CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the First Special Session of the Fifty–Seventh Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the First Special Session convening on Wednesday, August 22, 2007, and adjourning sine die the same day.

Annette B. Moore
Secretary of the Senate

Leslie McLean
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-Seventh Legislature of the State of Utah met in the Senate Chamber of the State Capitol Complex in a Special Session at 10:00 a.m. on Wednesday, August 22, 2007.

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

Prayer – Senator Chris Buttars
Pledge of Allegiance – Senator Ed Mayne
Roll Call – All Senators present

* * *

Annette B. Moore read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the adjournment of the 2007 General Session of the Fifty-Seventh 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-Seventh Legislature of the State of Utah into a First Special Session at the State Capitol Complex in Salt Lake City, Utah, on the 22nd day of August 2007, at 10:00 a.m. for the following purposes:

1. To consider legislation modifying provisions related to creation of a new school district;
2. To consider legislation regarding equalization of funding for school district capital outlay in counties of the first class;

3. To consider legislation providing for enhanced penalties for animal cruelty; and,

4. To consider a resolution approving Garfield County expansion of correctional facilities.

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 16th day of August 2007.

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

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a proclamation issued on the 16th day of August, 2007, and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamation calling the Fifty–Seventh Legislature of the State of Utah into a First Special Session at the Capitol Complex at Salt Lake City, Utah, on the 22nd day of August, 2007, at 10:00 a.m., for the purposes named in the Proclamation.
I FURTHER TESTIFY THAT the membership of the Utah State Senate has not changed from that Certification of 2007 General Session.

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 20th day of August, 2007.

Gary R. Herbert
Lieutenant Governor

* * *

On motion of Senator Hickman, the Senate voted to adopt the Senate Rules of the 2007 General Session of the Fifty-Seventh Legislature as the rules for the First Special Session.

President Valentine appointed a committee comprised of Senators Scott Jenkins, Jon Greiner and Pat Jones 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 Mark Madsen, Allen Christensen, and Brent Goodfellow to notify the House of Representatives that the Senate is organized and ready to do business.

Senator Madsen reported that the House has been notified.

Senator Jenkins reported that the Governor has been notified.

On motion of Senator Hickman, 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.

INTRODUCTION OF BILLS

S.J.R. 101, Joint Resolution Supporting Garfield County Jail Expansion (D. Stowell), read the first time by short title and referred to the Rules Committee.
S.B. 1001, Animal Torture Offense (G. Davis), read the first time by short title and referred to the Rules Committee.

S.B. 1002, Animal Cruelty Amendments (A. Christensen), read the first time by short title and referred to the Rules Committee.

On motion of Senator Bramble, under suspension of the rules, S.J.R. 101, S.B. 1001, and S.B. 1002, were placed on the Second Reading Calendar for immediate consideration.

SECOND READING CALENDAR

S.J.R. 101, JOINT RESOLUTION SUPPORTING GARFIELD COUNTY JAIL EXPANSION, was read the second time.

On motion of Senator Stowell, the bill was circled.

* * *

S.B. 1001, ANIMAL TORTURE OFFENSE, was read the second time. Senator Davis explained the bill.

On motion of Senator Davis, the bill was circled.

* * *

S.B. 1002, ANIMAL CRUELTY AMENDMENTS, was read the second time. Senator Christensen explained the bill. Senators McCoy and Greiner commented.

On motion of Senator Greiner the Senate voted to send the bill back to Rules and reassigned it to the Judicial Committee.

* * *

On motion of Senator Davis, the circle was removed from S.B. 1001, ANIMAL TORTURE OFFENSE, and it was before the Senate. Senator Davis explained the bill.

Senator Davis proposed the following amendment:

1. Page 1, Lines 23 through 25

   23 {→ provides that the court shall state on the record the reasons a person convicted of
animal cruelty is not required to receive treatment, pay restitution, or to not have possession of animals for a specified period.

2. Page 4, Lines 100 through 102:

100 (D) {protected and unprotected} wildlife, as defined in Section 23−13−2, including protected and unprotected wildlife; and

101 (E) animals kept or owned for the purpose of training hunting dogs or {falcon} raptors and
cared for in accordance with accepted husbandry practices.

3. Page 6, Line 180 through Page 7, Line 186:

180 [(9)] (11) (a) {i} Upon conviction under this section, the court [may in its discretion, in addition to other] {shall} may:

(i) order that the defendant comply with the requirements in Subsections

181 (11)(b) and (c) {unless the court states on the record the reasons the court finds imposition of any of the provisions to be inappropriate.} ; and

182 (ii) {The court may} impose any additional penalties[, as the court finds appropriate to the case before it.}

183 [(a)] (b) The court {shall} may order the defendant:

4. Page 7, Lines 198 through 199:

(c) The court may enter an order disposing of an animal subjected to a violation of this section.

198 {—} (d) {—} {—} (e) The court shall order the animal to be [placed] cared for or disposed of. An order disposing of an animal under Subsection (11)(c) shall provide for disposition in the following order of priority, with Subsection (11) {—} (d) (i) being the first priority:

5. Page 10, Lines 282 through 292:
The prosecuting attorney, or grand jury if an indictment is returned, shall provide written notice upon the information or indictment that the defendant is subject to an enhanced degree of offense or penalty under Subsection (3). The notice shall be served upon the defendant or his attorney not later than ten days prior to trial. If the notice is not included initially, the court may subsequently allow the prosecutor to amend the charging document to include the notice if the court finds:

(i) that the amended charging documents, including any statement of probable cause,

(ii) provide notice that the defendant is subject to an enhanced penalty provided under this section;

and

(ii) that the defendant has not otherwise been substantially prejudiced by the amendment.

Senator Davis’ motion to amend passed on a voice vote. Senators Greiner, McCoy, Hillyard, Romero, and Christensen commented.

On motion of Senator Greiner the Senate voted to send the bill back to Rules and reassigned it to the Judicial Committee on the following roll call vote:

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

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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S.B. 1001 was returned to the Rules Committee.

***

On motion of Senator Stowell, the circle was removed from S.J.R. 101, JOINT RESOLUTION SUPPORTING GARFIELD COUNTY JAIL EXPANSION, and it was before the Senate. Senator Stowell explained the bill.

Senator Stowell proposed the following amendment:

1. Page 1, Line 25 through Page 2, Line 34

   25 \{ -WHEREAS, in accordance with Utah Code Annotated, Subsection 64−13c−401(1), “the department [of Corrections] may enter into a contract with a county government to house inmates only if the Legislature has previously passed a joint resolution” containing the approximate number of beds contracted, the county’s average daily rate the department will pay the county per inmate, and the approximate amount of the county’s long−term debt and the length of that debt for the facility where the inmates are to be housed; --}  

   26 WHEREAS, in accordance with Utah Code Annotated, Subsection 64−13e−103(6), the Department of Corrections may not enter into a contract with a county to house state inmates unless the Legislature has previously passed a joint resolution that includes the approximate number of beds to be contracted, the state daily incarceration rate, the approximate amount of the county’s long−term debt, and the repayment time of the debt for the facility where the inmates are to be housed;  

   31 WHEREAS, the approximate number of beds to be contracted in Garfield County is 80;  

   32 WHEREAS, \{-Garfield County’s average-\} the state daily incarceration rate \{-the department will pay the county per inmate, as determined under Title 64, Chapter 13c, Part 3, Reimbursement of Inmate Costs,-\} is currently \{-$45-\} approximately $64.68 per day;  

   Senator Stowell’s motion to amend passed on a voice vote. Senators Goodfellow, Waddoups, Buttars, and Greiner commented.
On motion of Senator Greiner, under suspension of the rules, S.J.R. 101, JOINT RESOLUTION SUPPORTING GARFIELD COUNTY JAIL EXPANSION, was considered read the second and third times. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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S.J.R. 101 was transmitted to the House.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: August 22, 2007

The House passed, as substituted, 1st Sub. H.B. 1001, CREATION OF NEW SCHOOL DISTRICT AMENDMENTS, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed H.B. 1002, INTERLOCAL AGREEMENT PARTICIPANT REQUIREMENTS FOR CREATION OF NEW SCHOOL DISTRICT, by Representative K. Morgan, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. 1st Sub. H.B. 1001 and H.B. 1002 were read the first time and referred to the Rules Committee.

On motion of Senator Bramble, under suspension of the Rules, 1st Sub. H.B. 1001 and H.B. 1002 were lifted from the Rules Committee and placed at the top of the Second Reading Calendar.

* * *

1st Sub. H.B. 1001, CREATION OF NEW SCHOOL DISTRICT AMENDMENTS, was read the second time. Senator Walker explained the bill. Senators Waddoups, Eastman, Niederhauser, Stephenson, and Hillyard commented.
 Senator Mayne proposed an amendment.

On motion of Senator Bramble, the bill was circled.

***

On motion of Senator Bramble, and at 12:55 a.m., the Senate recessed.

The Senate reassembled at 3:00 p.m., with President Valentine presiding.

SECOND READING CALENDAR

H.B. 1002, INTERLOCAL AGREEMENT PARTICIPANT REQUIREMENTS FOR CREATION OF NEW SCHOOL DISTRICT, was read the second time. Senator Jones explained the bill.

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

1st Sub. H.B. 1002 Requirements for Creation of New School District (K. Morgan)

Senators Greiner, Jones, Walker, Mayne, Hillyard, Buttars, McCoy, Jenkins, Niederhauser, Hickman, and Knudson commented.

On motion of Senator Jones, under suspension of the rules, 1st Sub. H.B. 1002, REQUIREMENTS FOR CREATION OF NEW SCHOOL DISTRICT, was considered read for the first, second, and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

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Voting in the negative were: Senators

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1st Sub. H.B. 1002, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Bramble, and at 3:30 p.m., the Senate sauntered.

The Senate was called to order at 4:00 p.m., with President Valentine presiding.

SECOND READING CALENDAR

On motion of Senator Walker, the circle was removed from 1st Sub. H.B. 1001, and it was before the Senate.

On motion of Senator Walker, under suspension of the rules, 1st Sub. H.B. 1001, CREATION OF NEW SCHOOL DISTRICT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Voting in the negative were:** Senators

Eastman  Mayne  Romero

Absent or not voting was: Senator

Stowell

1st Sub. 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: August 22, 2007

The House passed, **S.J.R. 101**, JOINT RESOLUTION SUPPORTING GARFIELD COUNTY JAIL EXPANSION, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

**S.J.R. 101** was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

Mr. President: August 22, 2007

The House passed, as amended, **H.B. 1004**, NEW SCHOOL DISTRICT CREATION AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 1004** was read the first time and referred to the Rules Committee.

***

On motion of Senator McCoy, the Senate voted to reconsider its action on **1st Sub. H.B. 1002**, INTERLOCAL AGREEMENT PARTICIPANT REQUIREMENTS FOR CREATION OF NEW SCHOOL DISTRICT, on the following roll call vote:

**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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Senator Hillyard commented.

SECOND READING CALENDAR

On motion of Senator Jones, under suspension of the rules, **H.B. 1002**, INTERLOCAL AGREEMENT PARTICIPANT REQUIREMENTS FOR
CREATION OF NEW SCHOOL DISTRICT, was considered read the second and third times. Senators Waddoups, Hillyard, and Mayne commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**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.

* * *

On motion of Senator Bramble, under suspension of the rules, the Senate voted to lift **H.B. 1004**, NEW SCHOOL DISTRICT CREATION AMENDMENTS, from the Rules Committee and place it at the top of the Second Reading Calendar.

On motion of Senator Waddoups, under suspension of the rules, **H.B. 1004**, NEW SCHOOL DISTRICT CREATION AMENDMENTS, was considered read the second and third times. Senators Romero, Goodfellow, and Hillyard commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

Eastman  Greiner  Hickman  Hillyard

**H.B. 1004** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, and at 4:50 p.m., the Senate sauntered.

The Senate was called to order at 5:30 p.m., with President Valentine presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: August 22, 2007

The House passed, as substituted and amended, **2nd Sub. H.B. 1003**, EQUALIZATION TASK FORCE, by Representative G. Hughes, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **2nd Sub. H.B. 1003** was read the first time and referred to the Rules Committee.

On motion of Senator Eastman, under suspension of the rules, the Senate voted to lift **2nd Sub. H.B. 1003** from the Rules Committee and place it at to top of the Second Reading Calendar.

**SECOND READING CALENDAR**

On motion of Senator Eastman, under suspension of the rules, **2nd Sub. H.B. 1003**, EQUALIZATION TASK FORCE, was considered read the second and third times and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Bramble  Christensen  Davis  Dayton
Dmitrich  Eastman  Fife  Goodfellow
Greiner  Hillyard  Jenkins  Jones
Killpack  Knudson  Madsen  Mayne
McCoy  Niederhauser  Peterson  Romero
Stephenson  Stowell  Van Tassell  Walker
Valentine
Absent or not voting were: Senators
Bell          Buttars          Hickman          Waddoups

2nd Sub. 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.

* * *

President Valentine appointed Senators Scott Jenkins, Jon Greiner and Pat Jones to wait upon the Governor and ask if he has any further business to bring before the Senate.

President Valentine appointed Senators Mark Madsen, Allen Christensen, and Brent Goodfellow to notify the House of Representatives that the Senate has concluded its business and is ready to adjourn sine die.

Senator Madsen 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 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 Bramble and at 5:50 p.m., the Senate adjourned sine die.
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<td><strong>1st Sub. H.B. 1001</strong> — CREATION OF NEW SCHOOL DISTRICT AMENDMENTS <em>(J. Dougall)</em></td>
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<td><strong>H.B. 1002</strong> — INTERLOCAL AGREEMENT PARTICIPANT REQUIREMENTS FOR CREATION OF NEW SCHOOL DISTRICT <em>(K. Morgan)</em></td>
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<td>14</td>
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<tr>
<td><strong>1st Sub. H.B. 1002</strong> — REQUIREMENTS FOR CREATION OF NEW SCHOOL DISTRICT <em>(K. Morgan)</em></td>
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<td>Read the first, second and third time</td>
<td>11</td>
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<td>12</td>
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<tr>
<td>Reconsideration</td>
<td>13</td>
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<td><strong>2nd Sub. H.B. 1003</strong> — EQUALIZATION TASK FORCE <em>(G. Hughes)</em></td>
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<td>Read the second and third time</td>
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<tr>
<td><strong>H.B. 1004</strong> — NEW SCHOOL DISTRICT CREATION AMENDMENTS <em>(J. Dunnigan)</em></td>
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<tr>
<td><strong>S.B. 1001</strong> — ANIMAL TORTURE OFFENSE <em>(G. Davis)</em></td>
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<td>Referred to Rules Committee for interim study</td>
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<tr>
<td><strong>S.B. 1002</strong> — ANIMAL CRUELTY AMENDMENTS <em>(A. Christensen)</em></td>
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<td>Referred to Rules Committee for interim study</td>
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<tr>
<td><strong>S.J.R. 101</strong> — JOINT RESOLUTION SUPPORTING GARFIELD COUNTY JAIL EXPANSION <em>(D. Stowell)</em></td>
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<tr>
<td>Signed by the President and transmitted to the Governor</td>
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</tbody>
</table>
CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Fifth Extraordinary Session of the Fifty–Seventh Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Fifth Extraordinary Session convening on Wednesday, September 19, 2007, and adjourning sine die on the same day.

Annette B. Moore
Secretary of the Senate

Leslie McLean
Manager, Senate Services

Mary B. Andrus
Journal Clerk
Pursuant to the proclamation of His Excellency, Governor Jon M. Huntsman, Jr., the Senate of the Fifty-Seventh Legislature of the State of Utah met in the Senate Chamber at the State Capitol Complex in the Fifth Extraordinary Session at 12:00 noon on Wednesday, September 19, 2007.

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

Prayer – Senator Michael Waddoups

Pledge – Senator Ross Romero

***

Lynette Erickson, read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the close of the 2007 General Session of the 57th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

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

NOW, THEREFORE, I, JON M. HUNTSMAN, JR., Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 57th Legislature into a Fifth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 19th day of September, 2007 at 12:00 noon, for the following purpose:
For the Senate to consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2007 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Salt Lake Capitol Complex in Salt Lake City, Utah, this 4th day of September, 2007.

