the records are contained in files that do not contain records that are exempt from disclosure, or the records may be segregated to remove private, protected, or controlled
   information from disclosure; and
   the governmental entity supervises the copying process} provides reasonable safeguards to protect the public from
the potential for loss of a public record.

3. Page 13, Lines 376 through 380:

376 (c) (i) the request is for a voluminous quantity of records or a record series containing a substantial number of records;

377 (ii) the requester seeks a substantial number of records or records series; or

379 (iii) the requester seeks a substantial number of records or records series in requests filed within ten working days of each other;

3. Page 16, Lines 488 through 490:

488 (9) (a) The records committee may review the disputed records. However, if the committee is weighing the various interests under Subsection (11), the committee must review the disputed records. The review shall be in camera.

5. Page 19, Line 574:

574 governmental entity determines are not defined as a public record under Subsection

Senator Walker’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

| Senator     | Arent | Bramble | Buttars | Christensen | Davis | Eastman | Evans | Fife | Hale | Hatch | Hickman | Hillyard | Jenkins | Killpack | Knudson | Madsen | Mansell | Mayne | Peterson | Stephenson | Thomas | Waddoups |
|-------------|-------|---------|---------|-------------|-------|---------|-------|------|------|-------|----------|----------|---------|---------|---------|--------|---------|----------|-------|----------|
| Allen       |       |         |         |             |       |         |       |      |      |       |          |          |         |         |         |        |         |           |       |          |
| Christensen |       |         |         |             |       |         |       |      |      |       |          |          |         |         |         |        |         |           |       |          |
| Fife        |       |         |         |             |       |         |       |      |      |       |          |          |         |         |         |        |         |           |       |          |
| Hickman     |       |         |         |             |       |         |       |      |      |       |          |          |         |         |         |        |         |           |       |          |
| Knudson     |       |         |         |             |       |         |       |      |      |       |          |          |         |         |         |        |         |           |       |          |
| Peterson    |       |         |         |             |       |         |       |      |      |       |          |          |         |         |         |        |         |           |       |          |
| Walker      |       |         |         |             |       |         |       |      |      |       |          |          |         |         |         |        |         |           |       |          |

**Absent or not voting were:** Senators

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1st Sub. S.B. 106, UTAH RELIGIOUS LAND USE ACT, was read the second time. Senator Thomas explained the bill.

Senator Thomas proposed the following amendment:

1. Page 2, Lines 27 through 32

   27 provides government entities with the opportunity to remedy the substantial burden
   28 before being subject to injunction or declaratory relief; and
   29 waives governmental immunity for cases brought to enforce or obtain remedies for
   30 violation of this chapter; and
   31 permits a court to order the losing party to pay the prevailing party’s reasonable
   32 attorney’s fees and costs.

2. Page 8, Line 238 through Page 9, Line 243:

   238 This chapter does not restrict, and is not intended to restrict, a government entity’s
   239 authority to adopt or apply laws and regulations concerning zoning, land use planning, traffic
   240 management, urban nuisance, historic preservation, or other land use regulations.
   241 This chapter does not affect and is not intended to affect the authority of
   242 government entities to adopt or apply land use regulations that do not involve the free exercise
   243 of religion.

Senator Thomas’ motion to amend passed on a voice vote. Senator Hale commented. Senator Thomas declared a conflict of interest. The bill passed second reading on the following roll call:

Y eas, 22; Nays, 0; Absent, 7.
Voting in the affirmative were: Senators
Allen        Arent        Christensen        Davis
Dmitrich    Eastman    Evans    Fife
Hale        Hatch        Hellewell        Hillyard
Jenkins    Killpack    Madsen    Mansell
Peterson    Stephenson    Thomas    Waddoups
Walker        Valentine

Absent or not voting were: Senators
Bell        Bramble        Buttars        Hickman
Julander    Knudson        Mayne

* * *

S.B. 114, COUNTY AND MUNICIPAL ZONING REGARDING BILLBOARDS, was read the second time.

On motion of Senator Waddoups, the bill was circled.

* * *

S.B. 117, REPEAL OF UTAH TOMORROW STRATEGIC PLANNING COMMITTEE, was read the second time. Senator Waddoups explained the bill. Senator Arent commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Allen        Arent        Bramble        Christensen
Davis        Dmitrich    Evans    Fife
Hale        Hatch        Hellewell        Hickman
Hillyard    Jenkins    Killpack        Knudson
Madsen    Mansell        Mayne        Peterson
Stephenson    Thomas    Waddoups        Walker
Valentine

Absent or not voting were: Senators
Bell        Buttars        Eastman        Julander

* * *

S.B. 123, GOVERNMENTAL IMMUNITY ACT – TECHNICAL AMENDMENTS, was read the second time.
On motion of Senator Knudson, the bill was circled.

***

**S.J.R. 7**, RESOLUTION RECOGNIZING RONALD REAGAN DAY, was read the second time.

On motion of Senator Knudson, **S.J.R. 7**, RESOLUTION RECOGNIZING RONALD REAGAN DAY, will be considered Friday, February 4, 2005 at 11:00 a.m.

***

**S.J.R. 6**, SPACE EXPLORATION RESOLUTION, was read the second time. 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
Allen    Bell    Bramble    Butters
Christensen    Davis    Dmitrich    Eastman
Fife    Hale    Hatch    Hellewell
Hillyard    Jenkins    Knudson    Madsen
Mansell    Mayne    Peterson    Stephenson
Thomas    Waddoups    Walker    Valentine

**Absent or not voting were:** Senators
Arent    Evans    Hickman    Julander
Killpack

***

On motion of Senator Bell, the circle was removed from **S.B. 123**, GOVERNMENTAL IMMUNITY ACT – TECHNICAL AMENDMENTS, and it was before the Senate. Senator Bell explained the bill. Senator Thomas declared a conflict of interest. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators
Arent    Bell    Bramble    Christensen
Davis    Dmitrich    Eastman    Fife
Hale    Hatch    Hellewell    Hillyard
S.B. 125, AMENDMENTS TO INDIVIDUAL INCOME TAX CREDIT FOR SPECIAL NEEDS ADOPTIONS, was read the second time. Senator Hellewell explained the bill. Senators Bramble and Walker commented. The bill passed second reading 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
Evans Fife Hale Hatch
Hellewell Hillyard Jenkins Killpack
Knudson Madsen Mansell Mayne
Peterson Stephenson Thomas Waddoups
Walker Valentine

Absent or not voting were: Senators
Allen Hickman Julander

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 31, 2005

The House passed, as amended, H.B. 240, DISASTER LOAN PROGRAM, by Representative R. Bigelow, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communication filed. H.B. 240 was read the first time and referred to the Rules Committee.

On motion of Senator Waddoups, the Senate voted to lift H.B. 240 from Rules and place it at the top of the Second Reading Calendar.
On motion of Senator Hillyard, under suspension of the rules, **H.B. 240**, DISASTER LOAN PROGRAM, was considered read the second and third times. Senator Hickman commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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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.

**COMMITTEE OF THE WHOLE**

On motion of Senator Hickman, St. George Mayor Dan McArthur spoke in Committee of the Whole. Senator Hillyard commented.

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

**President Valentine, having received three objections, removed 1st Sub. H.B. 28 from the Consent Calendar and placed it at the bottom of the Second Reading Calendar.**

**On motion of Senator Knudson and at 12:05 p.m., the Senate adjourned until 10:00 a.m., Tuesday, February 1, 2005.**
February 1, 2005

SIXTEENTH DAY

MORNING SESSION

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

Prayer – Bill Bailey, President, Mount Olympus Waters
Pledge of Allegiance – Senator Karen Hale
Roll Call – All Senators present except Senator Julander, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 96)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 31, 2005

The House passed, S.B. 9, AEROSPACE AND AVIATION DEVELOPMENT ZONE MODIFICATIONS, by Senator M. Dmitrich, et al, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

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: January 31, 2005

The House passed, as amended, H.B. 9, SALES AND USE TAX – AGRICULTURAL EXEMPTION VEHICLE LIMITATION, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as amended, H.B. 53, TAX TREATMENT OF PERSONAL PROPERTY, by Representative L. Shurtliff, and it is transmitted for consideration; and

The House passed H.B. 171, CALCULATION OF MINING SEVERANCE TAX ON BERYLLIUM, by Representative R. Wheeler, and it is transmitted for consideration; and
The House passed, as substituted, **H.B. 190**, INDIVIDUAL INCOME TAX – ELECTRONIC FILING REQUIREMENTS, by Representative S. Clark, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 191**, CAPTIVE INSURANCE LAW AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 9, H.B. 53, H.B. 171, 1st Sub. H.B. 190,** and **H.B. 191** were read the first time and referred to the Rules Committee.

**RULES COMMITTEE REPORTS**

To the Members of the Senate: January 31, 2005

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

**Business and Labor Committee**

**H.B. 60** Insurance Licensing Amendments (Rep. J. Dunnigan)

**H.B. 195** Insurance Law Amendments (Rep. J. Dunnigan)

**Education Committee**

**H.B. 183** Verification of Eligibility for Fee Waivers (Rep. W. Harper)


**Government Operations and Political Subdivisions Committee**

**S.B. 162** Changes to 2004 General Obligation Bond (Sen. R. Allen)

**S.B. 163** Capitol Preservation Board Amendments (Sen. B. Evans)

**Health and Human Services Committee**

**S.B. 165** Child Welfare Services (Sen. P. Hellewell)

**Natural Resources, Agriculture, and Environment Committee**


**Revenue and Taxation Committee**

**S.B. 164** Individual Income Tax – Subtraction for Live Organ Donation Expenses (Sen. K. Hale)
S.B. 166  Prohibition Against Certain Low–level Radioactive Waste  
(Sen. P. Arent)  
H.B. 69  Federal Health Care Tax Credit Program Act  
(Rep. C. Oda)  

Michael Waddoups  
Rules Committee Chair  

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

RULES COMMITTEE REPORTS  

To the Members of the Senate: January 31, 2005  
The Rules Committee recommends the following resolution be placed at the bottom of the Second Reading Calendar.  

S.J.R. 13  Joint Resolution Amending Interim Legislative Rules  
(Sen. M Waddoups)  

Michael Waddoups  
Rules Committee Chair  

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

STANDING COMMITTEE REPORTS  

Mr. President: January 31, 2005  
The Business and Labor Committee reports a favorable recommendation on S.B. 39, CONSUMER CREDIT PROTECTION, by Senator C. Walker; and  

The Business and Labor Committee recommends S.B. 48, INSURANCE CANCELLATION AND NONRENEWAL RESTRICTIONS, by Senator P. Arent, be replaced and favorably recommends 1st Sub. S.B. 48, INSURANCE CANCELLATION AND NONRENEWAL RESTRICTIONS with the following amendments:  

1. Page 4, Line 118 through Page 6, Line 150:  

118  (5) Notwithstanding Subsections (2) and (4), an insurer may not cancel or fail to renew  

119  

( an insurance policy ) the following personal lines insurance policies solely on the basis of:  

120  (a) in the case of a motor vehicle insurance policy:  

121  (i) a claim from the insured that:
(A) results from an accident in which the insured is not at fault; and

(B) is the only claim meeting the condition of Subsection (5)(a)(i)(A) within a 36-month period;

(ii) a single traffic violation by an insured that:

(A) is a violation of a speed limit under Title 41, Chapter 6, Traffic Rules and Regulations;

(B) is not in excess of ten miles per hour over the speed limit;

(C) is not in excess of ten miles per hour over the speed limit; and

(D) is the only violation meeting the conditions of Subsections (5)(a)(ii)(A) through (C) within a 36-month period;

(iii) a claim for damage that:

(A) results solely from:

(I) wind;

(II) hail;

(III) lightning; or

(IV) an earthquake;

(B) is not preventable by the exercise of reasonable care; and

(C) is the only violation meeting the conditions of Subsections (5)(a)(iii)(A) and (B) within a 36-month period; and

(b) in the case of a residential dwelling liability homeowner’s insurance policy, a claim by the insured that is for damage that:
(i) results solely from:

(A) wind;

(B) hail;  

(C) lightning;  

(D) fire;

(ii) is not preventable by the exercise of reasonable care; and

(iii) is the only  

claim meeting the conditions of Subsections (5)(b)(i) and (ii) within 

a 36−month period.

[(5)  

(6) 

(a) (i) Subject to Subsection [(5)] (6)(b), if the insurer offers or purports to  

The Business and Labor Committee reports a favorable recommendation on  

S.B. 52, PRICE CONTROLS DURING EMERGENCIES ACT, by Senator P. Arent, with the following amendments:

1. Page 4, Lines 99 through 100:

   Upon request, a person  

   allegedly charging an excessive price under Subsection (2)  

   shall provide documentation to the division that the person is in 

   compliance with this chapter.

   Scott K. Jenkins, Chair

Mr. President: January 31, 2005

The Health and Human Services Committee reports a favorable recommendation on S.B. 55, ACCESS TO PATIENT MEDICAL RECORDS, by Senator P. Arent; and

The Health and Human Services Committee reports a favorable recommendation on S.B. 72, CHILD WELFARE AMENDMENTS, by Senator D. Eastman, with the following amendments:

1. Page 1, Lines 17 through 19:

   provides that a child and family plan may only include 

   requirements that:

   —
18 • address findings made by the court; or
19 • are requested or approved by a parent or guardian of the child , and are agreed to by the division and the guardian ad litem ;

2. Page 11, Lines 322 through 323

322 (b) The interdisciplinary team described in Subsection (2)(a) shall include { } , but is not
323 limited to, { } representatives from the following fields:

3. Page 13, Line 398 through Page 14, Line 401

398 (h) For purposes of Subsection (7)(d), a child and family plan may only include
399 requirements that:
400 (i) address findings made by the court; or
401 (ii) (A) are requested or consented to by a parent or guardian of the child { } ; and
402 (B) are agreed to by the division and the guardian ad litem.

The Health and Human Services Committee reports a favorable recommendation on S.B. 142, PHARMACY PRACTICE ACT AMENDMENTS, by Senator P. Knudson, with the following amendments:

1. Page 1, Line 25:

25 58–17b–503, as enacted by Chapter 280, Laws of Utah 2004
58–17b–609, as enacted by Chapter 280, Laws of Utah 2004

2. Page 17, Lines 512 through 513:

512 (f) accepting back and redistribution of the drug complies with Federal Food and Drug
513 Administration and Drug Enforcement Administration regulations.

Section 6. Section 58–17B–609 is amended to read:

58–17b–609. Limitation on prescriptions and refills — Controlled Substances Act not affected — Legend drugs.

(1) A prescription for any prescription drug or device may not be dispensed after one year from the date it was initiated except as otherwise provided in Chapter 37, Utah Controlled Substances Act.

(2) A prescription authorized to be refilled may not be refilled after one year from the original issue date.
(3) A practitioner may not be prohibited from issuing a new prescription for the same drug orally, in writing, or by electronic transmission.

(4) Nothing in this chapter affects Chapter 37, Utah Controlled Substances Act.

(5) A prescription for a legend drug written by a licensed prescribing practitioner in another state may be filled or refilled by a pharmacist or pharmacy intern in this state if the pharmacist or pharmacy intern verifies that the prescription is valid.

Reenumerate remaining sections accordingly

The Health and Human Services Committee reports a favorable recommendation on S.B. 145, PROHIBITION AGAINST CERTAIN MEDICAL NONCOMPETITION AGREEMENTS, by Senator A. Christensen; and

The Health and Human Services Committee reports a favorable recommendation on S.B. 147, PSYCHOLOGIST LICENSING ACT AMENDMENTS, by Senator E. Mayne.

Allen M. Christensen, Chair

On motion of Senator Waddoups, the committee reports were adopted. S.B. 39, 1st Sub. S.B. 48, as amended, S.B. 52, as amended, S.B. 55, S.B. 72, as amended, S.B. 142, as amended, S.B. 145, and S.B. 147 were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

S.B. 161, Amendments to the Property Tax Valuation Agency Fund Assessing and Collecting Levy (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 176, Programs and Facilities Licensing Amendments (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 177, Increase Statute of Limitations on Rape (E. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 182, Veterinary Practice Act – Exemptions (M. Dmitrich), read the first time by short title and referred to the Rules Committee.
THIRD READING CALENDAR

S.B. 98, MOTOR VEHICLE REGISTRATION AND TITLE AMENDMENTS, was read the third time, explained by Senator Killpack, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Christensen
Davis Eastman Evans Fife
Hale Hatch Hellewell Hickman
Killpack Knudson Madsen Mansell
Mayne Peterson Stephenson Waddoups
Walker Valentine

Voting in the negative were: Senators
Jenkins Thomas

Absent or not voting were: Senators
Bramble Buttars Dmitrich Hillyard
Julander

S.B. 98 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 108, TELECOMMUNICATIONS REVISIONS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Christensen Davis Dmitrich Eastman
Evans Fife Hale Hatch
Hickman Jenkins Killpack
Knudson Madsen Mansell Mayne
Peterson Stephenson Thomas Waddoups
Walker Valentine

Absent or not voting were: Senators
Buttars Hillyard Julander
1st Sub. S.B. 108, as amended, was transmitted to the House for consideration.

***

S.B. 120, ALLOCATION OF PROFITS FROM SCHOOL AND INSTITUTIONAL TRUST LANDS, was read the third time and explained by Senator Hatch. Senator Arent commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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S.B. 120, as amended, was transmitted to the House for consideration.

***

1st Sub. S.B. 104, JUDICIARY AMENDMENTS, was read the third time.

On motion of Senator Bell, the bill was circled.

***

1st Sub. S.B. 26, PUBLIC UTILITIES 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

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Absent or not voting were:

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Knudson    Madsen    Mansell    Mayne
Peterson    Stephenson    Thomas    Waddoups
Walker    Valentine

Absent or not voting were: Senators
Buttars    Hillyard    Julander

1st Sub. S.B. 26, as amended, was transmitted to the House for consideration.

* * *

2nd Sub. S.B. 43, PENALTY FOR PROVIDING FALSE INFORMATION TO STATE AGENCY, was read the third time, explained by Senator Hellewell, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen    Arent    Bell    Bramble
Buttars    Christensen    Davis    Dmitrich
Eastman    Evans    Fife    Hale
Hatch    Hellewell    Hickman    Jenkins
Killpack    Knudson    Madsen    Mansell
Mayne    Peterson    Stephenson    Thomas
Waddoups    Walker    Valentine

Absent or not voting were: Senators
Hillyard    Julander

2nd Sub. S.B. 43 was transmitted to the House for consideration.

* * *

S.B. 116, ARBITRATION − USE OF SUBPOENA AUTHORIZED, 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
Allen    Arent    Bell    Bramble
Buttars    Christensen    Davis    Dmitrich
Eastman    Evans    Fife    Hale
Hatch    Hellewell    Hickman    Jenkins
Senators

Killpack  Knudson  Madsen  Mansell
Mayne  Peterson  Thomas  Waddoups
Walker  Valentine

Absent or not voting were: Senators
Hillyard  Julander  Stephenson

S.B. 116 was transmitted to the House for consideration.

***

On motion of Senator Eastman, legislative staff was authorized to draft a resolution honoring Delta Air Lines.

***

S.B. 118, IDENTIFY 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
Allen  Arent  Bell  Bramble
Buttars  Christensen  Davis  Eastman
Evans  Fife  Hale  Hatch
Hellewell  Hickman  Jenkins  Killpack
Knudson  Madsen  Mayne  Peterson
Stephenson  Thomas  Waddoups  Walker
Valentine

Absent or not voting were: Senators
Dmitrich  Hillyard  Julander  Mansell

S.B. 118 was transmitted to the House for consideration.

***

1st Sub. S.B. 44, GOVERNMENT RECORDS AMENDMENTS, 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
Allen  Arent  Bell  Bramble
Christensen  Davis  Dmitrich  Eastman
Evans      Fife       Hale      Hatch
Hellewell  Hickman   Jenkins   Killpack
Knudson    Madsen    Mayne     Peterson
Stephenson Thomas    Waddoups Walker

Absent or not voting were: Senators
Buttars    Hillyard  Julander  Mansell
Valentine

1st Sub. S.B. 44, as amended, was transmitted to the House for consideration.

* * *

1st Sub. S.B. 106, UTAH RELIGIOUS LAND USE ACT, was read the third time.

On motion of Senator Thomas, the bill was circled.

* * *

S.B. 117, REPEAL OF UTAH TOMORROW STRATEGIC PLANNING COMMITTEE, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen      Bell       Bramble   Buttars
Christensen Davis    Dmitrich Eastman
Evans      Fife      Hale      Hatch
Hellewell  Jenkins   Killpack Knudson
Madsen     Mayne     Peterson Stephenson
Thomas     Waddoups  Walker   Valentine

Voting in the negative was: Senator
Arent

Absent or not voting were: Senators
Hickman    Hillyard  Julander  Mansell

S.B. 117 was transmitted to the House for consideration.

* * *

S.J.R. 6, SPACE EXPLORATION RESOLUTION, was read the third time, explained by Senator Knudson, and passed on the following roll call:
Y eas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators
Allen       Bell       Bramble
Buttars    Christensen  Davis    Dmitrich
Eastman    Evans       Fife      Hale
Hatch      Hellewell   Hickman  Jenkins
Knudson    Madsen      Mayne    Peterson
Stephenson Thomas    Waddoups  Walker
Valentine

Absent or not voting were: Senators
Hillyard  Julander  Killpack  Mansell

S.J.R. 6 was transmitted to the House for consideration.

* * *

S.B. 123, GOVERNMENTAL IMMUNITY ACT – TECHNICAL 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
Allen       Bell       Buttars    Christensen
Davis      Dmitrich  Eastman    Evans
Fife       Hale       Hatch      Hellewell
Hickman    Jenkins    Knudson   Madsen
Mayne      Peterson   Stephenson Thomas
Waddoups   Walker     Valentine

Absent or not voting were: Senators
Arent     Bramble    Hillyard  Julander
Killpack  Mansell

S.B. 123 was transmitted to the House for consideration.

* * *

S.B. 125, AMENDMENTS TO INDIVIDUAL INCOME TAX CREDIT FOR SPECIAL NEEDS ADOPTIONS, was read the third time.

On motion of Senator Hellewell, the bill was circled.
On motion of Senator Thomas, the circle was removed from 1st Sub. S.B. 106, UTAH RELIGIOUS LAND USE ACT, and it was before the Senate. Senator Thomas explained the bill.

Senator Thomas proposed the following amendment:

1. Page 6, Lines 151 through 153

151 (1) “Free exercise of religion” means an act or refusal to act that is substantially
152 motivated by sincere religious belief, whether or not the act or refusal is compulsory or central
153 to a larger system of religious belief, and includes the use, building, or conversion of real property for the purpose of religious exercise.

Senator Thomas’ motion to amend passed on a voice vote. Senator Davis commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Fife Hale
Hatch Hellewell Hickman Hillyard
Jenkins Killpack Knudson Madsen
Mansell Mayne Peterson Stephenson
Thomas Waddoups Walker Valentine

**Absent or not voting was:** Senator Julander

1st Sub. S.B. 106, as amended, was transmitted to the House for consideration.

On motion of Senator Hillyard, the circle was removed from 1st Sub. S.B. 104, JUDICIARY AMENDMENTS, 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

Allen     Arent     Bell     Bramble
Buttars   Christensen    Davis    Dmitrich
Eastman   Evans     Fife     Hale
Hatch     Hellewell    Hickman  Hillyard
Jenkins   Killpack    Knudson  Madsen
Mansell   Mayne     Peterson  Stephenson
Thomas    Waddoups    Walker   Valentine

Absent or not voting was: Senator
Julander

1st Sub. S.B. 104, as amended, was transmitted to the House for consideration.

* * *

Senator Allen made a motion to open a bill file regarding Senators reporting their own gifts. The motion failed on a voice vote.

SECOND READING CALENDAR

S.B. 128. CALCULATION OF INTEREST ON TAX OVERPAYMENTS, 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

Allen     Arent     Bramble    Buttars
Christensen    Davis    Dmitrich  Eastman
Evans     Fife     Hale     Hatch
Hellewell    Hickman  Hillyard  Jenkins
Killpack    Knudson  Madsen  Mansell
Mayne     Peterson  Stephenson  Thomas
Waddoups    Walker   Valentine

Absent or not voting were: Senators
Bell     Julander

* * *

S.B. 133. INDIVIDUAL INCOME TAX – RETURN FILING REQUIREMENTS, was read the second time. Senator Stephenson explained the
bill. Senators Allen 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

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**Absent or not voting were:** Senators

| Davis | Julander |

***

**S.B. 42, ALCOHOL RESTRICTED DRIVERS,** was read the second time. Senator Walker explained the bill. Senator Thomas commented. The bill passed second reading on the following roll call:

**Yeas, 27; Nays, 1; Absent, 1.**

**Voting in the affirmative were:** Senators

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**Voting in the negative was:** Senator

Hickman

**Absent or not voting was:** Senator

Julander

***

On motion of Senator Bell, the Senate voted to move to Third Reading Calendar.
THIRD READING CALENDAR

On motion of Senator Bell, the circle was removed from **S.B. 89**, MUTUAL DEPENDENCE BENEFITS CONTRACT, and it was before the Senate.

On motion of Senator Bell, **S.B. 89**, MUTUAL DEPENDENCE BENEFITS CONTRACT, will be considered Tuesday, February 1, 2005 at 2:15 p.m.

On motion of Senator Knudson, the Senate voted to move to Second Reading Calendar.

SECOND READING CALENDAR

**S.B. 109**, SAFETY BELT ENFORCEMENT, was read the second time.

On motion of Senator Hale, the bill was circled.

* * *

**S.B. 124**, MOTOR VEHICLE INSURANCE − PROPERTY DAMAGE LIMIT, was read the second time. Senator Jenkins explained the bill.

On motion of Senator Jenkins, the enacting clause was struck on the bill. The bill was returned to Rules for filing.

* * *

**S.B. 47**, WRONGFUL LIEN OFFENSES, was read the second time. Senator Evans 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

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**Absent or not voting was:** Senator Julander

* * *

**S.B. 73**, TAMPERING WITH EVIDENCE, 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
Allen  Arent  Bell  Bramble
Buttars  Christensen  Davis  Dmitrich
Eastman  Evans  Fife  Hale
Hatch  Hellewell  Hickman  Hillyard
Jenkins  Killpack  Knudson  Madsen
Mansell  Mayne  Peterson  Stephenson
Thomas  Waddoups  Walker  Valentine

Absent or not voting was: Senator
Julander

***

S.B. 131, AUTHORIZATION FOR ADDITIONAL JUDICIAL POSITION, was read the second time. Senator Madsen explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Allen  Arent  Bell  Bramble
Christensen  Davis  Dmitrich  Eastman
Evans  Fife  Hale  Hatch
Hellewell  Hickman  Hillyard  Jenkins
Killpack  Knudson  Madsen  Mansell
Mayne  Peterson  Stephenson  Thomas
Waddoups  Walker  Valentine

Absent or not voting were: Senators
Buttars  Julander

***

S.R. 1, SENATE RESOLUTION DISCOURAGING PARTICIPATION IN FREE TRADE AREA OF THE AMERICAS, was read the second time.

On motion of Senator Thomas, the bill was circled.

***

S.B. 46, PRESCRIPTIVE PRACTICE OF LEGEND DRUGS, was read the second time.
On motion of Senator Knudson, the bill was circled.

* * *

**S.B. 107**, LICENSURE AND REGULATION OF PROGRAMS AND FACILITIES, was read the second time. Senator Hatch explained the bill.

Senator Hatch proposed the following amendment:

1. Page 4, Lines 93 through 105

   93  (2)  (a) “Boarding school” means a regionally accredited private school that:
   
   (i) uses a regionally accredited education program;
   
   94  (ii) provides a residence to the school’s students:
   
   (A) for the purpose of enabling the school’s students to attend classes at the school; and
   
   (B) as an ancillary service to educating the students at the school;
   
   (iii) has the primary purpose of providing the school’s students with an education, as defined in Subsection (2)(b)(i); and
   
   (iv) (A) does not provide the treatment or services described in Subsection (27)(a); or
   
   (B) provides the treatment or services described in Subsection (27)(a) on a limited basis, as described in Subsection (2)(b)(ii).

2. (b) (i) For purposes of Subsection (2)(a), “education” means a course of study for one or more of grades kindergarten through 12th grade.

   (ii) For purposes of Subsection (2)(a), a private school provides the treatment or services described in Subsection (27)(a) on a limited basis if:

209  (c) Treatment is not a necessary component of residential support.
(d) “Residential support” does not include residential services that are performed:
   (i) exclusively under contract with the Division of Services for People with Disabilities; and
   (ii) in a facility that serves less than four individuals.

3. Page 12, Line 366 through Page 13, Line 378:

366 (2) In establishing rules under Subsection (1)(a)(i)(G), the office shall require a
367 licensee to establish and comply with an emergency response plan that requires clients and staff
368 to:
369 (a) immediately report to law enforcement any significant criminal activity, as defined by rule, committed:
370 (i) on the premises where the licensee operates its human services program;
371 (ii) by or against its clients; or
372 (iii) by or against a staff member while the staff member is on duty;
373 (b) immediately report to emergency medical services any medical emergency, as defined by rule:
374 (i) on the premises where the licensee operates its human services program;
375 (ii) involving its clients; or
376 (iii) involving a staff member while the staff member is on duty; and
377 (c) immediately report other emergencies that occur on the premises where the licensee
378 operates its human services program to the appropriate emergency services agency.

4. Page 15, Lines 444 through 447:

444 [(44)] (2) [A] Subject to Subsection (8) or (9), a human services program may not be licensed
445 to serve [children subject to compulsory education under Section 53A–11–101 or entitled to
446 educational services under Section 53A-15-301] education entitled children unless the human

447 services program presents an educational service plan that includes evidence:

5. Page 15, Lines 456 through 459:

456 [2] [3] [If the Subject to Subsection (8) or (9) , if a human

457 services program [is to be permitted to serve any] serves any education entitled children whose custodial parents

458 or legal guardians reside outside the state, then the program shall also provide an educational

459 funding plan that includes evidence:

6. Page 16, Lines 466 through 468:

466 (b) that all costs for educational services to be provided to [those] the

467 education entitled children, including tuition and school fees approved by the local school

468 board, shall be borne by the human services program.

7. Page 16, Lines 476 through 477:

476 (4) Subject to Subsection (8) or (9), and in accordance with Subsection (2), the human

477 services program shall obtain and provide the office with a letter:

8. Page 17, Line 516 through Page 18, Line 526:

516 (8) A human services program that is an accredited private school:

517 (a) for purposes of Subsection (2):

518 (i) is only required to submit { an educational service plan for approval by the office } proof to the office that the accreditation of the private school is current ; and

519 (ii) is not required to submit an educational service plan for approval by an entity

520 described in Subsection (2)(a)(ii);
(b) for purposes of Subsection (3):

(i) is only required to submit an educational funding plan for approval by the office proof to the office that all costs for educational services provided to education entitled children will be borne by the human services program;

and

(ii) is not required to submit an educational funding plan for approval by an entity described in Subsection (3)(a)(ii); and

(c) is not required to comply with Subsections (4) and (5).

(9) Except for Subsection (7), the provisions of this section do not apply to a human services program that is:

(i) a foster home; and

(ii) required to be licensed by the office.

9. Page 31, Lines 937 through 938:

(b) A licensee may not permit any person to have direct access to a child or a vulnerable adult unless, subject to Subsection (5)(c), that person is:

10. Page 31, Lines 946 through 951:

(III) that person is directly supervised by a person associated with the licensee who is approved by the office to have direct access to children or vulnerable adults under this section;

(ii) (A) not associated with the licensee; and

(B) directly supervised by a person associated with the licensee who is approved by the

office to have direct access to children or vulnerable adults under this section

(iii) the parent or guardian of the child or vulnerable adult; or

(iv) a person approved by the parent or guardian of the child or vulnerable adult to have direct access to the child or vulnerable adult.
(c) Notwithstanding Subsection (5)(b), a person may not have direct access to a child or a vulnerable adult if that person is prohibited by court order from having that access.

Senator Hatch’s motion to amend passed on a voice vote. Senators Buttars, Bell, and Valentine commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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S.B. 129, BRINE SHRIMP ROYALTY ACT AMENDMENTS, was read the second time. Senator Hatch explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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COMMUNICATIONS FROM THE HOUSE

Mr. President: February 1, 2005
The House passed, as amended, **H.B. 201**, LIFE INSURANCE AND ANNUITIES LAW AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk
Communication filed. **H.B. 201** was read the first time and referred to the Rules Committee.

TIME CERTAIN CALENDAR

On motion of Senator Knudson, on Friday, February 4, 2005 at 10:15 a.m. the Senate will hear from Ashley Boulter, Utah Junior Miss contestant,

On motion of Senator Knudson, on Friday, February 4, 2005 at 11:40 a.m. the Senate will recognize National Board−Certified Teachers.

***

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

AFTERNOON SESSION

The Senate reassembled at 2:10 p.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 1, 2005
The House passed **H.B. 165**, UTAH COMMISSION ON AGING, by Representative P. Jones, and it is transmitted for consideration; and

The House passed **H.B. 168**, COOPERATIVE WILDLIFE MANAGEMENT UNIT AMENDMENTS, by Representative J. Gowans, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 182**, HISTORICAL LIVESTOCK TRAILS, by Representative B. Johnson, and it is transmitted for consideration; and

The House passed **H.C.R. 1**, RESOLUTION PROMOTING MODERATELY SIZED SCHOOLS, by Representative D. Cox, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk
Communication filed. **H.B. 165, H.B. 168, 1st Sub. H.B. 182, and H.C.R. 1** were read the first time and referred to the Rules Committee.
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 S.B. 24, WASTE AMENDMENTS, and it was before the Senate.

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

1st Sub. S.B. 24, Waste Amendments (C. Bramble)

On motion of Senator Bramble, the bill was circled.

On motion of Senator Buttars, the Senate voted to move to Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Buttars, the Senate voted to move 2nd Sub. S.B. 34 to the top of the Second Reading Calendar.

2nd Sub. S.B. 34, PATIENT ACCESS REFORM, was read the second time.

Senator Buttars proposed the following amendment:

1. Page 3, Line 78

78 Subsection (3)(a).
(4) This section does not apply when an individual’s health maintenance organization benefit plan is a medicaid program under Title 26, Chapter 18, Medical Assistance Act.

Senator Buttars’ motion to amend passed on a voice vote. Senator Bramble commented.

On motion of Senator Buttars, the bill was circled.

INTRODUCTION OF BILLS

S.B. 64, Real Estate Transactions and Securities (L. A. Mansell), read the first time by short title and referred to the Rules Committee.

S.B. 208, Rights of Way Across State and Institutional Trust Lands (B. Evans), read the first time by short title and referred to the Rules Committee.
TIME CERTAIN CALENDAR

S.B. 89, MUTUAL DEPENDENCE BENEFITS CONTRACT, was before the Senate and explained by Senator Bell.

Senator Bell proposed the following amendment:

1. Page 6, Line 163d

   Senate 2nd Reading Amendments
   1–28–2005

   163d Subsections 31A–21–104(2)(a) and (b).

   (6)(a) Nothing in this chapter, or a contract created under this chapter, may be construed to create, ratify, or recognize any relationship other than that of parties to a mutual dependence benefits contract.

   (b) Nothing in this chapter may be construed to give a contract the same or substantially equivalent legal effect as a marriage.

   (c) Nothing in this chapter grants a right to any party other than an express right selected by the parties to a contract under Subsection (2) or (3).

   Senator Bell’s motion to amend passed on a voice vote. Senators Allen, Hillyard, Hickman, and Thomas commented and the bill failed on the following roll call:

   Yeas, 10; Nays, 18; Absent, 1.

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**Absent or not voting was:** Senator

Julander

S.B. 89 was returned to the staff for filing.
On motion of Senator Killpack, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Killpack, the circle was removed from 1st Sub. S.B. 8, LOCAL CORRIDOR PRESERVATION FUNDING, and it was before the Senate. Senator Killpack explained the bill.

Senator Hatch proposed the following amendment:

1. Page 1, Line 25 through Page 2, Line 27
   25 provides that unless otherwise provided by written agreement, the highway
   26 authority that holds the deed to the property is responsible for maintenance of the property and
   27 that transfer of ownership of property acquired shall be done with a recorded deed and a written agreement;

2. Page 10, Lines 299 through 301:
   299 (b) The transfer of ownership for property acquired under this section from one
   300 highway authority to another shall include a recorded deed for the property and a written agreement between the highway authorities.

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

Senator Stephenson proposed the following amendment:

1. Page 2, Lines 48 through 49
   48 • an access management policy or ordinance in effect that meets certain
   49 requirements; {and –}
   49 requires a county or municipality to contribute an amount equivalent to 10% of the cost of any improvements made to property that
is acquired by the department if:

- the improvements are made on or after July 1, 2006;
- the improvement must be razed or destroyed for construction of a highway; and
- the property becomes part of a state highway transportation corridor; and

2. Page 3, Line 60
   Senate 2nd Reading Amendments
   1−24−2005:

   60 72−2−117.5, Utah Code Annotated 1953
       72−5−407, Utah Code Annotated 1953

3. Page 11, Line 317:

   317 real property under this section.
   Section 4. Section 72−5−407 is enacted to read:
   72−5−407. Local participation in corridor preservation costs.
       (1) A county or municipality shall contribute an amount equivalent to 10% of the cost of any improvements made to property within its jurisdiction if:
           (a) the improvements are made on or after July 1, 2006;
           (b) the improvements must be razed or destroyed for construction of a highway;
           (c) the department acquires the property; and
           (d) the property is in a high priority corridor designated under Section 72−2−117.
       (2) A county or municipality may pay the amount required under Subsection (1) from funds:
           (a) allocated to the county or municipality from the class B and class C roads account; or
           (b) funds available in the Local Transportation Corridor Preservation Fund created in Section 72−2−117.5.
       (3) The payments required under this section shall be:
           (a) paid to the department; and
           (b) used for the highway for which the property was acquired.
   Renumber remaining sections accordingly.

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

**Yeas, 5; Nays, 21; Absent, 3.**
Voting in the affirmative were: Senators
Buttars    Hellewell    Hillyard    Mansell
Stephenson

Voting in the negative were: Senators
Allen      Arent       Bramble     Christensen
Davis      Dmitrich   Eastman     Evans
Hale       Hatch       Hickman     Jenkins
Killpack   Knudson     Madsen     Mayne
Peterson   Thomas      Waddoups   Walker
Valentine

Absent or not voting were: Senators
Bell       Fife        Julander

Senators Thomas, Eastman, Mansell, and Madsen commented. The bill passed on the following roll call:

Yeas, 15; Nays, 12; Absent, 2.

Voting in the affirmative were: Senators
Allen      Arent       Bell        Buttars
Christensen Dmitrich Eastman   Fife
Hale       Hatch       Killpack   Knudson
Mayne      Walker      Valentine

Voting in the negative were: Senators
Davis      Evans       Hellewell  Hickman
Hillyard   Jenkins     Madsen     Mansell
Peterson   Stephenson  Thomas     Waddoups

Absent or not voting were: Senators
Bramble   Julander

1st Sub. S.B. 8, as amended, was transmitted to the House for consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

The House passed, as substituted and amended, 1st Sub. H.B. 40, SUNSET OF TOWNSHIP PROVISION, by Representative M. S. Lawrence, and it is transmitted for consideration; and
The House passed, as amended, H.B. 198, NATUROPATHIC FORMULARY PEER COMMITTEE AMENDMENTS, by Representative J. Ferrin, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. 1st Sub. H.B. 40 and H.B. 198 were read the first time and referred to the Rules Committee.

* * *

On motion of Senator Knudson and at 3:05 p.m., the Senate adjourned until 10:00 a.m., Wednesday, February 2, 2005.
SEVENTEENTH DAY

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

Prayer – Marsha Howell, President of the Professional Employee Association of Utah State University

Pledge of Allegiance – Senator Fred Fife

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

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 96)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 1, 2005

The House passed, as amended, H.B. 13, OCCUPATIONAL AND PROFESSIONAL LICENSING SUNSET AMENDMENT, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed, as amended, H.B. 75, GOVERNMENT RECORDS ACCESS AND MANAGEMENT TASK FORCE, by Representative D. Aagard, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. H.B. 13 and H.B. 75 were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.J.R. 11, RESOLUTION LIMITING NUMBER OF GOVERNOUR’S TERMS, by Senator C. Walker.

Parley G. Hellewell, Chair

Mr. President: February 1, 2005

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 153, TAX REFORM TASK FORCE, by Senator C. Bramble, with the following amendments:
1. Page 1, Line 27 through Page 2, Line 28:

27 Other Special Clauses:
   This bill provides an immediate effective date.

28 This bill is repealed on November 30, 2005.

2. Page 3, Lines 71 through 72:

71 staffing the task force.

Section 4. 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.

72 Section { 4. } 5. Repeal date

The Revenue and Taxation Committee reports a favorable recommendation on H.B. 7, INDIVIDUAL INCOME TAX − CONTRIBUTIONS FOR EDUCATION, by Representative S. Allen; and

The Revenue and Taxation Committee reports a favorable recommendation on H.B. 14, BOND ELECTION PROCESS AMENDMENTS, by Representative F. Hunsaker; and

The Revenue and Taxation Committee reports a favorable recommendation on H.B. 170, EXTENSION OF UTAH LOW−INCOME HOUSING TAX CREDITS, by Representative S. Clark.

Darin Peterson, Acting Chair

Mr. President: February 1, 2005

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on S.B. 57, USE OF STATE SALES AND USE TAX REVENUES FOR BUSINESS DEVELOPMENT IN DISADVANTAGED RURAL COMMUNITIES, by Senator P. Knudson, et al.

Carlene M. Walker, Chair

Mr. President: February 1, 2005

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on S.B. 148, CONSERVATION EASEMENT ENDOWMENT RESTRICTED ACCOUNT, by Senator B. Evans, with the following amendments:
1. Page 1, Lines 15 through 16:

specifies that the fund is to be used to monitor or assist in the maintenance of conservation easements held by the Department of Natural Resources and the Department of Agriculture and Food.

2. Page 2, Lines 38 through 40:

Upon appropriation by the Legislature, monies from the account shall be used to monitor or assist in the maintenance of conservation easements held by divisions in the Department of Natural Resources and the Department of Agriculture and Food.

Michael G. Waddoups, Chair

Mr. President: February 1, 2005

The Transportation and Public Utilities and Technology Committee recommends S.B. 25, TRANSPORTATION AMENDMENTS AND HIGHWAY JURISDICTIONAL TRANSFER TASK FORCE, by Senator C. Walker, be replaced and favorably recommends 1st Sub. S.B. 25, TRANSPORTATION AMENDMENTS AND HIGHWAY JURISDICTIONAL TRANSFER TASK FORCE with the following amendments:

1. Page 16, Lines 469 through 474:

\{(a)\} The Transportation Commission, in consultation with the department and the metropolitan planning organizations as defined in Section 72−1−208.5, shall develop a written prioritization process for the prioritization of new transportation capacity projects that are or will be part of the state highway system under Chapter 4, Part 1, State Highways.

\{(b)\} The department shall consult with metropolitan planning organizations as defined in Section 72−1−208.5 in the development provided under Subsection (1)(a).
2. Page 17, Lines 501 through 506:

501 (2) Prior to finalizing priorities and funding levels of projects in the state transportation system, the commission shall conduct public hearings at locations around the state and accept public comments on:

504 (a) the written prioritization process; and

505 (b) the merits of new transportation capacity projects that will be prioritized under this section; and

506 (c) the merits of new transportation capacity projects as recommended by a consensus of local elected officials participating in a metropolitan planning organization as defined in Section 72−1−208.5.

3. Page 19, Lines 554 through 555:

554 (e) “minor collector road” or “minor collector street” has the same meaning as provided under the Federal Highway Administration Functional Classification Guidelines.

4. Page 25, Line 758:

758 transportation systems.

(6) The task force shall meet no more than eight times from April through November.

(7) The task force shall make a final report, including any proposed legislation, to the Transportation Interim Committee before November 30, 2005.

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.B. 51, NEW MOTOR VEHICLE FRANCHISE ACT AMENDMENTS, by Senator D. Eastman, with the following amendments:

1. Page 8, Lines 224 through 229:

224 (ii) if the order modifies or rejects a finding of fact in a recommendation from the advisory board, shall be made on the basis of information learned from the executive director’s;
(A) personal attendance at the hearing; or
(B) review of the record developed at the hearing;

(C) consultation with the executive director’s designee

under Subsection

13−14−103(1)(a), who attended the adjudicative proceeding.

2. Page 10, Lines 279 through 284:

(1) (a) A person may commence an adjudicative proceeding in accordance with this chapter and with Title 63, Chapter 46b, Administrative Procedures Act to:

(i) remedy a violation of this chapter; or

(ii) obtain approval of an act regulated by this chapter; or

(iii) obtain any determination that this chapter specifically authorizes that person to request.

3. Page 15, Line 439:

subject to Subsections (7) through (9), discriminate against a franchisee in the state in favor of

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.B. 134, POWERSPORT VEHICLE FRANCHISE ACT, by Senator D. Eastman, with the following amendments:

1. Page 7, Lines 208 through 213:

(ii) if the order modifies or rejects a finding of fact in a recommendation from the advisory board, shall be made on the basis of information learned from the executive director’s:

(A) personal attendance at the hearing; or

(B) review of the record developed at the hearing;
213 13–14–103(1)(a), who attended the adjudicative proceeding. }

2. Page 9, Lines 263 through 267:

263 (1) (a) A person may commence an adjudicative proceeding in accordance with this
264 chapter and with Title 63, Chapter 46b, Administrative Procedures Act, to:
265 (i) remedy a violation of this chapter; [or]
266 (ii) obtain approval of an act regulated by this chapter[.]; or
267 (iii) obtain any determination that this chapter specifically authorizes that person to request.

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.B. 144, MOTOR VEHICLE STOPS AT PORT−OF−ENTRY, by Senator P. Knudson; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.C.R. 5, RESOLUTION APPROVING SETTLEMENT OF LAWSUIT, by Senator P. Knudson.

Sheldon L. Killpack, Chair

Mr. President: February 1, 2005

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 54, CRIMINAL APPEAL AMENDMENTS, by Representative S. Wyatt.

D. Chris Buttars, Chair


* * *

Mr. President: February 1, 2005

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on S.J.R. 10, RESOLUTION TO CONGRESS REGARDING OIL AND GAS DRILLING AND EXPLORATION, by Senator
H. Stephenson, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.B. 160, WILDLIFE LICENSE AGENTS AMENDMENTS, by Representative J. Fisher, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.B. 162, MUNICIPAL ABATEMENT OF WEEDS AND OTHER NEGLECTED ITEMS ON PROPERTY, by Representative M. Morley, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

15a PROVIDES FOR THE RECOVERY OF ADMINISTRATIVE COSTS RELATED TO THE

15b ABATEMENT OF NEGLECTED WEEDS, GARBAGE, {-REFUGE-} REFUSE, OBJECTS, OR STRUCTURE; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.B. 177, WILDLIFE LICENSE REFUND AMENDMENTS, by Representative M. Dayton, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.B. 181, DUPLICATE WILDLIFE LICENSING AMENDMENTS, by Representative M. Dayton, and recommends it be considered read for the second time and placed on the Consent Calendar.

Michael G. Waddoups, Chair

On motion of Senator Waddoups, the committee reports were adopted. S.J.R. 10, H.B. 160, H.B. 162, as amended, H.B. 177, and H.B. 181 were considered read the second time and placed on the Consent Calendar.
Mr. President: February 1, 2005

The Revenue and Taxation Committee has tabled S.B. 45, CHARITABLE PURPOSE DETERMINATION, by Senator P. Hellewell, and has returned it to the Rules Committee for filing.

Curtis S. Bramble, Chair

On motion of Senator Waddoups, the committee report was adopted. S.B. 45 was returned to the Rules Committee for filing.

INTRODUCTION OF BILLS

S.B. 174, Security Service Amendments (R. Allen), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

On motion of Senator Hellewell, the circle was removed from S.B. 125, AMENDMENTS TO INDIVIDUAL INCOME TAX CREDIT FOR SPECIAL NEEDS ADOPTIONS, and it was before the Senate. Senator Hellewell explained the bill.

Senator Hellewell proposed the following amendment:

1. Page 1, Lines 13 through 18
   Senate Committee Amendments
   1–26–2005

   13 amends the definition of “child who has a special need”;

   13a § REQUIRES THAT AN ADOPTION OCCUR IN THIS STATE FOR A TAXPAYER TO BE ELIGIBLE FOR A TAX CREDIT;

   13b FOR A TAX CREDIT; § and

   14 { provides that a taxpayer may not claim a tax credit if the taxpayer adopts a child of

   15 the taxpayer’s spouse;

   16 grants rulemaking authority to the State Tax Commission to define “child of the

   17 taxpayer’s spouse”; and }
makes technical changes.

2. Page 2, Lines 40 through 41

Senate Committee Amendments
1–26–2005:

40 (2) {–[–]} For {–[–]} {Except as provided in Subsection (3), for } taxable years beginning on or after January 1, [2005] 2005, a taxpayer who adopts a child who has a special need

3. Page 2, Lines 48 through 55

Senate Committee Amendments
1–26–2005:

48 {–(3)(a) Notwithstanding Subsection (2), a taxpayer may not claim a tax credit under this section if the taxpayer adopts a child of the taxpayer’s spouse.} (b) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the commission may by rule define “child of the taxpayer’s spouse.”

51 {–(4) The credit provided for in this section may not be carried forward or carried back.} (4) Nothing in this section shall affect the ability of any taxpayer who adopts a child who has a special need to receive adoption assistance under Section 62A–4a–907.

Senator Hellewell’s motion to amend passed on a voice vote. Senator Hillyard commented.

On motion of Senator Hellewell, the bill was circled.

* * *

**S.B. 128**, **CALCULATION OF INTEREST ON TAX OVERPAYMENTS**, 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
Allen Arent Bell Bramble
Buttrars Christensen Davis Dmitrich
Eastman Evans Fife Hale
Hatch Hellewell Hickman Hillyard
Jenkins Killpack Knudson Madsen
Mansell Mayne Peterson Stephenson
Thomas Waddoups Walker

Absent or not voting were: Senators
Julander Valentine

S.B. 128 was transmitted to the House for consideration.

* * *

S.B. 133, INDIVIDUAL INCOME TAX − RETURN FILING REQUIREMENTS, 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
Allen Arent Bell Bramble
Buttrars Christensen Davis Dmitrich
Eastman Evans Fife Hale
Hatch Hellewell Hickman Hillyard
Jenkins Killpack Knudson Madsen
Mansell Mayne Peterson Stephenson
Thomas Waddoups Walker

Absent or not voting were: Senators
Julander Valentine

S.B. 133 was transmitted to the House for consideration.

* * *

S.B. 42, ALCOHOL RESTRICTED DRIVERS, was read the third time, explained by Senator Walker, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.
Voting in the affirmative were: Senators
Allen       Arent       Bell       Bramble
Buttars     Christensen Davis Dmitrich
Eastman     Evans       Fife       Hale
Hatch       Hellewell   Hickman   Hillyard
Jenkins     Killpack    Knudson   Madsen
Mansell     Mayne       Peterson  Stephenson
Thomas      Waddoups    Walker

Absent or not voting were: Senators
Julander    Valentine

S.B. 42, as amended, was transmitted to the House for consideration.

* * *

S.B. 47, WRONGFUL LIEN OFFENSES, was read the third time, explained by Senator Evans, and passed on the following roll call:
Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators
Allen       Arent       Bell       Bramble
Buttars     Christensen Davis Dmitrich
Eastman     Evans       Fife       Hale
Hatch       Hellewell   Hickman   Hillyard
Jenkins     Killpack    Knudson   Madsen
Mansell     Mayne       Peterson  Stephenson
Thomas      Waddoups    Walker    Valentine

Absent or not voting was: Senator
Julander

S.B. 47 was transmitted to the House for consideration.

* * *

S.B. 73, TAMPERING WITH EVIDENCE, was read the third time, explained by Senator Buttars, and passed on the following roll call:
Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators
Allen       Arent       Bell       Bramble
Buttars     Christensen Davis Dmitrich
Eastman  Evans  Fife  Hale
Hatch    Hellewell  Hickman  Hillyard
Jenkins  Killpack  Knudson  Madsen
Mansell  Mayne  Peterson  Stephenson
Thomas  Waddoups  Walker  Valentine

Absent or not voting was: Senator Julander

S.B. 73 was transmitted to the House for consideration.

* * *

S.B. 131, AUTHORIZATION FOR ADDITIONAL JUDICIAL POSITION, was read the third time, explained by Senator Madsen, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen    Arent  Bell  Bramble
Buttars  Christensen  Davis  Dmitrich
Eastman  Evans  Fife  Hale
Hatch    Hellewell  Hickman  Hillyard
Jenkins  Killpack  Knudson  Madsen
Mansell  Mayne  Peterson  Stephenson
Thomas  Waddoups  Walker  Valentine

Absent or not voting was: Senator Julander

S.B. 131 was transmitted to the House for consideration.

* * *

S.B. 107, LICENSURE AND REGULATION OF PROGRAMS AND FACILITIES, was read the third time, explained by Senator Hatch, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen    Arent  Bramble  Christensen
Davis    Dmitrich  Eastman  Evans
Absent or not voting were: Senators
Bell Buttars Julander

S.B. 107, as amended, was transmitted to the House for consideration.

* * *

S.B. 129, BRINE SHRIMP ROYALTY ACT AMENDMENTS, was read the third time, explained by Senator Hatch, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Christensen Davis Dmitrich Eastman
Evans Fife Hale Hatch
Hellewell Hickman Hillyard Killpack
Knudson Madsen Mansell Mayne
Peterson Stephenson Thomas Waddoups
Walker Valentine

Absent or not voting were: Senators
Buttars Jenkins Julander

S.B. 129 was transmitted to the House for consideration.

* * *

On motion of Senator Hellewell, the circle was removed from S.B. 125, AMENDMENTS TO INDIVIDUAL INCOME TAX CREDIT FOR SPECIAL NEEDS ADOPTIONS, and it was before the Senate. Senator Hellewell explained the bill. Senator Bramble commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman        Evans        Fife        Hale
Hatch          Hellewell    Hickman     Hillyard
Jenkins        Killpack     Knudson     Madsen
Mansell        Mayne        Peterson    Thomas
Waddoups       Walker       Valentine

Absent or not voting were: Senators
Julander       Stephenson

S.B. 125, as amended, was transmitted to the House for consideration.

SECOND READING CALENDAR

H.B. 176, REVISOR’S STATUTE, was read the second time. Senator Waddoups 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
Allen           Arent         Bell         Buttars
Christensen     Dmitrich     Eastman     Evans
Fife            Hale          Hatch       Hellewell
Hickman         Hillyard     Jenkins     Killpack
Knudson         Madsen       Mansell    Mayne
Peterson        Thomas       Waddoups   Walker
Valentine

Absent or not voting were: Senators
Bramble        Davis         Julander    Stephenson

* * *

H.B. 10, EMPLOYMENT SECURITY ACT AMENDMENTS, was read the second time. Senator Jenkins 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
Arent          Bell          Buttars     Christensen
Dmitrich       Eastman      Evans       Fife
Hale           Hatch        Hellewell  Hickman
Hillyard       Jenkins      Killpack   Knudson
Madsen         Mansell      Mayne      Peterson
Thomas         Waddoups     Walker     Valentine
Absent or not voting were: Senators  
Allen  Bramble  Davis  Julander  Stephenson  

* * *

H.B. 26, CONVEYANCES OF PROPERTY, 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  
Allen  Arent  Bell  Buttar  
Christensen  Davis  Dmitrich  Eastman  
Evans  Fife  Hale  Hatch  
Hellewell  Hickman  Hillyard  Jenkins  
Killpack  Knudson  Madsen  Mansell  
Mayne  Peterson  Stephenson  Thomas  
Waddoups  Walker  Valentine  

Absent or not voting were: Senators  
Bramble  Julander  

* * *

H.B. 15, REPEAL OF STATE DEBT COLLECTION ADVISORY BOARD, was read the second time. Senator Evans 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  
Allen  Arent  Bell  Buttar  
Christensen  Davis  Dmitrich  Eastman  
Evans  Fife  Hale  Hatch  
Hellewell  Hickman  Hillyard  Jenkins  
Killpack  Knudson  Madsen  Mansell  
Mayne  Peterson  Stephenson  Thomas  
Waddoups  Walker  Valentine  

Absent or not voting were: Senators  
Bramble  Julander
H.B. 19, PROCUREMENT CODE RENUMBERING, was read the second time. Senator Hickman explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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H.B. 37, ADMINISTRATIVE RULES REAUTHORIZATION, was read the second time. Senator Stephenson explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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H.B. 20, CALLING LOCAL SPECIAL ELECTIONS FOR SALES AND USE TAX PURPOSES, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:
Yeas, 25; Nays, 0; Absent, 4.

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Allen  Davis  Fife  Julander

***

H.B. 5, PERSON WITH A DISABILITY MOTORCYCLE PARKING, was read the second time. Senator Killpack explained the bill. Senators Mansell, Eastman, Jenkins, and Bramble commented.

On motion of Senator Killpack, the bill was circled.

***

H.B. 6, MASTER HIGHWAY DESIGNATION AMENDMENTS, was read the second time. Senator Jenkins 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

Arent  Bramble  Buttars  Christensen
Davis  Dmitrich  Eastman  Evans
Fife  Hale  Hatch  Hellewell
Hickman  Hillyard  Jenkins  Killpack
Knudson  Madsen  Mayne  Peterson
Thomas  Waddoups  Walker  Valentine

**Absent or not voting were:** Senators

Allen  Bell  Julander  Mansell
Stephenson

***

H.B. 16, REPEAL OF VEHICLE EQUIPMENT SAFETY COMMISSION, was read the second time. Senator Hickman 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
Arent  Bell  Bramble  Buttars
Christensen  Davis  Dmitrich  Eastman
Evans  Fife  Hale  Hatch
Hellewell  Hickman  Hillyard  Jenkins
Killpack  Knudson  Madsen  Mayne
Peterson  Stephenson  Thomas  Waddoups
Walker  Valentine

Absent or not voting were: Senators
Allen  Julander  Mansell

* * *

H.B. 52, FIRE PREVENTION AMENDMENTS, was read the second time. Senator Christensen explained the bill. Senators Jenkins and Hellewell commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Allen  Arent  Bell  Bramble
Buttars  Christensen  Davis  Dmitrich
Eastman  Evans  Fife  Hale
Hatch  Hellewell  Hickman  Hillyard
Jenkins  Killpack  Knudson  Madsen
Mayne  Peterson  Thomas  Waddoups
Walker

Absent or not voting were: Senators
Julander  Mansell  Stephenson  Valentine

* * *

H.B. 8, CHILD PROTECTION TEAM MEETINGS, was read the second time. Senator Madsen 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
Allen  Arent  Bell  Bramble  Buttars
Christensen  Davis  Dmitrich  Eastman
Evans        Fife        Hale        Hatch
Hellewell    Hickman    Hillyard    Jenkins
Killpack     Knudson    Madsen      Mayne
Peterson     Thomas     Waddoups    Walker
Valentine

Absent or not voting were: Senators
Bell          Julander    Mansell    Stephenson

***

H.B. 34, EMERGENCY RELATED AMENDMENTS, was read the second time.

On motion of Senator Knudson, the bill was circled.

***

H.B. 51, ELECTRONIC PAYMENTS TO LOCAL GOVERNMENT ENTITIES, was read the second time. Senator Christensen explained the bill. Senator Jenkins commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Allen         Arent       Bramble     Buttars
Christensen   Davis       Dmitrich    Eastman
Evans         Fife        Hale        Hatch
Hellewell     Hickman     Hillyard    Jenkins
Killpack      Knudson     Madsen      Mansell
Mayne         Peterson    Thomas      Waddoups
Valentine

Absent or not voting were: Senators
Bell          Julander    Stephenson    Walker

***

H.B. 185, UTAH COMPUTER CRIMES ACT AMENDMENTS, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.
1st Sub. H.B. 28, JUVENILE JUSTICE RECODIFICATION AND REVISIONS, was before the Senate. Senator Waddoups explained the bill.

Senator Waddoups proposed the following amendment:

1. Page 12, Line 336 through Page 12, Line 337

   336 provisions of Subsection (1) may be deposited in the “Juvenile Justice Services Victim
   337 Restitution Account[,” created in Section
   62A−7−10.5 at the discretion of the director.

Senator Waddoups’ motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

| Allen       | Arent       | Bell        | Bramble    |
| Buttars     | Christensen | Davis       | Dmitrich   |
| Eastman     | Evans       | Fife        | Hale       |
| Hatch       | Hellewell   | Hillyard    | Jenkins    |
| Killpack    | Knudson     | Madsen      | Mansell    |
| Mayne       | Peterson    | Thomas      | Waddoups   |
| Valentine   |             |             |            |

Absent or not voting were: Senators

| Bramble | Hickman | Julander | Stephenson | Walker |

* * *

On motion of Senator Bell, the circle was removed from H.B. 34, EMERGENCY RELATED AMENDMENTS, and it was before the Senate.
Senator Bell 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

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**Absent or not voting were:** Senators

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On motion of Senator Hillyard, **H.B. 34** was placed on Third Reading Table due to fiscal impact.

* * *

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. 24, WASTE AMENDMENTS**, and it was before the Senate. Senator Bramble explained the bill. Senators Hillyard, Arent, Hickman, Mansell, Jenkins, and Allen commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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1st Sub. S.B. 24 was transmitted to the House for consideration.

On motion of Senator Bramble, the following intent language was adopted for 1st Sub. S.B. 24.

**INTENT LANGUAGE FOR 1ST SUB. S.B. 24**

During the course of the last several years, the Legislature has reviewed the contracts between Envirocare and the banks involving disposition and management of funds securing certain letters of credit issued by Envirocare with the state as beneficiary. Because of the Legislature’s concerns about the state’s position under those contracts, the state agencies responsible for regulating Envirocare reviewed those contracts and have assured the Legislature that those contracts have been revised to provide further protection to the state. During the same period, the Legislature sought a legal opinion from its counsel on whether or not the state could collect on certain letters of credit provided by Envirocare as long–term security for Envirocare’s closure and post closure expenses if Envirocare declared bankruptcy. That legal opinion concluded that, although the bankruptcy court might delay payment on the letters of credit, it is likely that the state would be able to collect the full amount provided by the letters of credit, but might need to incur litigation expenses.

It is the intent of the Legislature that the agencies responsible for regulating and overseeing Envirocare’s solid, hazardous, and radioactive waste disposal programs continue to review, and encourage the revision of, the contracts as necessary to ensure that the state is adequately protected and that the office of the attorney general continue to monitor bankruptcy law developments to ensure that letters of credit continue to provide legally enforceable security for the closure and post–closure costs that will someday be associated with the Envirocare facilities.

***

On motion of Senator Thomas, the Senate voted to move to Second Reading Calendar.

**SECOND READING CALENDAR**

On motion of Senator Thomas, the Senate voted to move 1st Sub. S.B. 92 to the top of the Second Reading Calendar.

1st Sub. S.B. 92, UTAH ATTORNEY’S FEES RECOVERY ACT, was read the second time.
On motion of Senator Thomas, the following substitute bill replaced the original bill.


On motion of Senator Thomas, the bill was circled.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 2, 2005

The House passed, S.B. 6, SALES AND USE TAX AGRICULTURE EXEMPTIONS, by Senator R. Allen, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 11, INITIATIVE PETITIONS AMENDMENTS, by Senator B. Evans, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 17, FOSTER CARE CITIZEN REVIEW BOARD, 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. 36, SALES AND USE TAXATION OF PAWN TRANSACTIONS, by Senator R. Allen, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 6, S.B. 11, S.B. 17, and S.B. 36 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 2, 2005

The House passed H.B. 17, MOTION PICTURE INCENTIVE FUND, by Representative S. Allen, et al, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. H.B. 17 was read the first time and referred to the Rules Committee.

* * *

On motion of Senator Knudson and at 12:00 noon, the Senate adjourned until 10:00 a.m., Thursday, February 3, 2005.
February 3, 2005

EIGHTEENTH DAY

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

**Prayer** – Pastor Eric Morgan, Living Waters Christian Fellowship Church

**Pledge of Allegiance** – Senator Patrice Arent

**Roll Call** – All Senators present except Senator Julander, excused.

**READING OF TITLES OF BILLS AND RESOLUTIONS**

*(PLEASE REFER TO DAY 1, PAGE 96)*

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: February 2, 2005

The House passed, **S.B. 101**, UTAH ADMINISTRATIVE RULEMAKING ACT REVISION, by Senator H. Stephenson, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 101** was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 2, 2005

The House passed, as amended, **1st Sub. S.B. 23**, PROPERTY TAX TREATMENT OF TANGIBLE PERSONAL PROPERTY, by Senator C. Bramble, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 27**, SUNSET REAUTHORIZATIONS, by Senator L. A. Mansell, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bills were placed on the Concurrence Calendar.
Mr. President:

The House passed, as amended, **H.B. 172**, NOTARY PUBLIC AMENDMENTS, by Representative L. Shurtliff, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 172** was read the first time and referred to the Rules Committee.

**RULES COMMITTEE REPORTS**

To the Members of the Senate:

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

**Business and Labor Committee**

- **S.B. 64** Real Estate Transactions and Securities (Sen. L. A. Mansell)
- **S.B. 174** Security Service Amendments (Sen. R. Allen)
- **H.B. 13** Occupational and Professional Licensing Sunset Amendment (Rep. R. Lockhart)
- **H.B. 191** Captive Insurance Law Amendments (Rep. J. Dunnigan)
- **H.B. 201** Life Insurance and Annuities Law Amendments (Rep. J. Dunnigan)

**Education Committee**

- **S.B. 208** Rights-of-Way Across School and Institutional Trust Lands (Sen. B. Evans)
- **H.B. 43** School Land Trust Program Funding Amendments (Rep. S. Urquhart)
- **H.C.R. 1** Resolution Promoting Moderately Sized Schools (Rep. D. Cox)

**Government Operations and Political Subdivisions Committee**

- **H.B. 165** Utah Commission on Aging (Rep. P. Jones)
Health and Human Services Committee
S.B. 176  Programs and Facilities Licensing Amendments  
          (Sen. D. C. Buttars)

Judiciary, Law Enforcement, and Criminal Justice Committee
S.B. 177  Increase Statute of Limitations on Rape  
          (Sen. E. Mayne)

Natural Resources, Agriculture, and Environment Committee
S.B. 182  Veterinary Practice Act – Exemptions  
          (Sen. M. Dmitrich)
H.B. 168  Cooperative Wildlife Management Unit Amendments  
          (Rep. J. Gowans)
1st Sub. H.B. 182  Historical Livestock Trails  
                   (Rep. B. Johnson)

Revenue and Taxation Committee
S.B. 61   Gross Receipts Tax on Privately Owned Health Care  
          Organizations (Sen. M. Waddoups)
S.B. 161  Amendments to the Property Tax Valuation Agency Fund  
          Assessing and Collecting Levy  
          (Sen. H. Stephenson)
H.B. 9    Sales and Use Tax – Agricultural Exemption Vehicle  
          Limitation  
          (Rep. R. Menlove)
H.B. 53   Tax Treatment of Personal Property  
          (Rep. L. Shurtliff)
H.B. 171  Calculation of Mining Severance Tax on Beryllium  
          (Rep. R. Wheeler)
                   (Rep. S. Clark)

Michael Waddoups  
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 2, 2005

The Business and Labor Committee reports a favorable recommendation on  
S.B. 138, JUDGMENT INTEREST AMENDMENTS, by Senator E. Mayne; and

The Business and Labor Committee reports a favorable recommendation on  
S.B. 149, PETE SUAZO ATHLETIC COMMISSION AMENDMENTS, by Senator E. Mayne, with the following amendments:

1.  Page 2, Line 40:
(c) an HIV negative test regarding each contestant within 180 days of the contest has

2. Page 5, Line 141:

(g) after entering the ring or contest area, penetrating an area within four feet of an opponent by a contestant, manager or

3. Page 9, Line 271:

(d) a statement specifying the maximum number of rounds of the contest

The Business and Labor Committee reports a favorable recommendation on S.J.R. 9, RESOLUTION RECOGNIZING 100 YEARS OF ROTARY INTERNATIONAL, by Senator P. Knudson; and

The Business and Labor Committee reports a favorable recommendation on H.B. 30, CONSUMER SALES PRACTICES ACT AMENDMENTS, by Representative T. Kiser, with the following amendments:

1. Page 4, Lines 110 through 114a

House Floor Amendments 1–21–2005:

110 (t) solicits for the sale of a product or service by providing a consumer with an unsolicited check or negotiable instrument the presentment or negotiation of which obligates the consumer to purchase a product or service unless the supplier is:

113 (i) a depository institution under Section 7-1-103; or

114 (ii) an affiliate of a depository institution; or

114a (iii) an entity regulated under Title 7, Financial Institutions Act.

The Business and Labor Committee reports a favorable recommendation on H.B. 164, REPEAL OF UTAH PERSONAL INTRODUCTION SERVICES PROTECTION ACT, by Representative S. Allen; and
The Business and Labor Committee reports a favorable recommendation on **H.B. 186, CONSUMER PROTECTION AMENDMENTS**, by Representative S. Allen.

Scott K. Jenkins, Chair

Mr. President: February 2, 2005

The Health and Human Services Committee reports a favorable recommendation on **S.B. 19, DISEASE TESTING OF INDIVIDUALS EXPOSED TO BLOOD BORNE PATHOGENS**, by Senator P. Arent, with the following amendments:

1. Page 2, Lines 32 through 33:

   32 ENACTS:
   33 78–29–104, Utah Code Annotated 1953
       78–29–105, Utah Code Annotated 1953

2. Page 5, Line 151 through Page 6, Line 154:

   151 (2) “Disease” means [the same as that term is defined in Section 26–6a−1] Human Immunodeficiency Virus infection, acute or chronic Hepatitis B infection, Hepatitis C
   152 infection, and any other infectious disease specifically designated by the Labor Commission in consultation with the Department of Health
   153 for the purposes of this chapter.

3. Page 9, Lines 254 through 257:

   254 Section 10. Section 78–29–104 is enacted to read:
   256 The Labor Commission in consultation with the Department of Health has authority to establish rules necessary for the purposes of
   257 Subsections 78–29–101(2) and (6).
   258 Section 11. Section 78–29–105 is enacted to read:
   260 Nothing in this chapter may be construed as prohibiting:
   261 (1) a person from voluntarily consenting to the request of a health
care provider, as defined in Section 78–14–3, to submit to testing following a significant exposure; or

(2) a court from considering the petition of a health care provider for an order requiring that a person submit to testing to determine the presence of a disease if a significant exposure has occurred in connection with the health care provider’s treatment of that person.

Renumber remaining sections accordingly

The Health and Human Services Committee reports a favorable recommendation on H.C.R. 7, CONCURRENT RESOLUTION OPPOSING NUCLEAR TESTING, by Representative M. Noel.

Allen M. Christensen, Chair

Mr. President: February 2, 2005

The Education Committee reports a favorable recommendation on S.B. 41, SCHOOL AND INSTITUTIONAL TRUST LANDS MANAGEMENT ACT REVISIONS, by Senator M. Dmitrich; and

The Education Committee reports a favorable recommendation on S.B. 58, LIABILITY PROTECTION OF EDUCATORS, by Senator H. Stephenson; and

The Education Committee reports a favorable recommendation on S.B. 59, HOME SCHOOL AMENDMENTS, by Senator M. Madsen.

David L. Thomas, Chair


* * *

Mr. President: February 2, 2005

The Health and Human Services Committee reports a favorable recommendation on H.B. 12, HEALTH CARE ASSISTANTS, by Representative R. Lockhart, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 17, Line 507:
On motion of Senator Knudson, the committee report was adopted. H.B. 12 was considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 178, Charter School Amendments (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 181, Criminal Code Amendments (K. Hale), read the first time by short title and referred to the Rules Committee.

S.B. 223, Oversight and Enforcement of Work Done on Mobile Homes (E. Mayne), read the first time by short title and referred to the Rules Committee.

S.J.R. 14, Joint Resolution on Stroke Awareness (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.J.R. 15, Joint Resolution Urging Medicaid Reform (P. Knudson), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Mansell, legislative staff was authorized to draft a joint resolution regarding a citation recognizing the Utah Foundation’s 60th anniversary.

THIRD READING CALENDAR

H.B. 176, REVISOR’S STATUTE, 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

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Absent or not voting were: Senators
Davis        Hillyard    Julander

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.

* * *

H.B. 10, EMPLOYMENT SECURITY ACT AMENDMENTS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen          Arent        Bell        Bramble
Buttars        Christensen  Dmitrich    Eastman
Evans          Fife          Hale        Hatch
Hellewell      Hickman      Hillyard    Jenkins
Killpack       Knudson      Madsen      Mayne
Peterson       Stephenson   Thomas      Waddoups
Walker         Valentine

Absent or not voting were: Senators
Davis        Julander    Mansell

H.B. 10 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 26, CONVEYANCES OF PROPERTY, was read the third time and explained by Senator Bell.

Senator Bell proposed the following amendment:

1. Page 2, Line 46:
   Delete “specially” and after “warrant” insert “against all who claim by, through, or under the grantor”

   Senator Bell’s motion to amend passed on a voice vote. The bill, as amended, passed on the following roll call:

   Yeas, 27; Nays, 0; Absent, 2.
Voting in the affirmative were: Senators
Allen    Arent    Bell    Bramble
Buttars  Christensen  Davis    Eastman
Evans    Fife    Hale    Hatch
Hellewell  Hickman    Hillyard    Jenkins
Killpack  Knudson    Madsen    Mansell
Mayne    Peterson    Stephenson    Thomas
Waddoups  Walker    Valentine

Absent or not voting were: Senators
Dmitrich    Julander

H.B. 26, as amended, was returned to the House for further consideration.

***

H.B. 15, REPEAL OF STATE DEBT COLLECTION ADVISORY BOARD, was read the third time, explained by Senator Evans, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen    Arent    Bell    Bramble
Buttars  Christensen  Davis    Eastman
Evans    Fife    Hale    Hatch
Hellewell  Hickman    Hillyard    Jenkins
Killpack  Knudson    Madsen    Mansell
Peterson    Stephenson    Thomas    Waddoups
Valentine

Absent or not voting were: Senators
Dmitrich    Julander    Mansell    Walker

H.B. 15 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

H.B. 19, PROCUREMENT CODE RENUMBERING, 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
Allen     Arent     Bell     Bramble
Buttars   Christensen Davis Eastman
Evans     Fife      Hale     Hatch
Hellewell Hickman Hillyard Jenkins
Killpack  Knudson  Madsen  Mansell
Mayne     Peterson Stephenson Thomas
Waddoups  Walker   Valentine

Absent or not voting were: Senators
Dmitrich Julander

H.B. 19 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

H.B. 37, 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
Allen     Arent     Bell     Bramble
Christensen Davis Dmitrich Eastman
Evans     Fife      Hale     Hatch
Hellewell Hickman Hillyard Killpack
Madsen    Mansell  Mayne   Peterson
Stephenson Thomas Waddoups Walker
Valentine

Absent or not voting were: Senators
Buttars   Hickman Jenkins Julander

H.B. 37 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

H.B. 20, CALLING LOCAL SPECIAL ELECTIONS FOR SALES AND USE TAX PURPOSES, 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
Allen  Arent  Bell  Bramble
Christensen  Davis  Dmitrich  Eastman
Evans  Fife  Hale  Hatch
Hellewell  Hickman  Hillyard  Jenkins
Killpack  Knudson  Madsen  Mayne
Peterson  Stephenson  Thomas  Waddoups
Walker  Valentine

Absent or not voting were: Senators
Buttars  Julander  Mansell

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. 6, MASTER HIGHWAY DESIGNATION 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
Allen  Arent  Bell  Christensen
Davis  Dmitrich  Eastman  Evans
Fife  Hale  Hatch  Hellewell
Hickman  Hillyard  Jenkins  Killpack
Knudson  Madsen  Mayne  Peterson
Stephenson  Thomas  Waddoups  Walker
Valentine

Absent or not voting were: Senators
Bramble  Buttars  Julander  Mansell

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.

* * *

H.B. 16, REPEAL OF VEHICLE EQUIPMENT SAFETY COMMISSION, 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
Allen           Arent       Bell           Buttars
Christensen    Davis       Dmitrich     Eastman
Evans          Fife        Hale          Hatch
Hellewell      Hickman    Hillyard     Jenkins
Killpack       Knudson    Madsen       Mansell
Mayne          Peterson   Stephenson   Thomas
Waddoups       Walker     Valentine

Absent or not voting were: Senators
Bramble       Julander

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.

* * *

H.B. 52, FIRE PREVENTION AMENDMENTS, was read the third time, explained by Senator Christensen, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen           Arent       Christensen   Davis
Dmitrich       Eastman     Evans         Fife
Hale           Hatch       Hellewell    Hickman
Hillyard       Jenkins     Killpack     Knudson
Madsen         Mansell     Mayne        Peterson
Stephenson     Thomas      Waddoups     Walker
Valentine

Absent or not voting were: Senators
Bell           Bramble     Buttars       Julander

H.B. 52 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 8, CHILD PROTECTION TEAM MEETINGS, 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
Allen Arent Christensen Davis
Dmitrich Evans Fife Hale
Hatch Hellewell Hickman Hillyard
Jenkins Killpack Knudson Madsen
Mansell Mayne Peterson Stephenson
Thomas Waddoups Walker Valentine

Absent or not voting were: Senators
Bell Bramble Buttars Eastman
Julander

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. 51, ELECTRONIC PAYMENTS TO LOCAL GOVERNMENT ENTITIES, was read the third time.

On motion of Senator Christensen, the bill was circled.

***

H.B. 185, UTAH COMPUTER CRIMES ACT AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bramble Christensen
Davis Dmitrich Eastman Evans
Fife Hale Hatch Hellewell
Hillyard Jenkins Killpack Knudson
Madsen Mansell Mayne Peterson
Stephenson Thomas Waddoups Walker Valentine

Absent or not voting were: Senators
Bell Buttars Hickman Julander

H.B. 185, as amended, was returned to the House for further consideration.
1st Sub. H.B. 28, JUVENILE JUSTICE RECODIFICATION, 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
Allen  Arent  Bell  Bramble
Christensen  Dmitrich  Eastman  Evans
Fife  Hale  Hatch  Hellewell
Hickman  Hillyard  Jenkins  Killpack
Knudson  Madsen  Mansell  Mayne
Peterson  Stephenson  Thomas  Waddoups
Walker  Valentine

**Absent or not voting were:** Senators
Buttars  Davis  Julander

1st Sub. H.B. 28, as amended, was returned to the House for further consideration.

**SECOND READING CALENDAR**

H.B. 7, INDIVIDUAL INCOME TAX − CONTRIBUTIONS FOR EDUCATION, 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
Allen  Arent  Bell  Bramble
Christensen  Dmitrich  Eastman  Evans
Evans  Fife  Hale  Hatch
Hellewell  Hickman  Hillyard  Jenkins
Knudson  Madsen  Mansell  Mayne
Peterson  Stephenson  Thomas  Waddoups
Walker  Valentine

**Absent or not voting were:** Senators
Buttars  Davis  Julander

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

Voting in the affirmative were: Senators
Arent Bell Bramble Christensen
Davis Dmitrich Eastman Evans
Fife Hale Hatch Hellewell
Hickman Hillyard Jenkins Knudson
Madsen Mansell Mayne Peterson
Stephenson Thomas Waddoups Walker
Valentine

Absent or not voting were: Senators
Allen Buttars Julander Killpack

***

H.B. 170, EXTENSION OF UTAH LOW–INCOME HOUSING TAX CREDITS, 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
Allen Arent Bell Bramble
Christensen Davis Dmitrich Eastman
Evans Fife Hale Hatch
Hellewell Hickman Hillyard Jenkins
Killpack Knudson Madsen Mansell
Mayne Peterson Stephenson Thomas
Waddoups Walker Valentine

Absent or not voting were: Senators
Buttars Julander

***

On motion of Senator Killpack, the circle was removed from H.B. 5, PERSON WITH A DISABILITY MOTORCYCLE PARKING, and it was before the Senate. Senator Killpack explained the bill. Senators Valentine and Hickman commented. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 5; Absent, 1.

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Fife  Hale  Hellewell  Hickman
Hillyard  Jenkins  Killpack  Knudson
Madsen  Mansell  Mayne  Peterson
Thomas  Waddoups  Walker

Voting in the negative were: Senators
Eastman  Evans  Hatch  Stephenson
Valentine

Absent or not voting was: Senator
Julander

***

H.B. 54, CRIMINAL APPEAL AMENDMENTS, was read the second time. Senator Thomas 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
Allen  Arent  Bell  Bramble
Buttars  Christensen  Davis  Dmitrich
Eastman  Evans  Fife  Hale
Hatch  Hellewell  Hillyard  Jenkins
Killpack  Knudson  Madsen  Mansell
Mayne  Peterson  Stephenson  Thomas
Waddoups  Walker  Valentine

Absent or not voting were: Senators
Hickman  Julander

***

S.B. 49, MOTOR VEHICLE LIABILITY COVERAGE AMENDMENTS, was read the second time. Senator Eastman explained the bill. Senators Hillyard, Hellewell, Madsen, Bell, and Bramble commented.

On motion of Senator Eastman, the bill was circled.

***

2nd Sub. S.B. 110, MEDICAL DEVICE NOTIFICATION AND LIABILITY, was read the second time. Senator Buttars explained the bill.
Senators Christensen, Arent, Hatch, Hillyard, Stephenson, Mayne, Hellewell, and Madsen commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**Absent or not voting were:** Senators

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**COMMITTEE OF THE WHOLE**

On motion of Senator Jenkins, Wynn Covieo, Ogden Pioneer Heritage Foundation representative, spoke in Committee of the Whole. Senator Hatch commented.

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

***

On motion of Senator Knudson and at 12:00 noon, the Senate adjourned until 10:00 a.m., Friday, February 4, 2005.
February 4, 2005

NINETEENTH DAY

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

Prayer – C. Craig Hanson, Past Stake President, Salt Lake Wasatch LDS Stake
Pledge of Allegiance – Senator Parley Hellewell
Roll Call – All Senators present except Senator Julander, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS
(Please refer to Day 1, Page 96)

COMMITTEE OF THE WHOLE

On motion of Senator Eastman, Ashley Boulter, a senior at Orem High School and Junior Miss contestant played a violin selection entitled “Concerto in G,” accompanied on the piano by Jane Galloway in Committee of the Whole.

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

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 3, 2005

The House passed, S.B. 78, OPTIONAL FORMS OF COUNTY GOVERNMENT AMENDMENT, by Senator D. Thomas, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 79, EXTENSION OF SUNSET DATE ON RESOURCE DEVELOPMENT COORDINATING COMMITTEE, by Senator B. Evans, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 81, LOCAL GOVERNMENT APPROVAL FOR SOLID NONHAZARDOUS AND HAZARDOUS WASTE DISPOSAL, by Senator B. Evans, which has been signed by the Speaker and it is transmitted for the signature of the President; and
The House passed, S.B. 97, CONSOLIDATION OF CITY AND COUNTY LIBRARY, by Senator G. Bell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 78, S.B. 79, S.B. 81, 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 3, 2005

The House passed, as amended, H.B. 29, STATE ENGINEER’S POWERS AND DUTIES AMENDMENTS, by Representative D. Clark, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 38, WATER LAW − CRIMINAL PENALTIES AMENDMENTS, by Representative B. Ferry, and it is transmitted for consideration; and

The House passed H.B. 90, SEARCH AND RESCUE ADVISORY BOARD − AMENDMENTS, by Representative J. S. Adams, and it is transmitted for consideration; and

The House passed H.B. 157, WATER ENFORCEMENT PROCEDURES AND PENALTIES, by Representative D. Ure, and it is transmitted for consideration; and

The House passed H.B. 222, PILOT PROGRAM REPEAL CLEAN−UP, by Representative R. Romero, and it is transmitted for consideration; and

The House passed H.C.R. 2, COWBOY HALL OF FAME RESOLUTION, by Representative L. Shurtliff, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. H.B. 29, 1st Sub. H.B. 38, H.B. 90, H.B. 157, H.B. 222, and H.C.R. 2 were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 3, 2005

The Rules Committee recommends assignment of the following bills to standing committees:
Business and Labor Committee
S.B. 223 Oversight and Enforcement of Work Done on Mobile Homes (Sen. E. Mayne)
H.B. 172 Notary Public Amendments (Rep. L. Shurtleff)

Education Committee
S.B. 178 Charter School Amendments (Sen. H. Stephenson)

Government Operations and Political Subdivisions Committee
1st Sub. H.B. 40 Sunset of Township Provision (Rep. M. S. Lawrence)

Health and Human Services Committee
S.J.R. 15 Joint Resolution Urging Medicaid Reform (Sen. P. Knudson)
H.B. 198 Naturopathic Formulary Peer Committee Amendments (Rep. J. Ferrin)

Judiciary, Law Enforcement, and Criminal Justice Committee
S.B. 181 Criminal Code Amendments (Sen. K. Hale)

Workforce Services and Community and Economic Development
H.B. 17 Motion Picture Incentive Fund (Rep. S. Allen)

Michael Waddoups
Rules Committee Chair
Report filed. On motion of Senator Waddoups, the committee report was adopted.

STANDING COMMITTEE REPORTS

Mr. President: February 3, 2005

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 80, SPECIAL SERVICE DISTRICTS – SERVICE EXPANSION, by Senator M. Dmitrich, with the following amendments:

1. Page 2, Line 45:

45  (xiv) receiving federal mineral lease funds under Title 59, Chapter 21, Mineral Lease Funds, and expending those funds, on economic development activities .

Parley G. Hellewell, Chair

Mr. President: February 3, 2005

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 69**, FEDERAL HEALTH CARE TAX CREDIT PROGRAM ACT, by Representative C. Oda.

Curtis S. Bramble, Chair

Mr. President: February 3, 2005

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 141**, MILITARY INSTALLATION PARTNERSHIPS, by Senator S. Killpack; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 23**, DEPARTMENT OF WORKFORCE SERVICES – WORK EXPERIENCE AND TRAINING PROGRAMS, by Representative D. Cox, et al; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 179**, UTAH VENTURE CAPITAL ENHANCEMENT ACT AMENDMENTS, by Representative P. Wallace.

Carlene M. Walker, Chair

On motion of Senator Waddoups, the committee reports were adopted. **S.B. 80**, as amended, **S.B. 163, H.B. 69, S.B. 141, H.B. 23**, and **H.B. 179** were placed on Second Reading Calendar.

**INTRODUCTION OF BILLS**

**S.B. 180**, Workers Compensation – Competitive Bid Requirements (M. Waddoups), read the first time by short title and referred to the Rules Committee.

**S.B. 195**, Tax Revisions (C. Bramble), read the first time by short title and referred to the Rules Committee.

**S.B. 215**, Banks as Limited Liability Companies (L. Hillyard), read the first time by short title and referred to the Rules Committee.
CONCURRENCE CALENDAR

On motion of Senator Bramble, the Senate voted to concur in the House amendments to **1st Sub. S.B. 23**, PROPERTY TAX TREATMENT OF TANGIBLE PERSONAL PROPERTY. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen    Arent    Bell    Bramble
Buttars  Christensen  Davis  Dmitrich
Eastman  Evans    Fife    Hale
Hatch    Hellewell  Hickman  Hillyard
Jenkins  Killpack  Knudson  Madsen
Mayne    Peterson  Stephenson  Thomas
Waddoups  Walker    Valentine

**Absent or not voting were:** Senators

Julander  Mansell

**1st Sub. S.B. 23** was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

**H.B. 7**, INDIVIDUAL INCOME TAX − CONTRIBUTIONS FOR EDUCATION, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen    Arent    Bramble    Christensen
Davis    Dmitrich  Eastman  Evans
Fife    Hale    Hatch    Hellewell
Hillyard  Jenkins  Killpack  Madsen
Mayne    Peterson  Stephenson  Thomas
Waddoups  Walker    Valentine

**Absent or not voting were:** Senators

Bell    Buttars  Hickman  Julander
Knudson  Mansell

**H.B. 7** was signed by the President in open session and returned to the House for the signature of the Speaker.
H.B. 14, BOND ELECTION PROCESS 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

Allen  Arent  Bramble  Buttars
Christensen  Davis  Dmitrich  Eastman
Evans  Fife  Hale  Hatch
Hellewell  Hillyard  Jenkins  Killpack
Madsen  Mayne  Peterson  Stephenson
Thomas  Waddoups  Walker  Valentine

**Absent or not voting were:** Senators

Bell  Hickman  Julander  Knudson
Mansell

H.B. 14 was signed by the President in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 170, EXTENSION OF UTAH LOW–INCOME HOUSING TAX CREDITS, 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

Allen  Arent  Bramble  Buttars
Christensen  Davis  Dmitrich  Eastman
Evans  Fife  Hale  Hatch
Hellewell  Hillyard  Jenkins  Killpack
Madsen  Mayne  Peterson  Stephenson
Thomas  Waddoups  Walker  Valentine

**Absent or not voting were:** Senators

Bell  Hickman  Julander  Knudson
Mansell

H.B. 170 was signed by the President in open session and returned to the House for the signature of the Speaker.

* * *
H.B. 5, PERSON WITH A DISABILITY MOTORCYCLE PARKING, was read the third time, explained by Senator Killpack, and passed on the following roll call:

**Y** eas, **23**; **Nays, 1**; **Absent, 5.**

**Voting in the affirmative were:** Senators
Allen  Arent  Bramble  Buttars
Christensen  Davis  Dmitrich  Eastman
Evans  Fife  Hale  Hatch
Hellewell  Hillyard  Jenkins  Killpack
Madsen  Mayne  Peterson  Stephenson
Thomas  Waddoups  Walker

**Voting in the negative was:** Senator Valentine

**Absent or not voting were:** Senators
Bell  Hickman  Julander  Knudson
Mansell

H.B. 5 was signed by the President in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 54, CRIMINAL APPEAL AMENDMENTS, was read the third time, explained by Senator Thomas, and passed on the following roll call:

**Y** eas, **27**; **Nays, 0**; **Absent, 2.**

**Voting in the affirmative were:** Senators
Allen  Arent  Bell  Bramble
Buttars  Christensen  Davis  Dmitrich
Eastman  Evans  Fife  Hale
Hatch  Hellewell  Hickman  Hillyard
Jenkins  Killpack  Knudson  Madsen
Mayne  Peterson  Stephenson  Thomas
Waddoups  Walker  Valentine

**Absent or not voting were:** Senators
Julander  Mansell
**H.B. 54** was signed by the President in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Christensen, the circle was removed from **H.B. 51, ELECTRONIC PAYMENTS TO LOCAL GOVERNMENT ENTITIES.**

Senator Hickman proposed the following amendment:

1. Page 2, Lines 31–32b,
   Senate Committee Amendments, 1–31–2005F:
   Reinstate “an amount of money to defray the discount fee, processing fee, or other fee charged by a credit card company or processing agent to process” and delete “a fee charged to the consumer that is uniform across all types of electronic payments for the convenience of using”

2. Page 2, Lines 45–46b,
   Senate Committee Amendments, 1–31–2005F:
   Reinstate “an amount of money to defray the discount fee, processing fee, or other fee charged by a credit card company or processing agent to process” and delete “a fee charged to the consumer that is uniform across all types of electronic payments for the convenience of using”

3. Page 3, Lines 59–60b,
   Senate Committee Amendments, 1–31–2005F:
   Reinstate “an amount of money to defray the discount fee, processing fee, or other fee charged by a credit card company or processing agent to process” and delete “a fee charged to the consumer that is uniform across all types of electronic payments for the convenience of using”

Senator Hickman’s motion to amend passed on a voice vote. Senators Hillyard, Waddoups, and Arent commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Bell Dmitrich Julander Mansell

2nd Sub. S.B. 110, MEDICAL DEVICE NOTIFICATION AND LIABILITY, was read the third time, explained by Senator Buttars, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen Bell Bramble Buttars
Davis Dmitrich Eastman Evans
Fife Hatch Hellewell Hickman
Hillyard Jenkins Killpack Knudson
Madsen Mayne Peterson Stephenson
Thomas Waddoups Walker Valentine

Voting in the negative were: Senators
Arent Hale

Absent or not voting were: Senators
Christensen Julander Mansell

2nd Sub. S.B. 110 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Thomas, the circle was removed from S.R. 1, SENATE RESOLUTION DISCOURAGING PARTICIPATION IN FREE TRADE AREA OF THE AMERICAS, and it was before the Senate. Senator Thomas explained the bill. Senators Hillyard, Mayne, Jenkins, and Stephenson commented. The bill passed second reading on the following roll call:

Yeas, 15; Nays, 8; Absent, 6.
Voting in the affirmative were: Senators
Allen        Arent    Christensen    Dmitrich
Fife         Hale     Hellewell    Hickman
Knudson      Madsen   Mayne        Peterson
Thomas       Waddoups Valentine

Voting in the negative were: Senators
Bell          Bramble Buttars Eastman
Hillyard      Jenkins Stephenson Walker

Absent or not voting were: Senators
Davis        Evans    Hatch       Julander
Killpack     Mansell

TIME CERTAIN CALENDAR

On motion of Senator Knudson, under suspension of the rules, S.J.R. 7, RESOLUTION RECOGNIZING RONALD REAGAN DAY, was considered read the second and third times. Senator Knudson explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen        Bramble Buttars Christensen
Davis        Dmitrich Eastman Fife
Hale         Hatch    Hellewell Hickman
Hillyard     Jenkins Knudson Madsen
Mayne        Peterson Stephenson Thomas
Waddoups     Walker   Valentine

Absent or not voting were: Senators
Arent        Bell     Evans       Julander
Killpack     Mansell

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

SECOND READING CALENDAR

On motion of Senator Waddoups, the Senate voted to move S.J.R. 13 to the top of the Second Reading Calendar.

On motion of Senator Waddoups, under suspension of the rules, S.J.R. 13, JOINT RESOLUTION AMENDING INTERIM LEGISLATIVE RULES, was
considered read the second and third times. Senator Waddoups explained the bill. Senator Stephenson commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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S.J.R. 13 was transmitted to the House for consideration.

* * *

On motion of Senator Buttars, the circle was removed from 2nd Sub. S.B. 34, PATIENT ACCESS REFORM, and it was before the Senate. Senator Buttars explained the bill.

Senator Buttars proposed the following amendment:

1. Page 3, Lines 78a through 78b
   Senate 2nd Reading Amendments
   2–1–2005

   78a Š ➔ (4) This section does not apply when an individual’s health maintenance organization

   78b benefit plan is a medicaid program or the Children’s Health Insurance Program under Title 26, Chapter 18, Medical Assistance Act. ❯Š

Senator Buttars’ motion to amend passed on a voice vote.

On motion of Senator Buttars, the bill was circled.

* * *

S.B. 130, RETIREMENT FOR AIRPORT POLICE, 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

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**Absent or not voting were:** Senators

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On motion of Senator Bell, the circle was removed from **S.B. 10, LIABILITY REFORM ACT AMENDMENTS**, and it was before the Senate. Senator Bell explained the bill.

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

**1st Sub. S.B. 10, Liability Reform Act Amendments, (G. Bell)**

Senator Mayne commented.

On motion of Senator Bell, the bill was circled.

* * *

On motion of Senator Eastman, legislative staff was authorized to draft a bill regarding a Senate Concurrent Resolution honoring McGruff’s 25th birthday.

* * *

**1st Sub. S.J.R. 8, JOINT RULES RESOLUTION – APPEARANCE OF ENROLLED BILLS**, was read the second time. Senator Bramble 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

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Hickman  Hillyard  Jenkins  Killpack
Knudson  Madsen  Mayne  Peterson
Stephenson  Thomas  Waddoups  Valentine

Absent or not voting were: Senators
Allen  Bell  Davis  Dmitrich
Evans  Hale  Julander  Mansell
Walker

* * *

S.B. 74, MEDICAL RESERVE CORPS, was read the second time. Senator Hillyard 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
Arent  Bell  Christensen  Davis
Eastman  Fife  Hale  Hatch
Hellewell  Hickman  Hillyard  Jenkins
Knudson  Madsen  Mayne  Peterson
Stephenson  Thomas  Waddoups  Walker
Valentine

Absent or not voting were: Senators
Allen  Bramble  Buttars  Dmitrich
Evans  Julander  Killpack  Mansell

* * *

S.B. 119, RURAL MEDICAL RESIDENCY TRAINING PROGRAMS, was read the second time. Senator Knudson explained the bill. Senators Valentine, Hickman, Waddoups, and Bramble commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Allen  Arent  Bell  Bramble
Buttars  Christensen  Davis  Eastman
Fife  Hale  Hatch  Hellewell
Hickman  Hillyard  Jenkins  Knudson
Madsen  Mayne  Peterson  Stephenson
Thomas  Waddoups  Walker  Valentine
Absent or not voting were: Senators
Dmitrich Evans Julander Killpack Mansell

TIME CERTAIN CALENDAR

Senator Hale introduced Master Teachers from the State of Utah. Senators Allen, Arent, and Walker commented.

On motion of Senator Knudson, Congressman Rob Bishop will address the Senate on Monday, February 7, 2005 at 10:45 a.m.

***

On motion of Senator Knudson and at 11:55 a.m., the Senate adjourned until 10:00 a.m., Monday, February 7, 2005.
February 7, 2005

TWENTY–SECOND DAY

The Senate was called to order at 10:05 a.m., with President John Valentine presiding.

Prayer – Emma Lou Thayne
Pledge of Allegiance – Senator Michael Waddoups
Roll Call – All Senators present except Senator Julander, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 96)

On motion of Senator Hale, the Senate voted to have the words of the prayer by Emma Lou Thayne spread upon the pages of the Senate journal.

PRAYER BY EMMA LOU THAYNE

Our Father who art in heaven, Hallowed be thy name.

May thy spirit attend this gathering of well–intended servants of the people as they deliberate on the future of our State of Utah. We wish to thank them for their willingness to serve.

This is a season of winter waiting for spring. It is a season of upheaval and the binding up of wounds of weather and war. Across the globe earthquakes and floods have left devastation and death. Wars have claimed lives and injury as cities have been leveled and citizen, as well as combatants, killed.

At our comfortable distance we mourn and send hope via prayers and supplies to share our bounty, intent on bringing peace and freedom to a troubled world.

Yet here too tragedy assails. Even as our six years of drought are being assuaged with abundant snow, communities in our own state have been afflicted with flooding and great loss of homes and property.

Today, here in the safety and plenty of this valley of the Great Salt Lake, this band of elected law makers are privileged to make a difference in what this season, this session, can offer us, their people.

Like the valley swathed in fortuitous snow, our capitol building on this hill is swathed in what portends change. Beneath the bandaged dome of our elegant
capitol, skilled hands are shoring up its aging innards, giving it strength to withstand the elements even as its heart and history remain intact. It will continue as a bastion of tradition and force for worthy change.

In its shadow this body meets in temporary quarters to make lasting decisions. May those decisions be the fruit of caring as much as partisanship, of willingness to listen as well as propound, of study as much as stubbornness, of open acceptance of possibility rather than insistence of cemented–in convention. May kindness prevail.

Please bless this elected body with vision to meet the constraints of budget and agenda. May they have less concern for personal aggrandizement and more for the well–being of the public. We, that public, are as subject to the weather of this chamber as a lake or dam is to snowfall. And just as incapable of ordering the munificence of its offerings.

Just as the melting of a record snowfall of this winter must be tempered by the mild weather of spring to bring relief to parched years of drought, so it will take the thoughtful attention of this august body to bring sustenance to the needs of this state in the wake of this critical session of 2005.

May this year’s bills be considered and passed with all of the people in mind, with generosity of spirit and recognition of the worth of all of us so diverse citizens.

Under the wraps of change in our elegant capitol building, with a new administration feeling for grounding, may fairness and respect for difference, as well as sameness, prevail in this temporary setting.

What must never be temporary or subject to the whims of weather or fortune is the precious freedom that lights our lives. May these senators be keepers of the faith in that liberty and in the respect for all the people who so richly deserve it.

For me in the name of Jesus Christ, for others by what they believe.

Amen

OATH OF OFFICE

President Valentine administered the oath of office to Scott McCoy who was appointed by Governor Jon M. Huntsman Jr. to fill the unexpired term of Senator Paula Julander, Senate District 2.
COMMUNICATIONS FROM THE HOUSE

Mr. President: February 4, 2005

The House passed, as amended, **H.B. 33**, ASSISTANCE FOR PEOPLE WITH BLEEDING DISORDERS, by Representative D. Litvack, and it is transmitted for consideration; and

The House passed **H.B. 59**, DOMESTIC VIOLENCE ENHANCEMENT, by Representative C. Moss, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 64**, CRIMINAL BACKGROUND CHECKS FOR PERSONAL CARE ATTENDANTS, by Representative F. Hunsaker, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 66**, NATUROPATHIC PHYSICIAN AMENDMENTS, by Representative J. Ferrin, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 67**, ABANDONED VEHICLES AMENDMENTS, by Representative J. Gowans, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 91**, LICENSE PLATE FOR DISABLED VETERANS, by Representative R. Bigelow, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk


RULES COMMITTEE REPORTS

To the Members of the Senate: February 4, 2005

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

**Business and Labor Committee**
**S.B. 180**  Workers Compensation – Competitive Bid Requirements (Sen. M. Waddoups)
**S.B. 215**  Financial Institutions as Limited Liability Companies (Sen. L. Hillyard)

**Health and Human Services Committee**
**S.J.R. 14**  Joint Resolution on Stroke Awareness (Sen. P. Knudson)
Judiciary, Law Enforcement, and Criminal Justice Committee

H.B. 90 Search and Rescue Advisory Board – Amendments
(Rep. J. S. Adams)

H.B. 222 Pilot Program Repeal Clean–up (Rep. R. Romero)

Natural Resources, Agriculture, and Environment Committee

H.B. 29 State Engineer’s Powers and Duties Amendments
(Rep. D. Clark)

1st Sub. H.B. 38 Water Law – Criminal Penalties Amendments
(Rep. B. Ferry)

H.B. 157 Water Enforcement Procedures and Penalties
(Rep. D. Ure)

H.C.R. 2 Cowboy Hall of Fame Resolution (Rep. L. Shurtliff)

Revenue and Taxation Committee

S.B. 195 Tax Revisions (Sen. C. Bramble)

Michael Waddoups
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 4, 2005

The Health and Human Services Committee reports a favorable recommendation on S.B. 132, HEALTH CARE CONSUMER’S REPORT, by Senator A. Christensen, with the following amendments:

1. Page 1, Line 16:
   After “public;” insert “and”

2. Page 1, Lines 19–21:
   Delete lines 19 through 21

3. Page 2, Line 29–30:
   Delete lines 29 through 30

4. Page 3, Lines 61–71:
   Delete lines 61 through 71

The Health and Human Services Committee recommends S.B. 150, FOOD SAFETY MANAGER CERTIFICATION, by Senator D. Peterson, be replaced
and favorably recommends **1st Sub. S.B. 150**, FOOD SAFETY MANAGER CERTIFICATION; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 176**, PROGRAMS AND FACILITIES LICENSING AMENDMENTS, by Senator D. C. Butters.

Allen M. Christensen, Chair

Mr. President: February 4, 2005

The Education Committee reports a favorable recommendation on **S.B. 151**, DRIVER EDUCATION AMENDMENTS, by Senator T. Hatch, with the following amendments:

1. Page 1, Lines 13 through 14:
   
   13 determining the cost of driver education for funding purposes;
   
   —and—
   
   clarifies that the date a local school board is required to report certain driver education information to the state superintendent of public instruction is no later than October 1 of each year;
   
   provides that if a local school board does not report certain driver education information to the state superintendent of public instruction, the school district may not be reimbursed for certain driver education costs.
   
   makes technical changes.

2. Page 1, Line 21:

   21 53A−13−202, as last amended by Chapter 23, Laws of Utah 2003
   
   53A−13−204, as last amended by Chapter 32, Laws of Utah 2003

3. Page 2, Lines 38 through 41:

   38 (2) (a) Except as provided in Subsection 53A−13−204(2), the state superintendent of public instruction shall, prior to September 2nd following the school year during which it was expended, or may at earlier intervals during that school year, reimburse each school district that applied for reimbursement in accordance with
41 this section.

4. Page 3, Line 69:

69 that are not otherwise covered by reimbursements and allocations made under this section.

Section 2. Section 53A–13–204 is amended to read:

53A–13–204. Reports as to costs of driver training programs.

(1) A local school board seeking reimbursement shall, at the end of each school year but no later than October 1 of each year and at other times as designated by the State Board of Education, report the following to the state superintendent of public instruction:

\( \text{Section } (a) \) the costs of providing driver education including a separate accounting for:

\( \text{Section } (a) \) (i) course work; and

\( \text{Section } (b) \) (ii) behind-the-wheel and observation training to students;

\( \text{Section } (b) \) (b) the costs of fees waived under Section 53A–12–103 for driver education including a separate accounting for:

\( \text{Section } (a) \) (i) course work; and

\( \text{Section } (b) \) (ii) behind-the-wheel and observation training to students;

\( \text{Section } (c) \) (c) the number of students who completed driver education including a separate accounting for:

\( \text{Section } (a) \) (i) course work; and

\( \text{Section } (b) \) (ii) behind-the-wheel and observation training to students;

\( \text{Section } (d) \) (d) whether or not a passing grade was received; and

\( \text{Section } (e) \) (e) any other information the State Board of Education may require for the purpose of administering this program.

(2) Notwithstanding any other provision under this part, a school district may not be reimbursed in accordance with Section 53A–13–202 if the local school board does not report to the state superintendent of public instruction as required under this section.

The Education Committee reports a favorable recommendation on S.B. 155, STATE SCHOOL BOARD CANDIDATE SELECTION COMMITTEES, by Senator K. Hale; and

The Education Committee recommends 1st Sub. H.B. 36, CHARTER SCHOOL CONSTRUCTION AMENDMENTS, by Representative J. Ferrin, be
replaced and favorably recommends 2nd Sub. H.B. 36, CHARTER SCHOOL CONSTRUCTION AMENDMENTS; and

The Education Committee reports a favorable recommendation on H.C.R. 9, RESOLUTION HONORING OUTGOING USU PRESIDENT KERMIT L. HALL, by Representative F. Hunsaker, with the following amendments:

1. Page 2, Line 40:

   WHEREAS, Utah State University’s incoming freshmen athletes have an 80%...

2. Page 2, Line 42:

   WHEREAS, in May 2004 the university participated in its second Roads Scholars...

3. Page 3, Line 71:

   College of Family Life and dispersing departments among the university’s existing six colleges,

   David L. Thomas, Chair

Mr. President: February 4, 2005

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on S.B. 182, VETERINARY PRACTICE ACT – EXEMPTIONS, by Senator M. Dmitrich, with the following amendments:

1. Page 2, Line 58 through Page 3, Line 59:

   (10) any person performing or teaching nonsurgical bovine or equine artificial insemination;

2. Page 3, Lines 60 through 64

   (11) any person affiliated with an institution of higher education who teaches nonsurgical bovine or equine embryo transfer or any technician trained by or approved by an institution of higher education who performs nonsurgical bovine or equine embryo transfer, but only if any
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63 prescription drug used in the procedure is prescribed and administered under the direction of a veterinarian licensed to practice in Utah.

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.B. 168, COOPERATIVE WILDLIFE MANAGEMENT UNIT AMENDMENTS, by Representative J. Gowans; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on 1st Sub. H.B. 182, HISTORICAL LIVESTOCK TRAILS, by Representative B. Johnson.

Michael G. Waddoups, Chair

Mr. President: February 4, 2005

The Transportation and Public Utilities and Technology Committee recommends H.B. 24, TRAFFIC CODE AMENDMENTS, by Representative J. Dunnigan, be replaced and favorably recommends 1st Sub. H.B. 24, TRAFFIC CODE AMENDMENTS.

Sheldon L. Killpack, Chair


* * *

Mr. President: February 4, 2005

The Health and Human Services Committee reports a favorable recommendation on S.B. 50, CONTROLLED SUBSTANCE AMENDMENTS, by Senator P. Arent, and recommends it be considered read for the second time and placed on the Consent Calendar.

Allen M. Christensen, Chair

On motion of Senator Knudson, the committee report was adopted. S.B. 50 was considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 65, Alcoholic Beverage Control Amendments (P. Knudson), read the first time by short title and referred to the Rules Committee.
S.B. 167, Penalties for False Driver Licenses and Identification Cards (C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 188, Classifying Off–highway Vehicles as Allowed on Designated Roads (T. Hatch), read the first time by short title and referred to the Rules Committee.

S.B. 190, County Officer Amendments (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 207, Motor Vehicle Insurance Coverage Amendments (D. Eastman), read the first time by short title and referred to the Rules Committee.

S.B. 234, Amendments to Department of Community and Economic Development (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.C.R. 6, Resolution Supporting the Golden Rule Project (F. Fife), read the first time by short title and referred to the Rules Committee.

S.C.R. 9, Concurrent Resolution Regarding Delta Airlines (D. Eastman), read the first time by short title and referred to the Rules Committee.

S.J.R. 17, Resolution Recognizing Huntsman Cancer Institute (P. Knudson), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

S.J.R. 10, Resolution to Congress Regarding Oil and Gas Drilling and Exploration, was read the third time and explained by Senator Stephenson. Having received negative votes, the bill was placed at the bottom of the Second Reading Calendar.

* * *

H.B. 160, Wildlife License Agents 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

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Absent or not voting were: Senators
Arent Dmitrich Eastman

H.B. 160 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

***

H.B. 162, MUNICIPAL ABATEMENT OF WEEDS AND OTHER NEGLECTED ITEMS ON PROPERTY, 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
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Evans Fife Hale Hatch
Hellewell Hickman Hillyard Jenkins
Killpack Knudson Madsen Mansell
Mayne McCoy Peterson Stephenson
Thomas Waddoups Walker Valentine

Absent or not voting was: Senator
Eastman

H.B. 162, as amended, was returned to the House for further consideration.

***

H.B. 177, WILDLIFE LICENSE REFUND 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
Allen Bell Bramble Buttars
Christensen Davis Dmitrich Evans
Fife Hale Hatch Hellewell
Hickman  Hillyard  Jenkins  Killpack
Knudson  Madsen  Mansell  Mayne
McCoy  Peterson  Stephenson  Thomas
Waddoups  Walker  Valentine

Absent or not voting were:  Senators
Arent  Eastman

H.B. 177 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

H.B. 181, DUPLICATE WILDLIFE LICENSING 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
Allen  Bell  Bramble  Buttars
Christensen  Davis  Dmitrich  Evans
Fife  Hale  Hatch  Hellewell
Hickman  Hillyard  Jenkins  Killpack
Knudson  Madsen  Mansell  Mayne
McCoy  Peterson  Stephenson  Thomas
Waddoups  Walker  Valentine

Absent or not voting were:  Senators
Arent  Eastman

H.B. 181 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Hillyard, the Senate voted to lift H.B. 34 from the Third Reading Table and place it at the bottom of the Third Reading Calendar.

***

On motion of Senator Stephenson the Senate voted to move S.J.R. 10 to the top of the Second Reading Calendar.
S.R. 1, SENATE RESOLUTION DISCOURAGING PARTICIPATION IN FREE TRADE AREA OF THE AMERICAS, was read the third time, explained by Senator Thomas.

Senator Thomas proposed the following amendment:

1. Page 3, Line 63:
   After “(FTAA)” insert “at this time.”

Senator Thomas’ motion to amend passed on a voice vote. Senator Bramble commented and the bill passed on the following roll call:

**Yeas, 21; Nays, 7; Absent, 1.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**Absent or not voting was:** Senator

Eastman

S.R. 1 was signed by the President in open session and will be enrolled and forwarded to the Lt. Governor for filing.

***

S.B. 130, RETIREMENT FOR AIRPORT POLICE, was read the third time, explained by Senator Dmitrich, Senators Mansell and Evans commented and the bill passed on the following roll call:

**Yeas, 15; Nays, 13; Absent, 1.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators
Bramble Christensen Evans Hatch
Hickman Hillyard Jenkins Killpack
Madsen Mansell Stephenson Waddoups
Valentine

**Absent or not voting was:** Senator
Eastman

**S.B. 130** was transmitted to the House for consideration.

***

**1st Sub. S.J.R. 8, JOINT RULES RESOLUTION – APPEARANCE OF ENROLLED BILLS,** 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
Allen Arent Bell Bramble
Buttar Christensen Davis Dmitrich
Evans Fife Hale Hatch
Hellewell Hickman Hillyard Jenkins
Killpack Knudson Madsen Mansell
Mayne McCoy Peterson Stephenson
Thomas Waddoups Walker Valentine

**Absent or not voting was:** Senator
Eastman

**1st Sub. S.J.R. 8** was transmitted to the House for consideration.

***

**S.B. 74, MEDICAL RESERVE CORPS,** 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
Allen Arent Bell Bramble
Buttar Christensen Davis Dmitrich
Evans Fife Hale Hatch
Hellewell   Hickman   Hillyard   Jenkins
Killpack    Knudson   Madsen   Mansell
Mayne      McCoy     Peterson   Stephenson
Thomas     Waddoups   Walker   Valentine

Absent or not voting was: Senator Eastman

S.B. 74 was transmitted to the House for consideration.

***

S.B. 119, RURAL MEDICAL RESIDENCY TRAINING PROGRAMS, 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
Allen   Arent     Bell     Bramble
Buttars Christensen Davis Dmitrich
Evans   Fife      Hale     Hutch
Hellewell Hickman   Hillyard Jenkins
Killpack Knudson   Madsen   Mansell
Mayne    McCoy     Peterson Stephenson
Thomas Waddoups   Walker   Valentine

Absent or not voting was: Senator Eastman

S.B. 119 was transmitted to the House for consideration.

***

On motion of Senator Bell, the Senate voted, under suspension of rules, to consider immediate action on H.B. 34.

H.B. 34, EMERGENCY RELATED AMENDMENTS, was read the third time, explained by Senator Bell, and under suspension of the rules, passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen   Arent     Bell     Bramble
Buttars Christensen Davis Dmitrich
Absence or not voting were: Senators
Eastman Fife Killpack

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.

MISCELLANEOUS BUSINESS

Senator Stephenson called for a point of order regarding on which calendar S.J.R. 10 should be placed. President Valentine ruled that the bill be placed at the top of the Third Reading Calendar.

On motion of Senator Stephenson, under suspension of the rules, S.J.R. 10, RESOLUTION TO CONGRESS REGARDING OIL AND GAS DRILLING AND EXPLORATION, was considered read the third time. Senator Stephenson explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen Bell Bramble Buttars
Christensen Davis Dmitrich Evans
Hatch Hellewell Hickman Hillyard
Jenkins Killpack Knudson Madsen
Mansell Peterson Stephenson Thomas
Waddoups Walker Valentine

Voting in the negative were: Senators
Arent Hale Mayne McCoy

Absent or not voting were: Senators
Eastman Fife

S.J.R. 10 was transmitted to the House for consideration.

COMMITTEE OF THE WHOLE

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

SECOND READING CALENDAR

S.B. 126, MEDICAL BENEFITS RECOVERY ACT AMENDMENTS, was read the second time. Senator Killpack explained the bill. Senators Hillyard and Mansell commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Voting in the negative was:** Senator

Valentine

**Absent or not voting were:** Senators

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S.B. 31, LOCAL GOVERNMENT AMENDMENTS, was read the second time. Senator Thomas explained the bill.

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


Senator Hatch proposed the following amendment:

1. Page 5, Line 143:
   
   After “fee” insert “based on actual cost”

Senator Hatch’s motion to amend passed on a voice vote. Senators Bell and Hillyard commented. Senator Thomas declared a conflict of interest.

On motion of Senator Thomas, the bill was circled.
COMMUNICATIONS FROM THE HOUSE

Mr. President: February 7, 2005

The House passed H.J.R. 21, RESOLUTION HONORING JADE PUSEY, by Representative D. Ure, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communication filed. H.J.R. 21 was read the first time and referred to the Rules Committee.

On motion of Senator Knudson, the Senate voted to lift H.J.R. 21 from Rules and place it at the top of the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Knudson, under suspension of the rules, H.J.R. 21, RESOLUTION HONORING JADE PUSEY, 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

Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Fife Hale
Hatch Hellewell Hickman Hillyard
Jenkins Killpack Knudson Madsen
Mansell Mayne McCoy Peterson
Stephenson Thomas Waddoups Walker
Valentine

H.J.R. 21 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

COMMITTEE OF THE WHOLE

On motion of Senator Knudson, Attorney General Mark Shurtleff spoke in Committee of the Whole. Senator Waddoups commented.

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

* * *

On motion of Senator Knudson, Advise and Consent for the appointment of a judge will be considered Tuesday, February 8, 2005 at 10:30 a.m.
On motion of Senator Knudson and at 12:05 p.m., the Senate adjourned until 10:00 a.m., Tuesday, February 8, 2005.
February 8, 2005

TWENTY−THIRD DAY

MORNING SESSION

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

Prayer – Imam Shuaib Din
Pledge of Allegiance – Senator Bill Hickman
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 96)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 7, 2005

The Speaker of the House has signed 1st Sub. S.B. 23, PROPERTY TAX TREATMENT OF TANGIBLE PERSONAL PROPERTY, by Senator C. Bramble, and it is transmitted for the signature of the President; and

The House passed, 1st Sub. S.B. 35, RELATIONSHIPS WITH VENTURE CAPITAL ENTITIES, by Senator D. Thomas, 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 MEDIATION, 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.J.R. 7, RESOLUTION RECOGNIZING RONALD REAGAN DAY, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

1st Sub. S.B. 23, 1st Sub. S.B. 35, S.J.R. 3, and S.J.R. 7 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.
Mr. President: February 7, 2005

The House concurred in the Senate amendments and passed H.B. 26, CONVEYANCES OF PROPERTY, by Representative J. S. Adams, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. H.B. 28, JUVENILE JUSTICE RECODIFICATION AND REVISIONS, by Representative D. Aagard, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 185, UTAH COMPUTER CRIMES ACT AMENDMENTS, by Representative B. Daw, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

H.B. 26, 1st Sub. H.B. 28, and H.B. 185, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

Mr. President: February 7, 2005

The House passed, as amended, H.B. 47, NEW AUTOMOBILE FRANCHISE ACT AMENDMENTS, by Representative S. Urquhart, and it is transmitted for consideration; and

The House passed, as amended, H.B. 71, LICENSING OF ESTHETICIANS AND NAIL TECHNICIANS, by Representative J. Fisher, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 159, MOTOR ASSISTED SCOOTER AND MINI–MOTORCYCLE AMENDMENTS, by Representative B. Dee, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. H.B. 47, H.B. 71, and 1st Sub. H.B. 159 were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 7, 2005

The Rules Committee recommends assignment of the following bills to standing committees:
Business and Labor Committee
S.B. 65 Alcoholic Beverage Control Amendments (Sen. P. Knudson)
S.B. 207 Motor Vehicle Insurance Coverage Amendments (Sen. D. Eastman)

Government Operations and Political Subdivisions Committee
S.B. 190 County Officer Amendments (Sen. C. Bramble)

Health and Human Services Committee
H.B. 33 Assistance for People with Bleeding Disorders (Rep. D. Litvack)

Judiciary, Law Enforcement, and Criminal Justice Committee
H.B. 59 Domestic Violence Enhancement (Rep. C. Moss)
H.B. 64 Criminal Background Checks for Personal Care Attendants (Rep. F. Hunsaker)

Transportation, Public Utilities and Technology Committee
S.B. 167 Penalties for False Driver Licenses and Identification Cards (Sen. C. Walker)
S.B. 188 Classifying Off-highway Vehicles as Allowed on Designated Roads (Sen. T. Hatch)
H.B. 91 License Plate for Disabled Veterans (Rep. R. Bigelow)

Workforce Services and Community and Economic Development
S.B. 234 Amendments to Department of Community and Economic Development (Sen. P. Knudson)
S.C.R. 6 Resolution Supporting the Golden Rule Project (Sen. F. Fife)
S.C.R. 9 Concurrent Resolution Regarding Delta Airlines (Sen. D. Eastman)
S.J.R. 17 Resolution Recognizing Huntsman Cancer Institute (Sen. P. Knudson)

Report filed. On motion of Senator Waddoups, the committee report was adopted.
STANDING COMMITTEE REPORTS

Mr. President: February 4, 2005

The Business and Labor Committee reports a favorable recommendation on
S.B. 75, PUBLIC SAFETY DATABASE AMENDMENTS, by Senator
M. Waddoups, with the following amendments:

1. Page 2, Lines 37 through 38:

37 (e) under the direction of the Department of Public Safety, assist
38 identifying, and prosecuting fraud or underage
purchase of alcohol and tobacco.

The Business and Labor Committee reports a favorable recommendation on
S.B. 157, UTAH CONSUMER CREDIT CODE AMENDMENTS, by Senator
P. Knudson; and

The Business and Labor Committee reports a favorable recommendation on
S.B. 158, DISHONORED INSTRUMENT AMENDMENTS, by Senator
P. Knudson; and

The Business and Labor Committee reports a favorable recommendation on
S.B. 159, ASSESSMENT OFFSET FOR DONATIONS PROMOTING
OCUPATIONAL HEALTH AND SAFETY, by Senator E. Mayne; and

The Business and Labor Committee reports a favorable recommendation on
H.B. 60, INSURANCE LICENSING AMENDMENTS, by Representative
J. Dunnigan, with the following amendments:

1. Page 13, Line 388:

388 (b) (i) Except as provided in Subsection (3)(b)(iii), the continuing education requirements shall require:

2. Page 14, Lines 410 through 412:

410 (D) other methods provided by rule.

411 (d) (i) (c) A licensee may obtain continuing education hours at any time during the
two–year licensing period.

3. Page 16, Line 487:

487 (b) (i) {The } Except as provided in Subsection (2)(b)(iii), the continuing education requirements shall require:

4. Page 17, Lines 499 through 500:

499 (D) other [method] methods provided by rule.

(iii) Notwithstanding Subsection (2)(b)(i)(A) and (B), a title insurance adjuster is required to complete 12 credit hours of continuing education for every two–year licensing period, with three of the credit hours being ethics courses.

500 [(e) (i)] (c) A licensee may obtain continuing education hours at any time during the

Scott K. Jenkins, Chair

Mr. President: February 7, 2005

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 152, BUSINESS LICENSE FEES, by Senator M. Waddoups; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on 1st Sub. H.B. 40, SUNSET OF TOWNSHIP PROVISION, by Representative M. S. Lawrence; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 75, GOVERNMENT RECORDS ACCESS AND MANAGEMENT TASK FORCE, by Representative D. Aagard; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 165, UTAH COMMISSION ON AGING, by Representative P. Jones.

Parley G. Hellewell, Chair

Mr. President: February 7, 2005

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 161, AMENDMENTS TO THE PROPERTY TAX VALUATION AGENCY FUND ASSESSING AND COLLECTING LEVY, by Senator H. Stephenson; and
The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 9**, SALES AND USE TAX – AGRICULTURAL EXEMPTION VEHICLE LIMITATION, by Representative R. Menlove; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 53**, TAX TREATMENT OF PERSONAL PROPERTY, by Representative L. Shurtliff; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 171**, CALCULATION OF MINING SEVERANCE TAX ON BERYLLIUM, by Representative R. Wheeler; and

The Revenue and Taxation Committee reports a favorable recommendation on **1st Sub. H.B. 190**, INDIVIDUAL INCOME TAX – ELECTRONIC FILING REQUIREMENTS, by Representative S. Clark.

Curtis S. Bramble, Chair

Mr. President: February 7, 2005

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.B. 17**, MOTION PICTURE INCENTIVE FUND, by Representative S. Allen, et al.

Carlene M. Walker, Chair


* * *

Mr. President: February 4, 2005

The Business and Labor Committee reports a favorable recommendation on **H.B. 195**, INSURANCE LAW AMENDMENTS, by Representative J. Dunnigan, and recommends it be considered read for the second time and placed on the Consent Calendar.

Scott K. Jenkins, Chair

On motion of Senator Waddoups, the committee report was adopted. **H.B. 195** was considered read the second time and placed on the Consent Calendar.
INTRODUCTION OF BILLS

S.B. 203, Property Tax − Fire Districts (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.B. 206, Nonparticipating Tobacco Manufacturer Amendments (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.B. 232, Executive Director of Department of Health Issues (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.C.R. 10, Concurrent Resolution Honoring Utah Foundation (L. A. Mansell), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

H.B. 12, HEALTH CARE ASSISTANTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen  Arent  Bell  Bramble
Buttars  Christensen  Davis  Eastman
Evans  Fife  Hale  Hatch
Hellessell  Hickman  Jenkins  Killpack
Knodson  Madsen  Mansell  Mayne
McCoy  Peterson  Waddoups  Walker
Valentine

Absent or not voting were: Senators
Dmitrich  Hillyard  Stephenson  Thomas

H.B. 12, as amended, was returned to the House for further consideration.

***

CONCURRENCE CALENDAR

On motion of Senator Mansell, the Senate voted to concur in the House amendments to S.B. 27, SUNSET REAUTHORIZATIONS. The bill, as amended, passed on the following roll call:
Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators
Allen  Arent  Bell  Bramble
Buttars  Christensen  Davis  Dmitrich
Eastman  Evans  Fife  Hale
Hatch  Hellewell  Hickman  Jenkins
Killpack  Knudson  Madsen  Mansell
Mayne  McCoy  Peterson  Thomas
Waddoups  Walker  Valentine

Absent or not voting were: Senators
Hillyard  Stephenson

S.B. 27 was transmitted to the House for the signature of the Speaker.

ADVISE AND CONSENT

COMMUNICATIONS FROM THE GOVERNOR

Mr. President: January 24, 2005

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

Department of Human Services:
Lisa−Michele Church as Executive Director of the Department of Human Services. See Utah Code Ann. 62A−1−108.

Additionally, I would like to let each of you know that I have appointed Yvette Donosso Diaz as Interim Executive Director of the Department of Community and Economic Development (see Utah Code Ann. 67−1−1.5). Upon legislative approval of a restructuring of that department, which would include the creation of a Department of Community Development and the Arts, I will submit to you Ms. Diaz for confirmation as the Executive Director of the new Department.

Thank you for your timely consideration and confirmation of the above appointment and for your support of my other cabinet appointments.

Jon M. Huntsman, Jr.
Governor

* * *

Mr. President: January 28, 2005

In accordance with Utah Code Ann. 67−1−1 and 67−1−2, I propose and transmit the following appointments:
Department of Workforce Services:

Tani Downing as Executive Director of the Department of Workforce Services. See Utah Code Ann. 35A−1−201.

School and Institutional Trust Lands Board of Trustees:

Gayle F. McKeachnie is appointed as a member of the School and Institutional Trust Lands Board of Trustees. See Utah Code Ann. 53C−1−202.

Quality Growth Commission:

Mike Styler is appointed to fill the unexpired term of Robert L. Morgan as a member of the Quality Growth Commission, a term to expire April 15, 2007. See Utah Code Ann. 11−38−201.

Leonard Blackham is appointed to replace Cary Peterson as a member of the Quality Growth Commission, a term to expire April 15, 2009. See Utah Code Ann. 11−38−201.

Carol Page appointed to fill the unexpired term of Gary Herbert as a member of the Quality Growth Commission, a term to expire April 15, 2007. See Utah Code Ann. 11−38−201.

Camille Cain is appointed to replace Carol Page as a member of the Quality Growth Commission, a term to expire April 15, 2009. See Utah Code Ann. 11−38−201.

Mike Kohler is appointed to replace Shauna Kerr as a member of the Quality Growth Commission, a term to expire April 15, 2009. See Utah Code Ann. 11−38−201.

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

Jon M. Huntsman, Jr.
Governor

On motion of Senator Eastman, the President, Majority and Minority Leaders, pursuant to Section 67−1−2 of the Utah Code, voted to waive the 15−day requirement on the submittals dated January 24, 28, and February 2, 2005, for purposes of acting on gubernatorial nominees.

On motion of Senator Eastman, the Senate voted to consent to the Governor’s appointments as listed on his communications dated January 24, 28, and February 2, 2005 as read by Sandy Tenney on the following roll call:
Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators
Allen Arent Bell Buttars
Christensen Davis Dmitrich Eastman
Evans Fife Hale Hatch
Hellewell Hickman Jenkins Killpack
Knudson Madsen Mansell Mayne
McCoy Peterson Stephenson Thomas
Waddoups Walker Valentine

Absent or not voting were: Senators
Bramble Hillyard

COMMITTEE OF THE WHOLE

On motion of Senator Knudson, Lisa-Michele Church, Executive Director, Department of Human Services and Tani Downing, Executive Director, Department of Workforce Services, spoke in Committee of the Whole.

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

THIRD READING CALENDAR

S.B. 126, MEDICAL BENEFITS RECOVERY ACT AMENDMENTS, was read the third time, explained by Senator Killpack, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Buttars
Christensen Davis Dmitrich Eastman
Evans Fife Hale Hatch
Hellewell Hickman Jenkins Killpack
Knudson Madsen Mansell Mayne
McCoy Peterson Stephenson Thomas
Waddoups Walker Valentine

Absent or not voting were: Senators
Bramble Hillyard

S.B. 126, as amended, was transmitted to the House for consideration.
SECOND READING CALENDAR

On motion of Senator Buttars, the circle was removed from 2nd Sub. S.B. 34, PATIENT ACCESS REFORM, and it was before the Senate. Senator Buttars explained the bill. Senators Thomas, Dmitrich, Waddoups, Hatch, Davis, Knudson, Christensen, McCoy, Stephenson, Peterson, Arent, Hellewell, Jenkins, Hillyard, Mansell, and Bell commented. Senators Christensen, McCoy, and Arent declared conflicts of interest. The bill passed second reading on the following roll call:

Y eas, 22; Nays, 7; Absent, 0.

Voting in the affirmative were: Senators
Arent                Buttars                Christensen                Davis
Dmitrich             Eastman                Fife                      Hale
Hellewell            Hillyard                Jenkins                  Killpack
Knudson              Madsen                  Mayne                    McCoy
Peterson             Stephenson              Thomas                   Waddoups
Walker               Valentine

Voting in the negative were: Senators
Allen                Bell                    Bramble                  Evans
Hatch                Hickman                Mansell

***

On motion of Senator Knudson, and at 11:45 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, 2005

The House concurred in the Senate amendments and passed H.B. 51, ELECTRONIC PAYMENTS TO LOCAL GOVERNMENT ENTITIES, by Representative J. Murray, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

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.
The House passed, as amended, H.B. 68, MOTOR VEHICLE ENFORCEMENT DIVISION AMENDMENTS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed H.B. 76, HABITUAL VIOLENT OFFENDERS AMENDMENTS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed H.B. 203, AGRICULTURAL ADVISORY BOARD, by Representative M. Noel, and it is transmitted for consideration; and

The House passed H.B. 218, SECOND DISTRICT JUVENILE JUDGE, by Representative J. S. Adams, and it is transmitted for consideration; and

The House passed H.B. 221, ELECTRONIC COMMUNICATION HARASSMENT, by Representative J. Dougall, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. H.B. 68, H.B. 76, H.B. 203, H.B. 218, and H.B. 221 were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 8, 2005

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

Business and Labor Committee
H.B. 71 Licensing of Estheticians and Nail Technicians
(Rep. J. Fisher)

Government Operations and Political Subdivisions Committee
S.C.R. 10 Concurrent Resolution Honoring Utah Foundation
(Sen. L. A. Mansell)

Health and Human Services Committee
S.B. 232 Executive Director of Department of Health Issues
(Sen. S. Killpack)
Revenue and Taxation Committee
S.B. 203 Property Tax – County Service Areas
   (Sen. M. Waddoups)
S.B. 206 Nonparticipating Tobacco Manufacturer Amendments
   (Sen. S. Killpack)
H.J.R. 1 Joint Resolution Related to Financial Institutions
   (Rep. J. Alexander)

Transportation, Public Utilities and Technology Committee
H.B. 47 New Automobile Franchise Act Amendments
   (Rep. S. Urquhart)
1st Sub. H.B. 159 Motor Assisted Scooter and Mini–motorcycle
   Amendments (Rep. B. Dee)

Michael Waddoups
Rules Committee Chair

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

INTRODUCTION OF BILLS

S.B. 179. Protection of Government Records (G. Bell), read the first time
by short title and referred to the Rules Committee.

SECOND READING CALENDAR

On motion of Senator Thomas, the circle was removed from 1st Sub. S.B. 31,
LOCAL GOVERNMENT AMENDMENTS, and it was before the Senate.
Senator Thomas explained the bill.

Senator Thomas proposed the following amendment:

1. Page 3, Lines 66 through 70

   66 (ii) the officer is convicted or enters a plea nolo contendere
   { or a plea in abeyance } at
   67 which time the court presiding over the felony prosecution
   arising from conduct related to the officer’s official duties shall
   enter an order removing the
   68 officer from office.
   69 (b) A conviction { ~ } or a plea nolo contendere { ~
   or a plea in abeyance } relating to a felony
70 charge described in Subsection (2)(a) shall be considered to be a determination that the officer

Senator Thomas’ 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

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**Absent or not voting were:** Senators

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**S.B. 136, JUSTICE COURT OPERATIONS AMENDMENTS,** was read the second time. Senator Mayne explained the bill. Senators Hillyard, Thomas, Hickman, and Buttars commented. The bill passed second reading on the following roll call:

**Yeas, 19; Nays, 7; Absent, 3.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**Absent or not voting were:** Senators

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S.B. 143, OPEN AND PUBLIC MEETINGS − RECORDING REQUIREMENT, was read the second time. Senator Jenkins explained the bill. Senators Knudson and Arent commented.

Senator Jenkins proposed the following amendment:

1. Page 2, Lines 45 through 48

45 (3) {–(a) } The minutes and recordings are public records and shall be available within a reasonable time after the meeting.

46 (b) A meeting record kept only by a digital or tape recording must be converted to written minutes within a reasonable time upon request.

Senator Jenkins withdrew his motion to amend.

On motion of Senator Jenkins, the bill was circled.

On motion of Senator Bell, the circle was removed from 1st Sub. S.B. 10, LIABILITY REFORM ACT AMENDMENTS, and it was before the Senate. 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
Allen  Arent  Bell  Bramble
Buttars  Christensen  Davis  Dmitrich
Eastman  Evans  Fife  Hatch
Hellewell  Hickman  Hillyard  Jenkins
Killpack  Knudson  Madsen  Mansell
Mayne  McCoy  Peterson  Stephenson
Thomas  Waddoups  Walker  Valentine

Absent or not voting was: Senator Hale

S.B. 53, LAND VALUE PROPERTY TAX STUDY, was read the second time. Senator Stephenson explained the bill.
Senator Stephenson proposed the following amendment:

1. Page 2, Line 55

   55    (B) be operated and administered {with } by county
          officials with assistance from the Utah State Tax Commission; and

Senator Stephenson’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

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**Absent or not voting was:** Senator

Hale

***

**S.B. 54, PROPERTY TAX CONFIDENTIALITY AMENDMENTS,** was read the second time. Senator Stephenson explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting was:** Senator

Hale
S.B. 121, PROPERTY TAX EXEMPTION AMENDMENTS, was read the second time. Senator Bramble explained the bill.

Senator Bramble proposed the following amendment:

1. Page 2, Lines 48 through 48a
   Senate Committee Amendments
   1–31–2005
   48  (a) “Ŝ⇒ charitable exclusive ⇐Ŝ use exemption” means a property tax exemption under
   48a Subsection (3)(d).

2. Page 4, Lines 103 through 103a
   Senate Committee Amendments
   1–31–2005:
   103 (4) Subject to Subsection (5), if property that is allowed to be used for a charitable purpose is subject to any property tax exemption or government exemption.
   103a use exemption or a

3. Page 4, Lines 111 through 111a
   Senate Committee Amendments
   1–31–2005:
   111 (a) is subject to any charitable exclusive use exemption or government exemption
   111a that the property is

4. Page 7, Lines 201 through 202
   Senate Committee Amendments
   1–31–2005:
   201 (10) (a) For purposes of this Subsection (10), “Ŝ⇒ charitable exclusive ⇐Ŝ use exemption”
   201a is as defined in
   202 Section 59−2−1101.

5. Page 7, Lines 203 through 206
   Senate Committee Amendments
   1–31–2005:
(b) (i) For purposes of Subsection (1)(a), and except as provided in Subsections
(10)(b)(ii) and (iii), when a person acquires property on or after January 1 that qualifies for:

(ii) Notwithstanding Subsection (10)(b)(i), a person who acquires property on or after January 1, 2004, and before January 1, 2005, that qualifies for:

(iii) Notwithstanding Subsection (10)(b)(i), a person who acquires property on or after January 1, 2005, and before January 1, 2006, that qualifies for:

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

**Y** eas, 29; **N** ays, 0; **A** bsent, 0.
Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Fife Hale
Hatch Hellewell Hickman Hillyard
Jenkins Killpack Knudson Madsen
Mansell Mayne McCoy Peterson
Stephenson Thomas Waddoups Walker
Valentine

* * *

S.B. 127, TAX, FEE, AND CHARGE AMENDMENTS, was read the second time. Senator Hillyard explained the bill. Senators Buttars, Bramble, and Mayne commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Fife Hale
Hatch Hellewell Hickman Hillyard
Jenkins Killpack Knudson Madsen
Mansell Mayne McCoy Peterson
Stephenson Thomas Waddoups Walker
Valentine

* * *

S.B. 139, MINIMUM WAGE PROVISIONS, was read the second time. Senator Stephenson explained the bill. Senators Allen, Mayne, Hickman, and Madsen commented.

On motion of Senator Stephenson, the bill was circled.

* * *

On motion of Senator Jenkins, the circle was removed from S.B. 143, OPEN AND PUBLIC MEETINGS – RECORDING REQUIREMENT, and it was before the Senate. Senator Jenkins explained the bill.

Senator Bell proposed the following amendment:
1. Page 2, Line 28:
   Senate Committee Amendments
   2–04–05
   After “Written minutes” delete “and” and insert “or”

Senator Bell withdrew his motion to amend. Senators Thomas, Christensen, Davis, Dmitrich, Bramble, and Bell commented. Senator Dmitrich declared a conflict of interest. The bill failed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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S.B. 143 was returned to the staff for filing.

* * *

S.B. 135, DRUG COURTS PILOT PROJECT, was read the second time.

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

**1st Sub. S.B. 135, Drug Courts Pilot Project, (L. Hillyard)**

Senator Hillyard explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 2, Lines 49 through 53

   49     (3) (a) Funds disbursed to a drug court program shall be allocated as follows:

   50     {–(a) } (i) 87% to the Department of Human Services for testing, treatment, and case
management; and

(ii) 13% to the Administrative Office of the Courts for increased judicial and court support costs.

(b) This provision does not apply to Federal Block Grant funds.

Senator Hillyard’s motion to amend passed on a voice vote. Senators Waddoups, Mayne, and Thomas commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**COMMUNICATIONS FROM THE HOUSE**

Mr. President: February 8, 2005

The House passed, as amended, **H.B. 46**, PUBLIC EDUCATION CAPITAL OUTLAY ACT AMENDMENTS, by Representative D. Cox, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 65**, DRIVER LICENSE AND COMMERCIAL DRIVER LICENSE AMENDMENTS, by Representative D. Bowman, and it is transmitted for consideration; and

The House passed **H.B. 212**, TRAFFIC VIOLATIONS BY DIPLOMATS, by Representative D. Hogue, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 46, H.B. 65, and H.B. 212** were read the first time and referred to the Rules Committee.

***

On motion of Senator Knudson and at 4:00 p.m., the Senate adjourned until 10:00 a.m., Wednesday, February 9, 2005.
February 9, 2005

TWENTY-FOURTH DAY
MORNING SESSION

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

Prayer – Patrice Arent
Pledge of Allegiance – Senator Curtis Bramble
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 96)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 8, 2005
The Speaker of the House has signed S.B. 27, SUNSET REAUTHORIZATIONS, by Senator L. A. Mansell, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 27 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, 2005
The House passed, as amended, H.B. 11, ECONOMIC DEVELOPMENT INCENTIVES, by Representative B. Dee, et al, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. H.B. 11 was read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: February 8, 2005
The Business and Labor Committee recommends S.B. 56, REAL ESTATE LISTING AGREEMENT PROVISIONS, by Senator L. A. Mansell, be replaced
and favorably recommends **1st Sub. S.B. 56**, REAL ESTATE LISTING AGREEMENT PROVISIONS; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 64**, REAL ESTATE TRANSACTIONS AND SECURITIES, by Senator L. A. Mansell, with the following amendments:

1. **Page 2, Line 34:**
   Delete line 34

2. **Page 2, Line 36:**
   After line 36 insert “61–2–11.5, Utah Code Annotated 1953”

3. **Pages 18–22, Lines 549–649:**
   Delete lines 549–649 and after line 649 insert:
   “Section 4, Section 61–2–11.5 is enacted to read:
   61–2–11.5. Investigations related to an undivided fractionalized long–term estate.
   In addition to any action authorized by Section 61–2–11, in relationship to the offer or sale of an undivided fractionalized long–term estate:
   (1) the division may make any public or private investigation within or outside of this state as the division considers necessary to determine whether any person has violated, is violating, or is about to violate this chapter or any rule or order under this chapter;
   (2) to aid in the enforcement of this chapter or in the prescribing of rules and forms under this chapter, the division may require or permit any person to file a statement in writing, under oath or otherwise as to all facts and circumstances concerning the matter to be investigated; and
   (3) for the purpose of the investigation described in Subsection (1), the division or any employee designated by the division may:
   (a) administer oaths and affirmation; or
   (b) take any action permitted by Section 61–2–11 including:
   (i) subpoena witnesses and compel their attendance;
   (ii) take evidence; and
   (iii) require the production of any books, papers, correspondence, memoranda, agreement, or other documents or records relevant or material to the investigation.”

Scott K. Jenkins, Chair

Mr. President: February 8, 2005

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 29**, STATE ENGINEER’S POWERS AND DUTIES AMENDMENTS, by Representative D. Clark; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **1st Sub. H.B. 38**, WATER LAW − CRIMINAL PENALTIES AMENDMENTS, by Representative B. Ferry; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 157**, WATER ENFORCEMENT PROCEDURES AND PENALTIES, by Representative D. Ure, with the following amendments:

1. Page 7, Line 192
   House Floor Amendments
   2–3–2005:

   192 (a) provisions consistent with this Section 73–3–25 and Section 73–2–26 for

2. Page 8, Lines 215 through 217
   House Floor Amendments
   2–3–2005:

   215 [If a final order is upheld, in ] If the state engineer prevails in an action brought under Subsection 215a (6)(b) or [person]
   216 [against whom enforcement is sought shall be liable for ] the state may recover all court
   216a costs and a reasonable attorney
   217 fee.
The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.C.R. 2**, COWBOY HALL OF FAME RESOLUTION, by Representative L. Shurtliff.

Michael G. Waddoups, Chair

Mr. President:    February 8, 2005

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 177**, INCREASE STATUTE OF LIMITATIONS ON RAPE, by Senator E. Mayne; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 55**, DRUG OFFENSE PENALTY ENHANCEMENTS, by Representative B. Dee, with the following amendments:

1. Page 3, Lines 83 through 86:

   83  (c) Upon a person’s second or subsequent conviction of possession of any controlled
   84  substance—by a person in violation of this Subsection (2)
or upon a person’s conviction of a
   85  violation of this Subsection (2) subsequent to a conviction under Subsection (1)(a), that person
   86  shall be sentenced to a one degree greater penalty than provided in this Subsection (2).

D. Chris Bramble, Chair


**INTRODUCTION OF BILLS**

**S.B. 63, Severance Tax Amendments** (B. Evans), read the first time by short title and referred to the Rules Committee.

**S.B. 173, Brownfields Revision** (L. A. Mansell), read the first time by short title and referred to the Rules Committee.

**S.B. 191, Political Subdivisions – Truth in Government Competition** (R. Allen), read the first time by short title and referred to the Rules Committee.
S.B. 194, *Sales and Use Tax Exemption for Mailing Lists* (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 212, *Department of Heath – Bureau of Licensing* (P. Hellewell), read the first time by short title and referred to the Rules Committee.

**ADVISE AND CONSENT**

**COMMUNICATIONS FROM THE GOVERNOR**

Mr. President: December 30, 2004

In accordance with Sections 67–1–1 and 2, Utah Code Annotated 1953, I propose and transmit the following appointment:

**DISTRICT COURT**


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

Olene S. Walker
Governor

* * *

Mr. President: February 8, 2005

The Senate Judicial Confirmation Committee met on February 8, 2005 and unanimously reports a favorable recommendation for Mr. Robert W. Adkins to be confirmed to the position of District Court Judge in the Third Judicial District.

D. Chris Buttars, Chair

On motion of Senator Hillyard, the Senate voted to consent to the Governor’s appointment as listed on the communication dated December 30, 2004, as read by Sandy Tenney. Senators Thomas and Evans commented. Senator Thomas declared a conflict of interest. The motion passed on the following roll call:

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

**Voting in the affirmative were:** Senators

- Allen
- Arent
- Bramble
- Buttars
- Christensen
- Davis
- Dmitrich
- Eastman
- Evans
- Fife
- Hale
- Hatch
COMMITTEE OF THE WHOLE

On motion of Senator Buttars, Judge Robert W. Adkins spoke in Committee of the Whole. Senators Buttars and Thomas commented.

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

THIRD READING CALENDAR

2nd Sub. S.B. 34, PATIENT ACCESS REFORM, was read the third time.

On motion of Senator Buttars, the bill was circled.

* * *

1st Sub. S.B. 31, LOCAL GOVERNMENT AMENDMENTS, was read the third time, explained by Senator Thomas, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen              Arent              Bell              Bramble
Buttars           Christensen        Davis             Dmitrich
Eastman           Fife               Hale              Hatch
Hellewell         Hickman           Hillyard          Killpack
Knudson           Madsen            Mansell          Mayne
McCoy             Peterson           Stephenson        Thomas
Waddoups          Walker             Valentine

Absent or not voting were: Senators
Evans              Jenkins

1st Sub. S.B. 31, as amended, was transmitted to the House for consideration.

* * *

S.B. 136, JUSTICE COURT OPERATIONS AMENDMENTS, was read the third time, explained by Senator Mayne, and passed on the following roll call:
Yeas, 16; Nays, 12; Absent, 1.

Voting in the affirmative were: Senators
Allen   Bramble   Buttars   Christensen
Davis   Dmitrich  Fife      Hatch
Hellwell Hickman  Killpack  Knudson
Madsen  Mansell  Mayne    Waddoups

Voting in the negative were: Senators
Arent   Bell      Eastman  Evans
Hale    Hillyard  Jenkins  McCoy
Peterson Stephenson Walker  Valentine

Absent or not voting was: Senator
Thomas

S.B. 136 was transmitted to the House for consideration.

   * * *

1st Sub. S.B. 10, LIABILITY REFORM ACT 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
Allen   Bell      Bramble   Christensen
Davis   Dmitrich  Eastman  Evans
Fife    Hale      Hatch    Hellewell
Hickman Hickman  Jenkins  Killpack
Knudson Madsen   Mansell  Mayne
McCoy   Peterson  Stephenson Waddoups
Walker  Valentine

Absent or not voting were: Senators
Arent   Buttars   Thomas

1st Sub. S.B. 10 was transmitted to the House for consideration.

Senator Bell read the following statement and requested that it be spread upon the pages of the Senate Journal.

“In 1986 the Utah Legislature passed the Liability Reform Act (“Act”). The fundamental principle of that Act was that no defendant should be ‘liable to any
person seeking recovery for any amount in excess of the proportion of fault attributed to that defendant.’ Section 78–27–38(3). In 1998, the Utah Supreme Court decided a case, *Field v. Boyer*, involving an assault by an unknown assailant in the Brickyard Plaza parking lot. The victim sued her employer and the mall owner. The Supreme Court held that while the Act covered intentional tortfeasors such as the assailant, the fact that he was unknown and thus not named as a defendant in the case prevented fault from being allocated to him under the Act. The next year, this Legislature amended the Act to fix the *Field* decision to allow unnamed and unknown parties such as the *Field* assailant to be listed on the allocation of fault form.

Since the 1999 amendment, parties and courts have had more experience with this law. Based on that experience and to make the process more fair, this amendment seeks to make procedural changes to the process and timing by which defendants notify plaintiffs of their intention to ask that unnamed persons be added to the allocation of fault form at trial.”

S.B. 53, LAND VALUE PROPERTY TAX STUDY, 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

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**Absent or not voting were:** Senators

| Buttars | Hellewell | Killpack | Knudson |

S.B. 53, as amended, was transmitted to the House for consideration.

S.B. 54, PROPERTY TAX CONFIDENTIALITY 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
Allen    Arent    Bell    Bramble
Christensen    Davis    Dmitrich    Eastman
Evans    Fife    Hale    Hatch
Hellewell    Hickman    Hillyard    Jenkins
Killpack    Knudson    Madsen    Mansell
Mayne    McCoy    Peterson    Stephenson
Thomas    Waddoups    Walker    Valentine

Absent or not voting was: Senator
Buttars

S.B. 54 was transmitted to the House for consideration.

* * *

S.B. 121, PROPERTY TAX EXEMPTION AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen    Arent    Bell    Bramble
Christensen    Davis    Dmitrich    Eastman
Evans    Fife    Hale    Hatch
Hellewell    Hickman    Hillyard    Jenkins
Killpack    Knudson    Madsen    Mansell
Mayne    McCoy    Peterson    Stephenson
Thomas    Waddoups    Walker    Valentine

Absent or not voting was: Senator
Buttars

S.B. 121, as amended, was transmitted to the House for consideration.

* * *

S.B. 127, TAX, FEE, OR CHARGE AMENDMENTS, was read the third time.

On motion of Senator Hillyard, the bill was circled.
* * *

1st Sub. S.B. 135, DRUG COURTS PILOT PROJECT, 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

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Absent or not voting was: Senator Buttars

1st Sub. S.B. 135, as amended, was transmitted to the House for consideration.

SECOND READING CALENDAR

H.B. 30, CONSUMER SALES PRACTICES ACT AMENDMENTS, was read the second time.

On motion of Senator Killpack, the bill was circled.

* * *

H.B. 164, REPEAL OF UTAH PERSONAL INTRODUCTION SERVICES PROTECTION ACT, was read the second time. Senator Eastman explained the bill. Senators Thomas, Allen, Hickman, Bramble, and Mansell commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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</table>
Voting in the negative were: Senators
Allen Dmitrich Mansell McCoy

Absent or not voting was: Senator Buttars

* * *

On motion of Senator Killpack, the circle was removed from H.B. 30, CONSUMER SALES PRACTICES ACT AMENDMENTS, and it was before the Senate. Senator Killpack explained the bill. Senator Bell commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Christensen Davis Dmitrich Eastman
Evans Fife Hale Hatch
Hellewell Hickman Hillyard Jenkins
Killpack Knudson Madsen Mansell
Mayne McCoy Peterson Stephenson
Thomas Waddoups Walker Valentine

Absent or not voting was: Senator Buttars

* * *

H.B. 186, CONSUMER PROTECTION AMENDMENTS, was read the second time. Senator Walker explained the bill. Senators Hickman, Thomas, Mansell, Hatch, Madsen, and Valentine commented.

Senator Thomas proposed the following amendment:

1. Page 13 and 14, Line 399–402:
   House Floor Amendments
   1–24–2005
   Reinstate the stricken language on lines 399–402.

   Senator Thomas’ motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 3; Absent, 3.
Voting in the affirmative were: Senators
Arent    Bell    Bramble    Christensen
Davis    Eastman    Evans    Hale
Hatch    Hellewell    Hickman    Hillyard
Jenkins    Killpack    Madsen    Mansell
Mayne    McCoy    Peterson    Thomas
Waddoups    Walker    Valentine

Voting in the negative were: Senators
Buttars    Fife    Stephenson

Absent or not voting were: Senators
Allen    Dmitrich    Knudson

* * *

H.C.R. 7, CONCURRENT RESOLUTION OPPOSING NUCLEAR TESTING, was read the second time. Senator Hatch explained the bill. Senators Arent and Hillyard commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Arent    Bell    Bramble    Buttars
Christensen    Davis    Eastman    Evans
Fife    Hale    Hatch    Hellewell
Hickman    Hillyard    Jenkins    Killpack
Madsen    Mansell    Mayne    McCoy
Peterson    Stephenson    Thomas    Waddoups
Walker    Valentine

Absent or not voting were: Senators
Allen    Dmitrich    Knudson

* * *

H.B. 69, FEDERAL HEALTH CARE TAX CREDIT PROGRAM ACT, 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
Allen    Arent    Bell    Bramble
Buttars    Christensen    Davis    Eastman
Absent or not voting were: Senators
Dmitrich Knudson

* * *

H.B. 23, DEPARTMENT OF WORKFORCE SERVICES – WORK EXPERIENCE AND TRAINING PROGRAMS, was read the second time. Senator Jenkins explained the bill. Senators Mayne and Stephenson commented.

On motion of Senator Jenkins, the bill was circled.

* * *

On motion of Senator Knudson, and at 11:35 a.m., the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:15 p.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 9, 2005

The House passed, S.B. 32, LIMITATION OF LANDOWNER LIABILITY FOR PUBLIC RECREATION, 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. 40, REGULATION OF TITLE INSURANCE INDUSTRY, by Senator T. Hatch, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 88, CREATION OF LOCAL DISTRICTS, 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. 94, RESTITUTION AMENDMENTS, by Senator G. Bell, which has been signed by the Speaker and it is transmitted for the signature of the President; and
The House passed, **S.B. 103**, LIENS ON AIRCRAFT, by Senator T. Hatch, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 117**, REPEAL OF UTAH TOMORROW STRATEGIC PLANNING COMMITTEE, by Senator M. Waddoups, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 32, S.B. 40, S.B. 88, S.B. 94, S.B. 103**, and **S.B. 117** 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, 2005

The House passed, as substituted, **1st Sub. H.B. 49**, BICYCLE SAFETY PROVISIONS, by Representative R. McGee, et al, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 200**, INSURANCE LAW REVISIONS, by Representative J. Dunnigan, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 49** and **1st Sub. H.B. 200** were read the first time and referred to the Rules Committee.

* * *

Mr. President: February 9, 2005

The House passed, as amended, **S.B. 21**, LIMITATION ON LIABILITY REGARDING LIQUEFIED PETROLEUM GAS, by Senator D. Eastman, and it is transmitted for further consideration; and

The House passed, as amended, **1st Sub. S.B. 106**, UTAH RELIGIOUS LAND USE ACT, by Senator D. Thomas, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bills were placed on the Concurrence Calendar.
To the Members of the Senate:

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

**Education Committee**

H.B. 46  
Public Education Capital Outlay Act Amendments  
(Rep. D. Cox)

**Government Operations and Political Subdivisions Committee**

S.B. 191  
Political Subdivisions – Truth in Government Competition (Sen. R. Allen)

**Health and Human Services Committee**

S.B. 212  
Child Care Investigations (Sen. P. Hellewell)

**Judiciary, Law Enforcement, and Criminal Justice Committee**

H.B. 76  
Habitual Violent Offenders Amendments (Rep. P. Ray)

H.B. 218  
Second District Juvenile Judge (Rep. J. S. Adams)

**Natural Resources, Agriculture, and Environment Committee**

S.B. 173  
Brownfields Revision (Sen. L. A. Mansell)

H.B. 203  
Agricultural Advisory Board (Rep. M. Noel)

**Revenue and Taxation Committee**

S.B. 63  
Severance Tax Amendments (Sen. B. Evans)

S.B. 194  
Sales and Use Tax Exemption for Items Relating to Direct Mail (Sen. H. Stephenson)

**Transportation, Public Utilities and Technology Committee**

H.B. 65  
Driver License and Commercial Driver License Amendments (Rep. D. Bowman)

H.B. 68  
Motor Vehicle Enforcement Division Amendments (Rep. P. Ray)

H.B. 212  
Traffic Violations by Diplomats (Rep. D. Hogue)

H.B. 221  
Electronic Communication Harassment (Rep. J. Dougall)

**Workforce Services and Community and Economic Development**

S.B. 179  
Protection of Government Records (Sen. G. Bell)
H.B. 11  Economic Development Incentives (Rep. B. Dee)

Michael Waddoups
Rules Committee Chair

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

INTRODUCTION OF BILLS

S.B. 227, Public Safety Amendments (C. Bramble), read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

H.B. 179, UTAH VENTURE CAPITAL ENHANCEMENT ACT AMENDMENTS, was read the second time. Senator Jenkins explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Allen      Arent      Bell      Christensen
Davis     Dmitrich    Eastman   Evans
Fife       Hale       Hatch     Hellewell
Hickman    Hillyard   Jenkins   Knudson
Madsen    Mansell     Mayne     McCoy
Peterson   Stephenson  Thomas    Waddoups
Walker     Valentine

Absent or not voting were: Senators
Bramble    Buttars     Killpack

* * *

2nd Sub. H.B. 36, CHARTER SCHOOL CONSTRUCTION AMENDMENTS, was read the second time. Senator Stephenson explained the bill. Senators Hickman, Fife, Jenkins, Madsen, Bell, and Valentine commented. Senators Killpack and Madsen declared conflicts of interest. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Allen      Arent      Bell      Christensen
Davis     Dmitrich    Eastman   Fife
Voting in the negative were: Senators
Evans Jenkins

Absent or not voting were: Senators
Bramble Buttars Hickman

* * *

On motion of Senator Hillyard, under suspension of the rules, H.C.R. 9, RESOLUTION HONORING OUTGOING USU PRESIDENT KERMIT L. HALL, 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
Allen Arent Bell Christensen
Davis Dmitrich Eastman Evans
Fife Hale Hatch Hellewell
Hillyard Jenkins Killpack Knudson
Madsen Mansell Mayne McCoy
Peterson Stephenson Thomas Waddoups
Walker Valentine

Absent or not voting were: Senators
Bramble Buttars Hickman

H.C.R. 9, as amended, was returned to the House for further consideration.

* * *

H.B. 168, COOPERATIVE WILDLIFE MANAGEMENT UNIT AMENDMENTS, 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
Allen Arent Bell Christensen
Davis Dmitrich Eastman Evans
Fife Hillyard Hatch Hellewell
Hillyard Jenkins Killpack Knudson
Madsen Mansell Mayne McCoy
Peterson Stephenson Thomas Waddoups
Walker Valentine
Fife Hale Hatch Hellewell
Hillyard Jenkins Killpack Knudson
Madsen Mansell Mayne McCoy
Peterson Stephenson Thomas Waddoups
Walker Valentine

**Absent or not voting were:** Senators
Bramble Buttars Hickman

---

**1st Sub. H.B. 182.** HISTORICAL LIVESTOCK TRAILS, was read the second time. Senator Hatch explained the bill. Senators Christensen, Knudson, Davis, Hillyard, Jenkins, Dmitrich, and Eastman commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators
Allen Bell Christensen Davis
Dmitrich Eastman Evans Fife
Hale Hatch Hellewell Hickman
Hillyard Killpack Knudson Madsen
Mayne McCoy Peterson Stephenson
Thomas Waddoups Walker Valentine

**Voting in the negative were:** Senators
Jenkins Mansell

**Absent or not voting were:** Senators
Arent Bramble Buttars

---

**1st Sub. H.B. 24.** TRAFFIC CODE AMENDMENTS, was read the second time. Senator Eastman explained the bill. Senator Thomas commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators
Allen Arent Bell Christensen Davis
Davis Dmitrich Eastman Evans
Fife Hale Hatch Hellewell
Absent or not voting were: Senators
Bramble Buttars

* * *

H.B. 60, INSURANCE LICENSING AMENDMENTS, was read the second time. Senator Hatch 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
Allen Arent Bell Christensen
Davis Eastman Evans Fife
Hale Hatch Hellewell Hickman
Hillyard Jenkins Killpack Knudson
Madsen Mayne McCoy Peterson
Stephenson Thomas Waddoups Walker
Valentine

Absent or not voting were: Senators
Bramble Buttars Dmitrich Mansell

* * *

1st Sub. H.B. 40, SUNSET OF TOWNSHIP PROVISION, was read the second time. Senator Waddoups explained the bill. Senators Arent, Walker, Mayne, Hale, Allen, and Hickman commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Christensen
Davis Dmitrich Eastman Evans
Fife Hale Hatch Hellewell
Hickman Hillyard Jenkins Killpack
Knudson Madsen Mansell Mayne
McCoy Peterson Stephenson Thomas
Waddoups Walker Valentine
Absent or not voting were: Senators
Bramble Butteras

***

On motion of Senator Hillyard, 1st Sub. H.B. 24 was placed on Third Reading Table due to fiscal impact.

***

H.B. 75, GOVERNMENT RECORDS ACCESS AND MANAGEMENT TASK FORCE, was read the second time. Senator Walker 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
Arent Bell Christensen Eastman
Evans Fife Hale Hatch
Hellewell Hillyard Jenkins Killpack
Knudson Madsen Mansell Mayne
McCoy Peterson Stephenson Thomas
Waddoups Walker Valentine

Absent or not voting were: Senators
Allen Bramble Butteras Davis
Dmitrich Hickman

On motion of Senator Hillyard, H.B. 75 was placed on Third Reading Table due to fiscal impact.

***

H.B. 165, UTAH COMMISSION ON AGING, was read the second time.

On motion of Senator Knudson, the bill was circled.

***

H.B. 9, SALES AND USE TAX − AGRICULTURAL EXEMPTION VEHICLE LIMITATION, was read the second time. Senator Evans explained the bill. Senator Hickman 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
Arent    Bell    Bramble    Christensen
Davis    Dmitrich    Eastman    Evans
Fife    Hale    Hatch    Hellewell
Hickman    Hillyard    Jenkins    Killpack
Knudson    Madsen    Mansell    Mayne
McCoy    Peterson    Stephenson    Thomas
Waddoups    Walker    Valentine

Absent or not voting were: Senators
Allen    Buttars

***

H.B. 53, TAX TREATMENT OF PERSONAL PROPERTY, was read the second time. Senator Eastman explained the bill. Senators Bramble, Hickman, and Thomas commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Allen    Arent    Bell    Bramble
Christensen    Davis    Dmitrich    Eastman
Evans    Fife    Hale    Hatch
Hellewell    Hickman    Hillyard    Jenkins
Killpack    Knudson    Madsen    Mansell
Mayne    McCoy    Peterson    Waddoups
Walker

Voting in the negative were: Senators
Stephenson    Thomas

Absent or not voting were: Senators
Buttars    Valentine

***

On motion of Senator Knudsons the Senate voted to suspend the rules to consider only Senate bills for the remainder of the day.

***

On motion of Senator Waddoups, the circle was removed from S.B. 114, COUNTY AND MUNICIPAL ZONING REGARDING BILLBOARDS, and it
was before the Senate. Senator Waddoups explained the bill. Senator Arent commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**Absent or not voting were:** Senators

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**S.B. 146, AVOIDING APPREHENSION AMENDMENT, was read the second time.** Senator Waddoups explained the bill.

Senator Waddoups proposed the following amendment:

1. Page 1, Lines 12 through 13

   12 provides that fleeing a peace officer with the intent to avoid detention or arrest is a
   13 third degree felony class A misdemeanor; and

2. Page 2, Line 28:

   28 A person is guilty of a third degree felony class A misdemeanor who flees from or otherwise attempts to

Senator Waddoups’ motion to amend passed on a voice vote. Senators Stephenson and Thomas commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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Voting in the negative was: Senator Madsen

Absent or not voting were: Senators Buttars, Evans, Valentine

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 9, 2005

The House passed, 1st Sub. S.B. 24, WASTE AMENDMENTS, by Senator C. Bramble, et al, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, 1st Sub. S.B. 108, TELECOMMUNICATIONS REVISIONS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

1st Sub. S.B. 24 and 1st Sub. S.B. 108 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, 2005

The House passed, as amended, H.B. 25, DIRECT-ENTRY MIDWIFE ACT, by Representative J. Biskupski, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. H.B. 25 was read the first time and referred to the Rules Committee.

* * *

Mr. President: February 9, 2005

The House passed, as amended, S.B. 37, MOTOR VEHICLE BUSINESS REGULATION ACT AMENDMENTS, by Senator D. Eastman, and it is transmitted for further consideration; and
The House passed, as amended, **S.B. 83, MEDICAL DECISIONS OF A PARENT OR GUARDIAN**, by Senator D. Thomas, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bills were placed on the Concurrence Calendar.

* * *

On motion of Senator Knudson and at 4:00 p.m., the Senate adjourned until 10:00 a.m., Thursday, February 10, 2005.
February 10, 2005

TWENTY–FIFTH DAY

MORNING SESSION

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

Prayer – Reverend Tom Goldsmith, First Unitarian Church
Pledge of Allegiance – Senator Howard Stephenson
Roll Call – All Senators present except Senator Fife, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 96)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 9, 2005

The House passed, S.B. 90, COUNTY OFFICERS SERVING ON BOARDS OF COUNTY MENTAL HEALTH AND SUBSTANCE ABUSE PROVIDERS, by Senator D. Thomas, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 98, MOTOR VEHICLE REGISTRATION AND TITLE AMENDMENTS, by Senator S. Killpack, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.C.R. 4, RESOLUTION APPROVING UTAH RECREATIONAL LAND EXCHANGE, by Senator B. Evans, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.J.R. 13, JOINT RESOLUTION AMENDING INTERIM LEGISLATIVE RULES, by Senator M. Waddoups, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 90, S.B. 98, S.C.R. 4, and S.J.R. 13 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, 2005

The House concurred in the Senate amendments and passed H.B. 12, HEALTH CARE ASSISTANTS, by Representative R. Lockhart, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

H.B. 12 was signed by the President of the Senate in open session and returned to the House.

* * *

Mr. President: February 9, 2005

The House passed, as substituted and amended, 1st Sub. H.B. 93, EMISSION INSPECTION AMENDMENTS, by Representative K. Gibson, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. 1st Sub. H.B. 93 was read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: February 8, 2005

The Education Committee reports a favorable recommendation on S.B. 178, CHARTER SCHOOL AMENDMENTS, by Senator H. Stephenson, with the following amendments:

1. Page 4, Line 117 through Page 5, Line 124:

   117  (d) The State Charter School Board shall review and, by majority vote, either approve

   118  or deny the application [within 60 days after the application is received by the board].

   119  (e) The State Board of Education shall, by majority vote, within 60 days after action by

   120  the State Charter School Board under Subsection (1)(d):

   121  (i) approve or deny an application approved by the State Charter School Board; or
(ii) hear an appeal, if any, of an application denied by the State Charter School Board.

(f) The State Board of Education’s action under Subsection (1)(d) is final action subject

to judicial review.

(g) A charter school application may not be denied on the basis that
the establishment of the charter school will have any or all of the
following impacts on a public school, including another charter school:

(i) an enrollment decline;
(ii) a decrease in funding; or
(iii) a modification of programs or services.

The Education Committee reports a favorable recommendation on **H.B. 183**, VERIFICATION OF ELIGIBILITY FOR FEE WAIVERS, by Representative W. Harper, with the following amendments:

1. Page 3, Lines 70 through 72
   House Floor Amendments
   1−28−2005:

    (b) specifying the acceptable forms of documentation for the requirement under

    Subsection (5)(a), which shall include verification based on income tax returns [if the parent or

    guardian was required to file a return] or current pay stubs [if the parent or

    (6) Notwithstanding the requirements under Subsection (5), a school is not required to keep documentation on file after the verification is completed.

The Education Committee reports a favorable recommendation on **H.C.R. 6**, RESOLUTION RECOGNIZING UTAH’S LEGISLATORS BACK TO SCHOOL PROGRAM, by Representative M. Dayton.

David L. Thomas, Chair
Parley G. Hellewell, Chair

Mr. President: February 9, 2005

The Revenue and Taxation Committee recommends S.B. 164, INDIVIDUAL INCOME TAX – SUBTRACTION FOR LIVE ORGAN DONATION EXPENSES, by Senator K. Hale, be replaced and favorably recommends 1st Sub. S.B. 164, INDIVIDUAL INCOME TAX – SUBTRACTION FOR LIVE ORGAN DONATION EXPENSES.

Curtis S. Bramble, Chair

Mr. President: February 9, 2005

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on S.C.R. 6, RESOLUTION SUPPORTING THE GOLDEN RULE PROJECT, by Senator F. Fife, et al; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on S.C.R. 9, CONCURRENT RESOLUTION REGARDING DELTA AIRLINES, by Senator D. Eastman, with the following amendments:

1. Page 1, Line 27 through Page 2, Line 33:

27 WHEREAS, Delta Airlines and its connection carriers, including Sky West, are responsible for over 700 airplane arrivals and departures each day to bring over 13 million passengers to and from Utah every year;

30 WHEREAS, Delta Airlines recently expanded its Salt Lake City hub resulting in 750 additional jobs in Utah;

32 WHEREAS, the Salt Lake City Airport will gain 58 new flights each day and 13 new
33 destinations at Salt Lake International Airport as a result of Delta’s realignment;

Carlene M. Walker, Chair

Mr. President:

February 9, 2005

The Retirement and Independent Entities Committee reports a favorable recommendation on S.B. 154, PUBLIC SAFETY RETIREMENT AMENDMENTS, by Senator D. C. Buttars; and

The Retirement and Independent Entities Committee reports a favorable recommendation on H.B. 180, RETIREMENT OFFICE AMENDMENTS, by Representative A. Hardy.

Beverly Ann Evans, Chair

On motion of Senator Waddoups, the committee reports were adopted. S.B. 178, as amended, H.B. 183, as amended, H.C.R. 6, S.B. 190, 1st Sub. S.B. 164, S.C.R. 6, S.C.R. 9, as amended, S.B. 154, and H.B. 180 were placed on Second Reading Calendar.

***

Mr. President:

February 9, 2005

The Retirement and Independent Entities Committee reports a favorable recommendation on H.B. 173, STATE EMPLOYEE AMENDMENTS, by Representative A. Hardy, and recommends it be considered read for the second time and placed on the Consent Calendar.

Beverly Ann Evans, Chair

On motion of Senator Waddoups, the committee reports were adopted. H.B. 173 was considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 186, Child Welfare Removal − Adoption Option (P. Hellewell), read the first time by short title and referred to the Rules Committee.

S.B. 189, Property Tax − Certified Tax Rate Inflationary Adjustment (G. Bell), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

S.B. 50, CONTROLLED SUBSTANCE AMENDMENTS, was read the third time, explained by Senator Arent, and passed on the following roll call:
Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators
Allen  Arent  Bell  Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Hatch Hellewell
Hickman Hillyard Jenkins Killpack
Knudson Madsen Mayne McCoy
Peterson Stephenson Thomas Waddoups
Walker Valentine

Absent or not voting were: Senators
Fife  Hale  Mansell

S.B. 50 was transmitted to the House for consideration.

CONCURRENCE CALENDAR

On motion of Senator Eastman, the Senate voted to concur in the House amendments to S.B. 21, LIMITATION ON LIABILITY REGARDING LIQUEFIED PETROLEUM GAS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen  Bramble  Buttars  Christensen
Davis  Dmitrich  Eastman  Evans
Hatch Hellewell Hickman Jenkins
Killpack Mansell Mayne
McCoy Peterson Stephenson Thomas
Waddoups Valentine

Voting in the negative were: Senators
Arent  Bell  Hillyard  Madsen

Absent or not voting were: Senators
Fife  Hale

S.B. 21 was returned to the House for the signature of the Speaker of the House.

* * *

On motion of Senator Thomas, the Senate voted to concur in the House amendments to 1st Sub. S.B. 106, UTAH RELIGIOUS LAND USE ACT. The bill, as amended, passed on the following roll call:
Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Hatch Hellewell
Hickman Hillyard Jenkins Killpack
Knudson Madsen Mansell Mayne
McCoy Peterson Thomas Waddoups
Walker Valentine

Absent or not voting were: Senators
Fife Hale Stephenson

1st Sub. S.B. 106 was returned to the House for the signature of the Speaker of the House.

* * *

On motion of Senator Eastman, the Senate voted to concur in the House amendments to S.B. 37, MOTOR VEHICLE BUSINESS REGULATION ACT AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bramble Buttars
Christensen Davis Dmitrich Eastman
Evans Hatch Hellewell Hickman
Hillyard Jenkins Killpack Knudson
Madsen Mansell Mayne McCoy
Peterson Thomas Walker Valentine

Absent or not voting were: Senators
Bell Fife Hale Stephenson
Waddoups

S.B. 37 was returned to the House for the signature of the Speaker of the House.

* * *

On motion of Senator Thomas, the Senate voted to concur in the House amendments to S.B. 83, MEDICAL DECISIONS OF A PARENT OR GUARDIAN. The bill, as amended, passed on the following roll call:
Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators
Allen        Arent        Bell        Bramble
Buttars      Christensen  Davis       Dmitrich
Eastman      Evans        Hatch       Hellewell
Hickman      Hillyard     Jenkins     Killpack
Knudson      Madsen       Mansell    Mayne
McCoy        Thomas       Walker      Valentine

Absent or not voting were: Senators
Fife         Hale          Peterson   Stephenson
Waddoups

S.B. 83 was returned to the House for the signature of the Speaker of the House.

* * *

On motion of Senator Hillyard, the Senate voted to lift 1st Sub. H.B. 24 from the Third Reading Table, and place it at the bottom of the Third Reading Calendar.

THIRD READING CALENDAR

H.B. 164, REPEAL OF UTAH PERSONAL INTRODUCTION SERVICES, was read the third time and explained by Senator Eastman. Senator Allen commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen        Arent        Bell        Bramble
Buttars      Christensen  Davis       Dmitrich
Eastman      Evans        Hatch       Hellewell
Hickman      Hillyard     Jenkins     Killpack
Knudson      Madsen       Mansell    Mayne
McCoy        Stephenson   Thomas      Waddoups
Walker       Valentine

Absent or not voting were: Senators
Fife         Hale          Peterson

H.B. 164 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
H.B. 30, CONSUMER SALES PRACTICES ACT AMENDMENTS, was read the third time.

On motion of Senator Killpack, the bill was circled.

H.B. 186, CONSUMER PROTECTION AMENDMENTS, 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**

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**Absent or not voting were: Senators**

| Fife | Hale | Hillyard |

H.B. 186, as amended, was returned to the House for further consideration.

H.C.R. 7, CONCURRENT RESOLUTION OPPOSING NUCLEAR TESTING, was read the third time, explained by Senator Hatch, and passed on the following roll call:

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

**Voting in the affirmative were: Senators**

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Absent or not voting were: Senators
Fife Hillyard Hillyard

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 of the House.

* * *

H.B. 69, FEDERAL HEALTH CARE TAX CREDIT PROGRAM ACT, was read the third time, explained by Senator Walker, and passed on the following roll call:

Y eas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Hatch Hellewell
Hickman Hillyard Jenkins Killpack
Knudson Madsen Mansell Mayne
McCoy Peterson Stephenson Thomas
Waddoups Walker Valentine

Absent or not voting were: Senators
Fife

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 of the House.

* * *

H.B. 179, UTAH VENTURE CAPITAL ENHANCEMENT ACT AMENDMENTS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

Y eas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Hatch Hellewell
Hickman Hillyard Jenkins Killpack
Knudson Madsen Mansell Mayne
McCoy Peterson Stephenson Thomas
Waddoups Walker Valentine
Absent or not voting were: Senators
Fife          Hale

H.B. 179 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

2nd Sub. H.B. 36, CHARTER SCHOOL CONSTRUCTION AMENDMENTS, was read the third time and explained by Senator Stephenson. Senators Bell, Arent, Mayne, and Valentine commented.

On motion of Senator Stephenson, the bill was circled.

***

H.B. 168, COOPERATIVE WILDLIFE MANAGEMENT UNIT AMENDMENTS, was read the third time, explained by Senator Peterson, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen          Arent          Bell          Bramble
Buttars       Christensen   Davis         Dmitrich
Eastman       Evans          Hale          Hellewell
Hickman       Jenkins        Killpack      Knudson
Madsen        Mansell       Mayne         McCoy
Peterson      Stephenson    Thomas        Waddoups
Walker        Valentine

Absent or not voting were: Senators
Fife          Hatch          Hillyard

H.B. 168 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 Senate voted to include the following intent language in the Senate Journal.

INTENT LANGUAGE FOR H.B. 168

It is the intent of the Legislature that wild turkeys not be released under the Cooperative Wildlife Management Unit Program in counties not designated in the Management Plan for Wild Turkeys.
* * *

**1st Sub. H.B. 182**, HISTORICAL LIVESTOCK TRAILS, was read the third time.

On motion of Senator Eastman the bill was circled.

* * *

**H.B. 60**, INSURANCE LICENSING AMENDMENTS, was read the third time.

On motion of Senator Eastman, the bill was circled.

* * *

**1st Sub. H.B. 40**, REPEAL OF SUNSET OF TOWNSHIP PROVISION, 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

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**1st Sub. H.B. 40** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Hatch, the circle was removed from **1st Sub. H.B. 182**, HISTORICAL LIVESTOCK TRAILS. Senator Jenkins commented and the bill passed on the following roll call:

**Yeas, 23; Nays, 2; Absent, 4.**
Voting in the affirmative were: Senators
Allen        Arent         Bell         Bramble
Buttars      Christensen  Davis        Dmitrich
Eastman      Evans         Hale         Hatch
Hellewell    Hickman      Knudson      Madsen
Mansell      Mayne         McCoy        Peterson
Waddoups     Walker        Valentine

Voting in the negative were: Senators
Jenkins      Thomas

Absent or not voting were: Senators
Fife         Hillyard      Killpack      Stephenson

1st Sub. H.B. 182 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 9, SALES AND USE TAX – AGRICULTURAL EXEMPTION VEHICLE LIMITATION, was read the third time and explained by Senator Evans. Senators Hickman, Allen, and Bramble commented. Senator Hickman declared a conflict of interest. The bill passed on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.

Voting in the affirmative were: Senators
Allen        Arent         Bell         Bramble
Buttars      Christensen  Davis        Dmitrich
Eastman      Evans         Hale         Hatch
Hellewell    Hillyard      Jenkins      Killpack
Knudson      Madsen        Mansell      Mayne
McCoy        Peterson      Stephenson   Thomas
Waddoups     Walker        Valentine

Voting in the negative was: Senator
Hickman

Absent or not voting was: Senator
Fife

H.B. 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 Stephenson, the circle was removed from 2nd Sub. H.B. 36, CHARTER SCHOOL CONSTRUCTION AMENDMENTS. Senators Hale, Arent, and Valentine commented. Senators Killpack and Madsen declared conflicts of interest. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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2nd Sub. H.B. 36 was returned to the House for further consideration.

**H.B. 53, TAX TREATMENT OF PERSONAL PROPERTY, was read the third time, explained by Senator Bramble, and passed on the following roll call:**

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

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**Absent or not voting were:** Senators

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**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.

* * *

On motion of Senator Hatch, the circle was removed from **H.B. 60, INSURANCE LICENSING AMENDMENTS**. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**H.B. 60**, as amended, was returned to the House for further consideration.

* * *

**S.B. 114, COUNTY AND MUNICIPAL ZONING REGARDING BILLBOARDS**, was read the third time and explained by Senator Waddoups.

Senator Waddoups proposed the following amendment:

1. **Page 4, Line 93:**
   
   After “owner” insert “or the owner acting through its contractors”

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

   **Yeas, 21; Nays, 3; Absent, 5.**

   **Voting in the affirmative were:** Senators

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Voting in the negative were: Senators
Arent Hale McCoy
Absent or not voting were: Senators
Bramble Fife Hillyard Killpack Stephenson

S.B. 114, as amended, was transmitted to the House for consideration.

* * *

S.B. 146, AVOIDING APPEHENSION AMENDMENT, was read the third time and explained by Senator Waddoups.

Senator Thomas proposed the following amendment:

1. Page 1, Line 12:
   After “avoid” delete “detention of”
2. Page 2, Line 31:
   After “avoid” delete “detention of”

Senator Thomas’ motion to amend passed on a voice vote.

# # #

Senator Madsen proposed the following amendment:

1. Page 2, Line 30:
   After “verbal” delete “or visual”

Senator Madsen’s motion to amend failed on a voice vote. Senators Jenkins and Valentine commented.

On motion of Senator Waddoups, the bill was circled.

* * *

On motion of Senator Knudson, 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 10, 2005

The House concurred in the Senate amendments and passed H.B. 162, MUNICIPAL ABATEMENT OF WEEDS AND OTHER NEGLECTED ITEMS ON PROPERTY, by Representative M. Morley, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

H.B. 162 was signed by the President of the Senate in open session. The bill will be returned to the House for signature of the Speaker.

* * *

Mr. President: February 10, 2005

The House passed H.B. 150, WATER RIGHTS FEES, by Representative J. Gowans, and it is transmitted for consideration; and

The House passed H.B. 156, DAIRY PROMOTION ACT AMENDMENTS, by Representative D. Ure, and it is transmitted for consideration; and

The House passed, as amended, H.B. 208, UNCLAIMED PROPERTY AMENDMENTS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed H.B. 215, PROPERTY TRACKING AMENDMENTS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed, as amended, H.C.R. 10, CONCURRENT RESOLUTION HONORING WALDO WILCOX FOR PRESERVATION OF RANGE CREEK AREA, by Representative B. King, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. H.B. 150, H.B. 156, H.B. 208, H.B. 215, and H.C.R. 10 were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 10, 2005

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

Health and Human Services Committee
S.B. 186  Child Welfare Removal – Adoption Option (Sen. P. Hellewell)

Revenue and Taxation Committee
S.B. 189  Property Tax – Certified Tax Rate Adjustment (Sen. G. Bell)
S.B. 227  Public Safety Driving Privilege and Identification Card Amendments (Sen. C. Bramble)

Transportation, Public Utilities and Technology Committee

Michael Waddoups
Rules Committee Chair

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

INTRODUCTION OF BILLS

S.B. 172, Division of Real Estate Amendments (M. Waddoups), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

1st Sub. H.B. 24, TRAFFIC CODE 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
Allen  Arent  Bell  Bramble
Buttars  Christensen  Davis  Dmitrich
Eastman  Evans  Hale  Hatch
Hellewell  Hickman  Hillyard  Jenkins
Killpack  Knudson  Madsen  Mansell
Mayne  McCoy  Peterson  Stephenson
Thomas  Waddoups  Walker  Valentine
Absent or not voting was: Senator Fife

1st Sub. H.B. 24 was returned to the House for further consideration.

SECOND READING CALENDAR

On motion of Senator Jenkins, the circle was removed from H.B. 23, DEPARTMENT OF WORKFORCE SERVICES – WORK EXPERIENCE AND TRAINING PROGRAMS, and it was before the Senate. Senator Jenkins explained the bill. Senator Mayne commented. The bill passed second reading on the following roll call:

YeaS, 27; NayS, 0; Absent, 2.

Voting in the affirmative were: Senators

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Absent or not voting were: Senators

Fife    Killpack

***

On motion of Senator Knudson, under suspension of the rules, the Senate voted to consider Senate bills for the remainder of the day.

***

S.B. 39, CONSUMER CREDIT PROTECTION, was read the second time. Senator Walker explained the bill.

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

1st Sub. S.B. 39, Consumer Credit Protection (C. Walker)

Senator Hickman proposed the following amendment:
1. Page 2, Line 33:
Delete “July” and insert “January”

2. Page 7, Line 200:
Delete “July” and insert “January”

Senator Hickman’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

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**Absent or not voting were:** Senators

| Bramble | Fife | Hickman |

* * *

On motion of Senator Waddoups, the Senate voted to move **S.B. 152** to the top of the Second Reading Calendar for the purpose of substitution.

* * *

**S.B. 152, BUSINESS LICENSE FEES,** was read the second time.

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

**1st Sub. S.B. 152, Business License Fees, (M. Waddoups)**

On motion of Senator Waddoups, the bill was circled.

* * *

**1st Sub. S.B. 48, INSURANCE CANCELLATION AND NONRENEWAL RESTRICTIONS,** was read the second time. Senator Arent explained the bill.

Senator Arent proposed the following amendment:
(5) Notwithstanding Subsections (2) and (4), an insurer may not cancel or fail to renew an insurance policy the following personal lines insurance policies solely on the basis of:

(a) in the case of a motor vehicle insurance policy:

(i) a claim from the insured that:

(A) results from an accident in which the insured is not at fault; and

(B) is the only claim meeting the condition of Subsection (5)(a)(i)(A) within a 36-month period;

(ii) a single traffic violation by an insured that:

(A) is a violation of a speed limit under Title 41, Chapter 6, Traffic Rules and Regulations; Chapter 6a, Traffic Code;

(B) is not in excess of ten miles per hour over the speed limit;

(C) is not a school zone traffic violation under;

(I) Subsection 41−6−46, 41−6a−601 (1);

(II) Section 41−6−48.5, 41−6a−604; or

(III) Section 41−6−49, 41−6a−605; and

((C) is not in excess of ten miles per hour over the speed limit; and)

(D) is the only violation meeting the conditions of Subsections (5)(a)(ii)(A) through

(C) within a 36-month period;

(iii) a claim for damage that:

(A) results solely from:

(I) wind;
(II) hail;
(III) lightning; or
(IV) an earthquake;
(B) is not preventable by the exercise of reasonable care; and
(C) is the only violation claim meeting the conditions of Subsections (5)(a)(iii)(A) and (B)
within a 36-month period; and
(b) in the case of a homeowner’s insurance policy, a

Senator Arent’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

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**Absent or not voting were:** Senators

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S.B. 52, PRICE CONTROLS DURING EMERGENCIES ACT, was read the second time. Senator Arent explained the bill. Senators Eastman, Allen and Stephenson commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Davis Fife Hillyard

* * *

S.B. 55, ACCESS TO PATIENT MEDICAL RECORDS, was read the second time. Senator Arent explained the bill. Senator Christensen commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Eastman Evans
Hale Hatch Hellewell Hickman
Jenkins Killpack Knudson Madsen
Mansell Mayne McCoy Peterson
Stephenson Thomas Waddoups Walker
Valentine

Absent or not voting were: Senators
Davis Dmitrich Fife Hillyard

* * *

S.B. 72, CHILD WELFARE AMENDMENTS, was read the second time.

On motion of Senator Eastman, the bill was circled.

* * *

S.B. 142, PHARMACY PRACTICE ACT AMENDMENTS, was read the second time.

On motion of Senator Knudson, the bill was circled.

* * *

S.B. 145, PROHIBITION AGAINST CERTAIN MEDICAL NONCOMPETITION AGREEMENTS, was read the second time. Senator Christensen explained the bill. Senators McCoy, Bell, Hickman, Mayne, Thomas, Jenkins, and Knudson commented. The bill passed second reading on the following roll call:
Yeas, 19; Nays, 6; Absent, 4.

Voting in the affirmative were: Senators
Bramble Buttars Christensen Dmitrich
Eastman Evans Hale Hatch
Hellewell Hickman Hillyard Killpack
Knudson Madsen Mayne Peterson
Stephenson Thomas Walker

Voting in the negative were: Senators
Allen Arent Bell Jenkins
McCoy Valentine

Absent or not voting were: Senators
Davis Fife Mansell Waddoups

* * *

On motion of Senator Knudson, the circle was removed from S.B. 142, PHARMACY PRACTICE ACT AMENDMENTS, and it was before the Senate. Senator Knudson explained the bill.

Senator Knudson proposed the following amendment:

1. Page 17, Line 513d
   Senate Committee Amendments
   2–1–2005

513d (1) {–A–} Except as provided in Subsection 58–16a–102, a prescription for any prescription drug or device may not be dispensed

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

# # #

Senator Christensen proposed the following amendment:

1. Page 7, Lines 212 through 213

212 (40) “Nonresident pharmacy” means [any] a pharmacy [that sells to anyone in Utah, but

213 is not physically] located [in] outside of Utah that sells to a {–patient } person in Utah.
Senator Christensen’s motion to amend passed on a voice vote. Senators Stephenson, Valentine and Bramble commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

- Allen
- Arent
- Bell
- Bramble
- Christensen
- Davis
- Dmitrich
- Eastman
- Evans
- Hale
- Hatch
- Hellewell
- Hickman
- Hillyard
- Jenkins
- Killpack
- Knudson
- Madsen
- Mayne
- McCoy
- Peterson
- Thomas
- Walker
- Valentine

**Absent or not voting were:** Senators

- Buttars
- Fife
- Mansell
- Stephenson
- Waddoups

* * *

On motion of Senator Mayne, the Senate voted to move **S.B. 149** to the top of the Second Reading Calendar for the purpose of substituting the bill.

* * *

**S.B. 149, PETE SUAZO ATHLETIC COMMISSION AMENDMENTS**, was read the second time.

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

**1st Sub. S.B. 149, Pete Suazo Athletic Commission Amendments**

(E. Mayne)

On motion of Senator Mayne, the bill was circled.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: February 10, 2005

The Speaker of the House has signed **S.B. 21, LIMITATION ON LIABILITY REGARDING LIQUEFIED PETROLEUM GAS**, by Senator D. Eastman, and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 26, PUBLIC UTILITIES AMENDMENTS**, by Senator G. Bell, which has been signed by the Speaker and it is transmitted for the signature of the President; and
The House passed **S.B. 37**, MOTOR VEHICLE BUSINESS REGULATION ACT 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. 83**, MEDICAL DECISIONS OF A PARENT OR GUARDIAN, by Senator D. Thomas, 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. 106**, UTAH RELIGIOUS LAND USE ACT, by Senator D. Thomas, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 21, 1st Sub. S.B. 26, S.B. 37, S.B. 83, and 1st Sub. S.B. 106** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

***

Mr. President: February 10, 2005

The House passed, as substituted, **1st Sub. H.B. 155**, AGRICULTURAL COOP AMENDMENTS, by Representative C. Buttars, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 155** was read the first time and referred to the Rules Committee.

***

Mr. President: February 10, 2005

The House substituted and passed, **1st Sub. S.B. 42**, ALCOHOL RESTRICTED DRIVERS, by Senator C. Walker, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bill was placed on the Concurrence Calendar.

***

On motion of Senator Knudson and at 4:05 p.m., the Senate adjourned until 10:00 a.m., Friday, February 11, 2005.
February 11, 2005

TWENTY-SIXTH DAY
MORNING SESSION

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

Prayer – President Chris Martineau, Kaysville South Stake, The Church of Jesus Christ of Latter-Day Saints

Pledge of Allegiance – Senator Peter Knudson

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 96)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 10, 2005

The House passed, as amended, H.B. 70, HEALTH DISCOUNT PROGRAM CONSUMER PROTECTION ACT, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed, as substituted and amended, 2nd Sub. H.B. 74, TUITION PROGRAM FOR STUDENTS SEEKING TEACHER LICENSURE IN DISABILITY OR SPECIAL EDUCATION, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed H.B. 89, PRESUMPTION OF RESPONSIBILITY FOR ABUSE OR NEGLECT, by Representative L. Christensen, and it is transmitted for consideration; and

The House passed H.B. 188, BEGINNING TEACHER ENHANCEMENTS, by Representative B. Johnson, and it is transmitted for consideration; and

The House passed, as amended, H.B. 224, PERMANENT COMMUNITY IMPACT FUND – BOARD MEMBERSHIP, by Representative J. Mathis, and it is transmitted for consideration; and

The House passed, as amended, H.J.R. 11, RESOLUTION ENCOURAGING SCHOOLS TO ADOPT NUTRITION AND PHYSICAL
ACTIVITY POLICIES, by Representative P. Jones, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. H.B. 70, 2nd Sub. H.B. 74, H.B. 89, H.B. 188, H.B. 224, and H.J.R. 11 were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: February 10, 2005

The Business and Labor Committee reports a favorable recommendation on S.B. 29, LICENSING OF CRANE OPERATORS, by Senator G. Davis; and

The Business and Labor Committee reports a favorable recommendation on S.B. 65, ALCOHOLIC BEVERAGE CONTROL AMENDMENTS, by Senator P. Knudson; and

The Business and Labor Committee reports a favorable recommendation on S.B. 207, MOTOR VEHICLE INSURANCE COVERAGE AMENDMENTS, by Senator D. Eastman; and

The Business and Labor Committee recommends S.B. 215, FINANCIAL INSTITUTIONS AS LIMITED LIABILITY COMPANIES, by Senator L. Hillyard, be replaced and favorably recommends 1st Sub. S.B. 215, FINANCIAL INSTITUTIONS AS LIMITED LIABILITY COMPANIES with the following amendments:

1. Page 1, Lines 20 through 21:

   20 Other Special Clauses:

   21 {None} This bill provides an immediate effective date.

2. Page 6, Lines 151 through 153:

   151 (7) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the commissioner shall make rules governing the form of a request for approval filed under this section.

   153 Section 2. Effective date.
If approved by two-thirds of all the members elected to each house, this bill takes effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor’s signature, or in the case of a veto, the date of veto override.; and

The Business and Labor Committee reports a favorable recommendation on S.B. **223**, OVERSIGHT AND ENFORCEMENT OF WORK DONE ON MOBILE HOMES, by Senator E. Mayne, with the following amendments:

1. Page 1, Lines 13 through 16:

   13 includes mobile homes and manufactured homes within the definition of structures referred to in the Utah Construction Trades Licensing Act, thereby giving the Division of Occupational and Professional Licensing oversight of construction trades that construct, alter, remodel, or repair mobile or manufactured homes.

2. Page 3, Lines 66 through 72:

   66 “Construction trade” means any trade or occupation involving:

   67 (a) (i) construction, alteration, remodeling, repairing, wrecking or demolition, addition to, or improvement of any building, highway, road, railroad, dam, bridge, structure, excavation

   69 or other project, development, or improvement to other than personal property; or

   70 (ii) for purposes of this Subsection (10)(a), a mobile home is considered a structure and

   71 not an item of personal property; constructing, remodeling, or repairing a manufactured home or mobile home as defined in Section 58−56−3; or
72   (b) installation or repair of a residential or commercial natural
gas appliance or

Scott K. Jenkins, Chair

Mr. President: February 10, 2005

The Health and Human Services Committee reports a favorable
recommendation on S.B. 232, EXECUTIVE DIRECTOR OF DEPARTMENT OF
HEALTH ISSUES, by Senator S. Killpack, with the following amendments:

1. Page 3, Lines 73 through 75:

   73   (b) If the executive director of the Department of Health is a
physician, the governor

   74   shall establish a salary \textit{pursuant to the} within the
highest physician salary range established by the Department of

   75   Human Resource Management; and

The Health and Human Services Committee reports a favorable
recommendation on S.J.R. 14, JOINT RESOLUTION ON STROKE
AWARENESS, by Senator P. Knudson; and

The Health and Human Services Committee reports a favorable
recommendation on S.J.R. 15, JOINT RESOLUTION URGING MEDICAID
REFORM, by Senator P. Knudson; and

The Health and Human Services Committee reports a favorable
recommendation on H.B. 33, ASSISTANCE FOR PEOPLE WITH BLEEDING
DISORDERS, by Representative D. Litvack; and

The Health and Human Services Committee reports a favorable
recommendation on H.B. 66, NATUROPATHIC PHYSICIAN AMENDMENTS,
by Representative J. Ferrin; and

The Health and Human Services Committee reports a favorable
recommendation on H.B. 198, NATUROPATHIC FORMULARY PEER
COMMITTEE AMENDMENTS, by Representative J. Ferrin.

Allen M. Christensen, Chair

Mr. President: February 10, 2005

The Education Committee reports a favorable recommendation on H.B. 46,
PUBLIC EDUCATION CAPITAL OUTLAY ACT AMENDMENTS, by
Representative D. Cox; and
The Education Committee reports a favorable recommendation on **H.C.R. 1**, RESOLUTION PROMOTING MODERATELY SIZED SCHOOLS, by Representative D. Cox.

David L. Thomas, Chair

Mr. President: February 10, 2005

The Transportation and Public Utilities and Technology Committee recommends **S.B. 167**, PENALTIES FOR FALSE DRIVER LICENSES AND IDENTIFICATION CARDS, by Senator C. Walker, be replaced and favorably recommends **1st Sub. S.B. 167**, PENALTIES FOR FALSE DRIVER LICENSES AND IDENTIFICATION CARDS; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 188**, CLASSIFYING OFF−HIGHWAY VEHICLES AS ALLOWED ON DESIGNATED ROADS, by Senator T. Hatch; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 47**, NEW AUTOMOBILE FRANCHISE ACT AMENDMENTS, by Representative S. Urquhart; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 91**, LICENSE PLATE FOR DISABLED VETERANS, by Representative R. Bigelow; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **1st Sub. H.B. 159**, MOTOR ASSISTED SCOOTER AND MINI−MOTORCYCLE AMENDMENTS, by Representative B. Dee.

Sheldon L. Killpack, Chair

Mr. President: February 10, 2005

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 71**, SECURITY PERSONNEL LICENSING AMENDMENTS, by Senator G. Davis, with the following amendments:

1. Page 2, Line 32:

   58−63−102, as last amended by Chapter 90, Laws of Utah 2004
   58−93−304, as last amended by Chapter 228, Laws of Utah
   1996
2. Page 3, Line 63:

63 (8) “Owner” means a proprietor or general partner of a proprietorship or partnership, a lessee or assignee of the owner, the manager of the facility, or the event operator.

3. Page 4, Lines 111 through 112:

111 (b) items of tangible personal property, other than firearms or nonlethal weapons, that may be used without modification in providing security or guard services.

4. Page 5, Line 128:

128 and as may be further defined by rule.

Section 2. Section 58−63−304 is amended to read:

58−63−304. Exemptions from licensure.

(1) In addition to the exemptions from licensure in Section 58−1−307, the following individuals may engage in acts regulated under this chapter without being licensed under this chapter:

(a) a peace officer employed by or licensed as a contract security company; and

(b) a person employed by a contract security company for the sole purpose of operating or staffing security apparatus, including a magnetometer, magnetometer wand, x-ray viewing device, or other device approved by rule of the division.

(2) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the division may make rules approving security apparatus under Subsection (1)(b); and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 59, DOMESTIC VIOLENCE ENHANCEMENT, by Representative C. Moss; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 64, CRIMINAL BACKGROUND CHECKS FOR PERSONAL CARE ATTENDANTS, by Representative F. Hunsaker.

D. Chris Buttars, Chair

S.B. 71, as amended, H.B. 59, and H.B. 64 were placed on Second Reading Calendar.

* * *

Mr. President: February 10, 2005

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 90, SEARCH AND RESCUE ADVISORY BOARD – AMENDMENTS, by Representative J. S. Adams, 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. 222, PILOT PROGRAM REPEAL CLEAN–UP, by Representative R. Romero, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars,Chair

On motion of Senator Waddoups, the committee reports were adopted. H.B. 90 and H.B. 222 were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 69, Family Sustaining Wage Amendments (F. Fife), read the first time by short title and referred to the Rules Committee.

S.B. 185, Taxes, Fees, and Charges Related to Video and Cable Services (T. Hatch), read the first time by short title and referred to the Rules Committee.

S.B. 199, Office of Energy – Oversight (T. Hatch), read the first time by short title and referred to the Rules Committee.

S.B. 204, Sales and Use Tax Diversions (D. Peterson), read the first time by short title and referred to the Rules Committee.

S.B. 209, Interlocal Cooperation Act Amendments (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 239, Public Lands Policy Coordination (T. Hatch), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

H.B. 195, INSURANCE LAW AMENDMENTS, 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
Allen  Arent  Bell  Bramble
Buttars  Dmitrich  Eastman  Evans
Fife  Hale  Hatch  Hellewell
Hickman  Hillyard  Jenkins  Knudson
Madsen  Mayne  McCoy  Peterson
Thomas  Waddoups  Walker  Valentine

Absent or not voting were: Senators
Christensen  Davis  Killpack  Mansell
Stephenson

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 of the House.

CONCURRENCE CALENDAR

On motion of Senator Walker, the Senate voted to concur in the House amendments to 1st Sub. S.B. 42, ALCOHOL RESTRICTED DRIVERS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen  Arent  Bell  Buttars
Christensen  Davis  Dmitrich  Eastman
Evans  Fife  Hale  Hatch
Hellewell  Hickman  Hillyard  Jenkins
Killpack  Knudson  Madsen  Mayne
McCoy  Thomas  Waddoups  Walker
Valentine

Absent or not voting were: Senators
Bramble  Mansell  Peterson  Stephenson

1st Sub. S.B. 42 was returned to the House for the signature of the Speaker of the House.

THIRD READING CALENDAR

On motion of Senator Buttars, the circle was removed from 2nd Sub. S.B 34, PATIENT ACCESS REFORM, and it was before the Senate. Senator Buttars
explained the bill. Senators Davis, Bell, Hellewell, Jenkins, Hickman, Arent, Knudson, Christensen, and Dmitrich commented.

Senator Bell proposed the following amendment:

In all references in the bill to the rate “95%”, delete “95%” and insert “85%”

Senator Bell’s motion to amend failed on a voice vote. Senators Arent, Christensen, Knudson, and McCoy declared conflicts of interest. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**Absent or not voting were:** Senators

| Allen     | Mansell     |         |          |

2nd Sub. S.B. 34, as amended, was transmitted to the House for consideration.

***

On motion of Senator Hillyard, the circle was removed from S.B. 127, TAX, FEE, OR CHARGE AMENDMENTS, and it was before the Senate. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Allen Buttars Davis Eastman Mansell

S.B. 127, as amended, was transmitted to the House for consideration.

* * *

H.B. 23, DEPARTMENT OF WORKFORCE SERVICES – WORK EXPERIENCE AND TRAINING PROGRAMS, was read the third time and explained by Senator Jenkins. Senator Mayne commented.

On motion of Senator Jenkins, the bill was circled.

* * *

On motion of Senator Knudson, a bill file was authorized to be opened to authorize the Courts system to consolidate the West Valley and Sandy District Courts.

* * *

1st Sub. S.B. 39, CONSUMER CREDIT PROTECTION, was read the third time and explained by Senator Walker.

Senator Walker proposed the following amendment:

1. Page 2, Line 33
   Senate 2nd Reading Amendments
   2−10−2005

33 This bill takes effect on July 1, 2006.

2. Page 3, Lines 61 through 70:

61 (4) (a) “Proper identification” means a form of positive identification issued by a governmental entity that:
62 (a) contains:
63 (i) a numerical identifier; and
64 (ii) a photograph of the person identified; and
(b) may include:

(i) a state identification card;

(ii) a state driver license;

(iii) a United States military identification card; or

(iv) a United States passport.

that information that is generally deemed sufficient to identify a person.

(b) “Proper identification” may not be interpreted by a consumer reporting agency to include additional information about a consumer’s employment, personal, or family history unless the information described in Subsection (4)(a) does not reasonably identify the consumer.

3. Page 3, Line 81:

(ii) by other reliable means that may be developed using telephone, fax, the Internet, or other electronic media;

4. Page 4, Line 101:

requestor that the consumer’s credit report is subject to a security freeze.

(e) A consumer reporting agency may remove, temporarily or permanently, a security freeze from a consumer’s credit report only in the following cases:

(i) upon request by the consumer under Subsection (4); or

(ii) if the security freeze is placed on the consumer’s credit report based on a material misrepresentation of fact by the consumer.

(f) (i) A material misrepresentation of fact under Subsection (2)(e)(ii) is a misrepresentation that the consumer makes in a request for a credit freeze in an attempt to defraud the consumer reporting agency.

(ii) Before a consumer reporting agency may remove a security freeze from a consumer’s credit report under Subsection (2)(e)(ii), the consumer reporting agency shall notify the consumer in writing that the security freeze will be removed.

5. Page 4, Lines 110 through 112:

(C) a credit−line increase; or

(ii) collecting a financial obligation owing; 

{−or− }

(iii) extending credit to the consumer; 

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

# # #

Senator Hickman proposed the following amendment:

1. Page 2, Line 33

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

Voting in the affirmative were: Senators

Arent    Bell    Buttars    Christensen
Davis    Dmitrich    Eastman    Evans
Fife    Hale    Hickman    Jenkins
Killpack    Knudson    Madsen    Mayne
Peterson    Stephenson    Thomas    Waddoups
Walker    Valentine

Absent or not voting were: Senators

Allen    Bramble    Hatch    Hellewell
Hillyard    Mansell    McCoy

1st Sub. S.B. 39, as amended, was transmitted to the House for consideration.

* * *

1st Sub. S.B. 48, INSURANCE CANCELLATION AND NONRENEWAL RESTRICTIONS, was read the third time, explained by Senator Arent, and passed on the following roll call:
Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators
Allen  Arent  Bell  Christensen
Davis  Dmitrich  Eastman  Evans
Fife  Hale  Hillyard  Jenkins
Killpack  Knudson  Madsen  Mayne
McCoy  Peterson  Stephenson  Thomas
Waddoups  Walker  Valentine

Absent or not voting were: Senators
Bramble  Buttars  Hatch  Hellewell
Hickman  Mansell

1st Sub. S.B. 48, as amended, was transmitted to the House for consideration.

* * *

S.B. 52, – PRICE CONTROLS DURING EMERGENCIES ACT, was read the third time.

On motion of Senator Arent, the bill was circled.

* * *

S.B. 55, ACCESS TO PATIENT MEDICAL RECORDS, was read the third time, explained by Senator Arent, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen  Arent  Bell  Christensen
Davis  Dmitrich  Eastman  Evans
Fife  Hale  Hatch  Hickman
Hillyard  Jenkins  Knudson  Madsen
Mayne  McCoy  Peterson  Stephenson
Thomas  Waddoups  Walker  Valentine

Absent or not voting were: Senators
Bramble  Buttars  Hellewell  Killpack
Mansell

S.B. 55 was transmitted to the House for consideration.
** * * *

**S.B. 145, PROHIBITION AGAINST CERTAIN MEDICAL NONCOMPETITION AGREEMENTS, was read the third time.**

On motion of Senator Christensen, the bill was circled.

** * * *

**S.B. 142, PHARMACY PRACTICE ACT AMENDMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:**

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

**Voting in the affirmative were:** Senators

- Allen
- Bell
- Bramble
- Christensen
- Davis
- Dmitrich
- Eastman
- Evans
- Fife
- Hale
- Hatch
- Hellewell
- Hickman
- Hillyard
- Jenkins
- Knudson
- Madsen
- Mayne
- McCoy
- Peterson
- Thomas
- Waddoups
- Walker
- Valentine

**Absent or not voting were:** Senators

- Arent
- Buttars
- Killpack
- Mansell
- Stephenson

**S.B. 142, as amended, was transmitted to the House for consideration.**

**SPECIAL ORDER OF BUSINESS**

Senator Hillyard presented “Mother of the Year Recognition” to Yvonne Roderick, Christie Marker, Heidi Monson, and Jeanne Godfrey. Senators Christensen, Hale, and Jenkins assisted in the presentations.

**SECOND READING CALENDAR**

On motion of Senator Eastman, the circle was removed from **S.B. 49, MOTOR VEHICLE LIABILITY COVERAGE AMENDMENTS**, and it was before the Senate. Senator Eastman explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 1, Line 14a
   Senate Committee Amendments
2−1−2005:
After “or death” insert “in any amount in excess of the motor vehicle liability policy minimum limits” and after “;” insert “and”

2. Page 1, Lines 14b–14c
Senate Committee Amendments
2−1−2005:
Delete lines 14b–14c

3. Page 1, Line 22a
Senate Committee Amendments
2−1−2005:
Delete line 22a

4. Page 3, Line 87a
Senate Committee Amendments
2−1−2005:
After “or death” insert “in any amount in excess of the motor vehicle liability policy minimum limits under Section 31A–22–304”

5. Pages 6–6i, Lines 161a–161ku
Senate Committee Amendments
2−1−2005:
Delete lines 161a–161ku

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

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Hickman | Mansell |

* * *

On motion of Senator Knudson, and at 11:45 a.m., the Senate recessed.
AFTERNOON SESSION

The Senate reassembled at 2:05 p.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 11, 2005

The House passed, S.B. 4, UNINSURED MOTORIST PROPERTY DAMAGE COVERAGE 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, 2nd Sub. S.B. 43, PENALTY FOR PROVIDING FALSE INFORMATION TO STATE AGENCY, by Senator P. Hellewell, 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. 104, JUDICIARY AMENDMENTS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 116, ARBITRATION – USE OF SUBPOENA AUTHORIZED, 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. 123, GOVERNMENTAL IMMUNITY ACT – TECHNICAL AMENDMENTS, by Senator G. Bell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 128, CALCULATION OF INTEREST ON TAX OVERPAYMENTS, 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. 133, INDIVIDUAL INCOME TAX – RETURN FILING REQUIREMENTS, by Senator H. Stephenson, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 4, 2nd Sub. S.B. 43, 1st Sub. S.B. 104, S.B. 116, S.B. 123, S.B. 128, and S.B. 133 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 11, 2005

The House concurred in the Senate amendments and passed H.C.R. 9, RESOLUTION HONORING OUTGOING USU PRESIDENT KERMIT L.
HALL, by Representative F. Hunsaker, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

H.C.R. 9 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: February 11, 2005

The House passed H.B. 1, ANNUAL APPROPRIATIONS ACT, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed H.B. 139, LOCAL SCHOOL BOARD AMENDMENTS, by Representative M. Dayton, and it is transmitted for consideration; and

The House passed H.B. 143, NATIONAL GUARD AMENDMENTS, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed H.B. 154, SCHOOL AND INSTITUTIONAL TRUST LANDS AMENDMENTS, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed, as amended, H.B. 209, ADMINISTRATIVE RULES − IMPACT ON SMALL BUSINESSES, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed H.B. 279, CLINICAL COUNSELOR − TITLE CHANGE, by Representative L. Fowlke, and it is transmitted for consideration; and

The House passed H.J.R. 15, RESOLUTION REGARDING UNITED STATES TRADE NEGOTIATIONS, by Representative S. Allen, et al, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. H.B. 1, H.B. 139, H.B. 143, H.B. 154, H.B. 209, H.B. 279, and H.J.R. 15 were read the first time and referred to the Rules Committee.

* * *

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to lift H.B. 1 from Rules and place it at the top of the Second Reading Calendar.
SECOND READING CALENDAR

On motion of Senator Hillyard, under suspension of the rules, H.B. 1, ANNUAL APPROPRIATIONS ACT, was considered read the second and third times. Senators Walker and Thomas commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen
Christensen
Evans
Jenkins
Mayne
Thomas
Bramble
Davis
Fife
Killpack
McCoy
Waddoups
Buttars
Dmitrich
Hellewell
Knudson
Peterson
Walker
Eastman
Hillyard
Madsen
Stephenson
Valentine

Voting in the negative were: Senators
Arent
Absent or not voting were: Senators
Hatch
Hale
Hickman
Mansell

H.B. 1 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 11, 2005

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

Business and Labor Committee
S.B. 69 Family Sustaining Wage Amendments (Sen. F. Fife)
S.B. 172 Division of Real Estate Amendments (Sen. M. Waddoups)

Education Committee
2nd Sub. H.B. 74 Tuition Program for Students Seeking Teacher Licensure in Disability or Special Education (Rep. R. Menlove)
H.B. 188 Beginning Teacher Enhancements (Rep. B. Johnson)
Government Operations and Political Subdivisions Committee
S.B. 209    Interlocal Cooperation Act Amendments  
             (Sen. C. Bramble)
H.B. 224    Permanent Community Impact Fund – Board Membership  
             (Rep. J. Mathis)
H.C.R. 10   Concurrent Resolution Honoring Waldo Wilcox for  
             Preservation of Range Creek Area (Rep. B. King)

Health and Human Services Committee
H.B. 70     Health Discount Program Consumer Protection Act  
             (Rep. J. Dunnigan)

Judiciary, Law Enforcement, and Criminal Justice Committee
H.B. 89     Presumption of Responsibility for Abuse or Neglect  
             (Rep. L. Christensen)
H.B. 208    Unclaimed Property Amendments (Rep. P. Ray)

Natural Resources, Agriculture, and Environment Committee
S.B. 199    Office of Energy – Oversight (Sen. T. Hatch)
S.B. 239    Public Lands Policy Coordination (Sen. T. Hatch)
H.B. 150    Water Rights Fees (Rep. J. Gowans)
1st Sub. H.B. 155   Agricultural Coop Amendments (Rep. C. Buttars)
H.B. 156    Dairy Promotion Act Amendments (Rep. D. Ure)

Revenue and Taxation Committee
S.B. 185    Amendments to the Multi–channel Video or Audio  
             Service Tax Act (Sen. T. Hatch)
S.B. 204    Sales and Use Tax Diversions (Sen. D. Peterson)

Michael Waddoups
Rules Committee Chair

Report filed. On motion of Senator Waddoups, the committee report was adopted.
STANDING COMMITTEE REPORTS

Mr. President: February 8, 2005

The Education Committee reports a favorable recommendation on H.B. 43, SCHOOL LAND TRUST PROGRAM FUNDING AMENDMENTS, by Representative S. Urquhart.

David Thomas, Chair

On motion of Senator Waddoups, the committee report was adopted. H.B. 43 was placed on Second Reading Calendar.

INTRODUCTION OF BILLS

S.B. 168, Construction Trade Related Amendments (S. Jenkins), read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

S.B. 147, PSYCHOLOGIST LICENSING ACT 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
Allen    Arent    Bell    Bramble
Buttars  Christensen    Davis    Eastman
Evans    Fife    Hale    Hellewell
Hillyard  Jenkins    Killpack    Knudson
Madsen    Mayne    McCoy    Peterson
Thomas    Waddoups    Walker    Valentine

Absent or not voting were: Senators
Dmitrich    Hatch    Hickman    Mansell
Stephenson

* * *

S.J.R. 11, RESOLUTION LIMITING NUMBER OF GOVERNOR’S TERMS, was read the second time. Senator Walker explained the bill. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 3; Absent, 6.
Voting in the affirmative were: Senators
Allen       Arent       Bell       Buttars
Christensen Davis Eastman Evans
Fife        Hale        Hellewell Jenkins
Madsen      Mayne       McCoy      Peterson
Stephenson  Thomas      Walker     Valentine

Voting in the negative were: Senators
Bramble     Knudson     Waddoups

Absent or not voting were: Senators
Dmitrich  Hatch       Hickman     Hillyard
Killpack   Mansell

On motion of Senator Hale, the circle was removed from S.B. 109, SAFETY BELT ENFORCEMENT, and it was before the Senate.

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

1st Sub. S.B. 109, Safety Belt Enforcement, (K. Hale)

Senator Hale explained the bill. Senators Eastman, Bramble, Allen, Arent, Jenkins, Buttars, and Evans commented. The bill passed second reading on the following roll call:

Y eas, 16; Nays, 10; Absent, 3.

Voting in the affirmative were: Senators
Allen       Arent       Bell       Davis
Eastman     Fife        Hale       Hillyard
Killpack    Knudson     Mayne      McCoy
Stephenson  Thomas      Walker     Valentine

Voting in the negative were: Senators
Bramble     Buttars     Christensen Dmitrich
Evans       Hellewell   Jenkins    Madsen
Peterson    Waddoups

Absent or not voting were: Senators
Hatch       Hickman     Mansell
On motion of Senator Eastman, the circle was removed from S.B. 72, CHILD WELFARE AMENDMENTS, and it was before the Senate. Senator Eastman explained the bill.

Senator Eastman proposed the following amendment:

1. Page 14, Line 417
   Senate Committee Amendments
   2−1−2005

   417 (iii) consistent with Subsection (9)(c), prevent the child
   from suffering emotional anguish, being traumatized by
   contact with the parent.

   (c) In determining whether the condition of the parent described in
   Subsection (9)(b) will traumatize a child, the person supervising the
   parent−time session shall consider the impact that the parent’s condition
   will have on the child in light of:
   (i) the child’s fear of the parent; and
   (ii) the nature of the alleged abuse or neglect.

2. Page 15, Lines 447 through 451:

   447 (b) (i) For purposes of Subsection (2)(a)(ii), parent−time is in
   the best interests of a
   448 minor unless the court makes a finding that it is necessary to deny
   parent−time in order to:
   449 (A) protect the physical safety of the minor;
   450 (B) protect the life of the minor; or
   451 (C) prevent the minor from suffering emotional anguish, being traumatized by contact with the parent due to the
   minor’s fear of the parent in light of the nature of the alleged abuse or
   neglect.

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

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

Voting in the affirmative were: Senators

Allen        Arent        Bell        Bramble
Christensen  Davis        Dmitrich  Eastman
Absent or not voting were: Senators
Buttars        Hatch        Hickman        Mansell

***

S.B. 153, TAX REFORM TASK FORCE, was read the second time. Senator Bramble explained the bill. Senators Mayne, Stephenson, and Hillyard commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Allen        Arent        Bell        Bramble
Buttars      Christensen  Davis        Dmitrich
Eastman      Evans        Fife         Hale
Hellewell    Hillyard     Jenkins      Killpack
Knudson      Madsen       Mayne        McCoy
Peterson     Stephenson   Thomas       Waddoups
Walker       Valentine

Absent or not voting were: Senators
Hatch        Hickman      Mansell

***

On motion of Senator Arent, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Arent, the circle was removed from S.B. 52, PRICE CONTROLS DURING EMERGENCIES ACT, and it was before the Senate. Senator Arent explained the bill.

Senator Stephenson proposed the following amendment:

1. Page 3, Lines 65 through 66
   (1) “Consumer” means a person who acquires a good or service for consumption.
65 (1) (2) “Division” means the Division of Consumer Protection.

66 (2) (3) “Emergency territory” means the geographical area for which there has been a state

2. Page 3, Line 68:

68 (3) (4) “Excessive price” means a price for a good or service that exceeds by more than

3. Page 3, Line 71:

71 (4) (5) “Good” means any personal property displayed, held, or offered for sale by a

4. Page 3, Line 74:

(6) “Retail” means the level of distribution where a good or service is typically sold directly, or otherwise provided, to a member of the public who is an end−user and does not resell the good or service.

74 (5) (7) “Service” means any activity that is performed in whole or in part for the purpose of

5. Page 3, Line 78:

78 (5) (8) “State of emergency” means a declaration of:

6. Page 3, Lines 84 through 85:

84 (1) Except as provided in Subsection (2), if a state of emergency exists, a person may

85 not charge a consumer an excessive price for goods or services sold or provided at retail:

7. Page 4, Line 99

Senate Committee Amendments 2−1−2005:

99 (3) Š⇒ [A] Upon request of the division, a Š⇐ person Š⇒ allegedly Š⇐ charging an excessive price

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

Yeas, 16; Nays, 8; Absent, 5.
Voting in the affirmative were: Senators
Allen       Arent       Davis       Dmitrich
Eastman    Evans       Fife       Hale
Hellewell  Hillyard    Killpack    Knudson
Mayne      McCoy       Thomas    Walker

Voting in the negative were: Senators
Bell        Christensen Jenkins    Madsen
Peterson    Stephenson  Waddoups   Valentine

Absent or not voting were: Senators
Bramble    Buttars      Hatch      Hickman
Mansell

S.B. 52, as amended, was transmitted to the House for consideration.

* * *

On motion of Senator Knudson and at 3:15 p.m., the Senate adjourned until 10:00 a.m., Monday, February 14, 2005.
February 14, 2005

TWENTY-NINTH DAY

MORNING SESSION

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

Prayer – Heber C. Kapp, former stake, mission, and temple president for the Church of Jesus Christ of Latter-day Saints

Pledge of Allegiance – Senator Gene Davis

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(Please refer to Day 1, Page 96)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 14, 2005

The Speaker of the House has signed 1st Sub. S.B. 42, ALCOHOL RESTRICTED DRIVERS, by Senator C. Walker, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

1st Sub. S.B. 42 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

***

Mr. President: February 11, 2005

The House concurred in the Senate amendments and passed 2nd Sub. H.B. 36, CHARTER SCHOOL CONSTRUCTION AMENDMENTS, by Representative J. Ferrin, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 60, INSURANCE LICENSING AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for the signature of the President; and
The House concurred in the Senate amendments and passed **H.B. 186**, CONSUMER PROTECTION AMENDMENTS, by Representative S. Allen, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**2nd Sub. H.B. 36, H.B. 60, and H.B. 186** were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

***

Mr. President: February 11, 2005

The House passed, as amended, **H.B. 3**, MINIMUM SCHOOL PROGRAM ACT AMENDMENTS, by Representative G. Snow, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 3** was read the first time and referred to the Rules Committee.

On motion of Senator Knudson, under suspension of the rules, the Senate voted to lift **H.B. 3** from Rules and place it at the top of the Second Reading Calendar.

**STANDING COMMITTEE REPORTS**

Mr. President: February 10, 2005

The Business and Labor Committee reports a favorable recommendation on **S.B. 180**, WORKERS COMPENSATION − COMPETITIVE BID REQUIREMENTS, by Senator M. Waddoups, with the following amendments:

1. Page 1, Lines 12 through 19

   12 This bill:
   - addresses the makeup of the Workers’ Compensation Fund’s board of directors;
   13 deletes the requirement that state entities pay the Workers’ Compensation Fund for
   14 workers’ compensation coverage;
   15 requires that state entities seek competitive bids for workers’ compensation
16 insurance every three years in accordance with the Utah Procurement Code; and

17 requires the Department of Insurance to determine the
criteria and process for

18 insurance companies submitting competitive bids; and–

19 makes technical changes.

2. Page 2, Lines 34 through 37

34 (3) One director (a) shall be the executive
director of the Department of

35 Administrative Services or the executive director’s designee[; and]

36 (b) acts as the representative of the state as a
policyholder of the Workers’

37 Compensation Fund. (c) shall resign when required by Subsection (8).

3. Page 2, Line 58 through Page 3, Line 60

58 (8) (a) Any director who represents a policyholder that fails
to maintain workers’

59 compensation insurance through the Workers’ Compensation Fund
shall immediately resign

60 from the board including the executive director of the
Department of Administrative Services of the executive director’s
designee resigning on the day on which no department, commission,
board, or other agency of the state is insured by the Workers’
Compensation Fund pursuant to Section 34–2–203.

(b) If no department, commission, board, or other agency of the state is
insured by the Workers’ Compensation Fund pursuant to Section
34A–2–203, the governor, with the consent of the Senate, shall appoint a
member to replace the executive director of the Department of
Administrative Services or the executive director’s designee. The
member appointed under this Subsection (8)(b) shall:

(i) be an owner, officer, or employee of a policyholder that has been
insured by the Workers’ Compensation Fund for at least one year before
the appointment of the director representing the policyholder; and

(ii) shall have the experience outlined in Subsection (7).
4. Page 3, Lines 73 through 75

73 (b) Notwithstanding the requirements of Subsection (11)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of directors are staggered so that approximately half of the appointed members of the board are appointed every two years, provided that no more than two directors may be appointed in a single year.

5. Page 5, Lines 124 through 134

124 [Each] (1) (a) Beginning on the day on which any contract in effect on May 2, 2005, between the state and the Workers’ Compensation Fund for workers’ compensation coverage terminates, each department, commission, board, or other agency of the state shall pay the insurance premium on its employees direct to the Workers’ Compensation Fund to obtain workers’ compensation insurance under this title by way of a competitive bid process.

129 (b) The competitive bid process required by Subsection (1) (a) shall:

130 (a) occur once every three years; and

131 (b) be conducted in accordance with Title 63, Chapter 56, Utah Procurement Code.

132 (2) Notwithstanding Subsection (1)(b), the Insurance Department shall determine the criteria and process for an insurance carrier to bid for the opportunity to provide workers’
Mr. President: February 11, 2005

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 162, CHANGES TO 2004 GENERAL OBLIGATION BOND, by Senator R. Allen; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 191, POLITICAL SUBDIVISIONS – TRUTH IN GOVERNMENT COMPETITION, by Senator R. Allen; and


Parley G. Hellewell, Chair

Mr. President: February 11, 2005

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on H.B. 11, ECONOMIC DEVELOPMENT INCENTIVES, by Representative B. Dee, et al, with the following amendments:

Page 4, Lines 109 through 113

109    { (4) “Indirect revenues” means the imputed use of a generally accepted indirect economic multiplier as defined by a fiscal impact model approved by the Governor’s Office of Planning and Budget to quantify by estimate the indirect tax revenues that are in addition to direct tax revenues. –} 

110    { (5) “Local incentives” means financial and other assistance provided by local taxing} 

111    { (6) “New incremental jobs” means jobs that are: } 

118    { (6) –} “New incremental jobs” means jobs that are:
2. Page 5, Line 122:

122 {−(7) } (6) “New local revenues” mean incremental new local tax revenues that are generated

3. Page 5, Lines 125 through 128:

125 taxes and fees, derived from the projects, { together with indirect local government revenues }

126 { generated by the projects } but not to include any portion of sales taxes earmarked for state

127 government or other taxing jurisdictions eligible for sales tax revenues.

128 {−(8) } (7) “New state revenues” means incremental new state tax revenues that are

4. Page 5, Lines 130 through 131:

130 portion of sales taxes, and company and employee income taxes derived from the projects.

131 { together with indirect state revenues generated by the projects, } but not to include any portion of

5. Page 5, Line 134:

134 {−(9) } (8) “Partial rebates” means returning a portion of the new local revenues and new

6. Page 5, Lines 146 through 150:

146 (2) (a) The department, with the approval of the board, may enter into agreements

149 the same restrictions and limitations as provided in Section 9–2–2004.

(b) The limitations and restrictions applied to partial rebates of new state revenues in Section 9–2–2004 also apply to partial rebates of new local revenues under this part.
Section 6. Section 9–2–2205 is enacted to read:

Carlene M. Walker, Chair

Mr. President: February 11, 2005

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on S.B. 173, BROWNFIELDS REVISION, by Senator L. A. Mansell, with the following amendments:

1. Page 15, Line 452:

   452 19–8–120, Creation of Brownfields — Purposes — Loan and Grant

2. Page 15, Line 456:

   456 (2) There is created an enterprise fund known as the Brownfields Fund; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.B. 203, AGRICULTURAL ADVISORY BOARD, by Representative M. Noel.

Michael G. Waddoups, Chair

Mr. President: February 11, 2005

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 65, DRIVER LICENSE AND COMMERCIAL DRIVER LICENSE AMENDMENTS, by Representative D. Bowman, with the following amendments:

1. Page 17, Lines 516 through 522:

   516 (6) Subject to Subsection (6)(b), a driver of a commercial motor vehicle who holds or is required to hold a CDL is disqualified for not less than:

   (i) 60 days from driving a commercial motor vehicle if the driver is convicted of two serious traffic violations; and

   (ii) 120 days if the driver is convicted of three or more serious traffic violations; that:
(a) The disqualifications under Subsection (6)(a) are effective only if the serious traffic violations:

(i) occur within three years of each other;  

(b) The disqualifications under Subsection (6)(a) are effective only if the serious traffic violations:

(i) occur within three years of each other;  

(ii) arise from separate incidents;  

(iii) involve the use or operation of a commercial motor vehicle.

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on 1st Sub. H.B. 67, ABANDONED VEHICLES AMENDMENTS, by Representative J. Gowans; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 68, MOTOR VEHICLE ENFORCEMENT DIVISION AMENDMENTS, by Representative P. Ray; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 212, TRAFFIC VIOLATIONS BY DIPLOMATS, by Representative D. Hogue; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 221, ELECTRONIC COMMUNICATION HARASSMENT, by Representative J. Dougall, with the following amendments:
1. Page 1, Lines 11 through 18:

11 This bill:
12 ▶ defines electronic communication; {and}
13 ▶ creates the offense of committing acts of communication harassment by electronic
14 means in addition to by telephone with the intent to annoy or alarm a recipient,
15 including the acts of:
16 • repeatedly attempting to contact a recipient via electronic means after having
17 been told to not contact the recipient; and
18 • jamming or disrupting a recipient’s electronic communication device; and
   • clarifies that these provisions do not create any civil cause of action based on electronic communications made for legitimate business purposes.

2. Page 3, Line 59:

59 [(2)] (3) [Telephone] Electronic communication harassment is a class B misdemeanor.
   (4) This section does not create any civil cause of action based on electronic communications made for legitimate business purposes.

Sheldon L. Killpack, Chair


INTRODUCTION OF BILLS

S.B. 184, Redevelopment Agency Amendments (C. Bramble), read the first time by short title and referred to the Rules Committee.

* * *

Senators Bramble, Allen, Waddoups, Mansell, and Arent clarified that each has potential conflicts of interest regarding any health care related legislation discussed or debated during the 2005 General Session.
S.B. 49, MOTOR VEHICLE LIABILITY COVERAGE 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

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**Absent or not voting was:** Senator

Arent

S.B. 49, as amended, was transmitted to the House for consideration.

* * *

S.B. 147, PSYCHOLOGIST LICENSING ACT AMENDMENTS, was read the third time, explained by Senator Mayne, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting was:** Senator

Hickman

S.B. 147 was transmitted to the House for consideration.

* * *

S.J.R. 11, RESOLUTION LIMITING NUMBER OF GOVERNOR’S TERMS, was read the third time, explained by Senator Walker, and passed on the following roll call:
Yeas, 22; Nays, 6; Absent, 1.

Voting in the affirmative were: Senators
Allen       Arent       Bell       Buttars  
Christensen Dmitrich Eastman Evans    
Fife        Hale        Hatch      Hillyard 
Jenkins     Killpack    Madsen     Mansell 
McCoy       Peterson    Stephenson Thomas 
Walker      Valentine

Voting in the negative were: Senators
Bramble     Davis       Hellewell Knudson 
Mayne       Waddoups

Absent or not voting was: Senator
Hickman

S.J.R. 11 was transmitted to the House for consideration.

***

1st Sub. S.B. 109, SAFETY BELT ENFORCEMENT, was read the third time.

On motion of Senator Hale, the bill was circled.

***

S.B. 72, CHILD WELFARE 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
Allen       Arent       Bramble      Buttars  
Christensen Davis Dmitrich Eastman  
Evans       Fife        Hale        Hatch 
Hellewell   Hickman    Hillyard    Jenkins 
Killpack    Knudson    Madsen      Mansell 
Mayne       McCoy       Peterson    Stephenson 
Thomas      Waddoups   Walker      Valentine

Absent or not voting was: Senator
Bell
S.B. 72, as amended, was transmitted to the House for consideration.

* * *

S.B. 153, TAX REFORM TASK FORCE, was read the third time, explained by Senator Bramble, and passed on the following roll call:

**Yeas, 27; Nays, 1; Absent, 1.**

**Voting in the affirmative were:** Senators

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**Voting in the negative was:** Senator

| Mansell |

**Absent or not voting was:** Senator

| Eastman |

S.B. 153 was transmitted to the House for consideration.

* * *

On motion of Senator Waddoups, the circle was removed from S.B. 146, AVOIDING APPREHENSION AMENDMENT, and it was before the Senate. Senator Waddoups explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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Absent or not voting were: Senators
Bramble Eastman

S.B. 146, as amended, was transmitted to the House for consideration.

SECOND READING CALENDAR

S.B. 57, USE OF STATE SALES AND USE TAX REVENUES FOR BUSINESS DEVELOPMENT IN DISADVANTAGED RURAL COMMUNITIES, was read the second time. Senator Knudson explained the bill.

Senator Knudson proposed the following amendment:

1. Page 2, Lines 45 through 47

   requires that certain state sales and use tax revenues that would otherwise be deposited into the General Fund be deposited into the Business Development for Disadvantaged Rural Communities Restricted Account;

2. Page 2, Lines 54 through 56:

   AMENDS:

   59−12−103 (Effective 07/01/05), as last amended by Chapter 1, Laws of Utah 2004,

   Third Special Session 63−65−4, as last amended by Chapter 313, Laws of Utah 2003

3. Page 19, Line 578 through Page 20, Line 585:

   (b) for fiscal years beginning on or after fiscal year 2006−07, through fiscal year 2014−15, revenues described in Subsection (3)(a) that would otherwise be deposited into the General Fund shall be deposited into the Business Development for Disadvantaged Rural Communities Restricted Account from being subject to certain administrative duties by the Division of Finance; and
Communities Restricted Account created by Section 9−2−2103 in the amount necessary to ensure that, for each fiscal year, a total of $5,000,000 is available to be used for the purposes described in Title 9, Chapter 2, Part 21, Business Development for Disadvantaged Rural Communities Act.

Section 8. Section 63−65−4 is amended to read:


(1) (a) There is created within the Division of Finance an officer responsible for the care, custody, safekeeping, collection, and accounting of all bonds, notes, contracts, trust documents, and other evidences of indebtedness ( owned or administered by ) :

(i) owned or administered by the state or any of its agencies; and

(ii) except as provided in Subsection (1)(b), relating to revolving loan funds ( except the ) :

(b) Notwithstanding Subsection (1)(a), the officer described in Subsection (1)(a) is not responsible for the care, custody, safekeeping, collection, and accounting of a bond, note, contract, trust document, or other evidence of indebtedness relating to the:

(i) Agriculture Resource Development Fund, created in Section 4−18−6;

(ii) Utah Rural Rehabilitation Fund, created in Section 4−19−4;

(iii) Petroleum Storage Tank Loan Fund, created in Section 19−6−405.3; and

(iv) Olene Walker Housing Loan Fund, created in Section 9−4−702; and

(v) Business Development for Disadvantaged Rural Communities Restricted Account, created in Section 9−2−2103.

(2) (a) Each authorizing agency shall deliver to this officer for the officer’s care, custody, safekeeping, collection, and accounting all bonds, notes, contracts, trust documents, and other evidences of indebtedness ( owned or administered by ) :

(i) owned or administered by the state or any of its agencies; and

(ii) except as provided in Subsection (1)(b), relating to revolving loan funds.

(b) This officer shall:
(i) establish systems, programs, and facilities for the care, custody, safekeeping, collection, and accounting for the bonds, notes, contracts, trust documents, and other evidences of indebtedness submitted to the officer under this Subsection (2); and

(ii) shall make available updated reports to each authorizing agency as to the status of loans under their authority.

(3) The officer described in Section 63–65–3 shall deliver to the officer described in Subsection (1)(a) for his care, custody, safekeeping, collection, and accounting by the officer described in Subsection (1)(a) of all bonds, notes, contracts, trust documents, and other evidences of indebtedness closed as provided in Subsection 63–65–3(2)(b).

585 Section 8. Effective date.

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

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

**Voting in the affirmative were:** Senators

Allen       Arent     Bell       Buttars
Christensen Davis     Dmitrich   Eastman
Evans       Fife      Hale       Hatch
Hellewell    Hickman   Hillyard  Jenkins
Killpack     Knudson   Madsen     Mansell
Mayne       McCoy     Peterson   Thomas
Waddoups     Walker     Valentine

**Absent or not voting were:** Senators

Bramble     Stephenson

***

**S.B. 148.** CONSERVATION EASEMENT ENDOWMENT RESTRICTED ACCOUNT, was read the second time. Senator Evans explained the bill. The bill passed second reading on the following roll call:

**Yeas, 20; Nays, 6; Absent, 3.**

**Voting in the affirmative were:** Senators

Allen       Arent     Bell       Buttars
Christensen Davis     Dmitrich   Eastman
Day 29492 SENATE JOURNAL

Evans Fife Hale Hellewell
Killpack Knudson Mansell Mayne
McCoy Waddoups Walker Valentine

Voting in the negative were: Senators
Hatch Hickman Jenkins Madsen
Peterson Thomas

Absent or not voting were: Senators
Bramble Hillyard Stephenson

* * *

1st Sub. S.B. 25, TRANSPORTATION AMENDMENTS AND HIGHWAY JURISDICTIONAL TRANSFER TASK FORCE, was read the second time. Senator Walker explained the bill.

Senator Walker proposed the following amendment:

1. Page 4, Line 108

108 \{41−6−65.5\} 41−6a−716, Utah Code Annotated 1953

1. Page 15, Lines 440 through 441:

440 Section 9. Section \{41−6−65.5\} 41−6a−716 is enacted to read:

441 \{41−6−65.5\} 41−6a−716. Driving on tollway without paying toll prohibited.

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

# # #

Senator Thomas proposed the following amendment:

1. Page 24, Line 735 through Page 25, Line 742

735 Section 17. Duties --- Interim report.

736 (1) The task force shall review and make recommendations on the jurisdictional

737 transfer of highways from the state to counties and municipalities and from counties and
municipalities to the state including:

(a) which highways should be transferred in accordance with Section 72–4–102.5;

(b) the amount of funding or other resources that should be provided with the transfers;

(c) the phase–in or timing of the transfers ; and

(d) a new funding formula for the class B and C roads account to compensate local highway authorities for the full costs of operation, maintenance, and replacement of class B and C roads.

Senator Thomas’ motion to amend failed on a voice vote.

Senator Thomas proposed the following amendment:

1. Page 2, Lines 53 through 54:

   requires the department to makes rules establishing the strategic initiatives of the department ; and to have the rules approved by the Legislature ;

2. Page 3, Lines 63 through 64:

   requires the commission to submit the rules to the Legislature prior to adopting them ; and to have the rules approved by the Legislature ;

3. Page 16, Lines 463 through 465:

   (4) After compliance with Subsection (3) and in accordance with Title 63, Chapter 46a, the department shall make rules establishing the strategic initiatives developed under this part.

   (5) (a) The department shall submit the proposed rules made under Subsection (4) to the Legislature for approval. (b) The rules made under Subsection (4) do not take effect until approved by a joint resolution of the Legislature.
4. Page 16, Line 490 through Page 17, Line 493:

   490 (5) (a) The commission shall submit the proposed rules under this section to:
   (i) a committee

   or task force designated by the Legislative Management Committee for review prior to taking

   492 final action on the proposed rules or any proposed amendment to

   493 the rules described in

   494 Subsection (4) {→ } and

   (ii) to the Legislature for approval.

   (b) The rules made under this section do not take effect until

   approved by a joint resolution of the Legislature.

   Senator Thomas’ motion to amend failed on a voice vote.

   ###

   Under suspension of rules, Senator Hatch proposed the following amendment:

   1. Page 25, Line 742:

      After “of the transfers” insert: “; and (d) the full costs of operation, maintenance, and replacement of roads being considered for transfer.”

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

   ###

   Senator Walker proposed the following amendment:

   1. Page 22, Line 650:

      Delete “Section 41−6−53.5” and insert “Section 41−6a−702”

   Senator Walker’s motion to amend passed on a voice vote. Senators Hickman, Mansell, Evans, Killpack, Dmitrich, Hillyard, Hatch, Hale, Allen, and Eastman commented. The bill passed second reading on the following roll call:

   **Yeas, 27; Nays, 1; Absent, 1.**

   **Voting in the affirmative were:** Senators

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Hickman       Hillyard      Jenkins         Killpack
Knudson       Madsen        Mansell        Mayne
McCoy         Peterson      Stephenson     Thomas
Waddoups      Walker        Valentine

**Voting in the negative was:** Senator Evans

**Absent or not voting was:** Senator Bramble

***

On motion of Senator Davis, legislative staff was authorized to draft a bill regarding a joint resolution recognizing Granite School District’s 100th year.