Jon M. Huntsman, Jr.
Governor

Gary R. Herbert
Lieutenant Governor

CERTIFICATION

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of September 4th, 2007, and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamation calling the Senate only into a Fifth Extraordinary Session at the State Capitol Complex, at Salt Lake City, Utah, on the 19th day of September, 2007, at 12:00 noon, for the purpose named in the Proclamation.
I FURTHER CERTIFY THAT the membership of the Utah State Senate has
not changed from that of the 2007 General Session of the Utah State Legislature.

IN WITNESS WHEREOF, I
have hereunto set my hand and
caused to be affixed the Great
Seal of the State of Utah at Salt
Lake City, Utah, this 14th day
of September 2007.

Gary R. Herbert
Lieutenant Governor

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

On motion of Senator Hickman, the Senate voted to adopt the Senate Rules of
the 2007 General Session of the Fifty-Seventh Legislature as the rules for the Fifth
Extraordinary Session.

President Valentine appointed a committee comprised of Senators Greg Bell,
Bill Hickman, and Ed Mayne to notify the Governor’s representative that the
Senate is convened in the Fifth Extraordinary Session in accordance with his
proclamation.

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

* * *

Lynette Erickson read the following communications:

COMMUNICATION FROM THE GOVERNOR

Mr. President: June 6, 2007

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

Public Lands Policy Coordinating Office:
John Harja is appointed as Public Lands Policy Coordinator. See Utah Code
Ann. 63−38d−602.
Utah Commission on Uniform State Laws:
Associate Chief Justice Michael J. Wilkins is appointed as a member of the Utah Commission on Uniform State Laws, a term to expire September 1, 2011. See Utah Code Ann. 68−4−5.

Radiation Control Board:
Don Scott Bird is appointed to replace Robert S. Pattison as a member of the Radiation Control Board, a term to expire July 1, 2011. See Utah Code Ann. 19−3−103. Mr. Bird is an Independent.

Air Quality Board:
Joel Elstein is appointed to replace Don Sorenson as a member of the Air Quality Board, a term to expire March 1, 2009. See Utah Code Ann. 19−2−103. Mr. Elstein is not affiliated with a political party.

Utah State Fair Corporation Board of Directors:
Lowell Peterson is appointed to replace Douglas Peterson as a member of the Utah State Fair Corporation Board of Directors, a term to expire December 1, 2010. See Utah Code Ann. 9−4−1104.

Board of Business and Economic Development:
Mike Dowse is appointed to replace Debra Tanzi as a member of the Board of Business and Economic Development, a term to expire March 15, 2011. See Utah Code Ann. 63−38f−302. Mr. Dowse is an Independent.

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

Jon M. Huntsman, Governor

Mr. President: September 19, 2007
The Senate Natural Resources, Agriculture, and Environment Confirmation Committee met on September 19, 2007 and reports a favorable recommendation for Mr. Don Scott Bird to be confirmed as a member of the Radiation Control Board.

Darin G. Peterson, Chair

Senators Peterson, Fife, Stowell, Dmitrich, Bramble, and McCoy commented. Senator Hillyard moved to consent to the appointment as read by Lynette Erickson. The motion passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.
Voting in the affirmative were: Senators
Bell           Bramble           Buttars           Christensen
Davis          Dayton           Dmitrich          Eastman
Fife           Goodfellow       Greiner           Hickman
Hillyard       Jenkins          Jones            Killpack
Madsen         Mayne            McCoy            Niederhauser
Peterson       Romero           Stephenson       Stowell
Van Tassell    Waddoups         Walker           Valentine

Absent or not voting were: Senators
Knudson        Walker

* * *

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

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

On motion of Senator Bramble, and at 12:50 p.m., the Senate adjourned sine die.
CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Sixth Extraordinary Session of the Fifty-Seventh Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Sixth Extraordinary Session convening on Wednesday, October 17, 2007, and adjourning sine die on the same day.

Annette B. Moore
Secretary of the Senate

Leslie McLean
Manager, Senate Services

Mary B. Andrus
Journal Clerk
Pursuant to the proclamation of His Excellency, Governor Jon M. Huntsman, Jr., the Senate of the Fifty–Seventh Legislature of the State of Utah met in the Senate Chamber at the State Capitol Complex in the Sixth Extraordinary Session at 12:00 noon on Wednesday, October 17, 2007.

The Senate was called to order at 12:45 p.m. with President John Valentine presiding.

Prayer – Senator Darin Peterson

Pledge – Senator Michael Waddoups

***

Annette Moore, read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the close of the 2007 General Session of the 57th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

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

NOW, THEREFORE, I, JON M. HUNTSMAN, JR., Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 57th Legislature into a Sixth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 17th day of October, 2007 at 12:00 noon, for the following purpose:
For the Senate to consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2007 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF,
I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah.
Done at the Salt Lake Capitol Complex in Salt Lake City, Utah, this 2nd day of October, 2007.

Jon M. Huntsman, Jr.
Governor

Gary R. Herbert
Lieutenant Governor

CERTIFICATION

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of October 2nd, 2007, and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamation calling the Senate only into a Sixth Extraordinary Session at the State Capitol Complex, at Salt Lake City, Utah, on the 17th day of October, 2007, at 12:00 noon, for the purpose named in the Proclamation.
I FURTHER CERTIFY THAT the membership of the Utah State Senate has not changed from that of the 2007 General Session of the Utah State Legislature.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah at Salt Lake City, Utah, this 2nd day of October 2007.

Gary R. Herbert
Lieutenant Governor

Roll call – All Senators present except Senators Eastman, Hillyard, and Mayne, excused.

On motion of Senator Hickman, the Senate voted to adopt the Senate Rules of the 2007 General Session of the Fifty-Seventh Legislature as the rules for the Sixth Extraordinary Session.

President Valentine appointed a committee comprised of Senators Michael Waddoups, Dennis Stowell, and Brent Goodfellow to notify the Governor’s representative that the Senate is convened in the Sixth Extraordinary Session in accordance with his proclamation.

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

* * *

Leslie McLean read the following communications:

COMMUNICATION FROM THE GOVERNOR

Mr. President:

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

Utah Capital Investment Board:

Robert P. Majka is reappointed as a member of the Utah Capital Investment Board, a term to expire November 1, 2011. See Utah Code Ann. 63–38f–1205.
State Board of Financial Institutions:
  Preston Louis Jackson is appointed to replace James C. Anderson as a member of the State Board of Financial Institutions, a term to expire July 1, 2009. See Utah Code Ann. 7−1−203. Mr. Jackson is an Independent.

Utah Housing Corporation Board of Trustees:
  Mark Cornelious is reappointed as a member of the Utah Housing Corporation Board of Trustees, a term to expire June 1, 2011. See Utah Code Ann. 9−4−904. Mr. Cornelious is a Republican.

  Douglas L. DeFries is appointed to replace Scott Parkinson as a member of the Utah Housing Corporation Board of Trustees, a term to expire June 1, 2011. See Utah Code Ann. 9−4−904. Mr. DeFries is an Independent.

  Robert M. Whatcott is appointed to replace Ross Hurst as a member of the Utah Housing Corporation Board of Trustees, a term to expire June 1, 2011. See Utah Code Ann. 9−4−904. Mr. Whatcott is an Independent.

Utah Arts Council Board of Directors:
  Jill Miller is appointed to replace Anne Watson as a member of the Utah Arts Council Board of Directors, a term to expire July 1, 2009. See Utah Code Ann. 9−6−204

Utah Athletic Foundation Board of Directors:
  Derek Parra is appointed to replace Nikki Stone as a member of the Utah Athletic Foundation Board of Directors, a term to expire August 15, 2010. See HJR 25 from the 2005 General Legislative Session.

  Melvin R. Brown is reappointed as a member of the Utah Athletic Foundation Board of Directors, a term to expire August 15, 2010. See HJR 25 from the 2005 General Legislative Session.

  Doral L. Vance is reappointed as a member of the Utah Athletic Foundation Board of Directors, a term to expire August 15, 2010. See HJR 25 from the 2005 General Legislative Session.

  Spencer Fox Eccles is reappointed as a member of the Utah Athletic Foundation Board of Directors, a term to expire August 15, 2010. See HJR 25 from the 2005 General Legislative Session.

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

  Jon M. Huntsman, Governor

  Senator Bramble moved to consent to the appointment as read by Leslie McLean. The motion passed on the following roll call:
Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Fife
Goodfellow  Greiner  Hickman  Jenkins
Killpack  Knudson  Madsen  McCoy
Peterson  Romero  Stephenson  Stowell
Van Tassell  Waddoups  Walker  Valentine

Absent or not voting were: Senators
Eastman  Hillyard  Jones  Mayne
Niederhauser

* * *

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

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

On motion of Senator Bramble, and at 12:55 p.m., the Senate adjourned sine die.
STATE OF UTAH

SENATE JOURNAL

SEVENTH EXTRAORDINARY SESSION
OF THE
FIFTY–SEVENTH LEGISLATURE

Convened and Adjourned on
Wednesday, November 14, 2007
CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Seventh Extraordinary Session of the Fifty-Seventh Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Seventh Extraordinary Session convening on Wednesday, November 14, 2007, and adjourning sine die on the same day.

Annette B. Moore
Secretary of the Senate

Leslie McLean
Manager, Senate Services

Mary B. Andrus
Journal Clerk
STATE OF UTAH

SENATE JOURNAL

SEVENTH EXTRAORDINARY SESSION
of the
FIFTY−SEVENTH LEGISLATURE

Pursuant to the proclamation of His Excellency, Governor Jon M. Huntsman, Jr., the Senate of the Fifty−Seventh Legislature of the State of Utah met in the Senate Chamber at the State Capitol Complex in the Seventh Extraordinary Session at 12:00 noon on Wednesday, November 14, 2007.

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

Prayer − Senator Greg Bell

Pledge − Senator Scott Jenkins

* * *

Annette Moore, read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the close of the 2007 General Session of the 57th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

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

NOW, THEREFORE, I, JON M. HUNTSMAN, JR., Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 57th Legislature into a Seventh Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 14th day of November, 2007 at 12:00 noon, for the following purpose:
For the Senate to consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2007 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Salt Lake Capitol Complex in Salt Lake City, Utah, this 30th day of October, 2007.

Jon M. Huntsman, Jr.  
Governor

Gary R. Herbert  
Lieutenant Governor

CERTIFICATION

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of October 30th, 2007, and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamation calling the Senate only into a Seventh Extraordinary Session at the State Capitol Complex, at Salt Lake City, Utah, on the 14th day of November, 2007, at 12:00 noon, for the purpose named in the Proclamation.
I FURTHER CERTIFY THAT the membership of the Utah State Senate has not changed from that of the 2007 General Session of the Utah State Legislature.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah at Salt Lake City, Utah, this 30th day of October 2007.

Gary R. Herbert
Lieutenant Governor

Roll call – All Senators present except Senators Hickman and Mayne, excused.

On motion of Senator Eastman, the Senate voted to adopt the Senate Rules of the 2007 General Session of the Fifty-Seventh Legislature as the rules for the Seventh Extraordinary Session.

President Valentine appointed a committee comprised of Senators Chris Buttars, Peter Knudson and Scott McCoy to notify the Governor’s representative that the Senate is convened in the Seventh Extraordinary Session in accordance with his proclamation.

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

COMMUNICATIONS FROM THE GOVERNOR

Annette Moore read the following communications:

Mr. President: October 10, 2007

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

SECOND DISTRICT JUVENILE COURT

David M. Connors is appointed as a Judge of the Second District Juvenile Court. See Utah const. ant. VIII, 8; Utah Code 78–29–2.
Thank you for your timely consideration and confirmation of the above appointment.

Jon M. Huntsman, Jr.
Governor

* * *

Mr. President:

The Senate Judicial Confirmation Committee met on November 7, 2007, and reports a favorable recommendation for Mr. David M. Connors to be confirmed to the position of Judge in the Second District Juvenile Court.

D. Chris Buttars, Chair

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

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

**Voting in the affirmative were:** Senators

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<tr>
<th>Bell</th>
<th>Bramble</th>
<th>Buttars</th>
<th>Christensen</th>
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<td>Van Tassell</td>
<td>Waddoups</td>
<td>Walker</td>
<td>Valentine</td>
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**Absent or not voting were:** Senators

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<tr>
<th>Dayton</th>
<th>Hickman</th>
<th>Jones</th>
<th>Mayne</th>
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<td>Peterson</td>
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**COMMITTEE OF THE WHOLE**

On motion of Senator Bramble, Judge David M. Connors spoke in Committee of the Whole.

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

* * *

Mr. President:

In accordance with Utah Code 67–1–1 and 67–1–2, I propose and transmit the following appointments:
Quality Growth Commission:

Reed R. Erickson is appointed to replace Brad Barber as a member of the Quality Growth Commission, a term to expire April 15, 2011. See Utah Code Ann. 11–38–201. Mr. Erickson resides in Iron County.

Title and Escrow Commission:

Jerry Michael Houghton is appointed to replace R. Curt Webb as a member of the Title and Escrow Commission, a term to expire June 30, 2009. See Utah Code Ann. 31A–2–403. Mr. Houghton resides in Tooele County.

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

Jon M. Huntsman, Governor

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

**Y eas, 24; Nays, 0; Absent, 5.**

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Davis  Dayton  Hickman  Mayne
Peterson

* * *

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

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

On motion of Senator Bramble, and at 12:40 p.m., the Senate adjourned sine die.
STATE OF UTAH

SENATE JOURNAL

2008 GENERAL SESSION
OF THE
FIFTY–SEVENTH LEGISLATURE

Convened
Monday, January 21, 2008

Adjourned Sine Die
Wednesday, March 5, 2008
CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the 2008 General Session of the Fifty–Seventh Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the General Session convening on Monday, January 21, 2008, and adjourning sine die on Wednesday, March 5, 2008.

Annette B. Moore  
Secretary of the Senate

Leslie McLean  
Manager, Senate Services

Mary B. Andrus  
Journal Clerk
After nearly three and a half years, the Capitol Restoration Project is nearly complete. In December, 2007, we left our temporary quarters in the House Building and moved back into the Capitol where, following the rededication ceremony on January 4, the 2008 General Session of the Fifty-Seventh Legislature convened on January 21. It was truly a momentous occasion, and I was honored to preside over the Senate during this historic session.

We began the session without our long–time friend and colleague, Senator Eddie Mayne, who passed away in November of last year after a courageous battle with lung cancer. We were very pleased that his wife, Karen, was appointed by the governor to fill this vacancy. She was sworn in on January 16, 2008, and has been delightful to work with.

Utah is a most extraordinary state. I am happy to report that the Pew Center on States, in its 2008 report, named Utah the best–managed state in the nation. Utah’s first–place ranking is due, in part, to enhancements in government efficiency through the use of technology.

This year’s budget surplus was the third largest in Utah’s history. Fifty–eight percent ($440 million) of total available revenue went to public education, and an additional $100 million was reserved for future public education needs. Funding for public education employees included a $1,700 ongoing salary increase for each teacher, making this the third straight year teachers have received a pay increase.

Other highlights include the formation of a legislative task force that will develop and implement the state’s strategic plan for health system reform. House Bill 129 appropriated money for the construction of a new veterans’ nursing home in Ogden, Utah. An appropriation of $11 million will help promote travel and tourism, $7 million will fund Medicaid dental services for adults, and $3 million will provide incentives to motion picture companies in an effort to draw them to Utah. And, to the relief of many, Senate Bill 297 created a first–offense felony penalty for the crime of torturing a dog or cat.