***

On motion of Senator Knudson, 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 14, 2005

The House passed, **S.B. 30**, AMENDMENTS TO SEARCH WARRANTS, by Senator D. Thomas, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 118**, IDENTITY FRAUD AMENDMENTS, by Senator C. Walker, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 30** and **S.B. 118** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.
Mr. President: February 14, 2005

The House concurred in the Senate amendments and passed 1st Sub. H.B. 24, TRAFFIC CODE AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

1st Sub. 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.

Mr. President: February 14, 2005

The House passed H.B. 22, INTERCOUNTRY ADOPTION ACCREDITATION, by Representative R. McGee, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 42, MEDICAL RECOMMENDATIONS FOR CHILDREN, by Representative M. Morley, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 78, CORPORATE FRANCHISE AND INCOME TAX AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as amended, H.B. 79, PROVISION OF SERVICES FOR PEOPLE WITH DISABILITIES, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed H.B. 214, EMERGING TECHNOLOGIES AND OPEN GOVERNMENT, by Representative D. Clark, and it is transmitted for consideration; and

The House passed H.B. 220, SALES AND USE TAX EXEMPTION FOR TEXTBOOKS FOR HIGHER EDUCATION, by Representative D. Bourdeaux, and it is transmitted for consideration; and

The House passed H.B. 283, REAL ESTATE AMENDMENTS, by Representative G. Snow, and it is transmitted for consideration; and
The House passed **H.J.R. 17**, RESOLUTION HONORING CELEBRATION OF MARRIAGE WEEK, by Representative L. Fowlke, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk


**RULES COMMITTEE REPORTS**

To the Members of the Senate: February 14, 2005

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

**Business and Labor Committee**

**S.B. 168** Construction Trade Related Amendments  
(Sen. S. Jenkins)

**Education Committee**

**H.B. 139** Local School Board Amendments (Rep. M. Dayton)

**H.B. 154** School and Institutional Trust Lands Amendments  
(Rep. E. Hutchings)

**Government Operations and Political Subdivisions Committee**

**H.B. 143** National Guard Amendments (Rep. E. Hutchings)

**H.B. 209** Administrative Rules − Impact on Small Businesses  
(Rep. G. Hughes)

**Health and Human Services Committee**

**H.B. 279** Clinical Counselor − Title Change (Rep. L. Fowlke)

**Revenue and Taxation Committee**

**S.B. 184** Redevelopment Agency Amendments (Sen. C. Bramble)

**Workforce Services and Community and Economic Development**

**H.J.R. 15** Resolution Regarding United States Trade Negotiations  
(Rep. S. Allen)

Michael Waddoups  
Rules Committee Chair

Report filed. On motion of Senator Waddoups, the committee report was adopted.
INTRODUCTION OF BILLS

S.B. 201, Center for Multicultural Health (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

S.J.R. 16, Resolution Urging Comprehensive Cancer Control Plan for the State (K. Hale), read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

On motion of Senator Stephenson, under suspension of the rules, H.B. 3, MINIMUM SCHOOL PROGRAM ACT AMENDMENTS, was considered read the second and third times. Senators Bell, Allen, Hale, and Hillyard commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen  Arent  Bell  Bramble
Buttars  Christensen  Davis  Dmitrich
Eastman  Evans  Fife  Hale
Hatch  Hellewell  Hickman  Hillyard
Jenkins  Killpack  Knudson  Madsen
Mansell  Mayne  McCoy  Peterson
Stephenson  Thomas  Waddoups  Walker
Valentine

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.

* * *

S.B. 51, NEW MOTOR VEHICLE FRANCHISE ACT AMENDMENTS, was read the second time. Senator Eastman explained the bill.

Senator Eastman proposed the following amendment:

1. Page 11, Line 320

320 (i) relieve a franchisor from any liability, including notice and hearing rights imposed on the franchisor by this chapter; or

2. Page 15, Line 439

Senate Committee Amendments 2–2–2005:
Senator Eastman’s motion to amend passed on a voice vote.

# # #

Senator Eastman proposed the following amendment:

1. Page 10, Lines 296 through 298
   Senate Committee Amendments
   2–2–2005,

296 (2) After receipt of the advisory board’s recommendation, the executive director shall
297 apportion in a fair and equitable manner between the parties any costs of the adjudicative
298 proceeding, including reasonable attorney’s fees {—subject to final approval by a court—}.

Senator Eastman’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

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**Absent or not voting was:** Senator

Buttars

***

**S.B. 134, POWERSPORT VEHICLE FRANCHISE ACT,** was read the second time. Senator Eastman explained the bill.

Senator Eastman proposed the following amendment:
1. Page 10, Line 304

304 (i) relieve a franchisor from any liability, including notice and hearing rights imposed on the franchisor by this chapter; or

Senator Eastman’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
Allen Arent Bell Bramble
Christensen Davis Dmitrich Eastman
Evans Fife Hale Hatch
Hellewell Hickman Hillyard Jenkins
Knudson Madsen Mansell Mayne
McCoy Peterson Stephenson Thomas
Waddoups Walker Valentine

**Absent or not voting were:** Senators
Buttars Killpack

***

**S.B. 144, MOTOR VEHICLE STOPS AT PORT−OF−ENTRY,** was read the second time. Senator Knudson explained the bill.

Senator Knudson proposed the following amendment:

1. Page 2, Lines 33 through 35

33 (3) A motor carrier vehicle required to stop at a port−of−entry under Subsection (1) is exempt from this section if the total one−way trip distance for the motor vehicle would be increased by more than 5% or three miles, whichever is greater if diverted to a port−of−entry.

Senator Knudson’s motion to amend passed on a voice vote. Senators Bramble, 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
Allen Arent Bell Bramble
Christensen Davis Dmitrich Eastman
Evans Fife Hale Hatch
Hellewell Hickman Hillyard Jenkins
Killpack Knudson Madsen Mansell
Mayne McCoy Peterson Stephenson
Thomas Waddoups Walker Valentine

Absent or not voting was: Senator
Buttars

***

S.C.R. 5, RESOLUTION APPROVING SETTLEMENT OF LAWSUIT, 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
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Fife Hale
Hatch Hellewell Hickman Hillyard
Jenkins Killpack Knudson Madsen
Mansell Mayne McCoy Peterson
Stephenson Thomas Waddoups Walker
Valentine

***

S.B. 138, JUDGMENT INTEREST AMENDMENTS, was read the second time. Senator Mayne explained the bill. Senator Jenkins commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Fife Hale
Hatch Hellewell Hickman Hillyard
Jenkins Killpack Knudson Madsen
Mansell Mayne McCoy Peterson
Stephenson Thomas Waddoups Walker
Valentine

***
S.J.R. 9, RESOLUTION RECOGNIZING 100 YEARS OF ROTARY INTERNATIONAL, was read the second time.

On motion of Senator Knudson, S.J.R. 9, RESOLUTION RECOGNIZING 100 YEARS OF ROTARY INTERNATIONAL, will be considered February 25, 2005 at 2:00 p.m.

S.B. 19, DISEASE TESTING OF INDIVIDUALS EXPOSED TO BLOOD BORNE PATHOGENS, was read the second time. Senator Arent 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
Allen          Arent          Bell          Bramble
Buttars        Christensen   Davis         Dmitrich
Eastman        Evans          Fife          Hale
Hatch          Hellewell      Hickman       Hillyard
Jenkins        Killpack       Knudson       Madsen
Mansell        Mayne          McCoy         Peterson
Stephenson     Thomas         Waddoups     Walker
Valentine

S.B. 41, SCHOOL AND INSTITUTIONAL TRUST LANDS MANAGEMENT ACT REVISIONS, was read the second time. Senator Dmitrich explained the bill.

Senator Dmitrich proposed the following amendment:

1. Page 1, Line 22

22 {–None–}  This bill provides an immediate effective date.

2. Page 13, Line 381:
Section 9. 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 Dmitrich’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

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**S.B. 58, LIABILITY PROTECTION OF EDUCATORS,** was read the second time. Senator Stephenson explained the bill.

Senator Stephenson proposed the following amendment:

1. Page 2, Lines 50 through 51

   50 (ii) understands the legal liability protection provided to the employee and what is not covered, as explained in the disclosure.

2. Page 3, Line 81:

   81 (B) the basic nature of the coverage for a school district employee, including what is not covered; and

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

# # #

Senator Hale proposed the following amendment:
1. Page 2, Line 46:
   After “the school district” insert “or charter school”

   Senator Hale’s motion to amend passed on a voice vote. Senators Valentine, Hale, Walker, and Arent commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Eastman | Hickman | Hillyard |

* * *

**S.B. 59, HOME SCHOOL AMENDMENTS, was read the second time.**

On motion of Senator Madsen, the bill was circled.

* * *

**S.B. 80, SPECIAL SERVICE DISTRICTS − SERVICE EXPANSION, was read the second time.**

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

**1st Sub. S.B. 80, Special Service Districts − Service Expansion**

(M. Dmitrich)

Senators Bell and Stephenson commented and the bill passed second reading on the following roll:

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

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Buttars Hickman Jenkins

* * *

On motion of Senator Christensen, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Christensen, the circle was removed from S.B. 145, PROHIBITION AGAINST CERTAIN MEDICAL NONCOMPETITION AGREEMENTS, and it was before the Senate. Senator Christensen explained the bill. Senators Hillyard, Arent, Buttars, Hickman, and Hellewell commented. The bill passed on the following roll call:

Yeas, 18; Nays, 10; Absent, 1.

Voting in the affirmative were: Senators
Allen Buttars Christensen Dmitrich
Eastman Evans Fife Hatch
Hellewell Hickman Killpack Knudson
Madsen Mayne Peterson Thomas
Waddoups Walker

Voting in the negative were: Senators
Arent Bell Davis Hale
Hillyard Jenkins Mansell McCoy
Stephenson Valentine

Absent or not voting was: Senator
Bramble

S.B. 145 was transmitted to the House for consideration.

* * *

On motion of Senator Knudson, the Senate voted to move to Second Reading Calendar.
SECOND READING CALENDAR

S.B. 163, CAPITOL PRESERVATION BOARD AMENDMENTS, was read the second time. Senator Evans explained the bill. Senator Allen commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Allen                  Arent                  Bell                  Buttars
Christensen           Davis                  Dmitrich             Eastman
Evans                 Fife                   Hale                  Hatch
Hellewell             Hickman                Hillyard             Jenkins
Killpack              Knudson                Madsen               Mansell
Mayne                 McCoy                  Stephenson           Thomas
Waddoups              Walker                 Valentine            

Absent or not voting were: Senators
Bramble               Peterson               

* * *

S.B. 141, MILITARY INSTALLATION PARTNERSHIPS, was read the second time. Senator Killpack explained the bill. Senators Thomas, Davis, Jenkins, Mayne, and Eastman commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Allen                  Arent                  Bell                  Bramble
Buttars               Christensen           Davis                 Dmitrich
Eastman               Evans                  Fife                  Hale
Hatch                 Hellewell             Hickman               Hillyard
Jenkins               Killpack              Knudson               Madsen
Mansell               Mayne                  McCoy                 Stephenson
Thomas                Waddoups              Walker                Valentine

Absent or not voting was: Senator
Peterson

* * *

S.B. 132, HEALTH CARE CONSUMER’S REPORT, was read the second time. Senator Christensen explained the bill. The bill passed second reading on the following roll call:
Yeas, 27; Nays, 0; Absent, 2.

**Voting in the affirmative were:** Senators

Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Fife Hale
Hatch Hellewell Hickman Hillyard
Jenkins Knudson Madsen Mansell
Mayne McCoy Stephenson Thomas
Waddoups Walker Valentine

**Absent or not voting were:** Senators

Killpack Peterson

* * *

1st Sub. S.B. 150, FOOD SAFETY MANAGER CERTIFICATION, was read the second time.

On motion of Senator Thomas, the bill was circled.

* * *

S.B. 176, PROGRAMS AND FACILITIES LICENSING AMENDMENTS, was read the second time.

On motion of Senator Buttars, the bill was circled.

* * *

S.B. 151, DRIVER EDUCATION AMENDMENTS, was read the second time.

On motion of Senator Hatch, the bill was circled.

**INTRODUCTION OF BILLS**

S.B. 170, State Tax Commission Collection and Licensing Practices (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 187, Special Hunting Permits for Antelope Island (J. Hickman), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Knudson and at 4:00 p.m., the Senate adjourned until 10:00 a.m., Tuesday, February 15, 2005.
February 15, 2005

THIRTIETH DAY

MORNING SESSION

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

Prayer – Sarah Swenson, Logan High School Student Body Officer
Pledge of Allegiance – Senator Ron Allen
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 96)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 14, 2005

The House passed, as amended, H.B. 4, DIVORCE MEDIATION PROGRAM, by Representative B. Ferry, and it is transmitted for consideration; and

The House passed, as amended, H.B. 95, SEX OFFENDER REGISTRATION AMENDMENTS, by Representative M. S. Lawrence, and it is transmitted for consideration; and

The House passed H.B. 98, OFFENSES COMMITTED AGAINST CORRECTIONAL AND PEACE OFFICERS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed H.B. 149, VEHICLE IDENTIFICATION NUMBER INSPECTORS, by Representative C. Frank, and it is transmitted for consideration; and

The House passed, as amended, H.B. 213, UNUSED SICK LEAVE AT RETIREMENT AMENDMENTS, by Representative D. Clark, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. H.B. 4, H.B. 95, H.B. 98, H.B. 149, and H.B. 213 were read the first time and referred to the Rules Committee.
STANDING COMMITTEE REPORTS

Mr. President: February 14, 2005

The Business and Labor Committee reports a favorable recommendation on
**H.B. 13**, OCCUPATIONAL AND PROFESSIONAL LICENSING SUNSET AMENDMENT, by Representative R. Lockhart; and

The Business and Labor Committee reports a favorable recommendation on
**H.B. 71**, LICENSING OF ESTHETICIANS AND NAIL TECHNICIANS, by Representative J. Fisher; and

The Business and Labor Committee reports a favorable recommendation on
**H.B. 172**, NOTARY PUBLIC AMENDMENTS, by Representative L. Shurtliff, with the following amendments:

1. Page 1, Lines 11 through 14:

   11 This bill:

   12 beginning July 1, 2005, establishes a requirement of four hours of training for

   13 notaries applying for a new commission {or renewing a commission as a notary—} ;

2. Page 3, Lines 70 through 82

   House Floor Amendments 1–28–2005:

   70 (6) (a) Beginning July 1, 2005, each new applicant for a notarial commission [or applicant to renew a notarial commission] [must complete] [at least] four hours of approved notary education

   72 within the six-month period immediately preceding the application for a commission [or a renewal] {—}

   73a (b) (i) Beginning July 1, 2005 and until July 1, 2009, each applicant for a renewal of a notarial commission shall complete at least four hours of approved notary education.
(ii) After July 1, 2009, an applicant for renewal of a notarial commission is not required to complete notarial education unless the provisions of Subsection (6)(e) apply.

Notary education may either be interactive or classroom instruction. All education programs shall be preapproved by the lieutenant governor with a core curriculum that includes the duties and responsibilities of the notary office and electronic notarization.

An applicant must submit a certificate of attendance from the preapproved education program with the application for a commission or a renewal.

(i) The office of the lieutenant governor may, for good cause, order a commissioned notary to attend a preapproved education program.

(ii) For purposes of this section, “good cause” includes an act or omission by the notary that constitutes a violation of this act.; and

The Business and Labor Committee reports a favorable recommendation on H.B. 191, CAPTIVE INSURANCE LAW AMENDMENTS, by Representative J. Dunnigan; and

The Business and Labor Committee reports a favorable recommendation on H.B. 201, LIFE INSURANCE AND ANNUITIES LAW AMENDMENTS, by Representative J. Dunnigan.

Scott K. Jenkins, Chair

February 14, 2005

The Education Committee reports a favorable recommendation on 2nd Sub. H.B. 74, TUITION PROGRAM FOR STUDENTS SEEKING TEACHER LICENSURE IN DISABILITY OR SPECIAL EDUCATION, by Representative R. Menlove, with the following amendments:
1. Page 3, Lines 75 through 75a
House Floor Amendments
2–10–2005:

75 Board of Education[•], [with first priority given to preparing teachers within this state as]

75a { including } and may include preparing persons as and

The Education Committee recommends H.B. 188, BEGINNING TEACHER ENHANCEMENTS, by Representative B. Johnson, be replaced and favorably recommends 1st Sub. H.B. 188, APPROPRIATION FOR PUBLIC EDUCATION JOB ENHANCEMENT PROGRAM and recommends, because of a short title change, that it be read for the first and second time.

David L. Thomas, Chair

Mr. President: February 14, 2005

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 224, PERMANENT COMMUNITY IMPACT FUND − BOARD MEMBERSHIP, by Representative J. Mathis; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.C.R. 10, CONCURRENT RESOLUTION HONORING WALDO WILCOX FOR PRESERVATION OF RANGE CREEK AREA, by Representative B. King.

Parley G. Hellewell, Chair

On motion of Senator Waddoups, the committee reports were adopted. H.B. 13, H.B. 71, H.B. 172, as amended, H.B. 191, H.B. 201, 2nd Sub. H.B. 74, as amended, 1st Sub. H.B. 188, H.B. 224, and H.C.R. 10 were placed on Second Reading Calendar.

* * *

Mr. President: February 14, 2005

The Health and Human Services Committee reports a favorable recommendation on H.B. 70, HEALTH DISCOUNT PROGRAM CONSUMER
PROTECTION ACT, by Representative J. Dunnigan, and recommends it be considered read for the second time and placed on the Consent Calendar.

Allen M. Christensen, Chair

Mr. President: February 14, 2005

The Education Committee reports a favorable recommendation on H.J.R. 11, RESOLUTION ENCOURAGING SCHOOLS TO ADOPT NUTRITION AND PHYSICAL ACTIVITY POLICIES, by Representative P. Jones, and recommends it be considered read for the second time and placed on the Consent Calendar.

David L. Thomas, Chair

Mr. President: February 14, 2005

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on S.J.R. 17, RESOLUTION RECOGNIZING HUNTSMAN CANCER INSTITUTE, by Senator P. Knudson, and recommends it be considered read for the second time and placed on the Consent Calendar.

Carlene M. Walker, Chair

On motion of Senator Waddoups, the committee reports were adopted. H.B. 70, H.J.R. 11, and S.J.R. 17 were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 60, Local Land Use Development and Management Amendments (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 192, High Technology Economic Development Appropriation (L. A. Mansell), read the first time by short title and referred to the Rules Committee.

S.B. 225, Changes to General Government – Sales and Use Tax Amendments (G. Davis), read the first time by short title and referred to the Rules Committee.

S.J.R. 18, Joint Resolution Approving Consolidation of West Valley and Sandy District Courts (P. Knudson), read the first time by short title and referred to the Rules Committee.
On motion of Senator Knudson, a citation will be presented honoring the 120th Anniversary of Lagoon on February 16, 2005 at 9:45 a.m.

On motion of Senator Knudson, a resolution will be heard honoring the CEO of Delta Air Lines on February 16, 2005 at 2:00 p.m.

On motion of Senator Knudson, a citation will be presented honoring EMT’s on February 17, 2005 at 11:30 a.m.

CONSENT CALENDAR

H.B. 173, STATE EMPLOYEE AMENDMENTS, was read the third time, explained by Senator Evans, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen       Arent    Bell       Bramble
Buttars     Christensen Davis    Eastman
Evans       Fife      Hale       Hatch
Hellewell   Hillyard  Jenkins    Killpack
Knudson     Madsen    Mansell   Mayne
McCoy       Peterson  Thomas    Waddoups
Walker      Valentine

Absent or not voting were: Senators
Dmitrich    Hickman  Stephenson

H.B. 173 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. 57, USE OF STATE SALES AND USE TAX REVENUES FOR BUSINESS DEVELOPMENT IN DISADVANTAGED RURAL COMMUNITIES, was read the third time and explained by Senator Knudson. Senators Evans, Stephenson, Valentine, and Mansell commented.

On motion of Senator Knudson, the bill was circled.

S.B. 148, CONSERVATION EASEMENT ENDOEMNT RESTRICTED ACCOUNT, was read the third time, explained by Senator Evans, and passed on the following roll call:
Yeas, 21; Nays, 6; Absent, 2.

Voting in the affirmative were: Senators
Allen    Arent    Bell    Buttars
Christensen    Davis    Eastman    Evans
Fife    Hale    Hellewell    Hillyard
Killpack    Knudson    Mansell    Mayne
McCoy    Peterson    Waddoups    Walker
Valentine

Voting in the negative were: Senators
Hatch    Hickman    Jenkins    Madsen
Stephenson    Thomas

Absent or not voting were: Senators
Bramble    Dmitrich

S.B. 148, as amended, was transmitted to the House for consideration.

***

1st Sub. S.B. 25, TRANSPORTATION AMENDMENTS AND HIGHWAY JURISDICTIONAL TRANSFER TASK FORCE, was read the third time.

On motion of Senator Walker, the bill was circled.

***

S.B. 51, NEW MOTOR VEHICLE FRANCHISE ACT AMENDMENTS, 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
Allen    Arent    Bell    Christensen
Davis    Eastman    Evans    Fife
Hale    Hatch    Hellewell    Hickman
Hillyard    Jenkins    Killpack    Knudson
Madsen    Mansell    Mayne    McCoy
Peterson    Stephenson    Thomas    Waddoups
Walker    Valentine

Absent or not voting were: Senators
Bramble    Buttars    Dmitrich
S.B. 51, as amended, was transmitted to the House for consideration.

***

S.B. 134, POWERSPORT VEHICLE FRANCHISE ACT, 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

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**Absent or not voting were:** Senators

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S.B. 134, as amended, was transmitted to the House for consideration.

***

S.B. 144, MOTOR VEHICLE STOPS AT PORT−OF−ENTRY, 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

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**Absent or not voting were:** Senators

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S.B. 144, as amended, was transmitted to the House for consideration.
S.C.R. 5, RESOLUTION APPROVING SETTLEMENT OF LAWSUIT, was read the third time and explained by Senator Knudson. Senator Valentine commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Allen  Arent  Bell  Buttars
Christensen  Davis  Eastman  Evans
Fife  Hale  Hatch  Hellewell
Hickman  Jenkins  Killpack  Knudson
Madsen  Mansell  Mayne  McCoy
Peterson  Stephenson  Thomas  Waddoups
Walker  Valentine

**Absent or not voting were:** Senators
Bramble  Dmitrich  Hillyard

S.C.R. 5 was transmitted to the House for consideration.

**S.B. 138, JUDGMENT INTEREST AMENDMENTS,** was read the third time, explained by Senator Mayne, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Allen  Arent  Bell  Bramble
Buttars  Christensen  Davis  Dmitrich
Eastman  Evans  Fife  Hale
Hatch  Hellewell  Hickman  Jenkins
Killpack  Knudson  Madsen  Mansell
Mayne  McCoy  Peterson  Stephenson
Thomas  Waddoups  Walker  Valentine

**Absent or not voting was:** Senator
Hillyard

S.B. 138 was transmitted to the House for consideration.

**S.B. 19, DISEASE TESTING OF INDIVIDUALS EXPOSED TO BLOOD BORNE PATHOGENS,** was read the third time, explained by Senator Arent, and passed on the following roll call:
Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators
Allen        Arent        Bell        Bramble
Buttars      Christensen  Davis       Dmitrich
Eastman      Evans        Fife        Hale
Hatch        Hellewell    Hickman     Jenkins
Killpack     Knudson      Madsen      Mansell
Mayne        McCoy        Peterson    Stephenson
Thomas       Waddoups     Walker      Valentine

Absent or not voting was: Senator
Hillyard

S.B. 19, as amended, was transmitted to the House for consideration.

***

S.B. 41, SCHOOL AND INSTITUTIONAL TRUST LANDS MANAGEMENT ACT REVISIONS, was read the third time, explained by Senator Dmitrich, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen        Arent        Bell        Bramble
Buttars      Christensen  Davis       Dmitrich
Eastman      Evans        Fife        Hale
Hatch        Hellewell    Hickman     Hillyard
Jenkins      Killpack     Knudson     Madsen
Mansell      Mayne        McCoy       Peterson
Stephenson   Thomas       Waddoups    Walker

S.B. 41, as amended, was transmitted to the House for consideration.

***

S.B. 58, LIABILITY PROTECTION OF EDUCATORS, was read the third time.

On motion of Senator Stephenson, the bill was circled.

***

1st Sub. S.B. 80, SPECIAL SERVICE DISTRICTS − SERVICE EXPANSION, was read the third time, explained by Senator Dmitrich, and passed on the following roll call:
Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Fife Hale
Hatch Hellewell Hickman Hillyard
Jenkins Killpack Knudson Madsen
Mansell Mayne McCoy Peterson
Stephenson Thomas Waddoups Walker
Valentine

1st Sub. S.B. 80, as amended, was transmitted to the House for consideration.

* * *

S.B. 163, CAPITOL PRESERVATION BOARD AMENDMENTS, was read the third time, explained by Senator Evans, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Fife Hale
Hatch Hellewell Hickman Hillyard
Jenkins Killpack Knudson Madsen
Mansell Mayne McCoy Peterson
Stephenson Thomas Waddoups Walker
Valentine

S.B. 163 was transmitted to the House for consideration.

* * *

S.B. 141, MILITARY INSTALLATION PARTNERSHIPS, was read the third time, explained by Senator Killpack, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Fife Hale
Absent or not voting was: Senator Knudson

**S.B. 141** was transmitted to the House for consideration.

***

**S.B. 132**, HEALTH CARE CONSUMER’S REPORT, was read the third time, explained by Senator Christensen, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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**S.B. 132**, as amended, was transmitted to the House for consideration.

***

On motion of Senator Waddoups, the circle was removed from **S.B. 77**, AMENDMENTS TO INDOOR CLEAN AIR ACT, and it was before the Senate. Senator Waddoups explained the bill. The bill failed on the following roll call:

**Yeas, 13; Nays, 16; Absent, 0.**

Voting in the affirmative were: Senators

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S.B. 77 was returned to the staff for filing.

**STANDING COMMITTEE REPORTS**

Mr. President: February 14, 2005

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 13, INDIVIDUAL INCOME TAX − SUBTRACTION FOR CERTAIN MILITARY INCOME, by Senator H. Stephenson; and

The Revenue and Taxation Committee recommends S.B. 61, GROSS RECEIPTS TAX ON PRIVATELY OWNED HEALTH CARE ORGANIZATIONS, by Senator M. Waddoups, be replaced and favorably recommends 1st Sub. S.B. 61, PRIVATELY OWNED HEALTH CARE ORGANIZATION AMENDMENTS, and recommends it be considered read for the first time; and

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 194, SALES AND USE TAX EXEMPTION FOR ITEMS RELATING TO DIRECT MAIL, by Senator H. Stephenson; and

The Revenue and Taxation Committee recommends S.B. 195, TAX REVISIONS, by Senator C. Bramble, be replaced and favorably recommends 1st Sub. S.B. 195, TAX REVISIONS; and

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 203, PROPERTY TAX − COUNTY SERVICE AREAS, by Senator M. Waddoups, with the following amendments:

1. Page 2, Line 32:
   Delete “.003” and insert “.002”; and

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 206, NONPARTICIPATING TOBACCO MANUFACTURER AMENDMENTS, by Senator S. Killpack.

Curtis S. Bramble, Chair

On motion of Senator Bramble, the committee reports were adopted. S.B. 13, 1st Sub. S.B. 61, S.B. 194, 1st Sub. S.B. 195, S.B. 203, as amended, and S.B. 206 were placed on Second Reading Calendar.
Mr. President:  

The Revenue and Taxation Committee reports a favorable recommendation on H.J.R. 1, JOINT RESOLUTION RELATED TO FINANCIAL INSTITUTIONS, by Representative J. Alexander, and recommends it be considered read for the second time and placed on the Consent Calendar.

Curtis S. Bramble, Chair

On motion of Senator Bramble, the committee report was adopted. H.J.R. 1 was considered read the second time and placed on the Consent Calendar.

SECOND READING CALENDAR

S.B. 155, STATE SCHOOL BOARD CANDIDATE SELECTION COMMITTEES, was read the second time. Senator Hale explained the bill. Senators Thomas, Hatch, and Bramble commented. The bill failed second reading on the following roll call:

** Yeas, 10; Nays, 18; Absent, 1. **

** Voting in the affirmative were: ** Senators

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** Voting in the negative were: ** Senators

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** Absent or not voting was: ** Senator

Hillyard

S.B. 155 was returned to the staff for filing.

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

Voting in the affirmative were: Senators
Allen        Arent        Bell        Bramble
Buttars      Christensen  Davis       Dmitrich
Eastman      Evans        Fife        Hale
Hellewell    Jenkins      Killpack    Knudson
Madsen       Mansell      Mayne       McCoy
Peterson     Stephenson   Thomas      Waddoups
Walker       Valentine

Absent or not voting were: Senators
Hatch        Hickman      Hillyard

* * *

S.B. 182, VETERINARY PRACTICE ACT – EXEMPTIONS, was read the second time. Senator Dmitrich explained the bill. Senator Evans commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Allen        Arent        Bell        Bramble
Buttars      Christensen  Davis       Dmitrich
Eastman      Fife         Hale        Hellewell
Hickman      Jenkins      Killpack    Knudson
Madsen       Mayne        McCoy       Peterson
Stephenson   Thomas       Waddoups    Walker

Voting in the negative was: Senator
Evans

Absent or not voting were: Senators
Hatch        Hillyard     Mansell

* * *

S.B. 75, PUBLIC SAFETY DATABASE 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
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Fife Hale
Hellewell Hickman Jenkins Killpack
Knudson Madsen Mansell Mayne
McCoy Peterson Stephenson Thomas
Waddoups Walker Valentine

Absent or not voting were: Senators
Hatch Hillyard

***

S.B. 157. UTAH CONSUMER CREDIT CODE AMENDMENTS, was read the second time. Senator Knudson explained the bill. Senator Hillyard commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Christensen Davis Dmitrich Eastman
Evans Fife Hale Hellewell
Hickman Jenkins Killpack Knudson
Madsen Mansell Mayne McCoy
Peterson Stephenson Thomas Waddoups
Walker Valentine

Absent or not voting were: Senators
Buttars Hatch Hillyard

***

On motion of Senator Knudson, and at 11:50 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 15, 2005

The House passed H.B. 135, IMPLEMENTING FEDERAL EDUCATIONAL PROGRAMS, by Representative M. Dayton, and it is transmitted for consideration; and
The House passed, as amended, **H.B. 145**, AMENDMENTS TO HEARING AND SPEECH IMPAIRED TELECOMMUNICATIONS PROGRAM, by Representative B. Goodfellow, et al, and it is transmitted for consideration; and

The House passed **H.B. 225**, BOAT REGISTRATION FEE, by Representative B. Goodfellow, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 226**, GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT REQUIREMENTS REGARDING ANIMAL IDENTIFICATION PROGRAM, by Representative C. Buttars, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 236**, HEALTH INSURANCE LAW AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 238**, UTAH TECHNOLOGY COMMISSION MEMBERSHIP, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed **H.J.R. 3**, RESOLUTION REGARDING FEDERAL NO CHILD LEFT BEHIND, by Representative K. Holdaway, and it is transmitted for consideration; and

The House passed **H.J.R. 13**, RESOLUTION SUPPORTING NATIONAL BEAR RIVER HERITAGE AREA ACT, by Representative C. Buttars, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk


**RULES COMMITTEE REPORTS**

To the Members of the Senate: February 15, 2005

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

**Business and Labor Committee**

**H.B. 283** Real Estate Amendments (Rep. G. Snow)

**Government Operations and Political Subdivisions Committee**

**S.B. 60** Local Land Use Development and Management Amendments (Sen. G. Bell)
H.B. 213  Unused Sick Leave At Retirement Amendments  
(Rep. D. Clark)

H.B. 214  Emerging Technologies and Open Government  
(Rep. D. Clark)

H.J.R. 17  Resolution Honoring Celebration of Marriage Week  
(Rep. L. Fowlke)

Health and Human Services Committee
S.B. 201  Center for Multicultural Health (Sen. D. C. Buttars)
S.J.R. 16  Resolution Urging Comprehensive Cancer Control Plan  
for the State (Sen. K. Hale)
H.B. 4  Divorce Mediation Program (Rep. B. Ferry)
H.B. 22  Intercountry Adoption Accreditation (Rep. R. McGee)
1st Sub. H.B. 42  Medical Recommendations for Children  
(Rep. M. Morley)

Judiciary, Law Enforcement, and Criminal Justice Committee
S.J.R. 18  Joint Resolution Approving Consolidation of West Valley  
and Sandy District Courts (Sen. P. Knudson)
H.B. 95  Sex Offender Registration Amendments  
(Rep. M. S. Lawrence)
H.B. 98  Offenses Committed Against Correctional and Peace  
Officers (Rep. C. Oda)

Natural Resources, Agriculture, and Environment Committee
S.B. 187  Special Hunting Permits for Antelope Island  
(Sen. J. Hickman)

Revenue and Taxation Committee
S.B. 170  State Tax Commission Collection and Licensing Practices  
(Sen. C. Bramble)
S.B. 225  Changes to General Government – Sales and Use Tax  
Amendments (Sen. G. Davis)
1st Sub. H.B. 78  Corporate Franchise and Income Tax Amendments  
(Rep. W. Harper)
H.B. 220  Sales and Use Tax Exemption for Textbooks for Higher  
Education (Rep. D. Bourdeaux)

Transportation, Public Utilities and Technology Committee
H.B. 149  Vehicle Identification Number Inspectors (Rep. C. Frank)
Workforce Services and Community and Economic Development

S.B. 192  High Technology Economic Development Appropriation
(Sen. L. A. Mansell)

Michael Waddoups
Rules Committee Chair

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

SECOND READING CALENDAR

On motion of Senator Eastman, the Senate voted to lift S.C.R. 9 to the top of
the Second Reading Calendar.

S.C.R. 9, CONCURRENT RESOLUTION REGARDING DELTA
AIRLINES, was read the second time. Senator Eastman explained the bill.

Senator Eastman proposed the following amendment:

Each reference to the word “Airlines” is amended to read “Air Lines”

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

On motion of Senator Eastman, S.C.R. 9, CONCURRENT RESOLUTION
REGARDING DELTA AIR LINES, will be considered February 16, 2005 at 2:00
p.m.

* * *

S.B. 158, DISHONORED INSTRUMENT AMENDMENTS, 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

Allen  Arent  Bell  Christensen
Davis  Dmitrich  Eastman  Evans
Fife  Hale  Hatch  Hellewell
Hickman  Hillyard  Jenkins  Killpack
Knudson  Madsen  Mansell  Mayne
McCoy  Peterson  Stephenson  Thomas
Walker  Valentine

526  SENATE JOURNAL  Day 30
Absent or not voting were: Senators
Bramble    Buttars    Waddoups

* * *

On motion of Senator Hatch, the circle was removed from S.B. 151, DRIVER EDUCATION AMENDMENTS, and it was before the Senate. Senator Hatch explained the bill.

Senator Hatch proposed the following amendment:

1. Page 1, Line 13
   Senate Committee Amendments
   2–7–2005

   13 determining the cost of driver education for funding purposes; changes the date that state superintendent of public instruction shall disburse funds for driver education costs from prior to September 2nd to prior to November 1st following the school year during which it was expended;

2. Page 2, Lines 38 through 41
   Senate Committee Amendments
   2–7–2005:

   38 (2) (a) [The] Except as provided in Subsection 53A–13–204(2), the state superintendent of public instruction shall, prior to November 1st following the school year during which it was expended, or may at earlier intervals during that school year, reimburse each school district that applied for reimbursement in accordance with this section.

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

# # #

Senator Walker proposed the following amendment:
1. Page 2, Line 32−35:
Senate Committee Amendments
2−7−2005
Reinstate deleted language on lines 32−35
Renumber accordingly

Senator Walker’s motion to amend failed on the following roll call.

**Yeas, 12; Nays, 14; Absent, 3.**

**Voting in the affirmative were:** Senators
Allen  Arent  Bell  Davis  
Dmitrich  Fife  Hale  Hillyard  
Killpack  Mayne  McCoy  Walker  

**Voting in the negative were:** Senators
Buttars  Christensen  Eastman  Evans  
Hatch  Hellewell  Hickman  Jenkins  
Knudson  Madsen  Peterson  Stephenson  
Thomas  Valentine  

**Absent or not voting were:** Senators
Bramble  Mansell  Waddoups  

Senators Hale and Walker commented. The bill passed second reading on the following roll call:

**Yeas, 16; Nays, 11; Absent, 2.**

**Voting in the affirmative were:** Senators
Buttars  Christensen  Eastman  Evans  
Hatch  Hellewell  Hickman  Jenkins  
Knudson  Madsen  Peterson  Stephenson  
Peterson  Stephenson  Thomas  Valentine  

**Voting in the negative were:** Senators
Allen  Arent  Bell  Davis  
Dmitrich  Fife  Hale  Hillyard  
Mayne  McCoy  Walker  

**Absent or not voting were:** Senators
Bramble  Waddoups
On motion of Senator Madsen, the circle was removed from S.B. 59, HOME SCHOOL AMENDMENTS, and it was before the Senate. Senator Madson explained the bill.

Senator Arent proposed the following amendment:

1. Page 4, Line 93

   93 specified on the certificate.

   (4) Nothing in this section may be construed to prohibit or discourage voluntary cooperation, resource sharing, or testing opportunities between a school or school district and a parent or guardian of a minor attending a home school.

Senator Arent’s motion to amend passed on a voice vote. Senators Thomas and Bell commented. Senators Madsen and Thomas declared conflicts of interest. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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<th>Allen</th>
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**Absent or not voting were:** Senators

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<th>Mansell</th>
<th>Waddoups</th>
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On motion of Senator Stephenson, the circle was removed from S.B. 139, MINIMUM WAGE PROVISIONS, and it was before the Senate. Senator Stephenson explained the bill. Senators Allen, Mayne, Buttars, Fife, McCoy, and Bell commented. The bill passed second reading on the following roll call:

**Yeas, 15; Nays, 10; Absent, 4.**
Voting in the affirmative were: Senators
Bell Bramble Christensen Eastman
Evans Hatch Hellewell Jenkins
Killpack Knudson Madsen Peterson
Stephenson Walker Valentine

Voting in the negative were: Senators
Allen Arent Buttars Davis
Dmitrich Fife Hale Mayne
McCoy Thomas

Absent or not voting were: Senators
Hickman Hillyard Mansell Waddoups

* * *

On motion of Senator Peterson, the circle was removed from 1st Sub. S.B. 150, FOOD SAFETY MANAGER CERTIFICATION, and it was before the Senate. Senator Peterson explained the bill. The bill passed second reading on the following roll call:

Y eas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Fife Hale
Hatch Hellewell Hickman Jenkins
Knudson Madsen Mayne McCoy
Peterson Stephenson Thomas Waddoups
Walker Valentine

Absent or not voting were: Senators
Hillyard Killpack Mansell

* * *

S.B. 159, ASSESSMENT OFFSET FOR DONATIONS PROMOTING OCCUPATIONAL HEALTH AND SAFETY, was read the second time. Senator Mayne explained the bill. Senators Eastman and Waddoups commented. The bill passed second reading on the following roll call:

Yeas, 18; Nays, 7; Absent, 4.
Voting in the affirmative were: Senators
Allen   Arent   Bell   Bramble
Christensen Davis Dmitrich Eastman
Fife     Hale     Knudson Madsen
Mayne    McCoy    Peterson Thomas
Waddoups Walker

Voting in the negative were: Senators
Evans   Hatch   Hellewell Hickman
Jenkins  Stephenson Valentine

Absent or not voting were: Senators
Buttars Hillyard Killpack Mansell

* * *

On motion of Senator Waddoups, the circle was removed from 1st Sub. S.B. 152, BUSINESS LICENSE FEES, and it was before the Senate. 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
Allen   Arent   Bell   Bramble
Christensen Davis Dmitrich Eastman
Evans     Fife     Hale     Hatch
Hellewell Hickman Knudson Madsen
Mayne    McCoy    Peterson Stephenson
Thomas  Waddoups Walker Valentine

Absent or not voting were: Senators
Buttars Hillyard Jenkins Killpack
Mansell

* * *

S.B. 161, AMENDMENTS TO THE PROPERTY TAX VALUATION AGENCY FUND ASSESSING AND COLLECTING LEVY, was read the second time.

On motion of Senator Stephenson, the bill was circled.

* * *

1st Sub. S.B. 56, REAL ESTATE LISTING AGREEMENT PROVISIONS, was read the second time.
On motion of Senator Knudson, the bill was circled.

* * *

S.B. 64, REAL ESTATE TRANSACTIONS AND SECURITIES, was read the second time.

On motion of Senator Knudson, the bill was circled.

* * *

On motion of Senator Stephenson, the circle was removed from S.B. 161, AMENDMENTS TO THE PROPERTY TAX VALUATION AGENCY FUND ASSESSING AND COLLECTING LEVY, 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
Allen   Bell   Bramble   Christensen
Davis   Dmitrich   Eastman   Evans
Fife   Hale   Hatch   Hellewell
Hickman   Killpack   Knudson   Madsen
Mayne   McCoy   Peterson   Stephenson
Thomas   Waddoups   Walker   Valentine

Absent or not voting were: Senators
Arent   Buttars   Hillyard   Jenkins
Mansell

* * *

S.B. 174, SECURITY SERVICE AMENDMENTS, was read the second time. Senator Allen 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
Allen   Arent   Bell   Bramble
Buttars   Christensen   Davis   Dmitrich
Eastman   Evans   Fife   Hale
Hatch   Hellewell   Hickman   Killpack
Knudson       Madsen       Mayne       McCoy
Peterson      Stephenson   Thomas      Waddoups
Walker        Valentine

Absent or not voting were: Senators
Hillyard      Jenkins      Mansell

***

S.B. 177, INCREASE STATUTE OF LIMITATIONS ON RAPE, was read the second time. Senator Mayne explained the bill. Senators Madsen and Christensen commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Allen          Arent        Bell         Bramble
Buttars        Christensen  Davis        Dmitrich
Eastman        Evans        Fife         Hale
Hatch          Hellewell    Hickman      Jenkins
Killpack       Knudson      Madsen      Mayne
McCoy          Peterson     Stephenson  Thomas
Waddoups       Walker       Stephenson  Valentine

Absent or not voting were: Senators
Hillyard      Mansell

***

On motion of Senator Eastman, the Senate voted to move to the Time Certain Calendar.

TIME CERTAIN CALENDAR

S.C.R. 9, CONCURRENT RESOLUTION REGARDING DELTA AIR LINES, was before the Senate.

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

1st Sub. S.C.R. 9, Concurrent Resolution Regarding Delta Air Lines
(D. Eastman)

1st Sub. S.C.R. 9 was returned to the Time Certain Calendar.
On motion of Senator Hickman, legislative staff was authorized to draft a bill regarding a joint resolution honoring President Huddleston of Dixie State College.

On motion of Senator Mansell, the circle was removed from 1st Sub. S.B. 56, REAL ESTATE LISTING AGREEMENT PROVISIONS, and it was before the Senate.

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

2nd Sub. S.B. 56, Real Estate – Exclusive Brokerage Agreements (L. A. Mansell)

On motion of Senator Mansell, the bill was circled.

On motion of Senator Mansell, the circle was removed from S.B. 64, REAL ESTATE TRANSACTIONS AND SECURITIES, and it was before the Senate.

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

1st Sub. S.B. 64, Real Estate Transactions and Securities (L. A. Mansell)

On motion of Senator Mansell, the bill was circled.

On motion of Senator Knudson and at 4:05 p.m., the Senate adjourned until 10:00 a.m., Wednesday, February 16, 2005.
February 16, 2005

THIRTY-FIRST DAY

MORNING SESSION

The Senate was called to order at 9:50 a.m., with President John Valentine presiding.

Prayer – Elder John Yardley, Member of the 5th Quorum of Seventy, The Church of Jesus Christ of Latter–Day Saints

Pledge of Allegiance – Senator Mike Dmitrich

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS

(PLEASE REFER TO DAY 1, PAGE 96)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 15, 2005

The House passed H.B. 44, ADDITIONAL STATE RETIREMENT BENEFIT, by Representative L. Shurtliff, and it is transmitted for consideration; and

The House passed, as substituted, 2nd Sub. H.B. 45, PROPERTY AFFECTED BY ACCESS INTERRUPTION, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed H.B. 217, PUBLIC SAFETY RETIREMENT – EXEMPTION OF CERTAIN EMPLOYEES, by Representative D. Clark, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. H.B. 44, 2nd Sub. H.B. 45, and H.B. 217 were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: February 15, 2005

The Natural Resources, Agriculture, and Environment Committee recommends S.B. 199, OFFICE OF ENERGY – OVERSIGHT, by Senator T. Hatch, be replaced and favorably recommends 1st Sub. S.B. 199, OFFICE OF ENERGY – OVERSIGHT; and
The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 239**, PUBLIC LANDS POLICY COORDINATION, by Senator T. Hatch, with the following amendments:

1. Page 4, Lines 100 through 106:

   100 (1) There is created the Public Lands Policy Coordinating Council composed of the

   101 following **seven** members:

   102 (a) one individual, appointed by the governor, who shall serve as chair of the council;

   103 (b) one member of the Senate appointed by the president of the Senate;

   104 (c) one member of the House of Representatives appointed by the speaker of the House

   105 of Representatives;  **and**

   106 (d) two individuals appointed by the Utah Association of Counties;  **and**

   107 (e) the executive director of the Department of Natural Resources and the director of the School and Institutional Trust Lands Administration as ex officio, non-voting members.

2. Page 6, Lines 169 through 170:

   169 **If approved by two-thirds of all the members elected to each house, this**  This bill takes effect

   170 on **April 1**  **May 15**, 2005; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 150**, WATER RIGHTS FEES, by Representative J. Gowans; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **1st Sub. H.B. 155**, AGRICULTURAL COOP AMENDMENTS, by Representative C. Buttars; and
The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 156**, DAIRY PROMOTION ACT AMENDMENTS, by Representative D. Ure.

Michael G. Waddoups, Chair

Mr. President: February 15, 2005

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **1st Sub. H.B. 93**, EMISSION INSPECTION AMENDMENTS, by Representative K. Gibson, with the following amendments:

1. Page 1, Lines 12 through 15:

   12 { repeals the requirement that allows a county legislative body to require college students and employees who park on a college or university campus a motor vehicle that is not registered in a county subject to emissions inspections to provide proof of compliance with an emissions inspection; and

   13

2. Page 2, Line 38

   House Floor Amendments 2–9–2005:

   38 than required under Subsection \(\hat{H}\) \(\rightarrow\) \(\{-\} (5) \{-\}\) \(\leftarrow\hat{H}\) ; and

3. Page 4, Line 90 through Page 5, Line 123:

   90 \(\{-\}\) (5) (a) \(\{-\}\) The legislative body of each county required under federal law to utilize a motor vehicle emissions inspection and maintenance program or in which an emissions inspection and maintenance program is necessary to attain or maintain any national ambient air quality standard may require each college or university located in a county subject to this section to require its students and employees who park a motor vehicle not registered in a county subject
to this section to provide proof of compliance with an emissions inspection accepted by the county legislative body if the motor vehicle is parked on the college or university campus or property.

(b) College or university parking areas that are metered or for which payment is required per use are not subject to the requirements of this Subsection (5).

(6) (a) An emissions inspection station shall issue a certificate of emissions inspection for each motor vehicle that meets the inspection and maintenance program requirements established in rules made under Subsection (2).

(b) The frequency of the emissions inspection shall be determined based on the age of the vehicle as determined by model year and shall be required annually subject to the provisions of Subsection (6) (c).

(c) (i) To the extent allowed under the current federally approved state implementation plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401 et seq., the legislative body of a county identified in Subsection (1) shall only require the emissions inspection every two years for each vehicle.

(ii) The provisions of Subsection (c)(i) apply only to a vehicle that is less than six years old on January 1.

(d) If an emissions inspection is only required every two years for a vehicle under Subsection (c), the inspection shall be required for the vehicle in:
(i) odd-numbered years for vehicles with odd-numbered model years; or
(ii) in even-numbered years for vehicles with even-numbered model years.

The emissions inspection shall be required within the same time limit applicable to a safety inspection under Section 41-1a-205.

(a) A county identified in Subsection (1) shall collect information about and monitor the program.

(b) A county identified in Subsection (1) shall supply this information to an appropriate legislative committee, as designated by the Legislative Management Committee, at times determined by the designated committee to identify program needs, including funding needs.

If approved by the county legislative body, a county that had an established emissions inspection fee as of January 1, 2002, may increase the established fee that an emissions inspection station may charge by $2.50 for each year that is exempted from emissions inspections under Subsection (c) up to a $7.50 increase.

Sheldon L. Killpack, Chair

Mr. President:

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 89, PRESUMPTION OF RESPONSIBILITY FOR ABUSE OR NEGLECT, by Representative L. Christensen; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 218, SECOND DISTRICT JUVENILE JUDGE, by Representative J. S. Adams.

D. Chris Buttars, Chair

On motion of Senator Waddoups, the committee reports were adopted. 1st Sub. S.B. 199, S.B. 239, as amended, H.B. 150, 1st Sub. H.B. 155, H.B. 156,
1st Sub. H.B. 93, as amended, H.B. 89, and H.B. 218 were placed on Second Reading Calendar.

* * *

Mr. President: February 15, 2005

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 76, HABITUAL VIOLENT OFFENDERS AMENDMENTS, by Representative P. Ray, 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. 208, UNCLAIMED PROPERTY AMENDMENTS, by Representative P. Ray, 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. 215, PROPERTY TRACKING AMENDMENTS, by Representative P. Ray, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

On motion of Senator Waddoups, the committee reports were adopted. H.B. 76, H.B. 208, and H.B. 215 were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 66, Procurement Code Bidding and Contractual Amendments (E. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 205, Individual Income Tax – Office of State Debt Collection Rulemaking Authority (M. Dmitrich), read the first time by short title and referred to the Rules Committee.

S.B. 211, Funding for Convention Facilities (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.B. 216, Amendments to Utah Emergency Medical Services Act (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 233, Blacklisting Amendments (A. Christensen), read the first time by short title and referred to the Rules Committee.
CONSENT CALENDAR

H.B. 90, SEARCH AND RESCUE ADVISORY BOARD – AMENDMENTS, 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
Allen    Arent   Bell     Bramble
Christensen    Davis   Dmitrich   Eastman
Evans    Fife    Hale     Hatch
Hellewell    Hillyard   Jenkins   Killpack
Knudson    Madsen   Mayne     McCoy
Peterson    Thomas   Waddoups   Walker
Valentine

Absent or not voting were: Senators
Buttars    Hickman   Mansell   Stephenson

H.B. 90 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 222, PILOT PROGRAM REPEAL CLEAN–UP, was read the third time, explained by Senator Allen, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen    Arent   Bell     Bramble
Christensen    Davis   Dmitrich   Eastman
Evans    Fife    Hale     Hatch
Hellewell    Hillyard   Jenkins   Killpack
Knudson    Madsen   Mayne     McCoy
Peterson    Thomas   Waddoups   Walker
Valentine

Absent or not voting were: Senators
Buttars    Hickman   Mansell   Stephenson

H.B. 222 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
COMMITTEE OF THE WHOLE

On motion of Senator Killpack, a citation recognizing the 120th anniversary of Lagoon was presented to representatives of Lagoon. Senators Bell, Waddoups, Hale, Thomas, Davis, Knudson, and Arent commented.

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

* * *

On motion of Senator Waddoups, the Senate voted to lift S.B. 209 from Government Operations and Political Subdivisions Committee and reassign it to the Revenue and Tax Committee.

THIRD READING CALENDAR

1st Sub. S.B. 149, PETE SUAZO ATHLETIC COMMISSION AMENDMENTS, was read the third time, explained by Senator Mayne, and passed on the following roll call:

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Fife Hale
Hatch Hellewell Hickman Hillyard
Jenkins Killpack Knudson Madsen
Mansell Mayne McCoy Peterson
Stephenson Thomas Waddoups Walker
Valentine

1st Sub. S.B. 149 was transmitted to the House for consideration.

* * *

S.B. 182, VETERINARY PRACTICE ACT – EXEMPTIONS, was read the third time, explained by Senator Dmitrich, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Buttars
Christensen Davis Dmitrich Eastman
Evans    Fife    Hale    Hatch
Hellewell Hickman Hillyard Jenkins
Killpack Knudson Madsen Mansell
Mayne    McCoy Peterson Stephenson
Thomas   Waddoups Walker Valentine

Absent or not voting was: Senator
Bramble

S.B. 182, as amended, was transmitted to the House for consideration.

* * *

S.B. 75, PUBLIC SAFETY DATABASE AMENDMENTS, 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
Allen    Arent    Bell    Bramble
Buttars  Christensen Davis Dmitrich
Eastman  Evans    Fife    Hale
Hatch    Hellewell Hillyard Jenkins
Killpack Knudson Madsen Mansell
Mayne    McCoy Peterson Stephenson
Thomas   Waddoups Walker Valentine

Absent or not voting was: Senator
Hickman

S.B. 75, as amended, was transmitted to the House for consideration.

* * *

On motion of Senator Stephenson, the circle was removed from S.B. 58, LIABILITY PROTECTION OF EDUCATORS, and it was before the Senate.

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

1st Sub. S.B. 58, Liability Protection of Educators (H. Stephenson)

On motion of Senator Stephenson, the bill was circled.
On motion of Senator Jenkins, the circle was removed from H.B. 23, DEPARTMENT OF WORKFORCE SERVICES – WORK EXPERIENCE AND TRAINING PROGRAMS. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting was:** Senator Bramble

**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.

On motion of Senator Killpack, the circle was removed from **H.B. 30**, CONSUMER SALES PRACTICES ACT AMENDMENTS.

Senator Killpack proposed the following amendment:

1. Page 4, Lines 112 through 114a
   Senate Committee Amendments 2–3–2005
   
   112 the consumer to purchase a product or service $\hat{S}$ unless the supplier is:
   
   113 (i) a depository institution under Section 7–1–103:  
   
   114 (ii) an affiliate of a depository institution  
   
   114a (iii) an entity regulated under Title 7, Financial Institutions Act
Senator Killpack’s motion to amend passed on a voice vote. Senator Hickman declared a conflict of interest. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**H.B. 30,** as amended, was returned to the House for further consideration.

* * *

**S.B. 157,** UTAH CONSUMER CREDIT CODE 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

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**Absent or not voting were:** Senators

| Hillyard | Killpack |

Senator Hickman declared a conflict of interest.

**S.B. 157** was transmitted to the House for consideration.

* * *

On motion of Senator Bramble, the Senate voted to reconsider its action on **S.B. 77**.
S.B. 77, AMENDMENTS TO INDOOR CLEAN AIR ACT, was before the Senate for reconsideration and explained by Senator Waddoups. Senator Hickman commented and the bill passed on the following roll call:

**Yeas, 15; Nays, 14; Absent, 0.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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S.B. 77, as amended, was transmitted to the House.

**S.B. 158, DISHONORED INSTRUMENT AMENDMENTS, was read the third time and explained by Senator Knudson. Senator Mayne commented and the bill passed on the following roll call:**

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

**Voting in the affirmative were:** Senators

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**Voting in the negative was:** Senator

Bell

**Absent or not voting were:** Senators

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Senator Hickman declared a conflict of interest.
S.B. 158 was transmitted to the House for consideration.

* * *

S.B. 151, DRIVER EDUCATION AMENDMENTS, was read the third time and explained by Senator Hatch. Senator Hale commented and the bill failed on the following roll call:

Yeas, 14; Nays, 12; Absent, 3.

Voting in the affirmative were: Senators
Bell Bramble Eastman Evans
Hatch Hickman Jenkins Killpack
Knudson Madsen Peterson Stephenson
Thomas Waddoups

Voting in the negative were: Senators
Allen Arent Christensen Davis
Dmitrich Fife Hale Hellewell
Hillyard Mayne McCoy Walker

Absent or not voting were: Senators
Buttars Mansell Valentine

S.B. 151 was returned to the staff for filing.

* * *

S.B. 59, HOME SCHOOL AMENDMENTS, was read the third time, explained by Senator Madsen.

Senator Madsen proposed the following amendment:

1. Page 3, Line 76:
   After “in public schools” insert “in accordance with the law”

2. Page 3, Line 78:
   After “minors are required” insert “by law”

Senator Madsen’s motion to amend passed on a voice vote. Senator Thomas declared a conflict of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Christensen Davis Dmitrich Eastman
S.B. 59, as amended, was transmitted to the House for consideration.

* * *

S.B. 139, MINIMUM WAGE PROVISIONS, was read the third time.

On motion of Senator Stephenson, the bill was circled.

* * *

1st Sub. S.B. 150, FOOD SAFETY MANAGER CERTIFICATION, 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
Allen Arent Bell Christensen
Davis Dmitrich Eastman Evans
Fife Hale Hatch Hellewell
Hickman Hillyard Jenkins Killpack
Knudson Madsen Mayne McCoy
Peterson Stephenson Thomas Waddoups
Walker

Absent or not voting were: Senators
Bramble Buttars Mansell Valentine

1st Sub. S.B. 150 was transmitted to the House for consideration.

* * *

S.B. 159, ASSESSMENT OFFSET FOR DONATIONS PROMOTING OCCUPATIONAL HEALTH AND SAFETY, was read the third time and explained by Senator Mayne. Senators Hickman and Bell commented and the bill passed on the following roll call:
Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

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S.B. 159 was transmitted to the House for consideration.

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1st Sub. S.B. 152, BUSINESS LICENSE FEES, 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

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1st Sub. S.B. 152 was transmitted to the House for consideration.

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S.B. 161, AMENDMENTS TO THE PROPERTY TAX VALUATION AGENCY FUND ASSESSING AND COLLECTING LEVY, was read the third time and explained by Senator Stephenson. Senator Hatch commented and the bill passed on the following roll call:
Yeas, 25; Nays, 0; Absent, 4.

**Voting in the affirmative were:** Senators

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S.B. 161 was transmitted to the House for consideration.

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S.B. 174, SECURITY SERVICE AMENDMENTS, was read the third time, explained by Senator Allen, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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S.B. 174 was transmitted to the House for consideration.

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S.B. 177, INCREASE STATUTE OF LIMITATIONS ON RAPE, was read the third time.

On motion of Senator Mayne, the bill was circled.
On motion of Senator Stephenson, the circle was removed from 1st Sub.
S.B. 58, LIABILITY PROTECTION OF EDUCATORS, and it was before the
Senate. Senator Stephenson explained the bill. The bill passed on the following
roll call:

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

**Voting in the affirmative were:** Senators

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1st Sub. S.B. 58, as amended, was transmitted to the House for consideration.

**SECOND READING CALENDAR**

H.B. 171, CALCULATION OF MINING SEVERANCE TAX ON BERYLLIUM, was read the second time. Senator Hatch 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

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1st Sub. H.B. 190, INDIVIDUAL INCOME TAX – ELECTRONIC FILING REQUIREMENTS, was read the second time. Senator Bramble explained the
bill. Senator Bramble declared a conflict of interest. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**H.B. 17, MOTION PICTURE INCENTIVE FUND,** was read the second time. Senator Allen explained the bill. The bill passed second reading on the following roll call:

**Yeas, 21; Nays, 2; Absent, 6.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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On motion of Senator Hillyard, **H.B. 17** was placed on Third Reading Table due to fiscal impact.
***

H.B. 29, STATE ENGINEER’S POWERS AND DUTIES AMENDMENTS, was read the second time. Senator Knudson explained the bill. Senator Thomas commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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On motion of Senator Mansell, the circle was removed from 2nd Sub. S.B. 56, REAL ESTATE LISTING AGREEMENT PROVISIONS, and it was before the Senate. Senator Mansell explained the bill. Senator Valentine declared a conflict of interest. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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On motion of Senator Mansell, the circle was removed from 1st Sub. S.B. 64, REAL ESTATE TRANSACTIONS AND SECURITIES, and it was before the
Senate. Senator Mansell 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

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**Absent or not voting was:** Senator

Eastman

***

On motion of Senator Hellewell, the Senate voted to reconsider its action on S.B. 151.

On motion of Senator Hatch, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

**S.B. 151, DRIVER EDUCATION AMENDMENTS,** was before the Senate and explained by Senator Hatch. Senators Dmitrich, Mayne, Davis, Hickman commented and the bill passed on the following roll call:

**Yeas, 15; Nays, 14; Absent, 0.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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S.B. 151, as amended, was transmitted to the House.

* * *

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.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 16, 2005

The House passed, 1st Sub. S.B. 10, LIABILITY REFORM ACT AMENDMENTS, by Senator G. Bell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, 1st Sub. S.B. 44, GOVERNMENT RECORDS 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. 54, PROPERTY TAX CONFIDENTIALITY 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. 73, TAMPERING WITH EVIDENCE, by Senator D. C. Buttars, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, 1st Sub. S.B. 135, DRUG COURTS PILOT PROJECT, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.J.R. 10, RESOLUTION TO CONGRESS REGARDING OIL AND GAS DRILLING AND EXPLORATION, by Senator H. Stephenson, et al, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

1st Sub. S.B.10, 1st Sub. S.B. 44, S.B. 54, S.B. 73, 1st Sub. S.B. 135, and S.J.R. 10 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.
The bills were placed on the Concurrence Calendar.

**RULES COMMITTEE REPORTS**

To the Members of the Senate: February 16, 2005

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

**Business and Labor Committee**

**S.B. 233** Blacklisting Amendments (Sen. A. Christensen)
H.B. 236  Health Insurance Law Amendments (Rep. J. Dunnigan)

**Education Committee**

H.B. 135  Implementing Federal Educational Programs  
(Rep. M. Dayton)
H.B. 145  Amendments to Hearing and Speech Impaired  
Telecommunications Program (Rep. B. Goodfellow)
H.J.R. 3  Resolution Regarding Federal No Child Left Behind  
(Rep. K. Holdaway)

**Government Operations and Political Subdivisions Committee**

S.B. 66  Procurement Code Bidding and Contractual Amendments  
(Sen. E. Mayne)
H.B. 226  Government Records Access and Management Act  
Requirements Regarding Animal Identification Program  
(Rep. C. Buttars)
H.B. 238  Utah Technology Commission Membership  
(Rep. J. Dougall)

**Judiciary, Law Enforcement, and Criminal Justice Committee**

S.B. 216  Amendments to Utah Emergency Medical Services Act  
(Sen. C. Bramble)

**Natural Resources, Agriculture, and Environment Committee**

H.B. 225  Boat Registration Fee (Rep. B. Goodfellow)
H.J.R. 13  Resolution Supporting National Bear River Heritage Area  
Act (Rep. C. Buttars)

**Revenue and Taxation Committee**

S.B. 205  Individual Income Tax − Office of State Debt Collection  
Rulemaking Authority (Sen. M. Dmitrich)
S.B. 211  Funding for Convention Facilities (Sen. M. Waddoups)
2nd Sub. H.B. 45  Property Affected by Access Interruption  
(Rep. G. Hughes)

**Retirement and Independent Entities**

H.B. 44  Additional State Retirement Benefit (Rep. L. Shurtliff)
H.B. 217  Public Safety Retirement – Exemption of Certain Employees (Rep. D. Clark)

Michael Waddoups  
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President:  
February 15, 2005

The Business and Labor Committee reports a favorable recommendation on S.B. 113, EMPLOYEE NONCOMPETITION CONTRACTS, by Senator E. Mayne; and

The Business and Labor Committee reports a favorable recommendation on S.B. 172, DIVISION OF REAL ESTATE AMENDMENTS, by Senator M. Waddoups.

Scott K. Jenkins, Chair

Mr. President:  
February 15, 2005

The Health and Human Services Committee recommends S.B. 212, CHILD CARE INVESTIGATIONS, by Senator P. Hellewell, be replaced and favorably recommends 1st Sub. S.B. 212, CHILD CARE INVESTIGATIONS with the following amendments:

1. Page 4, Line 95:

   95 (i) the supervisor determines the complaint is {legitimate} credible ;

   Allen M. Christensen, Chair

Mr. President:  
February 16, 2005

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 143, NATIONAL GUARD AMENDMENTS, by Representative E. Hutchings; and
The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 209, ADMINISTRATIVE RULES – IMPACT ON SMALL BUSINESSES, by Representative G. Hughes.

Parley G. Hellewell, Chair

Mr. President: February 16, 2005

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 184, REDEVELOPMENT AGENCY AMENDMENTS, by Senator C. Bramble; and

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 204, SALES AND USE TAX DIVER SIONS, by Senator D. Peterson; and

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 227, PUBLIC SAFETY DRIVING PRIVILEGE AND IDENTIFICATION CARD AMENDMENTS, by Senator C. Bramble, with the following amendments:

1. Page 2, Lines 41 through 42:

41 Other Special Clauses:
42 { This bill takes effect on July 1, 2005. }
This bill provides an immediate effective date.

2. Page 8, Lines 231 through 234:

231 (ii) The receipt serves as a temporary license certificate or temporary driving privilege card
232 allowing [him] the person to drive a motor vehicle while the division is completing its
233 investigation to determine whether [he] the person is entitled to be [licensed] granted a driving
234 privilege.

3. Page 9, Lines 262 through 264:

262 [(§)] (8) The division shall issue temporary license certificates or temporary driving privilege cards of the same nature, except as to duration, as the license certificates or driving privilege cards that they temporarily replace, as are necessary to implement applicable provisions of this section and Section 53–3–223.
4. Page 11, Lines 333 through 334:

333 Section 5. Effective date.

334 {–This bill takes effect on July 1, 2005. }

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.

Curtis S. Bramble, Chair

Mr. President: February 16, 2005

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 179, PROTECTION OF GOVERNMENT RECORDS**, by Senator G. Bell, with the following amendments:

1. Page 18, Line 535:
Delete “sponsored”

Carlene M. Walker, Chair

On motion of Senator Waddoups, the committee reports were adopted. **S.B. 113, S.B. 172, 1st Sub. S.B. 212** as amended, **H.B. 143, H.B. 209, S.B. 184, S.B. 204, S.B. 227**, as amended, and **S.B. 179**, as amended, were placed on Second Reading Calendar.

* * *

Mr. President: February 15, 2005

The Health and Human Services Committee reports a favorable recommendation on **H.B. 279, CLINICAL COUNSELOR − TITLE CHANGE**, by Representative L. Fowlke, and recommends it be considered read for the second time and placed on the Consent Calendar.

Allen M. Christensen, Chair

Mr. President: February 16, 2005

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **H.J.R. 15, RESOLUTION REGARDING UNITED STATES TRADE NEGOTIATIONS**, by Representative S. Allen, et al, 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 55

52 WHEREAS, {although substantial efforts have been made to retain a proper scope for state regulatory authority,} states {remain} are concerned about retaining a proper scope for state regulatory authority in the extent to which those broad reservations will be translated into actual commitments in agreements with one or more United States’ trading partners;

53 states remain are concerned about retaining a proper scope for state regulatory authority in the extent to which those broad reservations will be translated into actual commitments in agreements with one or more United States’ trading partners;

2. Page 3, Line 68:
   Delete “regulator” and insert “regulatory”

3. Page 3, Line 89 through Page 4, Line 91

89 WHEREAS, another question is the impact {of} that GATS rules on domestic regulation may have on rate setting and the public interest standard for exercising regulatory authority by state public utility commissions; and

90 the public interest standard for exercising regulatory authority by state public utility commissions; and

4. Page 4, Lines 92 through 93

92 WHEREAS, in early 2004, {a working group of state and local officials consulted three times with staff of the USTR who described the meetings as timely, productive, and unprecedented:

93 a working group of state and local officials consulted three times with staff of the USTR who described the meetings as timely, productive, and unprecedented:

5. Page 4, Line 96:
   Delete “regulator” and insert “regulatory”

   Carlene M. Walker, Chair

On motion of Senator Waddoups, the committee reports were adopted. H.B. 279 and H.J.R. 15 were considered read the second time and placed on the Consent Calendar.
Mr. President: February 15, 2005

The Health and Human Services Committee has returned S.B. 165, CHILD WELFARE SERVICES, by Senator P. Hellewell, to the Rules Committee.

Allen M. Christensen, Chair

Mr. President: February 16, 2005

The Revenue and Taxation Committee has returned S.B. 189, PROPERTY TAX − CERTIFIED TAX RATE ADJUSTMENT, by Senator G. Bell, to the Rules Committee.

Curtis S. Bramble, Chair

TIME CERTAIN CALENDAR

On motion of Senator Eastman, under suspension of the rules, 1st Sub. S.C.R. 9, CONCURRENT RESOLUTION REGARDING DELTA AIR LINES, 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

Allen
Christensen
Evans
Hellewell
Knudson
Stephenson
Valentine
Arent
Davis
Fife
Hickman
Madsen
Thomas
Bell
Dmitrich
Hale
Jenkins
McCoy
Waddoups
Buttars
Eastman
Hatch
Killpack
Peterson
Walker

Absent or not voting were: Senators

Bramble
Hillyard
Mansell
Mayne

1st Sub. S.C.R. 9 was transmitted to the House.

COMMITTEE OF THE WHOLE

On motion of Senator Eastman, Gerald Grinstein, Chief Executive Officer of Delta Air Lines, spoke in Committee of the Whole.

On motion of Senator Eastman, the Committee of the Whole was dissolved.
SECOND READING CALENDAR

1st Sub. H.B. 38, WATER LAW – CRIMINAL PENALTIES AMENDMENTS, was read the second time. Senator Evans 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

Allen    Arent    Bell    Buttars
Christensen    Davis    Dmitrich    Eastman
Evans    Fife    Hale    Hatch
Hickman    Hillyard    Jenkins    Killpack
Knudson    Madsen    Mayne    McCoy
Peterson    Thomas    Waddoups    Walker
Valentine

Absent or not voting were: Senators

Bramble    Hellewell    Mansell    Stephenson

On motion of Senator Hillyard, 1st Sub. H.B. 38 was placed on Third Reading Table due to fiscal impact.

* * *

H.B. 157, WATER ENFORCEMENT PROCEDURES AND PENALTIES, was read the second time. Senator Hatch explained the bill.

Senator Peterson proposed the following amendment:

1. Page 8, Line 224

   House Floor Amendments 2–3–2005

   224  (B) $1,000 for each violation within the same calendar year that is not knowing:

   Senator Peterson’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

Allen    Arent    Bell    Bramble
Christensen    Davis    Dmitrich    Eastman
Absent or not voting were: Senators
Buttars Evans Mansell

On motion of Senator Hillyard, H.B. 157 was placed on Third Reading Table due to fiscal impact.

* * *

On motion of Senator Jenkins, under suspension of the rules, H.C.R. 2, COWBOY HALL OF FAME RESOLUTION, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators
Arent Bell Bramble Christensen
Davis Dmitrich Eastman Fife
Hale Hatch Hellewell Hickman
Hillyard Jenkins Killpack Knudson
Mansell Mayne McCoy Peterson
Stephenson Thomas Waddoups Walker

Absent or not voting were: Senators
Allen Buttars Evans Madsen

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.

* * *

H.B. 55, DRUG OFFENSE PENALTY ENHANCEMENTS, 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
Arent Bell Bramble Christensen
Davis Dmitrich Eastman Fife
H.B. 183, VERIFICATION OF ELIGIBILITY FOR FEE WAIVERS, was read the second time. Senator Stephenson explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**On motion of Senator Stephenson, under suspension of the rules, H.C.R. 6, RESOLUTION RECOGNIZING UTAH'S LEGISLATORS BACK TO SCHOOL PROGRAM, 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

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Absent or not voting were: Senators
Buttars Hickman Madsen Waddoups

H.C.R. 6 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 180, RETIREMENT OFFICE AMENDMENTS, was read the second time. Senator Evans 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
Allen Arent Bell Bramble
Christensen Davis Dmitrich Eastman
Evans Fife Hale Hatch
Hellewell Hillyard Jenkins Killpack
Knudson Mansell Mayne McCoy
Peterson Stephenson Thomas Walker
Valentine

Absent or not voting were: Senators
Buttars Hickman Madsen Waddoups

* * *

H.B. 33, ASSISTANCE FOR PEOPLE WITH BLEEDING DISORDERS, was read the second time. Senator Davis explained the bill. Senators Valentine, Christensen, Bell, and Jenkins commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Christensen Davis Dmitrich Eastman
Evans Fife Hale Hatch
Hellewell Hickman Hillyard Jenkins
Killpack Knudson McCoy Peterson
Stephenson Thomas Waddoups Walker
Valentine
Absent or not voting were: Senators
Buttars  Madsen  Mansell  Mayne

On motion of Senator Hillyard, H.B. 33 was placed on Third Reading Table due to fiscal impact.

* * *

H.B. 66, NATUROPATHIC FORMULARY PEER COMMITTEE AMENDMENTS, was read the second time. Senator Hillyard explained the bill. Senator Knudson commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Allen  Arent  Bell  Bramble
Christensen  Davis  Dmitrich  Eastman
Evans  Fife  Hale  Hatch
Hellewell  Hickman  Hillyard  Jenkins
Killpack  Knudson  McCoy  Peterson
Stephenson  Thomas  Waddoups  Walker
Valentine

Absent or not voting were: Senators
Buttars  Madsen  Mansell  Mayne

* * *

H.B. 198, NATUROPATHIC FORMULARY PEER COMMITTEE AMENDMENTS, was read the second time. Senator Hillyard explained the bill. Senator Knudson commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Allen  Arent  Bell  Bramble
Christensen  Davis  Dmitrich  Eastman
Fife  Hale  Hatch  Hellewell
Hickman  Hillyard  Jenkins  Killpack
Knudson  McCoy  Peterson  Stephenson
Thomas  Waddoups  Walker  Valentine
Absent or not voting were: Senators
Buttars  Evans  Madsen  Mansell
Mayne

***

H.B. 46, PUBLIC EDUCATION CAPITAL OUTLAY ACT AMENDMENTS, was read the second time.

On motion of Senator Eastman, the bill was circled.

***

H.C.R. 1, RESOLUTION PROMOTING MODERATELY SIZED SCHOOLS, was read the second time. Senator Eastman explained the bill. Senators Hickman and Jenkins commented. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 5; Absent, 4.

Voting in the affirmative were: Senators
Allen  Arent  Bell  Christensen
Davis  Dmitrich  Eastman  Fife
Hale  Hatch  Hellewell  Jenkins
Killpack  Mayne  McCoy  Peterson
Stephenson  Thomas  Walker  Valentine

Voting in the negative were: Senators
Evans  Hickman  Hillyard  Knudson
Waddoups

Absent or not voting were: Senators
Bramble  Buttars  Madsen  Mansell

***

H.B. 47, NEW AUTOMOBILE FRANCHISE ACT AMENDMENTS, was read the second time. Senator Eastman 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
Allen  Arent  Bell  Christensen
Davis  Dmitrich  Eastman  Evans
H.B. 91, LICENSE PLATE FOR DISABLED VETERANS, was read the second time. Senator Mayne explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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On motion of Senator Hillyard, **H.B. 91** was placed on Third Reading Table due to fiscal impact.

**1st Sub. H.B. 159,** MOTOR ASSISTED SCOOTER AND MINI–MOTORCYCLE AMENDMENTS, was read the second time. Senator Bell explained the bill. Senator Allen commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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Fife            Hale            Hatch            Hellewell
Hickman        Hillyard       Jenkins          Killpack
Knudson        McCoy           Peterson         Stephenson
Thomas         Waddoups       Walker            Valentine

Absent or not voting were: Senators
Bramble         Buttars        Madsen            Mansell
Mayne

* * *

H.B. 59, DOMESTIC VIOLENCE ENHANCEMENT, was read the second time. Senator Hale 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
Arent           Bell            Christensen       Davis
Dmitrich        Eastman        Evans            Fife
Hale            Hatch           Hellewell        Hickman
Hillyard        Jenkins         Killpack          Knudson
Madsen          Mayne           McCoy            Peterson
Stephenson      Thomas          Waddoups         Walker
Valentine

Absent or not voting were: Senators
Allen           Bramble         Buttars           Mansell

* * *

H.B. 64, CRIMINAL BACKGROUND CHECKS FOR PERSONAL CARE ATTENDANTS, 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
Arent           Bell            Bramble          Christensen
Davis           Dmitrich        Eastman          Evans
Fife            Hale            Hatch            Hellewell
Hickman         Hillyard        Jenkins          Killpack
Knudson         Madsen          Mansell          Mayne
McCoy           Peterson        Thomas           Waddoups
Walker          Valentine
**Absent or not voting were:** Senators
Allen        Buttars        Stephenson

* * *

**H.B. 43, SCHOOL LAND TRUST PROGRAM FUNDING AMENDMENTS,** was read the second time. Senator Hatch explained the bill.

Senator Hickman proposed a substitute bill. His motion failed on the following roll call vote:

**Yeas, 11; Nays, 16; Absent, 2.**

**Voting in the affirmative were:** Senators
Bramble  Eastman  Evans  Hellewell
Hillyard  Jenkins  Killpack  Knudson
Mansell  Waddoups  Valentine

**Voting in the negative were:** Senators
Arent  Bell  Christensen  Davis
Dmitrich  Fife  Hale  Hatch
Hickman  Madsen  Mayne  McCoy
Peterson  Stephenson  Thomas  Walker

**Absent or not voting were:** Senators
Allen  Buttars

Senators Hickman, Thomas, Walker, Hillyard, Bramble, Eastman, Peterson, Knudson, Madsen, Waddoups, Arent, and Hale commented. The bill passed second reading on the following roll call:

**Yeas, 18; Nays, 8; Absent, 3.**

**Voting in the affirmative were:** Senators
Allen  Arent  Bell  Christensen
Davis  Dmitrich  Fife  Hale
Hatch  Hellewell  Killpack  Madsen
Mayne  McCoy  Peterson  Stephenson
Thomas  Walker

**Voting in the negative were:** Senators
Bramble  Eastman  Evans  Hickman
Hillyard  Jenkins  Mansell  Valentine
Absent or not voting were: Senators
Buttars       Knudson       Waddoups

***

H.B. 11, ECONOMIC DEVELOPMENT INCENTIVES, was read the second time. Senator Killpack 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
Arent       Bell       Bramble       Christensen
Davis       Dmitrich       Eastman       Evans
Fife       Hale       Hatch       Hickman
Jenkins       Killpack       Madsen       Mayne
McCoy       Peterson       Stephenson       Walker
Valentine

Absent or not voting were: Senators
Allen       Buttars       Hellewell       Hillyard
Knudson       Mansell       Thomas       Waddoups

***

H.B. 203, AGRICULTURAL ADVISORY BOARD, was read the second time. Senator Hatch 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
Arent       Bell       Bramble       Christensen
Davis       Dmitrich       Eastman       Evans
Fife       Hale       Hatch       Hickman
Jenkins       Killpack       Madsen       Mansell
Mayne       McCoy       Peterson       Stephenson
Thomas

Absent or not voting were: Senators
Allen       Buttars       Hellewell       Hillyard
Knudson       Waddoups       Walker

***

H.B. 65, DRIVER LICENSE AND COMMERCIAL DRIVER LICENSE AMENDMENTS, was read the second time.
On motion of Senator Davis, the bill was circled.

* * *

On motion of Senator Eastman, and at 4:10 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 16, 2005

The House passed, S.B. 53, LAND VALUE PROPERTY TAX STUDY, 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. 115, PERMANENT TOTAL DISABILITY 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. 121, PROPERTY TAX EXEMPTION 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. 130, RETIREMENT FOR AIRPORT POLICE, 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.C.R. 1, RESOLUTION ENCOURAGING MANAGED LANES STUDY, 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, 1st Sub. S.J.R. 8, JOINT RULES RESOLUTION – APPEARANCE OF BILLS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 53, S.B. 115, S.B. 121, S.B. 130, S.C.R. 1, and 1st Sub. 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.

SECOND READING CALENDAR

1st Sub. H.B. 67, ABANDONED VEHICLES AMENDMENTS, was read the second time.
On motion of Senator Eastman, the bill was circled.

***

**H.B. 68, MOTOR VEHICLE ENFORCEMENT DIVISION AMENDMENTS,** was read the second time. Senator Eastman explained the bill. Senator Thomas commented. Senator Thomas declared a conflict of interest. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

- Arent
- Dmitrich
- Hale
- Hillyard
- Madsen
- Peterson
- Bell
- Eastman
- Hatch
- Jenkins
- Mansell
- Stephenson

**Absent or not voting were:** Senators

- Allen
- Bramble
- Buttars
- Waddoups
- Valentine

***

**H.B. 212, TRAFFIC VIOLATIONS BY DIPLOMATS,** was read the second time. Senator Eastman explained the bill. Senator Walker commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

- Arent
- Davis
- Fife
- Hickman
- Knudson
- McCoy
- Waddoups
- Bell
- Dmitrich
- Eastman
- Hatch
- Jenkins
- Madsen
- Peterson
- Bramble

**Absent or not voting were:** Senators

- Allen
- Buttars
- Valentine

- Christensen
- Evans
- Hellewell
- Killpack
- Mansell
- Stephenson
- Waddoups
- Valentine
**H.B. 221**, ELECTRONIC COMMUNICATION HARASSMENT, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**H.B. 13**, OCCUPATIONAL AND PROFESSIONAL LICENSING SUNSET AMENDMENT, was read the second time. Senator Killpack explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**H.B. 71**, LICENSING OF ESTHETICIANS AND NAIL TECHNICIANS, was read the second time. Senator Eastman explained the bill. The bill passed second reading on the following roll call:
Yeas, 21; Nays, 3; Absent, 5.

Voting in the affirmative were: Senators
Arent  Bell  Christensen  Davis
Dmitrich  Eastman  Evans  Fife
Hale  Hatch  Hickman  Hillyard
Jenkins  Killpack  Knudson  Mayne
McCoy  Stephenson  Waddoups  Walker
Valentine

Voting in the negative were: Senators
Madsen  Peterson  Thomas

Absent or not voting were: Senators
Allen  Bramble  Buttars  Hellewell
Mansell

* * *

H.B. 172, NOTARY PUBLIC AMENDMENTS, was read the second time. Senator Thomas explained the bill. Senators Hillyard, Waddoups, Knudson, Mayne, and Hickman commented. The bill failed second reading on the following roll call:

Yeas, 9; Nays, 16; Absent, 4.

Voting in the affirmative were: Senators
Davis  Dmitrich  Fife  Hale
Jenkins  Mansell  Mayne  Thomas
Waddoups

Voting in the negative were: Senators
Arent  Bell  Bramble  Christensen
Eastman  Evans  Hatch  Hellewell
Hickman  Hillyard  Killpack  Knudson
McCoy  Peterson  Walker  Valentine

Absent or not voting were: Senators
Allen  Buttars  Madsen  Stephenson

H.B. 172 was returned to the House for filing.

* * *

On motion of Senator Knudson and at 5:00 p.m., the Senate adjourned until 9:30 a.m., Thursday, February 17, 2005.
February 17, 2005

THIRTY-SECOND DAY

MORNING SESSION

The Senate was called to order at 9:45 a.m., with President John Valentine presiding.

Prayer – Senator Peter Knudson
Pledge of Allegiance – Senator Dan Eastman
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 96)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 16, 2005

The House passed, S.B. 50, CONTROLLED SUBSTANCE AMENDMENTS, by Senator P. Arent, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 125, AMENDMENTS TO INDIVIDUAL INCOME TAX CREDIT FOR SPECIAL NEEDS ADOPTIONS, by Senator P. Hellewell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 129, BRINE SHRIMP ROYALTY ACT AMENDMENTS, by Senator T. Hatch, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, 1st Sub. S.C.R. 9, CONCURRENT RESOLUTION REGARDING DELTA AIR LINES, by Senator D. Eastman, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 50, S.B. 125, S.B. 129, 1st Sub. S.C.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 16, 2005

The House substituted and passed, 2nd Sub. S.B. 48, INSURANCE CANCELLATION AND NONRENEWAL RESTRICTIONS, by Senator P. Arent, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bill was placed on the Concurrence Calendar.

INTRODUCTION OF BILLS

S.B. 62, Personal Property Transactions Amendments (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.B. 70, Waste Tire Recycling Act Amendments (F. Fife), read the first time by short title and referred to the Rules Committee.

S.B. 183, Public Transit District Annexation and Funding Amendments (D. Eastman), read the first time by short title and referred to the Rules Committee.

S.B. 231, Compensation of Lieutenant Governor and Other State Officers (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.C.R. 2, Resolution Approving Class V Landfill (R. Allen), read the first time by short title and referred to the Rules Committee.

S.J.R. 19, Resolution Recognizing Granite School District’s 100 Years (G. Davis), read the first time by short title and referred to the Rules Committee.

CONCURRENCE CALENDAR

On motion of Senator Evans, the Senate voted to concur in the House amendments to S.B. 47, WRONGFUL LIEN OFFENSES. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen    Arent    Bell    Bramble
Buttars  Christensen  Davis  Dmitrich
Absent or not voting was: Senator Walker

S.B. 47 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. 74, MEDICAL RESERVE CORPS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Walker

S.B. 74 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Hatch, the Senate voted to concur in the House amendments to S.B. 120, ALLOCATION OF PROFITS FROM SCHOOL AND INSTITUTIONAL TRUST LANDS. The bill, as amended, passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.
Voting in the affirmative were: Senators
Allen       Arent    Bell      Bramble
Buttars    Christensen  Davis     Dmitrich
Eastman     Evans    Fife      Hale
Hatch      Hellewell  Hickman  Hillyard
Jenkins     Killpack  Knudson  Madsen
Mansell     Mayne    McCoy    Peterson
Stephenson  Thomas  Waddoups  Valentine

Absent or not voting was: Senator
Walker

S.B. 120 was returned to the House for the signature of the Speaker.

***

Senator Mansell made a motion to suspend the rules to vote today on Consent Calendar bills scheduled for February 18, 2005. Senator Waddoups spoke against the motion to suspend the rules. Senators Stephenson and Bramble spoke in favor of suspending the rules. Senators Davis, Arent, and Dmitrich resisted the motion to suspend the rules. Senator Mansell amended his motion. The new motion is that bills on the Consent Calendar currently scheduled for Friday, February 18, 2005 will be considered on Monday, February 21, 2005. The Senate approved this motion.

THIRD READING CALENDAR

H.B. 171, CALCULATION OF MINING SEVERANCE TAX ON BERYLLIUM, was read the third time, explained by Senator Hatch, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen       Arent    Bell      Bramble
Buttars    Christensen  Davis     Dmitrich
Eastman     Evans    Fife      Hale
Hatch      Hellewell  Hickman  Hillyard
Jenkins     Killpack  Knudson  Madsen
Mansell     Mayne    McCoy    Peterson
Stephenson  Thomas  Waddoups  Walker
Valentine

**Senator**
H.B. 171 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. 190, INDIVIDUAL INCOME TAX − ELECTRONIC FILING REQUIREMENTS, 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

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Absent or not voting was: Senator Mansell

1st Sub. H.B. 190 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

H.B. 29, STATE ENGINEER’S POWERS AND DUTIES AMENDMENTS, 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

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Absent or not voting was: Senator Mansell
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.

***

2nd Sub. S.B. 56, REAL ESTATE – EXCLUSIVE BROKERAGE AGREEMENTS, was read the third time.

On motion of Senator Hickman, the bill was circled.

***

1st Sub. S.B. 64, REAL ESTATE TRANSACTIONS AND SECURITIES, was read the third time.

On motion of Senator Hickman, the bill was circled.

***

H.B. 55, DRUG OFFENSE PENALTY ENHANCEMENTS, was read the third time and explained by Senator Bell. Senator Fife commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen        Arent       Bell       Bramble
Buttars      Christensen Davis    Dmitrich
Eastman      Evans       Fife       Hale
Hatch        Hellewell   Hickman    Hillyard
Jenkins      Killpack    Knudson    Madsen
Mansell      Mayne       McCoy      Peterson
Stephenson   Thomas      Waddoups  Walker
Valentine

H.B. 55, as amended, was returned to the House for further consideration.

***

H.B. 183, VERIFICATION OF ELIGIBILITY FOR FEE WAIVERS, 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
Allen    Arent    Bramble    Buttars
Christensen    Davis    Dmitrich    Eastman
Evans    Fife    Hale    Hatch
Hellewell    Hickman    Hillyard    Jenkins
Killpack    Knudson    Madsen    Mansell
Mayne    McCoy    Peterson    Stephenson
Thomas    Waddoups    Walker    Valentine

Absent or not voting was: Senator
Bell

H.B. 183, as amended, was returned to the House for further consideration.

***

H.B. 180, RETIREMENT OFFICE AMENDMENTS, was read the third time
On motion of Senator Evans, the bill was circled.

***

H.B. 66, NATUROPATHIC PHYSICIAN AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen    Arent    Bell    Bramble
Buttars    Christensen    Davis    Dmitrich
Eastman    Evans    Fife    Hale
Hatch    Hellewell    Hickman    Hillyard
Jenkins    Killpack    Knudson    Madsen
Mansell    Mayne    McCoy    Peterson
Thomas    Waddoups    Walker    Valentine

Absent or not voting was: Senator
Stephenson

H.B. 66 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 S.B. 57, USE OF STATE SALES AND USE TAX REVENUES FOR BUSINESS
SENATE JOURNAL

DEVELOPMENT IN DISADVANTAGED RURAL COMMUNITIES, and it was before the Senate.

Senator Knudson proposed the following amendment:

1. Page 2, Lines 44 through 45
   Senate 2nd Reading Amendments
   2–14–2005
   44 Interim Committee;
   45 for fiscal year 2005–06 only, requires that certain state sales and use tax revenues that would otherwise be

2. Page 11, Line 337 through Page 12, Line 338:
   337 (4) on whether the grants and loans awarded under this part have resulted in
   338 meaningful economic development within project areas;

3. Page 19, Lines 573 through 584:
   573 (8) Notwithstanding Subsection (3)(a) that would otherwise be deposited into the General Fund shall be deposited into the
   576 Business Development for Disadvantaged Rural Communities Restricted Account created by
   577 Section 9–2–2103; and
   578 (b) for fiscal years beginning on or after fiscal year 2006-07, through fiscal year
   579 2014–15, revenues described in Subsection (3)(a) that would otherwise be deposited into the
   580 General Fund shall be deposited into the Business Development for Disadvantaged Rural
   581 Communities Restricted Account created by Section 9–2–2103 in the amount necessary to
   582 ensure that, for each fiscal year, a total of $5,000,000 is available to be used for the purposes
Senator Knudson’s motion to amend passed on a voice vote. 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

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**Absent or not voting were:** Senators

| Bell       | Bramble   | Buttars    | Stephenson |

S.B. 57, as amended, was transmitted to the House for consideration.

**H.B. 198,** NATUROPATHIC FORMULARY PEER COMMITTEE 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

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**Absent or not voting was:** Senator

Hellewell

H.B. 198 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
On motion of Senator Mansell, the circle was removed from 2nd Sub. S.B. 56, REAL ESTATE – EXCLUSIVE BROKERAGE AGREEMENTS, and it was before the Senate. Senator Mansell explained the bill. Senator Valentine declared a conflict of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen    Arent    Bell    Bramble
Buttars  Christensen  Davis  Dmitrich
Eastman  Evans  Fife    Hale
Hatch  Hellewell  Hickman  Hillyard
Jenkins  Killpack  Knudson  Madsen
Mansell  Mayne  McCoy  Peterson
Stephenson  Thomas  Waddoups  Walker
Valentine

2nd Sub. S.B. 56 was transmitted to the House for consideration.

On motion of Senator Mansell, the circle was removed from 1st Sub. S.B. 64, REAL ESTATE TRANSACTIONS AND SECURITIES, and it was before the Senate. Senator Mansell explained the bill.

Senator Mansell proposed the following amendment:

1. Page 11, Lines 318 through 321

   318  (Aa) the management agreement permits a simple majority of owners of the real property estate to not renew or terminate the management agreement at the earlier of the end of the management agreement’s current term or { terminate the management agreement } 180 days after the day on which the owners give notice of termination to the manager;

2. Page 12, Lines 358 through 365:

   358  (3) (a) Notwithstanding Subsection (1)(y)(ii)(C), the offer or sale of a whole long−term
Day 32  Thursday, February 17, 2005

359 estate or an undivided fractionalized long-term estate in real property becomes the offer or sale
360 of a security for purposes of this chapter if \{--a person that owns
the real property estate being
361 offered for sale \} one of the following files with the division
a written election to have the offer and sale of that real
362 property estate governed by this chapter : 
   (i) a person that owns the real property estate that is being offered
for sale; or
   (ii) the principal of the one or more sellers of the real property estate
that is being offered for sale .
363 (b) If a person \{--offering a real property estate for
sale \} described in Subsection (3)(a)(i) or (ii) files a written
election with the
364 division in accordance with Subsection (3)(a) any disclosure or
literature related to the offer or
365 sale of the real property estate shall:

Senator Mansell’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

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**1st Sub. S.B. 64, as amended, was transmitted to the House for consideration.**

**H.C.R. 1.** RESOLUTION PROMOTING MODERATELY SIZED SCHOOLS, 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
Allen Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Fife Hale
Hatch Hellewell Jenkins Killpack
Knudson Madsen Mansell Mayne
McCoy Peterson Stephenson Thomas
Waddoups Walker Valentine

Absent or not voting were: Senators
Hickman Hillyard

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.

* * *

H.B. 47, NEW AUTOMOBILE FRANCHISE 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
Allen Allen Arent Bell Buttars
Christensen Davis Dmitrich Eastman
Evans Fife Hale Hatch
Jenkins Killpack Knudson Madsen
Mansell Mayne McCoy Peterson
Stephenson Thomas Waddoups Walker
Valentine

Absent or not voting were: Senators
Bramble Hellewell Hickman Hillyard

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.

* * *

1st Sub. H.B. 159, MOTOR ASSISTED SCOOTER AND MINI–MOTORCYCLE AMENDMENTS, was read the third time, explained by Senator Bell, and passed on the following roll call:
Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators
Allen   Arent   Bell   Buttars
Christensen Davis Dmitrich Eastman
Evans   Fife    Hale    Hatch
Hellewell Jenkins Killpack Knudson
Mayne   McCoy   Peterson Stephenson
Thomas  Waddoups Walker Valentine

Voting in the negative was: Senator
Madsen

Absent or not voting were: Senators
Bramble Hickman Hillyard Mansell

1st Sub. H.B. 159 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, DOMESTIC VIOLENCE ENHANCEMENT, was read the third time, explained by Senator Hale, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen   Arent   Bell   Buttars
Christensen Davis Dmitrich Eastman
Fife    Hale    Hatch    Hellewell
Hillyard Jenkins Killpack Knudson
Madsen  Mansell Mayne McCoy
Peterson Stephenson Thomas Waddoups
Walker  Valentine

Absent or not voting were: Senators
Bramble Eastman Hickman

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. 64, CRIMINAL BACKGROUND CHECKS FOR PERSONAL CARE ATTENDANTS, 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
Allen Arent Bell Buttars
Christensen Davis Dmitrich Evans
Fife Hale Hatch Hellewell
Hillyard Jenkins Killpack Knudson
Madsen Mansell Mayne McCoy
Peterson Stephenson Thomas Waddoups
Walker Valentine

Absent or not voting were: Senators
Bramble Eastman Hickman

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.

* * *

H.B. 43, SCHOOL LAND TRUST PROGRAM FUNDING AMENDMENTS, was read the third time.

On motion of Senator Hatch, the bill was circled.

* * *

H.B. 11, ECONOMIC DEVELOPMENT INCENTIVES, 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
Allen Arent Bell Buttars
Christensen Davis Dmitrich Evans
Fife Hale Hatch Hellewell
Hillyard Jenkins Killpack Knudson
Madsen Mansell Mayne McCoy
Peterson Stephenson Thomas Waddoups
Walker Valentine

Absent or not voting were: Senators
Bramble Eastman Hickman

H.B. 11, as amended, was returned to the House for further consideration.
H.B. 203, AGRICULTURAL ADVISORY BOARD, was read the third time, explained by Senator Hatch, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting was:** Senator Eastman

H.B. 203 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

H.B. 68, MOTOR VEHICLE ENFORCEMENT DIVISION AMENDMENTS, was read the third time.

On motion of Senator Knudson, the bill was circled.

***

H.B. 212, TRAFFIC VIOLATIONS BY DIPLOMATS, was read the third time

On motion of Senator Knudson, the bill was circled.

***

H.B. 221, ELECTRONIC COMMUNICATION HARASSMENT, 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

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Absent or not voting were: Senators
Eastman Hatch

H.B. 221, as amended, was returned to the House for further consideration.

* * *

H.B. 13, OCCUPATIONAL AND PROFESSIONAL LICENSING SUNSET AMENDMENT, was read the third time and explained by Senator Killpack. Senator Thomas commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Christensen Davis Dmitrich Eastman
Evans Fife Hale Hickman
Hillyard Jenkins Killpack Knudson
Madsen Mansell Mayne McCoy
Peterson Stephenson Walker Valentine

Voting in the negative were: Senators
Buttars Thomas

Absent or not voting were: Senators
Hatch Hellewell Waddoups

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. 71, LICENSING OF ESTHETICIANS AND NAIL TECHNICIANS, was read the third time and explained by Senator Eastman.

Senator Hickman proposed the following amendment:

1. Page 7, Lines 198 through 200
   House Committee Amendments
   1–26–2005
(iv) that the applicant meets the standards for nail technology schools, including staff,

curriculum, and accreditation requirements, established by rule, except that a school with less than 10 students per training cycle is exempt from the accreditation requirements.

Each applicant for licensure under this chapter whose education in the field for

Senator Hickman’s motion to amend failed on a voice vote. Senator Mayne commented and the bill passed on the following roll call:

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

### Voting in the affirmative were: Senators

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### Voting in the negative were: Senators

Hillyard | Madsen

### Absent or not voting was: Senator

Hatch

**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.

* * *

On motion of Senator Eastman, the circle was removed from **H.B. 68**, MOTOR VEHICLE ENFORCEMENT DIVISION AMENDMENTS. The bill passed on the following roll call:

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

### Voting in the affirmative were: Senators

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Hillyard Jenkins Killpack Knudson
Madsen Mansell Mayne McCoy
Peterson Stephenson Thomas Waddoups
Walker Valentine

Voting in the negative was: Senator Evans

Absent or not voting were: Senators Bramble Hatch

H.B. 68 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Eastman, the circle was removed from H.B. 212, TRAFFIC VIOLATIONS BY DIPLOMATS. Senators Hickman, Knudson, Mansell, and Walker commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Fife Hale
Hatch Hellewell Hickman Hillyard
Jenkins Killpack Knudson Madsen
Mansell Mayne McCoy Peterson
Stephenson Thomas Waddoups Walker

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 Stephenson, the circle was removed from S.B. 139, MINIMUM WAGE PROVISIONS, and it was before the Senate. Senator Stephenson explained the bill.

Senator Stephenson proposed the following amendment:

1. Page 1, Lines 11 through 19
This bill:

prohibits a county, city, or town when contracting for the direct purchase of goods and services from giving a preference to a person who pays that person’s employees a wage that exceeds the federal minimum wage; and makes technical changes.

2. Page 2, Lines 41 through 52:

(3) (a) If a city, town, or county contracts with a person for the direct purchase of goods or services, in awarding or otherwise executing that contract, the city, town, or county may not consider whether or not the person who contracts with the city, town, or county pays that person’s employees a wage that exceeds the minimum wage as provided in 29 U.S.C. 201 et seq., Fair Labor Standards Act of 1938; or give any preferential treatment to a person on the basis that the person pays that person’s employees a wage that exceeds the minimum wage as provided in 29 U.S.C. 201 et seq., Fair Labor Standards Act of 1938.

(b) This Subsection (3) does not apply when federal law requires the consideration of whether a person pays the person’s employees a specified wage to persons working on projects.
funded in whole or in part by federal funds.

(c) This Subsection (3) applies to contracts executed on or after May 2, 2005.

(4)(a) The restrictions of this section on a city, town, or county apply to any entity created by the city, town, or county.

(b) This Subsection (4) applies to contracts executed on or after May 2, 2005.

Senator Stephenson’s motion to amend passed on a voice vote. Senators Allen, Fife, Mayne, and Buttars commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

- Bell
- Bramble
- Christensen
- Eastman
- Evans
- Hatch
- Hellewell
- Hickman
- Hillyard
- Jenkins
- Killpack
- Knudson
- Madsen
- Mansell
- Peterson
- Stephenson
- Waddoups
- Walker
- Valentine

**Voting in the negative were:** Senators

- Allen
- Arent
- Buttars
- Davis
- Dmitrich
- Fife
- Hale
- Mayne
- McCoy
- Thomas

S.B. 139, as amended, was transmitted to the House for consideration.

***

On motion of Senator Evans, the circle was removed from H.B. 180, RETIREMENT OFFICE AMENDMENTS.

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

**1st Sub. H.B. 180, Retirement Office Amendments** (B. Evans)

On motion of Senator Evans, the bill was circled.

***

On motion of Senator Knudson, under suspension of the rules, the Senate voted to consider Senate bills on the Second Reading Calendar.
SECOND READING CALENDAR

S.B. 178, CHARTER SCHOOL AMENDMENTS, was read the second time.

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

1st Sub. S.B. 178, Charter School Amendments (H. Stephenson)

On motion of Senator Stephenson, the bill was circled.

***

On motion of Senator Thomas, the circle was removed from 2nd Sub. S.B. 92, UTAH ATTORNEY’S FEES RECOVERY ACT, and it was before the Senate. Senator Thomas explained the bill.

On motion of Senator Thomas, the bill was circled.

SPECIAL ORDER OF BUSINESS

Senator Waddoups presented citations recognizing Greg Bench and Brandon Dadgari for saving lives after training from the Emergency Medical Training Program.

***

On motion of Senator Killpack, the Senate voted to recall from the House H.B. 30.

***

On motion of Senator Knudson, and at 11:40 noon, the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:20 p.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 17, 2005

The House passed, as amended, H.B. 80, SERVICES FOR PEOPLE WITH DISABILITIES, by Representative R. Lockhart, and it is transmitted for consideration; and
The House passed, as amended, **H.B. 86**, UTAH COLLEGE OF APPLIED TECHNOLOGY AMENDMENTS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 102**, HIGHER EDUCATION SAVINGS INCENTIVE PROGRAM AMENDMENTS, by Representative S. Wyatt, and it is transmitted for consideration; and

The House passed **H.B. 104**, SPYWARE CONTROL ACT REVISIONS, by Representative S. Urquhart, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 105**, CONSTRUCTION FILING AMENDMENTS, by Representative M. Morley, and it is transmitted for consideration; and

The House passed **H.B. 136**, CHARTER SCHOOL ENROLLMENT, by Representative J. Ferrin, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 234**, TELEPHONE SURCHARGE FOR EDUCATION AND TRAINING PROGRAMS AT PRISON, by Representative B. Goodfellow, and it is transmitted for consideration; and

The House passed **H.B. 250**, CAPITOL COMPLEX SPACE, by Representative J. Alexander, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 270**, TEMPORARY ROAD CLOSURES, by Representative M. Noel, and it is transmitted for consideration; and

The House passed **H.C.R. 14**, CONCURRENT RESOLUTION HONORING AMERICA’S MILITARY WAR DOGS, by Representative S. Mascaro, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

The House passed, as amended, **S.B. 14**, UNIFORM PARENTAGE ACT, by Senator L. Hillyard, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bill was placed on the Concurrence Calendar.

**STANDING COMMITTEE REPORTS**

The Natural Resources, Agriculture, and Environment Committee recommends **S.B. 187**, SPECIAL HUNTING PERMITS FOR ANTELOPE ISLAND, by Senator J. Hickman, be replaced and favorably recommends **1st Sub. S.B. 187**, SPECIAL HUNTING PERMITS FOR ANTELOPE ISLAND.

Michael G. Waddoups, Chair

On motion of Senator Waddoups, the committee report was adopted. **1st Sub. S.B. 187** was placed on Second Reading Calendar.

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 149**, VEHICLE IDENTIFICATION NUMBER INSPECTORS, by Representative C. Frank and recommends it be considered read for the second time and placed on the Consent Calendar.

Sheldon L. Killpack, Chair

On motion of Senator Waddoups, the committee report was adopted. **H.B. 149** was considered read the second time and placed on the Consent Calendar.

**SECOND READING CALENDAR**

On motion of Senator Thomas, the circle was removed from **2nd Sub. S.B. 92**, UTAH ATTORNEY’S FEES RECOVERY ACT, and it was before the Senate. Senator Thomas explained the bill. Senators Bell, McCoy, Madsen, and Arent commented. Senator McCoy declared a conflict of interest. The bill failed on the following roll call:
Yeas, 12; Nays, 11; Absent, 6.

Voting in the affirmative were: Senators
Bell
Hatch
Killpack
Buttars
Hellewell
Knudson
Christensen
Hickman
Madsen
Evans
Jenkins
Stephenson

Voting in the negative were: Senators
Allen
Dmitrich
McCoy
Arent
Fife
Thomas
Bramble
Hale
Mayne
Davis
Mc Coy
Valentine

Absent or not voting were: Senators
Eastman
Waddoups
Hillyard
Walker
Mansell
Peterson

2nd Sub. S.B. 92 was returned to the staff for filing.

* * *

S.B. 190, COUNTY OFFICE AMENDMENTS, was read the second time. Senator Bramble explained the bill. Senators Dmitrich and Thomas commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Allen
Christensen
Fife
Hillyard
Madsen
Thomas
Arent
Davis
Hale
Jenkins
Mayne
Waddoups
Bell
Dmitrich
Hatch
Knudson
McCoy

Absent or not voting were: Senators
Buttars
Peterson
Eastman
Hickman
Mansell
Walker
Harel
Valentine

* * *

1st Sub. S.B. 164, INDIVIDUAL INCOME TAX − TAX CREDIT FOR LIVE ORGAN DONATION EXPENSES, was read the second time. Senator Hale explained the bill.
Senator Hale proposed the following amendment:

1. Page 1, Lines 17 through 20

17 expenses incurred during the taxable year for which a live organ donation occurs;
18 {and –
19 ▶ grants rulemaking authority to the State Tax Commission; and
20 ▶ makes technical changes.

2. Page 2, Lines 48 through 49:

48 (B) to the body of the other human; and
49 (c) (i) “live organ donation expenses” {meas –}

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

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**S.C.R. 6, RESOLUTION SUPPORTING THE GOLDEN RULE PROJECT,** was read the second time. Senator Fife 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

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On motion of Senator Knudson, the circle was removed from **S.B. 46, PRESCRIPTIVE PRACTICE OF LEGEND DRUGS**, and it was before the Senate. Senator Knudson explained the bill.

Senator Knudson proposed the following amendment:

1. Page 5, Line 150 through Page 6, Line 162

   150 (iii) performs or has performed an appropriate examination of the patient either

   151 physically, or by use of instrumentation and diagnostic equipment through which images and

   152 medical records may be transmitted electronically, within a reasonable period of time prior to

   153 the issuance of a prescription; and in no event more than one year prior to the issuance of a

   154 prescription; and }

   155 (iv) initiates additional interventions and follow-up care, if necessary, especially if the

   156 drug may have serious side effects and

   (v) ensures that appropriate physical, laboratory, or medical imaging examinations of the patient are done if needed for safe diagnosing or prescribing of that drug.

   (b) Except for urgent medical problems, or cross-coverage and on-call situations, the

   medical examination of the patient required in Subsection (3)(a)(iii) must be conducted in

   person by:
(i) the prescribing practitioner; or
(ii) a practitioner within the group in which the prescribing practitioner practices; or
(iii) a consulting practitioner.

Senator Knudson’s motion to amend passed on a voice vote. Senators Davis, Hatch, Valentine, Bell, Christensen, and Stephenson commented. Senator Allen declared a conflict of interest. The bill failed second reading on the following roll call:

**Yeas, 13; Nays, 12; Absent, 4.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**Absent or not voting were:** Senators

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S.B. 46 was returned to the staff for filing.

***

S.B. 154, PUBLIC SAFETY RETIREMENT AMENDMENTS, was read the second time. Senator Buttars 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

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Absent or not voting were: Senators
Bramble            Mansell          Peterson

* * *

S.B. 29, LICENSING OF CRANE OPERATORS, was read the second time. Senator Davis 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
Allen             Arent            Bell            Buttars
Christensen       Davis            Dmitrich       Eastman
Evans             Fife             Hale            Hatch
Hellewell          Hickman        Hillyard       Jenkins
Knudson           McCoy           Stephanison    Thomas
Walker            Valentine

Absent or not voting were: Senators
Bramble            Mansell          Peterson

* * *

S.B. 65, ALCOHOLIC BEVERAGE CONTROL AMENDMENTS, was read the second time. Senator Knudson explained the bill.

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

1st Sub. S.B. 65, Alcoholic Beverage Control Amendments (P. Knudson)

Senator Allen commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Allen             Arent            Bell            Christensen
Davis             Dmitrich       Eastman        Evans
Fife             Hale            Hatch           Hellewell
Hickman           Hillyard        Jenkins        Killpack
Knudson           Madsen          Mayne          McCoy
Thomas            Waddoups        Walker         Valentine
Absent or not voting were: Senators
Bramble       Buttars       Mansell       Peterson
Stephenson

***

S.B. 207, MOTOR VEHICLE INSURANCE COVERAGE 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
Allen       Arent       Bell       Buttars
Christensen  Davis     Dmitrich   Eastman
Evans       Fife       Hale       Hatch
Hellewell    Hickman   Hillyard   Jenkins
Killpack     Knudson   Madsen     Mayne
McCoy       Stephenson Thomas     Waddoups
Walker       Valentine

Absent or not voting were: Senators
Bramble       Mansell       Peterson

***

On motion of Senator Eastman, and at 3:50 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 17, 2005

The Speaker of the House has signed S.B. 47, WRONGFUL LIEN OFFENSES, by Senator B. Evans, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 74, MEDICAL réserve CORPS, by Senator L. Hillyard, and it is transmitted for the signature of the President; and
The Speaker of the House has signed **S.B. 120**, ALLOCATION OF PROFITS FROM SCHOOL AND INSTITUTIONAL TRUST LANDS, by Senator T. Hatch, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 47, S.B. 74, and S.B. 120** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

***

Mr. President: February 17, 2005
The House passed, as amended, **H.B. 142**, ISSUES SUBMITTED TO VOTERS, by Representative G. Hughes, et al, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 142** was read the first time and referred to the Rules Committee.

***

Mr. President: February 17, 2005
The House returns **H.B. 30**, CONSUMER SALES PRACTICES ACT AMENDMENTS, by Representative T. Kiser, for signature of the President.

Carole E. Peterson, Chief Clerk

**H.B. 30** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**SECOND READING CALENDAR**

1st Sub. **S.B. 215**, FINANCIAL INSTITUTIONS AS LIMITED LIABILITY COMPANIES, was read the second time.

On motion of Senator Davis, the bill was circled.

***

**S.B. 223**, OVERSIGHT AND ENFORCEMENT OF WORK DONE ON MOBILE HOMES, was read the second time. Senator Mayne 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
Arent  Bell  Buttars  Christensen
Davis  Dmitrich  Fife  Hale
Hatch  Hellewell  Hickman  Jenkins
Killpack  Madsen  Mayne  McCoy
Stephenson  Thomas  Waddoups  Walker
Valentine

Absent or not voting were: Senators
Allen  Bramble  Eastman  Evans
Hillyard  Knudson  Mansell  Peterson

* * *

S.B. 232, EXECUTIVE DIRECTOR OF DEPARTMENT OF HEALTH ISSUES, was read the second time. Senator Killpack 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
Arent  Bell  Buttars  Christensen
Davis  Dmitrich  Fife  Hale
Hatch  Hellewell  Hickman  Hillyard
Jenkins  Killpack  Knudson  Madsen
Mayne  McCoy  Stephenson  Thomas
Waddoups  Walker  Valentine

Absent or not voting were: Senators
Allen  Bramble  Eastman  Evans
Mansell  Peterson

* * *

S.J.R. 14, JOINT RESOLUTION ON STROKE AWARENESS, was read the second time. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Arent  Bell  Buttars  Christensen
Davis  Dmitrich  Eastman  Fife
S.J.R. 15, JOINT RESOLUTION URGING MEDICAID REFORM, was read the second time. Senator Knudson 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

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**Absent or not voting were:** Senators

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1st Sub. S.B. 167, PENALTIES FOR FALSE DRIVER LICENSE AND IDENTIFICATION CARDS, was read the second time. Senator Walker explained the bill. Senators Valentine and Madsen commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Allen Bramble Mansell Peterson

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S.B. 188, CLASSIFYING OFF-HIGHWAY VEHICLES AS ALLOWED ON DESIGNATED ROADS, was read the second time. Senator Hatch 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
Arent Bell Buttars Christensen
Davis Dmitrich Eastman Evans
Fife Hale Hatch Hellewell
Hickman Hillyard Jenkins Killpack
Knudson Madsen Mayne McCoy
Stephenson Thomas Waddoups Walker
Valentine

Absent or not voting were: Senators
Allen Bramble Mansell Peterson

***

On motion of Senator Hillyard, the circle was removed from 1st Sub. S.B. 215, FINANCIAL INSTITUTIONS AS LIMITED LIABILITY COMPANIES, and it was before the Senate. 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
Arent Bell Buttars Christensen
Davis Dmitrich Eastman Evans
Fife Hale Hatch Hellewell
Hickman Hillyard Jenkins Killpack
Knudson Madsen Mayne McCoy
Stephenson Thomas Waddoups Walker
Valentine

Absent or not voting were: Senators
Allen Bramble Mansell Peterson
On motion of Senator Christensen, the Senate voted to move **1st Sub. H.B. 93** to the top of the Second Reading Calendar.

**1st Sub. H.B. 93, EMISSION INSPECTION AMENDMENTS**, was read the second time.

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

**2nd Sub. H.B. 93, Emission Inspection Amendments** (K. Gibson)

On motion of Senator Christensen, the bill was circled.

**S.B. 71, SECURITY PERSONNEL LICENSING AMENDMENTS**, was read the second time. Senator Davis explained the bill. Senators Madsen and Bell commented. Senator Madsen declared a conflict of interest. The bill failed second reading on the following roll call:

**Yeas, 13; Nays, 13; Absent, 3.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**Absent or not voting were:** Senators

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**S.B. 71** was returned to the staff for filing.

**S.B. 180, WORKERS COMPENSATION – COMPETITIVE BID REQUIREMENTS**, was read the second time. Senator Waddoups 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

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**Absent or not voting were:** Senators

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**S.B. 162, CHANGES TO 2004 GENERAL OBLIGATION BOND,** was read the second time. Senator Allen explained the bill. Senators Evans and Knudson commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Voting in the negative was:** Senator

Evans

**Absent or not voting were:** Senators

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**S.B. 191, POLITICAL SUBDIVISIONS − TRUTH IN GOVERNMENT COMPETITION,** was read the second time. Senator Allen 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

Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Evans Fife Hale Hatch
Hellewell Hickman Hillyard Jenkins
Knudson Madsen Mayne McCoy
Stephenson Waddoups Walker Valentine

**Absent or not voting were:** Senators

Eastman Killpack Mansell Peterson
Thomas

* * *

On motion of Senator Hillyard, under suspension of the rules, **S.C.R. 10**, CONCURRENT RESOLUTION HONORING UTAH FOUNDATION, 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

Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Evans Fife Hatch Hellewell
Hickman Hillyard Jenkins Knudson
Madsen Mayne McCoy Stephenson
Waddoups Walker Valentine

**Absent or not voting were:** Senators

Eastman Hale Killpack Mansell Peterson Thomas

S.C.R. 10 was transmitted to the House.

* * *

**S.B. 173, BROWNFIELDS REVISION,** was read the second time. Senator Waddoups explained the bill. Senator Fife commented. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.
On motion of Senator Hickman, the Senate voted to reconsider its action on S.B. 71.

S.B. 71, SECURITY PERSONNEL LICENSING AMENDMENTS, was before the Senate for reconsideration, explained by Senator Davis, and passed second reading on the following roll call:

**Yeas, 20; Nays, 5; Absent, 4.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**Absent or not voting were:** Senators

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On motion of Senator Knudson and at 5:00 p.m., the Senate adjourned until 9:30 a.m., Friday, February 18, 2005.
February 18, 2005

THIRTY–THIRD DAY

MORNING SESSION

The Senate was called to order at 9:45 a.m., with President John Valentine presiding.

Prayer – Bill Child, CEO of R. C. Willey
Pledge of Allegiance – Senator Mark Madsen
Roll Call – All Senators present, except Senators Hellewell and Mansell.

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 96)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 17, 2005

The House passed, as substituted, 1st Sub. H.B. 83, WEIGHTS AND MEASURES AMENDMENTS, by Representative D. Ure, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 204, STATUTE OF LIMITATIONS AMENDMENTS, by Representative D. Clark, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 211, INTEGRITY OF ELECTION RESULTS AMENDMENTS, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed, as amended, H.B. 230, RECYCLING OF WASTE TIRES, by Representative D. Ure, et al, and it is transmitted for consideration; and

The House passed, as amended, H.B. 243, REPEAL OF GERIATRIC CARE MANAGER, by Representative R. Lockhart, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

INTRODUCTION OF BILLS

S.B. 67, Election Law – Voter Requirements (M. Madsen), read the first time by short title and referred to the Rules Committee.

CONCURRENCE CALENDAR

On motion of Senator Arent, the Senate voted to concur in the House amendments to 2nd Sub. S.B. 48, INSURANCE CANCELLATION AND NONRENEWAL RESTRICTIONS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen    Arent    Buttars    Christensen
Davis    Dmitrich Eastman    Fife
Hale     Hatch    Hickman    Hillyard
Jenkins  Killpack Knudson    Madsen
McCoy    Peterson Stephenson Thomas
Waddoups Walker    Valentine

Absent or not voting were: Senators

Bell    Bramble    Evans    Hellewell
Mansell Mayne

2nd Sub. S.B. 48 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. 14, UNIFORM PARENTAGE ACT. Senators Bell and Buttars commented. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen    Arent    Bell    Bramble
Christensen Davis    Dmitrich Eastman
Evans    Fife    Hale    Hatch
Hickman  Hillyard Jenkins    Killpack
Knudson  Madsen    Mayne    McCoy
Peterson Stephenson Thomas    Waddoups
Walker    Valentine
Voting in the negative was: Senator Buttars

Absent or not voting were: Senators Hellewell Mansell

S.B. 14 was returned to the House for the signature of the Speaker of the House.

THIRD READING CALENDAR

S.B. 190, COUNTY OFFICER AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Fife Hale
Hatch Hickman Hillyard Jenkins
Killpack Knudson Madsen Mayne
McCoy Peterson Stephenson Thomas
Waddoups Walker Valentine

Absent or not voting were: Senators Hellewell Mansell

S.B. 190 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 164, INDIVIDUAL INCOME TAX − SUBTRACTION FOR LIVE ORGAN DONATION EXPENSES, was read the third time, explained by Senator Hale, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Fife Hale
Hatch Hickman Hillyard Killpack
Knudson Madsen Mayne McCoy
Peterson Stephenson Thomas Waddoups
Walker Valentine
**Voting in the negative was:** Senator Jenkins

**Absent or not voting were:** Senators
Hellewell  Mansell

1st Sub. **S.B. 164**, as amended, was transmitted to the House for consideration.