Three of our senators—Mike Dmitrich, Dan Eastman, and Bill Hickman—announced they will not seek re–election. They have each made significant contributions to the state of Utah, and we will miss them very much. Mike Dmitrich has served for 40 years. He was first elected to the House of Representatives in 1968 and was subsequently appointed and elected to the Senate in the same year—1992. Senator Eastman was appointed, then elected, to the Senate in 2000. Senator Hickman served in the House of Representatives from 1992 through 2000 when he was elected to the Senate. We wish them well as they retire from the legislature and express our great appreciation for their many years of service.

John L. Valentine
President Utah State Senate
SENATE LEADERSHIP

MAJORITY LEADERSHIP (Republican)

Curtis S. Bramble  
*Majority Leader*

Dan R. Eastman  
*Majority Whip*

Sheldon Killpack  
*Asst. Majority Whip*

MINORITY LEADERSHIP (Democrat)

Mike Dmitrich  
*Minority Leader*

Gene Davis  
*Minority Whip*

Patricia Jones  
*Asst. Minority Whip*

SENATE STAFF

Annette B. Moore  
*Secretary of the Senate*

Leslie McClean  
*Manager, Senate Services*

Mary Andrus  
*Journal Clerk*

Lynette Erickson  
*Docket Clerk*
SENATE LEADERSHIP

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

HOUSE LEADERSHIP

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

STATE OFFICIALS

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

CONGRESSIONAL DELEGATION

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

UTAH SUPREME COURT

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

Karen Mayne
## MEMBERS OF THE SENATE
### Fifty−Seventh Legislature

<table>
<thead>
<tr>
<th>Senator</th>
<th>District</th>
<th>County(ies)</th>
<th>Party</th>
<th>Address &amp; Telephone No.</th>
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<tr>
<td>Fred J Fife III</td>
<td>1</td>
<td>Salt Lake</td>
<td>(D)</td>
<td>842 W 900 S Salt Lake City Ut 84104 Home (801) 521−7383</td>
</tr>
<tr>
<td>Scott McCoy</td>
<td>2</td>
<td>Salt Lake</td>
<td>(D)</td>
<td>560 E 700 S Salt Lake City Ut 84102 Home (801) 359−2544</td>
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<tr>
<td>Gene Davis</td>
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<td>Salt Lake</td>
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<td>865 Parkway Ave Salt Lake City Ut 84106 Home (801) 484−9428</td>
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<td>Patricia Jones</td>
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<td>Salt Lake</td>
<td>(D)</td>
<td>4571 Sycamore Dr Holladay Ut 84117 Home (801) 278−7667</td>
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<tr>
<td>Karen Mayne</td>
<td>5</td>
<td>Salt Lake</td>
<td>(D)</td>
<td>5044 W Bannock Cir West Valley City Ut 84120 Home (801) 968−7756</td>
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<td>Michael G Waddoups</td>
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<td>Salt Lake</td>
<td>(R)</td>
<td>2868 Matterhorn Dr Taylorsville Ut 84084 Home (801) 967−0225</td>
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<tr>
<td>Ross I Romero</td>
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<td>Salt Lake</td>
<td>(D)</td>
<td>1150 S 1400 E Salt Lake City Ut 84105 Home (801) 364−2451</td>
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<tr>
<td>Carlene Walker</td>
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<td>Salt Lake</td>
<td>(R)</td>
<td>4085 E Prospector Dr Salt Lake City Ut 84121 Office (801)−733−4599</td>
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<tr>
<td>Wayne L Niederhauser</td>
<td>9</td>
<td>Salt Lake</td>
<td>(R)</td>
<td>3182 E Granite Woods Lane Sandy Ut 84092 Home (801) 942−3398</td>
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<tr>
<td>D Chris Butters</td>
<td>10</td>
<td>Salt Lake</td>
<td>(R)</td>
<td>9241 S Lisa Ave West Jordan Ut 84088 Home (801)561−0535</td>
</tr>
<tr>
<td>Howard A Stephenson</td>
<td>11</td>
<td>Salt Lake, Utah</td>
<td>(R)</td>
<td>1038 E 13590 S Draper Ut 84020 Home (801) 576−1022</td>
</tr>
</tbody>
</table>
Brent Goodfellow
*Minority Caucus Manager*
12 Salt Lake, Tooele (D) 3620 S 6000 W West Valley City, Ut 84128 Home (801) 968–0626

Mark B Madsen
13 Tooele, Utah (R) P O Box 572 Lehi Ut 84043 Home (801)864–0766

John L Valentine
*President*
14 Utah (R) 857 E 970 N Orem Ut 84097 Home (801) 224–1693

Margaret Dayton
15 Utah (R) 97 W Westview Dr Orem Ut 84058 Home (801) 221–0623

Curtis S Bramble
*Majority Leader*
16 Utah (R) 3663 N 870 E Provo Ut 84604 Home (801)226–3663

Peter C Knudson
17 Box Elder, Cache, Tooele (R) 1209 Michelle Dr Brigham City Ut 84302 Home (435) 723–2035

Jon J Greiner
18 Davis, Weber (R) 4232 Fern Dr Ogden Ut 84403 Home (801) 621–0423

Allen M Christensen
19 Morgan, Summit, Weber, (R) 1233 E 2250 N North Ogden Ut 84414 Home (801) 782–5600

Scott K Jenkins
20 Weber (R) 4385 W 1975 N Plain City Ut 84404 Home (801) 731–5120

Sheldon Killpack
*Asst. Majority Whip*
21 Davis (R) 3406 S 875 W Syracuse Ut 84075 Home (801) 773–5486

Gregory S Bell
22 Davis (R) 744 Eagle Way Fruit Heights Ut 84037 Office (801) 971–2001

Dan R Eastman
*Majority Whip*
23 Davis (R) 968 Canyon Crest Dr Bountiful Ut 84010 Home (801) 295–5133
<table>
<thead>
<tr>
<th>Name</th>
<th>Age</th>
<th>District</th>
<th>Party</th>
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<tr>
<td>Darin G Peterson</td>
<td>24</td>
<td>Juab, Piute, Sanpete, Sevier</td>
<td>(R)</td>
<td>451 E 1250 N</td>
<td>Nephi Ut 84648</td>
<td>(435) 623−2271</td>
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<tr>
<td>Lyle W Hillyard</td>
<td>25</td>
<td>Cache, Rich</td>
<td>(R)</td>
<td>595 S RIVERWOODS PKWY</td>
<td>Logan Ut 84321</td>
<td>(435) 753−0043</td>
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<tr>
<td>Kevin Van Tassell</td>
<td>26</td>
<td>Daggett, Duchesne, Summit, Uintah, Wasatch</td>
<td>(R)</td>
<td>3424 W 1500 N</td>
<td>Vernal Ut 84078</td>
<td>(435) 789−0724</td>
</tr>
<tr>
<td>Mike Dmitrich</td>
<td>27</td>
<td>Carbon, Emery, Grand, San Juan, Utah</td>
<td>(D)</td>
<td>566 N Dover Cir</td>
<td>Price Ut 84501</td>
<td>(435) 637−0426</td>
</tr>
<tr>
<td>Minority Leader</td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td>Dennis Stowell</td>
<td>28</td>
<td>Beaver, Garfield, Iron, Kane, Millard, Washington</td>
<td>(R)</td>
<td>P O Box 796</td>
<td>Parowan Ut 84761</td>
<td>(435) 477−8143</td>
</tr>
<tr>
<td>John W (Bill) Hickman</td>
<td>29</td>
<td>Washington</td>
<td>(R)</td>
<td>214 N Emeraud Dr</td>
<td>St George Ut 84770</td>
<td>(435)673−2671</td>
</tr>
</tbody>
</table>
*UTAH STATE CONSTITUTION
LEGISLATIVE DEPARTMENT
ARTICLE VI

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

*"Rules of the Fifty−Sixth Legislature 2005"


*Copies available in the Legislative Printing.
STATE OF UTAH

SENATE JOURNAL

2008 GENERAL SESSION

of the

FIFTY-SEVENTH LEGISLATURE

FIRST DAY

MORNING SESSION

January 21, 2008

Pursuant to the provisions of the Constitution of the State of Utah, the Senators of the Fifty-Seventh Legislature of the State of Utah convened in General Session in the Senate Chamber on Monday, January 21, 2008, at ten o’clock a.m.

The Senate was called to order at 10:30 a.m., with the President John L. Valentine presiding.

PRAYER BY ELDER ROBERT D. HALES
MEMBER OF THE QUORUM OF TWELVE APOSTLES
CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

Our Kind Eternal Heavenly Father: As we come before thee on this opening of the Legislature of the State of Utah, we ask that we may be able to have thy kind spirit to be with the leaders of the state, the governor, the head of the Senate and the House. We ask a special blessing to be upon the senators as they deliberate on the matters of the people of this state and that all that is discussed and resolved in these chambers will be done in unity and resolution to uphold the constitution and be able to assist those who are in need throughout the state, that they may be able to care for the needy, provide the education, to be able to give security, and to honor the constitution. We thank thee Father for the many blessings which we have and give gratitude for the freedoms of this nation, freedom of speech, freedom of assembly, freedom of religion, freedom of the press, and on this special day in which we honor human rights we ask that we may honor all creeds, religions, and the genealogy and background of all the citizens who come. We close giving gratitude for all that we have been given and pray that we may show our appreciation and gratitude for the willingness of these men and women who serve as representatives of government.
We say this in the name of Jesus Christ, Amen.
POSTING OF COLORS & PLEDGE OF ALLEGIANCE

UTAH NATIONAL GUARD
Members of the Color Guard
    Curt Hoepfner, SFC
    John Mark, SFC
    Matt Brown, SFC
    Jan Rigby, SSG

Pledge of Allegiance – Chief Warrant Officer Four, Scott Upton, Utah National Guard. Served in Iraq, Distinguished Flying Cross Recipient

SPECIAL MUSICAL PRESENTATION

The Layton High School Band, directed by Mr. Keith Sorensen performed “The Star Spangled Banner” and “The Spirit of Freedom” by Cathy Neff.

* * *

On motion of Senator Curtis Bramble, the Senate expressed gratitude to Elder Hales for delivering the invocation and ordered his words to be spread upon the pages of the Senate Journal.

WELCOMING REMARKS BY PRESIDENT VALENITNE

Good morning and WELCOME to the Senate Chambers in the newly renovated State Capitol Building.

The restoration of our beautiful home here features more than 200 colors of paint and millions of pounds of steel and concrete. For years now she has been attended to by a small army of laborers, artists, architects and politicians.

We have restored the artwork and fixtures at the same time we’ve added incredible information–age technology. We’ve modernized the heating, air conditioning, electrical system, the phone and data and other systems to the extent that this building will use 43 percent LESS electricity than it did before but it will be much more effective.

Through form and function, architecture and art, this building is ready to serve as the temple to our democratic republic it was designed to be.

And we attached this magnificent structure to 265 base isolators beneath the Capitol to allow flexibility while anchoring it firmly to a strong foundation.

That’s important because this building is built on a fault line.
Every 1300 years or so an earthquake of 6.7 or greater on the Richter scale rips along the Wasatch Fault – which runs several hundred feet from where we now sit. Scientists estimate it’s been about 1300 years since the last one.

Not to worry. The new Capitol Building can flex up to 24 inches in any direction and still be firmly anchored. We estimate she can withstand earthquakes of up to 7.3.

Can WE?

This building sits across other fault lines as well. Sometimes we fracture along lines of party – or ideological variations within a party. Other times we break along institutional lines of House, Senate, and Governor’s Office. And sometimes, unfortunately, we fracture along lines of ego and pride.

We need to be problem solvers.

The legislature, as an institution, needs to be bear up under unique seismic pressures as well. In an earlier speech I suggested we rededicate ourselves along with this new building. Let us become more aligned with the principles enshrined in the Capitol.

Like this building, we need to be both flexible and firmly anchored to a strong foundation.

All of us need to be flexible as we adjust to new traffic patterns, unforeseen changes, new people and ideas in this new building. We need to respect and make room for each other.

To our incredible Staff: You have been professional, capable, and wonderful through the years. We expect nothing less of you now. Be firm but flexible.

To Utah citizens: enjoy your time here. Treasure your role and help us fulfill ours.

Remember this is not a direct democracy, this is a democratic republic – but it is a republic for which you are directly responsible.

To my colleagues in the Senate: Like this building we need to be flexible enough to respect and work with all viewpoints, but resolute in fidelity to the values and principles that have led us to our roles in this place at this time. We need to be problem solvers.

Education is an easy example. Because voters have taken vouchers off the table we need to be flexible enough to find other solutions to the problems
vouchers were meant to address. But we will be firm in the commitment that our children deserve nothing less than a world class education. As we continue to pour unprecedented amounts of funding to public education we will require results and accountability. Perhaps, in the past, we neglected some of our responsibility in this area. We will do so no longer.

Our state has experienced jaw−dropping prosperity for families, businesses, and individuals. We are one of the best fiscally managed states in the nation. We are the most economically competitive and the best state in the nation to live, work, play, and raise a family.

This is due, in large part, because of work done right here in this body.

As we move forward let’s remember this building’s architectural principles of flexibility and resolution.

We will be flexible to the extent we can ride through an economic downturn, should one come to pass; but FIRM in maintaining smart economic, fiscal, and tax policy that has played a part in Utah becoming THE most competitive state in the nation.

We will be FIRM in the ability of decent men and women from all walks of life to work together toward policies that make sense. And flexible enough not to get caught up in old tired prejudices.

We will be FIRM in our respect and love for our state and nation and the values, principles and protections that make us free.

We will be FLEXIBLE enough to realize we preside here by a specific delegation of power from the people in our districts.

We will be firm enough to use that power to govern well.

Flexible enough to know this is an election year, but firm in our determination that our work here is not to campaign.

Our work is to govern well.

Our job is not to seek retribution, or fame, or riches, or gratification.

Our job is to govern well.

This building is permanent but we are only TEMPORARILY ENTRUSTED. For the short time that is given to each of us here, our ONLY job is to govern well.
Your integrity demands it.
The people of Utah need and deserve it.
Welcome to the Utah State Senate Chambers.
We have work to do.
Let’s get started.

* * *

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

* * *

Annette B. Moore read the following Certification of Membership of the 2008 General Session of the Fifty−Seventh Legislature from the Lieutenant Governor.

I, GARY R. HERBERT, Lieutenant Governor of the State of Utah, do hereby certify that at a General Election held within and for the State of Utah on Tuesday, November 7, 2006, the following named persons were chosen by the electors as members of the Legislature of the State of Utah, to serve in the Senate, each for the term of four years, beginning January 1, 2007, to wit:

SECOND DISTRICT: County of Salt Lake
Scott McCoy

THIRD DISTRICT: County of Salt Lake
Gene Davis

FOURTH DISTRICT: County of Salt Lake
Patricia W. Jones

SEVENTH DISTRICT: County of Salt Lake
Ross I. Romero

NINTH DISTRICT: County of Salt Lake
Wayne Niederhauser

ELEVENTH DISTRICT: Counties of Salt Lake, Utah
Howard Stephenson

TWELFTH DISTRICT: Counties of Salt Lake, Tooele
Brent Goodfellow

FIFTEENTH DISTRICT: County of Utah
Margaret Dayton

SEVENTEENTH DISTRICT: Counties of Box Elder, Cache, Tooele
Peter Charles Knudson
EIGHTEENTH DISTRICT: Counties of Davis, Weber

    Jon J. Greiner
TWENTY-FIRST DISTRICT: County of Davis

    Sheldon L. Killpack
TWENTY-SECOND DISTRICT: County of Davis

    Gregory S. Bell
TWENTY-FOURTH: Counties Juab, Piute, Sanpete, Sevier, Tooele, Wayne

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

    Kevin T. VanTassell
TWENTY-EIGHTH DISTRICT: Counties of Beaver, Garfield, Kane, Millard, Washington

    Dennis E. Stowell

I FURTHER CERTIFY that at a General Election held within and for the State of Utah on Tuesday, November 2, 2004, the following persons were chosen by the electors as members of the Legislature of the State of Utah, to serve in the Senate, each for the term of four years, beginning January 1, 2005, to-wit:

FIRST DISTRICT: County of Salt Lake

    Fred J. Fife III
SIXTH DISTRICT: County of Salt Lake

    Michael G. Waddoups
EIGHTH DISTRICT: County of Salt Lake

    Carlene M. Walker
TENTH DISTRICT: County of Salt Lake

    D. Chris Buttars
THIRTEENTH DISTRICT: Counties of Salt Lake, Tooele

    Mark B. Madsen
FOURTEENTH DISTRICT: County of Utah

    John L. Valentine
SIXTEENTH DISTRICT: County of Utah

    Curtis S. Bramble
NINETEENTH DISTRICT: Counties of Morgan, Summit, Weber

    Allen M. Christensen
TWENTIETH DISTRICT: County of Weber

    Scott K. Jenkins
TWENTY-FIRST DISTRICT: County of Davis

    Sheldon L. Killpack
TWENTY-THIRD DISTRICT: County of Davis

    Dan R. Eastman
TWENTY–FIFTH DISTRICT: Counties of Cache, Rich
   Lyle W. Hillyard
TWENTY–SEVENTH DISTRICT: Counties of Carbon, Emery, Grand, San Juan, Utah
   Mike Dmitrich
TWENTY–NINTH: Counties of Washington
   John W. “Bill” Hickman

   I FURTHER CERTIFY that the following named person has been duly appointed as a member of the Legislature of the State of Utah, to serve in the Senate, filling a seat vacated in District Five, for a term to expire on December 31, 2008, to–wit:

FIFTH DISTRICT: County of Salt Lake
   Karen Mayne

   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 21st day of January, 2008.
   Gary Herbert
   Lieutenant Governor

   Roll Call – All Senators present.

   * * *

   President Valentine directed that the following be recorded in the Senate Journal as leaders for the 57th Legislature 2008 General Session:

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

   On motion of Senator Bill Hickman, the Senate voted to approve the Senate leadership.
President Valentine directed that the following be recorded in the Senate Journal as members of the Rules Committee for the 57th Legislature 2008 General Session:

Bill Hickman, Chair  
Peter Knudson  
Greg Bell  
Chris Buttars  
Darin Peterson  
Gene Davis  
Scott McCoy

* * *

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

On motion of Senator Bill Hickman, the 2007 Senate Rules, Joint Rules and Interim Rules of the Fifty–Seventh Legislature were adopted with the understanding that changes to these rules for the Fifty–Seventh Legislature will be considered and adopted as soon as possible.

President Valentine appointed Senators Christensen, Stowell and McCoy as a committee to notify the House of Representatives that the Senate is organized and ready to do business.

President Valentine appointed Senators Stephenson, Dayton, and Goodfellow to join with a like committee from the House to notify Governor Jon M. Huntsman, Jr. that the Legislature is organized for the 2008 General Session of the Fifty–Seventh Legislature and ready to do business.

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

On motion of Senator Hickman, as allowed by the Utah Constitution and Joint Rules of the Legislature, the Senate voted to continue its practice of reading only the short title of bills and resolutions as they are introduced or considered on the Senate calendar and not read the long title of the bills and resolutions unless a majority of the Senate directs the reading of the long title, short title, or both of any House or Senate bill or resolution.

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

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

### SENATE STANDING COMMITTEES

#### Business and Labor
- Kevin VanTassell, *Chair*
- Dan R. Eastman
- Bill Hickman
- Wayne Niederhauser
- Carlene Walker
- Gene Davis
- Karen Mayne

#### Health and Human Services
- D. Chris Buttars, *Chair*
- Allen Christensen
- Peter Knudson
- Brent Goodfellow
- Scott McCoy

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

#### Workforce Services and Community and Economic Development
- Mark B. Madsen, *Chair*
- Dan Eastman
- Sheldon Killpack
- Dennis Stowell
- Fred Fife
- Patricia Jones

#### Natural Resources, Agriculture and Environment
- Darin Peterson, *Chair*
- Allen Christensen
- Margaret Dayton
- Dennis Stowell
- Michael Waddoups
- Gene Davis
- Fred Fife

#### Judiciary, Law Enforcement and Criminal Justice
- Greg Bell, *Chair*
- Lyle W. Hillyard
- Jon Greiner
- Mark Madsen
- John Valentine
- Scott McCoy
- Ross Romero
Revenue and Taxation
Wayne Niederhauser, Chair
Curtis Bramble
Jon Greiner
Howard Stephenson
John Valentine
Michael Waddoups
Mike Dmitrich
Karen Mayne

Government Operations and Political Subdivisions
Peter Knudson, Chair
Bill Hickman
D. Chris Buttars
Scott Jenkins
Scott McCoy
Ross Romero

Transportation and Public Utilities and Technology
Carlene Walker, Chair
Sheldon Killpack
Scott Jenkins
Kevin VanTassell
Mike Dmitrich
Karen Mayne

Retirement and Independent Entities
Curtis Bramble, Chair
Chris Buttars
Darin Peterson
Carlene Walker
Brent Goodfellow
Gene Davis

Senate Rules
Bill Hickman, Chair
Peter Knudson
Greg Bell
D. Chris Buttars
Darin Peterson
Gene Davis
Scott McCoy
SENATE MEMBERS JOINT
APPROPRIATIONS SUBCOMMITTEES
2007 – 2008

EXECUTIVE
APPROPRIATIONS
COMMITTEE
Sen. Lyle Hillyard, Chair
Sen. Peter Knudson, Vice Chair
Sen. John Valentine
Sen. Curtis Bramble
Sen. Dan Eastman
Sen. Sheldon Killpack
Sen. Mike Dmitrich
Sen. Gene Davis
Sen. Brent Goodfellow
Sen. Pat Jones

CAPITAL FACILITIES AND
ADMINISTRATIVE SERVICES
Sen. Scott Jenkins, Chair
Sen. Sheldon Killpack
Sen. Darin Peterson
Sen. Mike Dmitrich

COMMERCE AND
WORKFORCE SERVICES
Sen. Jon Greiner, Chair
Sen. Mark Madsen
Sen. Wayne Niederhauser
Sen. Karen Mayne

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

ECONOMIC DEVELOPMENT
AND REVENUE
Sen. Bill Hickman, Chair
Sen. Dan Eastman
Sen. Gene Davis

HEALTH AND HUMAN
SERVICES
Sen. Allen Christensen, Chair
Sen. D. Chris Buttars
Sen. Peter Knudson
Sen. Ross Romero

EXECUTIVE OFFICES AND
CRIMINAL JUSTICE
Sen. Michael Waddoups, Chair
Sen. Scott McCoy

NATURAL RESOURCES
Sen. Dennis Stowell, Chair
Sen. John Valentine
Sen. Margaret Dayton
Sen. Mike Dmitrich
On motion of Senator Bell, the Senate voted to adopt the following committee report and employ the persons recommended by Senator Bell.

EMPLOYEE COMMITTEE REPORT

Senator Bell introduced the Senate staff.

Annette B. Moore  Secretary of the Senate
Ric Cantrell      Chief Deputy of the Senate
Leslie O. McLean  Manager of Senate Services
Janeen M. Halverson Minority Administrative Assistant
Senator Pat Jones introduced the Senate Interns for the 2008 General Session.

Sen. Greg Bell
Sen. Curtis Bramble
Sen. D. Chris Butters
Sen. Allen Christensen
Sen. Gene Davis
Sen. Margaret Dayton
Sen. Mike Dmitrich
Sen. Dan R. Eastman
Sen. Fred Fife
Sen. Brent Goodfellow
Sen. Jon J. Greiner
Sen. Bill Hickman
Sen. Lyle Hillyard
Sen. Scott Jenkins
Sen. Patricia Jones
Sen. Sheldon Killpack
Sen. Peter Knudson
Sen. Mark Madsen
Sen. Karen Mayne
Sen. Scott McCoy
Sen. Wayne Niederhauser
Sen. Darin Peterson
Sen. Ross Romero
Sen. Howard Stephenson
Sen. Dennis Stowell
Pres. John Valentine
Sen. Kevin VanTassell
Sen. Michael Waddoups

Brian Nielsen
Jeff Bramble
Amelia Roper
Robert Pyper
Stephen McKeone
Kendyl Bell
Stephen McKeone
Seth Melling
Joseph Nations
Greg Buckley
Chase Carter
Michael Hock
Kaylyn Newhall
Chase Carter
Autumn Orme
Phillip Malugade
Daniel Rose
Robert Pyper
Joseph Nations
Zachery Fountain
Ryan Richards
Michael Hock
Zachery Fountain
Shawn Horrocks
Anna Moesinger
Colby Green
Ryan Richards
Amelia Roper
INTRODUCTION OF BILLS

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

S.B. 10, Search Warrant Procedure Amendments (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 11, Utah Venture Capital Enhancement Act Amendments (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 12, Election Law Modifications (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 13, Candidate Residency Requirements (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 14, Smoking Ban in Motor Vehicle (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 15, Driving Under the Influence Amendments (C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 16, Exoneration and Innocence Assistance (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 17, Child Abuse and Neglect Registry – Management and Licensing Information Systems Amendments (G. Davis), read the first time by short title and referred to the Rules Committee.

S.B. 18, Public Safety Retirement Death Benefit Modifications (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 19, Enhanced Public Safety Retirement Systems Cola Option (C. Walker), read the first time by short title and referred to the Rules Committee.

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

S.B. 21, Campaign Finance Disclosure Revisions (P. Knudson), read the first time by short title and referred to the Rules Committee.
S.B. 22, Timing of Ballot Items (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 23, Revision to Polling Requirements (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 24, Retirement Death Benefits and Divorce Revisions (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 25, Municipal Incorporation Amendments (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 26, Fire Management Areas (M. Dayton), read the first time by short title and referred to the Rules Committee.

S.B. 27, Trustees Sale – Process for Excess Proceeds (G. Davis), read the first time by short title and referred to the Rules Committee.

S.B. 28, Apportionment of Business Income, Attributing Sales to the State, and Deduction of Net Losses by a Unitary Group (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 29, Truth in Taxation Amendments (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 30, Consumer Sales Practice Act Amendments (P. Jones), read the first time by short title and referred to the Rules Committee.

S.B. 31, Income Tax Amendments (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 32, Local Government Bonding Act – Public Hearings (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 33, Department of Community and Culture – State–owned Art Inventory (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 34, Confidentiality of Reports to Driver License Division (A. Christensen), read the first time by short title and referred to the Rules Committee.

S.B. 35, Differentiated Pay for Teachers (H. Stephenson), read the first time by short title and referred to the Rules Committee.
S.B. 36, Charter and Online Schools – Participation in Extracurricular Activities (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 37, Home School and Extra Curricular Activities Amendments (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 38, Transparency in Government Finance (W. Niederhauser), read the first time by short title and referred to the Rules Committee.


S.B. 40, State Trade Database (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 41, Extended School Year Incentive (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 42, Utah College of Applied Technology – Governance and Operations (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 44, Penalties for Failing to Secure a Load or Littering on a Highway (P. Jones), read the first time by short title and referred to the Rules Committee.

S.B. 45, Accounting for Competitive Activities of Local Entities (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 46, Anti-flow Control Amendments (D. Eastman), read the first time by short title and referred to the Rules Committee.

S.B. 47, Limited Purpose Local Government Entities Revisions (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 48, Equalization of School Capital Outlay Funding (D. Eastman), read the first time by short title and referred to the Rules Committee.

S.B. 49, New School District Amendments (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 50, Medical Benefits Recovery Amendments (A. Christensen), read the first time by short title and referred to the Rules Committee.
S.B. 51, Impact Fees – Public Safety Facility (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 52, Identity Theft Amendment (C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 53, Use of Initiative and Referendum for Administrative Land Use and Zoning Matters (B. Goodfellow), read the first time by short title and referred to the Rules Committee.

S.B. 54, Initiative and Referendum Petition Submission Amendments (B. Goodfellow), read the first time by short title and referred to the Rules Committee.

S.B. 56, Naturopathic Physician Amendments (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 57, Franchise Law Amendments (D. Eastman), read the first time by short title and referred to the Rules Committee.

S.B. 58, Workers’ Compensation Related Amendments (M. Dmitrich), read the first time by short title and referred to the Rules Committee.

S.B. 59, Wildlife Amendments (A. Christensen), read the first time by short title and referred to the Rules Committee.

S.B. 60, Repealing Labor Commission Responsibilities to Oversee Employment Agencies (R. Romero), read the first time by short title and referred to the Rules Committee.

S.B. 61, Financial Literacy Education (P. Jones), read the first time by short title and referred to the Rules Committee.

S.B. 62, Health Insurance – Medical Complication Exclusions (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 63, Adult Protective Services Amendments (K. VanTassell), read the first time by short title and referred to the Rules Committee.

S.B. 64, Income Tax – Capital Gain Transactions (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 65, Soliciting Gang Members Prohibited (J. Greiner), read the first time by short title and referred to the Rules Committee.
S.B. 66, Uniform Emergency Volunteer Health Practitioners Act (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 67, Protection of Constitutionally Guaranteed Activities in Certain Private Venues (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 68, Workers’ Compensation – Death Benefits (K. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 69, Uniform Limited Cooperative Association Act (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 70, Emotional Support Animals (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 94, Burglary of a Railroad Car (D. Peterson), read the first time by short title and referred to the Rules Committee.

S.B. 95, Markup on Alcoholic Beverages (M. Dmitrich), read the first time by short title and referred to the Rules Committee.

S.B. 96, Multi−channel Video or Audio Service Tax Act Amendments (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 97, Immigration Task Force (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 98, Licensing of Security Services (D. Eastman), read the first time by short title and referred to the Rules Committee.

S.B. 99, Amendments to Sales and Use Tax Exemption for Prosthetic Devices (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 100, Motor Vehicle Dealer Disclosure Requirements Amendments (D. Eastman), read the first time by short title and referred to the Rules Committee.

S.B. 101, Utah Comprehensive Health Insurance Pool Funding (G. Davis), read the first time by short title and referred to the Rules Committee.

S.B. 102, Animal Torture Offense (G. Davis), read the first time by short title and referred to the Rules Committee.
S.B. 103. **Higher Education Enhancements** (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 104. **State Capital Facility Board – Creation and Oversight** (D. C. Buttars), read the first time by short title and referred to the Rules Committee.


S.B. 106. **Juvenile Custody Maintenance Amendments** (D. Peterson), read the first time by short title and referred to the Rules Committee.

S.B. 107. **State Retirement Benefit Additions** (B. Goodfellow), read the first time by short title and referred to the Rules Committee.

S.B. 108. **Offset of Workers’ Compensation and Social Security** (J. Hickman), read the first time by short title and referred to the Rules Committee.

S.B. 109. **Poll Worker Neutrality** (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 110. **Foreign Business Entities and Tribal Law** (K. VanTassell), read the first time by short title and referred to the Rules Committee.

S.B. 111. **Revisor’s Statute** (J. Hickman), read the first time by short title and referred to the Rules Committee.

S.B. 112. **Legislative Space in the Capitol** (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 113. **Access to Research Workers’ Personal Information** (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 114. **Notary Public Revision** (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 115. **Motor Vehicle Safety Inspection Advisory Council Amendments** (D. Eastman), read the first time by short title and referred to the Rules Committee.

S.B. 116. **Retirement Office Amendments** (C. Walker), read the first time by short title and referred to the Rules Committee.
S.B. 117, Animal Cruelty Amendments (A. Christensen), read the first time by short title and referred to the Rules Committee.

S.B. 118, Education Transportation Amendments (D. Peterson), read the first time by short title and referred to the Rules Committee.

S.B. 119, Department of Corrections Amendments (D. Peterson), read the first time by short title and referred to the Rules Committee.

S.B. 120, Department of Corrections Employee Vehicle Use (D. Peterson), read the first time by short title and referred to the Rules Committee.

S.B. 121, Access to Qualified Health Care Providers (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 122, Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 123, Filling Vacancies in the Senate (J. Hickman), read the first time by short title and referred to the Rules Committee.

S.B. 124, Sales and Use Tax – Definitions of Permanently Attached to Real Property and Tangible Personal Property (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 125, High School Voter Registration (K. VanTassell), read the first time by short title and referred to the Rules Committee.