* * *

**S.C.R. 6**, RESOLUTION SUPPORTING THE GOLDEN RULE PROJECT, was read the third time, explained by Senator Fife, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators
Hellewell  Hillyard  Mansell

**S.C.R. 6** was transmitted to the House for consideration.

* * *

**S.B. 154**, PUBLIC SAFETY RETIREMENT AMENDMENTS, was read the third time.

On motion of Senator Buttars, the bill was circled.

* * *

**S.B. 29**, LICENSING OF CRANE OPERATORS, was read the third time, explained by Senator Davis, and passed on the following roll call:

**Yeas, 25; Nays, 0; Absent, 4.**
Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Davis Dmitrich Eastman
Evans Fife Hale Hatch
Hickman Jenkins Killpack Knudson
Madsen Mayne McCoy Peterson
Stephenson Thomas Waddoups Walker
Valentine

Absent or not voting were: Senators
Christensen Hellewell Hillyard Mansell

S.B. 29 was transmitted to the House for consideration.

On motion of Senator Davis, the following intent language is included in the Senate journal.

**INTENT LANGUAGE FOR S.B. 29**

“It is the intent of the Legislature that the licensing provisions of this act apply only to the construction trades and do not apply to regular employees in the manufacturing and mining industries who perform specific functions as a regular part of their employment.”

* * *

1st Sub. S.B. 65, ALCOHOLIC BEVERAGE CONTROL 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
Allen Arent Bell Bramble
Buttars Christensen Davis Eastman
Evans Fife Hale Hatch
Hickman Jenkins Killpack Knudson
Madsen Mayne McCoy Peterson
Stephenson Thomas Waddoups Walker
Valentine

Absent or not voting were: Senators
Dmitrich Hellewell Hillyard Mansell
1st Sub. S.B. 65 was transmitted to the House for consideration.

* * *

S.B. 207, MOTOR VEHICLE INSURANCE COVERAGE 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
Allen  Arent  Bell  Bramble
Buttars  Christensen  Davis  Eastman
Evans  Fife  Hale  Hatch
Hickman  Jenkins  Killpack  Knudson
Madsen  Mayne  McCoy  Peterson
Stephenson  Thomas  Walker  Valentine

Absent or not voting were: Senators
Dmitrich  Hellewell  Hillyard  Mansell
Waddoups

S.B. 207 was transmitted to the House for consideration.

* * *

S.B. 223, OVERSIGHT AND ENFORCEMENT OF WORK DONE ON MOBILE HOMES, 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
Allen  Arent  Bell  Bramble
Buttars  Christensen  Davis  Dmitrich
Eastman  Evans  Fife  Hale
Hatch  Jenkins  Killpack  Knudson
Madsen  Mayne  McCoy  Peterson
Stephenson  Thomas  Walker  Valentine

Absent or not voting were: Senators
Hellewell  Hickman  Hillyard  Mansell
Waddoups
S.B. 223, as amended, was transmitted to the House for consideration.

* * *

S.B. 232, EXECUTIVE DIRECTOR OF DEPARTMENT OF HEALTH ISSUES, was read the third time.

On motion of Senator Killpack, the bill was circled.

* * *

S.J.R. 14, JOINT RESOLUTION ON STROKE AWARENESS, 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

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**Absent or not voting were:** Senators

| Hellewell | Hillyard | Mansell |

S.J.R. 14 was transmitted to the House for consideration.

* * *

S.J.R. 15, JOINT RESOLUTION URGING MEDICAID REFORM, 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

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Absent or not voting were: Senators
Buttars  Christensen  Hellewell  Hillyard  Mansell

S.J.R. 15 was transmitted to the House for consideration.

***

On motion of Senator Killpack, the circle was removed from S.B. 232, EXECUTIVE DIRECTOR OF DEPARTMENT OF HEALTH ISSUES, and it was before the Senate. Senator Killpack explained the bill.

Senator Killpack proposed the following amendment:

1. Page 1, Lines 17 through 19
   17 Other Special Clauses:
   18 {None} This bill provides an immediate effective date.
   19 Utah Code Sections Affected:

2. Page 5, Line 129:
   129 Act, shall be established as provided in Section 67−19−15.
   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 Killpack’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
Allen  Arent  Bell  Bramble
Davis  Dmitrich  Eastman  Evans
Fife  Hale  Hatch  Hickman
Jenkins  Killpack  Knudson  Madsen
Mayne  McCoy  Peterson  Stephenson
Thomas  Waddoups  Walker  Valentine
Absent or not voting were: Senators
Buttars       Christensen  Hellewell  Hillyard
Mansell

S.B. 232, as amended, was transmitted to the House for consideration.

* * *

1st Sub. S.B. 167, PENALTIES FOR FALSE DRIVER LICENSES AND IDENTIFICATION CARDS, 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
Allen         Arent        Bell         Bramble
Davis         Dmitrich    Eastman    Evans
Fife          Hale         Hatch       Hickman
Jenkins       Killpack    Knudson    Madsen
Mayne         McCoy        Peterson   Stephenson
Thomas        Waddoups    Walker     Valentine

Absent or not voting were: Senators
Buttars       Christensen  Hellewell  Hillyard
Mansell

1st Sub. S.B. 167 was transmitted to the House for consideration.

* * *

S.B. 188, CLASSIFYING OFF−HIGHWAY VEHICLES AS ALLOWED ON DESIGNATED ROADS, was read the third time, explained by Senator Hatch, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen         Arent        Bell         Bramble
Davis         Dmitrich    Eastman    Evans
Fife          Hale         Hatch       Hickman
Jenkins       Knudson    Madsen     Mayne
McCoy         Peterson    Stephenson Thomas
Waddoups      Walker     Valentine
Absent or not voting were: Senators
Buttars Christensen Hellewell Hillyard
Killpack Mansell

S.B. 188 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 215, FINANCIAL INSTITUTIONS AS LIMITED LIABILITY COMPANIES, was read the third time, explained by Senator Hickman, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Christensen
Davis Eastman Evans Fife
Hale Hickman Jenkins Knudson
Madsen Mayne McCoy Peterson
Stephenson Thomas Waddoups Walker
Valentine

Absent or not voting were: Senators
Bramble Buttars Dmitrich Hatch
Hellewell Hillyard Killpack Mansell

1st Sub. S.B. 215, as amended, was transmitted to the House for consideration.

* * *

S.B. 180, WORKERS COMPENSATION – COMPETITIVE BID REQUIREMENTS, was read the third time and explained by Senator Waddoups.

Senator Waddoups proposed the following amendment:

1. Page 2, Line 58 through Page 3, Line 60l
   Senate Committee Amendments
   2–14–2005

   58 (8) Any director who represents a policyholder that fails to maintain workers’ compensation insurance through the Workers’ Compensation Fund shall immediately resign
from the board including the executive director of the Department of Administrative Services of the executive director's designee resigning on the day on which the state is no longer insured by the Workers’ Compensation Fund pursuant to Section 34−2−203.

(b) If the state is no longer insured by the Workers’ Compensation Fund pursuant to Section 34A−2−203, the governor, with the consent of the Senate, shall appoint a member to replace the executive director of the Department of Administrative Services or the executive director’s designee. The member appointed under this Subsection (8)(b) shall:

(i) be an owner, officer, or employee of a policyholder that has been insured by the Workers’ Compensation Fund for at least one year before the appointment of the director representing the policyholder; and

(ii) shall have the experience outlined in Subsection (7).
insurance premium on its employees direct to the Workers’ Compensation Fund] obtain

workers’ compensation insurance under this title by way of a competitive bid process.

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

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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S.B. 180, as amended, was transmitted to the House for consideration.

* * *

S.B. 162, CHANGES TO 2004 GENERAL OBLIGATION BOND, was read the third time and explained by Senator Allen. Senators Valentine and Waddoups commented and the bill passed on the following roll call:

**Yeas, 19; Nays, 1; Absent, 9.**

**Voting in the affirmative were:** Senators

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**Voting in the negative was:** Senator

Valentine

**Absent or not voting were:** Senators

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S.B. 162 was transmitted to the House for consideration.

***

S.B. 191, POLITICAL SUBDIVISIONS – TRUTH IN GOVERNMENT COMPETITION, was read the third time.

On motion of Senator Allen, the bill was circled.

***

S.B. 173, BROWNFIELDS REVISION, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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Absent or not voting were: Senators

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S.B. 173, as amended, was transmitted to the House for consideration.

***

S.B. 71, SECURITY PERSONNEL LICENSING AMENDMENTS, was read the third time and explained by Senator Davis. Senators Walker, Thomas, Madsen, Bell, and Valentine commented and the bill passed on the following roll call:

Yeas, 19; Nays, 5; Absent, 5.

Voting in the affirmative were: Senators

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Voting in the negative were: Senators
Arent  Bell  Evans  Thomas
Waddoups

Absent or not voting were: Senators
Eastman  Hellewell  Hillyard  Jenkins
Mansell

S.B. 71, as amended, was transmitted to the House for consideration.

SECOND READING CALENDAR

S.B. 13, INDIVIDUAL INCOME TAX − SUBTRACTION FOR CERTAIN MILITARY INCOME, was read the second time.

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

1st Sub. S.B. 13, Individual Income Tax − Subtraction for Certain Military Income (H. Stephenson)

Senator Stephenson explained the bill. Senators Bell and Bramble commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Allen  Arent  Bell  Bramble
Buttars  Christensen  Davis  Dmitrich
Evans  Fife  Hale  Hatch
Hickman  Jenkins  Killpack  Knudson
Madsen  Mayne  McCoy  Peterson
Stephenson  Thomas  Waddoups  Walker
Valentine

Absent or not voting were: Senators
Eastman  Hellewell  Hillyard  Mansell

* * *

On motion of Senator Hatch, the Senate voted to lift 1st Sub. S.B. 199 to the top of the Second Reading Calendar.

1st Sub. S.B. 199, OFFICE OF ENERGY − OVERSIGHT, was read the second time.
On motion of Senator Hatch, the following substitute bill replaced the original bill.

2nd Sub. S.B. 199, Office of Energy – Oversight (T. Hatch)

On motion of Senator Hatch, the bill was circled.

* * *

1st Sub. S.B. 61, Privately Owned Health Care Organization Amendments, was read the second time. Senator Waddoups explained the bill.

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

4th Sub. S.B. 61, Privately Owned Health Care Organization Task Force (M. Waddoups)

Senators Thomas, Hale, Allen, Bell, Arent, Buttars, Mayne, Christensen, and Eastman commented.

Senator Arent proposed the following amendment:

1. Pages 1 and 2:
   Delete lines 18, 19, 20, 35, 36, and 41–64.

Senator Arent’s motion to amend failed on the following roll call:

**Yeas, 12; Nays, 14; Absent, 3.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**Absent or not voting were:** Senators

| Hellewell | Hillyard | Mansell |
Senator Allen proposed the following amendment:

1. Page 2, Line 54:
   Delete “2008” and insert “2010”

###

Senator Mayne proposed the following substitute amendment:

1. Page 2, Line 54:
   Delete “January 1, 2008” and insert “July 1, 2008”

Senator Mayne’s substitute motion passed on a voice vote. Senators Arent, Bramble, McCoy, Allen, and Waddoups declared conflicts of interest. The bill passed second reading on the following roll call:

**Yeas, 18; Nays, 8; Absent, 3.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**Absent or not voting were:** Senators

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

**AFTERNOON SESSION**

The Senate reassembled at 2:10 p.m., with President Valentine presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: February 18, 2005

The House passed, **S.B. 55**, **ACCESS TO PATIENT MEDICAL RECORDS**, by Senator P. Arent, 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. 122, RESIDENT TUITION STATUS FOR JOB CORPS STUDENTS, by Senator G. Bell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 55 and 1st Sub. 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 18, 2005

The House passed, as substituted, 1st Sub. H.B. 56, DIVORCE TASK FORCE, by Representative P. Wallace, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 63, SCHOOL DISTRICT AMENDMENTS, by Representative D. Cox, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 184, CRIME VICTIMS − CHANGE OF LOCKS ON RENTAL PROPERTY, by Representative L. Shurtliff, and it is transmitted for consideration; and

The House passed, as amended, H.B. 233, ADOPTION LAW REVISIONS, by Representative R. McGee, and it is transmitted for consideration; and

The House passed, as amended, H.B. 269, SALES MARKETING REQUIREMENTS, by Representative M. Noel, and it is transmitted for consideration; and

The House passed H.B. 273, REAL ESTATE AND MECHANICS LIENS − SECURITY ALTERNATIVES, by Representative M. Morley, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk


RULES COMMITTEE REPORTS

To the Members of the Senate: February 17, 2005

The Rules Committee recommends assignment of the following bills to standing committees:
Business and Labor Committee
S.B. 62  Personal Property Transactions Amendments
         (Sen. M. Waddoups)
H.B. 121 Property Exempt from Execution (Rep. J. Dunnigan)

Education Committee
S.J.R. 19 Resolution Recognizing Granite School District’s 100 Years (Sen. G. Davis)

Government Operations and Political Subdivisions Committee
S.B. 231 Compensation of Lieutenant Governor and Other State Officers (Sen. M. Madsen)

Health and Human Services Committee
H.B. 79  Provision of Services for People with Disabilities
         (Rep. R. Lockhart)

Judiciary, Law Enforcement, and Criminal Justice Committee
H.B. 223 Amendments to Driver License and Identification Cards
         (Rep. C. Oda)
H.B. 276 Division of Criminal Investigation and Technical Services Amendments (Rep. C. Oda)

Revenue and Taxation Committee
S.C.R. 2 Resolution Approving Class V Landfill (Sen. R. Allen)
S.B. 183 Public Transit District Annexation and Funding Amendments (Sen. D. Eastman)

Transportation, Public Utilities and Technology Committee
S.B. 70  Waste Tire Recycling Act Amendments (Sen. F. Fife)

Michael Waddoups
Rules Committee Chair

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

RULES COMMITTEE REPORTS

To the Members of the Senate: February 18, 2005

The Rules Committee recommends assignment of the following bills to standing committees:
Business and Labor Committee
H.B. 104 Spyware Control Act Revisions (Rep. S. Urquhart)

Education Committee
H.B. 86 Utah College of Applied Technology Amendments (Rep. R. Bigelow)
H.B. 102 Higher Education Savings Incentive Program Amendments (Rep. S. Wyatt)

Government Operations and Political Subdivisions Committee
S.B. 67 Election Law – Voter Requirements (Sen. M. Madsen)
H.B. 142 Issues Submitted to Voters (Rep. G. Hughes)
1st Sub. H.B. 211 Integrity of Election Results Amendments (Rep. J. Dougall)
H.B. 250 Capitol Complex Space (Rep. J. Alexander)
H.C.R. 14 Concurrent Resolution Honoring America’s Military War Dogs (Rep. S. Mascaro)

Health and Human Services Committee
H.B. 80 Services for People with Disabilities (Rep. R. Lockhart)
H.B. 243 Repeal of Geriatric Care Manager (Rep. R. Lockhart)

Judiciary, Law Enforcement, and Criminal Justice Committee
H.B. 234 Telephone Surcharge for Education and Training Programs At Prison (Rep. B. Goodfellow)

Natural Resources, Agriculture, and Environment Committee

Revenue and Taxation Committee
Transportation, Public Utilities and Technology Committee  
H.B. 270 Temporary Road Closures (Rep. M. Noel)  

Michael Waddoups  
Rules Committee Chair  

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

* * *  

On motion from Senator Waddoups, the Senate voted to request the House return 2nd Sub. S.B. 34.

RULES COMMITTEE REPORTS  
To the Members of the Senate:  
February 18, 2005  

The Rules Committee recommends that 1st Sub. H.B. 42, Medical Recommendations for Children (Rep. M. Morley), be lifted from the Health and Human Services Standing Committee and assigned to the Education Standing Committee.  

Michael Waddoups  
Rules Committee Chair  

Report filed. Senators Allen, Bell, Stephenson, Buttars, Walker, Thomas, and Arent commented. Senator Waddoups’ motion to adopt the committee report failed on the following roll call vote:  

Yeas, 13; Nays, 14; Absent, 2.  

Voting in the affirmative were: Senators  
Bramble Buttars Christensen Evans  
Hatch Hickman Jenkins Killpack  
Madsen Peterson Stephenson Thomas  
Waddoups  

Voting in the negative were: Senators  
Allen Arent Bell Davis  
Dmitrich Eastman Fife Hale  
Hillyard Knudson Mayne McCoy  
Walker Valentine  

Absent or not voting were: Senators  
Hellewell Mansell
Mr. President: February 18, 2005

The Business and Labor Committee recommends S.B. 168, CONSTRUCTION TRADE RELATED AMENDMENTS, by Senator S. Jenkins, be replaced and favorably recommends 1st Sub. S.B. 168, CONSTRUCTION TRADE RELATED AMENDMENTS; and

The Business and Labor Committee reports a favorable recommendation on 1st Sub. H.B. 200, INSURANCE LAW REVISIONS, by Representative J. Dunnigan; and

The Business and Labor Committee reports a favorable recommendation on H.B. 236, HEALTH INSURANCE LAW AMENDMENTS, by Representative J. Dunnigan.

Scott K. Jenkins, Chair

Mr. President: February 18, 2005

The Health and Human Services Committee reports a favorable recommendation on S.B. 201, CENTER FOR MULTICULTURAL HEALTH, by Senator D. C. Buttars; and

The Health and Human Services Committee reports a favorable recommendation on S.J.R. 16, RESOLUTION URGING COMPREHENSIVE CANCER CONTROL PLAN FOR THE STATE, by Senator K. Hale; and

The Health and Human Services Committee reports a favorable recommendation on H.B. 4, DIVORCE MEDIATION PROGRAM, by Representative B. Ferry; and

The Health and Human Services Committee reports a favorable recommendation on H.B. 22, INTERCOUNTRY ADOPTION ACCREDITATION, by Representative R. McGee.

Allen M. Christensen, Chair

Mr. President: February 18, 2005

The Education Committee reports a favorable recommendation on H.B. 135, IMPLEMENTING FEDERAL EDUCATIONAL PROGRAMS, by Representative M. Dayton; and

The Education Committee reports a favorable recommendation on H.B. 154, SCHOOL AND INSTITUTIONAL TRUST LANDS AMENDMENTS, by Representative E. Hutchings; and
The Education Committee reports a favorable recommendation on **H.J.R. 3**, RESOLUTION REGARDING FEDERAL NO CHILD LEFT BEHIND, by Representative K. Holdaway.

David L. Thomas, Chair


* * *

Mr. President: February 18, 2005

The Business and Labor Committee reports a favorable recommendation on **S.B. 96, COMMERCE SERVICE FUND AMENDMENTS**, by Senator G. Bell, 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. 283, REAL ESTATE AMENDMENTS**, by Representative G. Snow, and recommends it be considered read for the second time and placed on the Consent Calendar.

Scott K. Jenkins, Chair

Mr. President: February 18, 2005

The Education Committee reports a favorable recommendation on **H.B. 139, LOCAL SCHOOL BOARD AMENDMENTS**, by Representative M. Dayton, 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. 145, AMENDMENTS TO HEARING AND SPEECH IMPAIRED TELECOMMUNICATIONS PROGRAM**, by Representative B. Goodfellow, and recommends it be considered read for the second time and placed on the Consent Calendar

On motion of Senator Eastman, the committee reports were adopted. **S.B. 96, H.B. 283, H.B. 139, and H.B. 145** were considered read the second time and placed on the Consent Calendar.

**INTRODUCTION OF BILLS**

**S.C.R. 11, Concurrent Resolution on Mcgruff House** (D. Eastman), read the first time by short title and referred to the Rules Committee.
SECOND READING CALENDAR

S.B. 194, SALES AND USE TAX EXEMPTION FOR ITEMS RELATING TO DIRECT MAIL, was read the second time. Senator Stephenson 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
Allen   Arent   Bell   Bramble
Christensen   Davis   Dmitrich   Eastman
Evans   Fife   Hale   Hatch
Hickman   Hillyard   Jenkins   Killpack
Knudson   Madsen   McCoy   Peterson
Stephenson   Thomas   Valentine

Absent or not voting were: Senators
Buttars   Hellewell   Mansell   Mayne
Waddoups   Walker

* * *

1st Sub. S.B. 195, TAX REVISIONS, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Allen   Bell   Bramble   Christensen
Davis   Dmitrich   Eastman   Evans
Fife   Hatch   Hickman   Hillyard
Jenkins   Killpack   Knudson   Madsen
McCoy   Peterson   Stephenson   Thomas
Waddoups   Valentine

Voting in the negative were: Senators
Arent   Hale

Absent or not voting were: Senators
Buttars   Hellewell   Mansell   Mayne
Walker

* * *

S.B. 203, PROPERTY TAX – COUNTY SERVICE AREAS, was read the second time. Senator Waddoups explained the bill.
Senator Stephenson proposed the following amendment:

1. Page 2, Line 32:
   Senate Committee Amendments
   2–15–2005
   Delete “.003 per dollar” and insert “.0025 per dollar”

Senator Stephenson’s motion to amend passed on a voice vote. Senators Allen and Thomas commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**S.B. 206.** NONPARTICIPATING TOBACCO MANUFACTURER AMENDMENTS, was read the second time. Senator Killpack explained the bill.

Senator Killpack proposed the following amendment:

1. Page 10, Line 302

   302 the tobacco tax imposed pursuant to Section
   \[ 59-14-302 \]

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

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

**Voting in the affirmative were:** Senators

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Fife  Hale  Hatch  Hickman
Hillyard  Jenkins  Killpack  Knudson
Madsen  Mayne  McCoy  Peterson
Stephenson  Thomas  Waddoups  Walker

**Absent or not voting were:** Senators
Buttars  Davis  Hellewell  Mansell

***

**S.B. 239, PUBLIC LANDS POLICY COORDINATION,** was read the second time. Senator Hatch 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
Allen  Arent  Bell  Bramble
Christensen  Dmitrich  Eastman  Evans
Fife  Hale  Hatch  Hickman
Hillyard  Jenkins  Knudson  Madsen
Mayne  McCoy  Peterson  Stephenson
Thomas  Waddoups  Walker  Valentine

**Absent or not voting were:** Senators
Buttars  Davis  Hellewell  Killpack
Mansell

***

On motion of Senator Eastman, under suspension of the rules, the circle was removed from **H.B. 46, PUBLIC EDUCATION CAPITAL OUTLAY ACT AMENDMENTS,** and it was before the Senate. Senator Eastman explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators
Allen  Arent  Bramble  Christensen
Davis  Eastman  Evans  Fife
Hale  Hatch  Hickman  Hillyard
Jenkins  Killpack  Knudson  Madsen
Mayne  McCoy  Stephenson  Thomas
Waddoups  Walker  Valentine
Voting in the negative were: Senators
Dmitrich Peterson

Absent or not voting were: Senators
Bell Buttars Hellewell Mansell

On motion of Senator Eastman, H.B. 46 was placed on Third Reading Table due to fiscal impact.

* * *

On motion of Senator Hatch, the circle was removed from 2nd Sub. S.B. 199, OFFICE OF ENERGY – OVERSIGHT, and it was before the Senate. Senator Hatch explained the bill. Senators Evans and McCoy commented. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 1; Absent, 7.

Voting in the affirmative were: Senators
Allen Arent Bramble Christensen
Davis Dmitrich Eastman Evans
Hale Hatch Hillyard Jenkins
Killpack Knudson Madsen Mayne
Peterson Thomas Waddoups Walker
Valentine

Voting in the negative was: Senator
McCoy

Absent or not voting were: Senators
Bell Buttars Fife Hellewell
Hickman Mansell Stephenson

* * *

S.B. 113, EMPLOYEE NONCOMPETITION CONTRACTS, was read the second time. Senator Mayne explained the bill.

On motion of Senator Mayne, the bill was circled.

* * *

On motion of Senator Mayne, the Senate voted to move to Third Reading Calendar.
THIRD READING CALENDAR

On motion of Senator Mayne, the circle was removed from S.B. 177, INCREASE STATUTE OF LIMITATIONS ON RAPE, and it was before the Senate.

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

1st Sub. S.B. 177, Increase Statute of Limitations on Rape (E. Mayne)

On motion of Senator Mayne, the bill was circled.

On motion of Senator Mayne, the Senate voted to move to Second Reading Calendar.

SECOND READING CALENDAR

S.B. 172, DIVISION OF REAL ESTATE AMENDMENTS, was read the second time. Senator Waddoups 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

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Absent or not voting were: Senators

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1st Sub. S.B. 212, CHILD CARE INVESTIGATIONS, was read the second time.

On motion of Senator Eastman, the bill was circled.

* * *

S.B. 184, REDEVELOPMENT AGENCY AMENDMENTS, was read the second time.
On motion of Senator Bramble, the bill was circled.

* * *

S.B. 204, SALES AND USE TAX DIVERSION, was read the second time. Senator Peterson explained the bill. Senator Hatch commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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Absent or not voting were: Senators

| Hellewell | Mansell | Waddoups |

* * *

S.B. 227, PUBLIC SAFETY DRIVING PRIVILEGE AND IDENTIFICATION CARD AMENDMENTS, was read the second time. Senator Bramble explained the bill. Senators Allen, Buttars, Walker, Jenkins, Stephenson, Dmitrich, McCoy, and Davis commented. The bill passed second reading on the following roll call:

Yeas, 18; Nays, 8; Absent, 3.

Voting in the affirmative were: Senators

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Voting in the negative were: Senators

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Absent or not voting were: Senators

| Hellewell | Mansell | Waddoups |

* * *
On motion of Senator Bramble, the circle was removed from S.B. 184, REDEVELOPMENT 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.

1st Sub. S.B. 184, Redevelopment Agency Amendments (C. Bramble)

Senator Bramble proposed the following amendment:

1. Page 18, Lines 531 through 537

531 (2) (a) (i) Each taxing entity committee shall be composed of:

* * * Some lines not shown * * *

533 (B) {−1−} (I) in counties of the second, third, fourth, fifth, or sixth class, {−1−} two representatives

534 appointed by resolution of the legislative body of the county in which the agency is located;

535 {−1−} or {−1−}

536 {−1−} (II) in counties of the first class {−1−} two representatives appointed by the county executive and one representative appointed by the legislative body

537 of the county in which the agency is located:]

Senator Bramble’s motion to amend passed on a voice vote. Senators Hale and Jenkins commented. Senator Bell declared a conflict of interest. The bill passed on the following roll call:

Y eas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators

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Absent or not voting were: Senators
Eastman       Hatch       Hellewell    Mansell
Waddoups

***

On motion of Senator Knudson, the Senate voted to reconsider its action on S.B. 46. The bill was placed at the top of the Second Reading Calendar.

On motion of Senator Knudson, the bill was circled.

***

On motion of Senator Knudson and at 4:00 p.m., the Senate adjourned until 9:30 a.m., Monday, February 21, 2005.
February 21, 2005

THIRTY-SIXTH DAY

MORNING SESSION

The Senate was called to order at 9:45 a.m., with President John Valentine presiding.

Prayer – Glade Barney, Former First Counselor, Mountain View Stake  
Pledge of Allegiance – Senator Al Mansell  
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS  
(PLEASE REFER TO DAY 1, PAGE 96)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 18, 2005

The Speaker of the House has signed S.B. 14, UNIFORM PARENTAGE ACT, 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. 48, INSURANCE CANCELLATION AND NONRENEWAL RESTRICTIONS, by Senator P. Arent, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 14 and 2nd Sub. S.B. 48 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 18, 2005

The House concurred in the Senate amendments and passed H.B. 11, ECONOMIC DEVELOPMENT INCENTIVES, by Representative B. Dee, et al, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 55, DRUG OFFENSE PENALTY ENHANCEMENTS, by Representative B. Dee, and it is transmitted for the signature of the President; and
The House concurred in the Senate amendments and passed **H.B. 183**, VERIFICATION OF ELIGIBILITY FOR FEE WAIVERS, 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. 221**, ELECTRONIC COMMUNICATION HARASSMENT, by Representative J. Dougall, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**H.B. 11, H.B. 55, H.B. 183, and H.B. 221** were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

Mr. President: February 18, 2005

The House passed, as substituted, **1st Sub. H.B. 57**, TOURISM TASK FORCE, by Representative D. Ure, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 62**, AMENDMENTS TO INTERMEDIATE CARE FACILITIES FOR MENTALLY RETARDED, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 113**, GOVERNMENT BOUNDARY CHANGES, by Representative K. Holdaway, and it is transmitted for consideration; and

The House passed **H.B. 116**, PRIVATE ACTIVITY BOND AMENDMENTS, by Representative D. Clark, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 163**, GARNISHMENT FEES, by Representative S. Mascaro, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 206**, CHARTER SCHOOL REPORTING, by Representative C. Moss, and it is transmitted for consideration; and

The House passed **H.B. 216**, GLOBAL POSITIONING REFERENCE NETWORK, by Representative K. Holdaway, and it is transmitted for consideration; and

The House passed **H.B. 231**, SCHOOL DISTRICT BOUNDARIES, by Representative M. Noel, and it is transmitted for consideration; and
The House passed, as substituted and amended, *1st Sub. H.B. 235*, INSURANCE ARBITRATION AMENDMENTS, by Representative S. Urquhart, and it is transmitted for consideration; and

The House passed, as amended, *H.B. 349*, MONEY MANAGEMENT ACT AMENDMENTS, by Representative D. Clark, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk


**STANDING COMMITTEE REPORTS**

Mr. President: February 18, 2005

The Retirement and Independent Entities Committee reports a favorable recommendation on *H.B. 44*, ADDITIONAL STATE RETIREMENT BENEFIT, by Representative L. Shurtliff; and

The Retirement and Independent Entities Committee reports a favorable recommendation on *H.B. 217*, PUBLIC SAFETY RETIREMENT – EXEMPTION OF CERTAIN EMPLOYEES, by Representative D. Clark.

Beverly Ann Evans, Chair

On motion of Senator Waddoups, the committee reports were adopted. *H.B. 44* and *H.B. 217* were placed on Second Reading Calendar.

**INTRODUCTION OF BILLS**

*S.J.R. 12, Resolution Urging Funding* (F. Fife), read the first time by short title and referred to the Rules Committee.

**CONSENT CALENDAR**

*H.B. 70*, HEALTH DISCOUNT PROGRAM CONSUMER PROTECTION ACT, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

**Yea**s, 25; **Nay**s, 0; **Absent**, 4.

**Voting in the affirmative were:** Senators
Allen Arent Bell Buttars
Christensen Davis Dmitrich Evans
Fife  Hale  Hatch  Hellewell
Hickman  Hillyard  Jenkins  Killpack
Madsen  Mansell  Mayne  McCoy
Peterson  Stephenson  Thomas  Waddoups
Valentine

Absent or not voting were: Senators
Bramble  Eastman  Knudson  Walker

H.B. 70 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.J.R. 11, RESOLUTION ENCOURAGING SCHOOLS TO ADOPT NUTRITION AND PHYSICAL ACTIVITY POLICIES, was read the third time, explained by Senator Arent, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen  Arent  Bell  Buttars
Christensen  Davis  Dmitrich  Eastman
Evans  Fife  Hale  Hatch
Hellewell  Hillyard  Jenkins  Killpack
Madsen  Mansell  Mayne  McCoy
Peterson  Stephenson  Thomas  Waddoups
Valentine

Absent or not voting were: Senators
Bramble  Hickman  Knudson  Walker

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 of the House.

* * *

S.J.R. 17, RESOLUTION RECOGNIZING HUNTSMAN CANCER INSTITUTE, 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
Allen  Arent  Bell  Buttars
Christensen  Davis  Dmitrich  Eastman

Absent or not voting were: Senators
Bramble Hickman Knudson Walker

S.J.R. 17 was transmitted to the House for consideration.

* * *

H.J.R. 1, JOINT RESOLUTION RELATED TO FINANCIAL INSTITUTIONS, was read the third time, explained by Senator Eastman, and passed on the following roll call:

Yeas, 15; Nays, 12; Absent, 2.

Voting in the affirmative were: Senators
Bramble Buttars Dmitrich Eastman
Evans Hatch Hellewell Hickman
Jenkins Killpack Madsen Mansell
McCoy Stephenson Valentine

Voting in the negative were: Senators
Allen Arent Bell Christensen
Davis Fife Hale Hillyard
Mayne Peterson Thomas Waddoups

Absent or not voting were: Senators
Knudson Walker

H.J.R. 1 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 76, HABITUAL VIOLENT OFFENDERS AMENDMENTS, was read the third time, explained by Senator Killpack, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.
Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Fife Hale
Hatch Hellewell Hickman Hillyard
Jenkins Killpack Madsen Mansell
Mayne McCoy Peterson Stephenson
Thomas Waddoups Valentine

Absent or not voting were: Senators
Knudson Walker

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.

* * *

H.B. 208, UNCLAIMED PROPERTY AMENDMENTS, was read the third time, explained by Senator Thomas, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Fife Hale
Hatch Hellewell Hickman Hillyard
Jenkins Killpack Madsen Mansell
Mayne McCoy Peterson Stephenson
Thomas Waddoups Valentine

Absent or not voting were: Senators
Knudson Walker

H.B. 208 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 215, PROPERTY TRACKING AMENDMENTS, was read the third time, explained by Senator Thomas, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.
Voting in the affirmative were: Senators
Allen    Arent    Bell    Bramble
Buttars  Christensen  Davis  Eastman
Evans    Fife     Hale    Hatch
Hellewell Hickman  Hillyard  Jenkins
Killpack Madsen  Mansell  Mayne
McCoy    Peterson  Stephenson  Thomas
Waddoups Valentine

Absent or not voting were: Senators
Dmitrich Knudson Walker

H.B. 215 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, CLINICAL COUNSELOR – TITLE CHANGE, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen    Bell    Bramble    Buttars
Christensen  Davis  Eastman  Evans
Fife    Hale    Hatch    Hellewell
Hickman  Hillyard  Jenkins  Killpack
Madsen  Mansell  Mayne  McCoy
Peterson  Stephenson  Thomas  Waddoups
Valentine

Absent or not voting were: Senators
Arent Dmitrich Knudson Walker

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 of the House.

* * *

H.J.R. 15, RESOLUTION REGARDING UNITED STATES TRADE NEGOTIATIONS, was read the third time, explained by Senator Thomas, and passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.
Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Eastman
Evans Fife Hale Hatch
Hellewell Hickman Hillyard Jenkins
Killpack Madsen Mansell Mayne
McCoy Peterson Stephenson Thomas
Waddoups Valentine

Absent or not voting were: Senators
Dmitrich Knudson Walker

H.J.R. 15, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Eastman, Senator Orrin Hatch will address the Senate on Tuesday, February 22, 2005 at 11:00 a.m.

On motion of Senator Eastman, Senator Robert Bennett will address the Senate on Friday, February 25, 2005 at 10:15 a.m.

THIRD READING CALENDAR

1st Sub. S.B. 13, − INDIVIDUAL INCOME TAX SUBTRACTION FOR CERTAIN MILITARY INCOME AND TUITION WAIVER FOR QUALIFYING MILITARY SERVICE MEMBERS, was read the third time.

On motion of Senator Bramble, the bill was circled.

* * *

4th Sub. S.B. 61, PRIVATLY OWNED HEALTH CARE ORGANIZATION TASK FORCE, was read the third time.

On motion of Senator Waddoups, the bill was circled.

* * *

S.B. 194, SALES AND USE TAX EXEMPTION FOR ITEMS RELATING TO DIRECT MAIL, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.
Voting in the affirmative were: Senators
Allen  Arent  Bell  Bramble
Buttars Christensen Eastman Evans
Fife  Hale  Hatch  Hellewell
Hickman Hillyard Jenkins Killpack
Madsen Mayne McCoy Peterson
Stephenson Thomas Waddoups Valentine

Voting in the negative was: Senator Mansell

Absent or not voting were: Senators
Davis  Dmitrich  Knudson  Walker

S.B. 194 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 195, TAX REVISIONS, was read the third time.

On motion of Senator Bramble, the bill was circled.

* * *

S.B. 203, PROPERTY TAX − COUNTY SERVICE AREAS, 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
Allen  Arent  Bell  Bramble
Christensen Davis Dmitrich Eastman
Evans  Fife  Hale  Hatch
Hellewell Hillyard Jenkins Killpack
Madsen  Mansell  Mayne  McCoy
Peterson Stephenson Thomas Waddoups Valentine

Absent or not voting were: Senators
Buttars Hickman Knudson Walker

S.B. 203, as amended, was transmitted to the House for consideration.

* * *

S.B. 206, NONPARTICIPATING TOBACCO MANUFACTURER AMENDMENTS, was read the third time, explained by Senator Killpack, and passed on the following roll call:
Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators
Allen       Arent       Bell       Bramble
Buttars     Christensen Davis Dmitrich
Eastman     Evans       Fife       Hale
Hatch       Hellewell   Hickman   Hillyard
Jenkins     Killpack    Madsen    Mansell
Mayne       McCoy       Peterson  Stephenson
Thomas      Waddoups   Valentine

Absent or not voting were: Senators
Knudson     Walker

S.B. 206, as amended, was transmitted to the House for consideration.

* * *

S.B. 239, PUBLIC LANDS POLICY COORDINATION, was read the third time, explained by Senator Hatch, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen       Arent       Bell       Bramble
Buttars     Christensen Davis Dmitrich
Eastman     Evans       Fife       Hale
Hatch       Hellewell   Hickman   Hillyard
Jenkins     Killpack    Madsen    Mansell
Mayne       McCoy       Peterson  Stephenson
Thomas      Waddoups   Valentine

Absent or not voting were: Senators
Knudson     Walker

S.B. 239, as amended, was transmitted to the House for consideration.

* * *

2nd Sub. S.B. 199, OFFICE OF ENERGY − OVERSIGHT, was read the third time, explained by Senator Hatch, and passed on the following roll call:

Yeas, 23; Nays, 2; Absent, 4.
Voting in the affirmative were: Senators
Allen Bell Bramble Buttars
Christensen Davis Dmitrich Eastman
Evans Hale Hatch Hellewell
Hickman Jenkins Killpack Madsen
Mansell Mayne Peterson Stephenson
Thomas Waddoups Valentine

Voting in the negative were: Senators
Fife McCoy

Absent or not voting were: Senators
Arent Hillyard Knudson Walker

2nd Sub. S.B. 199 was transmitted to the House for consideration.

* * *

S.B. 172, DIVISION OF REAL ESTATE AMENDMENTS, 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
Allen Bell Bramble Buttars
Christensen Davis Dmitrich Eastman
Evans Fife Hale Hatch
Hellewell Hickman Jenkins Madsen
Mansell Mayne McCoy Peterson
Stephenson Thomas Waddoups Valentine

Absent or not voting were: Senators
Arent Hillyard Killpack Knudson Walker

S.B. 172 was transmitted to the House for consideration.

* * *

S.B. 204, SALES AND USE TAX DIVERSIONS, was read the third time.

On motion of Senator Peterson, the bill was circled.

* * *

On motion of Senator Mayne, the circle was removed from 1st Sub. S.B. 177, INCREASE STATUTE OF LIMITATIONS ON RAPE, and it was before the
Senate. Senator Mayne explained the bill. Senators Mansell and Madsen commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Knudson | Walker |

1st Sub. S.B. 177 was transmitted to the House for consideration.

***

**S.B. 227, PUBLIC SAFETY DRIVING PRIVILEGE AND IDENTIFICATION CARD AMENDMENTS,** was read the third time and explained by Senator Bramble.

Senator Fife proposed the following amendment:

1. Page 1, Line 19:
   Delete “color”

2. Page 9, Line 257:
   Delete “color”

Senator Fife’s motion to amend failed on a voice vote. Senators Hale, Fife, and Davis commented.

On motion of Senator Bramble, the bill was circled.

***

1st Sub. S.B. 184, **REDEVELOPMENT AGENCY AMENDMENTS,** was read the third time.

On motion of Senator Bramble, the bill was circled.
On motion of Senator Allen, the circle was removed from S.B. 191, POLITICAL SUBDIVISIONS − TRUTH IN GOVERNMENT COMPETITION, and it was before the Senate. Senator Allen explained the bill.

Senator Allen proposed the following amendment:

1. Page 1, Line 13

   requires certain counties, municipalities, and special districts to advertise their intent to

2. Page 1, Line 15:

   requires those counties, municipalities, and special districts proposing to provide a new

3. Page 2, Line 39:

   monies for the planning of the facility; {and}

4. Page 2, Line 43:

   (B) for which the municipality has expended monies before May 2, 2005 {→ }; and

   (iii) that exceeds $250,000 in value.

5. Page 2, Line 51:

   (2) (a) The legislative body of a municipality that has been incorporated for at least three years shall meet the advertisement

6. Page 3, Line 89:

   (4) (a) The legislative body of a municipality that has been incorporated for at least three years and is proposing a new service or new facility

7. Page 4, Line 117:

   monies for the planning of the facility; {and}

8. Page 4, Line 120:

   (B) for which the county has expended monies before May 2, 2005 {→ }; and

   (iii) that exceeds $250,000 in value.
9. Page 6, Line 168:

168 present throughout each hearing held by that municipal county legislative body.

10. Page 7, Line 192:

192 including monies for the planning of the facility; and

11. Page 7, Line 196:

196 (B) for which the special district has expended monies before May 2, 2005; and (iii) that exceeds $250,000 in value.

12. Page 7, Line 204:

204 (2) (a) The legislative body board of a special district that has been in existence for at least three years shall meet the advertisement

13. Page 7, Lines 206 through 207:

206 legislative body board may approve the expenditure of monies for a new service or new facility.

207 (b) Notwithstanding Subsection (2)(a), the legislative body board of a special district is not

14. Page 8, Line 243:

243 (4) (a) The legislative body board of a special district that has been in existence for at least three years and is proposing a new service or new facility

15. Page 9, Lines 246 through 247:

246 (b) A quorum of the legislative body board of the special district holding a public hearing shall be present throughout each hearing held by that municipal legislative body board.

16. Page 9, Line 251:

251 (e) The legislative body board of a special district conducting a hearing shall permit all
The board of a special district, after meeting the advertisement

Senator Allen’s motion to amend passed on a voice vote. Senator Stephenson commented. The bill passed on the following roll call:

**Yeas, 16; Nays, 4; Absent, 9.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**S.B. 191,** as amended, was transmitted to the House for consideration.

**SECOND READING CALENDAR**

**S.B. 179,** PROTECTION OF GOVERNMENT RECORDS, was read the second time.

On motion of Senator Eastman, the bill was circled.

***

On motion of Senator Bell, the circle was removed from **S.B. 179,** PROTECTION OF GOVERNMENT RECORDS, and it was before the Senate. Senator Bell explained the bill.

Senator Bell proposed the following amendment:

1. Page 1, Lines 12 through 14

12 defines terms;
   addresses what information must be disclosed upon receipt of a written request for a reasonably identifiable record;
addresses protected records related to an institution within the state system of higher education;

2. Page 1, Lines 25 through 27:

AMENDS:

53B−16−301, as enacted by Chapter 280, Laws of Utah 1992
53B−16−302, as last amended by Chapter 280, Laws of Utah 1992
53B−16−304, as enacted by Chapter 280, Laws of Utah 1992

3. Page 3, Lines 60 through 61:

external persons [or entities] for the purpose of economic development.

Section 2. Section 53B−16−302 is amended to read:

53B−16−302. Records that may be classified as restricted.

A public institution of higher education may classify only the following records as restricted:

(1) that portion of a technology transfer record or sponsored research record to which access must be restricted for the purpose of securing and maintaining proprietary protection of intellectual property rights, including but not limited to patents, copyrights, trademarks, and trade secrets; or

(2) that portion of a technology transfer record or sponsored research record to which access is restricted for competitive or proprietary purposes, as a condition of actual or potential participation in a sponsored research or technology transfer agreement; provided, however, that upon receipt of a written request for a reasonably identifiable record, the public institution of higher education shall disclose:

(a) prior to a memorandum of intent to contract or an agreement in principle between the parties:

(i) the names of the parties, or, if the disclosure of names would cause competitive harm, a general description of the type of parties negotiating the technology transfer or sponsored research agreement; and

(ii) a general description of the nature of the technology transfer or sponsored research under consideration, excluding proprietary or competitive information; or
(b) after a memorandum of intent to contract or an agreement in principle between the parties:
   (i) the names of the parties involved in the technology transfer or sponsored research;
   (ii) a general description of the nature of the technology transfer or sponsored research to be conducted, excluding proprietary or competitive information; and
   (iii) records of the technology transfer or sponsored research to be conducted, excluding those portions of records to which access is limited under this part or Title 63, Chapter 2, Government Records Access and Management Act.

61 Section 2. Section 53B–16–304 is amended to read:

Renumber the remaining sections accordingly.

4. Page 18, Lines 543 through 544
Senate Committee Amendments 2–16–2005:

543 (vi) confidential information contained in research proposals;
   (b) Subsection (40)(a) may not be construed to prohibit disclosure of public information required pursuant to Subsection 53B–16–302(2)(a) or (b);

544 (c) Subsection (40)(a) may not be construed to affect the ownership of a record;

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

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

**Voting in the affirmative were:** Senators
Allen    Arent    Bell    Buttars
Christensen  Davis  Dmitrich  Eastman
Evans   Fife     Hale     Hellewell
Hickman  Jenkins  Killpack  Madsen
Mansell  Mayne   Peterson  Stephenson
Waddoups

**Absent or not voting were:** Senators
Bramble  Hatch    Hillyard  Knudson
McCoy    Thomas   Walker   Valentine
1st Sub. S.B. 187, SPECIAL HUNTING PERMITS FOR ANTELOPE ISLAND, was read the second time. Senator Hickman explained the bill. Senators Killpack, Allen, McCoy, Christensen, and Fife commented. The bill passed second reading on the following roll call:

**Yeas, 15; Nays, 11; Absent, 3.**

Voting in the affirmative were: Senators

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Voting in the negative were: Senators

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Absent or not voting were: Senators

| Hillyard    | Knudson | Walker     |

On motion of Senator Jenkins, the bill was circled.

* * *

1st Sub. S.B. 168, CONSTRUCTION TRADE RELATED AMENDMENTS, was read the second time. Senator Jenkins explained the bill. Senator Mansell commented.

On motion of Senator Jenkins, the bill was circled.

* * *

On motion of Senator Stephenson, the circle was removed from 1st Sub. S.B. 178, CHARTER SCHOOL AMENDMENTS, and it was before the Senate. Senator Stephenson explained the bill. Senators Hale, Hickman, and Dmitrich commented. Senators Killpack and Madsen declared conflicts of interest. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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* * *
Hale  Hatch  Hellewell  Jenkins
Killpack  Madsen  Mansell  Mayne
McCoy  Peterson  Stephenson  Thomas
Waddoups  Valentine

**Voting in the negative were:** Senators
Dmitrich  Evans

**Absent or not voting were:** Senators
Bramble  Hickman  Hillyard  Knudson
Walker

**COMMUNICATIONS FROM THE HOUSE**

Mr. President:  February 18, 2005

The House passed **H.B. 348**, EMPLOYMENT AGENCY REVISIONS, by Representative J. S. Adams, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 348** was read the first time and referred to the Rules Committee.

***

On motion of Senator Eastman, **S.C.R. 11**, CONCURRENT RESOLUTION ON MCGRUFF HOUSE, will be considered Thursday, February 24, 2005 at 2:00 p.m.

***

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

**AFTERNOON SESSION**

The Senate reassembled at 2:30 p.m., with President Valentine presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President:  February 21, 2005

The House passed **H.B. 85**, HEALTH INSURANCE HIGH RISK POOL – ELIGIBILITY AMENDMENT, by Representative D. Litvack, and it is transmitted for consideration; and
The House passed, as amended, **H.B. 107**, AMENDMENTS TO TAXES, FEES, OR CHARGES, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 128**, COMPENSATION OF EXECUTIVE OFFICERS, by Representative L. Christensen, and it is transmitted for consideration; and

The House passed, as substituted, **3rd Sub. H.B. 151**, SCHOOL COMMUNITY COUNCILS, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed, as substituted, **3rd Sub. H.B. 174**, CHILD PROTECTION REGISTRY AMENDMENTS, by Representative J. Dougall, and

The House passed, as amended, **H.B. 249**, CARSON SMITH SPECIAL NEEDS SCHOLARSHIPS, by Representative M. Newbold, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 287**, REVENUE BONDS AND CAPITAL FACILITIES AUTHORIZATIONS, by Representative D. G. Buxton, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk


* * *

Mr. President: February 21, 2005

The House passed, as amended, **H.B. 71**, LICENSING OF ESTHETICIANS AND NAIL TECHNICIANS, by Representative J. Fisher, et al, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

Communications filed.

**H.B. 71** was placed at the top of the Third Reading Calendar.

**H.B. 71**, LICENSING OF ESTHETICIANS AND NAIL TECHNICIANS, was before the Senate, explained by Senator Mansell, and passed on the following roll call:
Yeas, 22; Nays, 5; Absent, 2.

**Voting in the affirmative were:** Senators

Allen          Arent          Bell          Bramble
Buttars        Christensen    Davis         Dmitrich
Eastman        Evans          Fife          Hale
Hellewell      Jenkins        Killpack      Knudson
Madsen         Mansell        McCoy         Stephenson
Waddoups       Walker

**Voting in the negative were:** Senators

Hatch          Hickman       Peterson      Thomas
Valentine

**Absent or not voting were:** Senators

Hillyard       Mayne

**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.

**RULES COMMITTEE REPORTS**

To the Members of the Senate: February 21, 2005

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

**Business and Labor Committee**

**H.B. 163** Garnishment Fees (Rep. S. Mascaro)

**1st Sub. H.B. 184** Crime Victims – Change of Locks on Rental Property (Rep. L. Shurtliff)


**H.B. 269** Sales Marketing Requirements (Rep. M. Noel)


**Education Committee**

**1st Sub. H.B. 63** School District Amendments (Rep. D. Cox)

**H.B. 206** Charter School Reporting (Rep. C. Moss)

**H.B. 231** School District Boundaries (Rep. M. Noel)

**Government Operations and Political Subdivisions Committee**

**1st Sub. H.B. 113** Government Boundary Changes (Rep. K. Holdaway)
H.B. 216  Global Positioning Reference Network  
(Rep. K. Holdaway)

**Health and Human Services Committee**

H.B. 233  Adoption Law Revisions (Rep. R. McGee)

**Judiciary, Law Enforcement, and Criminal Justice Committee**

H.B. 349  Money Management Act Amendments (Rep. D. Clark)

**Revenue and Taxation Committee**

H.B. 116  Private Activity Bond Amendments (Rep. D. Clark)

**Transportation, Public Utilities and Technology Committee**

S.J.R. 12  Resolution Urging Funding (Sen. F. Fife)

**Workforce Services and Community and Economic Development**


Michael Waddoups  
Rules Committee Chair

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

**RULES COMMITTEE REPORTS**

To the Members of the Senate:  
February 21, 2005

The Rules Committee recommends that the following resolution be placed on the Time Certain Calendar.

S.C.R. 11  Concurrent Resolution on Mcgruff House  
(Sen. D. Eastman)

Michael Waddoups  
Rules Committee Chair

Report filed. On motion of Senator Waddoups, the committee report was adopted.
STANDING COMMITTEE REPORTS

Mr. President: February 18, 2005

The Government Operations and Political Subdivisions Committee recommends S.B. 60, LOCAL LAND USE DEVELOPMENT AND MANAGEMENT AMENDMENTS, by Senator G. Bell, be replaced and favorably recommends 1st Sub. S.B. 60, LOCAL LAND USE DEVELOPMENT AND MANAGEMENT AMENDMENTS; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 214, EMERGING TECHNOLOGIES AND OPEN GOVERNMENT, by Representative D. Clark.

Allen M. Christensen, Chair

Mr. President: February 18, 2005

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 63, SEVERANCE TAX AMENDMENTS, by Senator B. Evans; and

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 170, STATE TAX COMMISSION COLLECTION AND LICENSING PRACTICES, by Senator C. Bramble; and

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 205, INDIVIDUAL INCOME TAX − OFFICE OF STATE DEBT COLLECTION RULEMAKING AUTHORITY, by Senator M. Dmitrich; and

The Revenue and Taxation Committee recommends S.B. 211, FUNDING FOR CONVENTION FACILITIES, by Senator M. Waddoups, be replaced and favorably recommends 1st Sub. S.B. 211, FUNDING FOR CONVENTION FACILITIES with the following amendments:

1. Page 8, Line 212:After “county” delete “of the first class” and insert “having a population of over 75,000”; and

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 225, CHANGES TO GENERAL GOVERNMENT − SALES AND USE TAX AMENDMENTS, by Senator G. Davis; and

The Revenue and Taxation Committee reports a favorable recommendation on S.C.R. 2, RESOLUTION APPROVING CLASS V LANDFILL, by Senator R. Allen, with the following amendments:

1. Page 1, Line 24 through Page 2, Line 28:
provides that an operation plan for the landfill has been submitted to the Department of Environmental Quality for approval; and

provides that the legislative and gubernatorial approval required by statute and stated in this resolution will only take effect following the granting of approval of an operation plan by the Department of Environmental Quality.

provides that an operation plan for the landfill was approved by the executive secretary of the Solid and Hazardous Waste Control Board; and

grants approval to the Wasatch Regional Solid Waste Management Corporation and the School and Institutional Trust Lands Administration for the construction and operation of a Class V commercial nonhazardous solid waste landfill.

WHEREAS, Wasatch Regional Solid Waste Management Corporation and the School and Institutional Trust Lands Administration have submitted a proposed operation plan for the Wasatch Regional Solid Waste Landfill as a Class V commercial nonhazardous solid waste landfill to the Department of Environmental Quality, and the Department of Environmental Quality has made a draft permit available for public comment as part of the approval process;

WHEREAS, the public comment period ends February 17, 2005; and the operation plan was approved by the executive secretary of the Solid and Hazardous Waste Control Board on February 18, 2005 and this approval has an effective date of February 18, 2005; and

NOW, THEREFORE, BE IT RESOLVED by the Legislature, the Governor concurring
Day 3668

SENATE JOURNAL

62 therein, that Wasatch Regional Solid Waste Management Corporation and the School and
63 Institutional Trust Lands Administration be granted approval to construct and operate a Class V
64 commercial nonhazardous solid waste landfill known as Wasatch Regional Solid Waste
65 Landfill { but only subject to and contingent upon the
66 Department of Environmental Quality
67 having granted final approval for and issuing the permit for the
68 landfill on or before July 1,
69 2005–} .

Curtis S. Bramble, Chair

Mr. President: February 21, 2005

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.B. 230, RECYCLING OF WASTE TIRES, by Representative D. Ure; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.B. 225, BOAT REGISTRATION FEE, by Representative B. Goodfellow.

Michael G. Waddoups, Chair

Mr. President: February 21, 2005

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 270, TEMPORARY ROAD CLOSURES, by Representative M. Noel.

Sheldon L. Killpack, Chair

Mr. President: February 21, 2005

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 216, AMENDMENTS TO UTAH EMERGENCY MEDICAL SERVICES ACT, by Senator C. Bramble; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.J.R. 18, JOINT RESOLUTION APPROVING CONSOLIDATION OF WEST VALLEY AND SANDY DISTRICT COURTS, by Senator P. Knudson; and
The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 95**, SEX OFFENDER REGISTRATION AMENDMENTS, by Representative M. S. Lawrence; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 98**, OFFENSES COMMITTED AGAINST CORRECTIONAL AND PEACE OFFICERS, by Representative C. Oda; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 223**, AMENDMENTS TO DRIVER LICENSE AND IDENTIFICATION CARDS, by Representative C. Oda, with the following amendments:

1. Page 2, Line 39
   House Committee Amendments
   2–11–2005:

   39 This bill takes effect on July 1, 2005.
   This bill provides a coordination clause.

2. Page 5, Line 143:

   143 (c) \{-A-\} Except as provided under Subsection (8)(f), a duplicate license expires on the same date as the last license certificate issued.

3. Page 12, Lines 338 through 339:

   338 Section 6. Effective date.
   339 This bill takes effect on July 1, 2005.

If this H.B. 223 and S.B. 227, Public Safety Driving Privilege and Identification Card Amendments, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel shall prepare the Utah Code database for publication as follows:

(1) the amendments to Sections 53–3–804 and 53–3–807 in S.B. 227 supersede the amendments to Sections 53–3–804 and 53–3–807 in this bill; and

(2) in Section 53–3–205:
   (a) renumber Subsection (8)(f) in S.B. 227 to (8)(g) and change the references from “Subsection (8)(f)” to “Subsections (8)(f) and (g)”;
   and
   (b) after Subsection (8)(g)(ii) insert the following:
   “(iii) The expiration dates provided under Subsections (8)(g)(i) and
(ii) do not apply to an original license or driving privilege card or to the renewal of an original license or driving privilege card with an expiration date provided under Subsection (8)(f)."


D. Chris Buttars, Chair

Mr. President: February 18, 2005

The Workforce Services and Community and Economic Development Committee recommends **S.B. 137**, TOURISM, RECREATION, CULTURAL, AND CONVENTION FACILITIES TAX AMENDMENTS, by Senator H. Stephenson, be replaced and favorably recommends **1st Sub. S.B. 137**, TOURISM, RECREATION, CULTURAL, AND CONVENTION FACILITIES TAX AMENDMENTS with the following amendments:

1. :Page 2, Line 55:
   Delete “ant” and insert “and”; and

The Workforce Services and Community and Economic Development Committee recommends **S.B. 192**, HIGH TECHNOLOGY ECONOMIC DEVELOPMENT APPROPRIATION, by Senator L. A. Mansell, be replaced and favorably recommends **1st Sub. S.B. 192**, HIGH TECHNOLOGY ECONOMIC DEVELOPMENT APPROPRIATION.

Carlene M. Walker, Chair


* * *

Mr. President: February 18, 2005

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **1st Sub. H.B. 83**, WEIGHTS AND MEASURES
AMENDMENTS, by Representative D. Ure, and recommends it be considered read for the second time and placed on the Consent Calendar.

Allen M. Christensen, Chair

Mr. President: February 21, 2005

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.J.R. 17, RESOLUTION HONORING CELEBRATION OF MARRIAGE WEEK, by Representative L. Fowlke, with the following amendments:

1. Page 2, Lines 42 through 43:

   42 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the
   Institute Governor’s Commission on Marriage,

   and recommends it be considered read for the second time and placed on the Consent Calendar.

Michael G. Waddoups, Chair

On motion of Senator Waddoups, the committee reports were adopted. H.J.R. 17 and 1st Sub. H.B. 83 were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.C.R. 8, Concurrent Resolution Approving Class V Landfill (M. Dmitrich), read the first time by short title and referred to the Rules Committee.

S.J.R. 20, Joint Resolution Recognizing Retiring President of Dixie State College (J. Hickman), read the first time by short title and referred to the Rules Committee.

On motion of Senator Hale, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Hale, the circle was removed from 1st Sub. S.B. 109, SAFETY BELT ENFORCEMENT, and it was before the Senate. Senator Hale explained the bill. The bill passed on the following roll call:
Yeas, 15; Nays, 14; Absent, 0.

Voting in the affirmative were: Senators
Allen     Arent     Bell     Davis
Eastman   Fife      Hale     Hillyard
Killpack  Knudson   McCoy    Stephenson
Thomas    Walker    Valentine

Voting in the negative were: Senators
Bramble  Buttars   Christensen Dmitrich
Evans    Hatch     Hellewell Hickman
Jenkins  Madsen    Mansell  Mayne
Peterson Waddoups

1st Sub. S.B. 109 was transmitted to the House for consideration.

* * *

On motion of Senator Bramble, the circle was removed from S.B. 227, PUBLIC SAFETY DRIVING PRIVILEGE AND IDENTIFICATION CARD, and it was before the Senate. Senator Bramble explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell      Bramble  Buttars  Christensen
Eastman   Evans    Hatch    Hellewell
Hickman   Hillyard Jenkins  Killpack
Knudson   Madsen   Mansell  Peterson
Stephenson Thomas  Waddoups Walker
Valentine

Voting in the negative were: Senators
Allen     Arent     Davis    Dmitrich
Fife      Hale      Mayne    McCoy

S.B. 227, as amended, was transmitted to the House for consideration.

* * *

On motion of Senator Hatch, the circle was removed from H.B. 43, SCHOOL LAND TRUST PROGRAM FUNDING AMENDMENTS, and it was before the Senate.
On motion of Senator Hatch, the bill was circled.

SECOND READING CALENDAR

S.B. 201, CENTER FOR MULTICULTURAL HEALTH, was read the second time. Senator Buttars explained the bill. Senator Hickman commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Allen       Arent       Bell       Buttars
Christensen Davis Dmitrich Evans
Fife        Hale        Hellewell Hillyard
Jenkins     Killpack    Knudson    Mansell
Mayne       McCoy       Stephenson Thomas
Waddoups    Walker      Valentine

Voting in the negative were: Senators
Bramble     Eastman     Hatch      Hickman
Madsen      Peterson

* * *

On motion of Senator Hale, under suspension of the rules, S.J.R. 16, RESOLUTION URGING COMPREHENSIVE CANCER CONTROL PLAN FOR THE STATE, was considered read the second and third times. Senator Hale explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen       Arent       Bell       Bramble
Buttars     Christensen Davis Dmitrich
Eastman     Evans       Fife       Hale
Hatch       Hellewell   Hickman   Hillyard
Jenkins     Killpack    Knudson    Madsen
Mayne       McCoy       Peterson   Stephenson
Thomas      Waddoups    Walker    Valentine

Absent or not voting was: Senator
Mansell

S.J.R. 16 was transmitted to the House for consideration.
On motion of Senator Hatch, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Hatch, the circle was removed from H.B. 43, SCHOOL LAND TRUST PROGRAM FUNDING AMENDMENTS, and it was before the Senate. Senator Hatch explained the bill. Senators Hickman, Arent, Hale, and Bell commented.

On motion of Senator Hickman, the bill was circled.

On motion of Senator Evans, the circle was removed from 1st Sub. H.B. 180, RETIREMENT OFFICE AMENDMENTS. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen    Arent    Bell    Bramble
Christensen    Davis    Dmitrich    Eastman
Evans    Fife    Hale    Hatch
Hellewell    Hickman    Hillyard    Jenkins
Killpack    Knudson    Madsen    McCoy
Peterson    Thomas    Waddoups    Walker
Valentine

Absent or not voting were: Senators

Buttars    Mansell    Mayne    Stephenson

1st Sub. H.B. 180 was returned to the House for further consideration.

SECOND READING CALENDAR

On motion of Senator Knudson, the circle was removed from H.B. 165, UTAH COMMISSION ON AGING. Senators Mayne, Hale, Buttars, and Valentine commented. The bill passed second reading on the following roll call:
Yeas, 16; Nays, 11; Absent, 2.

Voting in the affirmative were: Senators

Allen       Arent       Bell       Christensen
Davis       Dmitrich   Fife       Hale
Hatch       Hellewell   Killpack   Knudson
Mayne       McCoy       Thomas    Walker

Voting in the negative were: Senators

Bramble     Buttars     Evans      Hillyard
Jenkins     Madsen      Mansell   Peterson
Stephenson  Waddoups    Valentine

Absent or not voting were: Senators

Eastman     Hickman

On motion of Senator Hillyard, H.B. 165 was placed on Third Reading Table due to fiscal impact.

***

On motion of Senator Buttars, the circle was removed from S.B. 176, PROGRAMS AND FACILITIES LICENSING AMENDMENTS, and it was before the Senate.

On motion of Senator Buttars, the enacting clause was struck on the bill.

***

On motion of Senator Dmitrich, the circle was removed from H.B. 65, DRIVER LICENSE AND COMMERCIAL DRIVER LICENSE AMENDMENTS, and it was before the Senate. Senator Dmitrich explained the bill. Senator Hillyard commented. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 1; Absent, 5.

Voting in the affirmative were: Senators

Allen       Arent       Bell       Buttars
Christensen Davis       Dmitrich   Evans
Fife        Hale        Hatch      Hellewell
Hillyard    Killpack    Knudson    Madsen
Mayne       McCoy       Peterson   Thomas
Waddoups    Walker      Valentine

675
Voting in the negative was: Senator Jenkins

Absent or not voting were: Senators
Bramble          Eastman          Hickman          Mansell
Stephenson

On motion of Senator Hillyard, H.B. 65 was placed on Third Reading Table due to fiscal impact.

* * *

On motion of Senator Knudson and at 3:30 p.m., the Senate adjourned until 9:00 a.m., Tuesday, February 22, 2005.
February 22, 2005

THIRTY-SEVENTH DAY

MORNING SESSION

The Senate was called to order at 9:40 a.m., with President John Valentine presiding.

Prayer – Senator Al Mansell
Pledge of Allegiance – Senator Beverly Evans
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 96)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 21, 2005

The House passed, as amended, H.B. 109, INFORMATION TECHNOLOGY GOVERNANCE AMENDMENTS, by Representative D. Clark, and it is transmitted for consideration; and

The House passed, as amended, H.B. 266, CHANGES TO QUALITY GROWTH COMMISSION, by Representative C. Buttars, and it is transmitted for consideration; and

The House passed H.B. 342, CIVIL LEGAL AID FOR VICTIMS OF DOMESTIC VIOLENCE, by Representative S. Mascaro, and it is transmitted for consideration; and

The House passed H.B. 346, SCHOOLS FOR THE DEAF AND THE BLIND SALARY ADJUSTMENTS, by Representative K. Morgan, and it is transmitted for consideration; and

The House passed H.J.R. 19, JOINT RESOLUTION URGING HEALTH CARE FOR UTAH’S INDIGENT AND NEEDY UNINSURED, by Representative L. Fowlke, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. H.B. 109, H.B. 266, H.B. 342, H.B. 346, and H.J.R. 19 were read the first time and referred to the Rules Committee.
CONSENT CALENDAR

H.B. 149, VEHICLE IDENTIFICATION NUMBER INSPECTORS, 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
Allen       Arent       Bell       Bramble
Buttars     Christensen Davis     Dmitrich
Eastman     Evans       Fife       Hale
Hatch       Hellewell   Hickman   Jenkins
Killpack    Knudson     Madsen    Mansell
Mayne       McCoy       Stephenson Thomas
Waddoups    Walker      Valentine

Absent or not voting were: Senators
Hillyard    Peterson

H.B. 149 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

On motion of Senator Hatch, the circle was removed from H.B. 43, SCHOOL LAND TRUST PROGRAM FUNDING AMENDMENTS.

Senator Hickman proposed the following amendment:

1. Page 1, Lines 15 through 16

15 \(\text{removes}\) increases the cap on the amount of interest and dividends earned on the permanent State School Fund that may be appropriated for the School LAND Trust Program;

2. Page 2, Lines 57 through 58:

57 \(\text{—}\) (b) The Legislature may appropriate any remaining balance for the support of the public education system. \(\text{—}\)

3. Page 3, Lines 74 through 78:
(b) On and after July 1, 2003, the program shall be funded as provided in Subsection (2)(a) up to a maximum of an amount equal to 1.5% of the funds provided for the Minimum School Program, pursuant to Title 53A, Chapter 17a, Minimum School Program Act, $12,000,000 each fiscal year.

(c) The Legislature shall annually allocate, through an appropriation to the State Board of Education, a portion of School LAND Trust Program monies for the administration of the program.

4. Page 5, Line 125:

of the charter school.

(a) A school community council and a governing board of a charter school may not be required to:

(i) send a letter to legislators or other elected officials on the school’s use of School LAND Trust Program monies as a condition of receiving the monies; or

(ii) report to the State Board of Education or any local school board on whether any letters were sent to legislators or other elected officials on the school’s use of School LAND Trust Program monies.

Subsection (8)(a)(i) does not apply to the annual report to the local school board required by Subsection (6)(b).

5. Page 5, Lines 128 through 132:

If the amount of money prescribed for funding the School LAND Trust Program in Section 53A–16–101.5 is less than or greater than the money appropriated in Section 53A–17a–104 for the School LAND Trust Program, the appropriation shall be equal to the amount of money prescribed for funding the School LAND Trust Program in Section 53A–16–101.5, up to a maximum of $12,000,000, up to a maximum of an amount equal to 1.5% of the funds provided for the Minimum School Program, pursuant to Title 53A, Chapter 17a, Minimum School Program Act.
Senator Hickman’s motion to amend passed on a voice vote. Senators Bell, Stephenson, and Hale commented. The bill passed on the following roll call:

**Yeas, 20; Nays, 9; Absent, 0.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**H.B. 43**, as amended, was held by the Senate for a corrected amendment.

***

**S.B. 179**, PROTECTION OF GOVERNMENT RECORDS, 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

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**Absent or not voting were:** Senators

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**S.B. 179**, as amended, was transmitted to the House for consideration.

***

On motion of Senator Hatch, the Senate voted to reconsider its action on **H.B. 43**.
H.B. 43, SCHOOL LAND TRUST PROGRAM FUNDING AMENDMENTS, was before the Senate.

On motion of Senator Hatch, the bill was circled.

***

1st Sub. S.B. 187, SPECIAL HUNTING PERMITS FOR ANTELOPE ISLAND, was read the third time and explained by Senator Hickman. Senators Thomas, Christensen, McCoy, Knudson, Killpack, Fife, and Hatch commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bramble Buttars Christensen Dmitrich
Evans Hatch Hellewell Hickman
Hillyard Jenkins Knudson Madsen
Mansell Peterson Stephenson Waddoups
Walker Valentine

Voting in the negative were: Senators
Allen Arent Bell Davis
Eastman Fife Hale Killpack
Mayne McCoy Thomas

1st Sub. S.B. 187, as amended, was transmitted to the House for consideration.

***

On motion of Senator Hatch, the circle was removed from H.B. 43, SCHOOL LAND TRUST PROGRAM FUNDING AMENDMENTS.

HB 43 was reconsidered to clarify inclusion of page 2 of the amendment, previously moved and passed. The amendment passed on the following roll call:

Yeas, 20; Nays, 9; Absent, 0.

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Eastman Evans Hatch Hellewell
Hickman Hillyard Jenkins Killpack
Knudson Madsen Mansell Peterson
Stephenson Waddoups Walker Valentine
Voting in the negative were: Senators
Allen    Arent    Davis    Dmitrich
Fife     Hale     Mayne    McCoy
Thomas

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen    Bell     Bramble  Christensen
Davis    Dmitrich Eastman  Fife
Hatch    Hellewell Hickman  Hillyard
Jenkins  Killpack  Knudson  Madsen
McCoy    Peterson  Thomas  Waddoups
Walker   Valentine

Voting in the negative were: Senators
Arent    Buttars  Evans    Hale
Mansell  Mayne   Stephenson

H.B. 43, as amended, was returned to the House for further consideration.

* * *

1st Sub. S.B. 178, CHARTER SCHOOL AMENDMENTS, was read the third
time and explained by Senator Stephenson.

Senator Dmitrich proposed the following amendment:

1. Page 5, Line 129 to 134:
   Delete lines 129 to 134

   Senator Dmitrich’s motion to amend failed on the following roll call:

Yeas, 9; Nays, 16; Absent, 4.

Voting in the affirmative were: Senators
Allen    Arent    Davis    Dmitrich
Evans    Fife     Hale     Mayne
McCoy

Voting in the negative were: Senators
Bell     Bramble  Christensen Eastman
Hatch   Hellewell Jenkins  Killpack
Knudson Madsen   Mansell  Peterson
Stephenson Thomas  Waddoups Walker
Absent or not voting were: Senators
Buttars      Hickman      Hillyard      Valentine

Senators Killpack and Madsen declared conflicts of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen        Arent        Bell             Bramble
Christensen  Eastman      Evans           Fife
Hale         Hatch         Hellewell      Jenkins
Killpack     Knudson       Madsen         Mansell
Mayne        Peterson      Stephenson     Thomas
Waddoups     Walker

Voting in the negative were: Senators
Davis        Dmitrich      McCoy

Absent or not voting were: Senators
Buttars      Hickman      Hillyard      Valentine

1st Sub. S.B. 178 was transmitted to the House for consideration.

* * *

S.B. 201, CENTER FOR MULTICULTURAL HEALTH, was read the third time.

On motion of Senator Eastman, the bill was circled.

SECOND READING CALENDAR

On motion of Senator Hellewell, the circle was removed from 1st Sub. S.B. 212, CHILD CARE AMENDMENTS, and it was before the Senate. Senator Hellewell 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
Allen        Arent        Bell             Bramble
Buttars      Christensen  Davis           Dmitrich
Eastman      Evans        Hale            Hellewell
On motion of Senator Evans, under suspension of rules, the Senate voted to move S.B. 63 to the top of the Second Reading Calendar.

S.B. 63, SEVERANCE TAX AMENDMENTS, was read the second time.

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

1st Sub. S.B. 63, Severance Tax Amendments (B. Evans)

On motion of Senator Evans, the bill was circled.

* * *

On motion of Senator Buttars, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Buttars, the circle was removed from S.B. 201, CENTER FOR MULTICULTURAL HEALTH, and it was before the Senate. Senator Buttars explained the bill. The bill passed on the following roll call:

Yeas, 20; Nays, 6; Absent, 3.

Voting in the affirmative were: Senators

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Voting in the negative were: Senators

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Absent or not voting were: Senators
Hatch Hickman Valentine

S.B. 201 was transmitted to the House for consideration.

* * *

On motion of Senator Dmitrich, the Senate voted to move to Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Dmitrich, the circle was removed from 1st Sub. H.B. 67, ABANDONED VEHICLES AMENDMENTS, and it was before the Senate. Senator Dmitrich 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
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Fife Hale
Hellewell Hillyard Jenkins Killpack
Knudson Madsen Mansell Mayne
McCoy Peterson Stephenson Thomas
Waddoups Walker

Absent or not voting were: Senators
Hatch Hickman Valentine

* * *

1st Sub. S.B. 60, LOCAL LAND USE DEVELOPMENT AND MANAGEMENT AMENDMENTS, was read the second time. Senator Bell explained the bill.

Senator Bell proposed the following amendment:

1. Page 2, Lines 49 through 50

49 Other Special Clauses:

50 {--None--} This bill provides an immediate effective date.
2. Page 176, Line 5423:

5423 Section 17–27–809, Notice of hearing for plat change.

Section 159. 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 Bell’s motion to amend passed on a voice vote. Senators Walker and Mansell commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Allen  Arent  Bell  Bramble
Buttars  Christensen  Davis  Dmitrich
Eastman  Evans  Fife  Hale
Hatch  Hellewell  Hickman  Hillyard
Jenkins  Killpack  Knudson  Madsen
Mansell  Mayne  McCoy  Peterson
Stephenson  Thomas  Waddoups  Walker
Valentine

* * *

On motion of Senator Knudson, and at 10:55 a.m., the Senate sauntered.

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

COMMITTEE OF THE WHOLE

On motion of Senator Knudson, U.S. Senator Orrin Hatch, spoke in Committee of the Whole. Senators Thomas, Hickman, Stephenson, Hatch, and Mayne commented.

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

* * *

On motion of Senator Davis, under suspension of the rules, the Senate voted to move S.B. 225 to the top of the Second Reading Calendar.
S.B. 225, CHANGES TO GENERAL GOVERNMENT – SALES AND USE TAX AMENDMENTS, was read the second time.

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

1st Sub. S.B. 225, Changes to General Government – Sales and Use Tax Amendments (G. Davis)

On motion of Senator Davis, the bill was circled.

* * *

On motion of Senator Jenkins, the circle was removed from 1st Sub. S.B. 168, CONSTRUCTION TRADE RELATED AMENDMENTS, and it was before the Senate. Senator Jenkins explained the bill.

Senator Jenkins proposed the following amendment:

1. Page 1, Lines 15 through 18
   15 {provides that there is no final completion of certain projects if work remains undone for which the owner holds payment to ensure completion of the work;—}
   16 {exempts from the preliminary notice prerequisite to lien filing, and from other provisions, a person with privity of contract with the original contractor} exempts a person from the preliminary notice prerequisite to lien filing, and from other provisions, if the original contractor has actual notice that the person provided labor, service, equipment, or material;

2. Page 2, Line 38:
   38 {38–1–7 (Superseded 05/01/05), as last amended by Chapter 85, Laws of Utah 2004–}

3. Page 4, Line 106 through Page 6, Line 175:
   106 {Section 4. Section 38–1–7 (Superseded 05/01/05) is amended to read:
   107 38–1–7(Superseded 05/01/05). Notice of claim — Contents — Recording — Service}
A person claiming benefits under this chapter shall file for record with the county recorder of the county in which the property, or some part of the property, is situated, a written notice to hold and claim a lien within 90 days from the date of final completion of the original contract under which the claimant claims a lien under this chapter.

For purposes of this Subsection (1) and except as provided in Subsection (1)(e), final completion of the original contract means:

(i) if as a result of work performed under the original contract a permanent certificate of occupancy is required for such work, the date of issuance of a permanent certificate of occupancy by the local government entity having jurisdiction over the construction project;

(ii) if no certificate of occupancy is required by the local government entity having jurisdiction over the construction project, but as a result of the work performed under the original contract an inspection is required for such work, the date of the final inspection for such work by the local government entity having jurisdiction over the construction project; or

(iii) if with regard to work performed under the original contract no certificate of occupancy and no final inspection are required by the local government entity having jurisdiction over the construction project, the date on which there remains no substantial work to be completed to finish such work on the original contract.

Notwithstanding Section 38–1–2, where a subcontractor performs substantial
work after the applicable dates established by Subsections (1)(a)(b)(i) and (ii), that subcontractor’s subcontract shall be considered an original contract for the sole purpose of determining:

(i) the subcontractor’s time frame to file a notice of intent to hold and claim a lien

under this Subsection (1); and

(ii) the original contractor’s time frame to file a notice of intent to hold and claim a lien

under this Subsection (1) for that subcontractor’s work.

For purposes of this section, the term “substantial work” does not include:

(i) repair work; or

(ii) warranty work; or

(iii) work for which the project owner is not holding payment to ensure completion of

that work.

(e) Notwithstanding Subsection (1)(b)(iii), final completion of the original contract does not occur if work remains to be completed for which the owner is holding payment to ensure completion of that work.

(2) (a) The notice required by Subsection (1) shall contain a statement setting forth:

(i) the name of the reputed owner if known or, if not known, the name of the record owner;

(ii) the name of the person:

(A) by whom the lien claimant was employed; or

(B) to whom the lien claimant furnished the equipment or material;
(iii) the time when:

(A) the first and last labor or service was performed; or
(B) the first and last equipment or material was furnished;

(iv) a description of the property, sufficient for identification;

(v) the name, current address, and current phone number of the lien claimant;

(vi) the amount of the lien claim;

(vii) the signature of the lien claimant or the lien claimant’s authorized agent;

(viii) an acknowledgment or certificate as required under Title 57, Chapter 3,

Recording of Documents; and

(ix) if the lien is on an owner-occupied residence, as defined in Section 38-11-102, a
statement describing what steps an owner, as defined in Section 38-11-102, may take to require
a lien claimant to remove the lien in accordance with Section 38-11-107.

(b) Substantial compliance with the requirements of this Subsection (2) is sufficient to
hold and claim a lien.

(3) (a) Within 30 days after filing the notice of lien, the lien claimant shall deliver or
mail by certified mail a copy of the notice of lien to:

(i) the reputed owner of the real property; or
(ii) the record owner of the real property.

(b) If the record owner’s current address is not readily available to the lien claimant, the
copy of the claim may be mailed to the last-known address of the record owner, using the
names and addresses appearing on the last completed real property assessment rolls of the
county where the affected property is located.

(c) Failure to deliver or mail the notice of lien to the reputed owner or record owner precludes the lien claimant from an award of costs and attorneys' fees against the reputed owner or record owner in an action to enforce the lien.

(4) The Division of Occupational and Professional Licensing shall make rules governing the form of the statement required under Subsection (2)(a)(ix).—

Section 4. Section 38–1–27 (Superseded 05/01/05) is amended to read:

4. Page 7, Line 194:

(c) If an original contractor has actual notice of a person's provision of labor, service, equipment, or material on a construction project, the failure of that

5. Page 9, Line 244:

Section 5. Section 38–11–203 is amended to read:

6. Page 10, Line 295:

Section 6. Section 38–11–204 is amended to read:

7. Page 14, Line 413:

Section 7. Section 63–56–38.1 (Effective 05/01/05) is amended to read:

8. Page 14, Line 426:

Section 8. Repealer.

9. Page 15, Line 429:

Section 9. Effective date.

10. Page 15, Line 432:
Senator Jenkins’ motion to amend passed on a voice vote. Senators Bell and Thomas commented. The bill passed second reading on the following roll call:

**Yea, 23; Nay, 2; Absent, 4.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

| Evans | Hatch |

**Absent or not voting were:** Senators

| Eastman | Hickman | Mansell | Stephenson |

* * *

On motion of Senator Peterson, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

On motion of Senator Peterson, the circle was removed from **S.B. 204, Sales and Use Tax Diversions**, and it was before the Senate.

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

**1st Sub. S.B. 204, Sales and Use Tax Diversions** (D. Peterson)

On motion of Senator Peterson, the bill was circled.

* * *

On motion of Senator Knudson, 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 22, 2005

The House passed, as amended, **H.B. 259**, ADOPTION AMENDMENTS, by Representative A. Hardy, and it is transmitted for consideration; and

The House passed **H.B. 297**, AGGRAVATED MURDER AMENDMENTS, by Representative S. Wyatt, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 306**, AMENDMENT REGARDING CONTROLLED SUBSTANCES, by Representative C. Oda, and it is transmitted for consideration; and

The House passed **H.B. 311**, CONTROLLED SUBSTANCE LAW AMENDMENTS, by Representative B. Dee, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 324**, TAXABLE VALUE ADJUSTMENT FOR PROPERTY DAMAGED BY A NATURAL DISASTER, by Representative B. Last, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk


RULES COMMITTEE REPORTS

To the Members of the Senate:

February 22, 2005

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

**Government Operations and Political Subdivisions Committee**

**H.B. 109**  Information Technology Governance Amendments  
(Rep. D. Clark)

**H.B. 128**  Compensation of Executive Officers  
(Rep. L. Christensen)

**H.B. 266**  Changes to Quality Growth Commission  
(Rep. C. Buttars)

**H.B. 346**  Schools for the Deaf and the Blind Salary Adjustments  
(Rep. K. Morgan)
Revenue and Taxation Committee
H.B. 107 Amendments to Taxes, Fees, or Charges (Rep. W. Harper)

Workforce Services and Community and Economic Development
S.C.R. 8 Concurrent Resolution Approving Class V Landfill (Sen. M. Dmitrich)
H.B. 342 Civil Legal Aid for Victims of Domestic Violence (Rep. S. Mascaro)

Michael Waddoups
Rules Committee Chair

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

RULES COMMITTEE REPORTS

To the Members of the Senate: February 22, 2005

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

S.J.R. 20 Joint Resolution Recognizing Retiring President of Dixie State College (Sen. J. Hickman)

Michael Waddoups
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 21, 2005

The Business and Labor Committee reports a favorable recommendation on S.B. 62, PERSONAL PROPERTY TRANSACTIONS AMENDMENTS, by Senator M. Waddoups; and
The Business and Labor Committee reports a favorable recommendation on
**H.B. 25**, DIRECT-ENTRY MIDWIFE ACT, by Representative J. Biskupski; and

The Business and Labor Committee reports a favorable recommendation on
**H.B. 121**, PROPERTY EXEMPT FROM EXECUTION, by Representative J. Dunnigan, with the following amendments:

1. Page 3, Lines 66 through 68
   House Floor Amendments
   2–16–2005:

   66 [(viii) works of art]

   67 (ix) except for works of art held by the debtor as part of a trade or business, works of

   68 art:

2. Page 2, Line 34 through Page 4, Line 104:

   34 78–23–5. Property exempt from execution.

   35 (1) (a) An individual is entitled to exemption of the following property:

   * * * Some lines not shown * * *

   76 (xi) the proceeds or benefits of any life insurance contracts

   76a or policies paid

   77 or payable to the debtor upon the death of the spouse or dependent children of the debtor

   78 the contract or policy has been owned by the debtor for a continuous unexpired period of two

   79 years;

   80 (xii) the proceeds or benefits of any life insurance contracts

   80a or policies

   81 paid or payable to the spouse or dependent children of the debtor upon the death of the

   81a debtor
82 that the contract or policy has been in existence for a continuous unexpired period of two years;
83 (xiii) proceeds and avails of any unmatured life insurance contracts owned by the debtor except:
84 (A) amounts assigned or pledged as collateral incident to a valid contract; or
85 (B) any payments made on a contract during the 24 months immediately preceding a creditor’s levy or execution;

(2) The exemptions in Subsections (1)(xi), (xii), and (xiii) do not apply to proceeds and avails of any matured or unmatured life insurance contract assigned or pledged as collateral for repayment of a loan or other legal obligation.

Exemptions under this section do not limit items that may be claimed as exempt under Section 78–23–8.

Scott K. Jenkins, Chair

Mr. President: February 21, 2005

The Health and Human Services Committee reports a favorable recommendation on H.B. 79, PROVISION OF SERVICES FOR PEOPLE WITH DISABILITIES, by Representative R. Lockhart; and

The Health and Human Services Committee reports a favorable recommendation on H.B. 80, SERVICES FOR PEOPLE WITH DISABILITIES, by Representative R. Lockhart; and

The Health and Human Services Committee reports a favorable recommendation on H.B. 243, REPEAL OF GERIATRIC CARE MANAGER, by Representative R. Lockhart.

Allen M. Christensen, Chair

Mr. President: February 21, 2005

The Education Committee reports a favorable recommendation on S.J.R. 19, RESOLUTION RECOGNIZING GRANITE SCHOOL DISTRICT’S 100 YEARS, by Senator G. Davis; and
The Education Committee reports a favorable recommendation on H.B. 86, UTAH COLLEGE OF APPLIED TECHNOLOGY AMENDMENTS, by Representative R. Bigelow; and

The Education Committee reports a favorable recommendation on H.B. 102, HIGHER EDUCATION SAVINGS INCENTIVE PROGRAM AMENDMENTS, by Representative S. Wyatt; and

The Education Committee reports a favorable recommendation on H.B. 136, CHARTER SCHOOL ENROLLMENT, by Representative J. Ferrin.

David L. Thomas, Chair

Mr. President: February 22, 2005

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 213, UNUSED SICK LEAVE AT RETIREMENT AMENDMENTS, by Representative D. Clark

Parley G. Hellewell, Chair

Mr. President: February 22, 2005

The Revenue and Taxation Committee recommends S.B. 209, INTERLOCAL COOPERATION ACT AMENDMENTS, by Senator C. Bramble, be replaced and favorably recommends 2nd Sub. S.B. 209, INTERLOCAL COOPERATION AMENDMENTS with the following amendments:

1. Page 4, Line 91:
   After “purpose” delete “before December 31, 2009”; and

The Revenue and Taxation Committee recommends 1st Sub. H.B. 49, BICYCLE SAFETY PROVISIONS, by Representative R. McGee, be replaced and favorably recommends 2nd Sub. H.B. 49, BICYCLE SAFETY PROVISIONS.

Curtis S. Bramble, Chair

Mr. President: February 22, 2005

The Workforce Services and Community and Economic Development Committee deleted S.B. 234, AMENDMENTS TO DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, by Senator P. Knudson, and replaced it with 1st Sub. S.B. 234, AMENDMENTS TO DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, and has returned it to the Rules Committee.

Carlene M. Walker, Chair

On motion of Senator Bell, the Senate voted to recall H.B. 55, DRUG OFFENSE PENALTY ENHANCEMENTS, from the House for the purpose of a technical amendment.

COMMITTEE OF THE WHOLE

On motion of Senator Knudson, Consulate General of Taiwan, Matthew Lee spoke in Committee of the Whole.

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

SECOND READING CALENDAR

S.B. 170, STATE TAX COMMISSION COLLECTION AND LICENSING PRACTICES, 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

Allen   Arent   Bell   Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Fife Hale
Hatch Hellewell Hickman Hillyard
Jenkins Killpack Knudson Madsen
McCoy Peterson Stephenson Waddoups
Walker Valentine

Absent or not voting were: Senators

Mansell Mayne Thomas
**S.B. 205, INDIVIDUAL INCOME TAX – OFFICE OF STATE DEBT COLLECTION RULEMAKING AUTHORITY, was read the second time. 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

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**Absent or not voting were:** Senators

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**1st Sub. S.B. 211, FUNDING FOR CONVENTION FACILITIES, was read the second time. Senator Waddoups explained the bill.**

Senator Hillyard proposed the following amendment:

1. Page 1, Lines 15 through 16

   15 ▶ authorizes a county legislative body \{−of a county of the first class\} to enact a tax on

   16 certain accommodations and services including:

1. Page 7, Line 211 through Page 8, Line 213:

   211 (1) (a) Beginning on July 1, 2005, through June 30, 2015, a county legislative body \{−of a
county of the first class\} having a population of over 75,000 \(\iffalse\) may impose a tax of 1% on

   212 charges for the accommodations and

   213 services described in Subsection 59−12−103(1)(i).
2. Page 8, Lines 219 through 226
Senate Committee Amendments
2–21–2005:

219 (c) Notwithstanding Subsection (1)(b), a county legislative body of a county of the first class may not expend in any
12-month period more than 60% of the revenues generated by a tax authorized by Subsection

220 (1)(a):

222 (i) for a purpose described in Subsection (1)(b); and

223 (ii) relating to one convention facility.

224 (d) [The ] For a county of the first class, the revenues generated by the tax authorized by Subsection (1)(a) that are

225 expended for a purpose described in Subsection (1)(b) may only be expended for amounts the

226 county legislative body is required to pay under a contract that is awarded:

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

###

Senator Killpack proposed the following amendment:

1. Page 5, Lines 129, 130, 132 to 135:
Reinstate the stricken language on lines 129, 130, 132 to 135

Senator Killpack’s motion to amend failed on the following roll call:

**Yeas, 11; Nays, 14; Absent, 4.**

**Voting in the affirmative were:** Senators
Bell Christensen Eastman Hatch
Hellewell Jenkins Killpack Knudson
Madsen Peterson Thomas

**Voting in the negative were:** Senators
Allen Arent Bramble Buttars
Davis Dmitrich Evans Fife
Hale Hickman Mansell McCoy
Stephenson Waddoups
Absent or not voting were: Senators
Hillyard    Mayne    Walker    Valentine

Senators Peterson, Hickman, Stephenson, Jenkins, Killpack, Thomas, and Eastman commented. The bill passed second reading on the following roll call:

Yeas, 16; Nays, 8; Absent, 5.

Voting in the affirmative were: Senators
Allen       Arent      Bramble     Buttars
Christensen Davis     Dmitrich  Fife
Hale        Hatch      Hellewell Hickman
Knudson     Mansell    McCoy      Waddoups

Voting in the negative were: Senators
Bell         Eastman    Evans      Jenkins
Killpack    Madsen     Peterson  Thomas

Absent or not voting were: Senators
Hillyard    Mayne     Stephenson Walker
Valentine

* * *

On motion of Senator Knudson and at 3:40 p.m., the Senate adjourned until 9:00 a.m., Wednesday, February 23, 2005.
February 23, 2005

THIRTY-EIGHTH DAY

MORNING SESSION

The Senate was called to order at 9:45 a.m., with President John Valentine presiding.

Prayer – Cantor Lawrence Loeb, Congregation Kol Ami
Pledge of Allegiance – Senator Scott McCoy
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 96)

COMMITTEE OF THE WHOLE

On motion of Senator Hickman, former Senator Dave Watson spoke in Committee of the Whole regarding fund raising efforts to support victims of flood-ravaged Southern Utah.

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

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 22, 2005

The House concurred in the Senate amendments and passed H.J.R. 15, RESOLUTION REGARDING UNITED STATES TRADE NEGOTIATIONS, by Representative S. Allen, et al, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

H.J.R. 15 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: February 22, 2005

The House transmits H.B. 55, DRUG OFFENSE PENALTY ENHANCEMENTS, by Representative B. Dee, for technical correction.

Carole E. Peterson, Chief Clerk

H.B. 55 will be referred to staff for technical corrections and returned to the House.
Mr. President: February 22, 2005

The House passed, as substituted and amended, 1st Sub. H.B. 84, READING REQUIREMENTS FOR STUDENT ADVANCEMENT, by Representative K. Morgan, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 87, CLAIMS AGAINST A COUNTY, by Representative S. Clark, and it is transmitted for consideration; and

The House passed H.B. 124, ENROLLMENT GROWTH PROGRAM AMENDMENTS, by Representative B. Last, and it is transmitted for consideration; and

The House passed, as amended, H.B. 148, SCHOOL TRUANCY AMENDMENTS, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed, as substituted and amended, 2nd Sub. H.B. 202, REVISIONS TO CHILD WELFARE, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as amended, H.B. 275, BUSINESS ENTITY AMENDMENTS, by Representative R. Romero, and it is transmitted for consideration; and

The House passed, as substituted, 3rd Sub. H.B. 308, ARCHEOLOGICAL RESOURCES AMENDMENTS, by Representative B. Johnson, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk


INTRODUCTION OF BILLS

S.B. 175, Weapons Amendments (M. Madsen), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

S.B. 96, COMMERCE SERVICE FUND 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
Allen Arent Bell Bramble
Buttars Christensen Davis Eastman
Evans Fife Hale Hatch
Hellewell Jenkins Knudson Madsen
Mansell Mayne McCoy Peterson
Stephenson Thomas Waddoups Walker
Valentine

Absent or not voting were: Senators
Dmitrich Hickman Hillyard Killpack

S.B. 96 was transmitted to the House for consideration.

* * *

H.B. 283, REAL ESTATE AMENDMENTS, was read the third time, explained by Senator Hatch, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Eastman
Fife Hale Hatch Hellewell
Hillyard Jenkins Killpack Knudson
Madsen Mansell Mayne McCoy
Peterson Stephenson Thomas Waddoups Walker
Valentine

Absent or not voting were: Senators
Dmitrich Eastman Hickman

H.B. 283 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 139, LOCAL SCHOOL BOARD AMENDMENTS, 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

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Absent or not voting were: Senators

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H.B. 139 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

** ***

H.B. 145, AMENDMENTS TO HEARING AND SPEECH IMPAIRED TELECOMMUNICATIONS PROGRAM, 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

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Absent or not voting were: Senators

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H.B. 145 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

COMMITTEE OF THE WHOLE

On motion of Senator Dmitrich, Weber State football coach Ron McBride spoke in Committee of the Whole.

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

1st Sub. S.B. 212, CHILD CARE INVESTIGATIONS, was read the third time.

On motion of Senator Knudson, the bill was circled.

* * *

1st Sub. H.B. 67, ABANDONED VEHICLES AMENDMENTS, was read the third time, explained by Senator Dmitrich, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen    Christensen    Evans    Hillyard    Madsen    Peterson    Walker
Arent    Davis    Fife    Jenkins    Mansell    Stephenson    Valentine
Bell    Dmitrich    Hale    Killpack    Mayne    Thomas   
Bramble    Eastman    Hatch    Knudson    McCoy    Waddoups

Absent or not voting were: Senators

Buttars    Hellewell    Hickman

1st Sub. H.B. 67 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 H.B. 91 from the Third Reading Table and place it at the bottom of the Third Reading Calendar.

* * *

1st Sub. S.B. 60, LOCAL LAND USE DEVELOPMENT AND MANAGEMENT AMENDMENTS, was read the third time and explained by Senator Bell. Senator Thomas commented and the bill passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.
Voting in the affirmative were: Senators
Allen  Arent  Bell  Bramble
Christensen  Davis  Dmitrich  Eastman
Evans  Fife  Hale  Hatch
Hillyard  Jenkins  Killpack  Knudson
Madsen  Mansell  Mayne  McCoy
Peterson  Stephenson  Thomas  Waddoups
Walker  Valentine

Absent or not voting were: Senators
Buttars  Hellewell  Hickman

1st Sub. S.B. 60 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 168, CONSTRUCTION TRADE RELATED AMENDMENTS, was read the third time.

On motion of Senator Jenkins, the bill was circled.

* * *

S.B. 170, STATE TAX COMMISSION COLLECTION AND LICENSING PRACTICES, was read the third time.

On motion of Senator Bramble, the bill was circled.

* * *

S.B. 205, INDIVIDUAL INCOME TAX − OFFICE OF STATE DEBT COLLECTION RULEMAKING AUTHORITY, was read the third time, explained by Senator Dmitrich, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen  Arent  Bramble  Buttars
Christensen  Davis  Dmitrich  Eastman
Evans  Fife  Hale  Hatch
Hillyard  Jenkins  Killpack  Knudson
Madsen  Mansell  Mayne  McCoy
Peterson  Stephenson  Thomas  Waddoups
Valentine
Absent or not voting were: Senators  
Bell  Hellewell  Hickman  Waddoups  

S.B. 205 was transmitted to the House for consideration.

* * *

On motion of Senator Buttars, the circle was removed from S.B. 154, PUBLIC SAFETY RETIREMENT AMENDMENTS, and it was before the Senate. Senator Buttars explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators  
Allen  Arent  Buttars  Christensen  
Davis  Dmitrich  Eastman  Evans  
Fife  Hale  Hellewell  Hillyard  
Jenkins  Killpack  Knudson  Madsen  
Mansell  Mayne  McCoy  Peterson  
Stephenson  Walker  

Voting in the negative were: Senators  
Bell  Hickman  Thomas  

Absent or not voting were: Senators  
Bramble  Hatch  Waddoups  Valentine  

S.B. 154 was transmitted to the House for consideration.

* * *

On motion of Senator Stephenson, the circle was removed from 1st Sub. S.B. 13, INDIVIDUAL INCOME TAX SUBTRACTION FOR CERTAIN MILITARY INCOME AND TUITION WAIVER FOR QUALIFYING MILITARY SERVICE MEMBERS, and it was before the Senate. Senator Stephenson explained the bill. Senator Bell commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators  
Allen  Arent  Bell  Christensen  
Davis  Dmitrich  Eastman  Evans  

Fife Hatch Hellewell Hickman
Hillyard Jenkins Knudson Madsen
Mansell Mayne McCoy Peterson
Stephenson Thomas Walker

Absent or not voting were: Senators
Bramble Buttars Hale Killpack
Waddoups Valentine

1st Sub. S.B. 13 was transmitted to the House for consideration.

* * *

On motion of Senator Hellewell, the circle was removed from 1st Sub. S.B. 212, CHILD CARE INVESTIGATIONS, and it was before the Senate. Senator Hellewell explained the bill. The bill passed on the following roll call:

Yeas, 21; Nays, 1; Absent, 7.

Voting in the affirmative were: Senators
Allen Arent Bell Christensen
Davis Dmitrich Eastman Evans
Fife Hatch Hellewell Hickman
Hillyard Jenkins Knudson Madsen
McCoy Peterson Stephenson Thomas
Walker

Voting in the negative was: Senator
Mayne

Absent or not voting were: Senators
Bramble Buttars Hale Killpack
Mansell Waddoups Valentine

1st Sub. S.B. 212 was transmitted to the House for consideration.

* * *

On motion of Senator Peterson, the circle was removed from 1st Sub. S.B. 204, SALES AND USE TAX DIVERSIONS, and it was before the Senate. Senator Peterson explained the bill. The bill passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.
Voting in the affirmative were: Senators
Allen    Arent    Bell    Christensen
Davis    Dmitrich    Eastman    Evans
Fife    Hatch    Hellewell    Hickman
Hillyard    Jenkins    Knudson    Madsen
Mayne    McCoy    Peterson    Stephenson
Thomas    Walker

Absent or not voting were: Senators
Bramble    Buttars    Hale    Killpack
Mansell    Waddoups    Valentine

1st Sub. S.B. 204 was transmitted to the House for consideration.

1st Sub. S.B. 211, FUNDING FOR CONVENTION FACILITIES, was read the third time.

On motion of Senator Hillyard, the bill was circled.

H.B. 91, LICENSE PLATE FOR DISABLED VETERANS, 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
Allen    Arent    Bell    Christensen
Davis    Eastman    Evans    Fife
Hatch    Hellewell    Hickman    Jenkins
Killpack    Knudson    Madsen    Mayne
McCoy    Peterson    Stephenson    Thomas
Walker    Valentine

Absent or not voting were: Senators
Bramble    Buttars    Dmitrich    Hale
Hillyard    Mansell    Waddoups

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.

On motion of Senator Knudson, and at 10:40 a.m., the Senate recessed.
The Senate was called to order at 11:45 a.m., with President Valentine presiding.

**STANDING COMMITTEE REPORTS**

Mr. President: February 23, 2005

The Health and Human Services Committee reports a favorable recommendation on *1st Sub. H.B. 56*, DIVORCE TASK FORCE, by Representative P. Wallace; and

The Health and Human Services Committee reports a favorable recommendation on *1st Sub. H.B. 62*, AMENDMENTS TO INTERMEDIATE CARE FACILITIES FOR MENTALLY RETARDED, by Representative R. Lockhart; and

The Health and Human Services Committee reports a favorable recommendation on *H.B. 233*, ADOPTION LAW REVISIONS, by Representative R. McGee.

Allen M. Christensen, Chair

Mr. President: February 23, 2005

The Education Committee reports a favorable recommendation on *1st Sub. H.B. 63*, SCHOOL DISTRICT AMENDMENTS, by Representative D. Cox; and

The Education Committee reports a favorable recommendation on *H.B. 206*, CHARTER SCHOOL REPORTING, by Representative C. Moss; and

The Education Committee reports a favorable recommendation on *H.B. 231*, SCHOOL DISTRICT BOUNDARIES, by Representative M. Noel.

David L. Thomas, Chair

Mr. President: February 22, 2005

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on *H.B. 234*, TELEPHONE SURCHARGE FOR EDUCATION AND TRAINING PROGRAMS AT PRISON, by Representative B. Goodfellow; and
The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 349, MONEY MANAGEMENT ACT AMENDMENTS, by Representative D. Clark.

D. Chris Buttars, Chair


* * *

Mr. President: February 23, 2005

The Business and Labor Committee reports a favorable recommendation on 1st Sub. H.B. 105, CONSTRUCTION FILING AMENDMENTS, by Representative M. Morley, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 14, Lines 407 through 408:

   407 [suspends the operation of] is not filed within {15 days after the day on which a building permit

   408 is issued } the time set forth in Subsections 38−1−31(1)(a) and (b) , the following do not apply:

2. Page 19, Line 560:

   560 filed the {preliminary notice } notice of completion evidence establishing the validity of the notice of completion.

Scott K. Jenkins, Chair

On motion of Senator Waddoups, the committee report was adopted. 1st Sub. H.B. 105 was considered read the second time and placed on the Consent Calendar.

COMMITTEE OF THE WHOLE

On motion of Senator Hale, University of Utah President Michael Young spoke in Committee of the Whole. Senators Waddoups, Knudson, Hatch, and Valentine commented. The Senate paid tribute to the University of Utah’s football team’s victory at the 2005 Fiesta Bowl.

On motion of Senator Hale, the Committee of the Whole was dissolved.
COMMUNICATIONS FROM THE HOUSE

Mr. President: February 23, 2005

The House passed H.C.R. 11, RESOLUTION HONORING THE UNIVERSITY OF UTAH FOOTBALL TEAM, by Representative J. Alexander, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. H.C.R. 11 was read the first time and referred to the Rules Committee.

On motion of Senator Hale, the Senate voted to lift H.C.R. 11 from rules and place it at the top of the Second Reading Calendar.

* * *

On motion of Senator Hale, under suspension of the rules, H.C.R. 11, RESOLUTION HONORING THE UNIVERSITY OF UTAH FOOTBALL TEAM, 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

Allen          Arent          Bell          Bramble
Buttars       Christensen    Davis         Dmitrich
Eastman       Evans          Fife          Hale
Hatch          Hellewell     Hickman       Jenkins
Killpack       Knudson       Madsen        Mayne
McCoy          Peterson      Stephenson    Thomas
Waddoups      Walker         Valentine

Absent or not voting were: Senators

Hillyard    Mansell

H.C.R. 11 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

* * *

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

AFTERNOON SESSION

The Senatereassembled at 2:40 p.m., with President Valentine presiding.
COMMUNICATIONS FROM THE HOUSE

Mr. President: February 23, 2005

The House concurred in the Senate amendments and passed 1st Sub. H.B. 180, RETIREMENT OFFICE AMENDMENTS, by Representative A. Hardy, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

Communications filed. 1st Sub. H.B. 180 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, 2005

The House passed, as amended, H.B. 118, REVISE UTILITY IMPROVEMENT DISTRICTS, by Representative D. Ure, and it is transmitted for consideration; and

The House passed, as amended, H.B. 138, NONRESIDENT TUITION FOR HIGHER EDUCATION AMENDMENTS, by Representative M. S. Lawrence, and it is transmitted for consideration; and

The House passed, as amended, H.B. 147, PROPERTY TAX EXEMPTION FOR VETERANS, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed, as amended, H.B. 255, INVESTMENT OF HIGHER EDUCATION INSTITUTION ENDOWMENT FUNDS, by Representative D. Clark, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 261, MOTORBOAT LIABILITY INSURANCE AMENDMENTS, by Representative K. Gibson, and it is transmitted for consideration; and

The House passed, as amended, H.B. 280, JOINT CUSTODY AMENDMENTS, by Representative L. Christensen, and it is transmitted for consideration; and

The House passed H.B. 309, MUNICIPAL BUDGET AMENDMENTS, by Representative M. Walker, and it is transmitted for consideration; and
The House passed **H.B. 380**, AMENDMENTS TO LOCAL DISTRICTS, by Representative K. Morgan, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk


* * *

Mr. President: February 23, 2005

The House refused to concur with the Senate Amendments to **H.B. 43**, SCHOOL LAND TRUST PROGRAM FUNDING AMENDMENTS, by Representative S. Urquhart, et al, and requests the Senate recede from its amendments.

Carole E. Peterson, Chief Clerk

On motion of Senator Hatch, the Senate voted to refuse to recede from its amendments to **H.B. 43**. President Valentine appointed a conference committee consisting of Senators Hatch, Hickman, and Hale to meet with a like committee from the House.

**THIRD READING CALENDAR**

On motion of Senator Walker, the circle was removed from **1st Sub. S.B. 25**, TRANSPORTATION AMENDMENTS AND HIGHWAY JURISDICTIONAL TRANSFER TASK FORCE, and it was before the Senate. Senator Walker explained the bill.

Senator Walker proposed the following amendment:

1. Page 5, Line 137

   137 (i) predevelopment activity could create an increase in site:

2. Page 7, Line 191:

   191 (B) allow a development that would create an increase in site:

3. Page 9, Line 269:
269 (ii) to allow a development that would create an increase in , on any local or state highway, site:

4. Page 10, Line 298:

298 (i) predevelopment activity could create an increase in site:

5. Page 12, Line 350:

350 (B) allow a development that would create an increase in site:

6. Page 15, Line 429:

429 (ii) that allows a development that would create an increase in , on any local or state highway, site:

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

# # #

Senator Killpack proposed the following amendment:

1. Page 16, Lines 485 through 486
Senate Committee Amendments 2−2−2005

485 (3) In developing the written prioritization process, the commission ;
(a) shall seek and consider public comment by holding public meetings at locations throughout the state ; and
(b) may not consider local matching dollars as provided under Section 72−2−123 unless the state provides an equal opportunity to raise local matching dollars for state highway improvements within each county.

Senator Killpack’s motion to amend passed on a voice vote. Senators Bramble and Thomas commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman      Fife      Hale      Hatch
Hellewell    Hickman  Killpack  Knudson
Madsen       Mayne    McCoy    Peterson
Stephenson   Thomas   Waddoups Walker
Valentine

Absent or not voting were: Senators
Evans        Hillyard  Jenkins  Mansell

1st Sub. S.B. 25, as amended, was transmitted to the House for consideration.

* * *

SECOND READING CALENDAR

On motion of Senator Hickman, under suspension of the rules, the Senate voted to move S.J.R. 20, JOINT RESOLUTION RECOGNIZING RETIRING PRESIDENT OF DIXIE STATE COLLEGE, to the top of the Second Reading Calendar.

On motion of Senator Hickman, under suspension of the rules, S.J.R. 20, JOINT RESOLUTION RECOGNIZING RETIRING PRESIDENT OF DIXIE STATE COLLEGE, was considered read the second and third times. 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
Allen         Arent     Bell     Bramble
Buttars      Christensen  Davis  Dmitrich
Eastman      Fife      Hale     Hatch
Hellewell    Hickman  Jenkins  Killpack
Knudson      Mayne    McCoy    Peterson
Stephenson   Thomas   Waddoups Walker
Valentine

Absent or not voting were: Senators
Evans        Hillyard  Madsen  Mansell

S.J.R. 20 was transmitted to the House for consideration.

* * *

On motion of Senator Bramble the Senate voted to lift S.J.R. 12 from the Transportation, Public Utilities and Technology Committee and place it at the
bottom of the Second Reading Calendar. Senators Waddoups, Jenkins, Killpack and Fife commented.

* * *

**H.B. 191, CAPTIVE INSURANCE LAW AMENDMENTS, was read the second time. Senator Killpack 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
Allen Arent Bell Bramble
Christensen Davis Dmitrich Evans
Fife Hale Hatch Hellewell
Jenkins Killpack Mansell Mayne
McCoy Peterson Stephenson Thomas
Waddoups Walker Valentine

**Absent or not voting were:** Senators
Buttars Eastman Hickman Hillyard
Knudson Madsen

* * *

**H.B. 201, LIFE INSURANCE AND ANNUITIES LAW AMENDMENTS, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:**

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

**Voting in the affirmative were:** Senators
Allen Arent Bell Bramble
Davis Dmitrich Eastman Evans
Fife Hale Hatch Hellewell
Hillyard Jenkins Killpack Madsen
Mayne McCoy Peterson Stephenson
Thomas Waddoups Walker Valentine

**Absent or not voting were:** Senators
Buttars Christensen Hickman Knudson
Mansell

* * *

**2nd Sub. H.B. 74, TUITION PROGRAM FOR STUDENTS SEEKING TEACHER LICENSURE IN DISABILITY OR SPECIAL EDUCATION, was**
read the second time. Senator Evans explained the bill. Senator Walker commented. The bill passed second reading on the following roll call:

**Yea, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were: Senators**

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**Absent or not voting were: Senators**

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**1st Sub. H.B. 188, Appropriation for Public Education Job Enhancement Program,** was read the second time. Senator Evans explained the bill.

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

**2nd Sub. H.B. 188, Appropriation for Public Education Job Enhancement Program** (B. Evans)

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

**Yea, 25; Nays, 1; Absent, 3.**

**Voting in the affirmative were: Senators**

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**Voting in the negative was: Senator**

Peterson
Absent or not voting were: Senators
Fife  Hickman  Waddoups

***

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. 195, TAX REVISIONS, and it was before the Senate. Senator Bramble explained the bill. Senators Mayne and Arent commented. The bill passed on the following roll call:

Yeas, 23; Nays, 5; Absent, 1.

Voting in the affirmative were: Senators
Allen  Bell  Bramble  Buttars
Christensen  Dmitrich  Eastman  Evans
Fife  Hatch  Hellewell  Hillyard
Jenkins  Killpack  Knudson  Madsen
Mansell  Peterson  Stephenson  Thomas
Waddoups  Walker  Valentine

Voting in the negative were: Senators
Arent  Davis  Hale  Mayne
McCoy

Absent or not voting was: Senator
Hickman

1st Sub. S.B. 195 was transmitted to the House for consideration.

***

On motion of Senator Knudson, the Senate voted to return to Second Reading Calendar.

SECOND READING CALENDAR

H.B. 224, PERMANENT COMMUNITY IMPACT FUND – BOARD MEMBERSHIP, was read the second time. Senator Evans 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

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<th>Senator</th>
<th>Arent</th>
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**Voting in the negative were:** Senators

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**Absent or not voting was:** Senator

Hickman

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**On motion of Senator Dmitrich, under suspension of the rules, H.C.R. 10, CONCURRENT RESOLUTION HONORING WALDO WILCOX FOR PRESERVATION OF RANGE CREEK AREA, 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

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**Absent or not voting were:** Senators

Hickman | Hillyard

**H.C.R. 10** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

---

**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 S.B. 170, STATE TAX COMMISSION COLLECTION AND LICENSING PRACTICES, and it was before the Senate.

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

1st Sub. S.B. 170, State Tax Commission Collection and Licensing Practices (C. Bramble)

On motion of Senator Bramble, the bill was circled.

On motion of Senator Bramble, the Senate voted to return to Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Christensen, the circle was removed from 2nd Sub. H.B. 93, EMISSION INSPECTION AMENDMENTS, and it was before the Senate. On motion of Senator Bramble the following amendment was proposed:

1. Page 1, Lines 12 through 15

12 { repeals the requirement that } allows a county legislative body to require college students and employees who park on a college or university campus a motor vehicle that is not registered in a county subject to emissions inspections { are required } to provide proof of compliance with an emissions inspection; and

2. Page 2, Line 38:

38 than required under Subsection [(6)] { (5) } (6) ; and

3. Page 4, Lines 90 through 115:

90 { Each } The legislative body of each county required under federal law to utilize a motor vehicle emissions inspection and maintenance program or in which an emissions
inspection and maintenance program is necessary to attain or maintain any national ambient air quality standard may require each college or university located in a county subject to this section to require its students and employees who park a motor vehicle not registered in a county subject to this section to provide proof of compliance with an emissions inspection accepted by the county legislative body if the motor vehicle is parked on the college or university campus or property. (b) College or university parking areas that are metered or for which payment is required per use are not subject to the requirements of this Subsection (5). (6) (a) An emissions inspection station shall issue a certificate of emissions inspection for each motor vehicle that meets the inspection and maintenance program requirements established in rules made under Subsection (2). (b) The frequency of the emissions inspection shall be determined based on the age of the vehicle as determined by model year and shall be required annually subject to the provisions of Subsection (6) (c). (i) To the extent allowed under the current federally approved state implementation plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401 et seq., the legislative body of a county identified in Subsection (1) shall only require the emissions inspection every two years for each vehicle. (ii) The provisions of Subsection (6) (c)(i) apply only to a vehicle that is less than
six years old on January 1.

(d) If an emissions inspection is only required every two years for a vehicle under

Subsection [(6)] (c), the inspection shall be required for the vehicle in:

(i) odd-numbered years for vehicles with odd-numbered model years; or

(ii) in even-numbered years for vehicles with even-numbered model years.

The emissions inspection shall be required within the same time limit applicable to a safety inspection under Section 41–1a–205.

(a) A county identified in Subsection (1) shall collect information about and

If approved by the county legislative body, a county that had an established emissions inspection fee as of January 1, 2002, may increase the established fee that an emissions inspection station may charge by $2.50 for each year that is exempted from emissions inspections under Subsection [(6)] (c) up to a $7.50 increase.

Senator Bramble’s motion to amend failed on a voice vote. Senators Jenkins, Allen, Killpack, and Stephenson commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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Voting in the negative were: Senators
Allen  Arent  Davis  Dmitrich
Fife  Hale  Mayne  McCoy

Absent or not voting were: Senators
Hillyard  Mansell

* * *

H.B. 150, WATER RIGHTS FEES, was read the second time. Senator Hatch explained the bill. Senator Thomas commented. Senator Thomas declared a conflict of interest. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Arent  Bell  Christensen  Davis
Dmitrich  Eastman  Evans  Fife
Hale  Hatch  Hellewell  Hillyard
Jenkins  Killpack  Knudson  Madsen
Mayne  McCoy  Peterson  Stephenson
Thomas  Waddoups  Walker  Valentine

Absent or not voting were: Senators
Allen  Bramble  Buttars  Hickman
Mansell

* * *

1st Sub. H.B. 155, AGRICULTURAL COOP AMENDMENTS, 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
Arent  Bell  Christensen  Davis
Dmitrich  Eastman  Evans  Fife
Hale  Hatch  Hellewell  Hillyard
Jenkins  Killpack  Knudson  Madsen
Mayne  McCoy  Peterson  Stephenson
Thomas  Waddoups  Walker  Valentine

Absent or not voting were: Senators
Allen  Bramble  Buttars  Hickman
Mansell
H.B. 156, DAIRY PROMOTION ACT AMENDMENTS, was read the second time. Senator Hatch 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

Arent  Bell  Buttars  Christensen
Davis  Dmitrich  Eastman  Evans
Fife  Hale  Hatch  Hellewell
Hickman  Hillyard  Jenkins  Killpack
Knudson  Madsen  Mayne  McCoy
Peterson  Stephenson  Thomas  Waddoups
Walker  Valentine

**Absent or not voting were:** Senators

Allen  Bramble  Mansell

**On motion of Senator Waddoups, the Senate voted that any bills which have not been reported out of Senate Standing Committees after the conclusion of their last scheduled meeting will be reported back to the Rules Committee.**

**On motion of Senator Knudson and at 3:55 p.m., the Senate adjourned until 9:00 a.m., Thursday, February 24, 2005.**
February 24, 2005

THIRTY–NINTH DAY

MORNING SESSION

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

Prayer – James Pugh, Executive Director of the Utah Food Bank
Pledge of Allegiance – Senator Darin Peterson
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 96)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 23, 2005

The House passed H.B. 119, NAVAJO TRUST FUND AMENDMENTS, by Representative B. King, and it is transmitted for consideration; and

The House passed H.B. 303, SHELTER HEARING AMENDMENTS, by Representative E. Hutchings, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. H.B. 119 and H.B. 303 were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: February 23, 2005

The Revenue and Taxation Committee recommends S.B. 183, PUBLIC TRANSIT DISTRICT ANNEXATION AND FUNDING AMENDMENTS, by Senator G. Bell, be replaced and favorably recommends 2nd Sub. S.B. 183, PUBLIC TRANSIT DISTRICT ANNEXATION AND FUNDING AMENDMENTS; and

The Revenue and Taxation Committee reports a favorable recommendation on 2nd Sub. H.B. 45, PROPERTY AFFECTED BY ACCESS INTERRUPTION, by Representative G. Hughes; and
The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 107**, AMENDMENTS TO TAXES, FEES, OR CHARGES, by Representative W. Harper; and

The House passed **H.B. 116**, PRIVATE ACTIVITY BOND AMENDMENTS, by Representative D. Clark, and it is transmitted for consideration; and

The Revenue and Taxation Committee reports a favorable recommendation on **3rd Sub. H.B. 174**, CHILD PROTECTION REGISTRY AMENDMENTS, by Representative J. Dougall; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 249**, CARSON SMITH SPECIAL NEEDS SCHOLARSHIPS, by Representative M. Newbold; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 287**, REVENUE BONDS AND CAPITAL FACILITIES AUTHORIZATIONS, by Representative D. G. Buxton.

Curtis S. Bramble, Chair


* * *

Mr. President: February 24, 2005

With a committee review, the Business and Labor Committee has returned **S.B. 69**, FAMILY SUSTAINING WAGE AMENDMENTS, by Senator F. Fife, to the Rules Committee without recommendation; and

With a committee review, the Business and Labor Committee has returned **S.B. 156**, HEALTH INSURANCE – PROMPT PAYMENT AMENDMENTS, by Senator M. Waddoups, to the Rules Committee without recommendation; and

With a committee review, the Business and Labor Committee deleted **1st Sub. S.B. 233**, BLACKLISTING AMENDMENTS, by Senator A. Christensen, and replaced it with **2nd Sub. S.B. 233**, BLACKLISTING AMENDMENTS, and has returned it to the Rules Committee.

Scott K. Jenkins, Chair

Mr. President: February 24, 2005

With committee review, The Natural Resources, Agriculture, and Environment Committee has returned **S.B. 99**, DAMAGES FOR TRESPASS IN
STATE PARKS, by Senator T. Hatch, to the Rules Committee without recommendation.

Michael G. Waddoups, Chair

Mr. President: February 24, 2005

With committee review, the Transportation and Public Utilities and Technology Committee has returned S.B. 70, WASTE TIRE RECYCLING ACT AMENDMENTS, by Senator F. Fife, to the Rules Committee without recommendation; and

With committee review, the Transportation and Public Utilities and Technology Committee has returned S.B. 84, DO NOT CALL REGISTRY AMENDMENTS, by Senator D. Thomas, to the Rules Committee without recommendation; and

With committee review, the Transportation and Public Utilities and Technology Committee has returned H.B. 48, MOTOR VEHICLE REGISTRATION AND SAFETY INSPECTION AMENDMENTS, by Representative B. Daw, to the Rules Committee without recommendation.

Sheldon L. Killpack, Chair

Mr. President: February 24, 2005

With a committee hearing, the Judiciary, Law Enforcement, and Criminal Justice Committee returns S.B. 105, JUDGMENT INTEREST RATE, by Senator S. Jenkins, to the Rules Committee; and

With a committee hearing, the Judiciary, Law Enforcement, and Criminal Justice Committee returns S.B. 160, CHILD SUPPORT EXEMPTION FOR ADOPTIVE PARENTS OF CERTAIN CHILDREN IN STATE CUSTODY, by Senator P. Hellewell, to the Rules Committee without action; and


D. Chris Buttars, Chair

Mr. President: February 24, 2005

Without committee review, the Business and Labor Committee has returned **S.B. 38, GARNISHMENT BY DEFERRED DEPOSIT LENDERS**, by Senator R. Allen, to the Rules Committee; and

Without committee review, the Business and Labor Committee has returned **H.B. 104, SPYWARE CONTROL ACT REVISIONS**, by Representative S. Urquhart, to the Rules Committee; and

Without committee review, the Business and Labor Committee has returned **H.B. 163, GARNISHMENT FEES**, by Representative S. Mascaro, to the Rules Committee; and

Without committee review, the Business and Labor Committee has returned **1st Sub. H.B. 184, DOMESTIC VIOLENCE − CHANGE OF LOCKS ON RENTAL PROPERTY**, by Representative L. Shurtliff, to the Rules Committee; and

Without committee review, the Business and Labor Committee has returned **1st Sub. H.B. 235, INSURANCE ARBITRATION AMENDMENTS**, by Representative S. Urquhart, to the Rules Committee; and

Without committee review, the Business and Labor Committee has returned **H.B. 269, SALES MARKETING REQUIREMENTS**, by Representative M. Noel, to the Rules Committee; and

Without committee review, the Business and Labor Committee has returned **H.B. 273, REAL ESTATE AND MECHANICS LIENS − SECURITY ALTERNATIVES**, by Representative M. Morley, to the Rules Committee; and
Without committee review, the Business and Labor Committee has returned **H.B. 348**, EMPLOYMENT AGENCY REVISIONS, by Representative J. S. Adams, to the Rules Committee.

Scott K. Jenkins, Chair

Mr. President: February 24, 2005

Without Committee review, the Education Committee returns **S.B. 208**, RIGHTS–OF–WAY ACROSS SCHOOL AND INSTITUTIONAL TRUST LANDS, by Senator B. Evans, to the Rules Committee.

David L. Thomas, Chair

Mr. President: February 23, 2005

Without committee review, the Revenue and Taxation Committee has returned **S.B. 33**, EXEMPTIONS TO RESIDENTIAL PROPERTY TAX, by Senator E. Mayne, to the Rules Committee; and

Without committee review, the Revenue and Taxation Committee has returned **S.B. 82**, INDIVIDUAL INCOME TAX – EARNED INCOME TAX CREDIT, by Senator T. Hatch, to the Rules Committee; and

Without committee review, the Revenue and Taxation Committee has returned **S.B. 166**, PROHIBITION AGAINST CERTAIN LOW–LEVEL RADIOACTIVE WASTE, by Senator P. Arent, to the Rules Committee; and

Without committee review, the Revenue and Taxation Committee has returned **S.B. 185**, AMENDMENTS TO THE MULTI–CHANNEL VIDEO OR AUDIO SERVICE TAX ACT, by Senator T. Hatch, to the Rules Committee; and

Without committee review, the Revenue and Taxation Committee has returned **1st Sub. H.B. 78**, CORPORATE FRANCHISE AND INCOME TAX AMENDMENTS, by Representative W. Harper, to the Rules Committee; and

Without committee review, the Revenue and Taxation Committee has returned **H.B. 220**, SALES AND USE TAX EXEMPTION FOR TEXTBOOKS FOR HIGHER EDUCATION, by Representative D. Bourdeaux, to the Rules Committee.

Curtis S. Bramble, Chair

Mr. President: February 24, 2005

Without committee review, The Natural Resources, Agriculture, and Environment Committee has returned **H.J.R. 13**, RESOLUTION SUPPORTING
NATIONAL BEAR RIVER HERITAGE AREA ACT, by Representative C. Buttars, to the Rules Committee.

Michael G. Waddoups, Chair

Mr. President: February 24, 2005

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned H.B. 204, STATUTE OF LIMITATIONS AMENDMENTS, by Representative D. Clark, to the Rules Committee.

D. Chris Buttars, Chair

On motion of Senator Waddoups, the committee reports were adopted.

CONSENT CALENDAR

H.J.R. 17, RESOLUTION HONORING CELEBRATION OF MARRIAGE WEEK, was read the third time.

On motion of Senator Bell, the bill was circled.

* * *

1st Sub. H.B. 83, WEIGHTS AND MEASURES AMENDMENTS, was read the third time, explained by Senator Hatch, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Buttars
Christensen Davis Dmitrich Eastman
Fife Hatch Hellewell Hickman
Hillyard Killpack Knudson Madsen
Mansell Mayne McCoy Peterson
Stephenson Thomas Waddoups Walker
Valentine

Absent or not voting were: Senators
Bramble Evans Hale Jenkins
**1st Sub. 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 of the House.

**COMMITTEE OF THE WHOLE**

On motion of Senator Bell, Job Corps students spoke in Committee of the Whole.

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

**THIRD READING CALENDAR**

**H.B. 191**, CAPTIVE INSURANCE LAW 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

Arent  Bell  Christensen  Davis  
Dmitrich  Eastman  Evans  Fife  
Hatch  Hellewell  Hickman  Hillyard  
Jenkins  Killpack  Knudson  Madsen  
Mansell  Mayne  McCoy  Peterson  
Stephenson  Waddoups  Walker  Valentine  

**Absent or not voting were:** Senators

Allen  Bramble  Buttars  Hale  
Thomas  

**H.B. 191** 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 Waddoups, the circle was removed from **1st Sub. S.B. 211**, FUNDING FOR CONVENTION FACILITIES, and it was before the Senate.

Senator Waddoups proposed the following amendment:

1. Page 2, Line 50 through Page 3, Line 68

$\begin{array}{c}
50 (4) \text{Revenues (a) } \{ -A \} \text{ Beginning on July 1, 2005, through June 30, 2011, a municipality may use revenues generated by the tax under this}
\end{array}$
part may be used:

(i) for general fund purposes if within the municipality there is not a convention facility:

(A) as defined in Section 59–12–602; and

(B) that is 250,000 square feet or more; or

(ii) only for a purpose described in Subsection (4)(b) if within the municipality there is a convention facility:

(A) as defined in Section 59–12–602; and

(B) that is 250,000 square feet or more.

(b) A municipality described in Subsection (4)(a)(ii) may use revenues generated by the tax under this part only for:

(i) the expansion or renovation of a convention facility:

(A) as defined in Section 59–12–602; and

(B) that is 250,000 square feet or more; or

(ii) the expansion of a parking lot or parking structure that is appurtenant to a convention facility:

(A) as defined in Section 59–12–602; and

(B) that is 250,000 square feet or more.

(c) Beginning on July 1, 2011, a municipality may use revenues generated by the tax under this part for general fund purposes.

2. Page 7, Line 211 through Page 8, Line 232
Senate 2nd Reading Amendments 2–22–2005:

211 (1) (a) Beginning on July 1, 2005, through June 30, 2015, a county legislative body may impose a tax of 1% on charges for the accommodations and
services described in Subsection 59−12−103(1)(i).

(b) Except as provided in Subsection (1)(c) and subject to Subsection (1)(d), the revenues generated by the tax authorized by Subsection (1)(a) shall be expended for:

(i) the construction, expansion, or renovation of a convention facility:

(ii) the expansion of a parking lot or parking structure that is appurtenant to a convention facility:

(iii) the mitigation of impacts:

(A) on one or more structures that are adjacent to a convention facility;

(B) including an expense relating to relocating a structure described in Subsection (1)(b)(iii)(A); and

(C) that arise from the construction, expansion, or renovation of a convention facility.

(c) Notwithstanding Subsection (1)(b), a county legislative body of a county of the first class may not expend in any 12−month period more than 60% of the revenues generated by a tax authorized by Subsection (1)(a):

(i) for the purposes described in Subsections (1)(b)(i) and (ii); and

(ii) relating to one convention facility.

(d) For a county of the first class, the revenues generated by the tax authorized by Subsection (1)(a) that are expended for a purpose described in Subsection (1)(b)(i) or (ii) may only be expended for amounts the county legislative body is required to pay under a contract that is awarded:

(i) on or after the day on which the county legislative body enacts a tax under this part;
and following procurement procedures that:
(A) the county uses for procuring services under a contract; and
(B) are commenced on or after the day on which the county legislative body enacts a tax under this part.

Senator Waddoups’ motion to amend passed on a voice vote. Senator Waddoups explained the bill. Senators Hillyard and Stephenson commented.

On motion of Senator Waddoups, the bill was circled.

***

H.B. 201, LIFE INSURANCE AND ANNUITIES LAW AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Y eas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators
Arent Bell Bramble Christensen
Davis Dmitrich Eastman Evans
Fife Hale Hatch Hellewell
Hickman Hillyard Jenkins Killpack
Knudson Madsen Mansell Mayne
McCoy Peterson Stephenson Waddoups
Walker Valentine

Absent or not voting were: Senators
Allen Buttars Thomas

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.

***

2nd Sub. H.B. 74, TUITION PROGRAM FOR STUDENTS SEEKING TEACHER LICENSURE IN DISABILITY OR SPECIAL EDUCATION, was read the third time, explained by Senator Evans, and passed on the following roll call:
Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators
Arent    Bell    Bramble    Christensen
Davis    Dmitrich    Eastman    Evans
Fife    Hale    Hatch    Hellewell
Hickman    Hillyard    Jenkins    Killpack
Knudson    Madsen    Mansell    Mayne
McCoy    Peterson    Stephenson    Waddoups
Walker    Valentine

Absent or not voting were: Senators
Allen    Buttars    Thomas

2nd Sub. H.B. 74, as amended, was returned to the House for further consideration.

***

2nd Sub. H.B. 188, PUBLIC EDUCATION JOB ENHANCEMENT PROGRAM, was read the third time.

On motion of Senator Hillyard, 2nd Sub. H.B. 188 was placed on Third Reading Table due to fiscal impact.

***

H.B. 224, PERMANENT COMMUNITY IMPACT FUND – BOARD MEMBERSHIP, was read the third time, explained by Senator Evans, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Arent    Bell    Bramble    Christensen
Davis    Eastman    Evans    Fife
Hale    Hatch    Hellewell    Hillyard
Jenkins    Killpack    Knudson    Madsen
Mansell    Mayne    Peterson    Stephenson
Waddoups    Walker    Valentine

Voting in the negative were: Senators
Dmitrich    McCoy
Absent or not voting were: Senators
Allen Buttars Hickman Thomas

H.B. 224 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. 93, EMISSION INSPECTION AMENDMENTS, was read the third time and explained by Senator Christensen. Senator Hale commented and the bill failed on the following roll call:

Yeas, 12; Nays, 13; Absent, 4.

Voting in the affirmative were: Senators
Bell Eastman Evans Hatch
Hillyard Jenkins Killpack Knudson
Madsen Peterson Waddoups Walker

Voting in the negative were: Senators
Arent Bramble Christensen Davis
Dmitrich Fife Hale Hellewell
Mansell Mayne McCoy Stephenson
Valentine

Absent or not voting were: Senators
Allen Buttars Hickman Thomas

2nd Sub. H.B. 93 was returned to the House for filing.

* * *

H.B. 150, WATER RIGHTS FEES, was read the third time.

On motion of Senator Hatch, the bill was circled.

* * *

1st Sub. H.B. 155, AGRICULTURAL COOP 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
Allen Arent Bell Bramble
Davis Dmitrich Eastman Evans
Absent or not voting were: Senators
Buttars Christensen Thomas

1st Sub. H.B. 155 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Peterson, the Senate voted to hold 2nd Sub. H.B. 93 for 24 hours.

* * *

H.B. 156, DAIRY PROMOTION ACT AMENDMENTS, was read the third time, explained by Senator Hatch, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Davis
Dmitrich Eastman Evans Fife
Hale Hatch Hellewell Hickman
Hillyard Jenkins Killpack Knudson
Madsen Mansell Mayne McCoy
Peterson Stephenson Waddoups Walker

Absent or not voting were: Senators
Bramble Buttars Christensen Thomas

H.B. 156 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. 89, PRESUMPTION OF RESPONSIBILITY FOR ABUSE OR NEGLECT, was read the second time.
On motion of Senator Hillyard, the bill was circled.

***

H.B. 218, SECOND DISTRICT JUVENILE JUDGE, was read the second time. Senator Bell explained the bill.

On motion of Senator Bell, the bill was circled.

***

H.B. 143, NATIONAL GUARD AMENDMENTS, was read the second time. Senator Waddoups 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

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**Absent or not voting were:** Senators

| Bramble | Buttars | Thomas |

***

On motion of Senator Bell, the circle was removed from H.B. 218, SECOND DISTRICT JUVENILE JUDGE, and it was before the Senate. Senator Bell 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

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Absent or not voting were: Senators
Arent  Buttars  Eastman  Thomas
Waddoups

On motion of Senator Hillyard, **H.B. 218** was placed on Third Reading Table due to fiscal impact.

***

On motion of Senator Knudson, under suspension of the rules, the Senate voted to consider Senate bills for the remainder of the day.

***

**S.C.R. 2**, RESOLUTION APPROVING CLASS V LANDFILL, was read the second time. Senator Allen explained the bill. Senators Hillyard, Dmitrich, Eastman, Stephenson, Bramble, Jenkins, Hale, Valentine, and Mansell commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Allen  Arent  Bell  Bramble
Buttars  Christensen  Davis  Dmitrich
Eastman  Evans  Fife  Hale
Hatch  Hellewell  Hickman  Jenkins
Killpack  Knudson  Madsen  Mansell
Mayne  McCoy  Peterson  Stephenson
Thomas  Waddoups  Walker  Valentine

Voting in the negative was: Senator Hillyard

***

**S.B. 216**, AMENDMENTS TO UTAH EMERGENCY MEDICAL SERVICES ACT, was read the second time. Senator Bramble explained the bill.

Senator Bramble proposed the following amendment:

1. Page 3, Lines 59 through 62

   59 (iv) areas coming together as described in Subsection 26–8a–405.2(2)(b)(ii)[\text{-}o\text{f}]
60 (v) municipalities and {for } counties joining together pursuant to Title 11, Chapter 13,
61 Interlocal Cooperation Act {as a } or (iv) a special district for fire protection as defined in Section
62 17A−2−1304.

2. Page 6, Lines 181 through 182:
181 (c) Subsequent to the presubmission conference, the political subdivision may issue addenda to the request for proposals. An addenda to a request for proposal must be finalized and posted by the political subdivision at least 60 days prior to the date on which the proposal must be submitted.

3. Page 7, Lines 202 through 203:
202 (a) shall consider the public convenience and necessity factors listed in Subsections 203 26−8a−408(2) through (6) ;

Senator Bramble’s motion to amend passed on a voice vote. The bill, as amended, passed second reading on the following roll call:

Y eas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Fife Hale
Hatch Hellewell Hickman Hillyard
Jenkins Killpack Knudson Madsen
Mansell Mayne McCoy Peterson
Stephenson Thomas Waddoups Walker
Valentine

* * *

On motion of Senator Evans, the circle was removed from 1st Sub. S.B. 63, SEVERANCE TAX AMENDMENTS, and it was before the Senate. Senator Evans explained the bill.

Senator Evans proposed the following amendment:
1. Page 2, Lines 46 through 47

46 (1) There is created within the General Fund a restricted special revenue fund known as

47 the Oil and Gas Infrastructure Fund.

Senator Evans’ motion to amend passed on a voice vote. Senators Stephenson, Hillyard, and Hatch commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting was:** Senator

Hillyard

***

On motion of Senator Knudson, under suspension of the rules, **S.J.R. 18. JOINT RESOLUTION APPROVING CONSOLIDATION OF WEST VALLEY AND SANDY DISTRICT COURTS,** was considered read the second and third times. Senator Knudson explained the bill. Senator Buttars commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

Hale Hillyard Waddoups Valentine
S.J.R. 18 was transmitted to the House.

* * *

1st Sub. S.B. 137, TOURISM, RECREATION, CULTURAL, AND CONVENTION FACILITIES TAX AMENDMENTS, was read the second time. Senator Stephenson explained the bill.

Senator Stephenson proposed the following amendment:

1. Page 2, Lines 53 through 56

   Senate Committee Amendments
   2–21–2005

   53 (b) A county of the first class shall expend at least $500,000 each year of the revenues
   54 from the imposition of {−of the taxes provided for in Subsections } a tax authorized by Subsection (1) {−(a) through } (c) within the
   55 county to fund a marketing Š⇒ [ant] and ←Š ticketing system designed {−for } to:
   (i) promote tourism {−promotion for } in
   55a ski areas
   56 within the county by persons that do not reside within the state;
   and
   (ii) combine the sale of:
   (A) ski lift tickets;
   (B) accommodations and services described in Subsection 59–12–103(1)(i).

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

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

Voting in the affirmative were: Senators

Allen     Arent     Bramble     Buttars
Christensen Davis Dmitrich Eastman
Evans     Fife      Hale       Hatch
Hellewell Hickman Killpack Knudson
Madsen    Mansell  Mayne      McCoy
Peterson  Stephenson Thomas     Waddoups
Walker    Valentine
Voting in the negative were: Senators
  Bell  Jenkins

Absent or not voting was: Senator
  Hillyard

* * *

1st Sub. S.B. 192, HIGH TECHNOLOGY ECONOMIC DEVELOPMENT APPROPRIATION, was read the second time. Senator Mansell explained the bill. Senators Arent, Hickman, Hillyard, Evans, and Hale commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
  Allen  Arent  Bell  Davis
  Dmitrich  Eastman  Evans  Fife
  Hale  Hatch  Hellewell  Hickman
  Hillyard  Jenkins  Killpack  Knudson
  Madsen  Mansell  Mayne  McCoy
  Peterson  Thomas  Walker

Absent or not voting were: Senators
  Bramble  Buttars  Christensen  Stephenson
  Waddoups  Valentine

* * *

S.B. 62, PERSONAL PROPERTY TRANSACTIONS AMENDMENTS, was read the second time.

On motion of Senator Mayne, the bill was circled.

* * *

A memoriam was read to the Senate honoring Tina Johnson. Senators Mayne and Evans commented.

On motion of Senator Mayne, the Senate voted to have the words of the memoriam for Tina Johnson spread upon the pages of the Senate Journal.

MEMORIAM FOR TINA JOHNSON

WHEREAS, Bettina Johnson worked as a nurse in Texas for thirty years and then came to Utah, along with her dog, ten years ago and became Utah’s Texas Rose; and
WHEREAS, Ms. Johnson was an experienced advocate having worked on children’s issues in Texas and involved with the Multiple Sclerosis Society doing fund raising, legislative work and leading support groups; and

WHEREAS, upon arriving in Utah she joined the Legislative Coalition for People with Disabilities in 1997 and served as Chair of the Coalition from 2000 to 2003; and

WHEREAS, she served as the Chair of the Adult Health Committee and served on numerous committees and boards for the Department of Health; and

WHEREAS, Ms. Johnson worked tirelessly to restore medicaid services and worked to restructure spend down. Her tenacity and passion for issues that benefitted people with disabilities was unsurpassed. Even with failing health, she continued to serve others and advocate for their needs; and

WHEREAS, Bettina is gone but not forgotten. Tina has left behind an imprint on the Utah State Legislature and the citizens of the Great State of Utah with her unselfish devotion for rights of the disabled and an unusual reputation for integrity.

NOW, THEREFORE, the Utah State Legislature express their sympathy to her family. Bettina Johnson will be remembered as a woman who gave of her time and energy. Her advocacy has served as a beacon of light to many people. She represented her community and her state in an exemplary manner.

***

On motion of Senator Mayne, the circle was removed from S.B. 62, PERSONAL PROPERTY TRANSACTIONS AMENDMENTS, and it was before the Senate. 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

Allen    Arent    Bramble    Buttars
Christensen    Davis    Eastman    Fife
Hale    Hatch    Hellewell    Hillyard
Jenkins    Killpack    Knudson    Madsen
Mansell    Mayne    McCoy    Peterson
Stephenson    Thomas

**Absent or not voting were:** Senators

Bell    Dmitrich    Evans    Hickman
Waddoups    Walker    Valentine
On motion of Senator Davis, under suspension of the rules, S.J.R. 19, RESOLUTION RECOGNIZING GRANITE SCHOOL DISTRICT’S 100 YEARS, was considered read the second and third times. Senator Davis explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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S.J.R. 19 was transmitted to the House.

**2nd Sub. S.B. 209, INTERLOCAL COOPERATION ACT AMENDMENTS, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:**

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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On motion of Senator Davis, the circle was removed from **1st Sub. S.B. 225**, CHANGES TO GENERAL GOVERNMENT – SALES AND USE TAX AMENDMENTS, and it was before the Senate. Senator Davis explained the bill.

Senator Davis proposed the following amendment:

1. Page 14, Line 404 through Page 15, Line 441

   (40) (a) “Media-related machinery and equipment” means:
   
   (i) camera equipment, supplies, and accessories;
   
   (ii) motion picture film;
   
   (iii) videotape stock;
   
   (iv) a digital disc and master;
   
   (v) lighting equipment including:
   
   (A) a gel;
   
   (B) a bulb; or
   
   (C) a lamp;
   
   (vi) stage equipment;
   
   (vii) a crane;
   
   (viii) a boom;
   
   (ix) a dolly;
   
   (x) a jib;
   
   (xi) an electric stand, cable, or wire;
   
   (xii) a generator used to operate lighting and stage equipment if the lighting and stage
   equipment is exempt from taxation under this chapter;
   
   (xiii) (A) a costume, prop, or scenery; and
   
   (B) materials to construct a costume, prop, or scenery;
   
   (xiv) photographic film; and
   
   (xv) equipment and supplies for:
   
   (A) dubbing;
(B) mixing;
(C) except as provided in Subsection (40)(b)(x), editing; or
(D) cutting.
(b) “Media–related machinery and equipment” does not include:
(i) an office:
(A) supply; or
(B) furniture;
(ii) a crew uniform;
(iii) a flower or plant used off a set;
(iv) a telephone, pager, or battery charger;
(v) a reusable shipping case or packaging material;
(vi) a janitorial supply;
(vii) a lease or rental of a motor vehicle;
(viii) time code equipment;
(ix) a video tape recorder;
(x) notwithstanding Subsection (40)(a)(xv)(C), digital editing equipment;

Senator Davis’ motion to amend passed on a voice vote. 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
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Fife Hale
Hatch Hellewell Hillyard Jenkins
Knudson Madsen Mayne McCoy
Peterson Thomas Walker Valentine

Absent or not voting were: Senators
Hickman Killpack Mansell Stephenson
Waddoups

* * *

On motion of Senator Jenkins, the Senate voted to move to Third Reading Calendar.
THIRD READING CALENDAR

On motion of Senator Jenkins, the circle was removed from 1st Sub. S.B. 168, CONSTRUCTION TRADE RELATED AMENDMENTS, and it was before the Senate. Senator Jenkins explained the bill.

Senator Jenkins proposed the following amendment:

1. Page 1, Lines 19 through 20
   Senate 2nd Reading Amendments
   2–22–2005

   19   ▶   {changes the amount of interest and attorney fees allowable under the Residence Lien Recovery Fund;

   20   }

2. Page 7, Line 195
   Senate 2nd Reading Amendments
   2–22–2005:

   195   person to send a preliminary notice does not {−effect} affect that person’s right to:

3. Page 9, Line 244 through Page 10, Line 294
   Senate 2nd Reading Amendments
   2–22–2005:

   244   {Section Ŝ⇒[6] 5⇒Ŝ. Section 38−11−203 is amended to read:

   245   38−11−203. Disbursements from the fund −− Limitations.

   246   (1) A payment of any claim upon the fund by a qualified beneficiary shall be made only

   247   upon an order issued by the director finding that:

   248   (a) the claimant was a qualified beneficiary during the construction on a residence;

   249   (b) the claimant complied with the requirements of Section 38−11−204; and

   250   (c) there is adequate money in the fund to pay the amount ordered.

   251   (2) A payment of a claim upon the fund by a laborer shall be made only upon an order
issued by the director finding that:

(a) the laborer complied with the requirements of Subsection 38−11−204(7); and

(b) there is adequate money in the fund to pay the amount ordered.

(3) (a) An order under this section may be issued only after the division has complied with the procedures established by rule under Section 38−11−105.

(b) The director shall order payment of the qualified services as established by evidence, or if the claimant has obtained a judgment, then in the amount awarded for qualified services in the judgment to the extent the qualified services are attributable to the owner-occupied residence at issue in the claim.

(c) The director shall order payment of interest on amounts claimed for qualified services [based on the current prime interest rate at the time payment was due to the date the claim is approved for payment except for delays attributable to the claimant but not more than 10% per annum].

(d) The rate shall be the sum of the Prime Lending Rate as published in the Wall Street Journal on the first business day of each calendar year adjusted annually and 2% per annum.

(e) (i) Subject to the other provisions of this Subsection (3)(d), the director shall order payment of costs in the amount stated in the judgment.

(ii) If the judgment does not state a sum certain for costs, or if no judgment has been obtained, the director shall order payment of reasonable costs as supported by evidence.
(iii) The claim application fee as established by the division pursuant to Subsection 38–11–204(1)(b) is not a reimbursable cost.

(f) (i) If a judgment has been obtained with attorneys’ fees, notwithstanding the amount stated in a judgment, or if no judgment has been obtained but the contract provides for attorneys’ fees, the director shall order payment of attorneys’ fees [not to exceed 15% of qualified services.] equal to the lesser of:

(A) the amount of attorneys’ fees actually incurred; or

(B) the sum of:

(I) 33% of the first $5,000 of qualified services; and

(II) 15% of the amount of qualified services in excess of $5,000.

(ii) If the judgment does not state a sum for attorneys’ fees, no attorneys’ fees will be paid by the director.

(4) (a) Payments made from the fund may not exceed $75,000 per construction project to qualified beneficiaries and laborers who have claim against the fund for that construction project.

(b) If claims against the fund for a construction project exceed $75,000, the $75,000 shall be awarded proportionately so that each qualified beneficiary and laborer awarded compensation from the fund for qualified services shall receive an identical percentage of the qualified beneficiary’s or laborer’s award.

(5) Subject to the limitations of Subsection (4), if on the day the order is issued there are inadequate funds to pay the entire claim and the director determines that the claimant has
otherwise met the requirements of Subsection (1) or (2), the
director shall order additional payments once the fund meets the balance limitations of Section 38-11-206.

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

**Yeas, 21; Nays, 5; Absent, 3.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**Absent or not voting were:** Senators

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**1st Sub. S.B. 168,** as amended, was transmitted to the House for consideration.

***

On motion of Senator Hatch, the circle was removed from **H.B. 150, WATER RIGHTS FEES.** The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Allen           Stephenson           Valentine

H.B. 150 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Bramble, the circle was removed from 1st Sub. S.B. 170, STATE TAX COMMISSION COLLECTION AND LICENSING PRACTICES, and it was before the Senate. Senator Bramble explained the bill. Senator Hickman commented.

On motion of Senator Bramble, the bill was circled.

***

On motion of Senator Hillyard, the Senate voted to lift H.B. 65 from the Third Reading Table and to place it on the Third Reading Calendar at the bottom of the circled bills.

On motion of Senator Knudson, the Senate voted to return to Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Knudson, the circle was removed from S.B. 46, PRESCRIPTIVE PRACTICE OF LEGEND DRUGS, and it was before the Senate. Senator Knudson explained the bill. Senators Thomas, Hatch, and Mansell commented. The bill failed on the following roll call:

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

Voting in the affirmative were: Senators
Arent           Buttars           Christensen           Eastman
Fife            Hale             Hickman             Hillyard
Killpack        Knudson          McCoy             Waddoups

Voting in the negative were: Senators
Allen            Bell             Bramble             Davis
Dmitrich         Evans            Hatch             Hellewell
Jenkins          Madsen          Mansell             Mayne
Peterson         Stephenson       Thomas             Walker
Absent or not voting was: Senator Valentine

S.B. 46 was returned to the staff for filing.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 24, 2005

The House concurred in the Senate amendments and passed H.B. 55, DRUG OFFENSE PENALTY ENHANCEMENTS, by Representative B. Dee, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

Communications filed. 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.

* * *

Mr. President: February 24, 2005

The House passed, as substituted and amended, 1st Sub. H.B. 103, STUDENT HOUSING BUILT BY HIGHER EDUCATION INSTITUTIONS, by Representative S. Clark, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 115, UTAH CHILD ABUSE PREVENTION BOARD, by Representative P. Ray, et al, and it is transmitted for consideration; and

The House passed H.B. 241, VETERANS NURSING HOME, by Representative D. G. Buxton, and it is transmitted for consideration; and

The House passed, as amended, H.B. 319, EXPANSION OF DEPARTMENT OF ADMINISTRATIVE SERVICES OVERSIGHT TO INCLUDE HUMAN RESOURCE MANAGEMENT, by Representative D. G. Buxton, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 338, CHILD AND FAMILY WELFARE REVISIONS, by Representative L. Christensen, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Mr. President: February 24, 2005
The House requests the return of H.B. 165, UTAH COMMISSION ON AGING, by Representative P. Jones, for correction.

Carole E. Peterson, Chief Clerk

Communications filed. H.B. 165 was returned to the House for correction.

Mr. President: February 24, 2005
The Speaker of the House has appointed a Conference Committee consisting of Representatives S. Urquhart, R. Bigelow, and B. Goodfellow to meet with a like committee from the Senate to consider or amend H.B. 43, SCHOOL LAND TRUST PROGRAM FUNDING AMENDMENTS, by Representative S. Urquhart, et al.

Carole E. Peterson, Chief Clerk

Communications filed.

SECOND READING CALENDAR

S.J.R. 12, RESOLUTION URGING FUNDING, was read the second time.

On motion of Senator Fife, the bill was circled.

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

2nd Sub. S.B. 183, PUBLIC TRANSIT DISTRICT ANNEXATION AND FUNDING AMENDMENTS, was read the second time.

On motion of Senator Bell, the bill was circled.

On motion of Senator Knudson, and at 12:00 noon, the Senate recessed.
AFTERNOON SESSION

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

TIME CERTAIN CALENDAR

On motion of Senator Eastman, under suspension of the rules, S.C.R. 11, CONCURRENT RESOLUTION ON MCGUFF HOUSE, was considered read the second and third times. Senator Eastman explained the bill.

Senator Eastman proposed the following amendment:

1. Page 2, Line 57:
   Delete “1998” and insert “1988”

Senator Eastman’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
Allen Arent Bell Butters
Christensen Davis Eastman Evans
Fife Hale Hatch Hellewell
Hickman Jenkins Killpack Knudson
Madsen Mayne McCoy Peterson
Stephenson Thomas Walker

Absent or not voting were: Senators
Bramble Dmitrich Hillyard Mansell
Waddoups Valentine

S.C.R. 11, as amended, was transmitted to the House.

COMMITTEE OF THE WHOLE

On motion of Senator Eastman, Tibby Milne, Executive Director, Utah Crime Prevention Council spoke in Committee of the Whole.

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

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 24, 2005

The House passed, as amended, H.B. 77, PROVISIONS FOR EMANCIPATION OF A MINOR, by Representative R. McGee, and it is transmitted for consideration; and
The House passed **H.B. 114**, CHILDREN’S HEALTH CARE COVERAGE AMENDMENTS, by Representative D. Hogue, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 242**, CRIMINAL PENALTY FOR ANIMAL CRUELTY, by Representative S. Wyatt, et al, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 77**, **H.B. 114**, and **H.B. 242** were read the first time and referred to the Rules Committee.

**STANDING COMMITTEE REPORTS**

Mr. President: February 23, 2005

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 67**, ELECTION LAW − VOTER REQUIREMENTS, by Senator M. Madsen; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 231**, COMPENSATION OF LIEUTENANT GOVERNOR AND OTHER STATE OFFICERS, by Senator M. Madsen; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 109**, INFORMATION TECHNOLOGY GOVERNANCE AMENDMENTS, by Representative D. Clark, with the following amendments:

1. Page 50, Lines 1522 through 1523
   House Committee Amendments
   2−11−2005:

   1522 (v) institutions of higher education FETCHTEXT
   1522a (vi) independent entities as defined in Section 63E–1–102; and
   1522b (vii) the state auditor’s office elective constitutional offices of the executive department which includes:
   (A) the state auditor;
   (B) the state treasurer; and
   (C) the attorney general

   1523 (8) “Executive branch strategic plan” means the executive branch strategic plan created
2. Page 67, Lines 2073 through 2073a
House Committee Amendments
2–11–2005:

2073 (f) an independent entity as defined in Section 63E–1–102; and

2073a (g) the state auditor’s office an elective constitutional officer of the executive department as defined in Subsection 63F–1–102(7)(b); and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 128, COMPENSATION OF EXECUTIVE OFFICERS, by Representative L. Christensen, with the following amendments:

1. Page 1, Lines 8 through 11
House Floor Amendments
2–21–2005:

8 This bill establishes a salary for the attorney general on July 1, 2009.

9 Highlighted Provisions:

10 This bill:

11 provides that the attorney general’s salary on July 1, 2009 is 95% of the governor’s

2. Page 2, Lines 30 through 30a
House Floor Amendments
2–21–2005:

30 (b) Beginning July 1, 2009, the annual salary of the attorney general shall be the greater of 95% of ; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 226, GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT REQUIREMENTS REGARDING ANIMAL IDENTIFICATION PROGRAM, by Representative C. Buttars; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 250, CAPITOL COMPLEX SPACE, by Representative J. Alexander; and
The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 266, CHANGES TO QUALITY GROWTH COMMISSION, by Representative C. Buttars; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 346, SCHOOLS FOR THE DEAF AND THE BLIND SALARY ADJUSTMENTS, by Representative K. Morgan; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.C.R. 14, CONCURRENT RESOLUTION HONORING AMERICA’S MILITARY WAR DOGS, by Representative S. Mascaro.

Parley G. Hellewell, Chair

Mr. President: February 23, 2005

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on S.C.R. 8, CONCURRENT RESOLUTION APPROVING CLASS V LANDFILL, by Senator M. Dmitrich; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on 1st Sub. H.B. 57, TOURISM TASK FORCE, by Representative D. Ure; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on H.B. 342, CIVIL LEGAL AID FOR VICTIMS OF DOMESTIC VIOLENCE, by Representative S. Mascaro; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on H.B. 85, HEALTH INSURANCE HIGH RISK POOL − ELIGIBILITY AMENDMENTS, by Representative D. Litvack.

Carlene M. Walker, Chair

* * *

Mr. President: February 23, 2005

With committee review, the Government Operations and Political Subdivisions Committee has returned S.B. 66, PROCUREMENT CODE BIDDING AND CONTRACTUAL AMENDMENTS, by Senator E. Mayne, to the Rules Committee, with a recommendation that the bill be sent to interim study; and

With a committee review, the Government Operations and Political Subdivisions Committee has returned S.B. 85, FEDERAL RESEARCH COMMITTEE, by Senator G. Davis, to the Rules Committee; and

With a committee review, the Government Operations and Political Subdivisions Committee has returned S.B. 102, LOBBYIST REPORTING AMENDMENTS, by Senator G. Bell, to the Rules Committee; and

With a committee review, the Government Operations and Political Subdivisions Committee has returned S.B. 140, PERSONAL USE OF CAMPAIGN FUNDS, by Senator K. Hale, to the Rules Committee.

Parley G. Hellewell, Chair

Mr. President: January 24, 2005

With a committee review, the Health and Human Services Committee has returned S.B. 111, AMENDMENTS PROHIBITING HEALTH INSURANCE DISCRIMINATION, by Senator S. McCoy, to the Rules Committee.

Allen M. Christensen, Chair

Mr. President: February 24, 2005

Without a committee review, the Revenue and Taxation Committee has returned S.J.R. 2, RESOLUTION ON PROPERTY TAX FOR CERTAIN PERSONAL PROPERTY, by Senator J. Hickman, to the Rules Committee.

Curtis S. Bramble, Chair

Mr. President: February 24, 2005

Without a committee review, the Government Operations and Political Subdivisions Committee has returned 1st Sub. H.B. 113, GOVERNMENT BOUNDARY CHANGES, by Representative K. Holdaway, to the Rules Committee; and
Without a committee hearing, the Government Operations and Political Subdivisions Committee has returned **H.B. 142**, ISSUES SUBMITTED TO VOTERS, by Representative G. Hughes, to the Rules Committee; and

Without a committee hearing, the Government Operations and Political Subdivisions Committee has returned **1st Sub. H.B. 211**, INTEGRITY OF ELECTION RESULTS AMENDMENTS, by Representative J. Dougall, to the Rules Committee; and

Without a committee hearing, the Government Operations and Political Subdivisions Committee has returned **H.B. 216**, GLOBAL POSITIONING REFERENCE NETWORK, by Representative K. Holdaway, to the Rules Committee; and

Without a committee hearing, the Government Operations and Political Subdivisions Committee has returned **H.B. 238**, UTAH TECHNOLOGY COMMISSION MEMBERSHIP, by Representative J. Dougall, to the Rules Committee.

**Parley G. Hellewell**, Chair

Mr. President: February 24, 2005

Without a committee review, the Health and Human Services Committee has returned **S.B. 186**, CHILD WELFARE REMOVAL – ADOPTION OPTION, by Senator P. Hellewell, to the Rules Committee; and

Without a committee review, the Health and Human Services Committee has returned **1st Sub. H.B. 42**, MEDICAL RECOMMENDATIONS FOR CHILDREN, by Representative M. Morley, to the Rules Committee.

**Allen M. Christensen**, Chair

Mr. President: February 24, 2005

Without committee review, the Workforce Services and Community and Economic Development Committee has returned **3rd Sub. H.B. 151**, SCHOOL COMMUNITY COUNCILS, by Representative J. Dougall, to the Rules Committee.

**Carlene M. Walker**, Chair

SECOND READING CALENDAR

S.B. 67, ELECTION LAW – VOTER REQUIREMENTS, was read the second time. Senator Madsen explained the bill. Senators McCoy, Allen, Walker, and Davis commented. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 9; Absent, 0.

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Eastman Evans Hatch Hellewell
Hickman Hillyard Jenkins Killpack
Madsen Mansell Peterson Stephenson
Thomas Waddoups Walker Valentine

Voting in the negative were: Senators
Allen Arent Davis Dmitrich
Fife Hale Knudson Mayne
McCoy

***

On motion of Senator Madsen, under suspension of the rules, the Senate voted to suspend the 24-hour rule and consider bills on the Second Reading Calendar.

***

On motion of Senator Knudson, the Senate voted for a citation to be read honoring the Charles Kimber family of Tremonton, Utah for their efforts in “Operation Toy Bomber” for the children in Iraq.

***

S.B. 231, COMPENSATION OF LIEUTENANT GOVERNOR AND OTHER STATE OFFICERS, was read the second time. Senator Madsen explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Allen Bell Bramble Buttars
Christensen Davis Dmitrich Eastman
Evans Fife Hale Hickman
Jenkins Killpack Knudson Madsen
Mansell Mayne Peterson Thomas
Walker Valentine
Voting in the negative were: Senators
Arent          Hatch          McCoy          Stephenson

Absent or not voting were: Senators
Hellewell      Hillyard      Waddoups

* * *

S.C.R. 8, CONCURRENT RESOLUTION APPROVING CLASS V LANDFILL, was read the second time. Senator Dmitrich 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
Allen          Arent          Bell           Bramble
Buttars        Christensen   Davis          Dmitrich
Eastman        Evans          Fife           Hale
Hatch          Hellewell     Hickman        Jenkins
Knudson        Madsen        Mansell        Mayne
McCoy          Peterson      Stephenson     Thomas
Walker         Valentine

Absent or not voting were: Senators
Hillyard       Killpack      Waddoups

* * *

On motion of Senator Bell, the circle was removed from 2nd Sub. S.B. 183, PUBLIC TRANSIT DISTRICT ANNEXATION AND FUNDING, and it was before the Senate. Senator Bell explained the bill. Senators Bramble, Mansell, Stephenson, and Thomas commented.

On motion of Senator Bell, 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 4th Sub. S.B. 61, PRIVATELY OWNED HEALTH CARE ORGANIZATION TASK FORCE, and it was before the Senate.
On motion of Senator Waddoups, the following substitute bill replaced the original bill.

**5th Sub. S.B. 61, Privately Owned Health Care Organization Task Force**  
(M. Waddoups)

Senator Waddoups explained the bill. Senator Arent commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**5th Sub. S.B. 61** was transmitted to the House for consideration.

***

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

The Senate was called to order at 4:25 p.m., with President Valentine presiding.

***

On motion of Senator Bramble, the circle was removed from **1st Sub. S.B. 170, State Tax Commission Collection and Licensing Practices**, and it was before the Senate. Senator Bramble explained the bill. Senator Hickman commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Allen Buttars Davis Dmitrich
Hatch Mansell Stephenson

1st Sub. S.B. 170 was transmitted to the House for consideration.

* * *

On motion of Senator Bramble, the Senate voted to move to Consent Calendar.

CONSENT CALENDAR

On motion of Senator Bramble, the circle was removed from H.J.R. 17, RESOLUTION HONORING CELEBRATION OF MARRIAGE WEEK. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Arent Bell Bramble Buttars
Christensen Dmitrich Eastman Evans
Fife Hale Hatch Hellewell
Hickman Hillyard Jenkins Killpack
Knudson Madsen Mansell Mayne
Peterson Stephenson Thomas Waddoups
Walker Valentine

Voting in the negative was: Senator
McCoy

Absent or not voting were: Senators
Allen Davis

H.J.R. 17, as amended, was returned to the House for further consideration.

* * *

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 1st Sub. S.B. 211, FUNDING FOR CONVENTION FACILITIES, and it was before the Senate. Senator Waddoups explained the bill.

Senator Stephenson proposed the following amendment:

1. Page 2, Line 54 through Page 3, Line 68b

   Senate 3rd Reading Amendments
   2–24–2005

54 (A) as defined in Section 59–12–602; and
55 (B) that is \{−250,000\} 350,000 square feet or more; or
56 (ii) only for a purpose described in Subsection (4)(b) if within the municipality there is
57 a convention facility:
58 (A) as defined in Section 59–12–602; and
59 (B) that is \{−250,000\} 350,000 square feet or more.
60 (b) A municipality described in Subsection (4)(a)(ii) may use revenues generated by
61 the tax under this part only for:
62 (i) the expansion or renovation of a convention facility:
63 (A) as defined in Section 59–12–602; and
64 (B) that is \{−250,000\} 350,000 square feet or more; or
65 (ii) the expansion of a parking lot or parking structure that is appurtenant to a
66 convention facility:
67 (A) as defined in Section 59–12–602; and
68 (B) that is \{−250,000\} 350,000 square feet or more.

Senator Stephenson’s motion to amend passed on a voice vote. Senators Thomas, Hickman, Hillyard, Killpack, Mansell, Hale, Eastman, Bell, and Jenkins commented. The bill failed on the following roll call:
Yeas, 14; Nays, 11; Absent, 4.

Voting in the affirmative were: Senators
Allen          Arent          Buttars        Dmitrich
Fife           Hale           Hellewell      Hickman
Knudson        Mansell       Mayne          McCoy
Waddoups       Walker

Voting in the negative were: Senators
Bell            Christensen    Eastman        Evans
Hatch           Hillyard       Jenkins        Madsen
Peterson        Thomas         Valentine

Absent or not voting were: Senators
Bramble         Davis           Killpack       Stephenson

1st Sub. S.B. 211 was returned to the staff for filing.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 24, 2005


Sen. Thomas Hatch
and Rep. Steven Urquhart
Committee Chairs

On motion of Senator Hatch, the Senate voted to adopt the Joint Conference Committee report to 4th Sub. H.B. 43, SCHOOL LAND TRUST PROGRAM FUNDING AMENDMENTS. Senator Hickman commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen          Arent          Bell           Bramble
Buttars        Christensen    Dmitrich       Eastman
Evans          Fife            Hale           Hatch
Hellewell       Jenkins        Knudson        Mayne
McCoy           Peterson       Thomas         Waddoups
Walker          Valentine
Voting in the negative were: Senators
Hickman        Hillyard       Madsen        Mansell
Stephenson

Absent or not voting were: Senators
Davis          Killpack

4th Sub. H.B. 43 was returned to the House for further consideration.

* * *

On motion of Senator Knudson and at 5:15 p.m., the Senate adjourned until 9:00 a.m., Friday, February 25, 2005.
February 25, 2005

FORTIETH DAY

MORNING SESSION

The Senate was called to order at 9:10 a.m., with President John Valentine presiding.

Prayer – Pastor Tim Brewer, First Church of the Nazarene

Pledge of Allegiance – Senator David Thomas

Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 96)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 24, 2005

The House passed, S.C.R. 11, CONCURRENT RESOLUTION ON MCGRUFF HOUSE, by Senator D. Eastman, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.C.R. 11 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 24, 2005

The House passed, as amended, H.B. 132, INTERNET CRIMES AGAINST CHILDREN, by Representative T. Cosgrove, and it is transmitted for consideration; and

The House passed, as amended, H.B. 140, INDIVIDUAL INCOME TAX CONTRIBUTION FOR COMMUNITY SPAY AND NEUTER PROGRAMS, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as amended, H.B. 299, MOTOR VEHICLE BUSINESS LICENSING AMENDMENTS, by Representative P. Ray, and it is transmitted for consideration; and
The House passed **H.C.R. 3**, RESOLUTION REGARDING WASHINGTON COUNTY WASTE FACILITY, by Representative B. Last, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 132, H.B. 140, H.B. 299, and H.C.R. 3** were read the first time and referred to the Rules Committee.

* * *

Mr. President: February 24, 2005

The House passed, as amended, **H.B. 165**, UTAH COMMISSION ON AGING, by Representative P. Jones, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

Communications filed.

On motion of Senator Knudson, under suspension of the rules, **H.B. 165** was considered read for the first and second time and placed on the Third Reading Table. The motion passed on the following roll call vote:

**Yeas, 16; Nays, 11; Absent, 2.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**Absent or not voting were:** Senators

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STANDING COMMITTEE REPORTS

Mr. President: February 24, 2005

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned 1st Sub. H.B. 204, STATUTE OF LIMITATIONS AMENDMENTS, by Representative D. Clark, to the Rules Committee.

D. Chris Buttars, Chair

On motion of Senator Waddoups, the committee reports were adopted. 1st Sub. H.B. 204 was returned to the Rules Committee.

THIRD READING CALENDAR

S.C.R. 2, RESOLUTION APPROVING CLASS V LANDFILL, was read the third time, explained by Senator Allen, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen  Bell  Bramble  Buttars
Christensen  Davis  Dmitrich  Eastman
Evans  Fife  Hatch  Hellewell
Hickman  Jenkins  Killpack  Knudson
Madsen  Mayne  Peterson  Stephenson
Thomas  Waddoups  Walker  Valentine

Voting in the negative were: Senators
Hale  McCoy

Absent or not voting were: Senators
Arent  Hillyard  Mansell

S.C.R. 2, as amended, was transmitted to the House for consideration.

***

H.B. 65, DRIVER LICENSE AND COMMERCIAL DRIVER LICENSE AMENDMENTS, was read the third time, explained by Senator Dmitrich, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen  Bell  Bramble  Buttars
Christensen  Davis  Dmitrich  Eastman
H.B. 65, as amended, was returned to the House for further consideration.

* * *

H.B. 143, NATIONAL GUARD AMENDMENTS, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

**Yea s, 27; Nay s, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

Hillyard   Mansell

H.B. 143 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

S.B. 216, AMENDMENTS TO UTAH EMERGENCY MEDICAL SERVICES ACT, was read the third time and explained by Senator Bramble.

Senator Bramble proposed the following amendment:

1. Page 6, Line 179 through Page 7, Line 183
   Senate 2nd Reading Amendments
   2–24–2005
179  (ii) A political subdivision shall allow at least \(90\) days from the presubmission conference for the proposers to submit proposals.

181  (c) Subsequent to the presubmission conference, the political subdivision may issue addenda to the request for proposals. An addenda to a request for proposal must be finalized and posted by the political subdivision at least \(45\) days prior to the date on which the proposal must be submitted.

182  (d) Offerors to the request for proposals shall be accorded fair and equal treatment with the public convenience and necessity factors listed in Subsections 203 26−8a−408(2) through [(7) (6)]

202  (a) shall apply the public convenience and necessity factors listed in Subsections 203 26−8a−408(2) through [(7) (6)]

Senator Bramble’s motion to amend passed on a voice vote. Senator Eastman commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Hillyard | Mansell | Valentine |

**S.B. 216.** as amended, was transmitted to the House for consideration.

On motion of Senator Bramble, the Senate voted the following intent language be included in the Senate journal.
INTENT LANGUAGE FOR S.B. 216

“The role of local governments in the licensing of ground ambulance and paramedic providers that serve areas also served by the local government is important. The Legislature strongly encourages local government to establish cost, quality, and access goals for the ground ambulance and paramedic services that serve their areas.”

***

Senator Waddoups notified Senate staff that he is placing a 24–hour hold on S.C.R. 2.

***

1st Sub. S.B. 63, SEVERANCE TAX AMENDMENTS, was read the third time and explained by Senator Evans. Senators Hatch and Stephenson commented and the bill passed on the following roll call:

**Yeas, 18; Nays, 10; Absent, 1.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**Absent or not voting was:** Senator

Valentine

1st Sub. S.B. 63, as amended, was transmitted to the House for consideration.

***

On motion of Senator Christensen, the Senate voted to reconsider its action on 2nd Sub. H.B. 93, – EMISSION INSPECTION AMENDMENTS. Senator Bramble commented. The bill was placed at the top of the Third Reading Calendar and circled.
1st Sub. S.B. 137, TOURISM, RECREATION, CULTURAL, AND CONVENTION FACILITIES TAX AMENDMENTS, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

Yeas, 21; Nays, 7; Absent, 1.

Voting in the affirmative were: Senators
Arent   Bell   Bramble   Buttars
Christensen   Eastman   Evans   Fife
Hale   Hatch   Hellewell   Hickman
Hillyard   Jenkins   Killpack   Knudson
Madsen   Mansell   Stephenson   Waddoups
Walker

Voting in the negative were: Senators
Allen   Davis   Dmitrich   Mayne
McCoy   Peterson   Thomas

Absent or not voting was: Senator
Valentine

1st Sub. S.B. 137, as amended, was transmitted to the House for consideration.

1st Sub. S.B. 192, HIGH TECHNOLOGY ECONOMIC DEVELOPMENT APPROPRIATION, was read the third time.

On motion of Senator Mansell, the bill was circled.

S.B. 62, PERSONAL PROPERTY TRANSACTIONS 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
Allen   Arent   Bell   Bramble
Buttars   Christensen   Davis   Dmitrich
Absent or not voting were: Senators
Evans Valentine

S.B. 62 was transmitted to the House for consideration.

* * *

2nd Sub. S.B. 209, INTERLOCAL COOPERATION ACT AMENDMENTS, was read the third time and explained by Senator Bramble.

Senator Stephenson proposed the following amendment:

1. Page 4, Line 91
   Senate Committee Amendments
   2–22–2005
   91 that purpose [before December 31, 2009] ; and
2. Page 4, Line 93
   Senate Committee Amendments
   2–22–2005:
   93 emergency medical services provided by the interlocal entity ; and
   (IV) at least 30 days before its annual budget hearing, the taxing entity:
   (Aa) adopts a resolution certifying that the taxing entity will dedicate revenue from the tax rate increase exclusively to pay for fire protection, emergency, and emergency medical services provided by the interlocal entity; and
   (Bb) sends a copy of the resolution to the commission.

Senator Stephenson’s motion to amend passed on a voice vote and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Christensen Davis Dmitrich Eastman
Absent or not voting were: Senators
Buttars    Evans    Hickman    Valentine

2nd Sub. S.B. 209, as amended, was transmitted to the House for consideration.

* * *

1st Sub. S.B. 225, CHANGES TO GENERAL GOVERNMENT − SALES AND USE TAX AMENDMENTS, was read the third time, explained by Senator Davis, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen   Arent   Bell   Bramble
Buttars   Christensen   Davis   Dmitrich
Eastman   Fife   Hale   Hatch
Hellewell   Hickman   Hillyard   Jenkins
Killpack   Knudson   Madsen   Mansell
Mayne   McCoy   Peterson   Stephenson
Thomas   Waddoups   Walker

Absent or not voting were: Senators
Evans    Valentine

1st Sub. S.B. 225, as amended, was transmitted to the House for consideration.

* * *

S.B. 67, ELECTION LAW − VOTER REQUIREMENTS, was read the third time and explained by Senator Madsen.

Senator Madsen proposed the following amendment:

1. Page 16, Lines 473 through 476

473    (2) Notwithstanding Subsection (1)(c), any person who is registered to vote in this state
as of {July 1} May 2, 2005 shall not be required to provide evidence of citizenship unless that person is:

(a) changing his voter registration from one county to another; or
(b) changing his voter registration from another state to this state.

1. Page 31, Line 952 through Page 32, Line 975:


(1) If this S.B. 67 passes and S.B. 227, Public Safety Driving Privilege and Identification Card Amendments, does not pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel shall prepare the Utah Code database for publication as follows:

(a) the first paragraph of the notice on the form in Subsection 20A–2–104(1) be modified as follows:

“NOTICE: YOU MUST INCLUDE A LEGIBLE PHOTOCOPY OF ONE OF THE FOLLOWING WITH YOUR APPLICATION AS EVIDENCE OF CITIZENSHIP:

(A) YOUR UTAH DRIVER’S LICENSE, IF IT WAS ISSUED ON OR AFTER JULY 1, 2005;
(B) YOUR BIRTH CERTIFICATE;
(C) YOUR UNITED STATES PASSPORT SHOWING YOUR NAME AND PASSPORT NUMBER;
(D) YOUR UNITED STATES NATURALIZATION DOCUMENTS SHOWING YOUR NAME AND THE NUMBER OF THE CERTIFICATE OF
968 NATURALIZATION;
969 [(E)] (D) DOCUMENTS ESTABLISHED AS PROOF OF CITIZENSHIP UNDER
970 THE IMMIGRATION REFORM AND CONTROL ACT OF 1968;
971 [(E)] (E) YOUR BUREAU OF INDIAN AFFAIRS CARD NUMBER;
972 [(G)] (F) YOUR TRIBAL TREATY CARD NUMBER; OR
973 [(H)] (G) YOUR TRIBAL ENROLLMENT NUMBER.”; and
974 \{(-2) \} (b) Subsections 20A−2−110(1)(c)(i) and (3) be deleted and renumber the remaining
975 subsections accordingly.

(2) If this S.B. 67 and S.B. 227, Public Safety Driving Privilege and Identification Card Amendments both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel shall prepare the Utah Code database for publication as follows:

(a) in paragraph (A) of the notice on the form in Subsection 20A−2−104(1), delete “JULY 1, 2005” and insert the date that S.B. 227 becomes law; and

(b) in Subsection 20A−2−110(1)(c)(i), delete “July 1, 2005” and insert the date that S.B. 227 becomes law.

Senator Madsen’s motion to amend passed on a voice vote. Senators Dmitrich, Hale, Bramble, and Arent commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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S.B. 67, as amended, was transmitted to the House for consideration.
On motion of Senator Bramble, the circle was removed from 1st Sub. S.B. 184, REDEVELOPMENT AGENCY AMENDMENTS, and it was before the Senate.

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

2nd Sub. S.B. 184, Redevelopment Agency Amendments (C. Bramble)

On motion of Senator Bramble, the bill was circled.

COMMITTEE OF THE WHOLE


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

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 24, 2005


Carole E. Peterson, Chief Clerk

4th Sub. H.B. 43 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: February 24, 2005

The House passed, as substituted and amended, 1st Sub. H.B. 96, AMENDMENTS RELATING TO CLEAN FUELS AND VEHICLES USING CLEAN FUELS, by Representative F. Hunsaker, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 247, CREDIT OR REFUND FOR TAX PAID ON CIGARETTE OR TOBACCO PRODUCT
DESTROYED OR RETURNED TO THE MANUFACTURER, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 260, AMENDMENTS RELATED TO PORNOGRAPHIC AND HARMFUL MATERIALS**, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 292, COMMISSION ON RACIAL AND ETHNIC FAIRNESS**, by Representative D. Bourdeaux, and it is transmitted for consideration; and

The House passed **H.B. 314, DRIVING WITH ANY MEASURABLE CONTROLLED SUBSTANCE IN THE BODY REVISIONS**, by Representative M. Noel, and it is transmitted for consideration; and

The House passed **H.B. 362, APPROPRIATION FOR HIGHLY QUALIFIED TEACHERS**, by Representative K. Holdaway, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk


**STANDING COMMITTEE REPORTS**

Mr. President: February 24, 2005

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **S.B. 105, JUDGMENT INTEREST RATE**, by Senator S. Jenkins, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned **S.B. 160, CHILD SUPPORT EXEMPTION FOR ADOPTIVE PARENTS OF CERTAIN CHILDREN IN STATE CUSTODY**, by Senator P. Hellewell, to the Rules Committee.

D. Chris Buttars, Chair

On motion of Senator Knudson, the committee reports were adopted. **S.B. 105** and **S.B. 160** were returned to the Rules Committee

***

On motion of Senator Knudson, the Senate voted to lift **H.B. 165** from Third Reading Table and place it at the top of the Third Reading Calendar.
**H.B. 165**, UTAH COMMISSION ON AGING, was read the third time.

On motion of Senator Knudson, the bill was circled.

* * *

**S.B. 231**, COMPENSATION OF LIEUTENANT GOVERNOR AND OTHER STATE OFFICERS, was read the third time and explained by Senator Madsen.

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

1st Sub. S.B. 231, Compensation of Lieutenant Governor and Other State Officers (M. Madsen)

Senators Hillyard and Arent commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

Arent Peterson

**Absent or not voting were:** Senators

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1st Sub. S.B. 231 was transmitted to the House for consideration.

* * *

**S.C.R. 8**, CONCURRENT RESOLUTION APPROVING CLASS V LANDFILL, 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
Allen         Arent        Bell          Bramble
Christensen  Davis       Dmitrich      Eastman
Evans        Fife         Hale          Hatch
Hellewell     Hickman     Hillyard      Jenkins
Killpack      Knudson     Mansell      Mayne
McCoy        Peterson     Stephenson   Thomas
Waddoups      Walker       Valentine

Absent or not voting were: Senators
Buttars       Madsen

S.C.R. 8 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Thomas, the circle was removed from H.B. 89, PRESUMPTION OF RESPONSIBILITY FOR ABUSE OR NEGLECT, and it was before the Senate. Senator Thomas explained the bill. Senators Hillyard, Buttars, Bell, and Arent commented. The bill passed second reading on the following roll call:

Yeas, 18; Nays, 10; Absent, 1.

Voting in the affirmative were: Senators
Bell          Bramble      Buttars       Christensen
Evans        Hatch        Hellewell    Hickman
Hillyard     Jenkins      Killpack     Madsen
Mansell      Peterson     Stephenson   Thomas
Walker       Valentine

Voting in the negative were: Senators
Allen        Arent        Davis        Dmitrich
Eastman      Fife         Hale         Knudson
Mayne        McCoy

Absent or not voting was: Senator
Waddoups

***

On motion of Senator Mayne, the circle was removed from S.B. 113, EMPLOYEE NONCOMPETITION CONTACTS, and it was before the Senate.
On motion of Senator Mayne, the following substitute bill replaced the original bill.

1st Sub. S.B. 113, Employee Noncompetition Contracts (E. Mayne)

Senator Mayne explained the bill. Senators Hellewell, Bramble, Mansell, and McCoy commented.

Senator McCoy proposed the following amendment:

1. Page 1, Line 23:
   After “A” insert “ provision of a”

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

On motion of Senator Mayne, under suspension of the rules, 1st Sub. S.B. 113, EMPLOYEE NONCOMPETITION CONTRACTS, was considered read the second and third times. Senator Mayne explained the bill. The bill passed on the following roll call:

Voting in the affirmative were: Senators
Allen    Arent    Bell    Bramble
Buttars  Christensen  Davis  Dmitrich
Eastman  Evans    Fife    Hale
Hatch    Hellewell  Hickman  Hillyard
Jenkins  Killpack  Knudson  Madsen
Mansell  Mayne    McCoy  Peterson
Thomas   Walker    Valentine

Voting in the negative was: Senator
Stephenson

Absent or not voting was: Senator
Waddoups

1st Sub. S.B. 113, as amended, was transmitted to the House.

* * *

On motion of Senator Bramble, the Senate voted to move to Third Reading Calendar.
THIRD READING CALENDAR

On motion of Senator Bramble, the circle was removed from 2nd Sub. S.B. 184, REDEVELOPMENT AGENCY AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill.

Senator Hickman proposed the following amendment:

1. Page 12, Line 357:
   Delete “February 15, 2005” and insert “February 24, 2005”

2. Page 12, Line 358:
   Delete “February 15, 2005” and insert “February 24, 2005”

Senator Hickman’s motion to amend passed on the following roll call vote:

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

Voting in the affirmative were: Senators
Allen Arent Bell Davis
Dmitrich Eastman Fife Hale
Hickman Hillyard Jenkins Killpack
Knudson Mansell Mayne McCoy
Thomas Waddoups

Voting in the negative were: Senators
Bramble Buttars Christensen Evans
Hatch Hellewell Madsen Peterson
Stephenson Walker Valentine

Senators Thomas, Bell, Stephenson, and Waddoups commented. Senator Bell declared a conflict of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Fife Hale
Hatch Hellewell Hickman Hillyard
Jenkins Killpack Knudson Madsen
Mansell Mayne McCoy Peterson
Stephenson Thomas Waddoups Valentine
Walker
2nd Sub. S.B. 184, as amended, was transmitted to the House for consideration.

***

On motion of Senator Valentine, the Senate voted to reconsider its action on 1st Sub. S.B. 211. The bill was placed at the top of the Third Reading Calendar and circled.

***

On motion of Senator Waddoups, the circle was removed from S.J.R. 12, RESOLUTION URGING FUNDING.

***

On motion of Senator Waddoups, the Senate voted that all bills on the Second Reading Calendar be returned to Rules except the following bills which shall remain on the Second Reading Calendar in the following order:

2nd Sub. S.B. 183  Public Transit District Annexation and Funding Amendments (Sen. G. Bell)
H.B. 213  Unused Sick Leave At Retirement Amendments (Rep. D. Clark)
H.B. 109  Information Technology Governance Amendments (Rep. D. Clark)
H.B. 217  Public Safety Retirement – Exemption of Certain Employees (Rep. D. Clark)
H.B. 116  Private Activity Bond Amendments (Rep. D. Clark)
H.J.R. 3  Resolution Regarding Federal No Child Left Behind (Rep. K. Holdaway)
H.B. 4  Divorce Mediation Program (Rep. B. Ferry)
H.B. 102  Higher Education Savings Incentive Program Amendments (Rep. S. Wyatt)
H.B. 154  School and Institutional Trust Lands Amendments (Rep. E. Hutchings)
H.B. 121  Property Exempt from Execution (Rep. J. Dunnigan)
H.B. 236  Health Insurance Law Amendments (Rep. J. Dunnigan)
H.B. 349  Money Management Act Amendments (Rep. D. Clark)
COMMUNICATIONS FROM THE HOUSE

Mr. President:
February 25, 2005

The House passed, as amended, H.B. 246, WASTE FEES AMENDMENTS, by Representative S. Urquhart, and it is transmitted for consideration; and

The House passed, as substituted and amended, 2nd Sub. H.B. 264, STATE LAND USE MANAGEMENT PLANS AMENDMENTS, by Representative M. Noel, and it is transmitted for consideration; and

The House passed H.B. 356, STATE GOVERNMENT LAW REVISIONS - WITHDRAWAL FROM EDUCATION COMPACT, by Representative M. Dayton, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. H.B. 246, 2nd Sub. H.B. 264, and H.B. 356 were read the first time and referred to the Rules Committee.

* * *

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

AFTERNOON SESSION

The Senate reassembled at 2:20 p.m., with President Valentine presiding.

INTRODUCTION OF BILLS

S.B. 1, Supplemental Appropriations Act (L. Hillyard), read the first time by short title and referred to the Rules Committee.

TIME CERTAIN CALENDAR

On motion of Senator Knudson, under suspension of the rules, S.J.R. 9, RESOLUTION RECOGNIZING 100 YEARS OF ROTARY INTERNATIONAL, 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

Allen Arent Buttars Christensen
Davis Dmitrich Eastman Evans
Absent or not voting were: Senators
Bell  Bramble  Hickman  Waddoups

S.J.R. 9 was transmitted to the House.

COMMITTEE OF THE WHOLE

On motion of Senator Knudson, Kelly Atkinson, Utah Governor of Rotary International spoke in Committee of the Whole. Senators Hatch, Mansell, Buttars, and Arent commented.

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

SECOND READING CALENDAR

On motion of Senator Evans, under suspension of the rules, H.B. 213, UNUSED SICK LEAVE AT RETIREMENT AMENDMENTS, was considered read the second and third times.

Senator Mayne proposed the following amendment:

Any place “January 1, 2006” appears in the bill, change the date to “July 1, 2006”

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

Yeas, 8; Nays, 20; Absent, 1.

Voting in the affirmative were: Senators
Allen  Arent  Davis  Dmitrich
Fife  Hale  Mayne  McCoy

Voting in the negative were: Senators
Bell  Bramble  Buttars  Christensen
Eastman  Evans  Hatch  Hellewell
Hillyard  Jenkins  Killpack  Knudson
Madsen  Mansell  Peterson  Stephenson
Thomas  Waddoups  Walker  Valentine
Absent or not voting was: Senator Hickman

Senators Arent, Mayne, Thomas, Hale, Hillyard, McCoy, and Knudson commented and the bill passed on the following roll call:

**Yeas, 20; Nays, 8; Absent, 1.**

**Voting in the affirmative were:** Senators

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<td>Valentine</td>
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**Voting in the negative were:** Senators

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<th>Dmitrich</th>
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<tr>
<td>Fife</td>
<td>Hale</td>
<td>Mayne</td>
<td>McCoy</td>
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Absent or not voting was: Senator Hickman

H.B. 213 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

***

On motion of Senator Evans, under suspension of the rules, H.B. 109, INFORMATION TECHNOLOGY GOVERNANCE AMENDMENTS, was considered read the second and third times. Senators Hale and Mayne commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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<th>Mayne</th>
<th>McCoy</th>
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</table>
Absent or not voting was: Senator Hickman

H.B. 109, as amended, was returned to the House for further consideration.

* * *

H.B. 217, PUBLIC SAFETY RETIREMENT − EXEMPTION OF CERTAIN EMPLOYEES, was read the second time. Senator Evans 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
Allen, Arent, Bramble, Buttars
Christensen, Davis, Dmitrich, Eastman
Evans, Fife, Hale, Hatch
Hellewell, Hillyard, Jenkins, Killpack
Knudson, Madsen, Mansell, Mayne
McCoy, Peterson, Stephenson, Thomas
Waddoups, Walker, Valentine

Absent or not voting were: Senators
Bell, Hickman

* * *

On motion of Senator Mansell, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Mansell, the circle was removed from 1st Sub. S.B. 192, HIGH TECHNOLOGY ECONOMIC DEVELOPMENT APPROPRIATION, and it was before the Senate.

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

2nd Sub. S.B. 192, High Technology Economic Development Appropriation (L. Mansell)

Senator Mansell explained the bill. The bill passed on the following roll call:
Yeas, 28; Nays, 0;Absent, 1.

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Fife Hale
Hatch Hellewell Hillyard Jenkins
Killpack Knudson Madsen Mansell
Mayne McCoy Peterson Stephenson
Thomas Waddoups Walker Valentine

Absent or not voting was: Senator
Hickman

2nd Sub. S.B. 192 was transmitted to the House for consideration.

* * *

On motion of Senator Knudson, the circle was removed from H.B. 165, UTAH COMMISSION ON AGING.

Senator Knudson proposed the following amendment:

1. Page 1, Lines 8 through 9
   House Committee Amendments
   1–24–2005

   8 This bill creates the Utah Commission on Aging {—and provides for compensation of its executive director}.

2. Page 1, Lines 18 through 19
   House Committee Amendments
   1–24–2005:

   18 Creates the position of executive director of the commission and lists the executive director’s duties {—and compensation—}.

3. Page 2, Line 39:

   39 {-67–22–2, as last amended by Chapters 156 and 306, Laws of Utah 2004—}
4. Page 4, Lines 95 through 96:

95 (c) identify \{ ← \} and recommend \{ ← and promote \} implementation of specific policies, procedures, and programs to respond to the needs and impact of the aging population relating to:

5. Page 5, Lines 131 through 135:

131 (2) (a) A member appointed under Subsection (1)(g) shall serve a \{ ← four \} two −year term.

132 (b) Notwithstanding the term requirements of Subsection (2)(a), the governor may adjust the length of the initial commission members’ terms to ensure that the terms are staggered so that approximately \{ ← 1/4 \} 1/2 of the members appointed under Subsection (1)(g) are appointed each year.

6. Page 5, Line 146 through Page 6, Line 155:

146 63−99−105. Executive director −− Qualifications −− Compensation −− Appointment −− Functions.

148 (1) (a) Subject to Subsection (1)(b), the governor \{ ← with the consent of the Senate, } shall appoint an executive director of the commission.

150 (b) The executive director appointed under Subsection (1)(a) shall be a person knowledgeable and experienced in matters relating to:

152 (i) management; and

153 (ii) the aging population.

154 \{ ← (c) The governor shall establish the executive director’s salary within the salary range fixed by the Legislature in Title 67, Chapter 22, State Officer Compensation. \}
160    (1) The commission shall:
161    (a) promote fulfill the commission’s purposes as listed in Section 63–99–103;
162    (b) promote facilitate the communication and coordination of public and private entities that
163    provide services to the aging population;

8. Page 6, Line 168:
168    (e) promote facilitate and conduct the research and study of issues related to aging;

9. Page 6, Lines 172 through 173:
172    (h) promote facilitate the provision of services to the aging population from the public and
173    private sectors; and

10. Page 8, Lines 243 through 244:
243    (1) the executive director’s salary as established pursuant to Section 67–22–2, shall be
244    paid out of the existing budget of the Department of Human Services; and

11. Page 9, Line 247 through Page 12, Line 351:
247    Section 12. Section 67–22–2 is amended to read:
249    (1) The governor shall establish salaries for the following state officers within the
250    following salary ranges fixed by the Legislature:
251        State Officer                  Salary Range
252        Commissioner of Agriculture and Food $65,200 – $88,400
253        Commissioner of Insurance      $65,200 – $88,400
254        Commissioner of the Labor Commission $65,200 – $88,400
255        Director, Alcoholic Beverage Control
256        Commission $65,200 – $88,400
<table>
<thead>
<tr>
<th>Position</th>
<th>Salary Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commissioner, Department of Financial Institutions</td>
<td>$65,200 − $88,400</td>
</tr>
<tr>
<td>Members, Board of Pardons and Parole</td>
<td>$65,200 − $88,400</td>
</tr>
<tr>
<td>Executive Director, Department of Commerce</td>
<td>$65,200 − $88,400</td>
</tr>
<tr>
<td>Executive Director, Commission on Criminal and Juvenile Justice</td>
<td>$65,200 − $88,400</td>
</tr>
<tr>
<td>Executive Director, Utah Commission on Aging</td>
<td>$65,200 − $88,400</td>
</tr>
<tr>
<td>Adjutant General</td>
<td>$65,200 − $88,400</td>
</tr>
<tr>
<td>Chair, Tax Commission</td>
<td>$70,600 − $95,200</td>
</tr>
<tr>
<td>Commissioners, Tax Commission</td>
<td>$70,600 − $95,200</td>
</tr>
<tr>
<td>Executive Director, Department of Community and Economic Development</td>
<td>$70,600 − $95,200</td>
</tr>
<tr>
<td>Executive Director, Tax Commission</td>
<td>$70,600 − $95,200</td>
</tr>
<tr>
<td>Chair, Public Service Commission</td>
<td>$70,600 − $95,200</td>
</tr>
<tr>
<td>Commissioners, Public Service Commission</td>
<td>$70,600 − $95,200</td>
</tr>
<tr>
<td>Executive Director, Department of Corrections</td>
<td>$76,800 − $103,600</td>
</tr>
<tr>
<td>Commissioner, Department of Public Safety</td>
<td>$76,800 − $103,600</td>
</tr>
<tr>
<td>Executive Director, Department of Natural Resources</td>
<td>$76,800 − $103,600</td>
</tr>
<tr>
<td>Director, Governor’s Office of Planning and Budget</td>
<td>$76,800 − $103,600</td>
</tr>
<tr>
<td>Executive Director, Department of Administrative Services</td>
<td>$76,800 − $103,600</td>
</tr>
</tbody>
</table>
286 Human Resource Management $76,800 − $103,600
287 Executive Director, Department of
288 Environmental Quality $76,800 − $103,600
289 Executive Director, Department of
290 Workforce Services $83,600 − $112,900
291 Executive Director, Department of
292 Health $83,600 − $112,900
293 Executive Director, Department
294 of Human Services $83,600 − $112,900
295 Executive Director, Department
296 of Transportation $83,600 − $112,900
297 Chief Information Officer $83,600 − $112,900
298 (2) (a) The Legislature fixes benefits for the state offices outlined in Subsection (1) as
299 follows:
300 (i) the option of participating in a state retirement system established by Title 49, Utah
301 State Retirement and Insurance Benefit Act, or in a deferred compensation plan administered by the State Retirement Office in accordance with the Internal Revenue Code and its
302 accompanying rules and regulations;
303 (ii) health insurance;
304 (iii) dental insurance;
305 (iv) basic life insurance;
306 (v) unemployment compensation;
307 (vi) workers' compensation;
308 (vii) required employer contribution to Social Security;
309 (viii) long-term disability income insurance;
310 (ix) the same additional state-paid life insurance available to other noncareer service
employees;
(x) the same severance pay available to other noncareer service employees;
(xi) the same sick leave, converted sick leave, educational allowances, and holidays granted to Schedule B state employees, and the same annual leave granted to Schedule B state employees with more than ten years of state service;
(xii) the option to convert accumulated sick leave to cash or insurance benefits as provided by law or rule upon resignation or retirement according to the same criteria and procedures applied to Schedule B state employees;
(xiii) the option to purchase additional life insurance at group insurance rates according to the same criteria and procedures applied to Schedule B state employees; and
(xiv) professional memberships if being a member of the professional organization is a requirement of the position.
(b) Each department shall pay the cost of additional state-paid life insurance for its executive director from its existing budget.
(3) The Legislature fixes the following additional benefits:
(a) for the executive director of the State Tax Commission a vehicle for official and personal use;
(b) for the executive director of the Department of Transportation a vehicle for official and personal use;
(c) for the executive director of the Department of Natural Resources a vehicle for commute and official use;
(d) for the Commissioner of Public Safety:

(i) an accidental death insurance policy if POST certified; and

(ii) a public safety vehicle for official and personal use;

(e) for the executive director of the Department of Corrections:

(i) an accidental death insurance policy if POST certified; and

(ii) a public safety vehicle for official and personal use;

(f) for the Adjutant General a vehicle for official and personal use; and

(g) for each member of the Board of Pardons and Parole a vehicle for commute and official use.

(4) (a) The governor has the discretion to establish a specific salary for each office listed in Subsection (1), and, within that discretion, may provide salary increases within the range fixed by the Legislature.

(b) The governor shall apply the same overtime regulations applicable to other FLSA exempt positions.

(e) The governor may develop standards and criteria for reviewing the performance of the state officers listed in Subsection (1).

(5) Salaries for other Schedule A employees, as defined in Section 67−19−15, which are not provided for in this chapter, or in Title 67, Chapter 8, Utah Executive and Judicial Salary Act, shall be established as provided in Section 67−19−15.

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

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

**Voting in the affirmative were:** Senators

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Voting in the negative were: Senators
Jenkins Peterson

Absent or not voting was: Senator
Hickman

H.B. 165, as amended, was returned to the House for further consideration.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 25, 2005
The Rules Committee recommends that, under suspension of rules, the following bills be placed at the bottom of the Second Reading Calendar:

H.B. 216 Global Positioning Reference Network
(Rep. K. Holdaway)
H.B. 132 Internet Crimes Against Children (Rep. T. Cosgrove)
H.B. 234 Telephone Surcharge for Education and Training Programs At Prison (Rep. B. Goodfellow)
H.B. 128 Compensation of Executive Officers
(Rep. L. Christensen)
H.B. 223 Amendments to Driver License and Identification Cards
(Rep. C. Oda)
H.B. 135 Implementing Federal Educational Programs
(Rep. M. Dayton)
H.B. 79 Provision of Services for People with Disabilities
(Rep. R. Lockhart)
H.B. 80 Services for People with Disabilities (Rep. R. Lockhart)
H.B. 107 Amendments to Taxes, Fees, or Charges (Rep. W. Harper)
H.B. 249 Carson Smith Special Needs Scholarships
(Rep. M. Newbold)
H.B. 280 Joint Custody Amendments (Rep. L. Christensen)
H.B. 206 Charter School Reporting (Rep. C. Moss)
1st Sub. H.B. 42 Medical Recommendations for Children
(Rep. M. Morley)
H.B. 25  Direct−entry Midwife Act (Rep. J. Biskupski)

Michael Waddoups
Rules Committee Chair

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

THIRD READING CALENDAR

On motion of Senator Christensen, the circle was removed from 2nd Sub. H.B. 93, EMISSION INSPECTION AMENDMENTS.

Senator Bramble proposed the following amendment:

1. Page 1, Lines 12 through 15
   
   12  {−repeals the requirement that−} allows a county legislative body to require college students and employees who park on a college or university campus a motor vehicle that is not registered in a county subject to emissions inspections {−are required−} to provide proof of compliance with an emissions inspection; and

2. Page 2, Line 38:

   38  than required under Subsection [(6)] {−(5)−} (6) ; and

3. Page 4, Lines 90 through 116:

   90  {−−−−} (5) (a) {−Each−} Subject to Subsection (5)(c), the legislative body of each county required under federal law to utilize a motor vehicle emissions inspection and maintenance program or in which an emissions inspection and maintenance program is necessary to attain or maintain any national ambient air quality standard may require each college or university located in a county subject to this section {−shall−} to

   91  require its students and employees who park a motor vehicle not registered in a county subject

   92  to this section to provide proof of compliance with an emissions inspection accepted by the
county legislative body if the motor vehicle is parked on the college or university campus or
property.  
(b) College or university parking areas that are metered or for which payment is required per use are not subject to the requirements of this Subsection (5).

(c) The legislative body of county shall make the reasons for implementing the provisions of this Subsection (5) part of the record at the time that the county legislative body takes its official action to implement the provisions of this Subsection (5).

(a) An emissions inspection station shall issue a certificate of emissions inspection for each motor vehicle that meets the inspection and maintenance program requirements established in rules made under Subsection (2).

(b) The frequency of the emissions inspection shall be determined based on the age of the vehicle as determined by model year and shall be required annually subject to the provisions of Subsection (c).

(c) (i) To the extent allowed under the current federally approved state implementation plan, in accordance with the federal Clean Air Act, 42 U.S.C. Sec. 7401 et seq., the legislative body of a county identified in Subsection (1) shall only require the emissions inspection every two years for each vehicle.

(ii) The provisions of Subsection (c)(i) apply only to a vehicle that is less than six years old on January 1.

(d) If an emissions inspection is only required every two years for a vehicle under Subsection (c), the inspection shall be required for the vehicle in:
(i) odd–numbered years for vehicles with odd–numbered model years; or 
(ii) in even–numbered years for vehicles with even–numbered model years.

The emissions inspection shall be required within the same time limit applicable to a safety inspection under Section 41–1a–205.

(a) A county identified in Subsection (1) shall collect information about and monitor the program.

If approved by the county legislative body, a county that had an established emissions inspection fee as of January 1, 2002, may increase the established fee that an emissions inspection station may charge by $2.50 for each year that is exempted from emissions inspections under Subsection (c) up to a $7.50 increase.

Senator Bramble’s motion to amend passed on a voice vote. Senator Jenkins commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting was:** Senator Hickman

**2nd Sub. H.B. 93**, as amended, was returned to the House for further consideration.
On motion of Senator Hillyard, the Senate voted to lift 1st Sub. H.B. 38, H.B. 33, and H.B. 157 from the Third Reading Table and place them at the top of the Third Reading Calendar.

---

1st Sub. H.B. 38, WATER LAW − CRIMINAL PENALTIES AMENDMENTS, was read the third time, explained by Senator Evans, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen  Arent  Bell  Bramble
Buttars  Christensen  Davis  Dmitrich
Eastman  Evans  Fife  Hale
Hatch  Hellewell  Hillyard  Jenkins
Killpack  Knudson  Madsen  Mansell
Mayne  McCoy  Peterson  Stephenson
Thomas  Waddoups  Walker  Valentine

Absent or not voting was: Senator Hickman

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.

---

H.B. 33, ASSISTANCE FOR PEOPLE WITH BLEEDING DISORDERS, was read the third time, explained by Senator Davis, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen  Arent  Bell  Buttars
Christensen  Davis  Dmitrich  Eastman
Fife  Hale  Hatch  Hellewell
Hillyard  Jenkins  Killpack  Knudson
Mansell  Mayne  McCoy  Peterson
Thomas  Waddoups  Walker  Valentine
Absent or not voting were: Senators
Bramble       Evans       Hickman    Madsen
Stephenson

H.B. 33 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 157, WATER ENFORCEMENT PROCEDURES AND PENALTIES, was read the third time and explained by Senator Hatch.

Senator Peterson proposed the following amendment:

1. Page 8, Line 224
   Senate 2nd Reading Amendments
   2–16–2005

   224 (B) $1,000 for each violation \( \Rightarrow \) \{ within the same calendar year \} \( \Leftarrow \) that is not knowing;

2. Page 8, Lines 233 through 234
   Senate 2nd Reading Amendments
   2–16–2005:

   233 (d) (i) Each day of a continuing violation of the provisions described in Subsection
   234 73–2–25(2)(a) or an initial or final order issued under Section 73–2–25 is a separate violation.
   (ii) A penalty may not be imposed for a violation of the provisions listed in Subsection 73–2–25(2)(a) or an initial or a final order issued under Section 73–2–25 for a violation occurring more than 12 months before the day on which a notice of violation is issued.

Senator Peterson’s motion to amend passed on a voice vote. Senators Hillyard and Thomas commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen       Arent       Bell       Buttars
Christensen Davis Dmitrich Eastman
Fife       Hale       Hatch       Hellewell
Hillyard   Jenkins    Killpack    Knudson
Absent or not voting were: Senators
Bramble   Evans   Hickman   Stephenson

H.B. 157, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Hillyard, the Senate voted to return to the Second Reading Calendar.

SECOND READING CALENDAR


* * *

On motion of Senator Dmitrich, under suspension of the rules, H.B. 287, REVENUE BONDS AND CAPITAL FACILITIES AUTHORIZATIONS, 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
Allen      Arent      Bell      Bramble
Buttars    Christensen   Davis   Dmitrich
Eastman    Fife       Hale      Hatch
Hellewell  Hillyard   Jenkins   Killpack
Knudson    Madsen   Mayne      McCoy
Peterson   Thomas    Waddoups   Walker
Valentine

Absent or not voting were: Senators
Evans      Hickman   Mansell   Stephenson

H.B. 287 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

* * *

On motion of Senator Eastman, under suspension of the rules, H.B. 116, PRIVATE ACTIVITY BOND 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
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Fife Hale Hatch
Hellewell Hillyard Jenkins Killpack
Knudson Madsen Mansell Mayne
McCoy Peterson Thomas Waddoups
Walker Valentine

Absent or not voting were: Senators
Evans Hickman Stephenson

H.B. 116 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

***

On motion of Senator Hatch, under suspension of the rules, H.J.R. 3, RESOLUTION REGARDING FEDERAL NO CHILD LEFT BEHIND, 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
Allen Arent Bell Bramble
Buttars Christensen Davis Eastman
Fife Hale Hatch Hellewell
Hillyard Jenkins Killpack Knudson
Madsen Mansell Mayne McCoy
Peterson Thomas Waddoups Walker
Valentine

Absent or not voting were: Senators
Dmitrich Evans Hickman Stephenson

H.J.R. 3 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

***

On motion of Senator Bell, under suspension of the rules, H.B. 4, DIVORCE MEDIATION PROGRAM, was considered read the second and third times and passed on the following roll call:
Y eas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Fife Hale
Hatch Hellewell Hillyard Killpack
Knudson Madsen Mansell Mayne
McCoy Peterson Thomas Waddoups
Walker Valentine

Absent or not voting were: Senators
Hickman Jenkins Stephenson

H.B. 4 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

* * *

On motion of Senator Walker, under suspension of the rules, H.B. 216, GLOBAL POSITIONING REFERENCE NETWORK, was considered read the second and third times. This bill did not have a Senate standing committee hearing.

Senator Walker proposed the following amendment:

1. Page 1, Lines 23 through 27

   23 This bill appropriates:
   24 {→ as an ongoing appropriation subject to future budget constraints, $75,000 for fiscal
   25 year 2005–06; and →}
   26 → {→$1,500,000→} →$375,000 for fiscal year
   27 2004–05 only, for hardware, software, construction
   27 materials, and labor to implement, expand, and maintain the network.

2. Page 4, Lines 92 through 99:

   92 (1) There is appropriated from the General Fund to the
   93 Automated Geographic
   94 Reference Center for implementation and maintenance of the
   95 Statewide Global Positioning
Reference Network created in Section 63A−6−205 (a) as an ongoing appropriation subject to future budget constraints, $75,000 for fiscal year 2005−06; and (b) $1,500,000 for fiscal year 2004−05 only, for hardware, software, construction materials, and labor to implement, expand, and maintain the network.

(2) The funds appropriated in Subsection (1) are nonlapsing.

Senator Walker’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

Allen     Arent     Bell     Bramble
Christensen Davis Dmitrich Eastman
Evans     Fife      Hale     Hatch
Hellewell Hillyard Knudson Madsen
Mansell   Mayne     McCoy    Peterson
Thomas    Waddoups Walker Valentine

**Absent or not voting were:** Senators

Buttars   Hickman   Jenkins   Killpack
Stephenson

**H.B. 216,** as amended, was returned to the House for further consideration.

***

On motion of Senator Dmitrich, a Jazz Surprise will be presented on Monday, February 28, 2005 at 2:30 p.m.

***

On motion of Senator Knudson, under suspension of the rules, **H.B. 132,** INTERNET CRIMES AGAINST CHILDREN, 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
Allen    Arent    Bell    Bramble
Buttars  Christensen  Davis  Dmitrich
Eastman  Evans    Fife    Hale
Hatch    Hellewell  Hillyard  Killpack
Knudson  Madsen  Mansell  Mayne
McCoy    Peterson  Thomas  Waddoups
Walker    Valentine

Absent or not voting were: Senators
Hickman    Jenkins  Stephenson

H.B. 132 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

* * *

H.B. 234, TELEPHONE SURCHARGE FOR EDUCATION AND TRAINING PROGRAMS AT PRISON, was read the second time.

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

1st Sub. H.B. 234, Telephone Surcharge for Education and Training Programs at Prison  (B. Goodfellow)

On motion of Senator Buttars, under suspension of the rules, 1st Sub. H.B. 234, TELEPHONE SURCHARGE FOR EDUCATION AND TRAINING PROGRAMS AT PRISON, was considered read the second and third times. Senator Thomas commented and the bill passed on the following roll call:

Yeas, 23; Nays, 1; Absent, 5.

Voting in the affirmative were: Senators
Allen    Arent    Bell    Buttars
Christensen  Davis  Dmitrich  Eastman
Evans    Fife    Hale    Hatch
Hellewell  Hillyard  Jenkins  Killpack
Knudson  Mansell  Mayne  McCoy
Peterson    Walker  Valentine

Voting in the negative was: Senator
Thomas
Absent or not voting were: Senators
Bramble Hickman Madsen Stephenson
Waddoups

1st Sub. H.B. 234 was returned to the House for further consideration.

***

On motion of Senator Hillyard, the Senate voted to lift S.B. 1 from Rules and place it at the top of the Second Reading Calendar.

***

On motion of Senator Hillyard, under suspension of the rules, S.B. 1, SUPPLEMENTAL APPROPRIATIONS ACT, was considered read the second and third times. Senator Hillyard explained the bill. This bill did not have a Senate standing committee hearing.

Senator Allen proposed the following amendment:

1. Page 5, Line 166:
   After line 166 insert “The Legislature intends that $465,000 of the appropriations for the University of Utah Marriott Library be expended on furniture and fixtures at the Utah Museum of Fine Arts.”

   Senator Allen’s motion to amend passed on a voice vote. Senators Christensen, Thomas, and Hillyard commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Fife Hale
Hatch Hellewell Hillyard Jenkins
Killpack Knudson Mansell Mayne
McCoy Peterson Stephenson Thomas
Waddoups Walker Valentine

Absent or not voting were: Senators
Hickman Madsen

S.B. 1, as amended, was transmitted to the House.
On motion of Senator Hatch, under suspension of the rules, 1st Sub.  
H.B. 200, INSURANCE LAW REVISIONS, was considered read the second 
time.

Senator Mansell proposed the following amendment:

1. Page 5, Line 139 through Page 8, Line 214

139  31A–23a–204. Special requirements for title insurance 
producers.

140  Title insurance producers shall be licensed in accordance with 
this chapter, with the 
141  additional requirements listed in this section.

142  (1) Every title insurance agency newly licensed, merged, 
or acquired after July 1, 2005, 
143  shall be owned or managed by a full-time title producer licensed 
with search and escrow lines 
144  of authority for at least three of the four years immediately 
preceding the date of application. }

145  (2) (a) Every title insurance 
agency or producer appointed by an insurer shall 
146  maintain:

147  (i) a fidelity bond;

148  (ii) a professional liability insurance policy; or 
149  (iii) a financial protection:

150  (A) equivalent to that described in Subsection 
151  (1) (i) or (ii); and

152  (b) The bond or insurance required by this Subsection 
153  (i) shall be supplied under a contract approved by the 
commissioner to provide 
154  protection against the improper performance of any service in 
conjunction with the issuance of
a contract or policy of title insurance; and
(ii) be in a face amount no less than $50,000.
(c) The commissioner may by rule exempt title insurance producers from the
requirements of this Subsection upon a finding that, and only so long as, the required
policy or bond is generally unavailable at reasonable rates.
(a) (i) Every title insurance agency or producer appointed by an insurer shall
maintain a reserve fund.
(ii) The reserve fund required by this Subsection shall be:
(A) (I) composed of assets approved by the commissioner;
(II) maintained as a separate trust account; and
(III) charged as a reserve liability of the title insurance producer in determining the
producer’s financial condition; and
(B) accumulated by segregating 1% of all gross income received from the title
insurance business.
(iii) The reserve fund shall contain the accumulated assets for the immediately
preceding ten years as defined in Subsection (a)(ii).
(iv) That portion of the assets held in the reserve fund over ten years may be:
(A) withdrawn from the reserve fund; and
(B) restored to the income of the title insurance producer.
(v) The title insurance producer may withdraw interest from the reserve fund related to
the principal amount as it accrues.
(b) (i) A disbursement may not be made from the reserve fund except as provided in
Subsection (a) unless the title insurance producer ceases doing business as a result of:

(A) sale of assets;
(B) merger of the producer with another producer;
(C) termination of the producer’s license;
(D) insolvency; or
(E) any cessation of business by the producer.

(ii) Any disbursements from the reserve fund may be made only to settle claims arising from the improper performance of the title insurance producer in providing services defined in Section 31A–23a–406.

(iii) The commissioner shall be notified ten days before any disbursements from the reserve fund.

(iv) The notice required by this Subsection (b) shall contain:

(A) the amount of claim;
(B) the nature of the claim; and
(C) the name of the payee.

(c) (i) The reserve fund shall be maintained by the title insurance producer or the title insurance producer’s representative for a period of two years after the producer ceases doing business.

(ii) Any assets remaining in the reserve fund at the end of the two years specified in Subsection (c)(i) may be withdrawn and restored to the former producer.

(c)(i) Any examination for licensure shall include questions regarding the search and examination of title to real property.
A title insurance producer may not perform the functions of escrow unless the producer has been examined on the fiduciary duties and procedures involved in those functions.

The commissioner shall adopt rules outlining an examination that will satisfy this section.

A license may be issued to a title insurance producer who has qualified:

(a) to perform only searches and examinations of title as specified in Subsection (3);

(b) to handle only escrow arrangements as specified in Subsection (4);

(c) to act as a title marketing representative.

A person licensed to practice law in Utah is exempt from the requirements of Subsections (1) and (2) if that person issues 12 or less policies in any 12-month period.

A person licensed to practice law in Utah, whether exempt under Subsection (8) or not, shall maintain a trust account separate from a law firm trust account for all title and real estate escrow transactions.

Senator Mansell’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
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
H.B. 102, HIGHER EDUCATION SAVINGS INCENTIVE PROGRAM AMENDMENTS, 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

Allen     Arent     Bell     Bramble
Christensen Davis Dmitrich Eastman
Evans     Fife      Hale     Hatch
Hellewell Hillyard Jenkins Killpack
Madsen    Mansell  Mayne    McCoy
Peterson  Stephenson Waddoups Walker
Valentine

**Absent or not voting were:** Senators

Buttars   Hickman Knudson Thomas

**H.B. 154, SCHOOL AND INSTITUTIONAL TRUST LANDS AMENDMENTS,** was read the second time. Senator Waddoups 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

Allen     Arent     Bell     Bramble
Christensen Davis Dmitrich Eastman
Evans     Fife      Hale     Hatch
Hillyard  Jenkins  Killpack Knudson
Madsen    Mansell  Mayne    McCoy
Peterson  Stephenson Thomas Waddoups
Valentine
Absent or not voting were: Senators
Buttars   Hellewell   Hickman   Walker

* * *

On motion of Senator Bell, the circle was removed from 2nd Sub. S.B. 183, PUBLIC TRANSIT DISTRICT ANNEXATION AND FUNDING AMENDMENTS, and it was before the Senate. Senator Bell explained the bill.

Senator Bell proposed the following amendment:

1. Page 2, Lines 50 through 51

50  { -authorizes any county legislative body to impose } amends the definition of qualifying county for purposes of imposing the county option sales and use tax
51 for highways, fixed guideways, or systems for public transit; and

2. Page 3, Line 70:

70 { -59-12-1503, as last amended by Chapters 90 and 255, Laws of Utah 2004- }

3. Page 6, Lines 160 through 162:

160 (vi) a vote { -on a sales and use tax imposed under } authorized or required by Title 59, Chapter 12, { -Part 5, Public Transit Tax or Part 15, County Option } Sales and Use Tax { -for Highways, Fixed Guideways, or Systems for Public Transit } Act 

4. Page 40, Lines 1212 through 1214:

1212 (1) As used in this section, “public transit district” means a public transit district
1213 organized under Title 17A, Chapter 2, Part 10, Utah Public Transit District Act that has more
1214 than 200,000 people residing within the district boundaries.

5. Page 41, Lines 1248 through 1256:

1248 (c) The ballot question for the opinion question submitted under Subsection (3)(a) shall
read:

"Shall the county be a part of a public transit district?"

If a majority of the county's registered voters voting in the election approve becoming a part of a public transit district, the county shall be annexed into the public transit district and a sales and use tax of .25% shall be imposed countywide to fund public transportation operations, costs, and improvements of the transit district. The .25% sales and use tax shall supersede the existing sales and use taxes imposed by the county or a city or town within the county that are used to fund public transportation."

6. Page 41, Line 1265:

(d) subject to Subsections (4)(e) and (f), if a city or town located within the county

7. Page 44, Lines 1336 through 1344:

(b) (i) Except as provided in Subsection (5)(b)(ii), beginning on July 1, 2005, a bond may not be issued to fund new construction, major renovations, and improvements to Interstate 15 and state highways within the county if the bond is intended to be paid from revenues allocated under Subsection (5)(a)(ii).

(ii) Bonds may be issued that are intended to be paid from revenues allocated under Subsection (5)(a)(ii) to fund the construction or reconstruction projects identified in Subsections 63B−11−502(2)(a)(i)(D) and (E) after July 1, 2005.

(c) When all bonds incurred before July 1, 2005 for new construction, major renovations, and improvements to Interstate 15 and state highways within the county which were intended to be paid from revenues allocated under Subsection (5)(a)(ii) and the bonds identified Subsection (5)(b)(ii) have been paid
off, the revenues generated by the tax imposed under this section that are allocated under
Subsection (5)(a)(ii) shall be allocated to fund a fixed guideway and expanded public
transportation system.

8. Page 45, Line 1388 through Page 46, Line 1395:

(c) The ballot question for the proposal submitted under Subsection (3)(a) shall read:

“Shall the county be a part of a public transit district?

If a majority of the county’s registered voters voting in the election approve becoming a
part of a public transit district, the county shall be annexed into the public transit district and
a sales and use tax of .50% shall be imposed countywide to fund public transportation
operations, costs, and improvements of the transit district. The .50% sales and use tax shall
supersede the existing sales and use taxes imposed by the county or a city or town within the
county that are used to fund public transportation.”

9. Page 47, Lines 1430 through 1437:

(5) If a county legislative body imposes a tax under this section and a majority of the
county’s registered voters voting in an election under Subsection (3) vote in favor of the
imposition of a tax under this section, beginning on the date the tax under this section is
imposed:

(a) the county legislative body may not impose a sales and use tax under Sections
(b) a city or town within the county may not impose a sales and use tax under Section 59–12–501 or 59–12–502.

10. Page 56, Lines 1708 through 1718:

(3) “Qualifying county” means a county in which:

(a) a sales and use tax authorized by Section 59–12–502 is not imposed by:

(i) the county;

(ii) a city within the county; or

(iii) a town within the county; or

(b) a sales and use tax authorized by Section 59–12–502.5 is not imposed by the county.

(4) “State highway” means a highway designated as a state highway under Title 72, Chapter 4, Designation of State Highways Act.

(a) Except as provided in Subsection (5), "public transit" is as defined in Section 17A–2–1004.

(b) Notwithstanding Subsection (5), “public transit” does not include a fixed guideway system.

11. Pages 56–63, Lines 1719–1937:

Delete lines 1719–1937

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

On motion of Senator Bell, the bill was circled.

***

On motion of Senator Hillyard, the Senate voted to move H.B. 249 to the top of the Second Reading Calendar.

***

H.B. 249, CARSON SMITH SPECIAL NEEDS SCHOLARSHIPS, was read the second time.
On motion of Senator Hillyard, 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 Senate voted to lift 2nd Sub. H.B. 188 from the Third Reading Table and place it at the top of the Third Reading Calendar.

***

2nd Sub. H.B. 188, PUBLIC EDUCATION JOB ENHANCEMENT PROGRAM, was before the Senate and explained by Senator Evans.

Senator Stephenson proposed the following amendment:

1. Page 3, Lines 65 through 67

   65 (ii) repayment by the teacher of a prorated portion of the scholarship, if the teacher fails to complete the authorized classes or program or
   66 to teach in the state system of public education in the areas identified in Subsection (1) for four
   67 years after obtaining the master’s degree, the endorsement, or graduate education.

Senator Stephenson’s motion to amend passed on a voice vote. Senator Peterson commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen
Buttars
Eastman
Hellewell
Knudson
Stephenson
Valentine
Arent
Christensen
Evans
Hillyard
Mansell
Thomas
Bell
Davis
Fife
Jenkins
Mayne
Waddoups
Bramble
Dmitrich
Hale
Killpack
McCoy
Walker
Voting in the negative were: Senators
Hatch                Madsen                Peterson

Absent or not voting was: Senator
Hickman

2nd Sub. H.B. 188, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Bramble, the Senate voted to return to Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Bramble, the circle was removed from H.B. 249, CARSON SMITH SPECIAL NEEDS SCHOLARSHIPS, and it was before the Senate.

On motion of Senator Bramble, under suspension of the rules, H.B. 249, CARSON SMITH SPECIAL NEEDS SCHOLARSHIPS, was considered read the second and third times. Senator Arent commented and the bill passed on the following roll call:

Yeas, 21; Nays, 6; Absent, 2.

Voting in the affirmative were: Senators
Allen             Bell             Bramble           Buttars
Christensen      Eastman         Evans             Hatch
Hellewell        Hillyard        Jenkins           Killpack
Knudson          Madsen          Mansell           Mayne
Peterson         Stephenson      Thomas            Walker
Valentine

Voting in the negative were: Senators
Arent             Davis            Dmitrich        Fife
Hale             McCoy

Absent or not voting were: Senators
Hickman           Waddoups

H.B. 249 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
COMMUNICATIONS FROM THE HOUSE

Mr. President: February 25, 2005

The House passed, S.J.R. 9, RESOLUTION RECOGNIZING 100 YEARS OF ROTARY INTERNATIONAL, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.J.R. 9 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 25, 2005

The House concurred in the Senate amendments and passed 2nd Sub. H.B. 74, TUITION PROGRAM FOR STUDENTS SEEKING TEACHER LICENSURE IN DISABILITY OR SPECIAL EDUCATION, by Representative R. Menlove, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

2nd Sub. H.B. 74 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: February 25, 2005

The House passed, as amended, H.B. 129, SCHOOL UNIFORMS, by Representative C. Frank, and it is transmitted for consideration; and

The House passed H.B. 268, DRUG UTILIZATION REVIEW COMMITTEE AMENDMENTS, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed, as amended, H.B. 301, SUPPLEMENTAL APPROPRIATIONS III, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed, as substituted and amended, 2nd Sub. H.B. 313, ECONOMIC DEVELOPMENT INITIATIVE FOR HIGHER EDUCATION, by Representative K. Holdaway, and it is transmitted for consideration; and
The House passed, as substituted, **1st Sub. H.B. 326**, HIGH SCHOOL CURRICULUM, by Representative B. Daw, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk


***

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to lift **H.B. 301** from Rules and place it at the top of the Second Reading Calendar.

***

**H.B. 301**, SUPPLEMENTAL APPROPRIATIONS III, was read the second time.

On motion of Senator Hillyard, the bill was circled.

***

On motion of Senator Knudson and at 5:00 p.m., the Senate adjourned until 9:00 a.m., Monday, February 28, 2005.
February 28, 2005

FORTY-THIRD DAY

MORNING SESSION

The Senate was called to order at 9:45 a.m., with President John Valentine presiding.

Prayer – Senator Karen Hale
Pledge of Allegiance – Senator Thomas Hatch
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(Please refer to Day 1, Page 96)

COMMUNICATIONS FROM THE GOVERNOR

Mr. President:

February 24, 2005

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

Board of Oil, Gas and Mining:
Jake Harouny is appointed to replace Wayne Allen Mashburn as a member of the Board of Oil, Gas and Mining, a term to expire March 1, 2009. See Utah Code Ann. 40-6-4 UCA.

Jean Semborski is appointed to replace Stephanie Bess Cartwright as a member of the Board of Oil, Gas and Mining, a term to expire March 1, 2009. See Utah Code Ann. 40-6-4 UCA.

Kent R. Peterson reappointed as a member of the Board of Oil, Gas and Mining, a term to expire March 1, 2009. See Utah Code Ann. 40-6-4 UCA.

Robert J. Bayer reappointed as a member of the Board of Oil, Gas and Mining, a term to expire March 1, 2009. See Utah Code Ann. 40-6-4 UCA.

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

Jon M. Huntsman, Jr.,
Governor

On motion of Senator Eastman, the President, Majority and Minority Leaders, pursuant to Section 67-1-2 of the Utah Code, voted to waive the 15-day requirement for purposes of acting on gubernatorial nominees.
On motion of Senator Hillyard, the Senate voted to consent to the Governor’s appointments as listed on his communication dated February 24, 2005 on the following roll call:

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

**Voting in the affirmative were:** Senators

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<th>Bell</th>
<th>Bramble</th>
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**Absent or not voting was:** Senator

Buttars

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: February 25, 2005

The House passed, **S.B. 72, CHILD WELFARE 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. 93, CHILDREN’S JUSTICE CENTER ADDITION**, by Senator T. Hatch, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 72 and S.B. 93** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

***

Mr. President: February 25, 2005

The House passed, as substituted, **2nd Sub. H.B. 256, LOCAL GOVERNMENT AUTHORITY**, by Representative A. Hardy, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **2nd Sub. H.B. 256** was read the first time and referred to the Rules Committee.
Mr. President: February 28, 2005

The House passed, as amended, S.B. 15, CHILDREN’S JUSTICE CENTER AMENDMENTS, by Senator D. C. Buttars, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bill was placed on the Concurrence Calendar.

CONSENT CALENDAR

1st Sub. H.B. 105, CONSTRUCTION FILING AMENDMENTS, was read the third time, explained by Senator Hatch, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Fife Hale
Hatch Hellewell Hickman Hillyard
Jenkins Killpack Knudson Madsen
Mayne McCoy Peterson Stephenson
Thomas Waddoups Walker Valentine

Absent or not voting was: Senator Mansell

1st Sub. H.B. 105, as amended, was returned to the House for further consideration.

THIRD READING CALENDAR

H.B. 89, PRESUMPTION OF RESPONSIBILITY FOR ABUSE OR NEGLECT, was read the third time and explained by Senator Thomas. Senators Arent and Buttars commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Eastman Evans Hatch Hellewell
Hickman Hillyard Jenkins Killpack
Knudson Madsen Mansell Peterson
Stephenson Thomas Waddoups Walker
Valentine

Voting in the negative were: Senators
Allen Arent Davis Dmitrich
Fife Hale Mayne McCoy

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.

* * *

H.B. 217, PUBLIC SAFETY RETIREMENT – EXEMPTION OF CERTAIN
EMPLOYEES, was read the third time, explained by Senator Evans, and passed
on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Fife Hale
Hatch Hellewell Hillyard Jenkins
Killpack Knudson Madsen Mansell
Mayne McCoy Peterson Stephenson
Thomas Waddoups Walker Valentine

Absent or not voting was: Senator
Hickman

H.B. 217 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 Senate voted to recall 1st Sub. S.B. 231,
COMPENSATION OF LIEUTENANT GOVERNOR AND OTHER STATE
OFFICERS, from the House for further consideration.

* * *

1st Sub. HB. 200, INSURANCE LAW REVISIONS, was read the third time,
explained by Senator Hatch, and passed on the following roll call:
Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators
Allen    Arent    Bell       Bramble
Christensen Davis Dmitrich Eastman
Evans    Fife     Hale       Hatch
Hellewell Hickman Jenkins Killpack
Knudson  Madsen  Mansell   Mayne
McCoy    Peterson Stephenson Thomas
Waddoups Walker Valentine

Absent or not voting were: Senators
Buttars  Hillyard

1st Sub. H.B. 200, as amended, was returned to the House for further consideration.

* * *

H.B. 102, HIGHER EDUCATION SAVINGS INCENTIVE PROGRAM 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
Allen    Arent    Bell       Bramble
Christensen Davis Dmitrich Eastman
Evans    Fife     Hale       Hatch
Hellewell Hickman Jenkins Killpack
Knudson  Madsen  Mansell   Mayne
McCoy    Peterson Stephenson Thomas
Waddoups Walker Valentine

Absent or not voting was: Senator
Buttars

H.B. 102 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 154, SCHOOL AND INSTITUTIONAL TRUST LANDS AMENDMENTS, was read the third time, explained by Senator Waddoups, and passed on the following roll call:
Y eas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators
Allen    Arent    Bell    Bramble
Christensen  Davis    Dmitrich    Eastman
Evans    Fife    Hale    Hatch
Hellewell    Hickman    Hillyard    Jenkins
Killpack    Knudson    Madsen    Mansell
Mayne    McCoy    Peterson    Stephenson
Thomas    Waddoups    Walker    Valentine

Absent or not voting was: Senator Buttars

H.B. 154 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 Waddoups, the circle was removed from 1st Sub. S.B. 211, FUNDING FOR CONVENTION FACILITIES, and it was before the Senate. Senator Waddoups explained the bill.

Senator Jenkins made the motion to substitute the bill for a 3rd and 4th time. Senators Thomas, Allen, Killpack, Mansell commented. Senator Jenkins’ motions failed on voice votes.

Senator Killpack proposed the following amendment:

1. Page 5, Lines 128 through 136

128  (8) The commission shall distribute the revenues generated by the tax under Subsection
129  (1)(a)(ii) to each county collecting a tax under Subsection (1)(a)(ii) according to the following
130  formula:
           (a) beginning on January 1, 1999, through December 31, 2005;
               (i) the commission shall distribute 70% of the revenues
                based on the percentages
131  generated by dividing the revenues collected by each county under Subsection (1)(a)(ii) by the
132  total revenues collected by all counties under Subsection (1)(a)(ii) ; and
the commission shall distribute 30% of the revenues based on the percentages generated by dividing the population of each county collecting a tax under Subsection (1)(a)(ii) by the total population of all counties collecting a tax under Subsection (1)(a)(ii); and

(b) beginning on or after January 1, 2006:

(i) the commission shall distribute 85% of the revenues based on the percentages generated by dividing the revenues collected by each county under Subsection (1)(a)(ii) by the total revenues collected by all counties under Subsection (1)(a)(ii); and

(ii) the commission shall distribute 15% of the revenues based on the percentages generated by dividing the population of each county collecting a tax under Subsection (1)(a)(ii) by the total population of all counties collecting a tax under Subsection (1)(a)(ii).

(9) (a) For purposes of this Subsection (9):

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

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

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Butters Davis Dmitrich Fife
Hale Hickman Killpack Knudson
Mansell Mayne McCoy Stephenson
Waddoups Walker Valentine

Voting in the negative were: Senators
Christensen Eastman Evans Hatch
Hellewell Hillyard Jenkins Madsen
Peterson Thomas

1st Sub. S.B. 211, as amended, was transmitted to the House.

On motion of Senator Waddoups, the Senate voted to include the following intent language in the Senate Journal.

Intent Language to 1st Sub. S.B. 211

“In passing 1st Sub. S.B. 211, Funding for Convention Facilities, it is the intent of the Legislature that the Legislature will repeal the amendments to
Section 59−12−352 in this bill at the first special session or general session of the Legislature that occurs after the following requirements are met:

(1) Salt Lake City Corporation and Salt Lake County execute a formal memorandum of understanding that provides that:

(a) Salt Lake City Corporation shall pay Salt Lake County a total contribution of at least $10 million but not to exceed $15 million toward the total cost of the expansion of the Salt Palace Convention Center on or before July 1, 2011;

(b) Salt Lake City Corporation may pay this total contribution on or before July 1, 2006, or may pay this total contribution by making six annual payments of at least 1/6 of the total contribution, with the first payment due on or before July 1, 2006, and the final payment due on or before July 1, 2011;

(c) if Salt Lake City Corporation pays this total contribution before July 1, 2011, Salt Lake City Corporation and Salt Lake County may agree to adjust the total contribution to reflect the present value of the total contribution; and

(2) Salt Lake City Corporation and Salt Lake County enter into an interlocal agreement in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, that includes the same provisions as described above for the memorandum of understanding."

***


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On motion of Senator Knudson, and at 10:45 a.m., the Senate sauntered.

The Senate was called to order at 11:00 a.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 28, 2005

The House passed, S.B. 91, INTERSTATE JUVENILE COMPACT, 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. 119, RURAL MEDICAL RESIDENCY TRAINING PROGRAMS, 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. 164, INDIVIDUAL INCOME TAX – TAX CREDIT FOR LIVE ORGAN DONATION EXPENSES, by Senator K. Hale, et al, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, 1st Sub. S.B. 167, PENALTIES FOR FALSE DRIVER LICENSES AND IDENTIFICATION CARDS, by Senator C. Walker, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 91, S.B. 119, 1st Sub. S.B. 164, and S.B. 167 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, 2005

The House substituted and passed, 1st Sub. S.B. 58, LIABILITY PROTECTION OF EDUCATORS, by Senator H. Stephenson, and it is transmitted for further consideration; and

The House substituted and passed, 1st Sub. S.B. 86, 2004 GENERAL OBLIGATION BOND AMENDMENTS, by Senator P. Knudson, and it is transmitted for further consideration; and

The House passed, as amended, S.B. 107, LICENSURE AND REGULATION OF PROGRAMS AND FACILITIES, by Senator T. Hatch, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bills were placed on the Concurrence Calendar.

SECOND READING CALENDAR

H.B. 121, PROPERTY EXEMPT FROM EXECUTION, was read the second time.

On motion of Senator Hickman, the bill was circled.
* * *

2nd Sub. H.B. 49, BICYCLE SAFETY PROVISIONS, was read the second time.

On motion of Senator Bramble, the bill was circulated.

* * *

H.B. 236, HEALTH INSURANCE LAW AMENDMENTS, was read the second time. Senator Christensen 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

Allen
Christensen
Fife
Hickman
Madsen
Peterson
Walker

Arent
Davis
Hale
Jenkins
Mansell
Stephenson
Valentine

Bramble
Dmitrich
Hatch
Killpack
Mayne
Thomas

Buttars
Eastman
Hellewell
Knudson
McCoy
Waddoups

**Absent or not voting were:** Senators

Bell
Evans
Hillyard

* * *

H.B. 349, MONEY MANAGEMENT ACT AMENDMENTS, was read the second time. Senator Hickman 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

Allen
Christensen
Fife
Hickman
Madsen
Peterson
Walker

Arent
Davis
Hale
Jenkins
Mansell
Stephenson
Valentine

Bramble
Dmitrich
Hatch
Killpack
Mayne
Thomas

Buttars
Eastman
Hellewell
Knudson
McCoy
Waddoups
Absent or not voting were: Senators
Bell             Evans             Hillyard

* * *

H.B. 128, COMPENSATION OF EXECUTIVE OFFICERS, was read the second time.

On motion of Senator Thomas, the bill was circled.

* * *

H.B. 223, AMENDMENTS TO DRIVER LICENSE AND IDENTIFICATION CARDS, was read the second time. Senator Killpack explained the bill. Senators Bramble, Stephenson, and Allen commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Arent             Bell              Bramble              Buttars
Christensen       Eastman          Evans                Fife
Hale              Hatch             Hellewell            Hickman
Hillyard          Jenkins           Killpack             Knudson
Madsen            Mansell          Mayne                Peterson
Stephenson        Thomas            Walker              Valentine

Voting in the negative were: Senators
Allen              Davis             Dmitrich            McCoy

Absent or not voting was: Senator
Waddoups

* * *

H.B. 309, MUNICIPAL BUDGET AMENDMENTS, was read the second time. Senator Killpack explained the bill. This bill did not have a Senate standing committee hearing. Senator Walker commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Allen              Arent             Bell              Bramble
Buttars            Christensen       Davis              Dmitrich
Eastman  Fife  Hale  Hatch
Hellewell  Hillyard  Jenkins  Killpack
Knudson  Madsen  Mansell  Mayne
McCoy  Peterson  Stephenson  Thomas
Waddoups  Walker  Valentine

Absent or not voting were: Senators
Evans    Hickman

**  **

H.B. 135, IMPLEMENTING FEDERAL EDUCATIONAL PROGRAMS, was read the second time. Senator Hatch explained the bill. Senators Hale and Valentine commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Allen    Arent    Bell    Bramble
Buttars  Christensen  Davis  Dmitrich
Eastman  Fife  Hale  Hatch
Hellewell  Hillyard  Jenkins  Killpack
Knudson  Madsen  Mayne  McCoy
Peterson  Stephenson  Thomas  Waddoups
Walker  Valentine

Absent or not voting were: Senators
Evans  Hickman  Mansell

**  **

1st Sub. H.B. 62, AMENDMENTS TO INTERMEDIATE CARE FACILITIES FOR MENTALLY RETARDED, was read the second time. 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
Allen    Arent    Bell    Bramble
Buttars  Christensen  Davis  Dmitrich
Eastman  Fife  Hale  Hatch
Hellewell  Hillyard  Jenkins  Killpack
Knudson  Madsen  Mayne  McCoy
Peterson  Stephenson  Thomas  Waddoups
Walker  Valentine
Absent or not voting were: Senators
Evans         Hickman         Mansell

***

H.B. 79, PROVISION OF SERVICES FOR PEOPLE WITH DISABILITIES, was read the second time. Senator Killpack explained the bill. Senators Hillyard, Hale, and Valentine commented.

On motion of Senator Killpack, the bill was circled.

***

On motion of Senator Eastman, and at 11:45 a.m., the Senate recessed.

AFTERNOON SESSION

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

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 28, 2005

The House passed, S.B. 41, SCHOOL AND INSTITUTIONAL TRUST LANDS MANAGEMENT ACT REVISIONS, 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, 2nd Sub. S.B. 56, REAL ESTATE – EXCLUSIVE BROKERAGE AGREEMENTS, by Senator L. A. Mansell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 126, MEDICAL BENEFITS RECOVERY ACT AMENDMENTS, by Senator S. Killpack, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 41, 2nd Sub. S.B. 56, and S.B. 126 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.
Mr. President: February 28, 2005

The House concurred in the Senate amendments and passed **H.J.R. 17**, RESOLUTION HONORING CELEBRATION OF MARRIAGE WEEK, by Representative L. Fowlke, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**H.J.R. 17** 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 28, 2005

The House passed, as amended, **H.B. 318**, COMMUNITY AND ECONOMIC DEVELOPMENT RESTRUCTURING, by Representative C. Buttars, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 318** was read the first time and referred to the Rules Committee.

Mr. President: February 28, 2005


Carole E. Peterson, Chief Clerk

Communications filed.

The bill was placed at the bottom of the Third Reading Calendar.