S.B. 126, Filing Fee for Write–in Candidates (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 127, Underground Utilities Facilities Amendments (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 128, Amendments to the Veteran’s Property Tax Exemption (B. Goodfellow), read the first time by short title and referred to the Rules Committee.

S.B. 129, Changes to County Surveyor (K. VanTassell), read the first time by short title and referred to the Rules Committee.

S.B. 130, Utility Improvement District Revisions (K. VanTassell), read the first time by short title and referred to the Rules Committee.
S.B. 131, Wage Withholding for Employee Contributions
(W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 132, Consumer Credit Protection Act – Attorney General Powers
(C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 133, Medical Assistance and Managed Care (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 134, Residential Mortgage Fraud Act (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.B. 135, Extending the Sales and Use Tax Exemption for Pollution Control Facilities (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 136, Apportionment of Business Income Amendments
(W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 137, Mineral Production Tax Withholding Amendments
(W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 138, Utah Substance Abuse and Anti–violence Coordinating Council Amendments (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 139, Utah Antitrust Act Amendments (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 140, Education Advisory Councils (P. Jones), read the first time by short title and referred to the Rules Committee.

S.B. 141, Water Conservancy District – Selection of Board of Trustees
(W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 142, High School Graduation Requirements (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 143, Insurance Financial Requirements (K. VanTassell), read the first time by short title and referred to the Rules Committee.
S.C.R. 1. Resolution Supporting Obesity Awareness (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

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

S.C.R. 3. Resolution Supporting Observance of Peace Officers Memorial Day (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.C.R. 4. Concurrent Resolution Recognizing Utah’s Nobel Prize Winner Mario Capecchi (J. Valentine), read the first time by short title and referred to the Rules Committee.

S.J.R. 1. Resolution Encouraging the Advertisement of Alternative Routes to Teaching (M. Dayton), read the first time by short title and referred to the Rules Committee.

S.J.R. 2. Resolution Approving the Appointment of Legislative Fiscal Analyst (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.J.R. 3. Resolution Approving Compensation of In−session Employees (G. Bell), read the first time by short title and referred to the Rules Committee.


COMMITTEE OF THE WHOLE


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

RULES COMMITTEE REPORTS

To the Members of the Senate: January 21, 2007

The Rules Committee recommends that, under suspension of the rules, the following bills be placed at the top of the Second Reading Calendar:
S.B. 111  Revisor’s Statute (Sen. J. Hickman)
S.B. 112  Legislative Space in the Capitol (Sen. C. Bramble)
S.J.R. 2  Resolution Approving the Appointment of Legislative Fiscal Analyst (Sen. C. Bramble)

Bill Hickman
Rules Committee Chair

Report filed. On motion of Senator Hickman, under suspension of the rules, the committee report was adopted.

RULES COMMITTEE REPORTS

To the Members of the Senate: January 21, 2008

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

S.B. 10  Search Warrant Procedure Amendments (Sen. J. Greiner)
S.B. 11  Utah Venture Capital Enhancement Act Amendments (Sen. S. Jenkins)
S.B. 12  Election Law Modifications (Sen. P. Knudson)
S.B. 13  Candidate Residency Requirements (Sen. P. Knudson)
S.B. 15  Driving Under the Influence Amendments (Sen. C. Walker)
S.B. 16  Exoneration and Innocence Assistance (Sen. G. Bell)
S.B. 17  Child Abuse and Neglect Registry – Management and Licensing Information Systems Amendments (Sen. G. Davis)
S.B. 18  Public Safety Retirement Death Benefit Modifications (Sen. J. Greiner)
S.B. 19  Enhanced Public Safety Retirement Systems Cola Option (Sen. C. Walker)
S.B. 20  Municipal Government Amendments (Sen. C. Walker)
S.B. 22  Timing of Ballot Items (Sen. P. Knudson)
S.B. 23  Revision to Polling Requirements (Sen. P. Knudson)
S.B. 24  Retirement Death Benefits and Divorce Revisions (Sen. L. Hillyard)
S.B. 25  Municipal Incorporation Amendments (Sen. D. Stowell)
S.B. 26  Fire Management Areas (Sen. M. Dayton)
S.B. 27  Trustees Sale – Process for Excess Proceeds (Sen. G. Davis)
S.B. 30  Consumer Sales Practice Act Amendments (Sen. P. Jones)
S.B. 33  Department of Community and Culture – State–owned Art Inventory (Sen. M. Madsen)
Report filed. On motion of Senator Hickman, the committee report was adopted.

**RULES COMMITTEE REPORTS**

To the Members of the Senate: January 21, 2008

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

**Business and Labor Committee**

S.B. 57  Franchise Law Amendments (Sen. D. Eastman)
S.B. 58  Workers’ Compensation Related Amendments (Sen. M. Dmitrich)
S.B. 60  Repealing Labor Commission Responsibilities to Oversee Employment Agencies (Sen. R. Romero)
S.B. 95  Markup on Alcoholic Beverages (Sen. M. Dmitrich)
S.B. 98  Licensing of Security Services (Sen. D. Eastman)
S.B. 108 Offset of Workers’ Compensation and Social Security (Sen. J. Hickman)
S.B. 110 Foreign Business Entities and Tribal Law (Sen. K. VanTassell)
S.B. 131 Wage Withholding for Employee Contributions (Sen. W. Niederhauser)
S.B. 132 Consumer Credit Protection Act – Attorney General Powers (Sen. C. Walker)
S.B. 134 Residential Mortgage Fraud Act (Sen. S. Killpack)
S.B. 136 Apportionment of Business Income Amendments (Sen. W. Niederhauser)

**Education Committee**

S.B. 35  Differentiated Pay for Teachers (Sen. H. Stephenson)
S.B. 36 Charter and Online Schools – Participation in Extracurricular Activities (Sen. M. Madsen)
S.B. 37 Home School and Extra Curricular Activities Amendments (Sen. M. Madsen)
S.B. 41 Extended School Year Incentive (Sen. H. Stephenson)
S.B. 42 Utah College of Applied Technology – Governance and Operations (Sen. G. Bell)
S.B. 48 Equalization of School Capital Outlay Funding (Sen. D. Eastman)
S.B. 61 Financial Literacy Education (Sen. P. Jones)
S.B. 103 Higher Education Enhancements (Sen. D. Stowell)
S.B. 118 Education Transportation Amendments (Sen. D. Peterson)
S.B. 125 High School Voter Registration (Sen. K. VanTassell)
S.C.R. 2 Resolution Promoting Legislators Back to School Program (Sen. M. Dayton)

Government Operations and Political Subdivision Committee
S.B. 21 Campaign Finance Disclosure Revisions (Sen. P. Knudson)
S.B. 32 Local Government Bonding Act – Public Hearings (Sen. S. Jenkins)
S.B. 45 Accounting for Competitive Activities of Local Entities (Sen. H. Stephenson)
S.B. 47 Limited Purpose Local Government Entities Revisions (Sen. D. Stowell)
S.B. 53 Use of Initiative and Referendum for Administrative Land Use and Zoning Matters (Sen. B. Goodfellow)
S.B. 54 Initiative and Referendum Petition Submission Amendments (Sen. B. Goodfellow)
S.B. 113 Access to Research Workers’ Personal Information (Sen. G. Bell)
S.B. 123 Filling Vacancies in the Senate (Sen. J. Hickman)
S.B. 126 Filing Fee for Write-in Candidates (Sen. P. Knudson)
S.B. 129 Changes to County Surveyor (Sen. K. VanTassell)
S.J.R. 4 Joint Resolution Recognizing 100th Anniversary of Utah League of Cities and Towns (Sen. P. Knudson)

Health and Human Services Committee
S.B. 14 Smoking Ban in Motor Vehicle (Sen. S. McCoy)
S.B. 50  Medical Benefits Recovery Amendments  
(Sen. A. Christensen)
S.B. 56  Naturopathic Physician Amendments (Sen. S. McCoy)
S.B. 101 Utah Comprehensive Health Insurance Pool Funding  
(Sen. G. Davis)
S.B. 121 Access to Qualified Health Care Providers  
(Sen. D. C. Buttars)
S.B. 133 Medical Assistance and Managed Care (Sen. G. Bell)

Judiciary, Law Enforcement and Criminal Justice Committee
S.B. 51  Impact Fees – Public Safety Facility (Sen. G. Bell)
S.B. 52  Identity Theft Amendment (Sen. C. Walker)
S.B. 94  Burglary of a Railroad Car (Sen. D. Peterson)
S.B. 105 Judicial Performance Evaluation Commission  
(Sen. D. C. Buttars)
S.B. 106 Juvenile Custody Maintenance Amendments  
(Sen. D. Peterson)
S.B. 114 Notary Public Revision (Sen. G. Bell)
S.B. 119 Department of Corrections Amendments  
(Sen. D. Peterson)
S.B. 120 Department of Corrections Employee Vehicle Use  
(Sen. D. Peterson)
S.B. 122 Uniform Adult Guardianship and Protective Proceedings  
Jurisdiction Act (Sen. L. Hillyard)
S.C.R. 3 Resolution Supporting Observance of Peace Officers Memorial Day (Sen. J. Greiner)

Natural Resources, Agriculture and Environment Committee
S.B. 46  Anti–flow Control Amendments (Sen. D. Eastman)
S.B. 59  Wildlife Amendments (Sen. A. Christensen)

Retirement and Independent Entities Committee
S.B. 107 State Retirement Benefit Additions (Sen. B. Goodfellow)
S.B. 116 Retirement Office Amendments (Sen. C. Walker)

Revenue and Taxation Committee
S.B. 28 Apportionment of Business Income, Attributing Sales to the State, and Deduction of Net Losses by a Unitary Group (Sen. H. Stephenson)
S.B. 29 Truth in Taxation Amendments (Sen. W. Niederhauser)
S.B. 31 Income Tax Amendments (Sen. W. Niederhauser)
S.B. 38  Transparency in Government Finance  
(Sen. W. Niederhauser)

S.B. 96  Multi–channel Video or Audio Service Tax Act Amendments  
(Sen. W. Niederhauser)

S.B. 99  Amendments to Sales and Use Tax Exemption for Prosthetic Devices  
(Sen. W. Niederhauser)

S.B. 124  Sales and Use Tax – Definitions of Permanently Attached to Real Property and Tangible Personal Property  
(Sen. H. Stephenson)

S.B. 128  Amendments to the Veteran’s Property Tax Exemption  
(Sen. B. Goodfellow)

S.B. 135  Extending the Sales and Use Tax Exemption for Pollution Control Facilities  
(Sen. W. Niederhauser)

S.B. 137  Mineral Production Tax Withholding Amendments  
(Sen. W. Niederhauser)

Transportation, Public Utilities and Technology Committee

S.B. 34  Confidentiality of Reports to Driver License Division  
(Sen. A. Christensen)

S.B. 100  Motor Vehicle Dealer Disclosure Requirements Amendments  
(Sen. D. Eastman)

S.B. 115  Motor Vehicle Safety Inspection Advisory Council Amendments  
(Sen. D. Eastman)

S.B. 127  Underground Utilities Facilities Amendments  
(Sen. J. Greiner)

S.B. 130  Utility Improvement District Revisions  
(Sen. K. VanTassell)

Bill Hickman  
Rules Committee Chair

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

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On motion of Senator Bramble, and at 12:10 p.m., the Senate recessed.
AFTERNOON SESSION

JOINT CONVENTION

President John Valentine called the Joint Convention to order at 2:15 p.m. in the Chamber of the Utah House of Representatives and recognized Speaker Greg Curtis.

A quorum of the Legislature was present.

President Valentine acknowledged the presence of the Supreme Court Justices: Christine M. Durham, Chief Justice; Michael J. Wilkins, Associate Chief Justice; Matthew B. Durrant, Justice; Ronald E. Nehring, Justice; and Jill N. Parrish, Justice.

COMMITTEE OF THE WHOLE

On motion of Senate Bramble, the Legislature resolved itself into a Committee of the Whole, with the Speaker as Chairman, for the purpose of hearing Chief Justice Christine M. Durham’s State of the Judiciary address.

On motion of Representative D. Clark, the Legislature voted to print the complete text of the State of the Judiciary address upon the pages of the House and Senate Journals.

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

STATE OF THE JUDICIARY ADDRESS

CHIEF JUSTICE CHRISTINE M. DURHAM

It is an extraordinary privilege to address the Utah Legislature in this magnificently restored historic chamber. So far as I know, it is the first time that a Chief Justice has had the opportunity to address a joint session in the Capitol itself, and I express appreciation for the courtesy you have extended by continuing the joint session tradition begun last year. It has been a privilege for me to have served for the past five years as a member of the Capitol Preservation Board, which has overseen the great work of historic preservation and renovation we all, as citizens of Utah, now enjoy. The Supreme Court is very much looking forward, as I am sure you have been doing, to returning to the Capitol. We will hear cases next month in our beautiful courtroom, and we invite you to participate in that event if you are able, on the morning of Wednesday the 6th of February. As I mentioned during the rededication ceremonies, I believe that it is symbolic, historically and
constitutionally, that there are spaces in this building where all three branches of government may deliberate and perform their function in the government of the people of Utah.

I am pleased to be joined today by my colleagues on the Supreme Court: Associate Chief Justice Michael Wilkins and Associate Justices Matthew Durrant, Jill Parrish, and Ronald Nehring. I also appreciate the presence of Utah’s State Court Administrator Dan Becker. As you know, the constitutional responsibility for governance of the judicial branch in our state belongs to the Judicial Council, which I chair as Chief Justice and on which Justice Nehring now sits as our Court’s representative. However, each of my colleagues undertakes significant leadership work with respect to both the responsibilities of the Court for procedural and evidentiary rulemaking, and oversight of the legal profession, as well as in accepting many assignments from the Judicial Council. In that regard, I would like to acknowledge the leadership and hard work that Justice Nehring has provided over the last two years to the Judicial Council’s study of Utah’s Justice Courts. I will spend a good part of my time here today discussing the results of that study, and wanted to recognize Justice Nehring’s contributions to it.

First, however, I would like to report briefly on our progress on several initiatives we have undertaken in response to your direction over the last year. For example, having listened to concerns about increasing the efficiency of case processing articulated and embodied in legislation by Senator Greg Bell, we have under way a Caseflow Management Pilot Program implementing methods for reducing the time it takes cases to move through the resolution process. A mental health court for juveniles is now helping troubled youth in Cache County thanks to Senator Lyle Hillyard’s legislative work in the last session. Treatment for criminal defendants for drug addiction is now more widespread, in response to Senator Chris Buttar’s work on DORA, and we are coordinating regular court–annexed divorce orientation programs as provided for by Representative Lorie Fowlke’s bill. Each of these efforts is fully underway and shows considerable promise for the continued improvement of services to the public. There are many more examples, but I mention these because they reflect the efforts of the courts to be responsive and accountable to the Legislature for the fiscal and policy direction you provide. They also represent the positive results of collaboration between the three branches of government in the improvement of the administration of justice.

Our efforts in that work are often simply taken as a “given,” but I am pleased to report that Utah’s courts increasingly enjoy what I consider to be a well–deserved reputation for excellence and leadership in court administration. We frequently receive requests from other states for technical assistance and
advice, and in the last several months, we have hosted study delegations from the court systems in South Korea, China, Liberia, Kurdistan, and Ukraine.

Of far more importance, however, is what our own court users are saying. I mentioned last year that the Judicial Council has implemented a comprehensive system of performance measures to monitor how we are doing in fulfilling our mission. One of the regular measurements we have undertaken is to survey court users about their experiences. We do this by taking a snapshot of all the people leaving a particular courthouse on a particular day. Our latest survey of 1800 court users from all over the state, found that 93 percent said they understood what happened in their case and why, 95 percent said they knew what they should do next in their case, 90 percent said they felt that both sides had been treated the same, and 94 percent said they were treated with courtesy and respect by the judge and court staff. The full results of the survey, along with all the other performance data we are now collecting, can be viewed on our website at www.utcourts.gov. One of the best features of the information on the website is that it is organized so that it can be looked at by district, by county, and even by individual courthouse. For example, St. George courthouse users showed a much lower level of public satisfaction than the numbers I cited earlier, when asked about court facilities. Senator Hickman and Representatives Clark, Last and Urquhart would, I think, feel particularly good about their work in securing funding for the new courthouse there if they looked at the reaction of court users to the overcrowded and outdated facilities currently in use.

The opinions that court users have are important. My husband is a pediatrician who frequently works with families in various kinds of difficult situations. One of the truths he taught me many years ago is that “feelings are facts,” meaning that you must deal with the perceptions, emotions, and attitudes that people have about their experiences if you really want to help. That principle has its corollary in the work of the courts: the public’s perceptions of our work is as critical to the confidence they have in the courts as are the objective facts of what we do. We are constantly focused on the perceptions we want the public to have of their courts and try to work on those goals in specific ways. For example, we want the public to perceive their courts as accessible, and are constantly improving our programs to assist self-represented litigants. Our Internet-based Online Court Assistance Program (OCAP) was used to generate legal documents for 8000 filings in the past year. Last year I told you that a quarter of all divorce filings were initiated with forms prepared on OCAP; this year’s number is up to 42 percent. Also, our Court’s recent approval of a practice known as “ unbundling” of legal services is beginning to be reflected in court proceedings around the state where litigants can retain the services of lawyers for only the parts of their cases they need help with, at much reduced cost. Recently, a district judge in Davis County
presided over a complicated domestic case in which both parties were representing themselves. A number of hearings had been held, which were extremely stressful largely because of the parties’ unfamiliarity with procedural and legal requirements. At the final hearing, one of the parties was able to secure the services of a local attorney for the purpose of only that one hearing, something that would not have been possible without the new rule on unbundling. Because of the lawyer’s assistance, what would likely have been a difficult, all−day process instead resulted in a one−hour hearing and what the judge describes as a fair resolution, understood and largely stipulated to by both parties. Not inconsequentially, the result was achieved at a fraction of the cost of traditional representation.

We want people to perceive that their courts are efficient, and, in addition to the case flow management pilot program I mentioned earlier, we are engaged in other projects, like a Model Juvenile Delinquency Court that is exploring ways to increase timely dispositions while preserving fairness standards. We have begun the use of electronic warrants, which will permit judges to review and act on law enforcement warrant requests instantly from any location at any time. We are also currently completing a process that will extend electronic filing to all civil cases before the end of your session. And, as I mentioned in my remarks last year, we are very proud of the transparency with which we conduct our work. On our website, thanks to the performance measures contained in our CourTools program, we publish all the data that enables us to analyze our productivity and understand emerging trends.

We want people to perceive that their courts will protect the interests of those who cannot protect themselves. Courts have traditionally overseen the system of guardianships and conservatorships for those who are disabled for any reason, including old age. The Judicial Council has initiated a major project to identify how we can better exercise that oversight, and how our rules, our practices, and perhaps even the statutes might be changed to better serve and protect people with disabilities and their families.

Finally, and most important of all, we want the public to perceive that their courts are fair and impartial. Without this perception, there cannot exist an essential element of our form of government−public trust and confidence in the judicial branch. Our focus on this perception is reflected in the project I mentioned earlier and about which I am sure you have heard: the Judicial Council’s study of the justice courts in Utah. There is, in my view, no more pressing problem of public perception regarding Utah’s court system than the justice courts. Let me provide some context for this discussion.
The survey results I mentioned earlier came from user experiences in the courts of 111 judges at the state level. Considering the “judicial system” more globally (which is of course the way most citizens see it), Utah actually has 219 judges, 108 of whom serve in the justice courts. We have 178 court locations in Utah; 138 of them are county or municipal justice courts. Of the approximately 860,000 court cases filed last year in Utah, 587,000 (almost 70%) were filed in the justice courts. It is axiomatic that for most Utah citizens, justice court is the court with which they are most likely to have experience. These courts range from large municipal courts with multiple judges and extensive staff to very small courts, where only 2 or 3 cases might be filed in a week and court hearings might be held only once a month. We should be in no doubt, however, about their collective impact: last year Utah’s justice courts generated over $72,000,000.00 in revenue, and projections for the coming year put the number at $84,000,000.00.

The Judicial Council decided two years ago to undertake a study of the justice court system because of a number of factors. Among those factors were: (1) an increase in the number of justice courts, particularly large courts in Salt Lake City, West Valley City, Ogden, and Provo; (2) the importance of the kinds of cases heard in justice courts; the vast majority of DUI and domestic violence cases are now handled there, as well as civil cases now involving amounts up to $7500.00; (3) legislative demands for improved record-keeping in the justice courts; (4) a growing public perception that justice courts are vehicles for generating revenue, never a proper function for courts as institutions; (5) pressures on judicial independence in decision making, both real and perceived; (6) litigation challenging the constitutionality of the structure and jurisdiction of the justice courts; and (7) multiple issues regarding uniformity and consistency in practice and procedure.

The Judicial Council formed a committee, chaired by Justice Nehring, to examine these and other issues. In the course of the committee’s work, its members and staff spoke to large numbers of interested stakeholders all over the state. In some ways, what the committee undertook could be analogized to the recent restoration of this building. A time had come when it became clear that cosmetic changes or interim repairs were insufficient. Although many improvements to the justice court system have been made, such as significant attention to the education and training of judges and court staff, it became apparent that, as with the Capitol, structural work needed to be done.

The committee’s recommendations, which have now been endorsed by the Judicial Council and which are incorporated in a bill sponsored by Senator Lyle Hillyard, were predicated on three paramount principles: First, the decision to create and maintain justice courts should remain with local government; this is not a proposal for state government to take over the justice courts; Second, justice
courts must be, and must be perceived to be, fair and impartial places for dispute resolution, not revenue generating entities; and Third, justice courts must be presided over by highly competent, well-trained judges. These are the principles that guided the committee’s work, and the proposal that has emerged from that work is the direct result of widespread agreement on the validity and importance of those principles. There will no doubt be differing views about the specifics of the proposed changes, but I urge you to give careful consideration to the principles underlying Senator Hillyard’s bill. There has been some discussion already about the proposal, and unfortunately some of it has been premised on misinformation about what it actually does, so I hope that in your work you will focus on its actual language. In the end, I urge you to seize this opportunity to reform a system in need of attention and to enhance the public’s confidence in these courts.

As with justice courts, the competence of judges at all level of the judiciary is important to the people, which brings me briefly to the subject of judicial performance evaluation. You will be considering in this session a bill, sponsored in the Senate by Senator Buttars, to make changes in the structure of our program for judicial performance evaluation in Utah. The proposal is the work of a legislative task force on judicial retention that you created last session, on which I, Judge Gary Stott of the 4th District Court and Judge Hans Chamberlain of the 5th District Juvenile Court were invited to sit, a courtesy appreciated by the judiciary. I must preface my comments with the observation that, from the judiciary’s perspective, the current program is not in need of change; we have not been persuaded that there is a significant case to be made that the evaluation process itself, as opposed to the logistics of the voter information process, is inadequate in any way. In fact, the standards for judicial performance and the means for measurement embodied in the proposed legislation are nearly identical to those currently in place. Having said that, I acknowledge that there is legislative interest in having the evaluation process administered by an independent commission rather than by the Judicial Council, and the proposal in the legislation takes that approach. I would observe that for such a system to be fair and effective, two things are absolutely essential: the commission must be completely independent and free from the possibility of any kind of public or political pressure that would put at risk the impartiality and independence of the decision making function of judges, and the commission must be adequately funded to carry out its ambitious assignment. Given that the bill as proposed appears to contemplate both of these essentials, the Judicial Council has determined that, although we cannot support it because of our position that it is unnecessary, we do not oppose the approach it advances.

I would like to turn finally to a few comments that relate to things I have said today about public confidence in the courts. No institution can be better than its
people, and I am exceedingly proud of the dedicated, hard−working judges and staff who work for the courts. However, we are in one respect in considerable trouble, and we are asking this year for your help. Our deputy court clerks are our front−line employees. They are expected to perform a wide array of complex tasks requiring a high level of skill, including assisting court customers in person and over the telephone; assisting attorneys and self−represented litigants; setting court calendars; scheduling interpreters, court reporters, and mediators; coordinating with outside agencies and attorneys; monitoring case progress; preparing required notices; recording the outcomes of hearings and trials; managing jury pools; collecting court fees, fines, and restitution; and balancing and reconciling accounts. We are experiencing unprecedented turnover in our deputy clerk positions throughout the state and related difficulty in recruiting for those jobs. Fully 41 percent of new deputy court clerks leave the state courts before reaching one year of service; ironically, a large number of them leave to take higher paying jobs with local justice courts. The work of court clerks has no analogue in the private sector, so new hires require a significant investment of time and training; it is a huge loss when those people leave us, and it has a direct, negative impact on the efficiency of the courts. Morale, as well as productivity, is affected when experienced clerks must spend significant portions of their time training new people who will not stay; personal and professional relationships are disrupted and the workplace suffers. Our analysis reveals that deputy clerk positions are currently among the lowest pay scales in all of state government, despite their relatively sophisticated demands. To address this problem we are asking for the funds for a market comparability adjustment, and we hope that you will agree about the urgency of the issue.

With respect to judicial compensation, we remain very appreciative of the attention you paid to this issue last year, and we hope that we can stay on track with the recommendation of our citizen committee and the recommendations of your Executive and Judicial Compensation Commission. Our expectation is that those recommendations will put us in the position of being able to stay “caught up” with only regular state employee cost of living increases in the future.

Oliver Wendell Holmes Sr. once said: “Greatness is not so much where we stand, as in what direction we are moving. We must sail sometimes with the wind, and sometimes against it, but sail we must. And not drift, nor lie at anchor.” Utah’s judicial branch is not drifting, nor are we standing still. We are actively addressing efficient case management practices; we have embraced and are honing the effectiveness of problem−solving courts; we are working to ensure that people who need to represent themselves in court, and people who face language and other kinds of barriers to access, can ask for and receive justice; we are constantly seeking ways in which we can reach out to Utah’s communities and educate our
children about the rule of law; and we are actively engaged in planning for the kinds of structural and other change that will improve and sustain the trust and confidence that the people have in the courts. Although our institutional cultures and decision-making processes are very different, our two branches of government share fundamental commitments to fairness, justice, and public service. We in the judiciary look forward to a year of positive, collaborative work with you and your leadership, and to sailing, to use Dr. Holmes’ metaphor, in the right direction.

***

The Senate reassembled in the Senate Chamber at 3:05 p.m., with President Valentine presiding.

***

On motion of Senator Knudson, the Senate voted to lift S.J.R. 4, JOINT RESOLUTION RECOGNIZING 100TH ANNIVERSARY OF UTAH LEAGUE OF CITIES AND TOWNS, from the Government Operations and Political Subdivision Committee and place it on the Time Certain Calendar for 10:00 a.m. Wednesday, January 23, 2008.

SECOND READING CALENDAR

On motion of Senator Hickman, under suspension of the rules, S.B. 111, REVISOR’S STATUTE, was considered read the second and third times. Senator Hickman explained the bill. Senator Stephenson commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Buttars    Dayton         Madsen

S.B. 111 was transmitted to the House.
On motion of Senator Bramble, under suspension of the rules, S.B. 112, LEGISLATIVE SPACE IN THE CAPITOL, was considered read the second and third times.

Senator Bramble proposed the following amendment:

1. Page 2, Line 50 through Page 3, Line 59

   (2) The legislative area on capitol hill includes:
   (a) in the State Capitol:

   *** Some lines not shown ***
   (ii) on the third floor: the entire floor, including the stairs and elevators on the east and west side of the third floor, except:
   (A) the Supreme Court chambers which is to be controlled and scheduled by the Legislature during any general or special session of the Legislature and on interim days and controlled and scheduled by the Secretary of the Senate on all other days;

2. Page 5, Line 143 through Page 6, Line 152:

   (2) The legislative area on capitol hill includes:
   (a) in the State Capitol:

   *** Some lines not shown ***
   (ii) on the third floor: the entire floor, including the stairs and elevators on the east and west side of the third floor, except:
   (A) the Supreme Court chambers which is to be controlled and scheduled by the Legislature during any general or special session of the Legislature and on interim days and controlled and scheduled by the Secretary of the Senate on all other days;
Senator Bramble’s motion to amend passed on a voice vote. Senator Bramble explained the bill. Senator Hillyard commented. 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 Dayton

**S.B. 112, as amended, was transmitted to the House.**

* * *

On motion of Senator Bramble, under suspension of the rules, **S.J.R. 2**, **RESOLUTION APPROVING THE APPOINTMENT OF LEGISLATIVE FISCAL ANALYST**, was considered read the second and third times. Senator Bramble explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**S.J.R. 2** was transmitted to the House.

* * *

On motion of Senator Bramble and at 2:30 p.m., the Senate adjourned until 10:00 a.m., Tuesday, January 22, 2008.
SECOND DAY
MORNING SESSION

January 22, 2008

The Senate was called to order at 10:30 a.m., with President John Valentine presiding.

Prayer – Senator Allen Christensen
Pledge of Allegiance – Senator Mark Madsen
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 64)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 21, 2008

The House passed H.B. 13, CRIMINAL STATUTE OF LIMITATIONS AMENDMENTS, by Representative C. Wimmer, and it is transmitted for consideration; and

The House passed H.B. 16, MEDICAID COVERAGE FOR CERTAIN TELEHEALTH SERVICES, by Representative B. Last, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 13 and H.B. 16 were read the first time and referred to the Rules Committee.

INTRODUCTION OF BILLS

S.B. 43, Administrative Rules Reauthorization (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 71, School District Amendments (C. Walker), read the first time by short title and referred to the Rules Committee.

S.B. 72, Justice Court Amendments (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 144, Parameters on Governor’s Ability to Enter Agreements Binding the State (S. Jenkins), read the first time by short title and referred to the Rules Committee.
S.B. 145, State Family Day Holiday (J. Hickman), read the first time by short title and referred to the Rules Committee.

S.B. 146, Amendment to Uniform Anatomical Gift Act (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 147, Candidate Filing Requirements (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 148, Enforcement of Front License Plate Display Requirement Amendments (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.J.R. 5, Joint Resolution Amending Legislative Apportionment (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.R. 1, Senate Resolution Urging United States Withdrawal from Security and Prosperity Partnership of North America (F. Fife), read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

S.B. 10, SEARCH WARRANT PROCEDURE AMENDMENTS, was read the second time. Senator Greiner explained the bill.

Senator Greiner proposed the following amendment:

1. Page 2, Line 36:
   After “shall” insert “, as a condition of parole,“

2. Page 2, Line 58 and 59:
   After “parole” delete “for an offense committed”

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

Y eas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

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

3. Page 2, Line 65:
   After “shall” insert “, as a condition of parole,“
Absent or not voting was: Senator Romero

***

S.B. 11, 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, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Killpack

***

S.B. 12, ELECTION LAW MODIFICATIONS, was read the second time. Senator Knudson explained the bill. Senators Bell and Valentine commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

- Killpack
- Peterson

***

S.B. 13, CANDIDATE RESIDENCY REQUIREMENTS, 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. 13 Candidate Residency Requirements (Peter C. Knudson)

Senators Hillyard 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

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**Absent or not voting were:** Senators

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S.B. 15, DRIVING UNDER THE INFLUENCE AMENDMENTS, was read the second time.

On motion of Senator Walker, the bill was circled.

***

S.B. 16, EXONERATION AND INNOCENCE ASSISTANCE, was read the second time. Senator Bell explained the bill. Senators Hillyard, Hickman, McCoy, and Greiner commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Hickman      Stowell

***

S.B. 17, CHILD ABUSE AND NEGLECT REGISTRY–MANAGEMENT AND LICENSING INFORMATION SYSTEMS AMENDMENTS, was read the second time.

On motion of Senator Davis, the bill was circled.