Mr. President: February 28, 2005

The House passed, as amended, **S.B. 239**, PUBLIC LANDS POLICY COORDINATION, by Senator T. Hatch, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bill was placed on the Concurrence Calendar.
RULES COMMITTEE REPORTS

To the Members of the Senate: February 28, 2005

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

<table>
<thead>
<tr>
<th>Bill</th>
<th>Description</th>
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<tbody>
<tr>
<td>H.B. 243</td>
<td>Repeal of Geriatric Care Manager (Rep. R. Lockhart)</td>
</tr>
<tr>
<td>H.B. 297</td>
<td>Aggravated Murder Amendments (Rep. S. Wyatt)</td>
</tr>
<tr>
<td>H.B. 86</td>
<td>Utah College of Applied Technology Amendments (Rep. R. Bigelow)</td>
</tr>
<tr>
<td>H.B. 255</td>
<td>Investment of Higher Education Institution Endowment Funds (Rep. D. Clark)</td>
</tr>
<tr>
<td>H.B. 124</td>
<td>Enrollment Growth Program Amendments (Rep. B. Last)</td>
</tr>
<tr>
<td>H.B. 250</td>
<td>Capitol Complex Space (Rep. J. Alexander)</td>
</tr>
<tr>
<td>H.B. 246</td>
<td>Waste Fees Amendments (Rep. S. Urquhart)</td>
</tr>
<tr>
<td>1st Sub. H.B. 211</td>
<td>Integrity of Election Results Amendments (Rep. J. Dougall)</td>
</tr>
<tr>
<td>H.B. 275</td>
<td>Business Entity Amendments (Rep. R. Romero)</td>
</tr>
<tr>
<td>H.B. 311</td>
<td>Controlled Substance Law Amendments (Rep. B. Dee)</td>
</tr>
<tr>
<td>1st Sub. H.B. 247</td>
<td>Credit or Refund for Tax Paid on Cigarette or Tobacco Product Destroyed or Returned to the Manufacturer (Rep. E. Hutchings)</td>
</tr>
<tr>
<td>H.B. 266</td>
<td>Changes to Quality Growth Commission (Rep. C. Buttars)</td>
</tr>
</tbody>
</table>

Michael Waddoups
Rules Committee Chair
Report filed. On motion of Senator Waddoups, the committee report was adopted.

SECOND READING CALENDAR

H.B. 80, SERVICES FOR PEOPLE WITH DISABILITIES, was read the second time.

On motion of Senator Killpack, the bill was circled.
H.B. 107, AMENDMENTS TO TAXES, FEES, OR CHARGES, was read the second time. Senator Hillyard explained the bill. Senators Bramble, Mayne, Valentine, and Stephenson commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen  Arent  Bell  Bramble  
Buttars  Christensen  Davis  Dmitrich  
Eastman  Evans  Fife  Hale  
Hatch  Hellewell  Hillyard  Jenkins  
Killpack  Knudson  Mansell  Mayne  
McCoy  Peterson  Stephenson  Thomas  
Waddoups  Walker  Valentine  

**Absent or not voting were:** Senators

Hickman  Madsen

On motion of Senator Knudson, and at 2:45 p.m., the Senate sauntered.

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

**COMMUNICATIONS FROM THE HOUSE**

Mr. President:  
February 28, 2005  
The House passed, **1st Sub. S.B. 150**, FOOD SAFETY MANAGER CERTIFICATION, by Senator D. Peterson, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**1st Sub. S.B. 150** was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

Mr. President:  
February 28, 2005  
The House concurred in the Senate amendments and passed **H.B. 65**, DRIVER LICENSE AND COMMERCIAL DRIVER LICENSE
AMENDMENTS, by Representative D. Bowman, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

H.B. 65 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: February 28, 2005

The House passed, as amended, S.B. 114, COUNTY AND MUNICIPAL ZONING REGARDING BILLBOARDS, by Senator M. Waddoups, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bill was placed on the Concurrence Calendar.

SECOND READING CALENDAR

On motion of Senator Hillyard, the circle was removed from H.B. 301, SUPPLEMENTAL APPROPRIATIONS ACT III, and it was before the Senate. Senator Hillyard explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 2, Line 35:
   Delete “(4,900)” and insert “(124,900)”

2. Page 2, Line 38:
   Delete “115,100” and insert “(4,900)”

3. Page 5, Line 156
   House Floor Amendments
   2–28–05:
   Delete “8,100,000” and insert “4,050,000”

4. Page 5, Line 158
   House Floor Amendments
   2–28–05:
   Delete “8,100,000” and insert “4,050,000”

5. Page 5, Line 169
   House Floor Amendments
2–28–05:
Delete “23,000,000” and insert “24,000,000”

6. Page 5, Line 171
House Floor Amendments
2–28–05:
Delete “23,000,000” and insert “24,000,000”

7. Page 8, Line 268
House Floor Amendments
2–28–05:
Delete “4,959,000” and insert “4,459,000”

8. Page 8, Line 269
House Floor Amendments
2–28–05:
Delete “15,529,000” and insert “14,298,300”

9. Page 8, Line 271
House Floor Amendments
2–28–05:
Delete “21,838,000” and insert “20,107,300”

10. Page 13, Line 489b
House Floor Amendments
2–28–05:
Delete “2,000,000” and insert “1,000,000”

11. Page 13, Line 489d
House Floor Amendments
2–28–05:
Delete “2,000,000” and insert “1,000,000”

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

# # #

Senator Bell proposed the following substitute amendment:

Adopt Senator Hillyard’s Amendment #12 – deleting items 5, 6, 10 & 11 of the amendment.

Senator Bell’s motion to amend failed on the following roll call vote:
Yeas, 12; Nays, 14; Absent, 3.

Voting in the affirmative were: Senators
Arent    Bell    Christensen    Dmitrich
Fife     Hale    Jenkins    Killpack
Mayne    McCoy    Thomas    Walker

Voting in the negative were: Senators
Allen    Buttars    Davis    Eastman
Evans    Hatch    Hellewell    Hickman
Hillyard Knudson    Madsen    Peterson
Stephenson Waddoups

Absent or not voting were: Senators
Bramble    Mansell    Valentine

Senator Hale proposed the following amendment:

1. Page 17, Line 620:
   After line 620 insert:
   “ITEM 73a To State Board of Education Minimum School Program —
   UBSCT Support
   From Uniform School Fund 6,000,000
   Schedule of Programs
   UBSCT Support 6,000,000”
2. Page 18, Line 646:
   Delete “20,000,000” and insert “14,000,000”
3. Page 18, Line 649:
   Delete “50,000,000” and insert “44,000,000”

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

Senator Arent proposed the following amendment:

1. Page 18, Line 646:
   Delete “20,000,000” and insert “1,219,243”
1. Page 18, Line 649:
   Delete “50,000,000” and insert “31,219,243”
Senator Arent’s motion to amend failed on the following roll call vote:

**Yeas, 8; Nays, 18; Absent, 3.**

**Voting in the affirmative were:** Senators

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<tr>
<th>Allen</th>
<th>Arent</th>
<th>Davis</th>
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<td>Fife</td>
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**Voting in the negative were:** Senators

<table>
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**Absent or not voting were:** Senators

| Bell | Bramble | Stephenson |

Senators Bell, Thomas, Stephenson, and Jenkins commented.

On motion of Senator Hillyard, under suspension of the rules, **H.B. 301**, SUPPLEMENTAL APPROPRIATIONS III, was considered read the second and third times and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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<td>Valentine</td>
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**Voting in the negative were:** Senators

| Arent | Fife | Hale | McCoy |

**Absent or not voting were:** Senators

| Bell | Bramble |

**H.B. 301**, as amended, was returned to the House for further consideration.

On motion of Senator Killpack, the circle was removed from **H.B. 79**, PROVISION OF SERVICES FOR PEOPLE WITH DISABILITIES, and it was before the Senate. Senator Killpack explained the bill.
Senator Killpack proposed the following amendment:

1. Page 2, Lines 29 through 31c
   House Floor Amendments
   2–14–2005

   29 subject to certain exceptions, prohibits the Division of Services for People with Disabilities from disbursing
   30 public funds to pay for the services of a direct service worker, unless
   31 service worker successfully completes a background check
   31a or, after submitting the
   31b required information for a background check, and before a determination on the background
   31c successfully completes a background check ;

2. Page 12, Line 360 through Page 13, Line 369
   House Committee Amendments
   2–1–2005:

   360 (2) Subject to Subsection (4), public funds may not be disbursed to pay a direct service
   361 worker for personal services rendered to a person, unless :
   361a (a) the direct service worker is approved
   362 by the office to have direct access and provide services to children or vulnerable adults
   363 pursuant to Section 62A–2–120 ;
   363a (b) (i) during the time that the direct service worker renders the services
   363b described in this Subsection (2), the direct service worker who renders the services is directly
   363c supervised by a direct service worker who is approved by the office to have direct access and
   363d provide services to children or vulnerable adults pursuant to Section 62A–2–120:
the direct service worker who renders the services described in this

Subsection (2) has submitted the information required for a background check pursuant to Section 62A–2–120; and

the office has not determined whether to approve the direct service worker described in Subsection (2)(b)(ii) to have direct access and provide services to children or vulnerable adults;

the direct service worker:

(A) is a direct ancestor or descendent of the person to whom the services are rendered, but is not the person’s parent;

(B) is the aunt, uncle, or sibling of the person to whom the services are rendered; or

(C) has submitted the information required for a background check pursuant to Section 62A–2–120; and

the office has not determined whether to approve the direct service worker to have direct access and provide services to children or vulnerable adults; and

is not listed in:

(A) the Licensing Information System of the Division of Child and Family Services created by Section 62A–4a–116.2;

(B) the statewide database of the Division of Aging and Adult Services created by Section 62A–3–311.1 as having a substantiated finding of abuse, neglect, or exploitation; or

(C) juvenile court records as having a substantiated finding under Section 78–3a–320 that the direct service worker committed a severe type of child abuse or neglect.

For purposes of Subsection (2), the office shall conduct a background check of a direct service worker:

except as provided in Subsection (2)(b) or (c), before public funds are disbursed to pay the direct service worker for the personal services described in Subsection (2); and
(b) using the same procedures established for a background check of an applicant for
an initial license under Section 62A−2−120.

Senator Killpack’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

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**Absent or not voting were:** Senators

| Bell | Bramble |

***

On motion of Senator Hillyard, the circle was removed from **H.B. 121, PROPERTY EXEMPT FROM EXECUTION**, 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. 121, Property Exempt From Execution** (J. Dunnigan)

On motion of Senator Hillyard, the bill was circled.

***

On motion of Senator Killpack, the circle was removed from **H.B. 80, SERVICES FOR PEOPLE WITH DISABILITIES**, and it was before the Senate. 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

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<tr>
<th>Allen</th>
<th>Arent</th>
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<td>Davis</td>
<td>Dmitrich</td>
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On motion of Senator Bramble, under suspension of the rules, 2nd Sub. H.B. 49, BICYCLE SAFETY PROVISIONS, 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

Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Fife Hale
Hatch Hellewell Hickman Hillyard
Jenkins Killpack Knudson Madsen
Mansell Mayne McCoy Peterson
Stephenson Thomas Waddoups Walker

2nd Sub. H.B. 49, as amended, was returned to the House for further consideration.

**H.B. 280, JOINT CUSTODY AMENDMENTS, was read the second time.** Senator Thomas explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 3, Line 76:
   House Floor Amendments 2-23-2005
   After “court if” insert “one or”

   Senator Hillyard’s motion to amend passed on a voice vote. This bill did not have a Senate standing committee hearing. The bill passed second reading on the following roll call:
Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators
Arent        Bell        Bramble      Christensen
Davis        Dmitrich   Eastman     Evans
Fife         Hale        Hatch       Hellewell
Hickman      Hillyard   Jenkins     Killpack
Knudson      Madsen     Mansell     Mayne
McCoy        Peterson   Thomas      Waddoups
Walker       Valentine

Absent or not voting were: Senators
Allen        Buttars     Stephenson

* * *

H.B. 206, CHARTER SCHOOL REPORTING, was read the second time. Senator Hale explained the bill. Senator Madsen commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Arent        Bramble      Buttars      Christensen
Davis        Dmitrich     Eastman     Evans
Fife         Hale         Hatch       Hellewell
Hillyard     Jenkins      Killpack   Knudson
Madsen       Mansell     Mayne       McCoy
Thomas       Waddoups     Walker      Valentine

Voting in the negative was: Senator
Peterson

Absent or not voting were: Senators
Allen        Bell         Hickman     Stephenson

* * *

1st Sub. H.B. 42, MEDICAL RECOMMENDATIONS FOR CHILDREN, was read the second time. This bill did not have a Senate standing committee hearing. Senator Buttars explained the bill. Senators Hale, Allen, Bell, Bramble, Madsen, Thomas, Killpack, McCoy, Arent, Fife, and Hickman commented.

Senator Hale made a motion to adopt a third substitute to the bill. Senator Hale withdrew her motion.
Senator Bell proposed the following amendment:

1. Page 1, Line 45:
   After “drug” delete “as a condition for attending school”

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

# # #

Senator Bell proposed the following amendment:

1. Page 3, Lines 75 and 76:
   House Committee Amendments
   2–2–2005;
   Delete “, for the sole purpose of complying with federal education law”

Senator Bell’s motion to amend passed on the following roll call vote:

**Yeas, 17; Nays, 11; Absent, 1.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**Absent or not voting was:** Senator

Mansell

# # #

Senator Bell proposed the following amendment:

1. Pages 5 and 6, Lines 149 to 158:
   House Committee Amendments
   2–2–2005
   Delete lines 149 to 158
Page 7, Lines 189 to 198:

House Committee Amendments
2–2–2005
Delete lines 189 to 198

Senator Bell’s motion to amend failed on a voice vote. The bill, as amended, passed second reading on the following roll call:

Yea, 20; Nays, 9; Absent, 0.

Voting in the affirmative were: Senators
Bramble Buttars Christensen Eastman
Evans Hatch Hellewell Hickman
Hillyard Jenkins Killpack Knudson
Madsen Mansell Peterson Stephenson
Thomas Waddoups Walker Valentine

Voting in the negative were: Senators
Allen Arent Bell Davis
Dmitrich Fife Hale Mayne
McCoy

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 28, 2005

The House passed, S.B. 59, HOME SCHOOL AMENDMENTS, by Senator M. Madsen, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 62, PERSONAL PROPERTY TRANSACTIONS 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, 1st Sub. S.B. 152, BUSINESS LICENSE FEES, by Senator M. Waddoups, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 59, S.B. 62, and 1st Sub. S.B. 152 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, 2005

The House substituted and passed, 1st Sub. S.B. 57, FUNDING FOR BUSINESS DEVELOPMENT IN DISADVANTAGED RURAL
COMMUNITIES, by Senator P. Knudson, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bill was placed on the Concurrence Calendar.

***

On motion of Senator Knudson, and at 5:25 p.m., the Senate sauntered.

The Senate was called to order at 5:50 p.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 28, 2005

The House passed, **S.B. 134**, POWERSPORT VEHICLE FRANCHISE ACT, 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, **1st Sub. S.B. 149**, PETE SUAZO ATHLETIC COMMISSION 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. 159**, ASSESSMENT OFFSET FOR DONATIONS PROMOTING OCCUPATIONAL HEALTH AND SAFETY, 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. 161**, AMENDMENTS TO THE PROPERTY TAX VALUATION AGENCY FUND ASSESSING AND COLLECTING LEVY, by Senator H. Stephenson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 170**, STATE TAX COMMISSION COLLECTION AND LICENSING PRACTICES, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 134, 1st Sub. S.B. 149, S.B. 159, S.B 161, and 1st Sub. S.B. 170** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.
Mr. President: February 28, 2005

The House passed, as amended, S.B. 1, SUPPLEMENTAL APPROPRIATIONS ACT, by Senator L. Hillyard, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

On motion of Senator Hillyard, the Senate refused to concur in the House amendments and asked that the House recede from its amendments. S.B. 1 was returned to the House for further consideration.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 28, 2005

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

1st Sub. H.B. 103 Student Housing Built by Higher Education Institutions (Rep. S. Clark)
2nd Sub. H.B. 256 Local Government Authority (Rep. A. Hardy)
H.B. 138 Nonresident Tuition for Higher Education Amendments (Rep. M. S. Lawrence)
H.B. 22 Intercountry Adoption Accreditation (Rep. R. McGee)
H.B. 98 Offenses Committed Against Correctional and Peace Officers (Rep. C. Oda)
H.B. 104 Spyware Control Act Revisions (Rep. S. Urquhart)
H.B. 147 Property Tax Exemption for Veterans (Rep. G. Hughes)

Michael Waddoups
Rules Committee Chair

Report filed. On motion of Senator Waddoups, the committee report was adopted.
SECOND READING CALENDAR

On motion of Senator Hillyard, the circle was removed from 1st Sub. H.B. 121, PROPERTY EXEMPT FROM EXECUTION, and it was before the Senate. Senator Hillyard explained the bill. Senators Arent and Valentine commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen          Arent          Bell          Bramble
Buttars        Christensen   Davis         Dmitrich
Eastman        Evans          Fife          Hale
Hatch          Hellewell      Hickman      Hillyard
Jenkins        Killpack      Knudson      Madsen
Mayne          McCoy          Peterson     Stephenson
Thomas         Waddoups      Walker       Valentine

Absent or not voting was: Senator Mansell

* * *

On motion of Senator Knudson and at 6:00 p.m., the Senate adjourned until 8:30 a.m., Tuesday, March 1, 2005.
March 1, 2005

FORTY-FOURTH DAY

MORNING SESSION

The Senate was called to order at 8:50 a.m., with President John Valentine presiding.

Prayer – Senator Parley Hellewell
Pledge of Allegiance – Senator Carlene Walker
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(Please refer to Day 1, page 96)

CONCURRENCE CALENDAR

On motion of Senator Buttars, the Senate voted to concur in the House amendments to S.B. 15, CHILDREN’S JUSTICE CENTER AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Mansell

S.B. 15 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 1st Sub. S.B. 86, 2004 GENERAL OBLIGATION BOND AMENDMENTS. The bill, as amended, passed on the following roll call:
Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators
Allen  Arent  Bell  Bramble
Buttars  Christensen  Davis  Dmitrich
Eastman  Evans  Fife  Hale
Hatch  Hellewell  Hickman  Hillyard
Jenkins  Killpack  Knudson  Madsen
Mayne  McCoy  Peterson  Stephenson
Thomas  Waddoups  Walker  Valentine

Absent or not voting was: Senator
Mansell

1st Sub. S.B. 86 was returned to the House for the signature of the Speaker

* * *

On motion of Senator Hatch, the Senate voted to concur in the House amendments to S.B. 107, LICENSURE AND REGULATION OF PROGRAMS AND FACILITIES. Senator Butters commented. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen  Arent  Buttars  Christensen
Davis  Dmitrich  Eastman  Evans
Fife  Hale  Hatch  Hellewell
Hickman  Hillyard  Jenkins  Killpack
Knudson  Madsen  Mayne  McCoy
Peterson  Stephenson  Thomas  Waddoups
Walker  Valentine

Absent or not voting were: Senators
Bell  Bramble  Mansell

S.B. 107 was returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 28, 2005

The House refuses to recede from its amendments to S.B. 1, SUPPLEMENTAL APPROPRIATIONS ACT, by Senator L. Hillyard, and has
appointed a Conference Committee consisting of Representatives R. Bigelow, J. Alexander, and B. King to meet with a like committee from the Senate on this bill.

Carole E. Peterson, Chief Clerk

On motion of Senator Valentine, the Senate voted to refuse to recede from its amendments to S.B. 1. President Valentine appointed a conference committee consisting of Senators Hillyard, Hickman, and Allen to meet with a like committee from the House.

CONCURRENCE CALENDAR

On motion of Senator Hatch, the Senate voted to concur in the House amendments to S.B. 239, PUBLIC LAND POLICY COORDINATION. The bill, as amended, passed on the following roll call:

**Yea, 27; Nay, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

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<td>Waddoups</td>
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**Absent or not voting were:** Senators

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<tr>
<th>Bramble</th>
<th>Mansell</th>
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S.B. 239 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Waddoups, the Senate voted to concur in the House amendments to S.B. 114, COUNTY AND MUNICIPAL ZONING REGARDING BILLBOARDS. The bill, as amended, passed on the following roll call:

**Yea, 26; Nay, 2; Absent, 1.**

**Voting in the affirmative were:** Senators

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<td>Christensen</td>
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Voting in the negative were: Senators
Arent Hale

Absent or not voting was: Senator
Hillyard

S.B. 114 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 1st Sub. S.B. 57, FUNDING FOR BUSINESS DEVELOPMENT IN DISADVANTAGED RURAL COMMUNITIES. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Fife Hale
Hatch Hellewell Hickman Jenkins
Killpack Knudson Madsen Mansell
Mayne McCoy Peterson Stephenson
Thomas Waddoups Walker Valentine

Absent or not voting was: Senator
Hillyard

1st Sub. S.B. 57 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

H.B. 236, HEALTH INSURANCE LAW AMENDMENTS, was read the third time, explained by Senator Christensen, and passed on the following roll call:

Yeas, 29; Nays, 0; Absent, 0.
Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Fife Hale
Hatch Hellewell Hickman Hillyard
Jenkins Killpack Knudson Madsen
Mansell Mayne McCoy Peterson
Stephenson Thomas Waddoups Walker
Valentine

H.B. 236 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 349, MONEY MANAGEMENT ACT AMENDMENTS, 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
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Fife Hale
Hatch Hellewell Hickman Hillyard
Jenkins Killpack Knudson Madsen
Mansell Mayne McCoy Peterson
Stephenson Thomas Waddoups Walker
Valentine

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.

* * *

H.B. 223, AMENDMENTS TO DRIVER LICENSE AND IDENTIFICATION CARDS, was read the third time, explained by Senator Killpack, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Eastman Evans Hatch Hellewell
Hickman  Hillyard  Jenkins  Killpack
Knudson  Madsen  Mansell  Peterson
Stephenson  Thomas  Waddoups  Walker
Valentine

Voting in the negative were: Senators
Allen  Arent  Davis  Dmitrich
Fife  Hale  Mayne  McCoy

H.B. 223, as amended, was returned to the House for further consideration.

* * *

H.B. 309, MUNICIPAL BUDGET AMENDMENTS, was read the third time and explained by Senator Killpack. This bill did not have a Senate standing committee hearing. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen  Arent  Bell  Bramble
Buttars  Christensen  Davis  Dmitrich
Eastman  Evans  Fife  Hale
Hatch  Hellewell  Hickman  Hillyard
Jenkins  Killpack  Knudson  Madsen
Mansell  Mayne  McCoy  Peterson
Stephenson  Thomas  Waddoups  Walker
Valentine

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.

* * *

H.B. 135, IMPLEMENTING FEDERAL EDUCATIONAL PROGRAMS, was read the third time.

On motion of Senator Hatch, the bill was circled.

* * *

1st Sub. H.B. 62, AMENDMENTS TO INTERMEDIATE CARE FACILITIES FOR MENTALLY RETARDED, was read the third time, explained by Senator Killpack, and passed on the following roll call:
Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators
Allen  Arent  Bell  Bramble
Buttars  Christensen  Davis  Dmitrich
Eastman  Evans  Fife  Hale
Hatch  Hellewell  Hickman  Hillyard
Jenkins  Killpack  Knudson  Madsen
Mansell  Mayne  McCoy  Peterson
Stephenson  Thomas  Walker  Valentine

Absent or not voting was: Senator
Waddoups

1st Sub. 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.

* * *

1st Sub. S.B. 231, COMPENSATION OF LIEUTENANT GOVERNOR AND OTHER STATE OFFICERS, was before the Senate.

On motion of Senator Madsen, the bill was circled.

* * *

H.B. 107, AMENDMENTS TO TAXES, FEES, OR CHARGES, was read the third time.

On motion of Senator Hillyard, the bill was circled.

* * *

H.B. 79, PROVISION OF SERVICES FOR PEOPLE WITH DISABILITIES, 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
Allen  Arent  Bell  Bramble
Buttars  Christensen  Davis  Dmitrich
Eastman  Evans  Fife  Hale
Hatch  Hellewell  Hickman  Hillyard
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**H.B. 79**, as amended, was returned to the House for further consideration.

* * *

**H.B. 80**, SERVICES FOR PEOPLE WITH DISABILITIES, 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**

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**Absent or not voting were: Senators**

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<th>Hickman</th>
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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.

* * *

**H.B. 280**, JOINT CUSTODY AMENDMENTS, was read the third time and explained by Senator Thomas. This bill did not have a Senate standing committee hearing. Senator Bell commented and the bill passed on the following roll call:

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

**Voting in the affirmative were: Senators**

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Absent or not voting were: Senators
Allen Hickman Hillyard Killpack Waddoups

H.B. 280, as amended, was returned to the House for further consideration.

* * *

H.B. 206, CHARTER SCHOOL REPORTING, was read the third time, explained by Senator Hale, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Arent Bell Bramble Buttars
Christensen Davis Dmitrich Eastman
Evans Fife Hale Hatch
Hellewell Jenkins Knudson Madsen
Mansell Mayne McCoy Peterson
Stephenson Thomas Walker Valentine

Absent or not voting were: Senators
Allen Hickman Hillyard Killpack Waddoups

H.B. 206 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.B. 42, MEDICAL RECOMMENDATIONS FOR CHILDREN, was read the third time and explained by Senator Buttars. This bill did not have a Senate standing committee hearing. Senators Bell and Davis commented and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bramble Buttars Christensen Eastman
Evans Hatch Hellewell Jenkins
Killpack Knudson Madsen Mansell
Peterson Stephenson Thomas Walker Valentine
Voting in the negative were: Senators
Arent Bell Davis Dmitrich
Fife Hale Mayne McCoy

Absent or not voting were: Senators
Allen Hickman Hillyard Waddoups

1st Sub. H.B. 42, as amended, was returned to the House for further consideration.

* * *

1st Sub. H.B. 121, PROPERTY EXEMPT FROM EXECUTION, was read the third time.

On motion of Senator Eastman, the bill was circled.

CORRECTED COMMUNICATION FROM THE HOUSE

Mr. President: March 1, 2005

The House passed, 1st Sub. S.B. 58, LIABILITY PROTECTION OF EDUCATORS, by Senator H. Stephenson, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

1st Sub. S.B. 58 was signed by the President of the Senate in open session.
The bill will be enrolled and transmitted to the Governor.

SECOND READING CALENDAR

H.B. 25, DIRECT–ENTRY MIDWIFE ACT, was read the second time. Senator Hellewell explained the bill. Senators Christensen, Knudson, Thomas, Jenkins, and Evans commented.

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

1st Sub. H.B. 25, Direct–Entry Midwife Act (J. Biskupski)

The motion to substitute passed on the following roll call:

Yeas, 15; Nays, 13; Absent, 1.

Voting in the affirmative were: Senators
Arent Bell Christensen Davis
Eastman Evans Fife Hale
Hatch Hickman Hillyard Knudson
Mansell Peterson Walker
Voting in the negative were: Senators
Allen Butters Dmitrich Hellewell
Jenkins Killpack Madsen Mayne
McCoy Stephenson Thomas Waddoups
Valentine

Absent or not voting was: Senator
Bramble

On motion of Senator Hellewell, the bill was circled.

***

On motion of Senator Knudson, and at 10:25 a.m., the Senate sauntered.

The Senate was called to order at 10:50 a.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

The House passed, S.B. 163, CAPITOL PRESERVATION BOARD AMENDMENTS, by Senator B. Evans, 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 APPROVING SETTLEMENT OF LAWSUIT, 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.C.R. 10, CONCURRENT RESOLUTION HONORING UTAH FOUNDATION, by Senator L. A. Mansell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 163, S.C.R. 5, S.C.R. 10 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.
Mr. President: February 28, 2005

The House concurred in the Senate amendments and passed **H.B. 301**, SUPPLEMENTAL APPROPRIATIONS III, by Representative R. Bigelow, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**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.

***

Mr. President: February 28, 2005

The House passed, as substituted and amended, **1st Sub. H.B. 18**, TRANSPORTATION INVESTMENT ACT, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 126**, AMENDMENTS TO FACILITIES WITH REGIONAL IMPACT, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed, as substituted and amended, **3rd Sub. H.B. 263**, INSURERS REHABILITATION AND LIQUIDATION, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 272**, PATIENT ACCESS TO PROVIDERS AND CONTRACTING AMENDMENTS, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 291**, CAPITOL PRESERVATION BOARD MODIFICATIONS, by Representative J. Alexander, and it is transmitted for consideration; and

The House passed **H.B. 373**, EDUCATION TECHNOLOGY TASK FORCE, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 375**, REVISIONS TO GENERAL STATE GOVERNMENT – NOTARY LAW AMENDMENTS, by Representative B. King, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 381**, NONRESIDENT TUITION WAIVERS, by Representative C. Buttars, and it is transmitted for consideration; and
The House passed **H.C.R. 13**, CONCURRENT RESOLUTION PROMOTING UTAH SAVES STRATEGIC INITIATIVE, by Representative D. Hogue, and it is transmitted for consideration; and

The House passed **H.J.R. 18**, JOINT RESOLUTION SUPPORTING COUNTIES EXPANSION OF CORRECTIONAL FACILITIES, by Representative D. Hogue, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk


* * *  

Mr. President: March 1, 2005

The House passed, as amended, **S.B. 127**, TAX, FEE, OR CHARGE AMENDMENTS, by Senator L. Hillyard, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 172**, DIVISION OF REAL ESTATE AMENDMENTS, by Senator M. Waddoups, and it is transmitted for further consideration; and

The House passed, as amended, **1st Sub. S.B. 212**, CHILD CARE INVESTIGATIONS, by Senator P. Hellewell, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bills were placed on the Concurrence Calendar.

**SECOND READING CALENDAR**

**H.B. 243**, REPEAL OF GERIATRIC CARE MANAGER, was read the second time. Senator Arent 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

Allen    Arent    Bell    Bramble
Buttars  Christensen  Davis  Dmitrich
H.B. 297, AGGRAVATED MURDER AMENDMENTS, was read the second time. Senator Bell explained the bill. This bill did not have a Senate standing committee hearing. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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Absent or not voting were: Senators

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H.B. 86, UTAH COLLEGE OF APPLIED TECHNOLOGY AMENDMENTS, was read the second time. Senator Evans 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

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Absent or not voting were: Senators
Eastman          Hale        Hickman       Mansell
Stephenson       Walker

* * *

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 1st Sub. S.B. 231, COMPENSATION OF LIEUTENANT GOVERNOR AND OTHER STATE OFFICERS, and it was before the Senate.

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

2nd Sub. S.B. 231, Compensation of Lieutenant Governor and Other State Officers (M. Madsen)

Senator Madsen explained the bill. The bill passed on the following roll call:

Yeas, 18; Nays, 8; Absent, 3.

Voting in the affirmative were: Senators
Allen      Bell       Bramble      Buttars
Christensen Davis  Dmitrich  Eastman
Fife       Hatch      Hellewell  Hillyard
Killpack   Knudson    Madsen     Mansell
Walker     Valentine

Voting in the negative were: Senators
Arent      Jenkins    Mayne      McCoy
Peterson   Stephenson Thomas    Waddoups

Absent or not voting were: Senators
Evans      Hale       Hickman

2nd Sub. S.B. 231 was transmitted to the House for further consideration.

* * *

On motion of Senator Knudson, and at 11:25 a.m., the Senate recessed.
AFTERNOON SESSION

The Senate reassembled at 2:30 p.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 1, 2005

The Speaker of the House has signed **S.B. 15**, CHILDREN’S JUSTICE CENTER AMENDMENTS, by Senator D. C. Buttars, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 57**, FUNDING FOR BUSINESS DEVELOPMENT IN DISADVANTAGED RURAL COMMUNITIES, by Senator P. Knudson, et al, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 65**, 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 Speaker of the House has signed **1st Sub. S.B. 86**, 2004 GENERAL OBLIGATION BOND AMENDMENTS, by Senator P. Knudson, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 107**, LICENSURE AND REGULATION OF PROGRAMS AND FACILITIES, by Senator T. Hatch, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 114**, COUNTY AND MUNICIPAL ZONING REGARDING BILLBOARDS, by Senator M. Waddoups, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 215**, FINANCIAL INSTITUTIONS AS LIMITED LIABILITY COMPANIES, 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. 239**, PUBLIC LANDS POLICY COORDINATION, by Senator T. Hatch, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 15, 1st Sub. S.B. 57, 1st Sub. S.B. 65, 1st Sub. S.B. 86, S.B. 107, S.B. 114, 1st Sub. S.B. 215, and S.B. 239** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.
Mr. President: March 1, 2005

The House concurred in the Senate amendments and passed 2nd Sub. H.B. 93, EMISSION INSPECTION AMENDMENTS, by Representative K. Gibson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. H.B. 105, CONSTRUCTION FILING AMENDMENTS, by Representative M. Morley, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 109, INFORMATION TECHNOLOGY GOVERNANCE AMENDMENTS, by Representative D. Clark, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 157, WATER ENFORCEMENT PROCEDURES AND PENALTIES, by Representative D. Ure, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 165, UTAH COMMISSION ON AGING, by Representative P. Jones, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 2nd Sub. H.B. 188, PUBLIC EDUCATION JOB ENHANCEMENT PROGRAM, by Representative B. Johnson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. H.B. 200, INSURANCE LAW REVISIONS, 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. 216, GLOBAL POSITIONING REFERENCE NETWORK, by Representative K. Holdaway, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. H.B. 234, TELEPHONE SURCHARGE FOR EDUCATION AND TRAINING PROGRAMS AT PRISON, by Representative B. Goodfellow, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**H.B. 234** were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

* * *

Mr. President: March 1, 2005

The House passed, as substituted and amended, **1st Sub. H.B. 335**, DISCONNECTING TERRITORY FROM A MUNICIPALITY, by Representative C. Frank, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **1st Sub. H.B. 335** was read the first time and referred to the Rules Committee.

* * *

Mr. President: March 1, 2005

The House passed, as amended, **1st Sub. S.B. 177**, INCREASE STATUTE OF LIMITATIONS ON RAPE, by Senator E. Mayne, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bill was placed on the Concurrence Calendar.

**SECOND READING CALENDAR**

**H.B. 255**, INVESTMENT OF HIGHER EDUCATION INSTITUTION ENDOWMENT FUNDS, was read the second time.

On motion of Senator Thomas, the bill was circled.

* * *

**1st Sub. H.B. 184**, CRIME VICTIMS − CHANGE OF LOCKS ON RENTAL PROPERTY, was read the second time. This bill did not have a Senate standing committee hearing. Senator Thomas explained the bill.

Senator Thomas proposed the following amendment:

1. Page 2, Line 47
   House Floor Amendments
   2–18–2005
47 perpetrator of the act listed in Subsection (1).

(e) Notwithstanding Section 78–36–12, if an owner refuses to provide a copy of the key under Subsection (3)(d) to a perpetrator who is not barred from the residential rental unit by a protective order but is a renter on the rental agreement, the perpetrator may file a petition with a court of competent jurisdiction within 30 days to:

(i) establish whether the perpetrator should be given a key and allowed access to the residential rental unit; or

(ii) whether the perpetrator should be relieved of further liability under the rental agreement because of the owner’s exclusion of the perpetrator from the residential rental unit.

(f) Notwithstanding Subsection (3)(e)(ii), a perpetrator may not be relieved of further liability under the rental agreement if the perpetrator is found by the court to have committed the act upon which the landlord’s exclusion of the perpetrator is based.

Senator Thomas’ motion to amend passed on a voice vote. Senator Waddoups commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**H.B. 124, ENROLLMENT GROWTH PROGRAM AMENDMENTS,** was read the second time. Senator Stephenson explained the bill. This bill did not have a Senate standing committee hearing. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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Hale Hatch Hellewell Hickman
Jenkins Killpack Knudson Madsen
Mansell Mayne McCoy Peterson
Stephenson Thomas Waddoups Walker

Absent or not voting were: Senators
Bell Bramble Buttars Hillyard Valentine

* * *

H.B. 250, CAPITOL COMPLEX SPACE, was read the second time. Senator Knudson explained the bill. Senator Arent commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Fife Hale Hatch Hillyard Jenkins Killpack
Knudson Madsen Mansell Mayne
McCoy Peterson Stephenson Thomas
Waddoups Valentine

Absent or not voting were: Senators
Eastman Evans Walker

* * *

H.B. 246, WASTE FEES AMENDMENTS, was read the second time. Senator Bramble explained the bill. This bill did not have a Senate standing committee hearing.

Senator Bramble proposed the following amendment:

1. Page 5, Lines 135 through 135a
   House Floor Amendments
   2–23–2005:

   135 (iii) $\hat{H} \Rightarrow [30] \{ -20 \} \ 19 \leftarrow \hat{H} \text{ cents per ton} \hat{H} \Rightarrow \ [\text{or} \ 
   \frac{\text{fraction of a ton}}{\hat{H}} \leftarrow \hat{H} \text{ on all municipal} \]
135a waste, including municipal

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

# # #

Senator Waddoups proposed the following amendment:

1. Page 1a, Line 23
   House Committee Amendments
   2–28–2005

   23 the fees that apply , and also states that waste to be recycled is not subject to the fee ;
   allows the state to collect fees from the transfer stations and recycling centers that send waste to unregulated facilities as defined in the bill, but provides that these fees are minus any solid waste disposal fee or royalty payments paid to a private regulatory entity having jurisdiction over the unregulated facility:

2. Page 5, Line 130
   House Floor Amendments
   2–25–2005:

   130 municipal incinerator ash, to an unregulated facility shall pay to the department the following fees, minus any regulatory taxes or fees, other than hosting fees, paid to a regulatory entity that has regulatory jurisdiction over the unregulated entity and that is not the state or any of the state’s political subdivisions :

Senator Waddoups’ motion to amend failed on a voice vote. Senators Thomas, Buttars, Hickman, Stephenson, Eastman, and Knudson commented. The bill failed second reading on the following roll call:

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

Voting in the affirmative were: Senators
   Allen Bramble Dmitrich Peterson

Voting in the negative were: Senators
   Arent Bell Buttars Christensen
   Davis Eastman Evans Fife
   Hale Hellewell Hickman Hillyard
   Jenkins Killpack Knudson Madsen
   Mansell Mayne McCoy Stephenson
   Thomas Waddoups Walker
Absent or not voting were: Senators
Hatch Valentine

H.B. 246 was returned to the House for filing.

***

1st Sub. H.B. 211, INTEGRITY OF ELECTION RESULTS AMENDMENTS, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Fife Hale
Hellewell Hickman Hillyard Killpack
Knudson Madsen Mansell Mayne
McCoy Peterson Thomas Waddoups
Walker

Absent or not voting were: Senators
Hatch Jenkins Stephenson Valentine

***

On motion of Senator Eastman, the circle was removed from H.B. 255, INVESTMENT OF HIGHER EDUCATION INSTITUTION ENDOWMENT FUNDS, and it was before the Senate. Senator Eastman explained the bill. Senators Hickman, Bell, and Allen commented.

Senator Hickman proposed the following amendment:

1. Page 4, Line 95:
   Delete “either”

2. Page 4, Line 96:
   Delete “or”

3. Page 4, Lines 97 and 98:
   Delete lines 97 and 98

Senator Hickman’s motion to amend failed on a voice vote. The bill second reading passed on the following roll call:
Yeas, 25; Nays, 0; Absent, 4.

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**H.B. 275, BUSINESS ENTITY AMENDMENTS**, was read the second time. This bill did not have a Senate standing committee hearing.

On motion of Senator Evans, the bill was circled.

***

On motion of Senator Thomas, the circle was removed from **H.B. 128, COMPENSATION OF EXECUTIVE OFFICERS**, and it was before the Senate. Senator Thomas explained the bill.

Senator Thomas proposed the following amendment:

On lines 8, 11, and 30 change 2005 to 2009

Senator Thomas’ motion to amend failed on a voice vote.

###

Senator Arent proposed the following amendment:

1. **Page 1, Line 12:**
   
   Senate Committee Amendments
   
   2–24–2005
   
   Delete “or equal to the salary of a state district court judge, whichever is greater”

2. **Page 2, Line 31:**
   
   Senate Committee Amendments
2–24–2005
Delete “or the salary of a state district court judge”

Senator Arent’s motion to amend passed on a voice vote. Senators Hickman and Arent commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Voting in the negative was:** Senator

Stephenson

**Absent or not voting were:** Senators

| Bramble | Mansell | Waddoups | Valentine |

* * *

**2nd Sub. H.B. 264, STATE LAND USE MANAGEMENT PLANS AMENDMENTS, was read the second time.** Senator Hatch explained the bill. This bill did not have a Senate standing committee hearing. The bill passed second reading on the following roll call:

**Yeas, 20; Nays, 3; Absent, 6.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

| Arent   | Hale    | McCoy |

**Absent or not voting were:** Senators

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**H.B. 311**, CONTROLLED SUBSTANCE LAW AMENDMENTS, was read the second time. Senator Bell explained the bill. This bill did not have a Senate standing committee hearing. Senators Hillyard, Buttars, McCoy, and Madsen commented. The bill passed second reading on the following roll call:

**Yeas, 15; Nays, 12; Absent, 2.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**Absent or not voting were:** Senators

| Dmitrich   | Mansell |

* * *

On motion of Senator Eastman, and at 4:15 p.m., the Senate sauntered.

The Senate was called to order at 6:10 p.m., with President Valentine presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President:

March 1, 2005

The House passed, **S.B. 194**, SALES AND USE TAX EXEMPTION FOR ITEMS RELATING TO DIRECT MAIL, 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.J.R. 6**, SPACE EXPLORATION RESOLUTION, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 194** and **S.J.R. 6** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.
Mr. President: March 1, 2005

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 49**, BICYCLE SAFETY PROVISIONS, by Representative R. McGee, et al, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 79**, PROVISION OF SERVICES FOR PEOPLE WITH DISABILITIES, by Representative R. Lockhart, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 223**, AMENDMENTS TO DRIVER LICENSE AND IDENTIFICATION CARDS, by Representative C. Oda, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**2nd Sub. H.B. 49, H.B. 79, H.B. 223** were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: March 1, 2005

The House passed, as amended, **H.B. 288**, EXECUTIVE COMPENSATION AMENDMENTS, by Representative J. Alexander, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 382**, SUPPLEMENTAL MINIMUM SCHOOL PROGRAM FINANCE ACT, by Representative G. Snow, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communication filed. **H.B. 288** and **H.B. 382** were read the first time and referred to the Rules Committee.

* * *
Mr. President: March 1, 2005

The House passed, as amended, S.B. 227, PUBLIC SAFETY DRIVING PRIVILEGE AND IDENTIFICATION CARD AMENDMENTS, by Senator C. Bramble, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bill was placed on the Concurrence Calendar.

SECOND READING CALENDAR

1st Sub. H.B. 247, CREDIT OR REFUND FOR TAX PAID ON CIGARETTE OR TOBACCO PRODUCT DESTROYED OR RETURNED TO THE MANUFACTURER, was read the second time. Senator Killpack explained the bill. This bill did not have a Senate standing committee hearing. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Allen     Arent     Bramble     Buttars
Christensen Davis Dmitrich Eastman
Evans     Fife      Hale       Hatch
Hellewell Hickman Hillyard Killpack
Knudson   Mansell  Mayne      McCoy
Peterson  Stephenson Thomas Waddoups
Walker    Valentine

Absent or not voting were: Senators
Bell     Jenkins     Madsen

* * *

Under suspension of the rules, Senator Stephenson made a motion to reconsider H.B. 246. The motion failed on a voice vote.

* * *

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 1st Sub. H.B. 121, PROPERTY EXEMPT FROM EXECUTION.
Senator McCoy proposed the following amendment:

1. Page 3, Lines 76 through 81

76 (xi) the proceeds or benefits of any life insurance contracts or policies paid or payable to the debtor upon the death of the spouse or children of the debtor, provided that the contract or policy has been owned by the debtor for a continuous unexpired period of one year.

78 (xii) the proceeds or benefits of any life insurance contracts or policies paid or payable to the spouse or children of the debtor upon the death of the debtor, provided that the contract or policy has been in existence for a continuous unexpired period of one year.

80 (xiii) proceeds and avails of any unmatured life insurance contracts owned by the debtor, excluding any payments made on the contract during the one year immediately preceding a creditor’s levy or execution.

Senator McCoy’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

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**Absent or not voting were:** Senators

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**1st Sub. H.B. 121,** as amended, was returned to the House for further consideration.

* * *

On motion of Senator Hillyard, the circle was removed from **H.B. 107, AMENDMENTS TO TAXES, FEES, OR CHARGES.**
Senator Hillyard proposed the following amendment:

1. Page 1, Line 23
   House Committee Amendments
   2–17–2005:
   After Line 23 insert “This bill provides coordination clauses.”

2. Page 9a, Line 257
   House Committee Amendments
   2–17–2005:
   After Line 257 insert:
   If this H.B. 107 and H.B. 18, Transportation Investment Act, both pass, including any subsequent amendment or substitute to H.B. 18, it is the intent of the Legislature that the Office of Legislative Research and General Counsel in preparing the Utah Code database for publication include in the Section 59–12–103 in effect on July 1, 2005 the amendments made by H.B. 18 to Section 59–12–103(Effective July 1, 2005).”
   If this H.B. 107 and S.B. 127, Tax, Fee, or Charge Amendments, both pass, including any subsequent amendment or substitute to S.B. 127, it is the intent of the Legislature that the Office of Legislative Research and General Counsel in preparing the Utah Code database for publication:
   (1) include in the Section 59–12–103 in effect on July 1, 2005 the changes made by S.B. 127 to Section 59–12–103(Effective July 1, 2005);
   (2) provide that:
   (a) the enactment of Section 59–12–104.3 made by S.B. 127 takes effect on July 1, 2006; and
   (b) beginning on July 1, 2005, through June 30, 2006, Section 59–12–104.3 shall read as follows:
   “59–12–104.3. Credit for certain repossessions of a motor vehicle.
   (1) Subject to Subsection (2), a seller of a motor vehicle may claim a credit for a tax under this chapter:
   (a) that the seller collected; and
   (b) on a motor vehicle that:
   (i) has been repossessed; and
   (ii) that the seller resells.
   (2) The amount of the credit allowed by Subsection (1) is equal to the product of:
(a) the portion of the motor vehicle’s purchase price that:
   (i) was subject to a tax under this chapter; and
   (ii) remains unpaid at the time of the repossession of the motor vehicle; and
(b) the tax rate:
   (i) (A) for a seller that collects a tax in accordance with Subsection 59−12−107(1)(b), described in Subsection 59−12−103(2)(b)(ii); or
   (B) for a seller other than a seller described in Subsection (2)(b)(i)(A), described in Subsection 59−12−103(2)(a);
   (ii) imposed on the motor vehicle’s purchase price; and
   (iii) imposed on the date the motor vehicle was purchased by the person
       that owns the motor vehicle at the time of the repossession.”
(3) provide that the amendments to Section 59−12−122 made by S.B. 127 take effect on July 1, 2006; and
(4) include in the Section 59−12−205 in effect on July 1, 2005 the
   changes made by S.B. 127 to Section 59−12−205.”
“Section 8. Coordinating H.B. 107 with S.B. 204.
If this H.B. 107 and S.B. 204, Sales and Use Tax Diversions, both pass,
including any subsequent amendment or substitute to S.B. 204, it is the
intent of the Legislature that the Office of Legislative Research and
General Counsel in preparing the Utah Code database for publication
include in the Section 59−12−103 in effect on July 1, 2005 the
amendments made by S.B. 204 to Section 59−12−103(Effective July 1,
2005).”

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

###

Senator Hillyard proposed the following amendment:

1. Page 1, Line 18 and 18a:
   House Committee Amendments
   2−15−2005
   Delete lines 18 and 18a

2. Page 9, Line 249 to 257:
   House Committee Amendments
   2−15−2005
   Delete lines 249 to 255

Senator Hillyard’s motion to amend failed on a voice vote. Senators Bramble,
Stephenson, and Mayne commented. The bill passed on the following roll call:
Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators
Allen        Arent        Bell        Bramble
Buttars      Christensen  Dmitrich    Eastman
Evans        Fife         Hale        Hatch
Jenkins       Killpack     Knudson     Mansell
Mayne        McCoy        Peterson    Stephenson
Thomas       Waddoups     Walker      Valentine

Voting in the negative was: Senator
Hillyard

Absent or not voting were: Senators
Davis        Hellewell    Hickman     Madsen

H.B. 107, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Allen, the Senate voted to lift H.B. 17 from the Third Reading Calendar and place it at the top of the Third Reading Calendar.

H.B. 17, MOTION PICTURE INCENTIVE FUND, was read the third time and explained by Senator Allen.

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

1st Sub. H.B. 17, Motion Picture Incentive Fund (S. Allen)

The bill, as substituted, passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen        Arent        Bell        Bramble
Christensen  Davis        Dmitrich    Eastman
Evans        Fife         Hale        Hatch
Hickman       Hillyard    Jenkins     Killpack
Knudson      Mansell     Mayne        McCoy
Stephenson   Thomas       Waddoups    Walker

Voting in the negative was: Senator
Peterson
Absent or not voting were: Senators
Buttars  Hellewell  Madsen  Valentine

1st Sub. H.B. 17, as substituted, was returned to the House for further consideration.

* * *

On motion of Senator Hillyard, the Senate voted to lift H.B. 218 from the Third Reading Calendar and place it at the top of the Third Reading Calendar.

H.B. 218, SECOND DISTRICT JUVENILE JUDGE, 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
Allen  Arent  Bell  Bramble
Christensen  Davis  Dmitrich  Eastman
Evans  Fife  Hale  Hatch
Hellewell  Hillyard  Jenkins  Killpack
Knudson  Mansell  Mayne  McCoy
Peterson  Stephenson  Thomas  Waddoups
Walker

Absent or not voting were: Senators
Buttars  Hickman  Madsen  Valentine

H.B. 218 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker of the House.

SECOND READING CALENDAR

On motion of Senator Hillyard, the circle was removed from H.B. 275, BUSINESS ENTITY AMENDMENTS, and it was before the Senate. Senator Hillyard explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 9, Lines 256 through 260

256 (i) a newspaper of general circulation in the county, or similar subdivision, in which

257 the corporation’s principal or registered office is located[or by] or
258 (ii) radio[,];
259 (iii) television[,]; or
260 (iv) radio, television, or other form of public broadcast communication in the county or subdivision.

2. Page 18, Line 531:

531 third persons, [as well as] person, and to members and managers of the company:

3. Page 18, Line 539:

539 constitutes notice to third persons, as well as to members and managers of the

4. Page 18, Line 543:

543 notice to third persons, as well as to members and managers of the company, of

5. Page 18, Line 548:

548 (a) a third person; third persons;

6. Page 24, Lines 713 through 714:

713 (i) amendments made only to reflect actions previously taken with the requisite
714 approval, such as a change in managers under Section 48−2c−804; or

7. Page 24, Lines 717 through 718:

717 (i) amendments made only to reflect actions previously taken with the requisite
718 approval, such as a change in managers under Section 48−2c−804; or

8. Page 29, Line 868:

868 this section is the sole member of the company when the charging order was entered:

Senator Hillyard’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
Allen  Arent  Bramble  Buttars
Christensen  Davis  Dmitrich  Eastman
Evans  Fife  Hale  Hatch
Hellewell  Hillyard  Jenkins  Killpack
Knudson  Mansell  Mayne  McCoy
Peterson  Stephenson  Thomas  Waddoups
Walker  Valentine

Absent or not voting were: Senators
Bell  Hickman  Madsen

* * *

2nd Sub. H.B. 45, PROPERTY AFFECTED BY ACCESS INTERRUPTION, was read the second time. Senator Stephenson explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Allen  Arent  Bramble  Buttars
Christensen  Davis  Dmitrich  Eastman
Evans  Fife  Hale  Hatch
Hellewell  Hillyard  Jenkins  Knudson
Mansell  Mayne  McCoy  Peterson
Stephenson  Thomas  Waddoups  Walker

Absent or not voting were: Senators
Bell  Hickman  Killpack  Madsen

* * *

H.B. 266, CHANGES TO QUALITY GROWTH COMMISSION, was read the second time. Senator Peterson 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
Allen  Bramble  Buttars  Christensen
Davis  Dmitrich  Eastman  Evans
SENATE JOURNAL

Day 44

Fife Hale Hatch Hellewell
Hillyard Jenkins Killpack Knudson
Mansell Mayne McCoy Peterson
Stephenson Thomas Waddoups Walker
Valentine

Absent or not voting were: Senators
Arent Bell Hickman Madsen

* * *

H.B. 230, RECYCLING OF WASTE TIRES, was read the second time. Senator Hatch 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
Allen Arent Bramble Buttars
Christensen Davis Dmitrich Eastman
Evans Fife Hale Hatch
Hellewell Hillyard Jenkins Killpack
Knudson Mansell Mayne McCoy
Peterson Stephenson Thomas Waddoups
Walker Valentine

Absent or not voting were: Senators
Bell Hickman Madsen

* * *

2nd Sub. H.B. 260, AMENDMENTS RELATED TO PORNOGRAPHIC AND HARMFUL MATERIALS, was read the second time. This bill did not have a Senate standing committee hearing. Senator Bramble explained the bill.

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

3rd Sub. H.B. 260, Amendments Related to Pornographic and Harmful Materials (J. Dougall)

Senator Bramble proposed the following amendment:

1. Page 7, Line 210 through Page 8, Line 215
“Access restricted” means that a content provider limits access to material harmful to minors by:

(a) properly rating content;

(b) providing an age verification mechanism designed to prevent a minor’s access to material harmful to minors, including requiring use of a credit card, adult access code, or digital certificate verifying age; or

(c) any other reasonable measures feasible under available technology.

2. Page 13, Lines 370 through 371:

(2) (a) There is appropriated for fiscal year 2005–06 only, $100,000 from the General Fund, and for fiscal year 2005–06 ongoing, $70,000 from the General Fund, to the attorney general to establish and maintain the Adult Content Registry created by this bill.

3. Page 13, Lines 374 through 377:

(3) (a) There is appropriated for fiscal year 2005–06 only, $50,000 from the General Fund to the Division of Consumer Protection to conduct a research project.

(b) It is the intent of the Legislature that the Division of Consumer Protection use the monies appropriated for fiscal year 2005–06 in Subsection (3)(a) to research the effectiveness of:

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

On motion of Senator Bramble, the bill was circled.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 1, 2005

The House passed, 2nd Sub. S.B. 110, MEDICAL DEVICE NOTIFICATION AND LIABILITY, by Senator D. C. Buttar, 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. 153**, TAX REFORM TASK FORCE, 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.J.R. 17**, RESOLUTION RECOGNIZING HUNTSMAN CANCER INSTITUTE, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**2nd Sub. S.B. 110, S.B. 153, and S.J.R. 17** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

***

Mr. President:

March 1, 2005

The House substituted, amended, and passed, **2nd Sub. S.B. 60**, LOCAL LAND USE DEVELOPMENT AND MANAGEMENT AMENDMENTS, by Senator G. Bell, and it is transmitted for further consideration; and

The House passed, as amended, **5th Sub. S.B. 61**, PRIVATELY OWNED HEALTH CARE ORGANIZATION TASK FORCE, by Senator M. Waddoups, et al, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bills were placed on the Concurrence Calendar.

***

On motion of Senator Knudson and at 7:00 p.m., the Senate adjourned until 8:00 a.m., Wednesday, March 2, 2005.
March 2, 2005

FORTY−FIFTH DAY

MORNING SESSION

The Senate was called to order at 8:30 a.m., with President John Valentine presiding.

Prayer – Captain James Sullivan, Salvation Army
Pledge of Allegiance – Senator Greg Bell
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(Please refer to Day 1, page 96)

RULES COMMITTEE REPORTS

To the Members of the Senate: March 2, 2005
The Rules Committee recommends that, under suspension of rules, the following bills be placed at the bottom of the Second Reading Calendar:

H.B. 380 Amendments to Local Districts (Rep. K. Morgan)
H.B. 142 Issues Submitted to Voters (Rep. G. Hughes)
1st Sub. H.B. 87 Claims Against a County (Rep. S. Clark)
H.B. 324 Taxable Value Adjustment for Property Damaged by a Natural Disaster (Rep. B. Last)
H.B. 259 Adoption Amendments (Rep. A. Hardy)

Michael Waddoups
Rules Committee Chair

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

CONCURRENCE CALENDAR

S.B. 127, TAX, FEE, OR CHARGE AMENDMENTS, was before the Senate.
On motion of Senator Knudson, the bill was circled.

* * *

On motion of Senator Waddoups, the Senate voted to concur in the House amendments to S.B. 172, DIVISION OF REAL ESTATE AMENDMENTS. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Bramble | Hale | Mansell |

S.B. 172 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Hillyard, the circle was removed from S.B. 127, TAX, FEE, OR CHARGE AMENDMENTS, and it was before the Senate.

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to S.B. 127, TAX, FEE, OR CHARGE AMENDMENTS. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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Absent or not voting was: Senator Hickman

S.B. 127 was returned to the House for the signature of the Speaker.

***

On motion of Senator Hellewell, the Senate voted to concur in the House amendments to 1st Sub. S.B. 212, CHILD CARE INVESTIGATIONS. The bill, as amended, passed on the following roll call:

Yeas, 23; Nays, 5; Absent, 1.

Voting in the affirmative were: Senators
Allen Bell Bramble Buttars
Christensen Davis Dmitrich Eastman
Evans Hatch Hellewell Hillyard
Jenkins Killpack Knudson Madsen
Mansell Peterson Stephenson Thomas
Waddoups Walker Valentine

Voting in the negative were: Senators
Arent Fife Hale Mayne
McCoy

Absent or not voting was: Senator Hickman

1st Sub. S.B. 212 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. 177, INCREASE STATUTE OF LIMITATIONS ON RAPE. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Fife Hale
Hellewell Hillyard Jenkins Killpack
Knudson Madsen Mansell Mayne
McCoy Peterson Stephenson Thomas
Waddoups Walker Valentine
Absent or not voting were: Senators
Hatch Hickman

S.B. 177 was returned to the House for the signature of the Speaker.

***

On motion of Senator Bramble, the Senate voted to concur in the House amendments to S.B. 227, PUBLIC SAFETY DRIVING PRIVILEGE AND IDENTIFICATION CARD AMENDMENTS. The bill, as amended, passed on the following roll call:

Yea's, 20; Nays, 8; Absent, 1.

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Eastman Evans Hatch Hellewell
Hillyard Jenkins Killpack Knudson
Madsen Mansell Peterson Stephenson
Thomas Waddoups Walker Valentine

Voting in the negative were: Senators
Allen Arent Davis Dmitrich
Fife Hale Mayne McCoy

Absent or not voting was: Senator
Hickman

S.B. 227 was returned to the House for the signature of the Speaker.

***

On motion of Senator Bell, the Senate voted to concur in the House amendments to 2nd Sub. S.B. 60, LOCAL LAND USE DEVELOPMENT AND MANAGEMENT AMENDMENTS. The bill, as amended, passed on the following roll call:

Yea's, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Christensen Davis Dmitrich Eastman
Evans Fife Hale Hellewell
Hickman Hillyard Jenkins Killpack


Absent or not voting were: Senators
Buttars Hatch

2nd Sub. S.B. 60 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Waddoups, the Senate voted to concur in the House amendments to 5th Sub. S.B. 61, PRIVATELY OWNED HEALTH CARE ORGANIZATION TASK FORCE. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Fife Hale
Hellewell Hickman Hillyard Jenkins
Killpack Knudson Madsen Mansell
Mayne McCoy Peterson Stephenson
Thomas Waddoups Walker Valentine

Absent or not voting was: Senator
Hatch

5th Sub. S.B. 61 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

H.B. 243, REPEAL OF GERIATRIC CARE MANAGER, was read the third time, explained by Senator Arent, and passed on the following roll call:
Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Fife Hale
Hatch Hellewell Hickman Hillyard
Jenkins Killpack Knudson Madsen
Mansell Mayne McCoy Peterson
Stephenson Thomas Waddoups Walker
Valentine

H.B. 243 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

H.B. 297, AGGRAVATED MURDER 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
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Fife Hale
Hatch Hellewell Hickman Hillyard
Jenkins Killpack Knudson Madsen
Mansell Mayne McCoy Peterson
Stephenson Thomas Waddoups Walker
Valentine

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.

***

H.B. 86, UTAH COLLEGE OF APPLIED TECHNOLOGY AMENDMENTS, was read the third time, explained by Senator Evans, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
H.B. 86 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

1st Sub. H.B. 184, CRIME VICTIMS − CHANGE OF LOCKS ON RENTAL PROPERTY, was read the third time, explained by Senator Thomas, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen  Arent  Bell  Bramble
Buttars  Christensen  Davis  Dmitrich
Eastman  Evans  Fife  Hale
Hatch  Hellewell  Hickman  Hillyard
Jenkins  Killpack  Knudson  Madsen
Mansell  Mayne  McCoy  Peterson
Stephenson  Thomas  Waddoups  Walker

1st Sub. H.B. 184, as amended, was returned to the House for further consideration.

***

H.B. 124, ENROLLMENT GROWTH 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

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

Absent or not voting were: Senators
Allen    Evans

H.B. **124** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. **250**, CAPITOL COMPLEX SPACE, 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
Allen  Arent  Bramble  Buttars
Christensen  Davis  Dmitrich  Evans
Fife    Hale    Hatch    Hellewell
Hickman  Hillyard  Jenkins  Killpack
Knudson  Madsen  Mansell  Mayne
McCoy    Peterson  Stephenson  Waddoups
Walker    Valentine

Absent or not voting were: Senators
Bell    Eastman    Thomas

H.B. **250** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. **H.B. 211**, INTEGRITY OF ELECTION RESULTS AMENDMENTS, was read the third time.

On motion of Senator Bramble, the bill was circled.

* * *

H.B. **255**, INVESTMENT OF HIGHER EDUCATION INSTITUTION ENDOWMENT FUNDS, was read the third time, explained by Senator Eastman, and passed on the following roll call:
Yeas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Fife Hale
Hatch Hellewell Hickman Hillyard
Jenkins Killpack Knudson Madsen
Mansell Mayne McCoy Peterson
Stephenson Thomas Waddoups Walker
Valentine

H.B. 255 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 128, COMPENSATION OF EXECUTIVE OFFICERS, was read the third time and explained by Senator Thomas. Senator Hillyard commented and the bill passed on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Fife Hale
Hatch Hellewell Hickman Hillyard
Jenkins Killpack Knudson Madsen
Mansell Mayne McCoy Peterson
Stephenson Thomas Waddoups Walker
Valentine

Voting in the negative was: Senator
Hillyard

Absent or not voting was: Senator
Waddoups

H.B. 128, as amended, was returned to the House for further consideration.

* * *

2nd Sub. H.B. 264, STATE MANAGEMENT PLANS AMENDMENTS, was read the third time and explained by Senator Hatch. Senator Hale commented and the bill passed on the following roll call:
Yeas, 26; Nays, 3; Absent, 0.

Voting in the affirmative were: Senators

Allen    Bell    Bramble    Buttars
Christensen    Davis    Dmitrich    Eastman
Evans    Fife    Hatch    Hellewell
Hickman    Hillyard    Jenkins    Killpack
Knudson    Madsen    Mansell    Mayne
Peterson    Stephenson    Thomas    Waddoups
Walker    Valentine

Voting in the negative were: Senators

Arent    Hale    McCoy

2nd Sub. H.B. 264 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 311, CONTROLLED SUBSTANCE LAW AMENDMENTS, was read the third time.

On motion of Senator Bell, the bill was circled.

* * *

1st Sub. H.B. 247, CREDIT OR REFUND FOR TAX PAID ON CIGARETTE OR TOBACCO PRODUCT DESTROYED OR RETURNED TO THE MANUFACTURER, was read the third time, explained by Senator Killpack, and passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen    Arent    Bell    Bramble
Buttars    Christensen    Davis    Dmitrich
Evans    Fife    Hale    Hatch
Hellewell    Hickman    Hillyard    Jenkins
Killpack    Knudson    Madsen    Mansell
Mayne    McCoy    Peterson    Stephenson
Thomas    Waddoups    Walker    Valentine

Absent or not voting was: Senator

Eastman
1st Sub. H.B. 247 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 275, BUSINESS ENTITY 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
Allen  Arent  Bell  Bramble
Christensen  Davis  Dmitrich  Evans
Fife  Hale  Hatch  Hellewell
Hillyard  Jenkins  Killpack  Knudson
Madsen  Mansell  Mayne  McCoy
Peterson  Stephenson  Thomas  Waddoups
Walker  Valentine

Absent or not voting were: Senators
Buttars  Eastman  Hickman

H.B. 275, as amended, was returned to the House for further consideration.

* * *

2nd Sub. H.B. 45, PROPERTY AFFECTED BY ACCESS INTERRUPTION, 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
Allen  Bell  Bramble  Buttars
Christensen  Davis  Dmitrich  Eastman
Evans  Fife  Hale  Hatch
Hellewell  Hickman  Hillyard  Jenkins
Killpack  Knudson  Madsen  Mansell
Mayne  McCoy  Peterson  Stephenson
Thomas  Waddoups  Walker  Valentine

Absent or not voting was: Senator
Arent
2nd Sub. H.B. 45 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Bramble, the circle was removed from 1st Sub. H.B. 211, INTEGRITY OF ELECTION RESULTS AMENDMENTS.

Senator Bramble proposed the following amendment:

1. Page 1, Lines 12 through 13
   12 This bill: modifies the Election Code to provide that in counties of the first class, the listing of candidates on the ballot is determined by the legislative body of that county rather than by the election officer or county clerk in situations where there is discretion for placement of candidates;
   13 amends the Election Code to require that voting equipment be capable of producing

2. Page 2, Lines 33 through 35:
   33 AMENDS:
   34 20A−5−302, as last amended by Chapter 113, Laws of Utah 2002
   20A−6−301, as last amended by Chapter 57, Laws of Utah 2001
   20A−6−303, as last amended by Chapter 57, Laws of Utah 2001
   20A−6−401.1, as enacted by Chapter 328, Laws of Utah 2000
   35 67−1a−2, as last amended by Chapters 133 and 176, Laws of Utah 2002

3. Page 4, Line 90:
   90 for use in the counting devices in which they are intended to be placed.

   Section 2. Section 20A−6−301 is amended to read:
   20A−6−301. Paper ballots — Regular general election.
   (1) Each election officer shall ensure that:
   (a) all ballots furnished for use at the regular general election contain no captions or other endorsements except as provided in this
(b) (i) the ballot contains a ballot stub at least one inch wide, placed across the top of the ballot, and divided from the rest of ballot by a perforated line;

(ii) the ballot number and the words “Judge’s Initial ____” are printed on the stub; and

(iii) ballot stubs are numbered consecutively;

(c) immediately below the perforated ballot stub, the following endorsements are printed in 18-point bold type:

(i) “Official Ballot for _____ County, Utah”;

(ii) the date of the election; and

(iii) a facsimile of the signature of the county clerk and the words “county clerk”;

(d) (i) each ticket is placed in a separate column on the ballot {in the order determined by the election officer—} with the party emblem, followed by the party name, at the head of the column; and

(ii) the order of the placement of each ticket on the ballot shall be determined by:

(A) the election officer; or

(B) in a county of the first class, by the legislative body of that county;

(e) the party name or title is printed in capital letters not less than 1/4 of an inch high;

(f) a circle 1/2 inch in diameter is printed immediately below the party name or title, and the top of the circle is placed not less than two inches below the perforated line;

(g) unaffiliated candidates and candidates not affiliated with a registered political party are listed in one column, without a party circle, with the following instructions printed at the head of the column: “All candidates not affiliated with a political party are listed below. They are to be considered with all offices and candidates listed to the left. Only one vote is allowed for each office.”;

(h) the columns containing the lists of candidates, including the party name and device, are separated by heavy parallel lines;

(i) the offices to be filled are plainly printed immediately above the names of the candidates for those offices;

(j) the names of candidates are printed in capital letters, not less than 1/8 nor more than 1/4 of an inch high in heavy-faced type not smaller than ten-point, between lines or rules 3/8 of an inch apart;
(k) a square with sides measuring not less than 1/4 of an inch in length is printed at the right of the name of each candidate;

(l) for the offices of president and vice president and governor and lieutenant governor, one square with sides measuring not less than 1/4 of an inch in length is printed opposite a double bracket enclosing the right side of the names of the two candidates;

(m) immediately to the right of the unaffiliated ticket on the ballot, the ballot contains a write-in column long enough to contain as many written names of candidates as there are persons to be elected with:

(i) the offices to be filled printed above the blank spaces on the ticket; and

(ii) the words “Write-In Voting Column” printed at the head of the column without a 1/2 inch circle;

(n) when required, the ballot includes a nonpartisan ticket placed immediately to the right of the write-in ticket with the word “NONPARTISAN” in reverse type in an 18-point solid rule running vertically the full length of the nonpartisan ballot copy; and

(o) constitutional amendments or other questions submitted to the vote of the people, are printed on the ballot after the list of candidates.

(2) Each election officer shall ensure that:

(a) each person nominated by any political party or group of petitioners is placed on the ballot:

(i) under the party name and emblem, if any; or

(ii) under the title of the party or group as designated by them in their certificates of nomination or petition, or, if none is designated, then under some suitable title;

(b) the names of all unaffiliated candidates that qualify as required in Title 20A, Chapter 9, Part 5, Candidates not Affiliated with a Party, are placed on the ballot;

(c) the names of the candidates for president and vice president are used on the ballot instead of the names of the presidential electors; and

(d) the ballots contain no other names.

(3) When the ballot contains a nonpartisan section, the election officer shall ensure that:

(a) the designation of the office to be filled in the election and the number of candidates to be elected are printed in type not smaller than eight-point;

(b) the words designating the office are printed flush with the left-hand margin;
(c) the words, “Vote for one” or “Vote for two or more” extend to the extreme right of the column;

(d) the nonpartisan candidates are grouped according to the office for which they are candidates;

(e) the names in each group are placed in alphabetical order with the surnames last, except for candidates for the State Board of Education and local school boards;

(f) the names of candidates for the State Board of Education are placed on the ballot as certified by the lieutenant governor under Section 20A−14−105;

(g) if candidates for membership on a local board of education were selected in a primary election, the name of the candidate who received the most votes in the primary election is listed first on the ballot;

(h) if candidates for membership on a local board of education were not selected in the primary election, the names of the candidates are listed on the ballot in the order determined by a lottery conducted by the county clerk; and

(i) each group is preceded by the designation of the office for which the candidates seek election, and the words, “Vote for one” or “Vote for two or more,” according to the number to be elected.

(4) Each election officer shall ensure that:

(a) proposed amendments to the Utah Constitution are listed on the ballot under the heading “Constitutional Amendment Number __” with the number of the constitutional amendment as assigned under Section 20A−7−103 placed in the blank;

(b) propositions submitted to the voters by the Utah Legislature are listed on the ballot under the heading “State Proposition Number __” with the number of the state proposition as assigned under Section 20A−7−103 placed in the blank;

(c) propositions submitted to the voters by a county are listed on the ballot under the heading “County Proposition Number __” with the number of the county proposition as assigned by the county legislative body placed in the blank;

(d) propositions submitted to the voters by a school district are listed on the ballot under the heading “School District Proposition Number __” with the number of the school district proposition as assigned by the county legislative body placed in the blank;

(e) state initiatives that have qualified for the ballot are listed on the ballot under the heading “Citizen’s State Initiative Number __” with the number of the state initiative as assigned by Section 20A−7−209.
placed in the blank;

(f) county initiatives that have qualified for the ballot are listed on the ballot under the heading “Citizen’s County Initiative Number __” with the number of the county initiative as assigned under Section 20A−7−508 placed in the blank;

(g) state referenda that have qualified for the ballot are listed on the ballot under the heading “Citizen’s State Referendum Number __” with the number of the state referendum as assigned under Sections 20A−7−209 and 20A−7−308 placed in the blank; and

(h) county referenda that have qualified for the ballot are listed on the ballot under the heading “Citizen’s County Referendum Number __” with the number of the county referendum as assigned under Section 20A−7−608 placed in the blank.

Section 3. Section 20A−6−303 is amended to read:


(1) Each election officer shall ensure that:

(a) copy on the ballot labels are arranged in approximately the same order as paper ballots;

(b) the titles of offices and the names of candidates are printed in vertical columns or in a series of separate pages;

(c) if pages are used, the pages placed on the voting device are of sufficient number to include, after the list of candidates:

(i) the names of candidates for judicial offices and any other nonpartisan offices; and

(ii) any ballot propositions submitted to the voters for their approval or rejection;

(d) the ballot labels include a voting square or position where the voter may record a straight party ticket vote for all the candidates of one party by one mark or punch;

(e) the tickets are printed on the ballot label in the order determined by:

(i) the county clerk; or

(ii) in a county of the first class, the legislative body of that county;

(f) the office titles are printed above or at the side of the names of candidates so as to indicate clearly the candidates for each office and the number to be elected;

(g) the party designation of each candidate is printed to the right or below the candidate’s name; and
(h) (i) if possible, all candidates for one office are grouped in one column or upon one page;
   (ii) if all candidates for one office cannot be listed in one column or grouped upon one page:
      (A) the ballot label is clearly marked to indicate that the list of candidates is continued on the following column or page; and
      (B) approximately the same number of names are printed in each column or on each page; and
   (i) arrows are used to indicate the place to vote for each candidate and on each measure.

(2) Each election officer shall ensure that:
   (a) proposed amendments to the Utah Constitution are listed on the ballot label under the heading “Constitutional Amendment Number __” with the number of the constitutional amendment as assigned under Section 20A−7−103 placed in the blank;
   (b) propositions submitted to the voters by the Utah Legislature are listed on the ballot label under the heading “State Proposition Number __” with the number of the state proposition as assigned under Section 20A−7−103 placed in the blank;
   (c) propositions submitted to the voters by a county are listed on the ballot label under the heading “County Proposition Number __” with the number of the county proposition as assigned by the county legislative body placed in the blank;
   (d) propositions submitted to the voters by a school district are listed on the ballot label under the heading “School District Proposition Number __” with the number of the school district proposition as assigned by the county legislative body placed in the blank;
   (e) state initiatives that have qualified for the ballot are listed on the ballot label under the heading “Citizen’s State Initiative Number __” with the number of the state initiative as assigned under Section 20A−7−209 placed in the blank;
   (f) county initiatives that have qualified for the ballot are listed on the ballot label under the heading “Citizen’s County Initiative Number __” with the number of the county initiative as assigned under Section 20A−7−508 placed in the blank;
   (g) state referenda that have qualified for the ballot are listed on the ballot label under the heading “Citizen’s State Referendum Number __” with the number of the state referendum as assigned under Sections 20A−7−209 and 20A−7−308 placed in the blank; and
   (h) county referenda that have qualified for the ballot are listed
on the ballot label under the heading “Citizen’s County Referendum Number __” with the number of the county referendum as assigned under Section 20A–7–608 placed in the blank.

Section 4. Section 20A–6–401.1 is amended to read:

20A–6–401.1. Ballots for partisan municipal primary elections.

(1) If a municipality is using paper ballots, each election officer shall ensure that:

(a) all paper ballots furnished for use at the regular primary election:

(i) are perforated to separate the candidates of one political party from those of the other political parties so that the voter may separate the part of the ballot containing the names of the political party of the voter’s choice from the rest of the ballot;

(ii) have sides that are perforated so that the outside sections of the ballot, when detached, are similar in appearance to the inside sections of the ballot when detached; and

(iii) contain no captions or other endorsements except as provided in this section;

(b) the names of all candidates from each party are listed on the same ballot in one or more columns under their party name and emblem;

(c) the political parties are printed on the ballot in the order determined by:

(i) the county clerk; or

(ii) in a county of the first class, the legislative body of that county;

(d) (i) the ballot contains a ballot stub that is at least one inch wide, placed across the top of the ballot;

(ii) the ballot number and the words “Judge’s Initials ____” are printed on the stub; and

(iii) ballot stubs are numbered consecutively;

(e) immediately below the perforated ballot stub, the following endorsements are printed in 18-point bold type:

(i) “Official Primary Ballot for ____ County, Utah”;

(ii) the date of the election; and

(iii) a facsimile of the signature of the county clerk and the words “county clerk”;

(f) after the facsimile signature, the political party emblem and the name of the political party are printed;

(g) after the party name and emblem, the ballot contains the
following printed in not smaller than ten–point bold face, double leaded type: “Instructions to Voters: To vote for a candidate, place a cross (X) in the square at the right of the name of the person for whom you wish to vote and in no other place. Do not vote for any candidate listed under more than one party or group designation.”, followed by two one–point parallel horizontal rules;

(h) after the rules, the designation of the office for which the candidates seek nomination is printed flush with the left–hand margin and the words: “Vote for one” or “Vote for two or more” are printed to extend to the extreme right of the column in ten–point bold type, followed by a hair–line rule;

(i) after the hair–line rule, the names of the candidates are printed in heavy face type between lines or rules 3/8 inch apart, alphabetically according to surnames with surnames last and grouped according to the office that they seek;

(j) a square with sides not less than 1/4 inch long is printed to the right of the names of the candidates;

(k) the candidate groups are separated from each other by one light and one heavy line or rule; and

(l) the nonpartisan candidates are listed as follows:

(i) immediately below the listing of the party candidates, the word “NONPARTISAN” is printed in reverse type in an 18–point solid rule that extends the full width of the type copy of the party listing above; and

(ii) below “NONPARTISAN,” the office, the number of candidates to vote for, the candidate’s name, the voting square, and any other necessary information is printed in the same style and manner as for party candidates.

(2) (a) If a municipality is using machine counted ballots, the election officer may require that:

(i) the ballot label for a regular primary election consist of several groups of pages, so that a separate group can be used to list the names of candidates seeking nomination of each qualified political party, with additional groups used to list candidates for other nonpartisan offices;

(ii) the separate groups of pages are identified by color or other suitable means; and

(iii) the ballot label contain instructions that direct the voter how to vote the ballot.

(b) If a municipality is using machine counted ballots, each
election officer shall:

(i) ensure that the ballot label provides a square for the voter to designate the political party in whose primary the voter is voting; and

(ii) determine the order for printing the names of the political parties on the ballot label.

Renumber remaining sections accordingly.

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

**Yeas, 21; Nays, 7; Absent, 1.**

**Voting in the affirmative were:** Senators

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<tr>
<th>Bell</th>
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**Voting in the negative were:** Senators

<table>
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<th>Allen</th>
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**Absent or not voting was:** Senator

Arent

1st Sub. H.B. 211, as amended, was returned to the House for further consideration.

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On motion of Senator Bell, the circle was removed from H.B. 311, CONTROLLED SUBSTANCE LAW AMENDMENTS.

Senator McCoy proposed the following amendment:

1. Page 1, Line 13

13 a controlled substance in a person’s body and clarifies that controlled substance does not include the metabolite of a controlled substance; and

2. Page 3, Line 79:
79 substance in a person’s body, but this Subsection (1)(c) does not include the metabolite of a controlled substance.  

Senator McCoy’s motion to amend passed on a voice vote. Senators Madsen, Buttars, and McCoy commented and the bill passed on the following roll call:

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

**Voting in the affirmative were: Senators**

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**Voting in the negative were: Senators**

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**Absent or not voting were: Senators**

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<th>Evans</th>
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**H.B. 311, as amended, was returned to the House for further consideration.**

***

**H.B. 266, CHANGES TO QUALITY GROWTH COMMISSION, 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**

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**Absent or not voting were: Senators**

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H.B. 266 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

H.B. 230, RECYCLING OF WASTE TIRES, was read the third time, explained by Senator Hatch, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen    Arent    Bell    Bramble
Buttars  Christensen  Dmitrich  Fife
Hale     Hatch     Hellewell  Hickman
Hillyard Jenkins  Killpack  Knudson
Madsen   Mansell  Mayne    McCoy
Peterson  Stephenson  Thomas  Waddoups
Walker   Valentine

Absent or not voting were: Senators
Davis    Eastman  Evans

H.B. 230 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 1, 2005

The House substituted, amended, and passed, 2nd Sub. S.B. 13, INDIVIDUAL INCOME TAX SUBTRACTION FOR CERTAIN MILITARY INCOME, by Senator H. Stephenson, and it is transmitted for further consideration. Due to a change in the short title this bill needs a new 1st, 2nd, and 3rd Readings in the Senate before final passage; and

The House passed, as amended, S.B. 141, MILITARY INSTALLATION PARTNERSHIPS, by Senator S. Killpack, and it is transmitted for further consideration; and

The House passed, as amended, S.B. 206, NONPARTICIPATING TOBACCO MANUFACTURER AMENDMENTS, by Senator S. Killpack, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bills were placed on the Concurrence Calendar.
SECOND READING CALENDAR

On motion of Senator Bramble, under suspension of the rules, **1st Sub. H.B. 103, STUDENT HOUSING BUILT BY HIGHER EDUCATION INSTITUTIONS**, 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

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**Absent or not voting were:** Senators

| Eastman | Evans | Fife |

**1st Sub. H.B. 103** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

* * *

**2nd Sub. H.B. 256, LOCAL GOVERNMENT ACQUISITION OF REAL PROPERTY**, was read the second time. This bill did not have a Senate standing committee hearing. Senator Thomas explained the bill.

Senator Thomas proposed the following amendment:

1. **Page 1, Line 19**

   19  ▶ authorizes certain *commercial* project entities to acquire property by eminent domain;

2. **Page 1, Line 22:**

   22  ▶ requires municipalities and *commercial* project entities that acquire certain property by eminent

3. **Page 6, Lines 153 through 154:**

   153  (1) (a) Subject to Subsection (2) a *commercial* project entity *created* that existed as a project entity before January 1, 1980 *that*
154 owns additional project capacity } may , with respect to a project or facilities providing additional project capacity in which the commercial project entity has an interest, acquire property within the state through eminent

Senator Thomas’ motion to amend passed on a voice vote. Senators Buttars, Hickman, Mansell, and Bramble commented.

On motion of Senator Thomas, the bill was circled.

***

On motion of Senator Mansell, under suspension of the rules, H.B. 138, NONRESIDENT TUITION FOR HIGHER EDUCATION AMENDMENTS, was considered read the second and third times. This bill did not have a Senate standing committee hearing. Senator Hale commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

Jenkins    Peterson

**Absent or not voting were:** Senators

Bell          Buttars    Fife     Killpack
Valentine

H.B. 138 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

***

On motion of Senator Hale, under suspension of the rules, H.B. 22, INTERCOUNTRY ADOPTION ACCREDITATION, was considered read the second and third times. Senator Buttars commented and the bill passed on the following roll call:
Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators
Arent     Bramble     Buttars     Christensen
Davis     Dmitrich    Eastman    Hale
Hatch     Hellewell    Hickman    Hillyard
Jenkins   Killpack    Knudson    Madsen
Mansell   Mayne       McCoy      Peterson
Stephenson Thomas     Waddoups    Walker

Absent or not voting were: Senators
Allen     Bell         Evans      Fife
Valentine

H.B. 22 was signed by the President of the Senate in open session and
returned to the House for signature of the Speaker.

On motion of Senator Hillyard, the bill was held in the Senate for potential
reconsideration.

* * *

On motion of Senator Thomas, the circle was removed from 2nd Sub.
H.B. 256, LOCAL GOVERNMENT AUTHORITY. Senators Bramble and
Hellewell commented.

On motion of Senator Thomas, under suspension of the rules, 2nd Sub.
H.B. 256, LOCAL GOVERNMENT AUTHORITY, was considered read the
second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen     Bell         Bramble     Buttars
Christensen Davis     Dmitrich    Eastman
Evans     Fife         Hatch       Hellewell
Hillyard   Killpack    Knudson    Madsen
Mayne     Peterson     Stephenson Thomas
Waddoups   Walker

Voting in the negative were: Senators
Arent     Hale         Hickman    Jenkins
Mansell   McCoy
Absent or not voting was: Senator Valentine

2nd Sub. H.B. 256, as amended, was returned to the House for further consideration.

***

H.B. 273, REAL ESTATE AND MECHANICS LIENS – SECURITY ALTERNATIVES, was read the second time. This bill did not have a Senate standing committee hearing. Senator Hatch explained the bill. Senators Hillyard and Bell commented.

On motion of Senator Hatch, the bill was circled.

***

On motion of Senator Christensen, under suspension of the rules, H.B. 98, OFFENSES COMMITTED AGAINST CORRECTIONAL AND PEACE OFFICERS, was considered read the second and third times.

Senator Christensen proposed the following amendment:

1. Page 1, Line 22:
   Delete “, AIDS,”

2. Page 2, Line 41:
   Delete “AIDS.”

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

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

Voting in the affirmative were: Senators
Allen          Arent          Bramble          Buttars
Christensen   Davis          Eastman          Evans
Fife          Hale           Hellewell        Hickman
Jenkins       Killpack       Knudson          Madsen
Mayne         McCoy          Peterson         Stephenson
Thomas        Walker

Absent or not voting were: Senators
Bell           Dmitrich       Hatch            Hillyard
Mansell       Waddoups       Valentine
H.B. 98, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Knudson, and at 10:35 a.m., the Senate sauntered.

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

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 2, 2005

The House passed, S.B. 173, BROWNFIELDS REVISION, by Senator L. A. Mansell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 223, OVERSIGHT AND ENFORCEMENT OF WORK DONE ON MOBILE HOMES, 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.C.R. 6, RESOLUTION SUPPORTING THE GOLDEN RULE PROJECT, by Senator F. Fife, et al, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.J.R. 16, RESOLUTION URGING COMPREHENSIVE CANCER CONTROL PLAN FOR THE STATE, by Senator K. Hale, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 173, S.B. 223, S.C.R. 6, and S.J.R. 16 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 2, 2005

The House substituted and passed, 2nd Sub. S.B. 64, REAL ESTATE TRANSACTIONS AND SECURITIES, by Senator L. A. Mansell, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bill was placed on the Concurrence Calendar.
On motion of Senator Bramble, under suspension of the rules, the Senate voted to reconsider its action on 1st Sub. H.B. 211 and requested the House return the bill for reconsideration. Senator Dmitrich commented.

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to reconsider its action on H.B. 22. The bill was in the possession of the Senate.

On motion of Senator Hillyard, H.B. 22 was placed on Second Reading Table due to fiscal impact.

SECOND READING CALENDAR

On motion of Senator Hellewell, the circle was removed from 1st Sub. H.B. 25, MIDWIFE ACT.

On motion of Senator Hellewell, the bill was circled.

On motion of Senator Hatch, the circle was removed from H.B. 273, REAL ESTATE AND MECHANICS LIENS – SECURITY ALTERNATIVES. Senator Bell commented.

On motion of Senator Hatch, under suspension of the rules, H.B. 273, REAL ESTATE AND MECHANICS LIENS – SECURITY ALTERNATIVES, was considered read the second and third times and passed on the following roll call:

Y eas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators

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H.B. 273 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

***

H.B. 104, SPYWARE CONTROL ACT REVISIONS, was read the second time. This bill did not have a Senate standing committee hearing.

On motion of Senator Bramble, the bill was circled.

***

On motion of Senator Walker, under suspension of the rules, 1st Sub. H.B. 113, GOVERNMENT BOUNDARY CHANGES, was considered read the second and third times. This bill did not have a Senate standing committee hearing.

Senator Walker proposed the following amendment:

1. Page 2, Lines 49 through 50

   49 Other Special Clauses:

   50 {None} This bill provides a coordination clause.

2. Page 58, Line 1776:

   1776 certified copies of documents.
   Section 43. Coordination clause.

   If this H.B. 113 and H.B. 109, Information Technology Governance Amendments, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the database for publication:

   (1) replace each reference to Section 63A−6−202 in this bill with Section 63F−1−506; and

   (2) modify Subsection 63F−1−502(6), as enacted in H.B. 109, to read:

   “(6) “State Geographic Information Database” means the database created in Section 63F−1−507.”

   Senator Walker’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
Allen     Arent    Bell        Bramble
Buttars   Christensen  Davis    Dmitrich
Eastman   Evans    Fife       Hale
Hellewell Hickman Jenkins Killpack
Knudson   Madsen  Mayne     McCoy
Peterson  Stephenson  Thomas   Waddoups
Walker    Valentine

Absent or not voting were: Senators
Hatch     Hillyard  Mansell

1st Sub. H.B. 113, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Killpack, under suspension of the rules, H.B. 348, EMPLOYMENT AGENCY REVISIONS, was considered read the second and third times. This bill did not have a Senate standing committee hearing. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen     Arent    Bell        Bramble
Buttars   Christensen  Davis    Dmitrich
Eastman   Evans    Fife       Hale
Hatch     Hellewell Hickman Killpack
Jenkins   Killpack Knudson  Madsen
Mayne     McCoy    Peterson  Stephenson
Thomas    Waddoups  Walker   Valentine

Absent or not voting was: Senator
Mansell

H.B. 348 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

* * *

On motion of Senator Hatch, under suspension of the rules, H.B. 226, GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT REQUIREMENTS REGARDING ANIMAL IDENTIFICATION PROGRAM,
was considered read the second and third times. Senators Mayne and Thomas commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**Absent or not voting were:** Senators

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**H.B. 226** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

**H.B. 147**, PROPERTY TAX EXEMPTION FOR VETERANS, was read the second time. Senator Bramble explained the bill. This bill did not have a Senate standing committee hearing. Senator Valentine commented.

On motion of Senator Bramble, the bill was circled.

**H.B. 147**, PROPERTY TAX EXEMPTION FOR VETERANS, was read the second time. Senator Bramble explained the bill. This bill did not have a Senate standing committee hearing. Senator Valentine commented.

On motion of Senator Bramble, the bill was circled.

**On motion of Senator Hickman the Senate voted to suspend the 24-hour rule and consider bills below the line on the Second Reading Calendar.**

On motion of Senator Killpack, under suspension of the rules, **H.B. 380**, AMENDMENTS TO LOCAL DISTRICTS, was considered read the second and third times. This bill did not have a Senate standing committee hearing. Senators Thomas and Walker commented and passed on the following roll call:

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

Allen       Arent      Bell       Bramble
Buttars    Christensen  Davis      Dmitrich
Eastman    Evans       Fife       Hale
Hatch      Hellewell   Hickman    Hillyard
Jenkins    Killpack    Knudson    Madsen
Mayne      McCoy       Peterson   Stephenson
Thomas     Walker      Valentine

**Absent or not voting were:** Senators

Mansell     Waddoups

**H.B. 380** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 2, 2005

The Speaker of the House has signed **2nd Sub. S.B. 60**, LOCAL LAND USE DEVELOPMENT AND MANAGEMENT AMENDMENTS, by Senator G. Bell, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **5th Sub. S.B. 61**, PRIVATELY OWNED HEALTH CARE ORGANIZATION TASK FORCE, by Senator M. Waddoups, et al, and it is transmitted for the signature of the President; and

The House passed, **S.B. 96**, COMMERCE SERVICE FUND 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 **S.B. 127**, TAX, FEE, OR CHARGE AMENDMENTS, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The House passed, **S.B. 132**, HEALTH CARE CONSUMER’S REPORT, 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. 142**, PHARMACY PRACTICE ACT AMENDMENTS, by Senator P. Knudson, 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. 172**, DIVISION OF REAL ESTATE AMENDMENTS, by Senator M. Waddoups, and it is transmitted for the signature of the President; and
The Speaker of the House has signed **1st Sub. S.B. 177**, INCREASE STATUTE OF LIMITATIONS ON RAPE, by Senator E. Mayne, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **1st Sub. S.B. 212**, CHILD CARE INVESTIGATIONS, by Senator P. Hellewell, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 227**, PUBLIC SAFETY DRIVING PRIVILEGE AND IDENTIFICATION CARD AMENDMENTS, by Senator C. Bramble, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**2nd Sub. S.B. 60, 5th Sub. S.B. 61, S.B. 96, S.B. 127, S.B. 132, S.B. 142, S.B. 172, 1st Sub. S.B. 177, 1st Sub. S.B. 212,** and **S.B. 227** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

***

Mr. President:

The House passed, as amended, **1st Sub. S.B. 137**, TOURISM, RECREATION, CULTURAL, AND CONVENTION FACILITIES TAX AMENDMENTS, by Senator H. Stephenson, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bill was placed on the Concurrence Calendar.

***

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

**AFTERNOON SESSION**

The Senate reassembled at 2:35 p.m., with President Valentine presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President:

The House passed, **S.B. 52**, PRICE CONTROLS DURING EMERGENCIES ACT, by Senator P. Arent, which has been signed by the Speaker and it is transmitted for the signature of the President; and
The House passed, **S.B. 139**, MINIMUM WAGE PROVISIONS, by Senator H. Stephenson, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 52** and **S.B. 139** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 2, 2005

The House substituted, amended, and passed, **2nd Sub. S.B. 178**, CHARTER SCHOOL AMENDMENTS, by Senator H. Stephenson, and it is transmitted for further consideration; and

The House passed, as amended, **2nd Sub. S.B. 184**, REDEVELOPMENT AGENCY AMENDMENTS, by Senator C. Bramble, and it is transmitted for further consideration; and

Carole E. Peterson, Chief Clerk

The bills were placed on the Concurrence Calendar.

* * *

On motion of Senator Hillyard the Senate voted to place **3rd Sub. H.B. 211** at the top of the Third Reading Calendar for reconsideration.

**CONCURRENCE CALENDAR**

**2nd Sub. S.B. 13**, INDIVIDUAL INCOME TAX SUBTRACTION FOR CERTAIN MILITARY INCOME, was before the Senate and explained by Senator Stephenson.

On motion of Senator Stephenson, the bill was circled.

* * *

On motion of Senator Killpack, the Senate voted to concur in the House amendments to **S.B. 141**, MILITARY INSTALLATION PARTNERSHIPS. The bill, as amended, passed on the following roll call:

**Y eas, 23; Nays, 0; Absent, 6.**
**Voting in the affirmative were:** Senators

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**S.B. 141** was returned to the House for the signature of the Speaker of the House.

***

On motion of Senator Killpack, the Senate voted to concur in the House amendments to **S.B. 206**, **NONPARTICIPATING TOBACCO MANUFACTURER AMENDMENTS**. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**S.B. 206** was returned to the House for the signature of the Speaker of the House.

***

On motion of Senator Stephenson, the circle was removed from **2nd Sub. S.B. 13**, **INDIVIDUAL INCOME TAX SUBTRACTION FOR CERTAIN MILITARY INCOME**, and it was before the Senate. Senator Stephenson
explained the bill. On motion of Senator Stephenson, under suspension of the rules, the bill was considered read for the first, second and third times. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Hellewell | Knudson | Mayne | Walker |

**2nd Sub. S.B. 13** was returned to the House for the signature of the Speaker.

***

On motion of Senator Mansell, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 64,** REAL ESTATE TRANSACTIONS AND SECURITIES. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Bell   | Hellewell | Walker |

**2nd Sub. S.B. 64** was returned to the House for the signature of the Speaker.

***
**1st Sub. S.B. 137.** TOURISM, RECREATION, CULTURAL, AND CONVENTION FACILITIES TAX AMENDMENTS, was before the Senate and explained by Senator Stephenson.

On motion of Senator Stephenson, the Senate refused to concur in the House amendments and asked the House to recede from its amendments to **1st Sub. S.B. 137.** Senators Arent, Mansell, Hatch, Madsen, Hickman, and Killpack commented. **1st Sub. S.B. 137** was returned to the House for further consideration.

***

On motion of Senator Hillyard, the Senate voted to lift **H.B. 22** from the Second Reading Table and place it at the top of the Second Reading Calendar.

**SECOND READING CALENDAR**

**H.B. 22.** INTERCOUNTRY ADOPTION ACCREDITATION, was before the Senate, explained by Senator Hale.

On motion of Senator Hale, under suspension of the rules, **H.B. 22,** INTERCOUNTRY ADOPTION ACCREDITATION, 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

Arent       Bell       Bramble       Buttars
Christensen  Davis      Dmitrich      Eastman
Evans       Fife       Hale          Hellewell
Hickman      Hillyard   Jenkins       Killpack
Knudson      Madsen     Mansell       Mayne
McCoy       Peterson   Stephenson    Thomas
Valentine

**Absent or not voting were:** Senators

Allen       Hatch       Waddoups      Walker

**H.B. 22** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

***

On motion of Senator Stephenson, under suspension of the rules, **H.B. 136,** CHARTER SCHOOL ENROLLMENT, was considered read the second and third
times. Senators Thomas, Arent, Madsen, Killpack, and Hale commented. Senator Killpack declared a conflict of interest. The bill passed on the following roll call:

Yea\s, 19; Nay\s, 9; Absent, 1.

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**Absent or not voting was:** Senator Waddoups

**H.B. 136** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

* * *

On motion of Senator Hellewell, the circle was removed from **1st Sub. H.B. 25**, MIDWIFE ACT.

On motion of Senator Hellewell, the bill was circled.

* * *

On motion of Senator Bramble, the circle was removed from **H.B. 147**, PROPERTY TAX EXEMPTION FOR VETERANS.

On motion of Senator Bramble, under suspension of the rules, **H.B. 147**, PROPERTY TAX EXEMPTION FOR VETERANS, was considered read the second and third times and passed on the following roll call:

Yeas, 27; Nay\s, 0; Absent, 2.

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Hickman       Mansell

H.B. 147 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

* * *

On motion of Senator Bell, the circle was removed from 2nd Sub. S.B. 183, PUBLIC TRANSIT DISTRICT ANNEXATION AND FUNDING AMENDMENTS, and it was before the Senate.

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

5th Sub. S.B. 183, Public Transit District Annexation and Funding
(G. Bell)

Senator Bell explained the bill. Senator Bramble commented.

On motion of Senator Bell, under suspension of the rules, 5th Sub. S.B. 183, PUBLIC TRANSIT DISTRICT ANNEXATION AND FUNDING 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
Allen       Arent       Bell       Bramble
Buttars     Christensen  Davis    Dmitrich
Eastman     Evans       Fife      Hale
Hatch       Hellewell   Hickman  Hillyard
Jenkins     Killpack    Knudson  Madsen
Mayne       McCoy       Peterson  Stephenson
Thomas      Waddoups    Walker   Valentine

Absent or not voting was: Senator
Mansell
5th Sub. S.B. 183 was transmitted to the House for consideration.

***

H.B. 142, ISSUES SUBMITTED TO VOTERS, was read the second time. This bill did not have a Senate standing committee hearing.

On motion of Senator Bramble, the bill was circled.

***

On motion of Senator Hillyard, the Senate voted to lift H.B. 75 from the Third Reading Table and place it at the bottom of the Third Reading Calendar.

***

On motion of Senator Madsen, under suspension of the rules, H.B. 299, MOTOR VEHICLE BUSINESS LICENSING AMENDMENTS, was considered read the second and third times. This bill did not have a Senate standing committee hearing. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**H.B. 299** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

***

On motion of Senator Jenkins, under suspension of the rules, 1st Sub. H.B. 87, CLAIMS AGAINST A COUNTY, was considered read the second and third times. This bill did not have a Senate standing committee hearing. The bill passed on the following roll call:
Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators
Allen    Arent    Bell    Christensen
Davis    Dmitrich   Evans    Fife
Hale    Hatch    Hellewell    Hickman
Hillyard    Jenkins    Killpack    Knudson
Madsen    Mansell    Mayne    McCoy
Peterson    Stephenson    Thomas    Walker
Valentine

Absent or not voting were: Senators
Bramble    Buttars    Eastman    Waddoups

1st Sub. H.B. 87 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 2, 2005

The House concurred in the Senate amendments and passed 1st Sub. H.B. 17, MOTION PICTURE INCENTIVE FUND, by Representative S. Allen, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. H.B. 42, MEDICAL RECOMMENDATIONS FOR CHILDREN, 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. 107, AMENDMENTS TO TAXES, FEES, OR CHARGES, by Representative W. Harper, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. H.B. 121, PROPERTY EXEMPT FROM EXECUTION, by Representative J. Dunnigan, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. H.B. 184, CRIME VICTIMS – CHANGE OF LOCKS ON RENTAL PROPERTY, by Representative L. Shurtliff, and it is transmitted for the signature of the President; and
The House concurred in the Senate amendments and passed **H.B. 280**, JOINT CUSTODY AMENDMENTS, by Representative L. Christensen, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**1st Sub. H.B. 17, 1st Sub. H.B. 42, H.B. 107, 1st Sub. H.B. 121, 1st Sub. H.B. 184, and H.B. 280** 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 Walker, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

**1st Sub. H.B. 211, − INTEGRITY OF ELECTION RESULTS AMENDMENTS**, was before the Senate for reconsideration.

On motion of Senator Walker, the bill was circled.

***

**H.B. 75**, GOVERNMENT RECORDS ACCESS AND MANAGEMENT TASK FORCE, 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

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**Absent or not voting were:** Senators

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**H.B. 75** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**SECOND READING CALENDAR**

On motion of Senator Bramble, the circle was removed from **H.B. 142**, ISSUES SUBMITTED TO VOTERS.
Senator Eastman proposed the following amendment:

1. Page 1, Lines 17 through 18
   House Floor Amendments
   2−17−2005

   requires that local initiative petitions {and fluoride petitions} approved for signature
   circulate receive an initial fiscal impact review by the local budget officer;

2. Page 1, Lines 25 through 26
   House Floor Amendments
   2−17−2005:

   {requires that petitions for adding fluorine to public water supplies comply with the
   procedures and requirements for local initiatives;}

3. Page 2, Lines 31 through 44:

   requires that a final fiscal impact statement be issued by the Governor’s Office of
   Planning and Budget, or by the local budget officer for local initiatives {or for
   petitions to add or remove fluorine}, for each initiative that is approved by the voters; and
   when the final fiscal impact statement for a statewide or local initiative exceeds the
   initial fiscal impact estimate by 15% or more, authorizes the Legislature, or the
   local legislative body in the case of a local initiative, to repeal the law, amend the
   law, or inform the voters that they may bring a new initiative to repeal the law
   enacted by passage of the initiative {and
   when there is a petition to obtain voter approval to add fluorine to a water system,
   and the final cost estimate for adding fluorine exceeds the initial fiscal impact}
Day 45

estimate by 15% or more, authorizes the governing body having jurisdiction over the water system to cease efforts to add fluorine to the water, to submit the matter for a new vote, or to inform the voters that they may bring a new petition to repeal the decision to add fluorine to the water.

4. Page 2, Lines 50 through 53:

50 AMENDS:

51 {19-4-111, as last amended by Chapter 185, Laws of Utah 2003
52 19-4-111.1, as enacted by Chapter 16, Laws of Utah 2002
53 19-4-111.2, as enacted by Chapter 15, Laws of Utah 2002–}

5. Page 3, Line 68 through Page 6, Line 175

House Floor Amendments 2–17–2005: Delete lines 68 through 175 Renumber accordingly

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

# # #

Senator Jenkins proposed the following amendment:

1. Page 2, Line 35:
   Delete “15%” and insert “25%”

2. Page 15, Line 454:
   Delete “15%” and insert “25%”

3. Page 21a, Line 630:

Senator Jenkins’ motion to amend passed on a voice vote. Senator Christensen, Thomas, Bell, Jenkins, and McCoy commented.
On motion of Senator Bramble, under suspension of the rules, **H.B. 142**, ISSUES SUBMITTED TO VOTERS, was considered read the second and third times and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**H.B. 142**, as amended, was returned to the House for further consideration.

***

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 2, 2005

The House passed, **S.J.R. 14**, JOINT RESOLUTION ON STROKE AWARENESS, 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.J.R. 15**, JOINT RESOLUTION URGING MEDICAID REFORM, 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.J.R. 18**, JOINT RESOLUTION APPROVING CONSOLIDATION OF WEST VALLEY AND SANDY DISTRICT COURTS, 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.J.R. 19**, RESOLUTION RECOGNIZING GRANITE SCHOOL DISTRICT’S 100 YEARS, by Senator G. Davis, et al, which has been signed by the Speaker and it is transmitted for the signature of the President; and
The House passed, **S.J.R. 20**, JOINT RESOLUTION RECOGNIZING RETIRING PRESIDENT OF DIXIE STATE COLLEGE, by Senator J. Hickman, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.J.R. 14, S.J.R. 15, S.J.R. 18, S.J.R. 19, and S.J.R. 20** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 2, 2005

The House concurred in the Senate amendments and passed **H.B. 98**, OFFENSES COMMITTED AGAINST CORRECTIONAL AND 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 **1st Sub. H.B. 113**, GOVERNMENT BOUNDARY CHANGES, by Representative K. Holdaway, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 128**, COMPENSATION OF EXECUTIVE OFFICERS, by Representative L. Christensen, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **2nd Sub. H.B. 256**, LOCAL GOVERNMENT AUTHORITY, by Representative A. Hardy, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 275**, BUSINESS ENTITY AMENDMENTS, by Representative R. Romero, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 311**, CONTROLLED SUBSTANCE LAW AMENDMENTS, by Representative B. Dee, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**H.B. 98, 1st Sub. H.B. 113, H.B. 128, 2nd Sub. H.B. 256, H.B. 275, and 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.
CORRECTED COMMUNICATION FROM THE HOUSE

Mr. President: March 2, 2005

The House substituted and passed, 1st Sub. S.B. 139, WAGE PROVISIONS, by Senator H. Stephenson, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bill was placed on the Concurrence Calendar.

RULES COMMITTEE REPORT

To the Members of the Senate: March 2, 2005

The Rules Committee recommends that, under suspension of rules, H.B. 288, Executive Compensation Amendments (Rep. J. Alexander), be placed at the top of the Second Reading Calendar.

Michael Waddoups
Rules Committee Chair

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

RULES COMMITTEE REPORT

To the Members of the Senate: March 2, 2005

The Rules Committee recommends that, under suspension of rules, and at the request of the sponsor, 3rd Sub. H.B. 308, Archeological Resources Amendments (Rep. B. Johnson), be amended as follows and placed at the bottom of the Second Reading Calendar:

1. Page 4, Line 97:
   after “location” delete “, other than the Division of State History”

Michael Waddoups
Rules Committee Chair

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

RULES COMMITTEE REPORTS

To the Members of the Senate: March 2, 2005

The Rules Committee recommends that, under suspension of rules, the following bills be placed at the bottom of the Second Reading Calendar:
H.B. 140 Individual Income Tax Contribution for Community Spay and Neuter Programs (Rep. M. Noel)
H.J.R. 19 Joint Resolution Urging Health Care for Utah’s Indigent and Needy Uninsured (Rep. L. Fowlke)
H.B. 276 Division of Criminal Investigation and Technical Services Amendments (Rep. C. Oda)
H.B. 268 Drug Utilization Review Committee Amendments (Rep. R. Lockhart)
1st Sub. H.B. 335 Disconnecting Territory from a Municipality (Rep. C. Frank)

Michael Waddoups
Rules Committee Chair

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

***

On motion of Senator Knudson, and at 4:15 p.m., the Senate sauntered.

The Senate was called to order at 4:45 p.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 2, 2005

The Speaker of the House has signed 2nd Sub. S.B. 64, REAL ESTATE TRANSACTIONS AND SECURITIES, by Senator L. A. Mansell, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 206, NONPARTICIPATING TOBACCO MANUFACTURER AMENDMENTS, by Senator S. Killpack, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

2nd Sub. S.B. 64 and S.B. 206 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

***

Mr. President: March 2, 2005

The House passed, as amended, S.B. 51, NEW MOTOR VEHICLE FRANCHISE ACT AMENDMENTS, by Senator D. Eastman, and it is transmitted for further consideration; and
The House substituted and passed, 1st Sub. S.B. 144, MOTOR VEHICLE STOPS AT PORT−OF−ENTRY, by Senator P. Knudson, and it is transmitted for further consideration; and

The House passed, as amended, 2nd Sub. S.B. 199, OFFICE OF ENERGY − OVERSIGHT, by Senator T. Hatch, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bills were placed on the Concurrence Calendar.

* * *

On motion of Senator Hillyard the Senate voted to lift from rules H.B. 382 and place it on the Second Reading Calendar below H.B. 288.

On motion of Senator Hillyard the Senate voted to lift from rules 2nd Sub. H.B. 313 and place it on the Second Reading Calendar below H.B. 382.

SECOND READING CALENDAR

On motion of Senator Knudson, under suspension of the rules, H.B. 288, EXECUTIVE COMPENSATION AMENDMENTS, was considered read the second and third times. This bill did not have a Senate standing committee hearing.

Senator Knudson proposed the following amendment:

1. Page 3, Lines 80 through 81

80 { Executive Director, Department of Commerce
81 $68,100 − $92,400

1. Page 4, Line 115:

115 Chief Information Officer $87,400 − $118,000

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

# # #

Senator Mansell proposed the following amendment:
1. Page 1, Lines 11 through 14

11 This bill:
12 increases salaries for the governor, lieutenant governor, attorney general, state auditor, and state treasurer;
13 provides that the Commissioner of Agriculture and Food receive a vehicle for official and personal use;
14 increases salary ranges for certain identified state officers; and

2. Page 6, Lines 160 through 162:

160 (f) for the Adjutant General a vehicle for official and personal use; {and}
161 (g) for each member of the Board of Pardons and Parole a vehicle for commute and
162 official use; and
163 (h) for the Commissioner of Agriculture and Food, a vehicle for official and personal use.

Senator Mansell’s motion to amend passed on a voice vote. Senator Waddoups commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Allen  Bell  Bramble  Christensen
Davis  Dmitrich  Eastman  Evans
Hellewell  Hickman  Jenkins  Killpack
Knudson  Madsen  Mansell  Thomas
Walker  Valentine

**Voting in the negative were:** Senators
Arent  Buttars  Fife  Hale
Hatch  Hillyard  Mayne  McCoy
Peterson  Stephenson  Waddoups

**H.B. 288,** as amended, was returned to the House for further consideration.

* * *

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. H.B. 211, INTEGRITY OF ELECTION RESULTS AMENDMENTS.

Senator Bramble proposed the following amendment:

Remove the amendments (amendment #5) placed by Senator Bramble earlier today. The net effect is that the bill is unamended by the Senate.

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
Allen    Arent    Bell    Bramble
Buttars  Christensen  Davis  Dmitrich
Eastman  Evans    Fife    Hale
Hatch    Hellewell  Hickman  Hillyard
Jenkins  Killpack  Knudson  Madsen
Mansell  Mayne    McCoy  Peterson
Stephenson Thomas  Waddoups  Walker

1st Sub. H.B. 211 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

CONCURRENCE CALENDAR

2nd Sub. S.B. 178, CHARTER SCHOOL AMENDMENTS, was before the Senate and explained by Senator Stephenson.

On motion of Senator Stephenson, the Senate refused to concur in the House amendments and asked the House to recede from its amendments to 2nd Sub. S.B. 178. The bill was returned to the House for further consideration.

* * *

2nd Sub. S.B. 184, REDEVELOPMENT AGENCY AMENDMENTS, was before the Senate and explained by Senator Bramble.

The Senate voted to refuse to concur in the House amendments to 2nd Sub. S.B. 184, REDEVELOPMENT AGENCY AMENDMENTS. Senator Bramble
motioned to concur with the House amendment. Senator Thomas made a motion not to concur; the motion failed on the following roll call:

**Yeas, 14; Nays, 14; Absent, 1.**

**Voting in the affirmative were:** Senators

Bramble    | Buttars    | Christensen | Dmitrich
Evans      | Hellewell  | Knudson     | Madsen
Mansell    | McCoy      | Peterson    | Stephenson
Walker     | Valentine  |             |     

**Voting in the negative were:** Senators

Allen      | Arent      | Bell        | Davis
Fife       | Hale       | Hatch       | Hickman
Hillyard   | Jenkins    | Killpack    | Mayne
Thomas     | Waddoups   |             |     

**Absent or not voting was:** Senator

Eastman

Senators Thomas, Hickman, Jenkins, Stephenson, and Bell commented.

On motion of Senator Bramble, the bill was circled.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 2, 2005

The House adopted the Joint Conference Committee Report dated March 2, 2005, and passed **S.B. 1, SUPPLEMENTAL APPROPRIATIONS ACT**, by Senator L. Hillyard, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

**JOINT CONFERENCE COMMITTEE REPORT**

Mr. President: March 2, 2005

The Joint Conference Committee comprised of Sens. Hillyard, Hickman, and Allen, and Reps. Bigelow, Alexander, and King, recommends **S.B. 1, SUPPLEMENTAL APPROPRIATIONS ACT**, by Senator Lyle W. Hillyard, with the following amendments:

1. Include the House amendments on Page 4, Lines 125a–125q, of the Lilac copy dated 02–28–05.
2. Include the House amendments on Page 5, Lines 166–166d, of the Lilac copy dated 02–28–05.

Sen. Lyle Hillyard and Rep. Ron Bigelow, Chairs

On motion of Senator Hillyard, the Senate voted to adopt the committee report. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

| Arent     | Buttars | Hellewell |

**Absent or not voting were:** Senators

| Bell     | Hale   |

**S.B. 1**, as amended, was returned to the House for further consideration.

***

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to lift from Rules **H.B. 114** and place it below **H.B. 313** on the Second Reading Calendar.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 2, 2005

The Speaker of the House has appointed a Conference Committee consisting of Representatives T. Kiser, D. Ure, and K. Morgan to meet with a like committee from the Senate to consider or amend **1st Sub. S.B. 137**, TOURISM, RECREATION, CULTURAL, AND CONVENTION FACILITIES TAX AMENDMENTS, by Senator H. Stephenson

Carole E. Peterson, Chief Clerk

President Valentine appointed a conference committee consisting of Senators Stephenson, Walker, and Davis to meet with a like committee from the House.
On motion of Senator Bramble, the Senate voted to move to Concurrence Reading Calendar.

**CONCURRENCE CALENDAR**

On motion of Senator Bramble, the circle was removed from **2nd Sub. S.B. 184**, REDEVELOPMENT AGENCY AMENDMENTS, and it was before the Senate.

On motion of Senator Bramble, the Senate voted to concur in the House amendments to **2nd Sub. S.B. 184**.

The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**2nd Sub. S.B. 184** was returned to the House for the signature of the Speaker.

**Yeas, 19; Nays, 9; Absent, 1.**

**Voting in the affirmative were:** Senators

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Voting in the negative were: Senators
Allen        Arent        Davis        Dmitrich
Fife         Hale         Mayne        McCoy
Thomas

Absent or not voting was: Senator
Knudson

1st Sub. S.B. 139 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Eastman, the Senate voted to concur in the House amendments to S.B. 51, NEW MOTOR VEHICLE FRANCHISE ACT AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen        Arent        Bell         Bramble
Buttars      Christensen  Davis        Dmitrich
Eastman      Evans        Fife         Hale
Hatch        Hellewell    Hickman      Hillyard
Jenkins      Killpack     Madsen       Mansell
Mayne        McCoy        Peterson     Stephenson
Thomas       Waddoups     Walker       Valentine

Absent or not voting was: Senator
Knudson

S.B. 51 was returned to the House for the signature of the Speaker of the House.

* * *

1st Sub. S.B. 144, MOTOR VEHICLE STOPS AT PORT−OF−ENTRY, was before the Senate.

On motion of Senator Eastman, the bill was circled.
On motion of Senator Hatch, the Senate voted to concur in the House amendments to 2nd Sub. S.B. 199, OFFICE OF ENERGY – OVERSIGHT. The bill, as amended, passed on the following roll call:

**Yeas, 17; Nays, 2; Absent, 10.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

Fife  McCoy

**Absent or not voting were:** Senators

Arent  Bramble  Buttars  Davis
Killpack  Knudson  Mayne  Thomas
Waddoups  Walker

2nd Sub. S.B. 199 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. 382, SUPPLEMENTAL MINIMUM SCHOOL PROGRAM FINANCE, was considered read the second and third times. This bill did not have a Senate standing committee hearing.

Senator Hale proposed the following amendment:

1. Page 2, Lines 37 through 38

   37  53A–17a–104, as last amended by Chapter 257, Laws of Utah 2004

   53A–17a–148, as last amended by Chapter 257, Laws of Utah 2004

2. Page 5, Line 136:
136 $15,000,000.

Section 3. Section 53A–17A–148 is amended to read:


(1) For the fiscal year beginning on July 1, 2004, the State Board of Education may use up to $300,000 of nonlapsing balances for the following:

(a) to stabilize the value of the weighted pupil unit;
(b) to maintain program levels in school districts that may experience unanticipated and unforeseen losses of students;
(c) to equalize programs in school districts where a strict application of the law provides inequity;
(d) to pay the added cost when students attend school out of state; and
(e) other uses approved by the board.

(2) For the fiscal year beginning on July 1, 2005, the State Board of Education may use up to $1,000,000 of uncommitted nonlapsing balances for adult high school completion and adult basic skill programs.

(3) For the fiscal year beginning on July 1, 2004, the State Board of Education shall use Minimum School Program nonlapsing balances to supplement the appropriation to charter schools for the replacement of local property tax revenues, up to the amount allowed under their formula detailed in Subsection 53A–1a–513(4). Renumber remaining sections accordingly.

3. Page 8, Lines 217 through 222:


218 (1) If this H.B. 382 and H.B. 3, Minimum School Program Act Amendments, both pass, it

219 is the intent of the Legislature that the amendments to Sections 53A–17a–103 and 53A–17a–104

220 in H.B. 382 supersede the amendments to Sections 53A–17a–103 and 53A–17a–104 in H.B. 3

221 when the Office of Legislative Research and General Counsel prepares the Utah Code database

222 for publication.

(2) If this H.B. 382 and H.B. 3, Minimum School Program Act Amendments, both pass, it is the intent of the Legislature that the amendments to Subsection 53A–17a–148(2) in H.B. 382 supercede the
amendments to Subsection 53A−17a−148(2) in H.B. 3 and that the remaining subsections be renumbered when the Office of Legislative Research and General Counsel prepares the Utah Code database for publication.

Senator Hale’s motion to amend passed on the following roll call:

**Yeas, 15; Nays, 12; Absent, 2.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

| Buttars | Christensen | Eastman | Hatch |
| Hickman | Hillyard | Jenkins | Mansell |
| Peterson | Stephenson | Thomas | Valentine |

**Absent or not voting were:** Senators

| Bramble | Evans |

Senators Hillyard and Arent commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Bramble | Evans |

**H.B. 382**, as amended, was returned to the House for further consideration.
COMMUNICATIONS FROM THE HOUSE

Mr. President:

The Speaker of the House has signed 2nd Sub. S.B. 13, INDIVIDUAL INCOME TAX SUBTRACTION FOR CERTAIN MILITARY INCOME, by Senator H. Stephenson, and it is transmitted for the signature of the President; and

The House passed, S.B. 19, DISEASE TESTING OF INDIVIDUALS EXPOSED TO BLOOD BORNE PATHOGENS, by Senator P. Arent, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 138, JUDGMENT INTEREST AMENDMENTS, by Senator E. Mayne, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 141, MILITARY INSTALLATION PARTNERSHIPS, by Senator S. Killpack, and it is transmitted for the signature of the President; and

The House passed, S.B. 179, PROTECTION OF GOVERNMENT RECORDS, by Senator G. Bell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

2nd Sub. S.B. 13, S.B. 19, S.B. 138, S.B. 141, and S.B. 179 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

RULES COMMITTEE REPORT

To the Members of the Senate:

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

H.B. 319 Expansion of Department of Administrative Services Oversight to Include Human Resource Management (Rep. D. G. Buxton)
1st Sub. H.B. 381 Nonresident Tuition Waivers (Rep. C. Buttars)
H.B. 238 Utah Technology Commission Membership (Rep. J. Dougall)
H.B. 95    Sex Offender Registration Amendments
           (Rep. M. S. Lawrence)
1st Sub. H.B. 84 Reading Requirements for Student Advancement
           (Rep. K. Morgan)
H.B. 272    Patient Access to Providers and Contracting Amendments
           (Rep. R. Lockhart)
H.B. 129    School Uniforms (Rep. C. Frank)
H.B. 342    Civil Legal Aid for Victims of Domestic Violence
           (Rep. S. Mascaro)
1st Sub. H.B. 291 Capitol Preservation Board Modifications
           (Rep. J. Alexander)
1st Sub. H.B. 78 Corporate Franchise and Income Tax Amendments
           (Rep. W. Harper)

Michael Waddoups  
Rules Committee Chair

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

RULES COMMITTEE REPORT

To the Members of the Senate:  
March 2, 2005

The Rules Committee recommends that, under suspension of rules and at the request of the sponsor, H.B. 269, Sales Marketing Requirements (Rep. M. Noel), be replaced and favorably recommends 1st Sub. H.B. 269, Sales Marketing Requirements (Rep. M. Noel), and recommends that the bill be placed on the Second Reading Calendar after 1st Sub. H.B. 326.