***

S.B. 18, PUBLIC SAFETY RETIREMENT DEATH BENEFIT MODIFICATIONS, was read the second time. Senator Greiner explained the bill. Senators Walker, Valentine, and Bramble commented. Senator Greiner declared a conflict of interest. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell        Bramble        Buttars        Christensen
Davis      Dayton         Dmitrich       Eastman
Fife       Greiner        Hickman       Hillyard
Jenkins    Killpack       Knudson       Madsen
Mayne      McCoy          Niederhauser  Peterson
Romero     Stephenson     Stowell       Van Tassell
Waddoups   Walker         Valentine

Absent or not voting were: Senators
Goodfellow  Jones

***

S.B. 19, ENHANCED PUBLIC SAFETY RETIREMENT SYSTEMS COLA OPTION, was read the second time. Senator Walker explained the bill. Senators Hickman, Bramble, Mayne, and Buttars commented. Senators Mayne and Greiner declared conflicts of interest. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell        Bramble        Buttars        Christensen
Davis      Dayton         Dmitrich       Eastman
On motion of Senator Bramble and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Wednesday, January 23, 2008.

JOINT CONVENTION

President John Valentine called the Joint Convention to order at 6:30 p.m. in the Chamber of the Utah House of Representatives and recognized Greg Curtis, Speaker of the House.

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

President Valentine appointed a Joint Committee comprised of Senators Curtis Bramble, Dan Eastman and Mike Dmitrich, and Representatives David Clark, Gordon Snow, and Brad King to notify Governor Jon M. Huntsman, Jr., that the 2008 General Session of the Fifty-Seventh Legislature is in Joint Convention and ready to hear his State-of-the-State address.

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

Senator Curtis Bramble made a motion that the Legislature resolve into a Joint Convention and Committee of the Whole for the purpose of hearing Governor Huntsman’s State-of-the-State address.

The Joint Committee escorted Governor Huntsman to the House rostrum.

STATE-OF-THE-STATE ADDRESS
BY GOVERNOR HUNTSMAN

“ASPIRE TO REACH HIGHER”

Lt. Governor Herbert; President Valentine; Speaker Curtis; Members of the Legislature, Supreme Court and Cabinet; My wife and best friend, our First Lady; And all Utahns.
To say that tonight is an historic occasion is an understatement. To be here in this resplendent chamber for the first time, is awe-inspiring!

We are here as the most economically competitive and dynamic state in the nation. We enjoy some of the most pristine and beautiful land our country offers. It is deeply humbling to consider our fortunate circumstances amid national uncertainty.

I am grateful for each one of you, the citizens of this state, for allowing me to serve as your Governor. Thank you for your faith, trust, and encouragement.

The activity of 50,000 visitors, streaming through this magnificent building since its opening has been thrilling. I can’t begin to express how motivating it has been to hear student choirs sing daily renditions of patriotic songs. Reverberating through the rotunda and then through my mind. May you always feel welcome here.

This evening we return to this elegant Capitol our forbearers constructed more than ninety years ago to conduct the people’s business. Visits by prime ministers and presidents, protestors and petitioners and the echoes of policy debates over the generations serve to reaffirm our core values that were famously enshrined by President Roosevelt in 1941; freedom of speech, freedom of religion, freedom from want and freedom from fear.

This is a defining time in Utah. We are soaring to ever-greater heights. So let’s remind ourselves why we stand at the threshold of these extraordinary times.

We are young and industrious. As the youngest state in the nation, we have a vibrancy that cannot be matched. I am amazed at the growth we are experiencing, as is my good friend Mayor Tom Hirschi of Hurricane where the population has tripled in the last 15 years. As the third fastest growing state in the country, we are adding an astonishing 10 people an hour to our population of 2.7 million.

Our economic prowess has been nationally recognized by many respected organizations. We no longer have one of America’s top performing economies. We have the nation’s premier economy. And during times of uncertainty we will work even harder to keep it that way.

An example of this? One of the world’s largest corporations, Proctor and Gamble, chose Box Elder County to build its first domestic manufacturing plant in more than 30 years. Amer Sports, the world’s leading winter sports equipment company, moved its headquarters to Ogden, bolstering our competitive outdoor products industry. And now, one of America’s fastest growing software companies is our very own, Orem-based, Omniture.
Thanks to the entrepreneurs, innovators and hard-workers of our State, our economy is just beginning to fill the measure of its destiny — as well a State should whose motto is industry.

So, what does all of this mean? Personal income, perhaps the most significant measure of economic performance, rose nearly ten percent last year, outperforming every state in the nation.

Our historically high tax burden is now below the national average. And we have the lowest tax rate since the implementation of the State income tax. Thank you members of the Legislature; you passed tax reform unanimously last session, and this month, it is a reality!

Our transportation progress is on the move. This year we will celebrate the opening of two major transportation corridors: commuter rail from Salt Lake to Pleasant View; and after years of Interstate−15 gridlock, Legacy Parkway will finally be a reality. Next stop: Utah County!

Utah is increasingly becoming a film destination spot, and (according to my daughters) we are really excited that soon Disney will begin filming High School Musical Three in our State. This is just one of dozens of movies being shot here.

At the other end of the spectrum, we have worked like never before, at every level of government, to “End Meth Now” and stop the scourge of methamphetamine impacting our families and communities. We have more resources committed than at any other time to help fight this dangerous, destructive drug. I want my friends at the House of Hope, most of whom are young single mothers recovering from their addictions, to know the full meaning of that word: Hope.

But most important, the great people of our State continue to allow us to reach higher. People like two heroes who are with us tonight.

During World War II, while under fire on Iwo Jima, he displayed a level of courage which is still legendary today. Ladies and gentleman, please join me in saluting our State’s only surviving Congressional Medal of Honor recipient: United States Marine George Wahlen.

Some have said that George’s generation is America’s greatest. Well, I’m here to tell you a great generation is standing right before us. I’ve witnessed their bravery, in both Iraq and Afghanistan, where thousands of Utahns have served.

Another hero with us tonight completed 59 combat missions in Iraq, during which he was hit six times, leaving him legally blind and deaf. Please join me in recognizing Utah Army National Guardsman, Sgt. Gordon Ewell.
These generations are the greatest because they put service before self, an enduring principle for all of us. As a State, we need to ensure our veterans receive the care they have earned. It is time to build the Ogden Veterans Nursing Home.

The celebration of these exhilarating times must be matched with adequate preparation for the future. As I travel to the far corners of our State, I can feel the desire to reach higher. I sense an aspiration to perform beyond the ordinary. There is hopefulness in the air – it is our most powerful weapon as we anticipate our future.

We aren’t an ordinary State, nor do we lack a sense of destiny, and our journey over the next few years will determine just how extraordinary we are. The higher ground we seek will require something from all of us. This begins by recognizing that our world is changing, so too are our needs.

For example, while in Ephraim, having lunch with my son at the Malt Shop, I was approached by a dairy farmer. Thinking maybe he wanted to discuss price subsidies, unfair trade competition or alfalfa prices, I was surprised when his concern was healthcare and how he was going to find health insurance for his employees. I asked him what he was going to do. He said he would do nothing because he had no affordable alternatives.

Later, when riding a bike down Slick Rock in Moab, I had public lands policy on my mind. But from the locals I heard about the need for more qualified and better paid teachers.

Again, recently at Cache County’s 150th anniversary, I expected someone to address agricultural issues. Instead, I learned about the need for improved air quality.

Historically, Utahns have always had the desire to reach higher. This great Capitol, dedicated in 1916, stands as a tribute to our early aspirations.

Our ability to reach higher is perfectly illustrated by one story of success. The desire to prevail brought to Utah one of today’s finest minds in science and medicine.

He was 4 years old when his mother was incarcerated during World War II, leaving him to wander the streets of Italy. After the War ended, and 18 months of searching, his mother found him in a hospital on his ninth birthday.

Finally reunited, they soon immigrated to the United States. He went on to pursue his education and completed his doctorate at Harvard University. He later joined the faculty at the University of Utah. Now he is known around the world for his genetic research. His discoveries will help end suffering and extend life.
Nothing represents our State better than our own Nobel Prize winner. So I say Bravo, and congratulazioni, to Dr. Mario Capecchi.

But there is a troubling inconsistency emerging here that we should all be mindful of. On one hand, we are one of the nation’s most advanced states in medical sciences. On the other hand, we have far too many Utahns who cannot afford adequate health care.

It is unacceptable that a young father in Clarkston, Utah who works for a small business and wants to buy insurance for his family is denied coverage because of minor ailments. Should eczema or post-partum depression preclude a family from getting affordable health insurance?

What business or family in Utah hasn’t experienced rising health care costs or, even worse, had to forgo treatment for lack of coverage? In Utah there are now more than 300,000 people without insurance. That’s one out of every eight of us. And many more fear that losing or changing a job may leave them without health insurance.

In a state that prides itself on practical solutions, this issue is crying out for a fix.

For decades, the majority of Utahns were given health insurance by their employer. That’s just the way it was and everyone assumed it would always be that way. But now the trend has reversed itself. Today only 44 percent of companies in Utah provide health insurance, and premium costs have doubled in just eight years.

We need to take this pressing issue into our own hands as citizens. We cannot wait for Washington’s one-size-fits-all plan that does not account for Utah’s unique challenges and abilities.

Yes, this is a complex issue. If it were easy someone would have done it by now. Fortunately, we live in a State that believes in solutions.

Last year I called on leaders of the business community to actively engage with advocates, health care providers and insurers to craft an approach to this growing crisis. And they responded.

Thanks to their hard work and the dedication of Representative David Clark and Senator Sheldon Killpack, we now have legislation that provides a framework for a major overhaul to our State’s health care system.

This is not just health care reform, but Health System Reform. It addresses every part of the system from individual responsibility to health care accessibility.
Our approach must be consumer driven, focused on the individual and the family. We need insurance plans that are affordable and portable.

Whether families face childhood diabetes or a broken bone, they need health care to serve them throughout their challenges of life. We have a fractured system that is economically unsustainable.

This is a multi-year process, to be sure, but let us begin today!

When I began this journey as Governor three years ago, I did so with one clear goal: enhancing economic performance so we could dramatically improve the education our kids receive.

Many argue our educational system has not kept pace with the rapidly transforming world in which we live. And they have a valid point.

The successful workforce of the 21st Century must reach beyond the fundamentals of education. We must be more creative, innovative and flexible in adapting to the frequent changes in the labor market. Our approach to education, and life, must be a partnership with family, community and business.

Today, we are continuing a firm commitment to make historic investments in education. But investment must be coupled with new ideas and reform. We must raise standards, be more imaginative, re-evaluate how we test students and be realistic about our 21st Century workforce needs. Our society must aspire to produce true lifelong learners.

Over the past year and a half, I’ve visited nearly every one of our 40 school districts. From Jordan to San Juan, and from Ogden to Daggett, it was clear to me that we have some of the greatest people who have dedicated their lives to educating our students. Quality education is driven by quality teachers.

Gratefully, my children have benefited from educators like Li Du, who teaches my son’s Chinese class at West High School. At Logan High, students are drawn into the world of mathematics by a truly inspiring teacher and cancer survivor, Joyce Smart.

But we are facing a challenge: this year our State was 400 teachers short of our schools’ needs, which doubled last year’s shortage. This trend is increasingly corrosive. It is time we put educators back on a pedestal. To do this we must improve two things: compensation and capacity.

Since historically our State has lagged in economic strength, we’ve always used that excuse to explain our inadequate salaries for teachers.
Those days are gone! And there is light at the end of the tunnel.

Thanks to the good work of the legislature, recent years have seen record increases for education. If we continue our current rate of increasing compensation over the next four years, we as a State, for the first time ever, can surpass the national average.

Also, we must increase the number of educators being trained in our colleges. Right now 2,300 teachers graduate annually. In four years we can, and should, have 1,000 more teachers coming out of our colleges every year to teach in our classrooms.

We must bolster our principals with the accountability and responsibility they need to manage their schools. Principals should be given the ability to reward the good teachers and replace the bad ones. They need the tools to assess accurately how students in their schools are faring.

And by the way, our kids are given way too many standardized tests, with little information flowing back. Let’s find a way to allow teachers to do what they do best: teach.

It is amazing to me that, in this age of innovation and education, we have students, buildings and teachers sitting idle for three months every year. Based on any business model, this would be unacceptable.

We don’t have a good way to provide year−round contracts to our teachers: let’s do it by beginning with math and science. We don’t have good options for our kids to remediate or accelerate in their studies during the summer months: let’s find them. We aren’t ensuring that our students are prepared to meet the workforce needs of tomorrow: let’s get it done.

The global economy doesn’t take summers off, neither should we.

Tonight I have a card like the one I used during my first State of the State speech in Fillmore’s territorial capitol. Our goals remain the same: the economy, education, quality of life and improving government. We’ve gotten a lot done in three years, but there is much left to accomplish.

We must ensure the safety and security of our citizens and make our prisons safer.

We must improve the air we breathe and capitalize on technology to ensure the long−term viability of our abundant natural resources, like coal, oil and natural gas, while developing renewable alternatives.
We must relieve congestion on the west side of the Salt Lake Valley, by securing the land to build Mountain View Corridor.

We can all learn from those who believe their communities can reach higher. I’m reminded of one of our State’s greatest champions, the late Senator Ed Mayne. To his wife Karen, thank you for sharing Eddie’s life of selfless service with the State of Utah and now continuing the tradition by taking his Senate seat.

Tonight we have with us Wendy Black, the wife of Dale Black, a hero and friend to everyone, who died while trying to rescue the missing Crandall Canyon miners. Wendy, thank you for being here. We love you and promise your husband’s sacrifice, and that of all the miners and their families, is not forgotten.

Hard work, geography, and history have dealt us a fortunate hand. Now it is up to “We, the People” to fulfill our destiny. To those listening tonight, I need your help. We need your help. The words I now speak are just words unless we, as a people, get engaged. The two areas in need of our immediate attention are health system reform and education improvements.

Government can help frame solutions, but it is up to each one of us to get results. We need everyone to stand up and take an active role in the issues that affect their lives.

Let us reach higher by doing some of the little things to conserve energy and help improve our air. Use energy efficient lights. Turn off your car when sitting idle. The small things we do now will make a large difference later.

We must reach higher to bring about real reform. To doctors, pharmacists, business leaders and health providers: Health System Reform will never be a reality without everybody’s participation. This is not just about mandates or government intervention. This is about personal responsibility and making an effort to improve our own health by making better decisions.

Parents: let’s all reach higher with our kids. Spend more time with them and be a part of their education. Teachers cannot do it alone. We must read with them. Study with them. Or as I did recently with my daughter Gracie, attend Back to School Night. Let’s help them realize their full potential.

Young people: reach higher in your aspirations. Beginning tonight consider a career in teaching, engineering or nursing. These fields are critical for the success of our economy. You are the future of this State, and we depend on you.

The power of our State comes from people who are concerned about their government. I draw strength from each of you, and you should be empowered by
knowing the citizens are in charge. Government is an individual responsibility. You are the greatest safeguard against depersonalized government and the antidote to apathy. We are truly fortunate to live in the greatest State in America, a land of unparalleled opportunity. But this place we call home can, and should, be even greater. Future generations deserve no less. Preeminence is within our grasp. We must aspire to reach higher.

May God bless America and the great State of Utah!

Goodnight.

* * *

At the conclusion of Governor Huntsman’s address, President Valentine thanked the governor and asked that the Joint Committee escort him back to his office.