Michael Waddoups  
Rules Committee Chair

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

RULES COMMITTEE REPORT

To the Members of the Senate:  
March 2, 2005

Child Welfare (Rep. W. Harper), and recommends that the bill be placed at the bottom of the Second Reading Calendar.

Michael Waddoups
Rules Committee Chair

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

SECOND READING CALENDAR

On motion of Senator Bell, under suspension of the rules, 2nd Sub. H.B. 313, ECONOMIC DEVELOPMENT INITIATIVE FOR HIGHER EDUCATION, was considered read the second and third times. This bill did not have a Senate standing committee hearing.

Senator Bell proposed the following amendment:

1. Page 1, Lines 19 to 21:
   Delete lines 19 to 21

2. Page 2, Lines 54 to 57:
   Delete lines 54 to 57

Senator Bell’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
Allen          Arent          Bell          Buttars
Christensen   Davis          Dmitrich     Eastman
Evans         Fife           Hale          Hatch
Hellewell      Hillyard       Jenkins      Killpack
Knudson       Madsen         Mansell      Mayne
McCoy         Peterson       Stephenson   Thomas
Waddoups      Valentine

Absent or not voting were: Senators
Bramble       Hickman       Walker

2nd Sub. H.B. 313, as amended, was returned to the House for further consideration.

***

On motion of Senator Knudson, under suspension of the rules, H.B. 114, CHILDREN’S HEALTH CARE COVERAGE AMENDMENTS, was considered
read the second and third times. This bill did not have a Senate standing committee hearing. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Bramble | Walker |

**H.B. 114** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President:

March 2, 2005

The House substituted, amended, and passed, **2nd Sub. S.B. 109, SAFETY BELT ENFORCEMENT**, by Senator K. Hale, et al, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bill was placed on the Concurrence Calendar.

**SECOND READING CALENDAR**

On motion of Senator Bramble, the circle was removed from **H.B. 104, SPYWARE CONTROL ACT REVISIONS**, and it was before the Senate.

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

**2nd Sub. H.B. 104, Spyware Control Act Revisions** (S. Urquhart)

On motion of Senator Bramble, the bill was circled.

***

On motion of Senator Knudson, and at 6:15 p.m., the Senate recessed.
EVENING SESSION

The Senate reassembled at 7:45 p.m., with President Valentine presiding.

INTRODUCTION OF BILLS

S.B. 3, Supplemental Appropriations Act II (L. Hillyard), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to lift S.B. 3 from Rules and place it at the top of the Second Reading Calendar.

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to lift 1st Sub. H.B. 78 to the top of the Second Reading Calendar below S.B. 3.

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to lift H.B. 318 from Rules and place it on the Second Reading Calendar below 1st Sub. H.B. 78.

SECOND READING CALENDAR

On motion of Senator Hillyard, under suspension of the rules, S.B. 3, SUPPLEMENTAL APPROPRIATIONS ACT II, was considered read the second and third times. Senator Hillyard explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 45, Line 1681:
   After Line 1681 insert:
   “From Clean Fuels Fund 400,000”

2. Page 45, Line 1683:
   Delete “162,800” and insert “562,800”

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

###

Senator Stephenson proposed the following amendment:
1. Page 17, Line 609:
   After Line 609:
   “RESTRICTED REVENUE — CAPITAL FACILITIES AND
   ADMINISTRATIVE SERVICES
   ITEM 54a
   To Education Budget Reserve Account
   From Uniform School Fund One—time (900,000)
   Schedule of Programs:
   Education Budget Reserve Account (900,000)”

2. Page 42, Line 1589:
   After Line 1589 insert:
   “From Uniform School Fund One—time 900,000”

3. Page 43, Line 1591:
   Delete “100,000” and insert “1,000,000”

4. Page 43, Line 1594:
   Delete “$100,000 ongoing” and insert “$1,000,000”

5. Page 43, Line 1596:
   After “basis” insert “to provide up to $75 per student enrolled in a
   charter school”

6. Page 43, Line 1598:
   After “Formula program” insert “to help with charter school
   administrative expenses”

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

**Yeas, 10; Nays, 17; Absent, 2.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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Absent or not voting were: Senators
Allen Walker

Senator Dmitrich proposed the following amendment:

1. Page 18, Line 669:
   After Line 669 insert:
   “ITEM 61a
   It is the intent of the Legislature that: the College of Eastern Utah may use donations and other institutional funds to plan, design, and construct a Fine Arts Complex under the direction of the director of the Division of Facilities Construction and Management unless supervisory authority has been delegated; no state funds may be used for any portion of this project; and the university may request state funds for operations and maintenance to the extent that the university is able to demonstrate to the Board of Regents that the facility meets approved academic and training purposes under Board of Regents policy R710.”

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

Senator Bell proposed the following amendment:

1. Page 2, Line 44:
   Delete “9,600” and insert “309,600”

2. Page 2, Line 46:
   Delete “9,600” and insert “309,600”

3. Page 16, Line 586:
   After line 586 insert:
   “Item 52a To Department Administrative Services – Finance – Mandated – LeRoy McAllister Critical Lands Fund
   From General Funds, one–time (300,000)
   Schedule of Programs:
   LeRoy McAllister CLF (300,000)”

Senator Bell’s motion to amend passed on a voice vote. Senators Dmitrich, Hickman, Bell, and McCoy commented. The bill passed on the following roll call:
Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators
Allen
Bell
Bramble
Buttars
Christensen
Davis
Dmitrich
Eastman
Evans
Fife
Hale
Hatch
Hellewell
Hickman
Hillyard
Jenkins
Knudson
Madsen
Mansell
Mayne
McCoy
Peterson
Stephenson
Thomas
Waddoups
Valentine

Absent or not voting were: Senators
Killpack
Walker

S.B. 3, as amended, was transmitted to the House.

***

On motion of Senator Hillyard the Senate voted to adopt the following intent language:

INTENT LANGUAGE FOR S.B. 3

“In passing S.B. 3, Supplemental Appropriations Act II, H.B. 1, Annual Appropriations Act, S.B. 1, Supplemental Appropriations Act, H.B. 301, Supplemental Appropriations II, and H.B. 213, Unused Sick Leave at Retirement Amendments, the Legislature recognizes and intends the following:

(1) H.B. 213 does not affect the vested rights of any retired state employees or of state employees who retire by December 31, 2005 and are covered by the current programs described under Sections 67−19−14 through 67−19−14.3;

(2) State employee rights before actual retirement are limited vested rights, in contrast to the retired employees’ absolute vested rights;

(3) The rapidly increasing costs and value of the unused sick leave programs described under Sections 67−19−14 through 67−19−14.3 are changing conditions that require legislative action to maintain the financial security and future actuarial soundness of the benefit;

(4) The Legislature may subject the programs described under Sections 67−19−14 through 67−19−14.3 to reasonable modifications to meet those changing conditions;

(5) The Legislature may be required to provide a substantial substitute in consideration of the modifications to the programs for current state employees with limited vested rights; and

(6) The Legislature is providing the following components as a substantial
substitute, if a substantial substitute is required:
(a) Ongoing state employee compensation increases beginning with the 2005–06 fiscal year, including:
   (i) Cost–of–living salary increases; and
   (ii) Other benefit increases, including both health insurance and retirement, in addition to the cost–of–living increases;
(b) Ongoing state employee market comparability adjustments, beginning in the 2005–06 fiscal year;
(c) Grandfathering current benefit provisions by:
   (i) Maintaining current the state employees’ ability to purchase health insurance coverage after retirement under Program I with all sick leave hours accumulated through the end of calendar year 2005;
   (ii) Preserving the increasing value of the benefit purchased with those accumulated sick leave hours by allowing the state employees to continue to purchase one month’s health insurance coverage, which is annually more expensive, for the constant purchase price of eight hours of:
      (A) unused sick leave that are under Program I; or
      (B) converted sick leave; and
   (iii) Making the legislative modifications prospective only as applied to future state employee sick leave accumulations;
(d) Enacting Program II for state employee sick leave hours accumulated after January 1, 2006;
(e) Providing for an additional accumulation of state employee converted sick leave hours through 2014;
(f) Providing payment of 25% of a state employee’s unused accumulated sick leave at the employee’s rate of pay at the time of retirement into the employee’s 401(k) plan; and
(g) Recognizing that the long–term savings realized by the enactment of H.B. 213 will annually help preserve the state’s ability to fund the costs of future state employee compensation and benefit increases.”

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 2, 2005

The House passed upon reconsideration H.B. 301, SUPPLEMENTAL APPROPRIATIONS III, by Representative R. Bigelow, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

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.
Mr. President: March 2, 2005

The House receded from its amendments and passed 1st Sub. S.B. 178, CHARTER SCHOOL AMENDMENTS, by Senator H. Stephenson, which has been signed by the Speaker and it is transmitted for the signature of the President.

1st Sub. S.B. 178 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

SECOND READING CALENDAR

On motion of Senator Bramble, under suspension of the rules, 1st Sub. H.B. 78, CORPORATE FRANCHISE AND INCOME TAX AMENDMENTS, was considered read the second and third times. This bill did not have a Senate standing committee hearing. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen    Bramble    Christensen    Dmitrich
Eastman  Evans      Fife          Hatch
Hellewell Hickman  Hillyard     Jenkins
Killpack  Knudson    Madsen       Mansell
Mayne    Peterson   Stephenson   Thomas
Waddoups  Walker     Valentine

Voting in the negative were: Senators
Arent    Davis      Hale         McCoy
Absent or not voting were: Senators
Bell      Buttars

1st Sub. H.B. 78 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

H.B. 318, COMMUNITY AND ECONOMIC DEVELOPMENT RESTRUCTURING, was read the second time.

On motion of Senator Mansell, the bill was circled.
On motion of Senator Hellewell, the circle was removed from 1st Sub. H.B. 25, MIDWIFE ACT.

The motion to uncircle passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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On motion of Senator Davis, under suspension of the rules, the Senate voted to reconsider its action on 1st Sub. H.B. 25.

Senator Davis’ motion to reconsider passed on the following roll call:

**Yeas, 18; Nays, 10; Absent, 1.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**Absent or not voting was:** Senator

Mansell

Senator Christensen commented.
On motion of Senator Hellewell, under suspension of the rules, **H.B. 25**, DIRECT-ENTRY MIDWIFE ACT, 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

Allen Bramble Davis Dmitrich
Fife Hellewell Jenkins Killpack
Madsen Mansell Mayne McCoy
Stephenson Thomas Valentine

**Voting in the negative were:** Senators

Arent Bell Buttars Christensen
Eastman Evans Hale Hatch
Hickman Hillyard Knudson Peterson
Waddoups Walker

**H.B. 25** was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

***

On motion of Senator Bramble, under suspension of the rules, **1st Sub. H.B. 338**, CHILD AND FAMILY WELFARE REVISIONS, was considered read the second and third times.

Senator Bramble proposed the following amendment:

1. Page 3, Lines 72 and 73:
   House Floor Amendments  
   2–24–2005  
   Delete “and all portions of the Utah Code that relate to child protection”

Senator Bramble’s motion to amend passed on a voice vote. Senator Arent, Thomas, and McCoy commented. The bill passed on the following roll call:

**Yeas, 20; Nays, 9; Absent, 0.**

**Voting in the affirmative were:** Senators

Bell Bramble Buttars Christensen
Eastman Evans Hatch Hellewell
Hickman Jenkins Killpack Knudson
Madsen Mansell Peterson Stephenson
Thomas Waddoups Walker Valentine
Voting in the negative were: Senators
Allen  Arent  Davis  Dmitrich
Fife  Hale  Hillyard  Mayne
McCoy

1st Sub. H.B. 338, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Knudson, the Senate voted to move to Concurrence Reading Calendar.

CONCURRENCE CALENDAR

On motion of Senator Knudson, the Senate voted to concur in the House amendments to 1st Sub. S.B. 144, MOTOR VEHICLE STOPS AT PORT−OF−ENTRY. The bill, as amended, passed on the following roll call:

Y eas, 29; Nays, 0; Absent, 0.

Voting in the affirmative were: Senators
Allen  Arent  Bell  Bramble
Buttars  Christensen  Davis  Dmitrich
Eastman  Evans  Fife  Hale
Hatch  Hellewell  Hickman  Hillyard
Jenkins  Killpack  Knudson  Madsen
Mansell  Mayne  McCoy  Peterson
Stephenson  Thomas  Waddoups  Walker
Valentine

1st Sub. S.B. 144 was returned to the House for the signature of the Speaker of the House.

* * *

On motion of Senator Hale, the Senate refused to concur in the House amendments and asked the House to recede from its amendments to 2nd Sub. S.B. 109. 2nd Sub. S.B. 109 was returned to the House for further action.

* * *

On motion of Senator Mansell, the circle was removed from H.B. 318, COMMUNITY AND ECONOMIC DEVELOPMENT RESTRUCTURING.
Senator Mansell proposed the following amendment:

1. Page 4, Line 102:
   After Line 102 insert “This bill provides coordination clauses.”

2. Page 181, Line 5600:
   After Line 5600 insert:
   If this H.B. 318 and H.B. 1, Annual Appropriations Act, both pass, it is the intent of the Legislature that the Division of Finance:
   (1) reallocate any appropriations contained in the line items entitled “Department of Community and Economic Development − Business and Travel Development” and “Department of Community and Economic Development − Incentive Funds” to the newly created Governor’s Office of Economic Development; and
   (2) reallocate any appropriations contained in the remaining line items listed under the heading “Department of Community and Economic Development” to the Department of Community and Culture.

   If this H.B. 318 and H.B. 11, Economic Development Incentives, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, shall make the following changes:
   (1) Part 22 in H.B. 11 shall be renumbered as Part 17 in Title 63, Chapter 38f, with Sections 9−2−2201, 9−2−2202, 9−2−2203, 9−2−2204, 9−2−2205, 9−2−2206, and 9−2−2207 being renumbered to 63−38f−1701, 63−38f−1702, 63−38f−1703, 63−38f−1704, 63−38f−1705, 63−38f−1706, and 63−38f−1707 respectively.
   (2) The following subsections in Section 63−38f−1309 shall read as follows:
   “(2) The account shall be used to make payments as required under [Section 9−2−2006] Sections 63−38f−1306 and 63−38f−1705.”
   “(3) (a) The Division of Finance shall transfer from the General Fund the amount estimated by the [department] office from new state revenues needed to make the partial rebates as allowed in [Section 9−2−2006] Sections 63−38f−1306 and 63−38f−1705.”
   “(4) Notwithstanding Subsections 51−5−3(23)(b) and 63−38−9(4)(c), after receiving request for payment, in accordance with Subsection [9−2−2006] 63−38f−1306(2) or 63−38f−1705(2), the Division of Finance shall pay the partial rebates as allowed in Section [9−2−2006] 63−38f−1306 or 63−38f−1705 from the account.”
“(5) (b) The [department] office shall update the estimates required by Subsections (5)(a)(i) and (ii) within 30 days of the signing of each new agreement entered into under this part or Part 17, Economic Development Incentives Act.”

(3) Renumbered Section 63–38f–1703 shall read as follows:


As used in this part:

(1) “Development zone” means an economic development zone created under Section 63–38f–1704.

(2) “High paying jobs” means the annual wages of employment positions that compare favorably against the median wage of a community in which the jobs will exist.

(3) “Local incentives” means financial and other assistance provided by local taxing authorities within a development zone, which may include:

(a) partial rebates of new local revenues; and

(b) other sources of funds under authority of state law or local ordinances, or both state law and local ordinances.

(4) “New incremental jobs” means jobs that are:

(a) not shifted from one jurisdiction in the state to another jurisdiction in the state; and

(b) created in addition to the baseline count of jobs already in existence within a company or employed by an individual.

(5) “New local revenues” mean incremental new local tax revenues that are generated as a result of new economic commercial projects in a development zone, to include the local government’s portion of sales taxes, property taxes, impact fees, and other taxes or fees, or both taxes and fees, derived from the projects, together with indirect local government revenues generated by the projects, but not to include any portion of sales taxes earmarked for state government or other taxing jurisdictions eligible for sales tax revenues.

(6) “New state revenues” means incremental new state tax revenues that are generated as a result of new economic commercial projects in a developmental zone, to include the state’s portion of sales taxes, and company and employee income taxes derived from the projects, together with indirect state revenues generated by the projects, but not to include any portion of sales taxes earmarked for local governments or other taxing jurisdictions eligible for sales tax revenues.

(7) “Office” means the Governor’s Office of Economic Development.

(8) “Partial rebates” means returning a portion of the new local revenues and new state revenues generated by new commercial
projects to companies or individuals that have created new economic growth within a development zone.”

(4) Renumbered Section 63–38f–1704 shall read as follows:


(1) The office, with advice from the board, may create an economic development zone in the state that satisfies all of the following requirements:

(a) the area is zoned commercial, industrial, manufacturing, business park, research park, or other appropriate use in a community approved master plan; and

(b) the request to create a development zone has been forwarded to the office after first being approved by an appropriate local government entity that has committed or will commit to provide local incentives.

(2) (a) The office, with advice from the board, may enter into agreements providing for partial rebates of new state revenues generated by new commercial projects to companies or individuals that create new economic growth within a development zone under the same restrictions and limitations as provided in Section 63–38f–1304.

(b) The limitations and restrictions applied to partial rebates of new state revenues in Section 63–38f–1304 also apply to partial rebates of new local revenues under this part.”

(5) Renumbered Section 63–38f–1705 shall read as follows:


“(1) The office shall set standards to qualify for partial rebates under this part, subject to the following:

(a) the qualification criteria established in Subsections 63–38f–1305(1), (2), (3), (4), and (6); and

(b) only projects that include significant capital investment, the creation of high paying jobs, or significant purchases from Utah vendors and providers, or any combination of these three economic factors are eligible for partial rebates.

(2) A payment of partial rebates of new state revenues shall be made in accordance with procedures adopted by the office, with advice from the board, to include the payment procedures described in Section 63–38f–1306 as applied to partial rebates authorized under this part.”

(6) Renumbered Section 63–38f–1706 shall read as follows:


(1) The office, with advice from the board, and within the limitations of this part, may determine:

(a) the structure and amount of any partial rebates offered under this
(b) the economic impacts and job creation necessary to qualify for the incentive; and
(c) the other terms and conditions of an agreement entered into under this part.
(2) In reviewing claims for partial rebates of new state revenues, the office may accept the same type of information and evidence allowed under Subsections 63−38f−1307(2)(a) and (b).
(3) (a) The office shall make a report to the Legislature’s Workforce Services and Community and Economic Development Interim committee on:
(i) the success of attracting new commercial projects to development zones under this part and the corresponding increase in new incremental jobs;
(ii) the period of time over which partial rebates of new state revenues shall be granted under this part; and
(iii) the economic impact on the state related to generating new state revenues and rebating a portion of those revenues under this part.
(b) The office shall make the report prior to the 2006 General Session of the Legislature to enable the committee to determine whether this part should be modified during the 2006 General Session.”
(7) Renumbered Section 63−38f−1707 shall read as follows:
“63−38f−1707. Coordination with the Industrial Assistance Fund. Projects that qualify for partial rebates on new state revenues under this part and enter into agreements with the office under this part are ineligible to qualify for additional financial assistance for the Industrial Assistance Fund under Section 63−38f−904.”

If this H.B. 318 and H.B. 17, Motion Picture Incentive Fund, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, shall make the following changes:
(1) Part 21 in H.B. 17 shall be renumbered in Title 63, Chapter 38f, to be consistent with the renumbering done in H.B. 318 to include the renumbering of sections within the part and references to renumbered sections within the part.
(2) In Section 9−2−2102 the terms “executive director” shall be replaced with “director” and “Department of Community and Economic Development” be replaced with “Governor’s Office of Economic Development” and the statutory cite shall be made
consistent with the renumbering of the part to Title 63, Chapter 38f.

(3) Subsections 9–2–2103(2)(a) and (b) shall read:
“(2)(a) The fund shall be administered by the administrator with advice from the board.
(b) The administrator, with advice from the board, shall approve fund policies and qualification criteria to receive an incentive award consistent with the provisions of this part.”

(4) Subsections 9–2–2104(2)(a) and (2)(b) shall read:
“(2)(a) The administrator has authority to determine the structure, amount, and nature of the incentive given to a motion picture company, subject to the limitations and considerations set out in Subsections (3) and (4).
(b) A financial incentive shall be paid to a motion picture company from the fund only after the administrator has determined with advice from the board that the motion picture company has satisfied the conditions upon which the incentive is to be given.”

If this H.B. 318 and H.B. 224, Permanent Community Impact Fund − Board Membership, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the database for publication, shall modify Subsection 9–4–304(1)(j) enacted in H.B. 224 to read: “(j) a locally elected official from each of the two counties that produced the most mineral lease monies during the previous four-year period, prior to the term of appointment, as determined by the Department of Community and Culture.”

If this H.B. 318 and H.B. 301, Supplemental Appropriations Act III, both pass, it is the intent of the Legislature that the Division of Finance:
(1) reallocate any appropriations contained in the line items entitled “Department of Community and Economic Development − Business and Travel Development” and “Department of Community and Economic Development − Incentive Funds” to the newly created Governor’s Office of Economic Development; and
(2) reallocate any appropriations contained in the remaining line items listed under the heading “Department of Community and Economic Development” to the Department of Community and Culture.”

If this H.B. 318 and S.B. 1, Supplemental Appropriations Act, both
pass, it is the intent of the Legislature that the Division of Finance:
(1) reallocate any appropriations contained in the line items entitled
“Department of Community and Economic Development – Business
and Travel Development” and “Department of Community and
Economic Development – Incentive Funds” to the newly created
Governor’s Office of Economic Development; and
(2) reallocate any appropriations contained in the remaining line items
listed under the heading “Department of Community and Economic
Development” to the Department of Community and Culture.”

If this H.B. 318 and S.B. 3, Supplemental Appropriations Act II, both
pass, it is the intent of the Legislature that the Division of Finance:
(1) reallocate any appropriations contained in the line items entitled
“Department of Community and Economic Development – Business
and Travel Development” and “Department of Community and
Economic Development – Incentive Funds” to the newly created
Governor’s Office of Economic Development; and
(2) reallocate any appropriations contained in the remaining line items
listed under the heading “Department of Community and Economic
Development” to the Department of Community and Culture.”

If this H.B. 318 and S.B. 7, Funding for Tourism, both pass, it is the
intent of the Legislature that the Office of Legislative Research and
General Counsel, in preparing the Utah Code database for publication,
shall coordinate the enactment of H.B. 318 with S.B. 7 so that:
(1) Section 63–55–209 in S.B. 7 shall not be amended.
(2) In merging Section 9–3–201 with renumbered Section
63–38f–1406, the reference in Subsection (3) to “Section 9–3–203”
shall be changed to “Section 63–38f–1404”.
(3) In merging Section 9–3–202 with renumbered Section
63–38f–1407, Subsection 63–38f–1407(10) shall be renumbered as
Subsection 63–38f–1407(12).
(4) In merging Section 9–3–203 with renumbered Section
63–38f–1408:
(a) Subsection (1)(a) shall read: “(a) review and advise the office on a
program of out-of-state advertising, marketing, and branding, taking
into account the long-term strategic plan, economic trends, and
opportunities for tourism development on a statewide basis, as a
condition of the distribution of funds to the office from the Tourism
Marketing Performance Fund under Section 63–38f–1405;”
(b) Subsection (1)(d)(i) shall read: “(d)(i) advise the office in establishing a Cooperative Program from the monies in the Tourism Marketing Performance Fund under Section 63–38f–1405 for use by cities, counties, nonprofit destination marketing organizations, and similar public entities for the purpose of supplementing monies committed by these entities for advertising and promotion to and for out–of–state residents to attract them to visit sites advertised by and attend events sponsored by these entities;
(c) Subsection (1)(d)(iii) shall read: “(iii) the office, with advice from the board, shall establish eligibility, advertising, and timing requirements and criteria and provide for an approval process for applications;”
(d) Subsections (1)(d)(iii)(A) and (B) shall be deleted; and
(e) Subsection (3) shall read: “(3) The board may not make policy related to the management or operation of the office.”
(5) In merging Section 9–3–204 with renumbered Section 63–38f–1409, Subsection (2)(b) shall be renumbered as Subsection (1)(c) and read as follows: “(c) receive advice from the Board of Tourism Development under Subsection 63–38f–1404(1)(a) before implementing the out–of–state advertising, marketing, and branding campaign;” and the subsequent subsections in Subsection (1) shall be renumbered.
(6) Section 9–3–207 shall be renumbered as Section 63–38f–1405 with the following modifications:
(a) Subsection (2) shall read: “(2) The fund shall be administered by the office for the purposes listed in Subsection (5).”;
(b) in Subsection (5) delete “as authorized and approved by the Board of Travel Development”;
(c) Subsection (6)(a) shall read: “(6) (a) For the fiscal year beginning July 1, 2005, the director shall allocate 7.5% of the fund, but not to exceed $750,000, to be distributed to a sports organization for advertising, marketing, branding, and promoting Utah in attracting sporting events into the state as determined by the office.”; and
(d) Subsection (6)(d) shall read: “(d) The office shall provide for an annual accounting to the director and the board by a sports organization for the use of moneys it receives under Subsection (6)(a) or (b).”
(8) Renumber the following sections in H.B. 318:
(a) renumber Section 63–38f–1409 to Section 63–38f–1401, Section 63–38f–1406 to Section 63–38f–1402, Section 63–38f–1407 to Section 63–38f–1403, Section 63–38f–1408 to Section 63–38f–1404, and Section 63–38f–1410 to Section 63–38f–1406; and
(b) renumber Section 9–3–207 in S.B.7 to Section 63–38f–1405.”

If this H.B. 318 and S.B. 57, Use of State Sales and Use Tax Revenues for Business Development in Disadvantaged Rural Communities, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, shall make the following changes:
(1) Part 21 in S.B. 57 shall be renumbered in Title 63, Chapter 38f to be consistent with the renumbering done in H.B.318, to include the renumbering of sections within the part and references to renumbered sections within the part.
(2) In Section 9–2–2102, the references to “Section 9–2–202” shall be changed to Section 63–38f–301.
(3) (a) Subsection 9–2–2104(1)(c) shall read: “(c) If the board awards a loan to an eligible county in accordance with this section, the loan shall be subject to interest as provided by the procedures and methods referred to in Subsection (6).
(b) Subsection 9–2–2104(2)(b)(v) shall read:
“(v) establish that the community within which the project area is located is a disadvantaged community on the basis of one or more of the following factors:
(A) median income per capita within the community;
(B) median property tax revenues generated within the community;
(C) median sales and use tax revenues generated within the community; or
(D) unemployment rates within the community;”.
(c) Subsection 9–2–2104 (4)(c)(iii) shall read: “(iii) in accordance with procedures established for prioritizing which projects may be awarded a grant or loan by the board under this section;”; and Subsections (4)(c)(iii)(A) and (B) shall be deleted.
(d) In Subsections 9–2–2104(4)(c) and 9–2–2104(4)(d), the term “executive director” shall be replaced with “director”.
(e) In Subsection 9–2–2104(5)(b), an “or” shall be inserted at the end of Subsection (iii), the “or” deleted at the end of Subsection (iv), and Subsection (v) deleted in its entirety.
(f) Subsection 9–2–2104(6) shall read:
“(6) The office shall establish procedures:
(a) for prioritizing which projects may be awarded a grant or loan by the board under this section; and
(b) for loans awarded in accordance with this section:
(i) the methods of calculating interest applicable to the loans; and
(ii) procedures for:
(A) applying interest to the loans; and
(B) paying interest on the loans.”.

(4) (a) In Subsection 9−2−2105(1) and (2)(b), the term “executive director” shall be replaced with “director”.
(b) In Subsection 9−2−2105(3)(c), the numeral “(i)” shall be deleted and Subsection (ii) shall be deleted in its entirety.
(5) In Subsection 63−65−4(1)(b)(v), the reference to Section 9−2−2103 shall be changed to reflect the renumbering of the section in Title 63, Chapter 38f.

“Section 179. Coordinating H.B. 318 with S.B. 141.
If this H.B. 318 and S.B. 141, Military Installation Partnerships, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, shall make the following changes:
(1) Part 23 in S.B. 141 shall be renumbered in Title 63, Chapter 38f, to be consistent with the renumbering done in H.B. 318;
(2) in Section 9−2−2301, the terms “department” shall be replaced with “office” and “executive director” be replaced with “director”; and
(3) in Section 2. Appropriation, in S.B. 141 the term “Department of Community and Economic Development” shall be replaced with “Governor’s Office of Economic Development”.”

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

# # #

Senator Jenkins proposed the following amendment:

Amend Section 177, coordinating H.B. 318 with S.B. 7 as follows:
(4) In merging Section 9−2−203 with renumbered Section 63−38f−1408:
(a) After “(a) in Subsection (1)(a), delete “review and advise the office on” and insert “have authority to approve “;
(b) After “(d)(ii)” in Subsection (1)(d)(i), delete “advise the office in establishing “ and insert “establish”
(c) After “(iii) in Subsection (1)(d)(iii), delete “ the office, with advice
from the board” and insert “the board”
(d) In Subsection (3), after “board may not” insert “except as otherwise provided in Subsection (1)(a).”
(5) In merging Section 9–2–204 with renumbered Section 63–38f–1409:
In Subsection (2)(b) that has been renumbered as Subsection (1)(c),
After “(c) receive” delete “advice” and insert “approval”
(6) In Subsection (5) of renumbered Section 63–38f–1405, after “use fund monies” reinsert “as authorized and approved by the Board of Tourism Development”

Senator Jenkins’ motion to amend failed on a voice vote. Senators Thomas, Eastman, Bramble, and Allen commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Allan    Arent    Bell    Bramble
Buttars  Christensen    Davis    Dmitrich
Eastman  Evans    Fife    Hale
Hatch    Hellewell    Hickman    Hillyard
Jenkins  Killpack    Knudson    Madsen
Mansell  Mayne    McCoy    Peterson
Stephenson  Thomas    Waddoups    Walker
Valentine

**H.B. 318**, as amended, was returned to the House for further consideration.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 2, 2005

The Speaker of the House has signed S.B. 1, SUPPLEMENTAL APPROPRIATIONS ACT, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The House passed, 1st Sub. S.B. 25, TRANSPORTATION AMENDMENTS AND HIGHWAY JURISDICTIONAL TRANSFER TASK FORCE, 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. 51, NEW MOTOR VEHICLE FRANCHISE ACT AMENDMENTS, by Senator D. Eastman, and it is transmitted for the signature of the President; and
The House passed, **S.B. 71**, SECURITY PERSONNEL LICENSING AMENDMENTS, by Senator G. Davis, 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. 139**, WAGE PROVISIONS, by Senator H. Stephenson, and it is transmitted for the signature of the President; and

The House receded from its amendments and passed **1st Sub. S.B. 178**, CHARTER SCHOOL 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 **2nd Sub. S.B. 184**, REDEVELOPMENT AGENCY AMENDMENTS, by Senator C. Bramble, and it is transmitted for the signature of the President; and

The House passed, as amended, **2nd Sub. S.B. 199**, OFFICE OF ENERGY – OVERSIGHT, by Senator T. Hatch, and it is transmitted for further consideration; and

The House passed, **S.B. 216**, AMENDMENTS TO UTAH EMERGENCY MEDICAL SERVICES ACT, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 1, 1st Sub. S.B. 25, S.B. 51, S.B. 71, 1st Sub. S.B. 139, 1st Sub. S.B. 178, 2nd Sub. S.B. 184, 2nd Sub. S.B. 199, and S.B. 216** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* ***

**Mr. President:** March 2, 2005

The House passed, as amended, **S.B. 7**, FUNDING FOR TOURISM, by Senator S. Jenkins, et al, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bill was placed on the Concurrence Calendar.

* ***

On motion of Senator Knudson, and at 9:10 p.m., the Senate sauntered.
The Senate was called to order at 9:25 p.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 2, 2005

The House adopted the Joint Conference Committee Report dated March 2, 2005, and passed 2nd Sub. S.B. 137, TOURISM, RECREATION, CULTURAL, AND CONVENTION FACILITIES TAX AMENDMENTS, by Senator H. Stephenson, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

JOINT CONFERENCE COMMITTEE REPORT

Mr. President: March 2, 2005


Sen. Stephenson and
Rep. Kiser
Committee Chairs

On motion of Senator Stephenson, the Senate voted to adopt the Joint Conference Committee report to 2nd Sub. S.B. 137, TOURISM, RECREATION, CULTURAL, AND CONVENTION FACILITIES TAX AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen          Bell          Bramble          Buttars
Eastman       Evans        Fife            Hatch
Hellewell      Hickman     Hillyard        Jenkins
Killpack       Knudson     Mansell         Mayne
McCoy          Peterson    Stephenson      Thomas
Valentine

Absent or not voting were: Senators
Arent          Christensen  Davis           Dmitrich
Hale           Madsen       Waddoups       Walker
2nd Sub. S.B. 137 was returned to the House for signature of the Speaker.

CONCURRENCE CALENDAR

On motion of Senator Jenkins, the Senate voted to concur in the House amendments to S.B. 7, FUNDING FOR TOURISM. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen                  Bell                  Bramble                  Buttars
Christensen           Davis                  Dmitrich                Eastman
Evans                 Fife                   Hatch                   Hellewell
Hickman               Hillyard               Jenkins                 Killpack
Knudson               Mansell                Mayne                   McCoy
Peterson              Stephenson             Thomas                  Valentine

Voting in the negative was: Senator
Madsen

Absent or not voting were: Senators
Arent                  Hale                   Waddoups                Walker

S.B. 7 was returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Bramble, the circle was removed from 3rd Sub. H.B. 260, AMENDMENTS RELATED TO PORNOGRAPHIC AND HARMFUL MATERIALS, and it was before the Senate. Senator Jenkins commented.

Senator Bramble proposed the following amendment:

1. Page 9, Lines 260 through 265

260 (3) (a) A service provider may comply with Subsection (1) by:
261 (i) providing {network−level } in−network filtering to prevent receipt of material harmful to minors;
262 or
263 (ii) providing {at the time of a consumer’s request under Subsection (1), } software for
contemporaneous installation on the consumer’s computer that blocks, in an easy-to-enable and commercially reasonable manner, receipt of material harmful to minors.

2. Page 11, Lines 313 through 319:

313 (2) (a) A service provider may comply with Subsection (1) by:

314 (i) providing in-network filtering to prevent receipt of material harmful to minors;

315 (ii) providing software for contemporaneous installation on the consumer’s computer that blocks, in an easy-to-enable and commercially reasonable manner, receipt of material harmful to minors; or

318 (iii) complying with any federal law in effect that requires the blocking of content from a registry of sites containing material harmful to minors.

2. Page 11, Line 325:

325 (ii) A service provider with fewer than 7,500 subscribers may charge a consumer for

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

On motion of Senator Bramble, under suspension of the rules, 3rd Sub. H.B. 260, AMENDMENTS RELATED TO PORNOGRAPHIC AND HARMFUL MATERIALS, 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

Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Fife Hale
Hatch Hellewell Hickman Hillyard
Jenkins Killpack Knudson Madsen
Mansell Mayne McCoy Peterson
Stephenson Thomas Waddoups Valentine
Absent or not voting was: Senator Walker

3rd Sub. H.B. 260, as amended, was returned to the House for further consideration.

***

H.B. 324, TAXABLE VALUE ADJUSTMENT FOR PROPERTY DAMAGED BY A NATURAL DISASTER, was read the second time. Senator Hickman explained the bill. This bill did not have a Senate standing committee hearing.

Senator Hickman proposed an amendment. The amendment was not acted on.

On motion of Senator Hickman, the bill was circled.

***

On motion of Senator Walker, under suspension of the rules, H.B. 259, ADOPTION AMENDMENTS, was considered read the second and third times. This bill did not have a Senate standing committee hearing.

Senator Hillyard proposed the following amendment:

1. Pages 9 to 13, Lines 245 to 395:
   Delete lines 245 to 395

2. Page 2, Lines 21 to 23:
   Delete lines 21, 22, and 23
   Renumber accordingly

Senator Hillyard’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

Allen       Arent       Bell       Buttars
Christensen Davis Dmitrich Eastman
Evans       Fife        Hale       Hellewell
Hillyard    Jenkins     Killpack   Knudson
Madsen      Mansell     Mayne      McCoy
Peterson    Stephenson  Waddoups   Walker
Valentine   
Absent or not voting were: Senators
Bramble  Hatch  Hickman  Thomas

H.B. **259**, as amended, was returned to the House for further consideration.

***

On motion of Senator Waddoups, under suspension of the rules, **3rd Sub. H.B. 308**, ARCHEOLOGICAL RESOURCES AMENDMENTS, was considered read the second and third times.

Senator Waddoups proposed the following amendment:

1. Page 4, Line 91:
   Senate Committee Amendments
   3–2–2005
   After “be” insert “to”

Senator Waddoups’ motion to amend passed on a voice vote. Senators Mayne and Hatch commented. The bill passed on the following roll call:

Yeas, 18; Nays, 9; Absent, 2.

Voting in the affirmative were: Senators
Bramble  Buttars  Christensen  Dmitrich
Eastman  Evans  Hatch  Hellewell
Hickman  Hillyard  Jenkins  Killpack
Knudson  Madsen  Peterson  Stephenson
Waddoups  Valentine

Voting in the negative were: Senators
Allen  Arent  Davis  Fife
Hale  Mayne  McCoy  Thomas
Walker

Absent or not voting were: Senators
Bell  Mansell

**3rd Sub. H.B. 308**, as amended, was returned to the House for further consideration

***

On motion of Senator Hickman, the circle was removed from **H.B. 324**, TAXABLE VALUE ADJUSTMENT FOR PROPERTY DAMAGED BY A NATURAL DISASTER.
Senator Hickman proposed the following amendment:

1. Page 2 Line 17:
   House Floor Amendments
   2–22–2005
   Delete ‘‘40%’’ and reinstate ‘‘30%’’

2. Page 2a, Line 58:
   House Floor Amendments
   2–22–2005
   Delete ‘‘40%’’ and reinstate ‘‘30%’’

3. Page 3, Line 74:
   House Floor Amendments
   2–22–2005
   Delete ‘‘40%’’ and reinstate ‘‘30%’’

Senator’s Hickman amendment passed on a voice vote.

On motion of Senator Hickman, under suspension of the rules, **H.B. 324**, TAXABLE VALUE ADJUSTMENT FOR PROPERTY DAMAGED BY A NATURAL DISASTER, 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

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**Absent or not voting were:** Senators

| Bell       | Eastman |

**H.B. 324**, as amended, was returned to the House for further consideration.

**On motion of Senator Bramble, the circle was removed from 2nd Sub. H.B. 104, SPYWARE CONTROL ACT REVISIONS, and it was before the Senate. Senators Thomas, McCoy, and Arent commented.**
On motion of Senator Bramble, under suspension of the rules, 2nd Sub. H.B. 104, SPYWARE CONTROL ACT REVISIONS, 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
Allen      Arent      Bell      Bramble
Buttars    Christensen Davis Dmitrich
Evans      Fife       Hale      Hatch
Hellewell   Hickman    Jenkins Killpack
Knudson    Mansell    Mayne     Peterson
Stephenson Thomas Waddoups Walker

**Voting in the negative were:** Senators
Madsen      McCoy

**Absent or not voting were:** Senators
Eastman Hillyard Valentine

2nd Sub. H.B. 104 was returned to the House for further consideration.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 2, 2005

The House passed, as amended, 1st Sub. S.B. 211, FUNDING FOR CONVENTION FACILITIES, by Senator M. Waddoups, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bill was placed on the Concurrence Calendar.

**CONCURRENCE CALENDAR**

On motion of Senator Waddoups, the Senate voted to concur in the House amendments to 1st Sub. S.B. 211, FUNDING FOR CONVENTION FACILITIES. Senator Hickman commented. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Allen      Arent      Bell      Bramble
Buttars    Christensen Davis Dmitrich
Voting in the negative were:

Senators
Evans          Hatch          Hickman          Hillyard
Peterson       Thomas

1st Sub. S.B. 211 was returned to the House for the signature of the Speaker of the House.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 2, 2005

The House passed, S.B. 207, MOTOR VEHICLE INSURANCE COVERAGE 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. 157, UTAH CONSUMER CREDIT CODE 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. 158, DISHONORED INSTRUMENT 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.C.R. 8, CONCURRENT RESOLUTION APPROVING CLASS V LANDFILL, by Senator M. Dmitrich, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 207, S.B. 157, S.B. 158, and S.C.R. 8 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 Hatch, under suspension of the rules, H.B. 140, INDIVIDUAL INCOME TAX CONTRIBUTION FOR COMMUNITY SPAY AND NEUTER PROGRAMS, was considered read the second and third times. This bill did not have a Senate standing committee hearing. Senators Bramble, Christensen, Arent, and McCoy commented. The bill failed on the following roll call:
Yeas, 11; Nays, 9; Absent, 9.

**Voting in the affirmative were:** Senators
- Allen
- Arent
- Bell
- Dmitrich
- Eastman
- Fife
- Hale
- Hatch
- Knudson
- McCoy
- Peterson

**Voting in the negative were:** Senators
- Christensen
- Evans
- Hickman
- Hillyard
- Jenkins
- Madsen
- Mansell
- Stephenson
- Valentine

**Absent or not voting were:** Senators
- Bramble
- Buttars
- Davis
- Hellewell
- Killpack
- Mayne
- Thomas
- Waddoups
- Walker

**H.B. 140** was returned to the House for filing.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 2, 2005

The Speaker of the House has signed **1st Sub. S.B. 144**, MOTOR VEHICLE STOPS AT PORT−OF−ENTRY, by Senator P. Knudson, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**1st Sub. S.B. 144** was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

***

Mr. President: March 2, 2005

The House passed, as amended, **H.J.R. 20**, MASTER STUDY RESOLUTION, by Representative J. Alexander, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

**H.J.R. 20** was read for the first time and referred to the Rules Committee.

**SECOND READING CALENDAR**

**1st Sub. H.B. 235**, INSURANCE ARBITRATION AMENDMENTS, was read the second time. This bill did not have a Senate standing committee hearing.
On motion of Senator Knudson, the bill was circled.

* * *

On motion of Senator Madsen, under suspension of the rules, H.J.R. 19, JOINT RESOLUTION URGING HEALTH CARE FOR UTAH’S INDIGENT AND NEEDY UNINSURED, was considered read the second and third times. This bill did not have a Senate standing committee hearing. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Waddoups | Walker |

H.J.R. 19 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Knudson, under suspension of the rules, 1st Sub. H.B. 96, AMENDMENTS RELATING TO CLEAN FUELS AND VEHICLES USING CLEAN FUELS, was considered read the second and third times. This bill did not have a Senate standing committee hearing.

Senator Knudson proposed the following amendment:

1. Page 1, Lines 15 through 17

15 provides the circumstances under which a vehicle may travel in lanes designated for

16 the use of high occupancy vehicles regardless of the number of occupants;

- grants rulemaking authority to the Department of Transportation:
extends for a period of five taxable years certain 
individual income tax and

regardless of the number of occupants to the extent authorized or 
permitted by federal law or 

federal regulation.

(b) In accordance with Title 63, Chapter 46a, Utah Administrative 
Rulemaking Act, the Department of Transportation may make rules to 
allow a vehicle with clean fuel special group license plates issued in 
accordance with Section 41–1a–418 to travel in lanes designated for the 
use of high occupancy vehicles regardless of the number of occupants to 
the extent authorized or permitted by federal law or federal regulation.

(b) (i) Before a vehicle with clean fuel special group 
license plates issued in 

according to Section 41–1a–418 may travel in lanes designated 
for the use of high 

occupancy vehicles regardless of the number of occupants, the 
vehicle shall have a label 

attached to the vehicle as provided in Subsection (5)(b)(ii) if the 
category of clean fuel vehicles 

authorized or permitted by federal law or federal regulation to 
travel in lanes designated for the 

use of high occupancy vehicles regardless of the number of 
occupants is a category of vehicles 

that:

(A) includes the vehicle described in this Subsection (5)(b)(i); 

and

(B) is more narrow than the category of vehicles that may be 
issued clean fuel special 
group license plates in accordance with Section 41–1a–418.

(ii) The label described in Subsection (5)(b)(i) shall:

(A) meet the design specifications of 40 C.F.R. Sec. 88.312–93; 

and

(B) be attached:
(I) regardless of whether the vehicle described in Subsection (5)(b)(i) is part of a fleet of vehicles;
(II) to the rear of the vehicle described in Subsection (5)(b)(i);
(III) in one or more places in addition to the attachment required by Subsection (5)(b)(ii)(B)(II) if federal law or federal regulation requires an attachment in one or more places in addition the attachment required by Subsection (5)(b)(ii)(B)(II);
and
(IV) following the procedures and requirements provided in 40 C.F.R. Sec. 88.312−93 for attaching labels to vehicles.

(6) A person who operates a vehicle in violation of Subsection (2) or in violation of the

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

Yea, 26; Nay, 1; Absent, 2.

Voting in the affirmative were: Senators
Allen  Arent  Buttars  Christensen
Davis  Dmitrich  Eastman  Evans
Fife  Hale  Hatch  Hellewell
Hickman  Hillyard  Jenkins  Killpack
Knudson  Madsen  Mansell  Mayne
Peterson  Stephenson  Thomas  Waddoups
Walker  Valentine

Voting in the negative was: Senator
McCoy

Absent or not voting were: Senators
Bell  Bramble

1st Sub. H.B. 96, as amended, was returned to the House for further consideration.
* * *

On motion of Senator Arent, under suspension of the rules, **H.B. 276**, DIVISION OF CRIMINAL INVESTIGATION AND TECHNICAL SERVICES AMENDMENTS, was considered read the second and third times.

Senator Arent proposed the following amendment:

1. Page 4, Lines 118 through 120

118 (iii) equivalent experience with a firearm through participation in an organized shooting competition, law enforcement, or military service.

119 (c) Any instruction taken by a student under Subsection (9)(b) shall be in person and not through electronic means.

120 (9) An applicant for certification as a Utah concealed firearms instructor shall:

Senator Arent’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

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**Absent or not voting were:** Senators

| Bell | Bramble  | Eastman |

**H.B. 276**, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Killpack, under suspension of the rules, **H.B. 268**, DRUG UTILIZATION REVIEW COMMITTEE AMENDMENTS, was considered read the second and third times. This bill did not have a Senate standing committee hearing. The bill passed on the following roll call:
Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators
Allen                  Arent                  Buttars                  Christensen
Davis                  Dmitrich                Eastman                  Evans
Fife                   Hale                    Hatch                    Hellewell
Hickman                Hillyard                Jenkins                  Killpack
Knudson                Madsen                  Mansell                  Mayne
McCoy                  Peterson                Stephenson               Thomas
Waddoups               Walker                  Valentine               

Absent or not voting were: Senators
Bell                    Bramble               

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 Waddoups, the circle was removed from 1st Sub. H.B. 235, INSURANCE ARBITRATION AMENDMENTS, and it was before the Senate.

On motion of Senator Waddoups, under suspension of the rules, 1st Sub. H.B. 235, INSURANCE ARBITRATION 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
Allen                  Arent                  Bell                    Buttars
Christensen            Davis                   Dmitrich                Eastman
Evans                  Fife                    Hale                    Hatch
Hellewell              Hickman                 Hillyard                Jenkins
Knudson                Madsen                  Mansell                 Mayne
Peterson               Stephenson              Thomas                  Waddoups
Walker                 Valentine               

Absent or not voting were: Senators
Bramble                Killpack                McCoy

1st Sub. H.B. 235 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
COMMUNICATIONS FROM THE HOUSE

Mr. President: March 2, 2005

The House passed, S.B. 146, AVOIDING APPREHENSION AMENDMENT, by Senator M. Waddoups, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 146 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 2, 2005

The House has rejected S.B. 75, PUBLIC SAFETY DATABASE AMENDMENTS, by Senator M. Waddoups, and it is transmitted for filing

Carole E. Peterson, Chief Clerk

The bill will be returned to the staff for filing.

* * *

Mr. President: March 2, 2005

The House refuses to recede from its amendments to 2nd Sub. S.B. 109, SAFETY BELT ENFORCEMENT, by Senator K. Hale, et al, and has appointed a Conference Committee consisting of Representatives S. Allen, D. Ure, and J. Gowans to meet with a like committee from the Senate on this bill.

Carole E. Peterson, Chief Clerk

President Valentine appointed a conference committee consisting of Senators Hale, Bramble, and Madsen to meet with a like committee from the House.

RULES COMMITTEE REPORTS

To the Members of the Senate: March 2, 2005

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

H.C.R. 3  Resolution Regarding Washington County Waste Facility
           (Rep. B. Last)
1st Sub. H.B. 291 Capitol Preservation Board Modifications
             (Rep. J. Alexander)
1st Sub. H.B. 269  Sales Marketing Requirements (Rep. M. Noel)
H.B. 233  Adoption Law Revisions (Rep. R. McGee)
H.B. 118  Revise Utility Improvement Districts (Rep. D. Ure)
1st Sub. H.B. 84  Reading Requirements for Student Advancement (Rep. K. Morgan)
H.B. 342  Civil Legal Aid for Victims of Domestic Violence (Rep. S. Mascaro)
1st Sub. H.B. 335  Disconnecting Territory from a Municipality (Rep. C. Frank)
H.B. 319  Expansion of Department of Administrative Services Oversight to Include Human Resource Management (Rep. D. G. Buxton)
1st Sub. H.B. 381  Nonresident Tuition Waivers (Rep. C. Buttars)
H.B. 238  Utah Technology Commission Membership (Rep. J. Dougall)
H.B. 95  Sex Offender Registration Amendments (Rep. J. Dougall)
H.B. 129  School Uniforms (Rep. C. Frank)

Michael Waddoups  
Rules Committee Chair

Report filed. On motion of Senator Waddoups, the committee report was adopted.
COMMUNICATIONS FROM THE HOUSE

Mr. President: March 2, 2005

The House concurred in the Senate amendments and passed H.B. 142, ISSUES SUBMITTED TO VOTERS, by Representative G. Hughes, et al, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

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.

* * *

Mr. President: March 2, 2005

The House passed S.B. 3, SUPPLEMENTAL APPROPRIATIONS ACT II, by Senator L. Hillyard, with the following amendments:

1. Page 2, Line 44:
   Senate 2nd Reading Amendments
   3–2–2005:
   Delete “309,600” and insert “9,600”

2. Page 2, Line 46:
   Senate 2nd Reading Amendments
   3–2–2005:
   Delete “309,600” and insert “9,600”

3. Page 3, Line 74:
   Delete “20,500” and insert “170,500”

4. Page 3, Line 76:
   After Line 76 insert:
   “State and Local Planning 150,000”

5. Page 3, Line 82:
   After Line 82 insert:
   “It is the intent of the Legislature that the Governor’s Office of Planning and Budget use the monies appropriated for State and Local Planning to assist cities and counties with county resource management planning, quality growth planning, critical lands planning, or other important local government planning needs.”

6. Page 16, Line 586c
   Senate 2nd Reading Amendments
3–2–2005:
Delete “(300,000)” and insert “(150,000)”

7. Page 16, Line 586e
Senate 2nd Reading Amendments
3–2–2005:
Delete “(300,000)” and insert “(150,000)”

8. Page 28, Line 1049:
Delete “100,000” and insert “180,000”

9. Page 28, Line 1051:
Delete “100,000” and insert “180,000”

10. Page 42, Line 1580:
After Line 1580 insert:

“Item 148a To the State Board of Education – State Office of Education
From General Fund, One-time 15,000
Schedule of Programs:
State Office of Education 15,000
The Legislature intends that the $15,000 appropriated in this item be
used for implementation of a Congressional Conference on Civic
Education action plan.”

and returns it to the Senate for consideration; and

The House substituted and passed, 4th Sub. S.B. 192, HIGH
TECHNOLOGY ECONOMIC DEVELOPMENT APPROPRIATION, by
Senator L. Alma Mansell, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

The bills were placed on the Concurrence Calendar.

* * *

Mr. President: March 2, 2005

The House refused to concur with the Senate Amendments to H.B. 288,
EXECUTIVE COMPENSATION AMENDMENTS, by Representative
J. Alexander, and requests the Senate recede from its amendments.

Carole E. Peterson, Chief Clerk

On motion of Senator Knudson, the Senate voted to refuse to recede from its
amendments to H.B. 288. President Valentine appointed a conference committee
consisting of Senators Hatch, Hickman, and McCoy to meet with a like committee from the House.

CONCURRENCE CALENDAR

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to S.B. 3, SUPPLEMENTAL APPROPRIATIONS ACT II . The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Davis Dmitrich Eastman
Evans Fife Hatch Hellewell
Hickman Hillyard Jenkins Knudson
Madsen Mansell Mayne McCoy
Peterson Stephenson Thomas Waddoups
Walker Valentine

Absent or not voting were: Senators
Christensen Hale Killpack

S.B. 3 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Mansell, the Senate voted to concur in the House amendments to 4th Sub. S.B. 192, HIGH TECHNOLOGY ECONOMIC DEVELOPMENT APPROPRIATION. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Fife Hatch
Hellewell Hickman Hillyard Jenkins
Killpack Knudson Madsen Mansell
Mayne McCoy Peterson Stephenson
Thomas Waddoups Walker Valentine

Absent or not voting was: Senator
Hale
4th Sub. S.B. 192 was returned to the House for the signature of the Speaker of the House.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 2, 2005

The House refused to concur with the Senate Amendments to H.B. 382, SUPPLEMENTAL MINIMUM SCHOOL PROGRAM FINANCE ACT, by Representative G. Snow, and requests the Senate recede from its amendments.

Carole E. Peterson, Chief Clerk

On motion of Senator Hillyard, the Senate voted to recede from its amendments to H.B. 382, SUPPLEMENTAL MINIMUM SCHOOL PROGRAM FINANCE ACT. The bill, as amended, passed on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.

Voting in the affirmative were: Senators
Allen    Arent    Bell    Bramble
Christensen Davis Dmitrich Eastman
Evans    Fife     Hatch   Hellewell
Hickman  Hillyard Jenkins Killpack
Knudson  Madsen  Mansell Mayne
McCoy    Peterson Stephenson Thomas
Waddoups Walker Valentine

Voting in the negative was: Senator
Buttars

Absent or not voting was: Senator
Hale

H.B. 382 was signed by the President in open session and returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Hatch, under suspension of the rules, H.C.R. 3, RESOLUTION REGARDING WASHINGTON COUNTY WASTE FACILITY, 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

Allen  Arent  Bell  Bramble
Buttars  Christensen  Davis  Dmitrich
Eastman  Evans  Fife  Hatch
Hellewell  Hickman  Hillyard  Jenkins
Killpack  Knudson  Madsen  Mansell
Mayne  McCoy  Peterson  Stephenson
Thomas  Waddoups  Walker  Valentine

Absent or not voting was: Senator Hale

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.

* * *

1st Sub. H.B. 291, CAPITOL PRESERVATION BOARD MODIFICATIONS, was read the second time. This bill did not have a Senate standing committee hearing.

On motion of Senator Evans, the bill was circled.

* * *

On motion of Senator Stephenson, under suspension of the rules, 1st Sub. H.B. 269, SALES MARKETING REQUIREMENTS, was considered read the second and third times. This bill did not have a Senate standing committee hearing.

Senator Stephenson proposed the following amendment:

1. Page 5, Line 132:
   Delete “promotion” and insert “promotional”

Senator Stephenson’s motion to amend passed on a voice vote. Senators Arent, Bramble, and McCoy commented and the bill failed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble  Evans  Hatch  Hickman
Madsen  Mansell  Peterson  Stephenson
Waddoups  Walker  Valentine
Voting in the negative were: Senators
Allen Arent Bell Buttars
Christensen Davis Dmitrich Eastman
Fife Hale Hellewell Hillyard
Jenkins Killpack Knudson Mayne
McCoy Thomas

1st Sub. H.B. 269 was returned to the House for filing.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 2, 2005

The House passed 1st Sub. S.B. 8, LOCAL CORRIDOR PRESERVATION FUNDING, by Senator S. Killpack, with the following amendments:

1. Page 1, Lines 14 through 15:
   14 allows a county legislative body to impose up to a { $20 } $10 local option transportation
   15 corridor preservation fee on motor vehicle registrations and
   renewals of registration;

2. Page 3, Lines 66 through 67
   Senate 2nd Reading Amendments
   1–24–2005
   66 (1) (a) (i) A county legislative body may impose a local option
   transportation corridor
   67 preservation fee of up to { $20 } $10 on each motor vehicle
   registration within the county.

and returns it to the Senate for consideration.

Carole E. Peterson, Chief Clerk

The bill was placed on the Concurrence Calendar.

CONCURRENCE CALENDAR

On motion of Senator Killpack, the Senate voted to concur in the House amendments to 1st Sub. S.B. 8, LOCAL CORRIDOR PRESERVATION FUNDING. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
1st Sub. S.B. 8 was returned to the House for the signature of the Speaker of the House.

SECOND READING CALENDAR

On motion of Senator Arent, under suspension of the rules, H.B. 233, ADOPTION LAW REVISIONS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators
Allen Arent Bell Bramble
Buttars Christensen Davis Dmitrich
Eastman Evans Fife Hale
Hellewell Hillyard Jenkins Knudson
Madsen Mansell Mayne Peterson
Stephenson Thomas Waddoups Walker
Valentine

Absent or not voting were: Senators
Hatch Hickman Killpack McCoy

H.B. 233 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Knudson, the Senate voted to lift H.J.R. 20 from Rules and place it at the top of the Second Reading Calendar.

* * *

On motion of Senator Knudson, under suspension of the rules, H.J.R. 20, MASTER STUDY RESOLUTION, was considered read the second and third
times. This bill did not have a Senate standing committee hearing. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Allen        Arent        Bell        Bramble
Buttars      Christensen  Davis       Dmitrich
Eastman      Evans        Fife        Hale
Hellewell    Hillyard     Jenkins     Killpack
Knudson      Madsen       Mansell     Mayne
Peterson     Stephenson   Thomas      Waddoups
Walker       Valentine

**Absent or not voting were:** Senators

Hatch        Hickman      McCoy

H.J.R. 20 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. 18, TRANSPORTATION INVESTMENT ACT, was read the second time. Senator Walker explained the bill. This bill did not have a Senate standing committee hearing. Senators Allen, Dmitrich, and Bramble commented.

On motion of Senator Bramble, the bill was circled.

***

On motion of Senator Bramble, under suspension of the rules, 1st Sub. H.B. 57, TOURISM TASK FORCE, was considered read the second and third times

Senator Bramble proposed the following amendment:

1. Page 2, Lines 42 through 53

   42 (1) The task force shall review and make recommendations on the following issues:

   43 (-a) how to attract new tourism year round in the state including convention, recreational, and sports related tourism:
(b) how to encourage tourists to: }

(a)(i) the progress towards a unified process for bringing the state and counties together for a cohesive tourism plan;

(ii) if necessary, how to expand the tourism plan described in this Subsection (1)(a) to a three−year, five−year, and seven−year plan; and

(iii) the appropriate process for developing under any plan described in this Subsection (1)(a):

(A) funding projections; and

(B) return revenue projections;

(b) state, county, and municipality branding;

(c) the vision and goals for the state related to tourism using techniques that account for the future;

(d) tourism related business development and infrastructure to:

(i) eliminate duplication; and

(ii) facilitate joint ventures involving the state, counties, municipalities, other government entities, visitor bureaus, and private entities;

(e) establishing marketing plans for encouraging people and businesses from out of state to:

(i) return for multiple visits to the state;

(ii) stay longer; and

(iii) expend monies while in the state;

(f) how to encourage state and local government cooperation in developing tourism

initiatives;

(g) how to remove impediments, if any, to attracting tourism to the state:

(h) funding sources for tourism related programs including whether or not state or local taxes should be earmarked; and

(i) any other issue related to tourism that the task force elects to study.

(2) The task force shall conduct a cost benefit analysis of motion picture incentives and their relationship to promoting tourism.

(3) A final report, including any proposed legislation, shall be presented to the

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

Allen     Arent     Bell     Bramble
Buttars   Christensen Davis Dmitrich
Eastman   Evans     Fife     Hale
Hatch     Hellewell Hickman Hillyard
Jenkins   Killpack  Knudson Madsen
Mansell   Mayne     McCoy Peterson
Stephenson Thomas Waddoups Walker
Valentine

1st Sub. H.B. 57, as amended, was returned to the House for further consideration.

***

On motion of Senator Hickman the Senate voted to move H.B. 319 to the top of the Second Reading Calendar.

On motion of Senator Hickman, under suspension of the rules, H.B. 319, EXPANSION OF DEPARTMENT OF ADMINISTRATIVE SERVICES OVERSIGHT TO INCLUDE HUMAN RESOURCE MANAGEMENT, was considered read the second and third times. This bill did not have a Senate standing committee hearing. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Allen     Arent     Bell     Bramble
Buttars   Christensen Davis Dmitrich
Eastman   Evans     Fife     Hale
Hatch     Hellewell Hickman Hillyard
Jenkins   Killpack  Knudson Madsen
Mansell   Mayne     McCoy Peterson
Stephenson Thomas Waddoups Walker
Valentine

H.B. 319 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

***

On motion of Senator Bramble, under suspension of the rules, H.B. 272, PATIENT ACCESS TO PROVIDERS AND CONTRACTING AMENDMENTS,
was considered read the second and third times. This bill did not have a Senate standing committee hearing. Senator Buttars and Hellewell commented and the bill failed on the following roll call:

**Yeas, 14; Nays, 15; Absent, 0.**

**Voting in the affirmative were:** Senators

- Bramble
- Hatch
- Knudson
- Walker
- Christensen
- Hickman
- Madsen
- Valentine
- Evans
- Hillyard
- Peterson
- Fife
- Killpack
- Stephenson
- Walker

**Voting in the negative were:** Senators

- Allen
- Davis
- Hellewell
- McCoy
- Arent
- Dmitrich
- Jenkins
- Thomas
- Bell
- Eastman
- Mansell
- Waddoups
- Buttars
- Hale
- Mayne
- Waddoups

**H.B. 272** was returned to the House for filing.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 2, 2005


Sen. Thomas Hatch
and Rep. Alexander, Chairs

On motion of Senator Hatch, the Senate voted to adopt the Joint Conference Committee report to **H.B. 288**, EXECUTIVE COMPENSATION AMENDMENTS. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

- Allen
- Christensen
- Evans
- Hellewell
- Killpack
- Mayne
- Valentine
- Bell
- Dmitrich
- Fife
- Hickman
- Hillyard
- Knudson
- Madsen
- Peterson
- Walker
- Buttars
- Eastman
- Hale
- Jenkins
- Mansell
- Thomas
Voting in the negative were: Senators
Arent       McCoy        Stephenson     Waddoups

H.B. 288 was returned to the House for further consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

March 2, 2005

The Speaker of the House has signed S.B. 3, SUPPLEMENTAL APPROPRIATIONS ACT II, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 7, FUNDING FOR TOURISM, by Senator S. Jenkins, and it is transmitted for the signature of the President; and

The Speaker of the House has signed 1st Sub. S.B. 8, LOCAL CORRIDOR PRESERVATION FUNDING, by Senator S. Killpack, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. S.B. 80, SPECIAL SERVICE DISTRICTS − SERVICE EXPANSION, by Senator M. Dmitrich, and it is transmitted for the signature of the President; and

The House passed, S.B. 190, COUNTY OFFICER AMENDMENTS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed 4th Sub. S.B. 192, HIGH TECHNOLOGY ECONOMIC DEVELOPMENT APPROPRIATION, by Senator L. A. Mansell, and it is transmitted for the signature of the President; and

The Speaker of the House has signed 1st Sub. S.B. 211, FUNDING FOR CONVENTION FACILITIES, by Senator M. Waddoups, and it is transmitted for the signature of the President; and

The Speaker of the House has signed 2nd Sub. S.B. 137, TOURISM, RECREATION, CULTURAL, AND CONVENTION FACILITIES TAX AMENDMENTS, by Senator H. Stephenson, and it is transmitted for the signature of the President; and

The House passed, S.C.R. 2, RESOLUTION APPROVING CLASS V LANDFILL, by Senator R. Allen, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

March 2, 2005

The House concurred in the Senate amendments and passed 1st Sub. H.B. 96, AMENDMENTS RELATING TO CLEAN FUELS AND VEHICLES USING CLEAN FUELS, by Representative F. Hunsaker, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 2nd Sub. H.B. 104, SPYWARE CONTROL ACT REVISIONS, 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. 259, ADOPTION AMENDMENTS, by Representative A. Hardy, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 3rd Sub. H.B. 260, AMENDMENTS RELATED TO PORNOGRAPHIC AND HARMFUL MATERIALS, 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. 276, DIVISION OF CRIMINAL INVESTIGATION AND TECHNICAL SERVICES 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 3rd Sub. H.B. 308, ARCHEOLOGICAL RESOURCES AMENDMENTS, by Representative B. Johnson, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 2nd Sub. H.B. 313, ECONOMIC DEVELOPMENT INITIATIVE FOR HIGHER EDUCATION, by Representative K. Holdaway, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 318, COMMUNITY AND ECONOMIC DEVELOPMENT RESTRUCTURING, by Representative C. Buttars, and it is transmitted for the signature of the President; and
The House concurred in the Senate amendments and passed **H.B. 324**, TAXABLE VALUE ADJUSTMENT FOR PROPERTY DAMAGED BY A NATURAL DISASTER, by Representative B. Last, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 338**, CHILD AND FAMILY WELFARE REVISIONS, by Representative L. Christensen, and it is transmitted for the signature of the President.

The House concurred in the Senate amendments and passed **1st Sub. H.B. 57**, TOURISM TASK FORCE, by Representative D. Ure, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk


* * *

Mr. President: March 2, 2005

The Speaker of the House has appointed a Conference Committee consisting of Representatives J. Alexander, S. Urquhart, and B. Goodfellow to meet with a like committee from the Senate to consider or amend **H.B. 288**, EXECUTIVE COMPENSATION AMENDMENTS, by Representative J. Alexander.

Carole E. Peterson, Chief Clerk

* * *

Mr. President: March 2, 2005

The Joint Conference Committee comprised of Sens. Hale, Bramble, and Madsen, and Reps. Allen, Ure, and Gowans, to which was referred **2nd Sub. S.B. 109**, SAFETY BELT ENFORCEMENT, by Senator K. Hale, et al, reports that the Conference Committee met and was unable to reach any agreement.

Senator Karen Hale
and Rep. Sheryl Allen, Chairs

* * *

On motion of Senator Knudson, 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 Knudson, 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 Sandy Tenney 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 2005 General Session of the Fifty-Sixth Legislature.

President Valentine appointed Senators Scott Jenkins, Allen Christensen, and Gene Davis to wait upon the Governor and ask if he has any further business to bring before the Senate.

President Valentine appointed Senators Carlene Walker, Mark Madsen, and Scott McCoy to notify the House of Representatives that the Senate has concluded its business and is ready to adjourn sine die.

Senator Peter Knudson and Senator Mike Dmitrich expressed appreciation to the minority and majority parties respectively.

Senator Greg Bell, Chairman of the Employee Committee, asked that all Senate employees stand and receive the appreciation 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 Knudson, Senator Eastman, Senator Waddoups for their contributions to the success of the session and to Senator Lyle Hillyard for his excellent service as Appropriations Chairman.

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

Senator Jenkins 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 Knudson and at 12:00 a.m., the Senate adjourned sine die.

SENEGATE STRUCK ENACTING CLAUSE
(HOUSE BILLS AND RESOLUTIONS)

Mr. President: March 2, 2005

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. 44 Additional State Retirement Benefit (Rep. L. Shurtliff)
H.B. 46 Public Education Capital Outlay Act Amendments
   (Rep. D. Cox)
H.B. 48 Motor Vehicle Registration and Safety Inspection
   Amendments (Rep. B. Daw)
1st Sub. H.B. 84 Reading Requirements for Student Advancement
   (Rep. K. Morgan)
H.B. 85 Health Insurance High Risk Pool – Eligibility
   Amendments (Rep. D. Litvack)
H.B. 95 Sex Offender Registration Amendments
   (Rep. M. S. Lawrence)
H.B. 118 Revise Utility Improvement Districts (Rep. D. Ure)
H.B. 119 Navajo Trust Fund Amendments (Rep. B. King)
H.B. 126 Amendments to Facilities with Regional Impact
   (Rep. G. Hughes)
H.B. 129 School Uniforms (Rep. C. Frank)
H.B. 135 Implementing Federal Educational Programs
   (Rep. M. Dayton)
H.B. 148 School Truancy Amendments (Rep. E. Hutchings)
H.B. 163 Garnishment Fees (Rep. S. Mascaro)
H.B. 209 Administrative Rules – Impact on Small Businesses
   (Rep. G. Hughes)
H.B. 214 Emerging Technologies and Open Government
   (Rep. D. Clark)
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<td>Sales and Use Tax Exemption for Textbooks for Higher Education</td>
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<td>H.B. 225</td>
<td>Boat Registration Fee</td>
<td>B. Goodfellow</td>
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<td>H.B. 231</td>
<td>School District Boundaries</td>
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<td>H.B. 238</td>
<td>Utah Technology Commission Membership</td>
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<td>H.B. 241</td>
<td>Veterans Nursing Home</td>
<td>D. G. Buxton</td>
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<td>H.B. 242</td>
<td>Criminal Penalty for Animal Cruelty</td>
<td>S. Wyatt</td>
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<td>Motorboat Liability Insurance Amendments</td>
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<td>Insurers Rehabilitation and Liquidation</td>
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<td>M. Noel</td>
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<td>H.B. 272</td>
<td>Patient Access to Providers and Contracting Amendments</td>
<td>R. Lockhart</td>
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<td>Capitol Preservation Board Modifications</td>
<td>J. Alexander</td>
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<td>Commission on Racial and Ethnic Fairness</td>
<td>D. Bourdeaux</td>
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<td>C. Oda</td>
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<td>H.B. 314</td>
<td>Driving with Any Measurable Controlled Substance in the Body Revisions</td>
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<td>Disconnecting Territory from a Municipality</td>
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<td>Civil Legal Aid for Victims of Domestic Violence</td>
<td>S. Mascaro</td>
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<td>H.B. 346</td>
<td>Schools for the Deaf and the Blind Salary Adjustments</td>
<td>K. Morgan</td>
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<td>H.B. 362</td>
<td>Appropriation for Highly Qualified Teachers</td>
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<td>H.B. 373</td>
<td>Education Technology Task Force</td>
<td>E. Hutchings</td>
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<td>H.B. 375</td>
<td>Revisions to General State Government − Notary Law Amendments</td>
<td>B. King</td>
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<td>Nonresident Tuition Waivers</td>
<td>C. Buttars</td>
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H.C.R. 14  Concurrent Resolution Honoring America’s Military War Dogs (Rep. S. Mascaro)

Annette B. Moore
Secretary of the Senate

HOUSE STRUCK ENACTING CLAUSE
SENATE BILLS AND RESOLUTIONS

Mr. President: March 2, 2005

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:

S.B. 22  Drug Offender Reform Act (D.C. Buttars)
1st Sub. S.B. 31  Local Government Amendments (D. Thomas)
2nd Sub. S.B. 34  Patient Access Reform (D.C. Buttars)
2nd Sub. S.B. 39  Consumer Credit Protection (C. Walker)
S.B. 49  Motor Vehicle Liability Coverage Amendments (D. Eastman)
1st Sub. S.B. 63  Severance Tax Amendments (B. Evans)
S.B. 67  Election Law – Voter Requirements (M. Madsen)
S.B. 77  Amendments to Indoor Clean Air Act (M. Waddoups)
S.B. 87  Residence Lien Restriction and Lien Recovery Fund Amendments (D. Thomas)
S.B. 109  Safety Belt Enforcement (K. Hale)
1st Sub. S.B. 113  Employee Noncompetition Contracts (E. Mayne)
S. B. 131  Authorization for Additional Judicial Position (M. Madsen)
S.B. 136  Justice Court Operations Amendments (E. Mayne)
S.B. 145  Prohibition Against Certain Medical Noncompetition Agreements (A.M. Christensen)
S.B. 147  Psychologist Licensing Act Amendments (E. Mayne)
S.B. 148  Conservation Easement Endowment Restricted Account (B. Evans)
S.B. 151  Driver Education Amendments (T. Hatch)
Mr. President: March 2, 2005

The Rules Committee recommends the enacting clause be stricken on the following Senate Bills and Resolutions and they be filed:

S.B. 29  Licensing of Crane Operators (Sen. G. Davis)
S.B. 33  Exemptions to Residential Property Tax (Sen. E. Mayne)
S.B. 38  Garnishment by Deferred Deposit Lenders (Sen. R. Allen)

Rebecca Lockhart
House Rule Committee Chair
S.B. 45  Charitable Purpose Determination (Sen. P. Hellewell)
S.B. 46  Prescriptive Practice of Legend Drugs (Sen. P. Knudson)
S.B. 66  Procurement Code Bidding and Contractual Amendments
         (Sen. E. Mayne)
S.B. 69  Family Sustaining Wage Amendments (Sen. F. Fife)
S.B. 70  Waste Tire Recycling Act Amendments (Sen. F. Fife)
S.B. 75  Public Safety Database Amendments (Sen. M. Waddoups)
S.B. 82  Individual Income Tax – Earned Income Tax Credit
         (Sen. T. Hatch)
S.B. 84  Do Not Call Registry Amendments (Sen. D. Thomas)
S.B. 85  Federal Research Committee (Sen. G. Davis)
S.B. 89  Mutual Dependence Benefits Contract (Sen. G. Bell)
S.B. 92  Utah Attorney’s Fees Recovery Act (Sen. D. Thomas)
S.B. 99  Damages for Trespass in State Parks (Sen. T. Hatch)
S.B. 102 Lobbyist Reporting Amendments (Sen. G. Bell)
S.B. 105 Judgment Interest Rate (Sen. S. Jenkins)
S.B. 111 Amendments Prohibiting Health Insurance Discrimination
         (Sen. S. McCoy)
S.B. 112 Child Protection Amendments (Sen. G. Bell)
S.B. 140 Personal Use of Campaign Funds (Sen. K. Hale)
S.B. 143 Open and Public Meetings – Recording Requirement
         (Sen. S. Jenkins)
S.B. 155 State School Board Candidate Selection Committees
         (Sen. K. Hale)
S.B. 156 Health Insurance – Prompt Payment Amendments
         (Sen. M. Waddoups)
S.B. 160 Child Support Exemption for Adoptive Parents of Certain
         Children in State Custody (Sen. P. Hellewell)
S.B. 165 Child Welfare Services (Sen. P. Hellewell)
S.B. 166 Prohibition Against Certain Low−level Radioactive Waste
         (Sen. P. Arent)
S.B. 175 Weapons Amendments (Sen. M. Madsen)
S.B. 181 Criminal Code Amendments (Sen. K. Hale)
S.B. 185 Amendments to the Multi−channel Video or Audio
         Service Tax Act (Sen. T. Hatch)
S.B. 186 Child Welfare Removal – Adoption Option
         (Sen. P. Hellewell)
S.B. 189 Property Tax – Certified Tax Rate Adjustment
         (Sen. G. Bell)
S.B. 208 Rights−of−Way Across School and Institutional Trust
         Lands (Sen. B. Evans)
1st Sub. S.B. 233  Blacklisting Amendments (Sen. A. Christensen)
1st Sub. S.B. 234  Amendments to Department of Community and Economic Development (Sen. P. Knudson)
S.J.R. 2  Resolution on Property Tax for Certain Personal Property (Sen. J. Hickman)
S.J.R. 12  Resolution Urging Funding (Sen. F. Fife)

The following bills were filed by title only and never introduced:

S.B. 2  General Obligation Bonds Authorizations (Sen. J. Hickman)
S.B. 68  Sales and Use Tax Amendments (Sen. E. Mayne)
S.B. 169  Local Option Sales and Use Tax Distribution Amendments (Sen. G. Bell)
S.B. 171  Corporate Accountability (Sen. E. Mayne)
S.B. 193  Property Tax Changes (Sen. L. Hillyard)
S.B. 196  Motor Vehicle Registration Amendments (Sen. S. Killpack)
S.B. 197  Reporting Taxable Income from Child Care Services (Sen. D. C. Buttars)
S.B. 198  Local Law Enforcement Authority for Wildlife Resources and State Parks (Sen. T. Hatch)
S.B. 200  Independent Elections Commission (Sen. G. Davis)
S.B. 202  Hearing Instrument Specialist Licensing Act (Sen. P. Julander)
S.B. 210  General Government Revisions (Sen. D. Peterson)
S.B. 213  Substance Abuse Counselor Amendments (Sen. R. Allen)
S.B. 214  Utah Midwifery Act (Sen. P. Julander)
S.B. 217  Tax Treatment of Food Sold in Vicinity of a Theater (Sen. M. Madsen)
S.B. 218  Motor Vehicle Lease or Purchase Agreements (Sen. M. Madsen)
S.B. 219  Security in Construction Projects (Sen. C. Bramble)
S.B. 220  Amendments to State Government (Sen. R. Allen)
S.B. 221  General State Government Amendments (Sen. R. Allen)
S.B. 222  Workers Compensation Fund Amendments (Sen. C. Bramble)
S.B. 224  Provisions Changing General Government (Sen. G. Davis)
S.B. 226  Amendments to Telecommunications (Sen. G. Davis)
S.B. 228  Improvements to General Government (Sen. F. Fife)
S.B. 229 General Government Amendments and Revisions  
(Sen. F. Fife)
S.B. 230 Health Law Amendments (Sen. F. Fife)
S.B. 235 Towing Amendments (Sen. D. C. Buttars)
S.B. 236 Compensation for Executive Director of Department of Health  
(Sen. P. Knudson)
S.B. 237 Military Transformation Authority (Sen. S. Killpack)
S.B. 238 Good Samaritan Coverage of Health Providers Charity Care  
(Sen. M. Madsen)
S.C.R. 7 Resolution Concerning Health Care Availability  
(Sen. G. Bell)  

Lyle Hillyard  
Senate Rule Committee Chair

Report filed.
### SUMMARY OF LEGISLATION

#### 2005 GENERAL SESSION

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### STATISTICAL SUMMARY OF GENERAL SESSIONS

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GOVERNOR’S ACTION ON LEGISLATION
2005 GENERAL SESSION

Vetos
HB 42  Medical Recommendations for Children
HB 279  Clinical Counselor—Title Change

Line Item Vetos
SB 3  Supplemental Appropriations Act II

Declined to Concur

COMMUNICATIONS FROM THE GOVERNOR

Mr. President and Speaker Curtis: March 22, 2005

This is to inform you that on March 22, 2005, I decided, after careful consideration and study, to veto House Bill 42, MEDICAL RECOMMENDATIONS FOR CHILDREN, of the General Session of the Fifty-Sixth Legislature and have transmitted it to the Lieutenant Governor for filing.

The reasons for my veto are as follows: First, this bill unnecessarily limits the communication that can take place between parents and teachers regarding a child’s behavior. Specifically, it significantly chills (and in many instances prohibits) a teacher from recommending to a parent psychiatric or psychological treatment or evaluation, behavioral health evaluation, or mental health screening and testing. Teachers and administrators are already restricted by state law and the Utah State Board of Education’s Administrative Rules from prescribing specific medications or requiring a child to take any specific medication as a condition of school attendance. Accordingly, the restrictions contained in this bill may needlessly hinder open and honest communication between a parent and a teacher concerning a child’s behavior and discussion about the right solution for the family, the child, and the school.

Second, because the bill requires that the parents or guardians be given the opportunity to review (in advance) any mental health tests that may be administered by school personnel, it would compromise the validity and security of those tests. Moreover, parental consent for many such examinations is already required by Utah Code Ann. 53–A–13–302.

Ultimately, decisions concerning a child’s behavior and solutions for any problems should be made by the child’s parents or guardians. In making decisions
about a child’s behavior, however, the parents and guardians should have unhindered access to input from teachers.

Jon M. Huntsman, Jr.
Governor

***

Mr. President and Speaker Curtis: March 22, 2005

This is to inform you that on March 22, 2005, I vetoed House Bill 279, CLINICAL COUNSELOR – TITLE CHANGE, of the General Session of the Fifty-Sixth Legislature and have transmitted it to the Lieutenant Governor for filing.

House Bill 279 simply changes the title of a Licensed Professional Counselor to a Licensed Clinical Counselor. The bill has unintended consequences that have been brought to my attention by Representative Lorie D. Fowlke, the sponsor of the bill, and members of the industry that both supported and opposed the bill.

At their request, I have agreed to veto the bill.

Jon M. Huntsman, Jr.
Governor

***

Mr. President and Speaker Curtis: March 22, 2005

This is to inform you that on March 22, 2005, I vetoed the following items of appropriation in Senate Bill 3, SUPPLEMENTAL APPROPRIATIONS ACT II, of the General Session of the Fifty-Sixth Legislature and have transmitted it to the Lieutenant Governor for filing.

Item 18 To Attorney General – Children’s Justice Centers
From General Fund 127,500

Schedule of Programs:

Children’s Justice Centers 127,500
To implement the provisions of Children’s Justice Center Addition
(Senate Bill 93, 2005 General Session).

This item of appropriation is a duplicate of the appropriation in Senate Bill 93, CHILDREN’S JUSTICE CENTER ADDITION.

Item 164 To Department of Transportation – Construction Management
From Transportation Investment Fund 30,000,000
Schedule of Programs – New 30,000,000
To implement the provisions of Transportation Investment Act (House Bill 18, 2005 General Session).

Item 168 To Department of Transportation – Centennial Highway Program
From Centennial Highway Fund (21,013,000)
From Centennial Highway Fund Restricted Account 170,607,700

Schedule of Programs

Centennial Highway Program 149,594,700
To implement the provisions of Transportation Investment Act (House Bill 18, 2005 General Session).

These items of appropriation implement the provisions of House Bill 18, TRANSPORTATION INVESTMENT ACT, which did not pass in the 2005 General Session. The Transportation Commission has programmed the $30 million for adding one additional lane in each direction for I–15 in Utah County. The funds were appropriated to the Centennial Highway Fund in House Bill 301, SUPPLEMENTAL APPROPRIATIONS III, and can be used to begin construction on the I–15 project.

Jon M. Huntsman, Jr.
Governor
SUBJECT INDEX

ALL SENATE AND HOUSE BILLS AND RESOLUTIONS

(P) – Passed & (F) – Failed

2005 GENERAL SESSION
FIFTY-SIXTH LEGISLATURE
January 17 through March 2, 2005
SUBJECT INDEX TITLES

ABUSE

Medical Decisions of a Parent or Guardian, Thomas, D. ................ SB 83 (P)
Presumption of Responsibility for Abuse or Neglect,
    Christensen, L. .................................................. HB 89 (P)
Revisions to Child Welfare, Harper, W. ......................... HB 202 (F)

ADMINISTRATIVE RULES AND PROCEDURES

Administrative Rules – Impact on Small Businesses, Hughes, G. ... HB 209 (F)
Administrative Rules Reauthorization, Ure, D. ..................... HB 37 (P)
Individual Income Tax – Return Filing Requirements,
    Stephenson, H. .................................................. SB 133 (P)
Utah Administrative Rulemaking Act Revision, Stephenson, H. ... SB 101 (P)

ADMINISTRATIVE SERVICES

Capitol Preservation Board Amendments, Evans, B. ............... SB 163 (P)

ADOPTION

Adoption Amendments, Hardy, A. ................................. HB 259 (P)
Adoption Law Revisions, McGee, R. .............................. HB 233 (P)
Amendments to Individual Income Tax Credit for Special
    Needs Adoptions, Hellewell, P. ............................. SB 125 (P)
Child Support Exemption for Adoptive Parents of Certain
    Children in State Custody, Hellewell, P. .................. SB 160 (F)
Child Welfare Removal – Adoption Option, Hellewell, P. ........ SB 186 (F)
Intercountry Adoption Accreditation, McGee, R. ................ HB 22 (P)

ADVERTISING

Restrictions of Advertising Illegal Activities, Wyatt, S. .......... HB 123 (F)

AERONAUTICS

Aerospace and Aviation Development Zone Modifications,
    Dmitrich, M. ....................................................... SB 9 (P)
Liens on Aircraft, Hatch, T. ..................................... SB 103 (P)
Space Exploration Resolution, Knudson, P. ....................... SJR 6 (P)
AGRICULTURE

Agricultural Advisory Board, Noel, M. .......................... HB 203 (P)
Agricultural Coop Amendments, Buttars, C. ...................... HB 155 (P)
County Option Sales and Use Tax for Agricultural Land,
  Open Land, and Recreational Facilities Act, Buttars, C. ...... HB 152 (F)
Dairy Promotion Act Amendments, Ure, D. ......................... HB 156 (P)
Historical Livestock Trails, Johnson, B. ............................ HB 182 (P)
Sales and Use Tax – Agricultural Exemption Vehicle Limitation,
  Menlove, R. ................................................................. HB 9 (P)
Sales and Use Tax Agriculture Exemptions, Allen, R. ........ SB 6 (P)
Water Enforcement Procedures and Penalties, Ure, D. .......... HB 157 (P)
Water Law – Criminal Penalties Amendments, Ferry, B. ...... HB 38 (P)

AIR

Amendments to Indoor Clean Air Act, Waddoups, M. ........ SB 77 (F)
Utah Indoor Clean Air Act Amendments, Ray, P. ............... HB 166 (F)

AIRPORTS

Concurrent Resolution Regarding Delta Air Lines, Eastman, D. SCR 9 (P)
Retirement for Airport Police, Dmitrich, M. ....................... SB 130 (P)

ALCOHOLIC BEVERAGE CONTROL

Alcoholic Beverage Control Amendments, Knudson, P. ....... SB 65 (P)
Young Artist Provisions, Hughes, G. ............................... HB 379 (F)

ALTERNATIVE DISPUTE RESOLUTION

Arbitration – Use of Subpoena Authorized, Eastman, D. ....... SB 116 (P)
Resolution Encouraging Mediation, Walker, C. ................. SJR 3 (P)

APPLIED TECHNOLOGY EDUCATION

Applied Technology Program Amendments, Ferrin, J. ......... HB 189 (F)
Utah College of Applied Technology Amendments, Bigelow, R. HB 86 (P)

APPROPRIATIONS

Annual Appropriations Act, Bigelow, R. ......................... HB 1 (P)
Appropriation for Highly Qualified Teachers, Holdaway, K. .. HB 362 (F)
Children’s Justice Center Addition, Hatch, T. ..................... SB 93 (P)
Division of Real Estate Amendments, Waddoups, M. .......... SB 172 (P)
Executive Compensation Amendments, Alexander, J. .......... HB 288 (F)
High Technology Economic Development Appropriation,
    Mansell, L. A. .................................................. SB 192 (P)
Hill Air Force Museum Appropriation, Buxton, D. G. .......... HB 376 (F)
Supplemental Appropriations Act, Hillyard, L. ................. SB 1 (P)
Supplemental Appropriations Act II, Hillyard, L. .............. SB 3 (P)
Supplemental Appropriations III, Bigelow, R. ................... HB 301 (P)
Supplemental Minimum School Program Finance Act, Snow, G. .. HB 382 (P)
Telephone Surcharge for Education and Training
    Programs At Prison, Goodfellow, B. ....................... HB 234 (P)
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Returned to the House .......................................................... 432
Signed by the President and transmitted to the Governor ......................... 451

S.B. 38 — GARNISHMENT BY DEFERRED DEPOSIT LENDERS (R. Allen)
Read the first time by short title and referred to the Rules Committee. .......... 103
Assigned to standing committee .................................................. 114
S.B. 39 — CONSUMER CREDIT PROTECTION (C. Walker)
Read the first time by short title and referred to the Rules Committee. . . . . 103
Assigned to standing committee .................................................. 114
Committee report adopted and placed on calendar ............................. 285
Read the second time ...................................................................... 444
Substituted ...................................................................................... 444
Amendments .................................................................................. 444, 461
Read the third time .......................................................................... 461
Transmitted to the House .................................................................. 463
Enacting Clause Stricken ................................................................. 1006

S.B. 40 — REGULATION OF TITLE INSURANCE INDUSTRY (T. Hatch)
Read the first time by short title and referred to the Rules Committee. . . . . 103
Assigned to standing committee ...................................................... 137
Committee report adopted and placed on calendar ............................. 181
Read the second time ...................................................................... 215
Amendments .................................................................................. 215
Read the third time .......................................................................... 237
Transmitted to the House .................................................................. 237
Signed by the President and transmitted to the Governor .................. 415

S.B. 41 — SCHOOL AND INSTITUTIONAL TRUST LANDS MANAGEMENT
ACT REVISIONS (M. Dmírlich)
Read the first time by short title and referred to the Rules Committee. . . . . 103
Assigned to standing committee ...................................................... 137
Committee report adopted and placed on calendar ............................. 337
Read the second time ...................................................................... 502
Amendments .................................................................................. 502
Read the third time .......................................................................... 517
Transmitted to the House .................................................................. 517
Signed by the President and transmitted to the Governor .................. 836

S.B. 42 — ALCOHOL RESTRICTED DRIVERS (C. Walker)
Read the first time by short title and referred to the Rules Committee. . . 103, 128
Assigned to standing committee ...................................................... 137
Amendments .................................................................................. 203
Committee report adopted and placed on calendar ............................. 206
Read the second time ...................................................................... 294
Read the third time .......................................................................... 318
Transmitted to the House .................................................................. 319
Placed on Concurrence Calendar .................................................... 451
Concurrence .................................................................................... 459
Returned to the House ..................................................................... 459
Signed by the President and transmitted to the Governor .................. 477

S.B. 43 — PENALTY FOR PROVIDING FALSE INFORMATION TO
STATE AGENCY (P. Hellewell)
Read the first time by short title and referred to the Rules Committee. . . 103, 128
Assigned to standing committee ...................................................... 137
Committee report adopted and placed on calendar ............................. 181
Read the second time ...................................................................... 211
Substituted .................................................................................... 211
Circled ............................................................................................. 211
Uncircled ........................................................................................ 270
Read the third time .......................................................................... 288
Transmitted to the House .................................................................. 288
Signed by the President and transmitted to the Governor .................. 467
S.B. 44 — GOVERNMENT RECORDS AMENDMENTS (C. Walker)
Read the first time by short title and referred to the Rules Committee. 128
Assigned to standing committee 137
Substituted 191
Committee report adopted and placed on calendar 192
Read the second time 272
Amendments 272
Read the third time 289
Transmitted to the House 290
Signed by the President and transmitted to the Governor 555

S.B. 45 — CHARITABLE PURPOSE DETERMINATION (P. Hellewell)
Read the first time by short title and referred to the Rules Committee 140
Assigned to standing committee 144
Returned to the Rules Committee 316
Enacting Clause Stricken 1008

S.B. 46 — PRESCRIPTIVE PRACTICE OF LEGEND DRUGS (P. Knudson)
Read the first time by short title and referred to the Rules Committee 140
Assigned to standing committee 144
Amendments 220, 602
Committee report adopted and placed on calendar 230
Read the second time 296
Circled 297, 643
Uncircled 602, 754
Failed 603, 754
Filed 603, 755
Reconsideration 643
Placed on Second Reading Calendar 643
Enacting Clause Stricken 1008

S.B. 47 — WRONGFUL LIEN OFFENSES (B. Evans)
Read the first time by short title and referred to the Rules Committee 162
Assigned to standing committee 177
Committee report adopted and placed on calendar 206
Read the second time 295
Read the third time 319
Transmitted to the House 319
Placed on Concurrence Calendar 556
Concurrence 578
Returned to the House 579
Signed by the President and transmitted to the Governor 606

S.B. 48 — INSURANCE CANCELLATION AND NONRENEWAL RESTRICTIONS (P. Arent)
Read the first time by short title and referred to the Rules Committee 162
Assigned to standing committee 177
Substituted 281, 578
Amendments 281, 445
Committee report adopted and placed on calendar 285
Read the second time 445
Read the third time 463
Transmitted to the House 464
Placed on Concurrence Calendar 578
Concurrence 615
Returned to the House 615
Signed by the President and transmitted to the Governor 644

S.B. 49 — MOTOR VEHICLE LIABILITY COVERAGE AMENDMENTS (D. Eastman)
Read the first time by short title and referred to the Rules Committee 162
Assigned to standing committee 177
Amendments ................................................................. 220
Committee report adopted and placed on calendar .................. 230
Read the second time .................................................. 347
Circled ................................................................. 347
Uncircled .............................................................. 465
Amendments ............................................................. 465
Read the third time ..................................................... 486
Transmitted to the House ............................................. 486
Enacting Clause Stricken ............................................. 1006

S.B. 50 — CONTROLLED SUBSTANCE AMENDMENTS (P. Arent)
Read the first time by short title and referred to the Rules Committee. . 181
Assigned to standing committee ..................................... 191
Read the second time and placed on Consent Calendar ............... 370
Read the third time ....................................................... 430
Transmitted to the House ............................................. 431
Signed by the President and transmitted to the Governor ............ 577

S.B. 51 — NEW MOTOR VEHICLE FRANCHISE ACT AMENDMENTS (D. Eastman)
Read the first time by short title and referred to the Rules Committee. . 181
Assigned to standing committee ..................................... 191
Amendments ................................................................ 312
Committee report adopted and placed on calendar .................... 314
Read the second time .................................................. 498
Amendments ............................................................. 498
Read the third time ....................................................... 514
Transmitted to the House ............................................. 515
Placed on Concurrence Calendar ..................................... 938
Concurrence ................................................................ 945
Returned to the House ................................................ 945
Signed by the President and transmitted to the Governor .......... 972

S.B. 52 — PRICE CONTROLS DURING EMERGENCIES ACT (P. Arent)
Read the first time by short title and referred to the Rules Committee. . 193
Assigned to standing committee ..................................... 201
Amendments ................................................................ 283
Committee report adopted and placed on calendar .................... 285
Read the second time .................................................. 447
Read the third time ....................................................... 464
Circled ................................................................. 464
Uncircled .............................................................. 474
Amendments ............................................................. 474
Transmitted to the House ............................................. 476
Signed by the President and transmitted to the Governor .......... 924

S.B. 53 — LAND VALUE PROPERTY TAX STUDY (H. Stephenson)
Read the first time by short title and referred to the Rules Committee. . 206
Assigned to standing committee ..................................... 219
Committee report adopted and placed on calendar .................... 263
Read the second time .................................................. 395
Amendments ............................................................. 396
Read the third time ....................................................... 409
Transmitted to the House ............................................. 409
Signed by the President and transmitted to the Governor .......... 573

S.B. 54 — PROPERTY TAX CONFIDENTIALITY AMENDMENTS (H. Stephenson)
Read the first time by short title and referred to the Rules Committee. . 206
Assigned to standing committee ..................................... 219
Committee report adopted and placed on calendar .................... 263
Read the second time .................................................. 396
S.B. 55 — ACCESS TO PATIENT MEDICAL RECORDS (P. Arent)
Read the first time by short title and referred to the Rules Committee ............... 206
Assigned to standing committee ................................................................. 244
Substituted ..................................................................................................... 402, 534
Committee report adopted and placed on calendar ........................................... 405
Read the second time ...................................................................................... 531
Circled ............................................................................................................. 532, 534, 582
Uncircled ........................................................................................................ 534, 535, 586
Substituted ..................................................................................................... 534
Read the third time ......................................................................................... 582
Transmitted to the House .............................................................................. 586
Signed by the President and transmitted to the Governor ............................. 836

S.B. 56 — REAL ESTATE LISTING AGREEMENT PROVISIONS (L. A. Mansell)
Read the first time by short title and referred to the Rules Committee ............... 231
Assigned to standing committee ................................................................. 244
Substituted ..................................................................................................... 402, 534
Committee report adopted and placed on calendar ........................................... 405
Read the second time ...................................................................................... 531
Circled ............................................................................................................. 532, 534, 582
Uncircled ........................................................................................................ 534, 535, 586
Substituted ..................................................................................................... 534
Read the third time ......................................................................................... 582
Transmitted to the House .............................................................................. 586
Signed by the President and transmitted to the Governor ............................. 836

S.B. 57 — FUNDING FOR BUSINESS DEVELOPMENT IN DISADVANTAGED RURAL
COMMUNITIES (P. Knudson)
Read the first time by short title and referred to the Rules Committee ............... 247
Assigned to standing committee ................................................................. 255
Committee report adopted and placed on calendar ........................................... 314
Read the second time ...................................................................................... 489
Amendments .................................................................................................... 489, 584
Read the third time ......................................................................................... 513
Circled ............................................................................................................. 513
Uncircled ........................................................................................................ 583
Transmitted to the House .............................................................................. 585
Placed on Concurrence Calendar ................................................................... 850
Concurrence ................................................................................................... 857
Returned to the House ................................................................................... 857
Signed by the President and transmitted to the Governor ............................. 869

S.B. 58 — LIABILITY PROTECTION OF EDUCATORS (H. Stephenson)
Read the first time by short title and referred to the Rules Committee ............... 247
Assigned to standing committee ................................................................. 254
Committee report adopted and placed on calendar ........................................... 337
Read the second time ...................................................................................... 503
Amendments .................................................................................................... 503
Read the third time ......................................................................................... 517
Circled ............................................................................................................. 517, 543
Uncircled ........................................................................................................ 543, 551
Substituted ..................................................................................................... 543
Transmitted to the House .............................................................................. 551
Placed on Concurrence Calendar ................................................................... 832
Signed by the President and transmitted to the Governor ............................. 863

S.B. 59 — HOME SCHOOL AMENDMENTS (M. Madsen)
Read the first time by short title and referred to the Rules Committee ............... 248
Assigned to standing committee ................................................................. 254
Committee report adopted and placed on calendar ........................................... 337
Read the second time ............................................. 504
Circled ............................................................. 504
Uncircled ........................................................... 529
Amendments ...................................................... 529, 547
Read the third time ............................................. 547
Amendments ...................................................... 547
Transmitted to the House ..................................... 548
Signed by the President and transmitted to the Governor 850

S.B. 60 — LOCAL LAND USE DEVELOPMENT AND MANAGEMENT
AMENDMENTS (G. Bell)
Read the first time by short title and referred to the Rules Committee. ....... 512
Assigned to standing committee ................................ 524
Substituted .......................................................... 666
Committee report adopted and placed on calendar ............................. 670
Read the second time ............................................. 685
Amendments ...................................................... 685
Read the third time ............................................. 706
Transmitted to the House ........................................ 707
Placed on Concurrence Calendar .................................... 890
Concurrence ........................................................ 894
Returned to the House ............................................ 895
Signed by the President and transmitted to the Governor .................. 923

S.B. 61 — PRIVATELY OWNED HEALTH CARE ORGANIZATION
AMENDMENTS (M. Waddoups)
Read the first time by short title and referred to the Rules Committee. ....... 264
Assigned to standing committee ................................ 334
Substituted .......................................................... 520, 628, 765
Read for the first time ............................................ 520
Committee report adopted and placed on calendar ............................. 520
Read the second time ............................................. 628
Amendments ...................................................... 628
Read the third time ............................................. 651
Circled ............................................................. 651
Uncircled ........................................................... 764
Transmitted to the House ........................................ 765
Placed on Concurrence Calendar .................................... 890
Concurrence ........................................................ 895
Returned to the House ............................................ 895
Signed by the President and transmitted to the Governor .................. 923

S.B. 62 — PERSONAL PROPERTY TRANSACTIONS AMENDMENTS (M. Waddoups)
Read the first time by short title and referred to the Rules Committee. ....... 578
Assigned to standing committee ................................ 631
Committee report adopted and placed on calendar ............................. 697
Read the second time ............................................. 745
Circled ............................................................. 745
Uncircled ........................................................... 746
Read the third time ............................................. 776
Transmitted to the House ........................................ 777
Signed by the President and transmitted to the Governor .................. 850

S.B. 63 — SEVERANCE TAX AMENDMENTS (B. Evans)
Read the first time by short title and referred to the Rules Committee. ....... 405
Assigned to standing committee ................................ 416
Committee report adopted and placed on calendar ............................. 670
Read the second time ............................................. 684
Substituted ........................................................... 684
Circled ................................................................. 684
Uncircled ............................................................. 742
Amendments .......................................................... 742
Read the third time .................................................. 775
Transmitted to the House ........................................... 775
Enacting Clause Stricken ........................................... 1006

S.B. 64 — REAL ESTATE TRANSACTIONS AND SECURITIES (L. A. Mansell)
Read the first time by short title and referred to the Rules Committee ........... 303
Assigned to standing committee ....................................... 333
Amendments .......................................................... 403, 586
Read the second time .................................................. 532
Circled ................................................................. 532, 534, 582
Uncircled ............................................................... 534, 535, 586
Substituted ................................................................ 534
Read the third time ...................................................... 582
Transmitted to the House ................................................ 587
Placed on Concurrence Calendar ........................................... 917
Concurrence ................................................................ 926
Returned to the House .................................................... 926
Signed by the President and transmitted to the Governor ....................... 938

S.B. 65 — ALCOHOLIC BEVERAGE CONTROL AMENDMENTS (P. Knudson)
Read the first time by short title and referred to the Rules Committee ........... 370
Assigned to standing committee ....................................... 383
Committee report adopted and placed on calendar ................................. 457
Read the second time .................................................... 604
Substituted ................................................................ 604
Read the third time ....................................................... 618
Transmitted to the House .................................................. 619
Signed by the President and transmitted to the Governor ....................... 869

S.B. 66 — PROCUREMENT CODE BIDDING AND CONTRACTUAL
AMENDMENTS (E. Mayne)
Read the first time by short title and referred to the Rules Committee ........... 540
Assigned to standing committee ....................................... 557
Returned to the Rules Committee ......................................... 762
Enacting Clause Stricken ................................................. 1008

S.B. 67 — ELECTION LAW – VOTER REQUIREMENTS (M. Madsen)
Read the first time by short title and referred to the Rules Committee ........... 615
Assigned to standing committee ....................................... 632
Committee report adopted and placed on calendar ................................. 760
Read the second time .................................................... 763
Read the third time ....................................................... 778
Amendments ............................................................. 778
Transmitted to the House .................................................. 780
Enacting Clause Stricken ................................................. 1006

S.B. 69 — FAMILY SUSTAINING WAGE AMENDMENTS (F. Fife)
Read the first time by short title and referred to the Rules Committee ........... 458
Assigned to standing committee ....................................... 469
Returned to the Rules Committee ......................................... 729
Enacting Clause Stricken ................................................. 1008

S.B. 70 — WASTE TIRE RECYCLING ACT AMENDMENTS (F. Fife)
Read the first time by short title and referred to the Rules Committee ........... 578
Assigned to standing committee ....................................... 631
Returned to the Rules Committee ......................................... 729
Enacting Clause Stricken ................................................. 1008
S.B. 71 — SECURITY PERSONNEL LICENSING AMENDMENTS (G. Davis)
Read the first time by short title and referred to the Rules Committee. . . . . . . 248
Assigned to standing committee ............................................. 254
Amendments .......................................................................... 456
Committee report adopted and placed on calendar ......................... 458
Read the second time ................................................................ 610
Failed .................................................................................... 610
Filed ...................................................................................... 610
Reconsideration ...................................................................... 613
Before the Senate ................................................................... 613
Read the third time .................................................................. 626
Transmitted to the House .......................................................... 627
Signed by the President and transmitted to the Governor ............ 972

S.B. 72 — CHILD WELFARE AMENDMENTS (D. Eastman)
Read the first time by short title and referred to the Rules Committee. ....... 206
Assigned to standing committee ................................................. 218
Amendments ............................................................................ 283
Committee report adopted and placed on calendar ......................... 285
Read the second time ................................................................ 448
Circled .................................................................................... 448
Uncircled .................................................................................. 473
Amendments ............................................................................ 473
Read the third time .................................................................. 487
Transmitted to the House ............................................................ 488
Signed by the President and transmitted to the Governor ............ 825

S.B. 73 — TAMPERING WITH EVIDENCE (D. C. Buttars)
Read the first time by short title and referred to the Rules Committee. ....... 150
Assigned to standing committee ................................................. 160
Committee report adopted and placed on calendar ......................... 206
Read the second time ................................................................ 295
Read the third time .................................................................. 319
Transmitted to the House ............................................................ 320
Signed by the President and transmitted to the Governor ............ 555

S.B. 74 — MEDICAL RESERVE CORPS (L. Hillyard)
Read the first time by short title and referred to the Rules Committee. ..... 150
Assigned to standing committee ................................................. 160
Committee report adopted and placed on calendar ......................... 247
Read the second time ................................................................ 361
Read the third time .................................................................. 375
Transmitted to the House ............................................................ 376
Placed on Concurrence Calendar ................................................ 556
Concurrence ............................................................................ 579
Returned to the House .............................................................. 579
Signed by the President and transmitted to the Governor ............ 606

S.B. 75 — PUBLIC SAFETY DATABASE AMENDMENTS (M. Waddoups)
Read the first time by short title and referred to the Rules Committee. ....... 150
Assigned to standing committee ................................................. 160
Amendments ............................................................................ 384
Committee report adopted and placed on calendar ......................... 386
Read the second time ................................................................ 522
Read the third time .................................................................. 543
Transmitted to the House ............................................................ 543
Returned to the staff for filing ..................................................... 987
Enacting Clause Stricken ............................................................. 1008
S.B. 76 — AMENDMENTS TO NAVAJO TRUST FUND (B. Evans)
  Read the first time by short title and referred to the Rules Committee. ...... 103
  Assigned to standing committee ........................................ 115
  Committee report adopted and placed on calendar .......................... 140
  Read the second time ................................................................ 155
  Read the third time ................................................................... 164
  Transmitted to the House ......................................................... 164
  Signed by the President and transmitted to the Governor ................. 243

S.B. 77 — AMENDMENTS TO INDOOR CLEAN AIR ACT (M. Waddoups)
  Read the first time by short title and referred to the Rules Committee. ...... 103
  Assigned to standing committee .............................................. 115
  Amendments ............................................................................ 178, 240
  Committee report adopted and placed on calendar .............................. 181
  Read the second time ................................................................... 240
  Read the third time ..................................................................... 249
  Circled ................................................................................... 249
  Uncircled .................................................................................. 519
  Failed ...................................................................................... 519
  Filed ......................................................................................... 520
  Reconsideration .......................................................................... 545
  Before the Senate ........................................................................ 546
  Transmitted to the House ............................................................. 546
  Enacting Clause Stricken ............................................................... 1006

S.B. 78 — OPTIONAL FORMS OF COUNTY GOVERNMENT AMENDMENT (D. Thomas)
  Read the first time by short title and referred to the Rules Committee. ...... 103
  Assigned to standing committee .............................................. 115
  Committee report adopted and placed on calendar ............................. 140
  Read the second time ................................................................... 155
  Read the third time ..................................................................... 165
  Transmitted to the House ............................................................. 165
  Signed by the President and transmitted to the Governor ................. 350

S.B. 79 — EXTENSION OF SUNSET DATE ON RESOURCE DEVELOPMENT
  COORDINATING COMMITTEE (B. Evans)
  Read the first time by short title and referred to the Rules Committee. ...... 103
  Assigned to standing committee .............................................. 116
  Placed on calendar ................................................................. 149
  Amendments ............................................................................ 145
  Read the second time ................................................................... 188
  Circled ................................................................................... 188
  Uncircled .................................................................................. 196
  Read the third time ..................................................................... 207
  Transmitted to the House ............................................................. 208
  Signed by the President and transmitted to the Governor ................. 350

S.B. 80 — SPECIAL SERVICE DISTRICTS — SERVICE EXPANSION (M. Dmitrich)
  Read the first time by short title and referred to the Rules Committee. ...... 103
  Assigned to standing committee .............................................. 115
  Amendments ............................................................................ 351
  Committee report adopted and placed on calendar ............................. 352
  Read the second time ................................................................... 504
  Substituted ................................................................................ 504
  Read the third time ..................................................................... 517
  Transmitted to the House ............................................................. 518
  Signed by the President and transmitted to the Governor ................. 1000

S.B. 81 — LOCAL GOVERNMENT APPROVAL FOR SOLID NONHAZARDOUS AND
  HAZARDOUS WASTE DISPOSAL (B. Evans)
S.B. 82 — INDIVIDUAL INCOME TAX – EARNED INCOME TAX CREDIT (T. Hatch)
Read the first time by short title and referred to the Rules Committee ........ 104
Assigned to standing committee ........................................ 116
Placed on calendar ......................................................... 149
Read the second time ....................................................... 188
Amendments ................................................................. 185
Read the third time ......................................................... 194
Transmitted to the House .................................................. 195
Placed on Concurrence Calendar ......................................... 425
Concurrence ................................................................. 432
Returned to the House ...................................................... 433
Signed by the President and transmitted to the Governor ................. 451

S.B. 83 — MEDICAL DECISIONS OF A PARENT OR GUARDIAN (D. Thomas)
Read the first time by short title and referred to the Rules Committee ........ 104
Assigned to standing committee ........................................ 116
Returned to the Rules Committee ....................................... 732
Placed on calendar ......................................................... 149
Read the second time ....................................................... 188
Amendments ................................................................. 185
Read the third time ......................................................... 194
Transmitted to the House .................................................. 195
Placed on Concurrence Calendar ......................................... 425
Concurrence ................................................................. 432
Returned to the House ...................................................... 433
Signed by the President and transmitted to the Governor ................. 451

S.B. 84 — DO NOT CALL REGISTRY AMENDMENTS (D. Thomas)
Read the first time by short title and referred to the Rules Committee ........ 104
Assigned to standing committee ........................................ 116
Returned to the Rules Committee ....................................... 729
Placed on calendar ......................................................... 149
Read the second time ....................................................... 188
Amendments ................................................................. 185
Read the third time ......................................................... 194
Transmitted to the House .................................................. 195
Placed on Concurrence Calendar ......................................... 425
Concurrence ................................................................. 432
Returned to the House ...................................................... 433
Signed by the President and transmitted to the Governor ................. 451

S.B. 85 — FEDERAL RESEARCH COMMITTEE (G. Davis)
Read the first time by short title and referred to the Rules Committee ........ 104
Assigned to standing committee ........................................ 116
Returned to the Rules Committee ....................................... 762
Placed on calendar ......................................................... 149
Read the second time ....................................................... 213
Amendments ................................................................. 161, 213
Committee report adopted and placed on calendar ......................... 162
Read the third time ......................................................... 235
Transmitted to the House .................................................. 235
Placed on Concurrence Calendar ......................................... 832
Concurrence ................................................................. 854
Returned to the House ...................................................... 855
Signed by the President and transmitted to the Governor ................. 869

S.B. 86 — 2004 GENERAL OBLIGATION BOND AMENDMENTS (P. Knudson)
Read the first time by short title and referred to the Rules Committee ........ 104
Assigned to standing committee ........................................ 116
Committee report adopted and placed on calendar .......................... 181
Read the second time ....................................................... 216

S.B. 87 — RESIDENCE LIEN RESTRICTION AND LIEN RECOVERY FUND
AMENDMENTS (D. Thomas)
Read the first time by short title and referred to the Rules Committee ........ 104
Assigned to standing committee ........................................ 114
Committee report adopted and placed on calendar .......................... 181
Read the second time ....................................................... 216
S.B. 88 — CREATION OF LOCAL DISTRICTS (C. Walker)

Read the first time by short title and referred to the Rules Committee .......................................................... 104
Assigned to standing committee ................................................................. 115
Committee report adopted and placed on calendar ........................................... 162
Read the second time ................................................................. 213
Read the third time ................................................................. 235
Transmitted to the House ................................................................. 236
Signed by the President and transmitted to the Governor ............................ 415

S.B. 89 — MUTUAL DEPENDENCE BENEFITS CONTRACT (G. Bell)

Read the first time by short title and referred to the Rules Committee .......................................................... 104
Assigned to standing committee ................................................................. 115
Committee report adopted and placed on calendar ........................................... 181
Read the second time ................................................................. 249
Amendments ................................................................. 249, 304
Read the third time ................................................................. 264
Circled ................................................................. 264
Uncircled ................................................................. 295
Placed on Time Certain Calendar ................................................................. 295
Before the Senate ................................................................. 304
Failed ................................................................. 304
Filed ................................................................. 304
Enacting Clause Stricken ................................................................. 1008

S.B. 90 — COUNTY OFFICERS SERVING ON BOARDS OF COUNTY MENTAL HEALTH
AND SUBSTANCE ABUSE PROVIDERS (D. Thomas)

Read the first time by short title and referred to the Rules Committee .......................................................... 104
Assigned to standing committee ................................................................. 115
Committee report adopted and placed on calendar ........................................... 162
Read the second time ................................................................. 214
Read the third time ................................................................. 236
Transmitted to the House ................................................................. 236
Signed by the President and transmitted to the Governor ............................ 426

S.B. 91 — INTERSTATE JUVENILE COMPACT (L. Hillyard)

Read the first time by short title and referred to the Rules Committee .......................................................... 104
Assigned to standing committee ................................................................. 115
Placed on calendar ................................................................. 149
Read the second time ................................................................. 211
Read the third time ................................................................. 232
Transmitted to the House ................................................................. 232
Intent language ................................................................. 233
Signed by the President and transmitted to the Governor ............................ 832

S.B. 92 — UTAH ATTORNEY’S FEES RECOVERY ACT (D. Thomas)

Read the first time by short title and referred to the Rules Committee .......................................................... 104
Assigned to standing committee ................................................................. 115
Substituted ................................................................. 230, 331
Committee report adopted and placed on calendar ........................................... 231
Read the second time ................................................................. 330
Circled ................................................................. 331, 597
Uncircled ................................................................. 597, 599
Failed ................................................................. 599
Filed ................................................................. 600
Enacting Clause Stricken ................................................................. 1008
S.B. 93 — CHILDREN’S JUSTICE CENTER ADDITION (T. Hatch)

Read the first time by short title and referred to the Rules Committee ............. 104
Assigned to standing committee ........................................ 115
Placed on calendar .......................................................... 149
Read the second time ......................................................... 211
Read the third time ........................................................... 233
Transmitted to the House ..................................................... 233
Signed by the President and transmitted to the Governor ......................... 825

S.B. 94 — RESTITUTION AMENDMENTS (G. Bell)

Read the first time by short title and referred to the Rules Committee ............. 104
Assigned to standing committee ........................................ 115
Placed on calendar .......................................................... 149
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S.B. 95 — OFFICE OF MUSEUM SERVICES AMENDMENTS (R. Allen)

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S.B. 96 — COMMERCE SERVICE FUND AMENDMENTS (G. Bell)

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Assigned to standing committee ........................................ 114
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Read the third time ........................................................... 703
Transmitted to the House ..................................................... 704
Signed by the President and transmitted to the Governor ......................... 923

S.B. 97 — CONSOLIDATION OF CITY AND COUNTY LIBRARY (G. Bell)

Read the first time by short title and referred to the Rules Committee ............. 105
Assigned to standing committee ........................................ 115
Amendments .................................................................... 162
Committee report adopted and placed on calendar .................................. 162
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Signed by the President and transmitted to the Governor ......................... 350

S.B. 98 — MOTOR VEHICLE REGISTRATION AND TITLE AMENDMENTS (S. Killpack)

Read the first time by short title and referred to the Rules Committee ............. 105
Assigned to standing committee ........................................ 116
Committee report adopted and placed on calendar .................................. 181
Read the second time ......................................................... 266
Read the third time ........................................................... 286
Transmitted to the House ..................................................... 286
Signed by the President and transmitted to the Governor ......................... 426

S.B. 99 — DAMAGES FOR TRESPASS IN STATE PARKS (T. Hatch)

Read the first time by short title and referred to the Rules Committee ............. 105
Assigned to standing committee ........................................ 116
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<td>ACCESS TO HIGH SPEED INTERNET AT STATE CAPITOL COMPLEX (S. Killpack)</td>
<td>Read the first time by short title and referred to the Rules Committee.</td>
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<td>Signed by the President and transmitted to the Governor</td>
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<tr>
<td>S.B. 101</td>
<td>UTAH ADMINISTRATIVE RULEMAKING ACT REVISION (H. Stephenson)</td>
<td>Read the first time by short title and referred to the Rules Committee.</td>
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<td>Signed by the President and transmitted to the Governor</td>
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<tr>
<td>S.B. 102</td>
<td>LOBBYIST REPORTING AMENDMENTS (G. Bell)</td>
<td>Read the first time by short title and referred to the Rules Committee.</td>
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<td>Assigned to standing committee</td>
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<td>Returned to the Rules Committee</td>
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<td>Enacting Clause Stricken</td>
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<tr>
<td>S.B. 103</td>
<td>LIENS ON AIRCRAFT (T. Hatch)</td>
<td>Read the first time by short title and referred to the Rules Committee.</td>
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<td>S.B. 104</td>
<td>JUDICIARY AMENDMENTS (L. Hillyard)</td>
<td>Read the first time by short title and referred to the Rules Committee.</td>
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<tr>
<td>S.B. 105</td>
<td>JUDGMENT INTEREST RATE (S. Jenkins)</td>
<td>Read the first time by short title and referred to the Rules Committee.</td>
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<td>Enacting Clause Stricken</td>
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<td>Read the first time by short title and referred to the Rules Committee.</td>
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<td>Read the second time</td>
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Assigned to standing committee ......................................................... 144
Committee report adopted and placed on calendar .......................... 181
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Assigned to standing committee .................................................. 144
Committee report adopted and placed on calendar ......................... 181
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Assigned to standing committee .................................................. 144
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Signed by the President and transmitted to the Governor .......... 573
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Assigned to standing committee ......................................................... 160
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Signed by the President and transmitted to the Governor ......................... 630

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Assigned to standing committee ........................................................... 160
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Signed by the President and transmitted to the Governor ......................... 467

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Assigned to standing committee ........................................................... 161
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Assigned to standing committee ........................................................... 161
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Committee report adopted and placed on calendar .................................. 206
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Assigned to standing committee ........................................................... 160
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Assigned to standing committee ..................................................................... 218
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  Assigned to standing committee ................................................. 219
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Committee report adopted and placed on calendar ......................... 314
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Before the Senate ..................................................................... 945
Circled ................................................................................... 945
Concurrence ............................................................................ 961
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Signed by the President and transmitted to the Governor ............... 981

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Transmitted to the House ......................................................... 489
Signed by the President and transmitted to the Governor ............... 987

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Assigned to standing committee .............................................. 245
Committee report adopted and placed on calendar ......................... 285
Read the second time .............................................................. 471
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S.B. 148 — CONSERVATION EASEMENT ENDOWMENT RESTRICTED ACCOUNT (B. Evans)
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Committee report adopted and placed on calendar ......................... 314
Read the second time .............................................................. 491
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Committee report adopted and placed on calendar ..................... 370
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S.B. 153 — TAX REFORM TASK FORCE (C. Bramble)
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Assigned to standing committee ........................................ 254
Amendments ................................................................. 309
Committee report adopted and placed on calendar ................. 314
Read the second time ............................................. 474
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Signed by the President and transmitted to the Governor .... 890

S.B. 154 — PUBLIC SAFETY RETIREMENT AMENDMENTS (D. C. Buttars)
Read the first time by short title and referred to the Rules Committee. 248
Assigned to standing committee ............................... 255
Committee report adopted and placed on calendar ............ 430
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Read the third time .............................................. 617
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Enacting Clause Stricken ........................................... 1007

S.B. 155 — STATE SCHOOL BOARD CANDIDATE SELECTION COMMITTEES (K. Hale)
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Assigned to standing committee ............................... 254
Committee report adopted and placed on calendar ............ 370
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Failed ....................................................................... 521
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Enacting Clause Stricken ........................................... 1008

S.B. 156 — HEALTH INSURANCE – PROMPT PAYMENT AMENDMENTS (M. Wadoups)
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Assigned to standing committee ............................... 254
Returned to the Rules Committee ............................... 729
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S.B. 157 — UTAH CONSUMER CREDIT CODE AMENDMENTS (P. Knudson)
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Assigned to standing committee ............................... 254
Committee report adopted and placed on calendar ............ 386
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Signed by the President and transmitted to the Governor .... 980

S.B. 158 — DISHONORED INSTRUMENT AMENDMENTS (P. Knudson)
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Assigned to standing committee ............................... 254
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Transmitted to the House ........................................... 547
Signed by the President and transmitted to the Governor .... 980

S.B. 159 — ASSESSMENT OFFSET FOR DONATIONS PROMOTING OCCUPATIONAL
HEALTH AND SAFETY (E. Mayne)
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Assigned to standing committee ............................... 254
Committee report adopted and placed on calendar ............ 386
Read the second time ............................................. 530
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Signed by the President and transmitted to the Governor .... 851
S.B. 160 — CHILD SUPPORT EXEMPTION FOR ADOPTIVE PARENTS OF CERTAIN CHILDREN IN STATE CUSTODY (P. Hellewell)
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Assigned to standing committee ............................................................... 254
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Enacting Clause Stricken ................................................................. 1008

S.B. 161 — AMENDMENTS TO THE PROPERTY TAX VALUATION AGENCY FUND ASSESSING AND COLLECTING LEVY (H. Stephenson)
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Assigned to standing committee ............................................................... 334
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Read the second time ............................................................................. 531
Circled ................................................................................................. 531
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Signed by the President and transmitted to the Governor ......................... 851

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Assigned to standing committee ............................................................... 280
Committee report adopted and placed on calendar ...................................... 485
Read the second time ............................................................................. 611
Read the third time ............................................................................. 625
Transmitted to the House .................................................................... 626
Enacting Clause Stricken ................................................................. 1007

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Assigned to standing committee ............................................................... 280
Committee report adopted and placed on calendar ...................................... 352
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Signed by the President and transmitted to the Governor ......................... 864

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Assigned to standing committee ............................................................... 280
Substituted ............................................................................................ 429
Committee report adopted and placed on calendar ...................................... 430
Read the second time ............................................................................. 600
Amendments .......................................................................................... 601
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Transmitted to the House .................................................................... 617
Signed by the President and transmitted to the Governor ......................... 832

S.B. 165 — CHILD WELFARE SERVICES (P. Hellewell)
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Enacting Clause Stricken ................................................................. 1008

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**S.B. 167** — PENALTIES FOR FALSE DRIVER LICENSES AND IDENTIFICATION CARDS (C. Walker)
- Read the first time by short title and referred to the Rules Committee. .......... 371
- Assigned to standing committee ........................................ 383
- Substituted ...................................................................... 456
- Committee report adopted and placed on calendar ......................... 457
- Read the second time ....................................................... 608
- Read the third time .......................................................... 622
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**S.B. 168** — CONSTRUCTION TRADE RELATED AMENDMENTS (S. Jenkins)
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- Assigned to standing committee ........................................ 497
- Substituted ...................................................................... 634
- Committee report adopted and placed on calendar ......................... 635
- Read the second time ....................................................... 661
- Circled ........................................................................... 661, 707
- Uncircled ......................................................................... 687, 750
- Amendments ...................................................................... 687, 750
- Read the third time .......................................................... 707
- Transmitted to the House .................................................. 753
- Enacting Clause Stricken .................................................. 1007

**S.B. 170** — STATE TAX COMMISSION COLLECTION AND LICENSING PRACTICES (C. Bramble)
- Read the first time by short title and referred to the Rules Committee. .......... 507
- Assigned to standing committee ........................................ 525
- Committee report adopted and placed on calendar ......................... 670
- Read the second time ....................................................... 698
- Read the third time .......................................................... 707
- Circled ........................................................................... 707, 722, 754
- Uncircled ......................................................................... 722, 754, 765
- Substituted ...................................................................... 722
- Transmitted to the House .................................................. 766
- Signed by the President and transmitted to the Governor .............. 851

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- Assigned to standing committee ........................................ 469
- Committee report adopted and placed on calendar ......................... 560
- Read the second time ....................................................... 640
- Read the third time .......................................................... 654
- Transmitted to the House .................................................. 654
- Placed on Concurrence Calendar ........................................ 866
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- Returned to the House ...................................................... 892
- Signed by the President and transmitted to the Governor .............. 923

**S.B. 173** — BROWNFIELDS REVISION (L. A. Mansell)
- Read the first time by short title and referred to the Rules Committee. .......... 405
- Assigned to standing committee ........................................ 416
- Amendments ...................................................................... 483
- Committee report adopted and placed on calendar ......................... 485
- Read the second time ....................................................... 612
- Read the third time .......................................................... 626
Transmitted to the House ......................................................... 626
Signed by the President and transmitted to the Governor ................. 917

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    Assigned to standing committee ..................................... 333
    Committee report adopted and placed on calendar .................. 405
    Read the second time .................................................. 532
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    Transmitted to the House ............................................. 550
    Enacting Clause Stricken ............................................. 1007

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    Enacting Clause Stricken ............................................. 1008

S.B. 176 — PROGRAMS AND FACILITIES LICENSING AMENDMENTS (D. C. Buttars)
    Read the first time by short title and referred to the Rules Committee. ....... 285
    Assigned to standing committee ..................................... 334
    Committee report adopted and placed on calendar .................. 370
    Read the second time .................................................. 507
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    Uncircled .............................................................. 675
    Enacting Clause Stricken ............................................. 675

S.B. 177 — INCREASE STATUTE OF LIMITATIONS ON RAPE (E. Mayne)
    Read the first time by short title and referred to the Rules Committee. ....... 285
    Assigned to standing committee ..................................... 334
    Committee report adopted and placed on calendar .................. 405
    Read the second time .................................................. 533
    Read the third time .................................................. 550
    Circled ................................................................. 550, 640
    Uncircled .............................................................. 640, 654
    Substituted ............................................................. 640
    Transmitted to the House ............................................. 655
    Placed on Concurrence Calendar ..................................... 871
    Concurrence ........................................................... 893
    Returned to the House ................................................ 894
    Signed by the President and transmitted to the Governor ................. 923

S.B. 178 — CHARTER SCHOOL AMENDMENTS (H. Stephenson)
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    Assigned to standing committee ..................................... 351
    Amendments ............................................................. 427, 682
    Committee report adopted and placed on calendar .................. 430
    Read the second time .................................................. 597
    Substituted ............................................................. 597
    Circled ................................................................. 661
    Uncircled .............................................................. 682
    Transmitted to the House ............................................. 683
    Placed on Concurrence Calendar ..................................... 924
    Before the Senate ..................................................... 941
    Refuse to Concur ...................................................... 941
    Returned to the House ................................................ 941
    Signed by the President and transmitted to the Governor ................. 958, 972

S.B. 179 — PROTECTION OF GOVERNMENT RECORDS (G. Bell)
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    Assigned to standing committee ..................................... 416
Amendments ......................................................... 560, 658
Committee report adopted and placed on calendar ............. 560
Read the second time ............................................ 658
Circled .......................................................... 658
Uncircled .......................................................... 658
Read the third time .............................................. 680
Transmitted to the House ....................................... 680
Signed by the President and transmitted to the Governor .... 949

S.B. 180 — WORKERS COMPENSATION — COMPETITIVE BID
REQUIREMENTS (M. Waddoups)
Read the first time by short title and referred to the Rules Committee. .... 352
Assigned to standing committee .................................. 365
Amendments ......................................................... 478, 623
Committee report adopted and placed on calendar ............. 485
Read the second time ............................................ 610
Read the third time .............................................. 623
Transmitted to the House ....................................... 625
Enacting Clause Stricken .......................................... 1007

S.B. 181 — CRIMINAL CODE AMENDMENTS (K. Hale)
Read the first time by short title and referred to the Rules Committee. .... 338
Assigned to standing committee .................................. 351
Returned to the Rules Committee ................................ 729
Enacting Clause Stricken .......................................... 1008

S.B. 182 — VETERINARY PRACTICE ACT — EXEMPTIONS (M. Dmitrich)
Read the first time by short title and referred to the Rules Committee. .... 285
Assigned to standing committee .................................. 334
Amendments ......................................................... 369
Committee report adopted and placed on calendar ............. 370
Read the second time ............................................ 522
Read the third time .............................................. 542
Transmitted to the House ....................................... 543
Enacting Clause Stricken .......................................... 1007

S.B. 183 — PUBLIC TRANSIT DISTRICT ANNEXATION AND
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Read the first time by short title and referred to the Rules Committee. .... 578
Assigned to standing committee .................................. 631
Substituted .......................................................... 727, 929
Committee report adopted and placed on calendar ............. 728
Read the second time ............................................ 756
Circled .......................................................... 756, 764, 819
Uncircled .......................................................... 764, 816, 929
Amendments ......................................................... 816
Read the second and third time .................................. 929
Transmitted to the House ....................................... 930
Enacting Clause Stricken .......................................... 1007

S.B. 184 — REDEVELOPMENT AGENCY AMENDMENTS (C. Bramble)
Read the first time by short title and referred to the Rules Committee. .... 485
Assigned to standing committee .................................. 497
Committee report adopted and placed on calendar ............. 560
Read the second time ............................................ 640
Circled .......................................................... 641, 655, 781, 942
Uncircled .......................................................... 642, 781, 786, 944
Substituted .......................................................... 642, 781
Amendments .......................................................... 642, 786
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Transmitted to the House .................................................. 787
Placed on Concurrence Calendar ........................................ 924
Refuse to Concur ........................................................... 941
Concurrence ................................................................. 944
Returned to the House ..................................................... 944
Signed by the President and transmitted to the Governor .......... 972

S.B. 185 — AMENDMENTS TO THE MULTI–CHANNEL VIDEO OR
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Assigned to standing committee ........................................... 470
Returned to the Rules Committee ......................................... 732
Enacting Clause Stricken ................................................. 1008

S.B. 186 — CHILD WELFARE REMOVAL – ADOPTION OPTION (P. Hellewell)
Read the first time by short title and referred to the Rules Committee........ 430
Assigned to standing committee .......................................... 443
Returned to the Rules Committee ......................................... 762
Enacting Clause Stricken ................................................. 1008

S.B. 187 — SPECIAL HUNTING PERMITS FOR ANTELOPE ISLAND (J. Hickman)
Read the first time by short title and referred to the Rules Committee........ 507
Assigned to standing committee .......................................... 525
Committee report adopted and placed on calendar ....................... 599
Substituted ...................................................................... 599
Read the second time ........................................................ 661
Read the third time ........................................................... 681
Transmitted to the House .................................................... 681
Enacting Clause Stricken ................................................. 1007

S.B. 188 — CLASSIFYING OFF–HIGHWAY VEHICLES AS ALLOWED
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Read the first time by short title and referred to the Rules Committee......... 371
Assigned to standing committee .......................................... 383
Committee report adopted and placed on calendar ....................... 457
Read the second time ........................................................ 609
Read the third time ........................................................... 622
Transmitted to the House .................................................... 623
Enacting Clause Stricken ................................................. 1007

S.B. 189 — PROPERTY TAX – CERTIFIED TAX RATE ADJUSTMENT (G. Bell)
Read the first time by short title and referred to the Rules Committee......... 430
Assigned to standing committee .......................................... 443
Returned to the Rules Committee ......................................... 562
Enacting Clause Stricken ................................................. 1008

S.B. 190 — COUNTY OFFICER AMENDMENTS (C. Bramble)
Read the first time by short title and referred to the Rules Committee......... 371
Assigned to standing committee .......................................... 383
Committee report adopted and placed on calendar ....................... 430
Read the second time ........................................................ 600
Read the third time ........................................................... 616
Transmitted to the House .................................................... 616
Signed by the President and transmitted to the Governor ............... 1000

S.B. 191 — POLITICAL SUBDIVISIONS – TRUTH IN GOVERNMENT
COMPETITION (R. Allen)
Read the first time by short title and referred to the Rules Committee......... 405
Assigned to standing committee .......................................... 416
Committee report adopted and placed on calendar ....................... 485
Read the second time ........................................................ 611
Read the third time ................................................................. 626
Circled ................................................................. 626
Uncircled ................................................................. 656
Amendments ................................................................. 656
Transmitted to the House .................................................... 658
Enacting Clause Stricken .................................................... 1007

S.B. 192 — HIGH TECHNOLOGY ECONOMIC DEVELOPMENT
APPROPRIATION (L. A. Mansell)
Read the first time by short title and referred to the Rules Committee .......... 512
Assigned to standing committee ........................................... 526
Substituted ................................................................. 670, 791
Committee report adopted and placed on calendar .......................... 670
Read the second time ........................................................ 745
Read the third time ........................................................... 776
Circled ................................................................. 776
Uncircled ................................................................. 791
Transmitted to the House .................................................... 792
Placed on Concurrence Calendar .......................................... 990
Concurrence ................................................................. 991
Returned to the House ....................................................... 992
Signed by the President and transmitted to the Governor ..................... 1000

S.B. 194 — SALES AND USE TAX EXEMPTION FOR ITEMS RELATING
TO DIRECT MAIL (H. Stephenson)
Read the first time by short title and referred to the Rules Committee .......... 406
Assigned to standing committee ........................................... 416
Committee report adopted and placed on calendar .......................... 520
Read the second time ........................................................ 636
Read the third time ........................................................... 651
Transmitted to the House .................................................... 652
Signed by the President and transmitted to the Governor ..................... 878

S.B. 195 — TAX REVISIONS (C. Bramble)
Read the first time by short title and referred to the Rules Committee .......... 352
Assigned to standing committee ........................................... 366
Committee report adopted and placed on calendar .......................... 520
Substituted ................................................................. 520
Read the second time ........................................................ 636
Read the third time ........................................................... 652
Circled ................................................................. 652
Uncircled ................................................................. 720
Transmitted to the House .................................................... 720
Enacting Clause Stricken .................................................... 1007

S.B. 199 — OFFICE OF ENERGY – OVERSIGHT (T. Hatch)
Read the first time by short title and referred to the Rules Committee .......... 458
Assigned to standing committee ........................................... 470
Substituted ................................................................. 535, 628
Committee report adopted and placed on calendar .......................... 539
Read the second time ........................................................ 627
Circled ................................................................. 628
Uncircled ................................................................. 639
Read the third time ........................................................... 653
Transmitted to the House .................................................... 654
Placed on Concurrence Calendar .......................................... 939
Concurrence ................................................................. 946
Returned to the House ....................................................... 946
Signed by the President and transmitted to the Governor ..................... 972
S.B. 201 — CENTER FOR MULTICULTURAL HEALTH (D. C. Buttars)

Read the first time by short title and referred to the Rules Committee. 498
Assigned to standing committee 525
Committee report adopted and placed on calendar 635
Read the second time 673
Read the third time 683
Circled 683
Uncircled 684
Transmitted to the House 685
Enacting Clause Stricken 1007

S.B. 203 — PROPERTY TAX — COUNTY SERVICE AREAS (M. Waddoups)

Read the first time by short title and referred to the Rules Committee. 387
Assigned to standing committee 393
Amendments 520
Committee report adopted and placed on calendar 520
Read the second time 636
Amendments 637
Read the third time 652
Transmitted to the House 652
Enacting Clause Stricken 1007

S.B. 204 — SALES AND USE TAX DIVERSIONS (D. Peterson)

Read the first time by short title and referred to the Rules Committee. 458
Assigned to standing committee 470
Committee report adopted and placed on calendar 560
Read the second time 641
Read the third time 654
Circled 654, 692
Uncircled 692
Substituted 692
Transmitted to the House 710
Enacting Clause Stricken 1007

S.B. 205 — INDIVIDUAL INCOME TAX — OFFICE OF STATE DEBT COLLECTION

RULEMAKING AUTHORITY (M. Dmitrich)
Read the first time by short title and referred to the Rules Committee. 540
Assigned to standing committee 557
Committee report adopted and placed on calendar 670
Read the second time 699
Read the third time 707
Transmitted to the House 708
Enacting Clause Stricken 1007

S.B. 206 — NONPARTICIPATING TOBACCO MANUFACTURER AMENDMENTS (S. Killpack)

Read the first time by short title and referred to the Rules Committee. 387
Assigned to standing committee 393
Committee report adopted and placed on calendar 520
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2005 GENERAL SESSION
FIFTY−SIXTH LEGISLATURE

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Read for the first time and referred to the Rules Committee ............. 365
Assigned to standing committee .................................................... 383
Committee report adopted and placed on calendar ......................... 457
Read the second time .................................................................. 567
Read the third time ..................................................................... 583
Signed by the President and returned to the House ....................... 583

H.B. 67 — ABANDONED VEHICLES AMENDMENTS (J. Gowans)
Read for the first time and referred to the Rules Committee ............. 365
Assigned to standing committee .................................................... 383
Committee report adopted and placed on calendar ......................... 485
Read the second time .................................................................. 573
Circled ......................................................................................... 574
Uncircled ...................................................................................... 685
Read the third time ..................................................................... 706
Signed by the President and returned to the House ....................... 706

H.B. 68 — MOTOR VEHICLE ENFORCEMENT DIVISION AMENDMENTS (P. Ray)
Read for the first time and referred to the Rules Committee ............. 392
Assigned to standing committee .................................................... 416
Committee report adopted and placed on calendar ......................... 485
Read the second time .................................................................. 574
Read the third time ..................................................................... 591
Circled ......................................................................................... 591
Uncircled ...................................................................................... 593
Signed by the President and returned to the House ....................... 594

H.B. 69 — FEDERAL HEALTH CARE TAX CREDIT PROGRAM ACT (C. Oda)
Read for the first time and referred to the Rules Committee ............. 253
Assigned to standing committee .................................................... 281
Committee report adopted and placed on calendar ......................... 352
Read the second time .................................................................. 413
Read the third time ..................................................................... 435
Signed by the President and returned to the House ....................... 435

H.B. 70 — HEALTH DISCOUNT PROGRAM CONSUMER PROTECTION ACT (J. Dunnigan)
Read for the first time and referred to the Rules Committee ............. 453
Assigned to standing committee .................................................... 470
Read the second time and placed on Consent Calendar ................... 512
Read the third time ..................................................................... 646
Signed by the President and returned to the House ....................... 647

H.B. 71 — LICENSING OF ESTHETICIANS AND NAIL TECHNICIANS (J. Fisher)
Read for the first time and referred to the Rules Committee ............. 382
H.B. 74 — TUITION PROGRAM FOR STUDENTS SEEKING TEACHER LICENSURE IN DISABILITY OR SPECIAL EDUCATION (R. Menlove)
Read for the first time and referred to the Rules Committee .......................... 453
Assigned to standing committee ................................................................. 469
Amendments .................................................................................. 510
Committee report adopted and placed on calendar ......................... 511
Read the second time ........................................................................... 718
Read the third time ................................................................................ 736
Returned to the House ............................................................................. 737
Signed by the President and returned to the House ............................ 822

H.B. 75 — GOVERNMENT RECORDS ACCESS AND MANAGEMENT TASK FORCE (D. Aagard)
Read for the first time and referred to the Rules Committee ............. 309
Assigned to standing committee ................................................................. 333
Committee report adopted and placed on calendar ......................... 386
Read the second time .............................................................................. 421
Tabled on Third Reading Calendar .......................................................... 421
Placed on calendar ..................................................................................... 930
Read the third time .................................................................................. 932
Signed by the President and returned to the House ......................... 932

H.B. 76 — HABITUAL VIOLENT OFFENDERS AMENDMENTS (P. Ray)
Read for the first time and referred to the Rules Committee ............. 392
Assigned to standing committee ................................................................. 416
Read the second time and placed on Consent Calendar .................. 540
Read the third time ................................................................................. 648
Signed by the President and returned to the House ......................... 649

H.B. 77 — PROVISIONS FOR EMANCIPATION OF A MINOR (R. McGee)
Read for the first time and referred to the Rules Committee ............. 758
Enacting Clause Stricken ...................................................................... 1004

H.B. 78 — CORPORATE FRANCHISE AND INCOME TAX AMENDMENTS (W. Harper)
Read for the first time and referred to the Rules Committee ............. 497
Assigned to standing committee ................................................................. 525
Returned to the Rules Committee ............................................................. 732
Placed on calendar ..................................................................................... 950
Read the second and third time ............................................................... 958
Signed by the President and returned to the House ......................... 958

H.B. 79 — PROVISION OF SERVICES FOR PEOPLE WITH DISABILITIES (R. Lockhart)
Read for the first time and referred to the Rules Committee ............. 497
Assigned to standing committee ................................................................. 631
Committee report adopted and placed on calendar ......................... 697
Placed on calendar ..................................................................................... 799
Read the second time .............................................................................. 836
Circled ...................................................................................................... 836
Uncircled .................................................................................................. 843
Amendments ............................................................................................. 844
Read the third time ................................................................................. 860
H.B. 80 — SERVICES FOR PEOPLE WITH DISABILITIES (R. Lockhart)
Read for the first time and referred to the Rules Committee ... 598
Assigned to standing committee ... 632
Committee report adopted and placed on calendar ... 697
Placed on calendar ... 799
Read the second time ... 838
Circled ... 838
Uncircled ... 846
Read the third time ... 861
Signed by the President and returned to the House ... 861

H.B. 83 — WEIGHTS AND MEASURES AMENDMENTS (D. Ure)
Read for the first time and referred to the Rules Committee ... 614
Assigned to standing committee ... 632
Read the second time and placed on Consent Calendar ... 671
Read the third time ... 732
Signed by the President and returned to the House ... 733

H.B. 84 — READING REQUIREMENTS FOR STUDENT ADVANCEMENT (K. Morgan)
Read for the first time and referred to the Rules Committee ... 703
Placed on calendar ... 950, 988
Enacting Clause Stricken ... 1004

H.B. 85 — HEALTH INSURANCE HIGH RISK POOL – ELIGIBILITY AMENDMENTS (D. Litvak)
Read for the first time and referred to the Rules Committee ... 663
Assigned to standing committee ... 694
Committee report adopted and placed on calendar ... 760
Enacting Clause Stricken ... 1004

H.B. 86 — UTAH COLLEGE OF APPLIED TECHNOLOGY AMENDMENTS (R. Bigelow)
Read for the first time and referred to the Rules Committee ... 598
Assigned to standing committee ... 632
Committee report adopted and placed on calendar ... 697
Placed on calendar ... 838
Read the second time ... 867
Read the third time ... 896
Signed by the President and returned to the House ... 897

H.B. 87 — CLAIMS AGAINST A COUNTY (S. Clark)
Read for the first time and referred to the Rules Committee ... 703
Placed on calendar ... 891
Read the second and third time ... 930
Signed by the President and returned to the House ... 931

H.B. 89 — PRESUMPTION OF RESPONSIBILITY FOR ABUSE OR NEGLECT (L. Christensen)
Read for the first time and referred to the Rules Committee ... 453
Assigned to standing committee ... 470
Committee report adopted and placed on calendar ... 540
Read the second time ... 739
Circled ... 740
Uncircled ... 784
Read the third time ... 826
Signed by the President and returned to the House ... 827

H.B. 90 — SEARCH AND RESCUE ADVISORY BOARD – AMENDMENTS (J. S. Adams)
Read for the first time and referred to the Rules Committee ... 350
Assigned to standing committee ... 366
Read the second time and placed on Consent Calendar ... 458
Assigned to standing committee .............................. 632
Committee report adopted and placed on calendar ........ 697
Read the second time ........................................... 815
Read the third time .............................................. 828
Signed by the President and returned to the House .......... 828

H.B. 103 — STUDENT HOUSING BUILT BY HIGHER EDUCATION INSTITUTIONS (S. Clark)
Read for the first time and referred to the Rules Committee . 755
Placed on calendar .............................................. 852
Read the second and third time ................................. 913
Signed by the President and returned to the House .......... 913

H.B. 104 — SPYWARE CONTROL ACT REVISIONS (S. Urquhart)
Read for the first time and referred to the Rules Committee . 598
Assigned to standing committee .............................. 632
Returned to the Rules Committee ............................. 732
Placed on calendar .............................................. 852
Read the second time ........................................... 919
Circled ............................................................. 919, 952
Uncircled .......................................................... 952, 978
Substituted ......................................................... 952
Read the second and third time ................................. 979
Returned to the House .......................................... 979
Signed by the President and returned to the House .......... 1002

H.B. 105 — CONSTRUCTION FILING AMENDMENTS (M. Morley)
Read for the first time and referred to the Rules Committee . 598
Assigned to standing committee .............................. 632
Amendments ....................................................... 712
Read the second time and placed on Consent Calendar ...... 712
Read the third time .............................................. 826
Returned to the House .......................................... 826
Signed by the President and returned to the House .......... 870

H.B. 107 — AMENDMENTS TO TAXES, FEES, OR CHARGES (W. Harper)
Read for the first time and referred to the Rules Committee . 663
Assigned to standing committee .............................. 694
Committee report adopted and placed on calendar .......... 728
Placed on calendar .............................................. 799
Read the second time ........................................... 839
Read the third time .............................................. 860
Circled ............................................................. 860
Uncircled .......................................................... 881
Amendments ....................................................... 882
Returned to the House .......................................... 884
Signed by the President and returned to the House .......... 932

H.B. 109 — INFORMATION TECHNOLOGY GOVERNANCE AMENDMENTS (D. Clark)
Read for the first time and referred to the Rules Committee . 677
Assigned to standing committee .............................. 693
Amendments ....................................................... 758
Committee report adopted and placed on calendar .......... 760
Read the second and third time ................................. 790
Returned to the House .......................................... 791
Signed by the President and returned to the House .......... 870

H.B. 113 — GOVERNMENT BOUNDARY CHANGES (K. Holdaway)
Read for the first time and referred to the Rules Committee . 646
Assigned to standing committee .............................. 664
Returned to the Rules Committee ............................. 762
Placed on calendar .............................................. 852
Read the second and third time .................................................. 919
Amendments .............................................................................. 919
Returned to the House ................................................................. 920
Signed by the President and returned to the House ....................... 936

H.B. 114 — CHILDREN’S HEALTH CARE COVERAGE AMENDMENTS (D. Hogue)
Read for the first time and referred to the Rules Committee ............. 758
Placed on calendar ...................................................................... 943
Read the second and third time .................................................... 951
Signed by the President and returned to the House ......................... 952

H.B. 115 — UTAH CHILD ABUSE PREVENTION BOARD (P. Ray)
Read for the first time and referred to the Rules Committee .......... .... 755
Enacting Clause Stricken ............................................................... 1004

H.B. 116 — PRIVATE ACTIVITY BOND AMENDMENTS (D. Clark)
Read for the first time and referred to the Rules Committee .......... ..... 646
Assigned to standing committee ............................................... 665
Committee report adopted and placed on calendar ...................... 728
Read the second and third time .................................................... 805
Signed by the President and returned to the House ......................... 806

H.B. 118 — REVISE UTILITY IMPROVEMENT DISTRICTS (D. Ure)
Read for the first time and referred to the Rules Committee .......... ..... 715
Placed on calendar ...................................................................... 988
Enacting Clause Stricken ............................................................... 1004

H.B. 119 — NAVAJO TRUST FUND AMENDMENTS (B. King)
Read for the first time and referred to the Rules Committee .......... ..... 727
Enacting Clause Stricken ............................................................... 1004

H.B. 121 — PROPERTY EXEMPT FROM EXECUTION (J. Dunnigan)
Read for the first time and referred to the Rules Committee .......... ..... 556
Assigned to standing committee ............................................... 631
Amendments .............................................................................. 695, 881
Committee report adopted and placed on calendar ...................... 697
Read the second time .................................................................. 832
Circled ...................................................................................... 832, 846, 863
Uncircled ................................................................................... 846, 853, 880
Substituted .................................................................................. 846
Read the third time ..................................................................... 863
Returned to the House ................................................................. 881
Signed by the President and returned to the House ......................... 932

H.B. 124 — ENROLLMENT GROWTH PROGRAM AMENDMENTS (B. Last)
Read for the first time and referred to the Rules Committee .......... .... 703
Placed on calendar ...................................................................... 838
Read the second time .................................................................. 872
Read the third time ..................................................................... 897
Signed by the President and returned to the House ......................... 898

H.B. 126 — AMENDMENTS TO FACILITIES WITH REGIONAL IMPACT (G. Hughes)
Read for the first time and referred to the Rules Committee .......... .... 866
Enacting Clause Stricken ............................................................... 1004

H.B. 128 — COMPENSATION OF EXECUTIVE OFFICERS (L. Christensen)
Read for the first time and referred to the Rules Committee .......... .... 663
Assigned to standing committee ............................................... 693
Amendments .............................................................................. 759, 876
Committee report adopted and placed on calendar ...................... 760
Placed on calendar ...................................................................... 799
Read the second time .................................................................. 834
Circled ...................................................................................... 834
Uncircled ................................................................. 876
Read the third time .................................................. 899
Returned to the House .............................................. 899
Signed by the President and returned to the House .......... 936

H.B. 129 — SCHOOL UNIFORMS (C. Frank)
Read for the first time and referred to the Rules Committee .... 823
Placed on calendar .................................................. 950, 988
Enacting Clause Stricken ........................................... 1004

H.B. 132 — INTERNET CRIMES AGAINST CHILDREN (T. Cosgrove)
Read for the first time and referred to the Rules Committee .... 771
Placed on calendar .................................................. 799
Read the second and third time .................................... 808
Signed by the President and returned to the House .......... 809

H.B. 135 — IMPLEMENTING FEDERAL EDUCATIONAL PROGRAMS (M. Dayton)
Read for the first time and referred to the Rules Committee .... 524
Assigned to standing committee .................................. 557
Committee report adopted and placed on calendar ............... 635
Placed on calendar .................................................. 799
Read the second time ................................................ 835
Read the third time .................................................. 859
Circled ................................................................. 859
Enacting Clause Stricken ........................................... 1004

H.B. 136 — CHARTER SCHOOL ENROLLMENT (J. Ferrin)
Read for the first time and referred to the Rules Committee .... 598
Assigned to standing committee .................................. 632
Committee report adopted and placed on calendar ............... 697
Placed on calendar .................................................. 891
Read the second and third time .................................... 927
Signed by the President and returned to the House .......... 928

H.B. 138 — NONRESIDENT TUITION FOR HIGHER EDUCATION AMENDMENTS (M. S. Lawrence)
Read for the first time and referred to the Rules Committee .... 715
Placed on calendar .................................................. 852
Read the second and third time .................................... 914
Signed by the President and returned to the House .......... 914

H.B. 139 — LOCAL SCHOOL BOARD AMENDMENTS (M. Dayton)
Read for the first time and referred to the Rules Committee .... 468
Assigned to standing committee .................................. 497
Read the second time and placed on Consent Calendar ......... 635
Read the third time .................................................. 704
Signed by the President and returned to the House .......... 705

H.B. 140 — INDIVIDUAL INCOME TAX CONTRIBUTION FOR COMMUNITY SPAY AND NEUTER PROGRAMS (M. Noel)
Read for the first time and referred to the Rules Committee .... 771
Placed on calendar .................................................. 938
Read the second and third time .................................... 980
Failed ................................................................. 980
Returned to the House for filing ................................... 981

H.B. 142 — ISSUES SUBMITTED TO VOTERS (G. Hughes)
Read for the first time and referred to the Rules Committee .... 606
Assigned to standing committee .................................. 632
Returned to the Rules Committee .................................. 762
Placed on calendar .................................................. 891
Read the second time ................................................ 930
Circled 930
Uncircled 932
Amendments 933
Read the second and third time 935
Returned to the House 935
Signed by the President and returned to the House 989

H.B. 143 — NATIONAL GUARD AMENDMENTS (E. Hutchings)
Read for the first time and referred to the Rules Committee 468
Assigned to standing committee 497
Committee report adopted and placed on calendar 560
Read the second time 740
Read the third time 773
Signed by the President and returned to the House 773

H.B. 145 — AMENDMENTS TO HEARING AND SPEECH IMPAIRED
TELECOMMUNICATIONS
PROGRAM (B. Goodfellow)
Read for the first time and referred to the Rules Committee 524
Assigned to standing committee 557
Read the second time and placed on Consent Calendar 635
Read the third time 705
Signed by the President and returned to the House 705

H.B. 147 — PROPERTY TAX EXEMPTION FOR VETERANS (G. Hughes)
Read for the first time and referred to the Rules Committee 715
Placed on calendar 852
Read the second time 921
Circled 921
Uncircled 928
Read the second and third time 928
Signed by the President and returned to the House 929

H.B. 148 — SCHOOL TRUANCY AMENDMENTS (E. Hutchings)
Read for the first time and referred to the Rules Committee 703
Enacting Clause Stricken 1004

H.B. 149 — VEHICLE IDENTIFICATION NUMBER INSPECTORS (C. Frank)
Read for the first time and referred to the Rules Committee 508
Assigned to standing committee 525
Read the second time and placed on Consent Calendar 599
Read the third time 678
Signed by the President and returned to the House 678

H.B. 150 — WATER RIGHTS FEES (J. Gowans)
Read for the first time and referred to the Rules Committee 442
Assigned to standing committee 470
Committee report adopted and placed on calendar 539
Read the second time 725
Read the third time 738
Circled 738
Uncircled 753
Signed by the President and returned to the House 754

H.B. 151 — SCHOOL COMMUNITY COUNCILS (J. Dougall)
Read for the first time and referred to the Rules Committee 663
Assigned to standing committee 694
Returned to the Rules Committee 762
Enacting Clause Stricken 1004

H.B. 154 — SCHOOL AND INSTITUTIONAL TRUST LANDS AMENDMENTS (E. Hutchings)
Read for the first time and referred to the Rules Committee 468
H.B. 155 — AGRICULTURAL COOP AMENDMENTS (C. Buttars)
Read for the first time and referred to the Rules Committee 451
Assigned to standing committee 470
Committee report adopted and placed on calendar 539
Read the second time 726
Read the third time 739
Signed by the President and returned to the House 739

H.B. 156 — DAIRY PROMOTION ACT AMENDMENTS (D. Ure)
Read for the first time and referred to the Rules Committee 442
Assigned to standing committee 470
Committee report adopted and placed on calendar 539
Read the second time 726
Read the third time 739
Signed by the President and returned to the House 739

H.B. 157 — WATER ENFORCEMENT PROCEDURES AND PENALTIES (D. Ure)
Read for the first time and referred to the Rules Committee 350
Assigned to standing committee 366
Amendments 404, 563, 804
Committee report adopted and placed on calendar 405
Read the second time 563
Tabled on Third Reading Calendar 564
Placed on third Reading Calendar 803
Read the third time 804
Returned to the House 805
Signed by the President and returned to the House 870

H.B. 159 — MOTOR ASSISTED SCOOTER AND MINI–MOTORCYCLE AMENDMENTS (B. Dee)
Read for the first time and referred to the Rules Committee 382
Assigned to standing committee 393
Committee report adopted and placed on calendar 457
Read the second time 569
Read the third time 588
Signed by the President and returned to the House 589

H.B. 160 — WILDLIFE LICENSE AGENTS AMENDMENTS (J. Fisher)
Read for the first time and referred to the Rules Committee 253
Assigned to standing committee 280
Read the second time and placed on Consent Calendar 315
Read the third time 371
Signed by the President and returned to the House 372

H.B. 162 — MUNICIPAL ABATEMENT OF WEEDS AND OTHER NEGLECTED ITEMS ON PROPERTY (M. Morley)
Read for the first time and referred to the Rules Committee 200
Assigned to standing committee 219
Amendments 315
Read the second time and placed on Consent Calendar 315
Read the third time 372
Returned to the House 372
Signed by the President and transmitted to the Governor 442

H.B. 163 — GARNISHMENT FEES (S. Mascaro)
Read for the first time and referred to the Rules Committee 646
Assigned to standing committee ........................................... 664
Returned to the Rules Committee ....................................... 732
Enacting Clause Stricken .................................................. 1004

H.B. 164 — REPEAL OF UTAH PERSONAL INTRODUCTION SERVICES PROTECTION ACT
(S. Allen)
Read for the first time and referred to the Rules Committee ........... 218
Assigned to standing committee .......................................... 244
Committee report adopted and placed on calendar ....................... 337
Read the second time .......................................................... 411
Read the third time ............................................................. 433
Signed by the President and returned to the House ....................... 433

H.B. 165 — UTAH COMMISSION ON AGING (P. Jones)
Read for the first time and referred to the Rules Committee ........... 302
Assigned to standing committee .......................................... 333
Committee report adopted and placed on calendar ....................... 386
Read the second time .......................................................... 421
Circled ............................................................................. 421, 783
Uncircled ............................................................................ 674, 792
Tabled on Third Reading Calendar ......................................... 675
Returned to the House ......................................................... 756, 799
Read the first and second time and placed on the Third Reading Table . 771
Placed on calendar .................................................................. 782
Read the third time ............................................................. 783
Amendments ......................................................................... 792
Signed by the President and returned to the House ....................... 870

H.B. 168 — COOPERATIVE WILDLIFE MANAGEMENT UNIT AMENDMENTS (J. Gowans)
Read for the first time and referred to the Rules Committee ........... 302
Assigned to standing committee .......................................... 334
Committee report adopted and placed on calendar ....................... 370
Read the second time .......................................................... 418
Read the third time ............................................................. 436
Intent Language ..................................................................... 436
Signed by the President and returned to the House ....................... 436

H.B. 170 — EXTENSION OF UTAH LOW-INCOME HOUSING TAX CREDITS (S. Clark)
Read for the first time and referred to the Rules Committee ........... 218
Assigned to standing committee .......................................... 245
Committee report adopted and placed on calendar ....................... 314
Read the second time .......................................................... 346
Read the third time ............................................................. 354
Signed by the President and returned to the House ....................... 354

H.B. 171 — CALCULATION OF MINING SEVERANCE TAX ON BERYLLIUM (R. Wheeler)
Read for the first time and referred to the Rules Committee ........... 280
Assigned to standing committee .......................................... 334
Committee report adopted and placed on calendar ....................... 386
Read the second time .......................................................... 551
Read the third time ............................................................. 580
Signed by the President and returned to the House ....................... 581

H.B. 172 — NOTARY PUBLIC AMENDMENTS (L. Shurtliff)
Read for the first time and referred to the Rules Committee ........... 333
Assigned to standing committee .......................................... 351
Amendments ......................................................................... 509
Committee report adopted and placed on calendar ....................... 511
Read the second time .......................................................... 576
Failed .................................................................................. 576
Returned to the House for filing .............................................. 576
H.B. 173 — STATE EMPLOYEE AMENDMENTS (A. Hardy)
Read for the first time and referred to the Rules Committee ............. 242
Assigned to standing committee ........................................... 245
Read the second time and placed on Consent Calendar .................. 430
Read the third time ........................................................... 513
Signed by the President and returned to the House ....................... 513

H.B. 174 — CHILD PROTECTION REGISTRY AMENDMENTS (J. Dougall)
Read for the first time and referred to the Rules Committee ............. 663
Assigned to standing committee ............................................. 694
Committee report adopted and placed on calendar ....................... 728
Enacting Clause Stricken ...................................................... 1004

H.B. 176 — REVISOR’S STATUTE (R. Lockhart)
Read for the first time and referred to the Rules Committee ............. 144
Assigned to standing committee ............................................. 161
Committee report adopted and placed on calendar ....................... 193
Read the second time .......................................................... 322
Read the third time ............................................................ 338
Signed by the President and returned to the House ....................... 339

H.B. 177 — WILDLIFE LICENSE REFUND AMENDMENTS (M. Dayton)
Read for the first time and referred to the Rules Committee ............. 218
Assigned to standing committee ............................................. 245
Read the second time and placed on Consent Calendar .................. 315
Read the third time ............................................................ 372
Signed by the President and returned to the House ....................... 373

H.B. 179 — UTAH VENTURE CAPITAL ENHANCEMENT ACT AMENDMENTS (P. Wallace)
Read for the first time and referred to the Rules Committee ............. 218
Assigned to standing committee ............................................. 245
Committee report adopted and placed on calendar ....................... 352
Read the second time .......................................................... 417
Read the third time ............................................................ 435
Signed by the President and returned to the House ....................... 436

H.B. 180 — RETIREMENT OFFICE AMENDMENTS (A. Hardy)
Read for the first time and referred to the Rules Committee ............. 242
Assigned to standing committee ............................................. 245
Committee report adopted and placed on calendar ....................... 430
Read the second time .......................................................... 566
Circled .............................................................................. 583, 596
Uncircled ............................................................................ 596, 674
Substituted ........................................................................... 596
Read the third time ............................................................. 583
Returned to the House .......................................................... 674
Signed by the President and returned to the House ....................... 714

H.B. 181 — DUPLICATE WILDLIFE LICENSING AMENDMENTS (M. Dayton)
Read for the first time and referred to the Rules Committee ............. 218
Assigned to standing committee ............................................. 245
Read the second time and placed on Consent Calendar .................. 315
Read the third time ............................................................. 373
Signed by the President and returned to the House ....................... 373

H.B. 182 — HISTORICAL LIVESTOCK TRAILS (B. Johnson)
Read for the first time and referred to the Rules Committee ............. 302
Assigned to standing committee ............................................. 334
Committee report adopted and placed on calendar ....................... 437
Read the second time .......................................................... 419
Read the third time ............................................................. 437
Circled .............................................................................. 437
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H.B. 183 — VERIFICATION OF ELIGIBILITY FOR FEE WAIVERS (W. Harper)
Read for the first time and referred to the Rules Committee 253
Assigned to standing committee 280
Amendments 428
Committee report adopted and placed on calendar 430
Read the second time 565
Read the third time 582
Returned to the House 583
Signed by the President and returned to the House 645

H.B. 184 — CRIME VICTIMS – CHANGE OF LOCKS ON RENTAL PROPERTY (L. Shurtliff)
Read for the first time and referred to the Rules Committee 630
Assigned to standing committee 664
Returned to the Rules Committee 732
Placed on calendar 838
Read the second time 871
Amendments 871
Read the third time 897
Returned to the House 897
Signed by the President and returned to the House 932

H.B. 185 — UTAH COMPUTER CRIMES ACT AMENDMENTS (B. Daw)
Read for the first time and referred to the Rules Committee 200
Assigned to standing committee 219
Amendments 262
Committee report adopted and placed on calendar 263
Read the second time 327
Read the third time 344
Returned to the House 344
Signed by the President and returned to the House 382

H.B. 186 — CONSUMER PROTECTION AMENDMENTS (S. Allen)
Read for the first time and referred to the Rules Committee 200
Assigned to standing committee 218
Committee report adopted and placed on calendar 337
Read the second time 412
Amendments 412
Read the third time 434
Returned to the House 434
Signed by the President and returned to the House 478

H.B. 188 — PUBLIC EDUCATION JOB ENHANCEMENT PROGRAM (B. Johnson)
Read for the first time and referred to the Rules Committee 453
Assigned to standing committee 469
Substituted 511, 719
Committee report adopted and placed on calendar 511
Read the second time 511
Tabbed on Third Reading Calendar 737
Read the third time 737
Placed on Third Reading Calendar 820
Before the Senate 820
Amendments 820
Returned to the House 820
Signed by the President and returned to the House 870

H.B. 190 — INDIVIDUAL INCOME TAX – ELECTRONIC FILING REQUIREMENTS (S. Clark)
Read for the first time and referred to the Rules Committee 280
Assigned to standing committee 334
Committee report adopted and placed on calendar .......................... 386
Read the second time ................................................................. 551
Read the third time ................................................................. 581
Signed by the President and returned to the House ......................... 581

H.B. 191 — CAPTIVE INSURANCE LAW AMENDMENTS (J. Dunnigan)
Read for the first time and referred to the Rules Committee .......... 280
Assigned to standing committee .................................................. 333
Committee report adopted and placed on calendar ......................... 511
Read the second time ................................................................. 718
Read the third time ................................................................. 733
Signed by the President and returned to the House ......................... 733

H.B. 195 — INSURANCE LAW AMENDMENTS (J. Dunnigan)
Read for the first time and referred to the Rules Committee .......... 253
Assigned to standing committee .................................................. 280
Read the second time and placed on Consent Calendar ................... 386
Read the third time ................................................................. 458
Signed by the President and returned to the House ......................... 459

H.B. 198 — NATUROPATHIC FORMULARY PEER COMMITTEE AMENDMENTS (J. Ferrin)
Read for the first time and referred to the Rules Committee .......... 308
Assigned to standing committee .................................................. 351
Committee report adopted and placed on calendar ......................... 457
Read the second time ................................................................. 567
Read the third time ................................................................. 585
Signed by the President and returned to the House ......................... 585

H.B. 200 — INSURANCE LAW REVISIONS (J. Dunnigan)
Read for the first time and referred to the Rules Committee .......... 415
Assigned to standing committee .................................................. 443
Committee report adopted and placed on calendar ......................... 635
Read the second time ................................................................. 811
Amendments ................................................................. 811
Read the third time ................................................................. 827
Returned to the House ............................................................ 828
Signed by the President and returned to the House ......................... 870

H.B. 201 — LIFE INSURANCE AND ANNUITIES LAW AMENDMENTS (J. Dunnigan)
Read for the first time and referred to the Rules Committee .......... 302
Assigned to standing committee .................................................. 333
Committee report adopted and placed on calendar ......................... 511
Read the second time ................................................................. 718
Read the third time ................................................................. 736
Signed by the President and returned to the House ......................... 736

H.B. 202 — REVISIONS TO CHILD WELFARE (W. Harper)
Read for the first time and referred to the Rules Committee .......... 703
Substituted ........................................................................... 950
Placed on calendar ................................................................. 951, 988
Enacting Clause Stricken ............................................................ 1004

H.B. 203 — AGRICULTURAL ADVISORY BOARD (M. Noel)
Read for the first time and referred to the Rules Committee .......... 392
Assigned to standing committee .................................................. 416
Committee report adopted and placed on calendar ......................... 485
Read the second time ................................................................. 572
Read the third time ................................................................. 591
Signed by the President and returned to the House ......................... 591

H.B. 204 — STATUTE OF LIMITATIONS AMENDMENTS (D. Clark)
Read for the first time and referred to the Rules Committee .......... 614
Assigned to standing committee ........................................ 632
Returned to the Rules Committee ........................................ 732
Returned to the Rules Committee ........................................ 772
Placed on calendar ....................................................... 988
Enacting Clause Stricken .................................................. 1004

H.B. 206 — CHARTER SCHOOL REPORTING (C. Moss)
Read for the first time and referred to the Rules Committee ........... 646
Assigned to standing committee ......................................... 664
Committee report adopted and placed on calendar ....................... 712
Placed on calendar ....................................................... 799
Read the second time ..................................................... 848
Read the third time ....................................................... 862
Signed by the President and returned to the House ....................... 862

H.B. 208 — UNCLAIMED PROPERTY AMENDMENTS (P. Ray)
Read for the first time and referred to the Rules Committee ........... 442
Assigned to standing committee ......................................... 470
Read the second time and placed on Consent Calendar ................... 540
Read the third time ....................................................... 649
Signed by the President and returned to the House ....................... 649

H.B. 209 — ADMINISTRATIVE RULES – IMPACT ON SMALL BUSINESSES (G. Hughes)
Read for the first time and referred to the Rules Committee ........... 468
Assigned to standing committee ......................................... 497
Committee report adopted and placed on calendar ....................... 560
Enacting Clause Stricken .................................................. 1004

H.B. 211 — INTEGRITY OF ELECTION RESULTS AMENDMENTS (J. Dougall)
Read for the first time and referred to the Rules Committee ........... 614
Assigned to standing committee ......................................... 632
Returned to the Rules Committee ........................................ 762
Placed on calendar ....................................................... 838
Read the second time ..................................................... 875
Read the third time ....................................................... 898
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Uncircled .............................................................. 902, 941
Amendments .......................................................... 902, 941
Returned to the House ................................................... 910
Reconsideration ....................................................... 918
Before the Senate ..................................................... 932
Signed by the President and returned to the House ....................... 941

H.B. 212 — TRAFFIC VIOLATIONS BY DIPLOMATS (D. Hogue)
Read for the first time and referred to the Rules Committee ........... 401
Assigned to standing committee ......................................... 416
Committee report adopted and placed on calendar ....................... 485
Read the second time ..................................................... 574
Read the third time ....................................................... 591
Circled ................................................................. 591
Uncircled .............................................................. 594
Signed by the President and returned to the House ....................... 594

H.B. 213 — UNUSED SICK LEAVE AT RETIREMENT AMENDMENTS (D. Clark)
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Assigned to standing committee ......................................... 525
Committee report adopted and placed on calendar ....................... 697
Read the second and third time ......................................... 789
Amendments .......................................................... 789
Signed by the President and returned to the House ....................... 790

H.B. 214 — EMERGING TECHNOLOGIES AND OPEN GOVERNMENT (D. Clark)
H.B. 215 — PROPERTY TRACKING AMENDMENTS (P. Ray)
Read for the first time and referred to the Rules Committee ............................... 442
Assigned to standing committee ................................................................. 470
Committee report adopted and placed on calendar ........................................ 540
Enacting Clause Stricken .................................................................................. 1004

H.B. 216 — GLOBAL POSITIONING REFERENCE NETWORK (K. Holdaway)
Read for the first time and referred to the Rules Committee ......................... 464
Assigned to standing committee ................................................................. 665
Returned to the Rules Committee ............................................................ 762
Placed on calendar ......................................................................................... 799
Read the second and third time .................................................................... 807
Amendments ................................................................................................. 807
Signed by the President and returned to the House ........................................ 827

H.B. 217 — PUBLIC SAFETY RETIREMENT – EXEMPTION OF CERTAIN EMPLOYEES (D. Clark)
Read for the first time and referred to the Rules Committee ......................... 535
Assigned to standing committee ................................................................. 558
Committee report adopted and placed on calendar ........................................ 646
Read the second time ...................................................................................... 791
Read the third time ......................................................................................... 827
Signed by the President and returned to the House ........................................ 827

H.B. 218 — SECOND DISTRICT JUVENILE JUDGE (J. S. Adams)
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Assigned to standing committee ................................................................. 416
Committee report adopted and placed on calendar ........................................ 540
Read the second time ...................................................................................... 740
Read the third time ......................................................................................... 885
Signed by the President and returned to the House ........................................ 885

H.B. 220 — SALES AND USE TAX EXEMPTION FOR TEXTBOOKS FOR HIGHER EDUCATION (D. Bourdeaux)
Read for the first time and referred to the Rules Committee ......................... 497
Assigned to standing committee ................................................................. 525
Committee report adopted and placed on calendar ........................................ 732
Enacting Clause Stricken .................................................................................. 1005

H.B. 222 — PILOT PROGRAM REPEAL CLEAN–UP (R. Romero)
Read for the first time and referred to the Rules Committee ......................... 350
Assigned to standing committee ................................................................. 366
Read the second time and placed on Consent Calendar ......................... 458
Read the third time ......................................................... 541
Signed by the President and returned to the House ...................... 541

H.B. 223 — AMENDMENTS TO DRIVER LICENSE AND IDENTIFICATION CARDS (C. Oda)
Read for the first time and referred to the Rules Committee .......... 556
Assigned to standing committee .......................................... 631
Amendments ................................................................. 669
Committee report adopted and placed on calendar ..................... 670
Placed on calendar ......................................................... 799
Read the second time ...................................................... 834
Read the third time ....................................................... 858
Returned to the House ...................................................... 859
Signed by the President and returned to the House ...................... 879

H.B. 224 — PERMANENT COMMUNITY IMPACT FUND – BOARD MEMBERSHIP (J. Mathis)
Read for the first time and referred to the Rules Committee .......... 453
Assigned to standing committee .......................................... 470
Committee report adopted and placed on calendar ..................... 511
Read the second time ...................................................... 720
Read the third time ....................................................... 737
Signed by the President and returned to the House ...................... 738

H.B. 225 — BOAT REGISTRATION FEE (B. Goodfellow)
Read for the first time and referred to the Rules Committee .......... 524
Assigned to standing committee .......................................... 557
Committee report adopted and placed on calendar ..................... 670
Enacting Clause Stricken .................................................. 1005

H.B. 226 — GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT
REQUIREMENTS REGARDING ANIMAL IDENTIFICATION PROGRAM (C. Buttars)
Read for the first time and referred to the Rules Committee .......... 524
Assigned to standing committee .......................................... 557
Committee report adopted and placed on calendar ..................... 760
Placed on calendar ......................................................... 852
Read the second and third time ......................................... 920
Signed by the President and returned to the House ...................... 921

H.B. 230 — RECYCLING OF WASTE TIRES (D. Ure)
Read for the first time and referred to the Rules Committee .......... 614
Assigned to standing committee .......................................... 632
Committee report adopted and placed on calendar ..................... 670
Placed on calendar ......................................................... 838
Read the second time ...................................................... 888
Read the third time ....................................................... 912
Signed by the President and returned to the House ...................... 912

H.B. 231 — SCHOOL DISTRICT BOUNDARIES (M. Noel)
Read for the first time and referred to the Rules Committee .......... 646
Assigned to standing committee .......................................... 664
Committee report adopted and placed on calendar ..................... 712
Enacting Clause Stricken .................................................. 1005

H.B. 233 — ADOPTION LAW REVISIONS (R. McGee)
Read for the first time and referred to the Rules Committee .......... 630
Assigned to standing committee .......................................... 665
Committee report adopted and placed on calendar ..................... 712
Placed on calendar ......................................................... 988
Read the second and third time ......................................... 995
Signed by the President and returned to the House ...................... 995
H.B. 234 — TELEPHONE SURCHARGE FOR EDUCATION AND TRAINING PROGRAMS AT PRISON (B. Goodfellow)
Read for the first time and referred to the Rules Committee .......................... 598
Assigned to standing committee ................................................................. 632
Committee report adopted and placed on calendar ........................................ 712
Placed on calendar ..................................................................................... 799
Read the second time .................................................................................. 809
Substituted .................................................................................................. 809
Read the second and third time ................................................................. 809
Returned to the House ................................................................................ 810
Signed by the President and returned to the House ...................................... 871

H.B. 235 — INSURANCE ARBITRATION AMENDMENTS (S. Urquhart)
Read for the first time and referred to the Rules Committee ......................... 646
Assigned to standing committee .................................................................. 664
Returned to the Rules Committee ................................................................ 732
Placed on calendar ...................................................................................... 938
Read the second time .................................................................................. 981
Circled ......................................................................................................... 982
Uncircled ...................................................................................................... 986
Read the second and third time ................................................................. 986
Signed by the President and returned to the House ...................................... 986

H.B. 236 — HEALTH INSURANCE LAW AMENDMENTS (J. Dunnigan)
Read for the first time and referred to the Rules Committee ......................... 524
Assigned to standing committee .................................................................. 557
Committee report adopted and placed on calendar ........................................ 635
Placed on calendar ...................................................................................... 833
Read the third time .................................................................................... 857
Signed by the President and returned to the House ...................................... 858

H.B. 238 — UTAH TECHNOLOGY COMMISSION MEMBERSHIP (J. Dougall)
Read for the first time and referred to the Rules Committee ......................... 524
Assigned to standing committee .................................................................. 557
Returned to the Rules Committee ................................................................ 762
Placed on calendar ...................................................................................... 949, 988
Enacting Clause Stricken ............................................................................. 1005

H.B. 240 — DISASTER LOAN PROGRAM (R. Bigelow)
Read for the first time and referred to the Rules Committee ......................... 277
Placed on calendar ...................................................................................... 277
Read the second and third time ................................................................. 278
Signed by the President and returned to the House ...................................... 278

H.B. 241 — VETERANS NURSING HOME (D. G. Buxton)
Read for the first time and referred to the Rules Committee ......................... 755
Enacting Clause Stricken ............................................................................. 1005

H.B. 242 — CRIMINAL PENALTY FOR ANIMAL CRUELTY (S. Wyatt)
Read for the first time and referred to the Rules Committee ......................... 758
Enacting Clause Stricken ............................................................................. 1005

H.B. 243 — REPEAL OF GERIATRIC CARE MANAGER (R. Lockhart)
Read for the first time and referred to the Rules Committee ......................... 614
Assigned to standing committee .................................................................. 632
Committee report adopted and placed on calendar ........................................ 697
Placed on calendar ...................................................................................... 838
Read the second time .................................................................................. 866
Read the third time ..................................................................................... 895
Signed by the President and returned to the House ...................................... 896

H.B. 246 — WASTE FEES AMENDMENTS (S. Urquhart)
H.B. 247 — CREDIT OR REFUND FOR TAX PAID ON CIGARETTE OR TOBACCO PRODUCT DESTROYED OR RETURNED TO THE MANUFACTURER (E. Hutchings)
Read for the first time and referred to the Rules Committee .................. 782
Placed on calendar ................................................................. 838
Read the second time ............................................................. 873
Amendments ................................................................. 873
Failed ................................................................. 874
Returned to the House for filing ................................................. 875
Motion to reconsider .......................................................... 880

H.B. 249 — CARSON SMITH SPECIAL NEEDS SCHOLARSHIPS (M. Newbold)
Read for the first time and referred to the Rules Committee .................. 663
Assigned to standing committee ............................................... 694
Committee report adopted and placed on calendar ........................... 728
Placed on calendar ................................................................. 799
Read the second time ............................................................. 819
Circled ................................................................. 820
Uncircled ................................................................. 821
Read the second and third time ................................................ 821
Signed by the President and returned to the House .......................... 821

H.B. 250 — CAPITOL COMPLEX SPACE (J. Alexander)
Read for the first time and referred to the Rules Committee .................. 598
Assigned to standing committee ............................................... 632
Committee report adopted and placed on calendar ........................... 760
Placed on calendar ................................................................. 838
Read the second time ............................................................. 873
Read the third time ................................................................. 898
Signed by the President and returned to the House .......................... 898

H.B. 255 — INVESTMENT OF HIGHER EDUCATION INSTITUTION ENDOWMENT FUNDS (D. Clark)
Read for the first time and referred to the Rules Committee .................. 715
Placed on calendar ................................................................. 838
Read the second time ............................................................. 871
Circled ................................................................. 871
Uncircled ................................................................. 875
Amendments ................................................................. 875
Read the third time ................................................................. 898
Signed by the President and returned to the House .......................... 899

H.B. 256 — LOCAL GOVERNMENT AUTHORITY (A. Hardy)
Read for the first time and referred to the Rules Committee .................. 825
Placed on calendar ................................................................. 852
Read the second time ............................................................. 913
Amendments ................................................................. 913
Circled ................................................................. 914
Uncircled ................................................................. 915
Read the second and third time ................................................ 915
Returned to the House .......................................................... 916
Signed by the President and returned to the House .......................... 936

H.B. 259 — ADOPTION AMENDMENTS (A. Hardy)
Read for the first time and referred to the Rules Committee .................. 693
Placed on calendar ................................................................. 891
H.B. 260 — AMENDMENTS RELATED TO PORNOGRAPHIC AND HARMFUL MATERIALS (J. Dougall)
Read for the first time and referred to the Rules Committee .......................... 782
Placed on calendar ................................. 852
Read the second time ............................. 888
Substituted .................................. 888
Amendments ................................ 888, 974
Circled ........................................ 889
Uncircled ....................................... 974
Read the second and third time ............... 975
Returned to the House ........................... 976
Signed by the President and returned to the House ......................... 1002

H.B. 261 — MOTORBOAT LIABILITY INSURANCE AMENDMENTS (K. Gibson)
Read for the first time and referred to the Rules Committee ................. 715
Enacting Clause Stricken ............................ 1005

H.B. 263 — INSURERS REHABILITATION AND LIQUIDATION (J. Dougall)
Read for the first time and referred to the Rules Committee ................. 866
Enacting Clause Stricken ............................ 1005

H.B. 264 — STATE LAND USE MANAGEMENT PLANS AMENDMENTS (M. Noel)
Read for the first time and referred to the Rules Committee ................. 788
Placed on calendar ................................. 838
Read the second time ............................. 877
Read the third time ............................... 899
Signed by the President and returned to the House ......................... 900

H.B. 266 — CHANGES TO QUALITY GROWTH COMMISSION (C. Buttars)
Read for the first time and referred to the Rules Committee ................. 677
Assigned to standing committee ................................. 693
Committee report adopted and placed on calendar .......................... 760
Placed on calendar ................................. 838
Read the second time ............................. 887
Read the third time ............................... 911
Signed by the President and returned to the House ......................... 912

H.B. 268 — DRUG UTILIZATION REVIEW COMMITTEE AMENDMENTS (R. Lockhart)
Read for the first time and referred to the Rules Committee ................. 823
Placed on calendar ................................. 938
Read the second and third time .......................... 985
Signed by the President and returned to the House ......................... 986

H.B. 269 — SALES MARKETING REQUIREMENTS (M. Noel)
Read for the first time and referred to the Rules Committee ................. 630
Assigned to standing committee ................................. 664
Returned to the Rules Committee .............................. 732
Substituted .................................. 950
Placed on calendar ................................. 950, 988
Read the second and third time .......................... 993
Amendments ................................ 993
Failed ........................................ 993
Returned to the House for filing .............................. 994

H.B. 270 — TEMPORARY ROAD CLOSURES (M. Noel)
Read for the first time and referred to the Rules Committee ................. 598
Assigned to standing committee ................................. 633
H.B. 280 — JOINT CUSTODY AMENDMENTS (L. Christensen)
Read for the first time and referred to the Rules Committee .................. 715
Placed on calendar ................................................. 799
Read the second time ............................................ 847
Amendments ......................................................... 847
Read the third time .............................................. 861
Returned to the House ............................................ 862
Signed by the President and returned to the House .............................. 932

H.B. 279 — CLINICAL COUNSELOR – TITLE CHANGE (L. Fowlke)
Read for the first time and referred to the Rules Committee .................. 468
Assigned to standing committee ....................................... 497
Read the second time and placed on Consent Calendar ....................... 561
Read the third time .............................................. 650
Signed by the President and returned to the House .............................. 650

H.B. 276 — DIVISION OF CRIMINAL INVESTIGATION AND TECHNICAL SERVICES
AMENDMENTS (C. Oda)
Read for the first time and referred to the Rules Committee .................. 556
Assigned to standing committee ....................................... 631
Committee report adopted and placed on calendar ............................. 670
Placed on calendar .................................................... 938
Read the second and third time .................................... 985
Amendments ......................................................... 985
Returned to the House ............................................ 985
Signed by the President and returned to the House .............................. 1002

H.B. 275 — BUSINESS ENTITY AMENDMENTS (R. Romero)
Read for the first time and referred to the Rules Committee .................. 703
Placed on calendar .................................................... 838
Read the second time .............................................. 876
Circled ................................................................. 876
Uncircled .............................................................. 885
Amendments ......................................................... 885
Read the third time .............................................. 901
Returned to the House ............................................ 901
Signed by the President and returned to the House .............................. 936

H.B. 273 — REAL ESTATE AND MECHANICS LIENS – SECURITY ALTERNATIVES (M. Morley)
Read for the first time and referred to the Rules Committee .................. 630
Assigned to standing committee ....................................... 664
Returned to the Rules Committee ..................................... 732
Placed on calendar .................................................... 852
Read the second time .............................................. 916
Circled ................................................................. 916
Uncircled .............................................................. 918
Signed by the President and returned to the House .............................. 919

H.B. 272 — PATIENT ACCESS TO PROVIDERS AND CONTRACTING AMENDMENTS (R. Lockhart)
Read for the first time and referred to the Rules Committee .................. 866
Placed on calendar .................................................... 950, 988
Read the second and third time .................................... 998
Failed ................................................................. 999
Returned to the House for filing ..................................... 999
Enacting Clause Stricken ............................................ 1005

Committee report adopted and placed on calendar ............................. 670
Enacting Clause Stricken ............................................ 1005
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<td>H.B. 292</td>
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Governor Signed on 3/22/2005
Effective Date:  3/22/2005

S.C.R. 3  Resolution Honoring Searchers  L. Hillyard
Governor Signed on 3/16/2005
Effective Date:  3/16/2005

S.C.R. 4  Resolution Approving Utah Recreational Land Exchange  B. Evans
Governor Signed on 2/22/2005
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Effective Date: 3/2/2005
G. Davis

S.J.R. 20 Joint Resolution Recognizing Retiring President of Dixie State College
Senate/ to Lieutenant Governor on 3/9/2005
Effective Date: 3/2/2005
J. Hickman

S.R. 1 Senate Resolution Discouraging Participation in Free Trade Area of the Americas
Senate/ to Governor on 3/8/2005
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CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the First 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 First Special Session convening on Tuesday, April 19, 2005, and adjourning sine die Wednesday, April, 20, 2005.

Annette B. Moore  
Secretary of the Senate

Sandy D. Tenney  
Manager, Senate Services

Mary B. Andrus  
Journal Clerk
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, April 19, 2005.

The Senate was called to order at 2:45 p.m., with President John Valentine presiding.

Prayer – Senator Howard Stephenson
Pledge of Allegiance – Senator Darin Peterson
Roll Call – All Senators present except Senator Mansell, excused.

OATH OF OFFICE

President Valentine administered the oath of office to Brent H. Goodfellow who was appointed by Governor Jon M. Huntsman Jr. to fill the unexpired term of Senator Ron Allen, Senate District 12.

Annette B. Moore read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the adjournment of the 2005 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 Special Session at the State Capitol Complex at Salt Lake City, Utah, on the 19th day of April, 2005, at 2:00 p.m. for the following purposes:

1. To consider a provision directing public education officials regarding the administration and implementation of federal educational programs;

2. To consider a provision authorizing funding for, and the construction of, a veterans nursing home;

3. To consider a provision authorizing a substance abuse screening, assessment, and treatment study;

4. To consider a provision modifying the conditions under which a health care provider may bring an action against a health maintenance organization or preferred provider organization for payment and to require objective provider contracting provisions;

5. To consider a provision requiring the State Court Administrator, subject to legislative appropriation, to provide grants to nonprofit legal assistance providers;

6. To consider a joint resolution supporting jail expansion in Beaver, Millard, and Sanpete Counties through a contract with the Utah Department of Corrections;

7. To consider modifying provisions relating to tourism advertising, marketing, and branding;

8. To consider a provision modifying notice and hearing provisions relating to property tax increases by participants in certain interlocal cooperation entities;

9. To consider a provision modifying existing law regarding property tax levy rates, or other methods of funding services, for county service areas;

10. To consider a provision regarding funding for convention facilities in counties of the first class;

11. To consider a provision modifying membership of legislative task forces;
12. To consider a provision regarding funding for transportation;

13. To consider a provision modifying existing law concerning the process of making boundary adjustments between municipalities;

14. To consider a provision to give certain executive officials a 4.5% compensation increase; and

15. To consider a provision amending election law to require the State to obtain voting equipment capable of producing an auditable record of votes cast.

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 14th day of April, 2005.

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

SUPPLEMENTAL PROCLAMATION

WHEREAS, the undersigned issued a Proclamation on April 14, 2005, calling the Legislature into a Special Session beginning on the 19th day of April, 2005; and

WHEREAS, the undersigned has since been informed of the need to modify paragraph nine of that Proclamation;

NOW, THEREFORE, I, Jon M. Huntsman, Hr., Governor of the State of Utah, do by this Proclamation amend paragraph nine of the Proclamation dated April 14, 2005, to read as follows: “To consider provisions modifying existing law
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 18th
day of April, 2005.

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 14th, 2005, and signed by Governor Jon M. Huntsman, Jr., and the attached modifying Proclamation issued on the 18th day of April, 2005, are true and correct copies of the original Proclamations calling the Fifty-Sixth Legislature of the State of Utah into the First Special Session at the State Capitol Complex at Salt Lake City, Utah, on the 19th day of April, 2005, at 2:00 p.m., for the purpose named in the Proclamations.

I FURTHER TESTIFY THAT the membership of the Utah State Senate has not changed from that Certification of the 2005 General Session, with the following exceptions:

2nd District, County of Salt Lake
Scott D. McCoy

12th District, Counties of Salt Lake and Tooele
Brent H. Goodfellow
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 19th day of
April, 2005.

Gary R. Herbert
Lieutenant Governor

* * *

On motion of Senator Hillyard, the Senate voted to adopt the Senate Rules of
the 2005 General Session of the Fifty−Sixth Legislature as the rules for the First
Special Session.

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

President Valentine appointed a committee comprised of Senators David
Thomas, Allen Christensen, and Scott McCoy to notify the House of
Representatives that the Senate is organized and ready to do business.

Senator Killpack reported that the House has been notified.

Senator Thomas reported that the Governor has been notified.

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

INTRODUCTION OF BILLS

S.B. 1001, Amendments to Property Tax Public Notice and Hearing
Provisions (C. Bramble), read the first time by short title.
S.B. 1002, Funding for Tourism (S. Jenkins), read the first time by short title.

S.B. 1003, Property Tax – County Service Areas (M. Waddoups), read the first time by short title.

***

On motion of Senator Knudson, under suspension of the rules, S.B. 1001, S.B. 1002, and S.B. 1003 were placed on the Second Reading Calendar for immediate consideration.

COMMUNICATIONS FROM THE GOVERNOR

ADVISE AND CONSENT

Mr. President: April 4, 2005

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

Air Quality Board:

Nan Bunker is appointed to replace Richard Olson as a member of the Air Quality Board, a term to expire March 1, 2009. See Utah Code Ann. 19−2−103. Ms. Bunker is a Republican.

Wayne Samuelson is reappointed as a member of the Air Quality Board, a term to expire March 1, 2009. See Utah Code Ann. 19−2−103. Mr. Samuelson is an Independent.

Don Sorensen is appointed to replace Jeff Utley as a member of the Air Quality Board, a term to expire March 1, 2009. See Utah Code Ann. 19−2−103. Mr. Sorensen is an Independent.

James Horrocks is reappointed as a member of the Air Quality Board, a term to expire March 1, 2009. See Utah Code Ann. 19−2−103. Mr. Horrocks is an Independent.

Stead Burwell is appointed to replace Scott Hirschi as a member of the Air Quality Board, a term to expire March 1, 2009. See Utah Code Ann. 19−2−103. Mr. Burwell is a Republican.

Board of Juvenile Justice Services:

Mark Bezzant is appointed to replace Eldon Money as a member of the Board of Juvenile Justice Services, a term to expire April 1, 2009. See Utah Code Ann. 62A−1−105, 62A−1−107. Mr. Bezzant is a Republican.
Kirk Allen is appointed to replace Curtis Oda as a member of the Board of Juvenile Justice Services, a term to expire April 1, 2009. See Utah Code Ann. 62A–1–105, 62A–1–107. Mr. Allen is a Republican.

Georgia Block is reappointed as a member of the Board of Juvenile Justice Services, a term to expire April 1, 2009. See Utah Code Ann. 62A–1–105, 62A–1–107. Ms. Block is an Independent.

**Board of the Utah Geological Survey:**

David Simon is appointed to replace Craig Nelson as a member of the Board of the Utah Geological Survey, a term to expire March 1, 2009. See Utah Code Ann. 63–73–3. Mr. Simon is an Independent.

Jack Hamilton is appointed to replace Ronald Bruhn as a member of the Board of the Utah Geological Survey, a term to expire March 1, 2009. See Utah Code Ann. 63–73–3. Mr. Hamilton is an Independent.

Geoffrey Bedel is reappointed as a member of the Board of the Utah Geological Survey, a term to expire March 1, 2009. See Utah Code Ann. 63–73–3. Mr. Bedel is an Independent.

Stephen Church is reappointed as a member of the Board of the Utah Geological Survey, a term to expire March 1, 2009. See Utah Code Ann. 63–73–3. Mr. Church is a Republican.

**Board of Water Resources:**

John Carman is appointed to replace Bill Marcovecchio as a member of the Board of Water Resources, a term to expire March 1, 2009. See Utah Code Ann. 73–10–1.5. Mr. Carman is an Independent.

Blair Francis is appointed to replace Paul Riley as a member of the Board of Water Resources, a term to expire March 1, 2009. See Utah Code Ann. 73–10–1.5. Mr. Francis is Democrat.

Brad Hancock is reappointed as a member of the Board of Water Resources, a term to expire March 1, 2009. See Utah Code Ann. 73–10–1.5. Mr. Hancock is a Republican.

Ivan Flint is reappointed as a member of the Board of Water Resources, a term to expire March 1, 2009. See Utah Code Ann. 73–10–1.5. Mr. Flint is a Republican.

**Crime Victims Reparation Board:**


**Public Service Commission:**
Ron Allen is appointed to replace Constance White as a member of the Public Service Commission, a term to expire March 1, 2011. See Utah Code Ann. 54–1–1.5. Mr. Allen is a Democrat.

**Quality Growth Commission:**
Jaren Davis is appointed to replace Max Thompson as a member of the Quality Growth Commission, a term to expire April 15, 2009. See Utah Code Ann. 11–38–201.

Flint Richards is appointed to replace Ken Ashby as a member of the Quality Growth Commission, a term to expire April 15, 2009. See Utah Code Ann. 11–38–201.

Darrel Smith is reappointed as a member of the Quality Growth Commission, a term to expire April 15, 2009. See Utah Code Ann. 11–38–201.

**Solid and Hazardous Waste Control Board:**
Kevin Murray is appointed to replace Judy Lever as a member of the Solid and Hazardous Waste Control Board, a term to expire May 8, 2009. See Utah Code Ann. 19–6–103. Mr. Murray is a Republican.

Dennis Riding is appointed to replace Scott Widmer as a member of the Solid and Hazardous Waste Control Board, a term to expire May 8, 2009. See Utah Code Ann. 19–6–103. Mr. Riding is an Independent.

Gary Mossor is appointed to replace Lowell Peterson as a member of the Solid and Hazardous Waste Control Board, a term to expire May 8, 2009. See Utah Code Ann. 19–6–103. Mr. Mossor is an Independent.

Craig Anderson is reappointed as a member of the Solid and Hazardous Waste Control Board, a term to expire May 8, 2009. See Utah Code Ann. 19–6–103. Mr. Anderson is an Independent.

Scott Bruce is reappointed as a member of the Solid and Hazardous Waste Control Board, a term to expire May 8, 2009. See Utah Code Ann. 19–6–103. Mr. Bruce is an Independent.
Kory Coleman is reappointed as a member of the Solid and Hazardous Waste Control Board, a term to expire May 8, 2009. See Utah Code Ann. 19−6−103. Mr. Coleman is a Republican.

State Board of Financial Institutions:
Scott Q. Jorgensen is appointed to replace Mike Milovich, a term to expire July 1, 2005. See Utah Code Ann. 7−1−203.

State Engineer:
Jerry Olds is reappointed as the State Engineer, a term to expire April 20, 2009. See Utah Code Ann. 73−2−1.

Utah College of Applied Technology Board of Trustees:
Teresa Theurer is appointed to replace Janet Cannon as a member of the Utah College of Applied Technology Board of Trustees, a term to expire August 31, 2006. See Utah Code Ann. 53B−2a−103.

Dixie Allen is reappointed as a member of the Utah College of Applied Technology Board of Trustees, a term to expire August 31, 2005. See Utah Code Ann. 53B−2a−103.

Katherine Garff is appointed as a member of the Utah College of Applied Technology Board of Trustees, a term to expire August 31, 2006. See Utah Code Ann. 53B−2a−103.

Jed Pitcher is appointed as a member of the Utah College of Applied Technology Board of Trustees, a term to expire August 31, 2005. See Utah Code Ann. 53B−2a−103.

Utah Dineh Committee:
Lorraine Nakai appointed to replace Emery Beletso as a member of the Utah Dineh Committee, a term to expire June 30, 2008. See Utah Code Ann. 63−88−107.

Earl Lee is appointed to replace Hazel Merritt as a member of the Utah Dineh Committee, a term to expire June 30, 2008. See Utah Code Ann. 63−88−107.

Frank Farley is appointed to replace Sylvia Zhonnie as a member of the Utah Dineh Committee, a term to expire June 30, 2008. See Utah Code Ann. 63−88−107.

Marie Holiday is reappointed as a member of the Utah Dineh Committee, a term to expire June 30, 2008. See Utah Code Ann. 63−88−107.

**Utah State Fair Corporation Board of Directors:**

Steve Frischknecht is appointed to replace Judith Olson as a member of the Utah State Fair Corporation Board of Directors, a term to expire December 1, 2008. See Utah Code Ann. 9–4–1104.

Lillian Bayles is reappointed as a member of the Utah State Fair Corporation Board of Directors, a term to expire December 1, 2008. See Utah Code Ann. 9–4–1104.

**Water Quality Board:**

Darrel Mensel is appointed to replace Ann Weschler as a member of the Water Quality Board, a term to expire March 1, 2009. See Utah Code Ann. 19–5–103. Mr. Mensel is a Democrat.

Gregory Rowley is appointed to replace Robert Adams as a member of the Water Quality Board, a term to expire March 1, 2009. See Utah Code Ann. 19–5–103. Mr. Rowley is a Republican.

Neil Kochenour is reappointed as a member of the Water Quality Board, a term to expire March 1, 2009. See Utah Code Ann. 19–5–103. Mr. Kochenour is a Democrat.

Joe Piccolo is reappointed as a member of the Water Quality Board, a term to expire March 1, 2009. See Utah Code Ann. 19–5–103. Mr. Piccolo is an Independent.

Paula Doughty is reappointed as a member of the Water Quality Board, a term to expire March 1, 2009. See Utah Code Ann. 19–5–103. Ms. Doughty is an Independent.

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

Jon M. Huntsman, Jr.
Governor

* * *

Mr. President: April 14, 2005

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

Yvette Dinosso Diaz is appointed as the Interim Manager of the Department of Community and Economic Development and, effective July 1, 2005, as the Executive Director of the Department of Community and Culture. See Utah Code Ann. 9–1–204, as amended by H.B. 318 (2005).

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

Jon M. Huntsman, Jr.
Governor

* * *

Mr. President: April 18, 2005

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

Public Lands Policy Coordinating Office:

Lynn Stevens is appointed as Coordinator of the Public Lands Policy Coordinating Office. See Utah Code Ann. 63–38d–602.

Board of Business and Economic Development:

Bill Boyle is reappointed as a member of the Board of Business and Economic Development, a term to expire March 15, 2009. See Utah Code Ann. 9–2–203. Mr. Boyle is a Republican.


Gerald Sherratt is appointed to replace Karen Alvey as a member of the Board of Business and Economic Development, a term to expire March 15, 2009. See Utah Code Ann. 9–2–203. Mr. Sherratt is a Republican.

Molonai Hola is appointed to replace Ed Ekstrom as a member of the Board of Business and Economic Development, a term to expire March 15, 2009. See Utah Code Ann. 9–2–203. Mr. Hola is a Republican.

Mel Lavitt is appointed to replace Ted Smith as a member of the Board of Business and Economic Development, a term to expire March 15, 2009. See Utah Code Ann. 9–2–203. Mr. Lavitt is an Independent.

Amy Reese Lewis is appointed to replace Jane Shock as a member of the Board of Business and Economic Development, a term to expire March 15, 2009. See Utah Code Ann. 9–2–203. Ms. Lewis is an Independent.
Mary Draper is appointed to replace Kenneth Woolley as a member of the Board of Business and Economic Development, a term to expire March 15, 2009. See Utah Code Ann. 9−2−203. Ms. Draper is a Democrat.

Jack Brittain is appointed to replace Barbara Zimonja as a member of the Board of Business and Economic Development, a term to expire March 15, 2009. See Utah Code Ann. 9−2−203. Mr. Brittain 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, pursuant to Section 67−1−2 of the Utah Code, voted to waive the 15−day requirement on the submittals dated April 14, and 18, 2005, for the purposes of acting on gubernatorial nominees.

***

On motion of Senator Hillyard, the Senate voted to consent to the governor’s appointments as listed on his communications dated April 4, April 14, and April 18, 2005, as read by Sandy Tenney. Senator Walker declared a conflict of interest. The motion 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
Evans Fife Goodfellow Hale
Hatch Hellewell Hickman Hillyard
Jenkins Killpack Knudson Madsen
Mayne Peterson Stephenson Thomas
Waddoups Walker Valentine

Absent or not voting were: Senators
Mansell McCoy

COMMITTEE OF THE WHOLE

On motion of Senator Knudson, Yvette Dinosso Diaz, Executive director of the Department of Community and Culture and Lynn Stevens, Coordinator of the
Public Lands Policy Coordinating Office, spoke in Committee of the Whole. Senators Dmitrich, Walker, Peterson, and Bramble commented.

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

SECOND READING CALENDAR

S.B. 1001, AMENDMENTS TO PROPERTY TAX PUBLIC NOTICE AND HEARING PROVISIONS, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

Arent          Bramble          Buttars          Christensen
Davis          Dmitrich         Eastman          Evans
Fife           Hale             Hatch            Hellewell
Hickman        Jenkins          Killpack         Knudson
Madsen         Mayne            McCoy            Peterson
Stephenson     Thomas           Waddoups        Walker

Absent or not voting were: Senators

Bell             Goodfellow      Hillyard        Mansell

* * *

S.B. 1002, FUNDING FOR TOURISM, was read the second time.

On motion of Senator Jenkins, the bill was circled.

* * *

S.B. 1003, PROPERTY TAX – COUNTY SERVICE AREAS, was read the second time. Senator Waddoups explained the bill.

Senator Waddoups proposed the following amendment:

1. Page 2, Line 32:
   Delete “.0025” and insert “.0023”

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

On motion of Senator Waddoups, under suspension of the rules, S.B. 1003, PROPERTY TAX – COUNTY SERVICE AREAS, 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

- Arent
- Bramble
- Buttars
- Christensen
- Davis
- Dmitrich
- Eastman
- Evans
- Fife
- Hale
- Hatch
- Hellewell
- Hickman
- Jenkins
- Knudson
- Madsen
- Mayne
- McCoy
- Peterson
- Stephenson
- Thomas
- Waddoups
- Walker
- Valentine

**Absent or not voting were**: Senators

- Bell
- Goodfellow
- Hillyard
- Killpack
- Mansell

*S.B. 1003*, as amended, was transmitted to the House.

***

On motion of Senator Knudson, and at 3:35 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: April 19, 2005

The House passed **H.B. 1001**, IMPLEMENTING FEDERAL EDUCATIONAL PROGRAMS, by Representative M. Dayton, and it is transmitted for consideration; and


Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 1001** and **H.B. 1007** were read the first time.

***

On motion of Senator Knudson, under suspension of the rules, **H.B. 1001** and **H.B. 1007**, were placed on the Second Reading Calendar for immediate consideration.
On motion of Senator Bramble, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

**S.B. 1001**, AMENDMENTS TO PROPERTY TAX PUBLIC NOTICE AND HEARING PROVISIONS, was read the third time and explained by Senator Bramble.

Senator Stephenson proposed the following amendment:

1. Page 4, Lines 99 through 100

   99 (II) the tax rate increase is approved by the taxing entity’s voters at an election held for

   100 that purpose on or before December 31, 2010;

2. Page 4, Lines 104 through 106:

   104 (Aa) adopts a resolution certifying that the taxing entity will dedicate all revenue from

   105 the tax rate increase exclusively to pay for fire protection, emergency, and emergency medical

   106 services provided by the interlocal entity and that the amount of other revenues, independent of the revenue generated from the tax rate increase, that the taxing entity spends for fire protection, emergency, and emergency medical services each year after the tax rate increase will not decrease below the amount spent by the taxing entity during the year immediately before the tax rate increase without a corresponding decrease in the taxing entity’s property tax revenues used in calculating the taxing entity’s certified tax rate; and

3. Page 4, Line 107:

   107 (Bb) sends a copy of the resolution to the commission.

   (iii) The exception under Subsection (1)(a)(ii)(B) from the advertisement and hearing requirements of this section does not apply to an increase in a taxing entity’s tax rate that occurs after December 31, 2010, even if the tax rate increase is approved by the taxing entity’s voters before that date.

Senator Stephenson’s motion to amend passed on a voice vote. The bill passed on the following roll call:
Yeas, 28; Nays, 0; Absent, 1.

**Voting in the affirmative were:** Senators

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

**Absent or not voting was:** Senator
Mansell

**S.B. 1001**, as amended, was transmitted to the House for consideration.

**SECOND READING CALENDAR**

On motion of Senator Hatch, under suspension of the rules, **H.B. 1001**, IMPLEMENTING FEDERAL EDUCATION PROGRAMS, was considered read the second and third times. Senators Thomas, Hillyard, Hickman, Mayne, Waddoups, Hale, Davis, Stephenson, and Arent commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Voting in the negative were:** Senators

Davis  Fife  McCoy

**Absent or not voting was:** Senator
Mansell

**H.B. 1001** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
COMMUNICATIONS FROM THE HOUSE

Mr. President:

The House passed **H.B. 1002**, PROVIDER CONTRACTING AMENDMENTS, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed **H.B. 1003**, CIVIL LEGAL AID FOR VICTIMS OF DOMESTIC VIOLENCE, by Representative R. Romero, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 1005**, INTEGRITY OF ELECTION RESULTS AMENDMENTS, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 1006**, CHANGES IN TASK FORCE MEMBERSHIP, by Representative J. Alexander, and it is transmitted for consideration; and

The House passed **H.B. 1009**, EXECUTIVE COMPENSATION, by Representative J. Alexander, and it is transmitted for consideration; and

The House passed **H.J.R. 101**, JOINT RESOLUTION SUPPORTING EXPANSION OF CORRECTIONAL FACILITIES, by Representative D. Hogue, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 1002, H.B. 1003, H.B. 1005, H.B. 1006, H.B. 1009, and H.J.R. 101** were read the first time.

* * *


INTRODUCTION OF BILLS

**S.B. 1004, Drug Offender Reform Act – Pilot Program** (S. Killpack), read the first time.

* * *

On motion of Senator Knudson, under suspension of the rules, **S.B. 1004** was placed at the top of the Second Reading Calendar for immediate consideration.
SECOND READING CALENDAR

S.B. 1004, DRUG OFFENDER REFORM ACT – PILOT PROGRAM, was read the second time. Senator Killpack explained the bill. Senators Hillyard, Buttars, Thomas, and Waddoups commented. The bill passed second reading 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
Evans  Fife  Goodfellow  Hale
Hatch  Hellewell  Hillyard  Jenkins
Killpack  Knudson  Madsen  Mayne
McCoy  Peterson  Stephenson  Thomas
Waddoups  Walker  Valentine

Absent or not voting were: Senators

Hickman  Mansell

***

H.B. 1007, VETERANS’ NURSING HOME AUTHORIZATION AND FUNDING, was read the second time. Senator Thomas explained the bill. Senators Waddoups, Mayne, Christensen, Hickman, and Arent commented. Senator Thomas 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

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

Absent or not voting was: Senator

Mansell
H.B. 1002, PROVIDER CONTRACTING AMENDMENTS, was read the second time. Senator Bramble explained the bill. Senators Buttars, Christensen, and Evans commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Mansell | Stephenson | |

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On motion of Senator Bell, under suspension of the rules, H.B. 1003, CIVIL LEGAL AID FOR VICTIMS OF DOMESTIC VIOLENCE, was considered read the second and third times. Senator McCoy commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Mansell | Stephenson | |

H.B. 1003 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
On motion of Senator Jenkins, the circle was removed from **S.B. 1002**, FUNDING FOR TOURISM, 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. 1002, Funding for Tourism** (S. Jenkins)

On motion of Senator Jenkins, the bill was circled.

**H.B. 1005, INTEGRITY OF ELECTION RESULTS AMENDMENTS**, was read the second time.

On motion of Senator Eastman, the bill was circled.

On motion of Senator Knudson and at 6:45 p.m., the Senate adjourned until 2:00 p.m., Wednesday, April 20, 2005.
Day 2  Wednesday, April 20, 2005

FIRST SPECIAL SESSION
of the
FIFTY–SIXTH LEGISLATURE
SECOND DAY
April 20, 2005

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

Prayer – Senator Allen Christensen
Pledge of Allegiance – Senator Greg Bell
Roll Call – All Senators present except Senator Mansell, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 5)

THIRD READING CALENDAR

S.B. 1004, DRUG OFFENDER REFORM ACT – PILOT PROGRAM, 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
Arent  Bell  Bramble  Buttrars
Christensen  Davis  Dmitrich  Eastman
Evans  Fife  Goodfellow  Hale
Hatch  Hellewell  Hickman  Hillyard
Killpack  Knudson  Madsen  Mayne
McCoy  Peterson  Stephenson  Thomas
Waddoups  Walker  Valentine

Absent or not voting were: Senators
Jenkins  Mansell

S.B. 1004 was transmitted to the House for consideration.

* * *

H.B. 1007, VETERANS’ NURSING HOME AUTHORIZATION AND FUNDING, was read the third time, explained by Senator Thomas, and 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
Evans Fife Goodfellow Hale
Hatch Hellewell Hickman Hillyard
Killpack Knudson Madsen Mayne
McCoy Peterson Stephenson Thomas
Waddoups Walker Valentine

**Absent or not voting were:** Senators

Jenkins Mansell

**H.B. 1007** was signed by the President in open session and returned to the House for the signature of the Speaker.

* * *

**H.B. 1002**, PROVIDER CONTRACTING AMENDMENTS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Jenkins Mansell Thomas

**H.B. 1002** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**SECOND READING CALENDAR**

**H.B. 1006**, CHANGES IN TASK FORCE MEMBERSHIP, was read the second time. Senator Knudson explained the bill.
On motion of Senator Bramble, the following substitute bill replaced the original bill.

**1st Sub. H.B. 1006** Changes In Task Force Membership (J. Alexander)

On motion of Senator Knudson, under suspension of the rules, **1st Sub. H.B. 1006, CHANGES IN TASK FORCE MEMBERSHIP**, 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

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**Absent or not voting were:** Senators

Mansell  Thomas

**1st Sub. H.B. 1006**, as amended, was returned to the House for further consideration.

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**H.B. 1009**, EXECUTIVE COMPENSATION, was read the second time. Senator Eastman explained the bill.

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

**2nd Sub. H.B. 1009** Executive Compensation (J. Alexander)

On motion of Senator Eastman, under suspension of the rules, **2nd Sub. H.B. 1009, EXECUTIVE COMPENSATION**, was considered read the second and third times. Senator Arent commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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Voting in the negative were: Senators
Arent McCoy
Absent or not voting were: Senators
Mansell Waddoups

2nd Sub. H.B. 1009, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Jenkins, the circle was removed from 1st Sub. S.B. 1002, FUNDING FOR TOURISM, and it was before the Senate.

Senator Jenkins proposed the following amendment:

1. Page 1, Lines 22 through 25

   22 {−$18,000,000} $14,000,000 from the General Fund for fiscal year 2005–06 only, to the Tourism Marketing Performance Account; {and} up to $4,000,000 from any fiscal year 2004–05 General Fund surplus only to the Tourism Marketing Performance Account

   23 $10,000,000 from the Tourism Marketing Performance Account for fiscal year 2005–06 only, to the Governor’s Office of Economic Development.

2. Page 8, Lines 214 through 215:

   214 (5) The director may use account monies appropriated to the office to pay for the statewide advertising, marketing, and branding campaign for promotion of the state as conducted by the office.

3. Page 8, Lines 236 through 240:

   236 (ii) for the fiscal year beginning July 1, 2006 {−$8,000,000 from} beginning
nonlapsing appropriation balances, if any, in the Tourism Marketing Performance Account; and

(B) any legislative appropriation from the sales and use tax revenue increases identified in Subsection

(C) any appropriation made by the Legislature from the General Fund to the account in an appropriations bill; and

4. Page 10, Lines 295 through 297:

There is appropriated to the Tourism Marketing Performance Account for the fiscal year beginning July 1, 2005, and ending June 30, 2006 only, $14,000,000 from the General Fund, one-time; and ($4,000,000) from Closing Nonlapsing Appropriations Balances to help

4. Page 10, Lines 299 through 302:

There is appropriated to the Governor’s Office of Economic Development for the fiscal year beginning July 1, 2005, and ending June 30, 2006 only, $10,000,000 from the Tourism Marketing Performance Account for the statewide advertising, marketing, and branding campaign for tourism promotion of the state.

(3) If at the end of fiscal year 2004–05, after the Division of Finance has transferred monies to the Budget Reserve Account in accordance with Section 63–38–2.5, held back monies for the payment of additional debt service in accordance with Section 63–38–2.5, and subtracted monies earmarked to the Industrial Assistance Fund in accordance with Section 63–38f–904, there remains a General Fund surplus for fiscal year 2004–05, there is appropriated from the General Fund to the Tourism Marketing Performance Account an amount equal to the lesser of:

(a) the amount of the General Fund surplus that remains for fiscal year 2004–05 after the Division of Finance has:
(i) transferred and held back the monies in accordance with Section 63−38−2.5; and
(ii) subtracted the monies in accordance with Section 63−38f−904;
or
(b) $4,000,000

Senator Jenkins’ motion to amend passed on a voice vote.

On motion of Senator Jenkins, under suspension of the rules, 1st Sub. S.B. 1002, FUNDING TOURISM, was considered read the second and third times. Senator Jenkins explained the bill. Senators Thomas and Madsen commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

- Arent
- Bell
- Buttars
- Christensen
- Davis
- Dmitrich
- Eastman
- Evans
- Fife
- Goodfellow
- Hale
- Hatch
- Hellewell
- Hickman
- Hillyard
- Jenkins
- Killpack
- Knudson
- Mayne
- McCoy
- Peterson
- Stephenson
- Thomas
- Waddoups
- Walker
- Valentine

**Voting in the negative was:** Senator

Madsen

**Absent or not voting were:** Senators

- Bramble
- Mansell

1st Sub. S.B. 1002, as amended, was transmitted to the House.

* * *

On motion of Senator Peterson, under suspension of the rules, H.J.R. 101, JOINT RESOLUTION SUPPORTING EXPANSION OF CORRECTION FACILITIES, 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
**Absent or not voting were:** Senators

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<td>Hillyard</td>
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**H.J.R. 101** 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. 1005**, INTEGRITY OF ELECTION RESULTS AMENDMENTS and it was before the Senate.

On motion of Senator Bramble, under suspension of the rules, **H.B. 1005**, INTEGRITY OF ELECTION RESULTS AMENDMENTS, was considered read the second and third times. Senator McCoy commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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<td>Killpack</td>
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**H.B. 1005** 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: April 20, 2005

The House passed, **S.B. 1001**, AMENDMENTS TO PROPERTY TAX PUBLIC NOTICE AND HEARING PROVISIONS, by Senator C. Bramble,
which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 1001** was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: April 20, 2005

The House passed, as amended, **H.B. 1010**, USES OF MONEY IN MUNICIPAL−TYPE SERVICES FUND, by Representative M. Walker, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 1010** was read the first time.

* * *

On motion of Senator Knudson **H.B. 1010** was placed on the Second Reading Calendar for immediate consideration.

**SECOND READING CALENDAR**

**H.B. 1010.** – USES OF MONEY IN MUNICIPAL−TYPE SERVICES FUND, was read the second time. Senator Walker explained the bill.

Senator Walker proposed the following amendment:

1. Page 2, Lines 42 through 42a
   House Floor Amendments
   4−20−2005
   
   42  (b) (i) The legislative body of a county in which a newly incorporated city is located
   42a incorporated after January 1, 2004 is located

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

On motion of Senator Walker, under suspension of the rules, **H.B. 1010**, USES OF MONEY IN MUNICIPAL−TYPE SERVICES FUND, 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

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

Absent or not voting were: Senators

Killpack   Mansell

H.B. 1010, as amended, was returned to the House for further consideration.

***

On motion of Senator Knudson, and at 3:20 p.m., the Senate sauntered.

The Senate was called to order at 3:40 p.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: April 20, 2005

The House passed, as amended, S.B. 1003, PROPERTY TAX − COUNTY SERVICE AREAS, by Senator M. Waddoups, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

Communications filed.

On motion of Senator Waddoups, the Senate refused to concur in the House amendments and asked the House to recede from its amendments. S.B. 1003 was returned to the House.

***

On motion of Senator Knudson, and at 3:42 p.m., the Senate sauntered.

The Senate was called to order at 4:10 p.m., with President Valentine presiding.
COMMUNICATIONS FROM THE HOUSE

Mr. President: April 20, 2005

The House passed, as amended, **H.B. 1011**, FUNDING FOR CONVENTION FACILITIES, by Representative D. Clark, et al, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. **H.B. 1011** was read the first time.

On motion of Senator Waddoups, **H.B. 1011** was placed on the Second Reading Calendar for immediate consideration.

**SECOND READING CALENDAR**

On motion of Senator Waddoups, under suspension of the rules, **H.B. 1011**, FUNDING FOR CONVENTION FACILITIES, 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

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**Voting in the negative were:** Senators

| Hatch | Peterson | Thomas |

**Absent or not voting were:** Senators

| Buttars | Mansell |

**H.B. 1011** 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, and at 4:20 p.m., the Senate sauntered.

The Senate was called to order at 5:15 p.m., with President Valentine presiding.
COMMUNICATIONS FROM THE HOUSE

Mr. President: April 20, 2005

The House passed, S.B. 1004, DRUG OFFENDER REFORM ACT – PILOT PROGRAM, by Senator S. Killpack, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

S.B. 1004 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: April 20, 2005

The House passed, as amended, H.B. 1008, TRANSPORTATION INVESTMENT ACT, by Representative R. Lockhart, and it is transmitted for consideration.

Carole E. Peterson, Chief Clerk

Communications filed. H.B. 1008 was read the first time.

* * *

Mr. President: April 20, 2005

The House refused to concur with the Senate Amendments to 2nd Sub. H.B. 1009, EXECUTIVE COMPENSATION, by Representative J. Alexander, and requests the Senate recede from its amendments.

Carole E. Peterson, Chief Clerk

On motion of Senator Eastman, the Senate voted to refuse to recede from its amendments to 2nd Sub. H.B. 1009. President Valentine appointed a conference committee consisting of Senators Eastman, Hatch, and Goodfellow to meet with a like committee from the House.

* * *

On motion of Senator Walker, under suspension of the rules, H.B. 1008 was placed on the Second Reading Calendar for immediate consideration.

SECOND READING CALENDAR

H.B. 1008, TRANSPORTATION INVESTMENT ACT, was read the second time. Senators Hillyard, Thomas, Dmitrich, and Jenkins commented.
Senator Killpack made the motion to substitute the bill and subsequently withdrew his motion.

On motion of Senator Walker, under suspension of the rules, **H.B. 1008**, TRANSPORTATION INVESTMENT ACT, 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

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**Voting in the negative were:** Senators

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**Absent or not voting were:** Senators

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<th>Mansell</th>
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**H.B. 1008** 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: April 20, 2005

The House refuses to recede from its amendments to **S.B. 1003**, PROPERTY TAX – COUNTY SERVICE AREAS, by Senator M. Waddoups. The Speaker of the House has appointed a Conference Committee consisting of Representatives E. Hutchings, B. Ferry, and D. Litvack to meet with a like committee from the Senate to consider or amend **S.B. 1003**.

Carole E. Peterson, Chief Clerk

On motion of Senator Waddoups, the Senate voted to refuse to recede from its amendments to **S.B. 1003**. President Valentine appointed a conference committee consisting of Senators Waddoups, Thomas, and Davis to meet with a like committee from the House.

***

On motion of Senator Knudson, and at 5:50 p.m., the Senate sauntered.
The Senate was called to order at 6:45 p.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: April 20, 2005

The Speaker of the House has appointed a Conference Committee consisting of Representatives J. Alexander, L. Shurtleff, and G. Hughes to meet with a like committee from the Senate to consider or amend **2nd Sub. H.B. 1009**, EXECUTIVE COMPENSATION, by Representative J. Alexander.

Carole E. Peterson, Chief Clerk

* * *

Mr. President: April 20, 2005

The House concurred in the Senate amendments and passed **1st Sub. H.B. 1006**, CHANGES IN TASK FORCE MEMBERSHIP, by Representative J. Alexander, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 1010**, USES OF MONEY IN MUNICIPAL−TYPE SERVICES FUND, by Representative M. Walker, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**1st Sub. H.B. 1006** and **H.B. 1010** were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

JOINT CONFERENCE COMMITTEE REPORT

Mr. President: April 20, 2005


Sen. Dan Eastman
and Rep. Jeff Alexander, Chairs

On motion of Senator Eastman, the Senate voted to adopt the Conference Committee Report for **H.B. 2009** on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.
Voting in the affirmative were: Senators
Arent  Bell  Bramble  Christensen
Davis  Eastman  Evans  Fife
Goodfellow  Hale  Hatch  Hellewell
Jenkins  Killpack  Knudson  Madsen
Mayne  McCoy  Peterson  Stephenson
Thomas  Waddoups  Walker  Valentine

Absent or not voting were: Senators
Buttars  Dmitrich  Hickman  Hillyard
Mansell

H.B. 1009 was returned to the House for further consideration.

On motion of Senator Eastman, the following intent language was adopted for H.B. 1009.

INTENT LANGUAGE FOR H.B. 1009

“It is the intent of the Legislature that staff prepare a letter to the Executive and Judicial Compensation Commission to be signed by the Speaker and President requesting that the Commission review the salary ranges for executive branch officers and consider whether or not all cabinet level officers be assigned to the same salary range.”

***

Mr. President: April 20, 2005
The House adopted the Joint Conference Committee Report dated April 20, 2005, and passed S.B. 1003, PROPERTY TAX − COUNTY SERVICE AREAS, by Senator M. Waddoups, and it is transmitted for further consideration.

Carole E. Peterson, Chief Clerk

JOINT CONFERENCE COMMITTEE REPORT

Mr. President: April 20, 2005
The Joint Conference Committee comprised of Sens. Waddoups, Thomas, and Davis, and Reps. Hutchings, Ferry, and Litvak, recommends S.B. 1003, PROPERTY TAX − COUNTY SERVICE AREAS, by Senator M. Waddoups, with the following amendments:

1. Page 2, Line 32
   House Floor Amendments,
4–20–2005:
Reinstate “.0023” and delete “.0021”

Sen. Michael Waddoups and Rep. Erik Hutchings, Chairs

On motion of Senator Waddoups, the Senate voted to adopt the Joint Conference Committee report for S.B. 1003 on the following roll call:

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

**Voting in the affirmative were:** Senators

Arent Bell Bramble Christensen
Davis Eastman Evans Fife
Goodfellow Hale Hatch Hellewell
Jenkins Killpack Knudson Madsen
Mayne McCoy Peterson Stephenson
Thomas Waddoups Walker Valentine

**Absent or not voting were:** Senators

Buttars Dmitrich Hickman Hillyard
Mansell

S.B. 1003 was returned to the House for further action.

***

Mr. President: April 20, 2005

The House adopted the Joint Conference Committee Report dated April 20, 2005, and passed H.B. 1009, EXECUTIVE COMPENSATION, by Representative J. Alexander, and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

H.B. 1009 was signed by the President of the Senate in open session and returned to the House for signature of the Speaker.
Mr. President: April 20, 2005

The House passed, **1st Sub. S.B. 1002**, FUNDING FOR TOURISM, by Senator S. Jenkins, which has been signed by the Speaker and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**1st Sub. S.B. 1002** was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

---

Mr. President: April 20, 2005

The House adopted the Joint Conference Committee Report dated April 20, 2005, and passed **S.B. 1003**, PROPERTY TAX − COUNTY SERVICE AREAS, by Senator M. Waddoups. The Speaker has signed **S.B. 1003** and it is transmitted for the signature of the President.

Carole E. Peterson, Chief Clerk

**S.B. 1003** 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 Greg Bell, Curtis Bramble, and Patrice Arent to wait upon the Governor and ask if he has any further business to bring before the Senate.

President Valentine appointed Senators Parley Hellewell, Mark Madsen, and Gene Davis to notify the House of Representatives that the Senate has concluded its business and is ready to adjourn sine die.

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

Senator Bell 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 7:30 p.m., the Senate adjourned sine die.
SENATE AND HOUSE BILLS AND RESOLUTIONS

FIFTY−SIXTH LEGISLATURE
FIRST SPECIAL SESSION

Convened on Tuesday April 19, 2005
Adjourned on Wednesday, April 20, 2005
H.B. 1001 — IMPLEMENTING FEDERAL EDUCATIONAL PROGRAMS (M. Dayton)
Read for the first time ................................................................. 1226
Placed on calendar ................................................................. 1226
Read the second and third time ........................................ 1228
Signed by the President and returned to the House ............... 1228

H.B. 1002 — PROVIDER CONTRACTING AMENDMENTS (R. Lockhart)
Read for the first time ................................................................. 1229
Placed on calendar ................................................................. 1229
Read the second time ............................................................. 1231
Read the third time ............................................................... 1234
Signed by the President and returned to the House ............... 1234

H.B. 1003 — CIVIL LEGAL AID FOR VICTIMS OF DOMESTIC VIOLENCE (R. Romero)
Read for the first time ................................................................. 1229
Placed on calendar ................................................................. 1229
Read the second and third time ........................................ 1231
Signed by the President and returned to the House ............... 1231

H.B. 1005 — INTEGRITY OF ELECTION RESULTS AMENDMENTS (J. Dougall)
Read for the first time ................................................................. 1229
Placed on calendar ................................................................. 1229
Read the second time ............................................................. 1232
Circled ................................................................. 1232
Uncircled ................................................................. 1239
Read the second and third time ........................................ 1239
Signed by the President and returned to the House ............... 1239

H.B. 1006 — CHANGES IN TASK FORCE MEMBERSHIP (J. Alexander)
Read for the first time ................................................................. 1229
Placed on calendar ................................................................. 1229
Read the second time ............................................................. 1234
Substituted ................................................................. 1235
Read the second and third time ........................................ 1235
Returned to the House ........................................................ 1235
Signed by the President and returned to the House ............... 1245

H.B. 1007 — VETERANS' NURSING HOME AUTHORIZATION AND FUNDING (D. G. Buxton)
Read for the first time ................................................................. 1226
Placed on calendar ................................................................. 1226
Read the second time ............................................................. 1230
Read the third time ............................................................... 1233
Signed by the President and returned to the House ............... 1234

H.B. 1008 — TRANSPORTATION INVESTMENT ACT (R. Lockhart)
Read for the first time ................................................................. 1243
Placed on calendar ................................................................. 1243
Read the second time ............................................................. 1243
Read the second and third time ........................................ 1244
Signed by the President and returned to the House ............... 1244

H.B. 1009 — EXECUTIVE COMPENSATION (J. Alexander)
Read for the first time ................................................................. 1229
Placed on calendar ................................................................. 1229
Read the second time ............................................................. 1235
Substituted ................................................................. 1235
Read the second and third time ........................................ 1235
Returned to the House ........................................................ 1236
Refuse to Recede ............................................................... 1243
Returned to the House ........................................................ 1246
Signed by the President and returned to the House ............... 1247

H.B. 1010 — USES OF MONEY IN MUNICIPAL–TYPE SERVICES FUND (M. Walker)
Read for the first time ................................................................. 1240
Placed on calendar ................................................................. 1240
Read the second time ............................................................. 1240
Read the second and third time ........................................ 1240
Amendments ................................................................. 1240
Returned to the House ........................................................ 1241
Signed by the President and returned to the House ............... 1245

H.B. 1011 — FUNDING FOR CONVENTION FACILITIES (D. Clark)
Read for the first time and referred to the Rules Committee .... 1242
Placed on calendar ................................................................. 1242
Read the second and third time ........................................ 1242
Signed by the President and returned to the House ............... 1242

H.J.R. 101 — JOINT RESOLUTION SUPPORTING EXPANSION OF CORRECTIONAL FACILITIES (D. Hogue)
Read the first time ................................................................. 1229
Placed on calendar ................................................................. 1229
Read the second and third time ........................................ 1238
Signed by the President and returned to the House ............... 1239
S.B. 1001 — AMENDMENTS TO PROPERTY TAX PUBLIC NOTICE AND HEARING PROVISIONS (C. Bramble)
Read the first time by short title ......................................................... 1217
Placed on calendar ........................................................................... 1218
Read the second time ....................................................................... 1225
Read the third time .......................................................................... 1227
Amendments ..................................................................................... 1227
Transmitted to the House ................................................................. 1228
Signed by the President and transmitted to the Governor ................. 1240

S.B. 1002 — FUNDING FOR TOURISM (S. Jenkins)
Read the first time by short title .......................................................... 1218
Placed on calendar ............................................................................. 1218
Read the second time ....................................................................... 1225
Circled ............................................................................................... 1225, 1232
Uncircled .......................................................................................... 1232, 1236
Substituted ......................................................................................... 1232
Amendments ..................................................................................... 1236
Read the second and third time ........................................................ 1238
Returned to the House ..................................................................... 1238
Signed by the President and transmitted to the Governor ................. 1248

S.B. 1003 — PROPERTY TAX – COUNTY SERVICE AREAS (M. Waddoups)
Read the first time by short title .......................................................... 1218
Placed on calendar ............................................................................. 1218
Read the second time ....................................................................... 1225
Amendments ..................................................................................... 1225, 1246
Read the second and third time ........................................................ 1226
Transmitted to the House ................................................................. 1226
Returned to the House ..................................................................... 1241, 1247
Refuse to Concur ............................................................................... 1241
Refuse to Recede ............................................................................. 1244
Signed by the President and transmitted to the Governor ................. 1248

S.B. 1004 — DRUG OFFENDER REFORM ACT – PILOT PROGRAM (S. Killpack)
Read the first time by short title .......................................................... 1229
Read the second time ....................................................................... 1230
Read the third time .......................................................................... 1233
Transmitted to the House ................................................................. 1233
Signed by the President and transmitted to the Governor ................. 1243
CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the First 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 First Extraordinary Session convening on Wednesday, May 89, 2005, and adjourning sine die on the same day.

Annette B. Moore
Secretary of the Senate

Sandy D. Tenney
Manager, Senate Services

Mary B. Andrus
Journal Clerk
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 First Extraordinary Session at 12:00 noon on Wednesday, May 18, 2005.

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

Prayer – Senator Brent H. Goodfellow

Pledge – Senator Scott McCoy

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

PROCLAMATION

WHEREAS, since the close of the 2005 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 the Laws of the State of Utah, do by this Proclamation call the Senate only of the 56th Legislature of the State of Utah into an First Extraordinary Session at the Senate Chambers, State Capitol Complex, in Salt Lake City, Utah, on the 18th day of May, 2005 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 2005 General Session of the 56th 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 State Capitol Complex in Salt Lake City, Utah, this 4th day of May, 2005.

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 date of May 4, 2005, 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 First Extraordinary Session at the Senate Chamber, State Capitol Complex, at Salt Lake City, Utah, on the 18th day of May, 2005, 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 2005 General Session of the Utah State Legislature except that Brent H. Goodfellow was appointed by the Governor on March 30,
2005, to fill the vacancy in Senate District Twelve occasioned by the resignation of Ron Allen.

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 17th day of May, 2005.

Gary R. Herbert
Lieutenant Governor

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

On motion of Senator Waddoups, the Senate voted to adopt the Senate Rules of the 2005 General Session of the Fifty–Sixth Legislature as the rules for the First Extraordinary Session.

President Valentine appointed a committee comprised of Senators Bill Hickman, Carlene Walker, and Patrice Arent to notify the Governor’s representative that the Senate is convened in the First 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 First Extraordinary Session.

Sandy D. Tenney read the following communications:

COMMUNICATION FROM THE GOVERNOR

Mr. President: May 3, 2005

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

**Drinking Water Board:**

Ken Bassett is appointed to replace Chris Webb as a member of the Drinking Water Board, a term to expire May 8, 2009. See Utah Code Ann. 19–4–103. Mr. Bassett is an Independent.

Anne Erickson is reappointed as a member of the Drinking Water Board, a term to expire May 8, 2009. See Utah Code Ann. 19–4–103. Ms. Erickson is an Independent.

Myron Bateman is reappointed as a member of the Drinking Water Board, a term to expire May 8, 2009. See Utah Code Ann. 19–4–103. Mr. Bateman is a Republican.

Jay Franson is reappointed as a member of the Drinking Water Board, a term to expire May 8, 2009. See Utah Code Ann. 19–4–103. Mr. Franson is a Republican.

Charlie Roberts is reappointed as a member of the Drinking Water Board, a term to expire May 8, 2009. See Utah Code Ann. 19–4–103. Mr. Roberts is a Republican.

**Title and Escrow Commission:**

David Lattin is appointed as a member of the Title and Escrow Commission, a term to expire May 1, 2009. See Utah Code Ann. 31A–2–403.

Glen Roberts is appointed as a member of the Title and Escrow Commission, a term to expire May 1, 2009. See Utah Code Ann. 31A–2–403.

Darwin Johnson is appointed as a member of the Title and Escrow Commission, a term to expire May 1, 2009. See Utah Code Ann. 31A–2–403.

Joyce Clark is appointed as a member of the Title and Escrow Commission, a term to expire May 1, 2009. See Utah Code Ann. 31A–2–403.

Curt Webb is appointed as a member of the Title and Escrow Commission, a term to expire May 1, 2009. See Utah Code Ann. 31A–2–403.

**Board of Aging and Adult Services:**

Darnel Haney is appointed to replace William Harper as a member of the Board of Aging and Adult Services, a term to expire April 1, 2009. See Utah Code Ann. 62A–1–105 and 62A–1–107. Mr. Haney is a Democrat.

Joseph Miner is appointed to replace Donald LeBaron as a member of the Board of Aging and Adult Services, a term to expire April 1, 2009. See Utah Code Ann. 62A–1–105 and 62A–1–107. Mr. Miner is a Republican.

Joan Kasteler is reappointed as a member of the Board of Aging and Adult Services, a term to expire April 1, 2009. See Utah Code Ann. 62A–1–105 and 62A–1–107. Ms. Kasteler is a Republican.
Rodney Decker is reappointed as a member of the Board of Aging and Adult Services, a term to expire April 1, 2009. See Utah Code Ann. 62A−1−105 and 62A−1−107. Mr. Decker is a Democrat.

**Board of Services for People with Disabilities:**

Lynel Miller is appointed to replace Earl Peck as a member of the Board of Services for People with Disabilities, a term to expire April 1, 2009. See Utah Code Ann. 62A−1−105, 62A−1−107 and 62A−5−105. Ms. Miller is an Independent.

Pat Allen is appointed to replace Mary Paulsen as a member of the Board of Services for People with Disabilities, a term to expire April 1, 2009. See Utah Code Ann. 62A−1−105, 62A−1−107 and 62A−5−105. Ms. Allen is a Republican.


**Board of Trustees of the Utah Navajo Trust Fund:**

Lynn Stevens is appointed to replace John Harja as a member of the Board of Trustees of the Utah Navajo Trust Fund, a term to expire May 18, 2009. See Utah Code Ann. 63−88−103.

**Radiation Control Board:**

Joette Langianese is appointed to fill the unexpired term of Gene White, a term to expire July 1, 2006. See Utah Code Ann. 19−3−103. Ms. Langianese is an Independent.

**Labor Commission Appeals Board:**

Joseph Hatch is reappointed as a member of the Labor Commission Appeals Board, a term to expire March 1, 2009. See Utah Code Ann. 34A−1−205. Mr. Hatch is a Democrat.

**Board of State History:**

Claudia Berry is appointed to replace Joel Janetski as a member of the Board of State History, a term to expire April 1, 2009. See Utah Code Ann. 9−8−204.

Max Smith is appointed to replace Kim Hyatt as a member of the Board of State History, a term to expire April 1, 2009. See Utah Code Ann. 9−8−204.

Scott Christensen is appointed to replace Wallace Wright as a member of the Board of State History, a term to expire April 1, 2009. See Utah Code Ann. 9−8−204.
Mike Winder is appointed to replace as a member of the Board of State History, a term to expire April 1, 2009. See Utah Code Ann. 9–8–204.

Martha Bradley is appointed to replace Kendall Brown as a member of the Board of State History, a term to expire April 1, 2009. See Utah Code Ann. 9–8–204.

Michael Homer is reappointed as a member of the Board of State History, a term to expire April 1, 2009. See Utah Code Ann. 9–8–204.

State Money Management Council:
Rick Schwartz is appointed to replace Larry Richardson as a member of the State Money Management Council, a term to expire March 1, 2009. See Utah Code Ann. 51–7–16. Mr. Schwartz is an Independent.

Mark Altom is appointed to replace Nila Dayton as a member of the State Money Management Council, a term to expire March 1, 2009. See Utah Code Ann. 51–7–16. Mr. Altom is a Republican.

William Wallace is reappointed as a member of the State Money Management Council, a term to expire March 1, 2009. See Utah Code Ann. 51–7–16. Mr. Wallace is an Independent.

Utah Horse Racing Commission:
David Giles is appointed to replace Edison Stephens as a member of the Utah Horse Racing Commission, a term to expire December 31, 2008. See Utah Code Ann. 4–38–3.

Don J. Edmunds is appointed to replace Steven White as a member of the Utah Horse Racing Commission, a term to expire December 31, 2008. See Utah Code Ann. 4–38–3.

Dennis Hunter is appointed to replace Stuart Sprouse as a member of the Utah Horse Racing Commission, a term to expire December 31, 2008. See Utah Code Ann. 4–38–3.

Mr. President: May 4, 2005

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

Chief Information Officer:
J. Stephen Fletcher is appointed as Chief Information Officer. See Utah Code Ann. 63D–1a–301.
Thank you for your timely consideration and confirmation of the above appointments.

Jon M. Huntsman, Jr.
Governor

CONFIRMATION COMMITTEE REPORT

May 17, 2005

Mr. President:

The Senate Transportation and Public Utilities and Technology Confirmation Committee respectfully recommends Mr. J. Stephen Fletcher to be confirmed as the Chief Information Officer for the State of Utah.

Scott K. Jenkins, 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 submittals dated May 3 and 4, 2005, for purposes of acting on gubernatorial nominees.

Senator Hillyard moved to consent to the appointments as read by Sandy D. Tenney. The motion 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
Evans    Fife    Goodfellow  Hale
Hatch    Hellewell  Hickman  Hillyard
Jenkins  Killpack  Madsen  Mansell
Mayne    McCoy  Peterson  Thomas
Waddoups  Walker  Valentine

Absent or not voting were: Senators

Knudson  Stephenson

* * *

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.
SPECIAL ORDER OF BUSINESS

Tribute honoring the service of Senator Al Mansell, immediate Past President, and outgoing Senators Paula Julander, Bill Wright, David Gladwell, Leonard Blackham, and James Evans from the Fifty–Fifth Legislature. Senators Hellewell, Jenkins, Hickman, Davis, Bell, Arent, Walker, Waddoups, and Mayne commented.

On motion of Senator Eastman, and at 1:10 p.m., the Senate adjourned sine die.
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