Representative David Clark made a motion that the complete text of the Governor’s State−of−the−State address be spread upon the pages of the Senate and House Journals, that the Joint Convention and Committee of the Whole be dissolved, and that the Senate and House adjourn until 10:00 a.m., Wednesday, January 23, 2008.
THIRD DAY
MORNING SESSION
JANUARY 23, 2008

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

Prayer – Michael Benson, President, Southern Utah University
Pledge of Allegiance – Senator Carlene Walker
Roll Call – All Senators present, except Senator McCoy, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 64)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 22, 2008

The House passed H.B. 21, EMPLOYMENT SECURITY ACT AMENDMENTS, by Representative S. Mascaro, et al, and it is transmitted for consideration; and

The House passed H.B. 22, EXPEDITED PARENT−TIME ENFORCEMENT, by Representative Julie Fisher, et al, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 24, AMENDMENTS TO UTAH DIGITAL HEALTH SERVICE COMMISSION ACT, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed H.B. 31, CHILD WELFARE DEFINITIONS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed H.B. 32, AFFIRMATIVE DEFENSE FOR AGRI−TOURISM ACTIVITY, by Representative M. Morley, and it is transmitted for consideration; and

The House passed H.B. 56, REPEAL PROVISIONS RELATED TO ASSUMPTION OF INDEBTEDNESS ON RESIDENTIAL REAL PROPERTY, by Representative K. Garn, and it is transmitted for consideration; and

The House passed H.B. 60, LEGISLATIVE REVIEW OF HEALTH INSURANCE MANDATES, by Representative J. Dunnigan, and it is transmitted for consideration; and
The House passed, as amended, H.B. 78, TITLE 78 RECODIFICATION AND REVISION, by Representative J. Biskupski, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk


RULES COMMITTEE REPORTS

To the Members of the Senate: January 22, 2008

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

S.C.R. 4 Concurrent Resolution Recognizing Utah’s Nobel Prize Winner Mario Capecchi (Sen. J. Valentine)

Bill Hickman
Rules Committee Chair

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

RULES COMMITTEE REPORTS

To the Members of the Senate: January 22, 2008

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

Business and Labor Committee
S.B. 68 Workers’ Compensation – Death Benefits (Sen. K. Mayne)
S.B. 69 Uniform Limited Cooperative Association Act (Sen. L. Hillyard)
S.B. 143 Insurance Financial Requirements (Sen. K. VanTassell)

Education Committee
S.B. 71 School District Amendments (Sen. C. Walker)
S.B. 140 Education Advisory Councils (Sen. P. Jones)
S.B. 142 High School Graduation Requirements (Sen. M. Madsen)

Government Operations and Political Subdivisions Committee
S.B. 147 Candidate Filing Requirements (Sen. P. Knudson)
S.B. 43 Administrative Rules Reauthorization (Sen. H. Stephenson)
S.B. 141  Water Conservancy District – Selection of Board of Trustees (Sen. W. Niederhauser)
S.B. 144  Parameters on Governor’s Ability to Enter Agreements Binding the State (Sen. S. Jenkins)
S.B. 145  State Family Day Holiday (Sen. J. Hickman)
S.J.R. 5  Joint Resolution Amending Legislative Apportionment (Sen. C. Bramble)
S.R.  1  Senate Resolution Urging United States Withdrawal from Security and Prosperity Partnership of North America (Sen. F. Fife)

Health and Human Services Committee
S.B. 62  Health Insurance – Medical Complication Exclusions (Sen. P. Knudson)
S.B. 66  Uniform Emergency Volunteer Health Practitioners Act (Sen. L. Hillyard)
S.B. 146  Amendment to Uniform Anatomical Gift Act (Sen. L. Hillyard)
H.B.  16  Medicaid Coverage for Certain Telehealth Services (Rep. B. Last) (Sen. A. Christensen)

Judiciary, Law Enforcement, and Criminal Justice Committee
S.B. 63  Adult Protective Services Amendments (Sen. K. VanTassell)
S.B. 65  Soliciting Gang Members Prohibited (Sen. J. Greiner)
S.B. 72  Justice Court Amendments (Sen. L. Hillyard)
S.B. 138  Utah Substance Abuse and Anti-violence Coordinating Council Amendments (Sen. D. C. Buttars)
S.B. 139  Utah Antitrust Act Amendments (Sen. L. Hillyard)

Revenue and Taxation Committee
S.B. 64  Income Tax – Capital Gain Transactions (Sen. W. Niederhauser)

Transportation and Public Utilities and Technology Committee
S.B. 148  Enforcement of Front License Plate Display Requirement Amendments (Sen. S. Killpack)

Bill Hickman
Rules Committee Chair
Report filed. On motion of Senator Hickman, the committee report was adopted.

**STANDING COMMITTEE REPORTS**

Mr. President: January 22, 2008

The Business and Labor Committee reports a favorable recommendation on **S.B. 60**, REPEALING LABOR COMMISSION RESPONSIBILITIES TO OVERSEE EMPLOYMENT AGENCIES, by Senator R. Romero; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 95**, MARKUP ON ALCOHOLIC BEVERAGES, by Senator M. Dmitrich, with the following amendments:

1. Page 2, Lines 32 through 33:

   32 (b) “Proof gallon” has the same meaning as in 26 U.S.C. Sec. 5002.
   
   (c) Notwithstanding Section 32A–1–105, “small brewer” means a brewer who manufactures less than 40,000 barrels of beer and heavy beer per year.

   33 (2) (a) Except as provided in Subsections (2)(b) and [(c) (4)], [all] spirituous liquor and; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 110**, FOREIGN BUSINESS ENTITIES AND TRIBAL LAW, by Senator K. VanTassell; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 131**, WAGE WITHHOLDING FOR EMPLOYEE CONTRIBUTIONS, by Senator W. Niederhauser.

Kevin T. Van Tassell, Chair

Mr. President: January 22, 2008

The Health and Human Services Committee reports a favorable recommendation on **S.B. 14**, SMOKING BAN IN MOTOR VEHICLE, by Senator S. McCoy, with the following amendments:

1. Page 1, Lines 21 through 23:

   21 the person has enrolled in a smoking cessation program; {–and–}
provides that enforcement of the smoking prohibition shall be only as a secondary
action; and
provides that a violation of the smoking prohibition may not be used as a basis for or evidence of child abuse or neglect.

2. Page 2, Line 49:

person in the vehicle of Title 41, Motor Vehicles, other than this section, or for another offense.

(6) A violation of this section may not be used as a basis for or evidence of child abuse or neglect as defined in Section 62A–4a–402; and

The Health and Human Services Committee reports a favorable recommendation on S.B. 50, MEDICAL BENEFITS RECOVERY AMENDMENTS, by Senator A. Christensen; and

The Health and Human Services Committee reports a favorable recommendation on S.B. 101, UTAH COMPREHENSIVE HEALTH INSURANCE POOL FUNDING, by Senator G. Davis, with the following amendments:

1. Page 4, Lines 94 through 98:

(e) (i) For each fiscal year beginning on or after July 1, 2007, the amount of the tax collected under Subsection (1)(a) necessary to maintain the actuarial soundness of the
Comprehensive Health Insurance Pool Enterprise Fund, as provided in Subsection (1)(e)(ii), shall be transferred to the Comprehensive Health Insurance Pool Enterprise Fund created under Section 31A–29–120.

D. Chris Buttars, Chair

Mr. President: January 22, 2008

The Education Committee reports a favorable recommendation on S.B. 35, DIFFERENTIATED PAY FOR TEACHERS, by Senator H. Stephenson; and

The Education Committee reports a favorable recommendation on S.B. 39, MATHEMATICS, SCIENCE, AND TECHNOLOGY EDUCATION TASK FORCE, by Senator H. Stephenson, with the following amendments:
1. Page 2, Lines 36 through 48:

36 (1) There is created the Mathematics, Science, and Technology Education Task Force
37 consisting of the following members:
38 (a) five members of the Senate appointed by the president of the Senate, no more than
39 three of whom may be from the same political party;
40 (b) seven members of the House of Representatives appointed by the speaker of the
41 House of Representatives, no more than five of whom may be from the same political party;
42 (c) the governor or the governor’s designee;
43 (d) two members from the State Board of Education, appointed by the president of the Senate and speaker of the House of Representatives, in consultation with the State Board of Education;
44 (e) two local board of education members, one from an urban school district and one from a rural school district, appointed by the president of the Senate and speaker of the House of Representatives, in consultation with the Utah School Boards Association;
45 (f) two employers who rely on employees with math or science competency, appointed by the president of the Senate and speaker of the House of Representatives;
46 (g) one mathematics teacher who is designated NCLB highly qualified under rules of the State Board of Education, appointed by the president of the Senate and speaker of the House of Representatives; and
47 (h) one science teacher who is designated NCLB highly qualified under rules of the State Board of Education, appointed by the president of the Senate and speaker of the House of Representatives.

The Education Committee reports a favorable recommendation on S.B. 41, EXTENDED SCHOOL YEAR INCENTIVE, by Senator H. Stephenson; and
The Education Committee recommends S.B. 48, EQUALIZATION OF SCHOOL CAPITAL OUTLAY FUNDING, by Senator D. Eastman, be replaced and favorably recommends 1st Sub. S.B. 48, EQUALIZATION OF SCHOOL CAPITAL OUTLAY FUNDING.

Margaret Dayton, Chair

Mr. President: January 22, 2008

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.B. 34, CONFIDENTIALITY OF REPORTS TO DRIVER LICENSE DIVISION, by Senator A. Christensen; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.B. 100, MOTOR VEHICLE DEALER DISCLOSURE REQUIREMENTS AMENDMENTS, by Senator D. Eastman; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.B. 115, MOTOR VEHICLE SAFETY INSPECTION ADVISORY COUNCIL AMENDMENTS, by Senator D. Eastman; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.B. 130, UTILITY IMPROVEMENT DISTRICT REVISIONS, by Senator K. Van Tassell.

Carlene M. Walker, Chair


INTRODUCTION OF BILLS

S.B. 73, Wrongful Death Amendments (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 149, Motor Vehicle Liability Policy Minimum Limits (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.B. 150, Criminal Penalties Revisions (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 151, Trademark Protection Act Amendments (D. Eastman), read the first time by short title and referred to the Rules Committee.
S.B. 152, Presumptive Personal Representative (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 153, Revision to County Elected Offices (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 154, Protective Order – Crime of Inducing Breach (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 155, Punitive Damages Amendments (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 156, Utah Relocation Assistance Act Amendments (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.J.R. 6, Joint Resolution Encouraging the Governor’s Board Appointments to Reflect Utah Geographic Balance (D. Stowell), read the first time by short title and referred to the Rules Committee.

**THIRD READING CALENDAR**

S.B. 10, SEARCH WARRANT PROCEDURE AMENDMENTS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Dmitrich  McCoy

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

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S.B. 11, UTAH VENTURE CAPITAL ENHANCEMENT ACT AMENDMENTS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:
Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Eastman Fife
Goodfellow Greiner Hickman Hillyard
Jenkins Jones Killpack Knudson
Madsen Mayne Niederhauser Peterson
Romero Stephenson Stowell Van Tassell
Waddoups Walker Valentine

Absent or not voting were: Senators
Dmitrich McCoy

S.B. 11 was transmitted to the House for consideration.

* * *

S.B. 12, ELECTION LAW MODIFICATIONS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Eastman Fife
Goodfellow Greiner Hickman Hillyard
Jenkins Jones Killpack Knudson
Madsen Mayne Niederhauser Peterson
Romero Stephenson Stowell Van Tassell
Waddoups Walker Valentine

Absent or not voting were: Senators
Dmitrich McCoy

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

TIME CERTAIN CALENDAR

On motion of Senator Knudson, under suspension of the rules, S.J.R. 4, JOINT RESOLUTION RECOGNIZING 100TH ANNIVERSARY OF UTAH LEAGUE OF CITIES AND TOWNS, was considered read the second and third times. Senator Knudson explained the bill. The bill passed on the following roll call:
Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Eastman  Fife
Goodfellow  Greiner  Hickman  Hillyard
Jenkins  Jones  Killpack  Knudson
Madsen  Mayne  Niederhauser  Peterson
Romero  Stephenson  Stowell  Van Tassell
Waddoups  Walker  Valentine

Absent or not voting were: Senators
Dmitrich  McCoy

S.J.R. 4 was transmitted to the House.

COMMITTEE OF THE WHOLE

On motion of Senator Knudson, Mayor Joe Johnson, Mayor of Bountiful, Utah and President of Utah League of Cities and Towns, spoke in Committee of the Whole.

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

THIRD READING CALENDAR

1st Sub. S.B. 13, CANDIDATE RESIDENCY REQUIREMENTS, was read the third time and explained by Senator Knudson.

Senator Knudson proposed the following amendment:

1. Page 2, Lines 44 through 46

44  (2) (a) A person seeking election to the state school board must have been a resident of the
45  state school board district in which the person is seeking election for at least one year as of the
46  date of the election.

(b) A person who has resided within the state school board district, as the boundaries of the district exist on the date of the election, for one year immediately preceding the date of the election shall be considered to have met the requirements of this Subsection (2).
2. Page 3, Lines 85 through 87:

85  (2)  (a)  For an election held after the 2008 general election, a person seeking election to a local school board must have been a resident of the local school board district in which the person is seeking election for at least one year as of the date of the election.

(b) A person who has resided within the local school board district, as the boundaries of the district exist on the date of the election, for one year immediately preceding the date of the election shall be considered to have met the requirements of this Subsection (2).

Senator Knudson’s 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

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

Absent or not voting were: Senators

Davis  Dmitrich  McCoy

1st Sub. S.B. 13, as amended, was transmitted to the House for consideration.

* * *

S.B. 16, EXONERATION AND INNOCENCE ASSISTANCE, was read the third time and explained by Senator Bell. Senators Waddoups, Stephenson, Mayne, Jenkins and Valentine commented.

Senator Bell proposed the following amendment:

1. Page 11, Lines 309 through 311

309 15 years, the monetary equivalent of the average annual nonagricultural payroll wage {for a single wage earner} in Utah
{ for the year the petitioner was released from prison }, as determined by the data most recently published by the Department of Workforce Services at the time of the petitioner’s release from prison.

Senator Bell’s motion to amend passed on a voice vote and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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<td>Waddoups</td>
<td>Walker</td>
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**Voting in the negative was:** Senator Mayne

**Absent or not voting were:** Senators

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<tr>
<th>Buttars</th>
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<td>McCoy</td>
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S.B. 16, as amended, was transmitted to the House for consideration.

***

**S.B. 18, PUBLIC SAFETY RETIREMENT DEATH BENEFIT MODIFICATIONS,** was read the third time and explained by Senator Greiner.

Senator Greiner proposed the following amendment:

1. Page 2, Lines 32 through 34

   32     (1) (a) If a retiree who retired under either Division A or Division B dies, the retiree’s spouse at the time of death shall receive an allowance equal to [65%] 75% of the allowance

   33     that was being paid to the retiree at the time of death.

   (b) The retiree’s spouse benefit provided under Subsection (1)(a)
shall be paid to a spouse that is currently eligible or that becomes eligible for the benefit.

2. Page 2, Lines 41 through 43:

41 (1) (a) If a retiree who retired under either Division A or Division B dies, the retiree’s spouse at the time of death shall receive an allowance equal to 75% of the allowance that was being paid to the retiree at the time of death.

(b) The retiree’s spouse benefit provided under Subsection (1)(a) shall be paid to a spouse that is currently eligible or that becomes eligible for the benefit.

Senator Greiner’s 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

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

**Absent or not voting were:** Senators

Buttars  McCoy  Stephenson

S.B. 18, as amended, was transmitted to the House for consideration.

***

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to lift S.B. 1, STATE AGENCY AND HIGHER EDUCATION BASE BUDGET APPROPRIATIONS, from the Rules Committee and place it at the top of the Second Reading Calendar.

**SECOND READING CALENDAR**

S.B. 1, STATE AGENCY AND HIGHER EDUCATION BASE BUDGET APPROPRIATIONS, was read the second time.
On motion of Senator Hillyard, the bill was circled.

THIRD READING CALENDAR

S.B. 19. ENHANCED PUBLIC SAFETY RETIREMENT SYSTEMS COLA OPTION, 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
Bell Bramble Christensen Davis
Dayton Dmitrich Eastman Fife
Goodfellow Greiner Hickman Hillyard
Jenkins Jones Killpack Knudson
Madsen Mayne Niederhauser Peterson
Romero Stephenson Stowell Van Tassell
Waddoups Walker Valentine

Absent or not voting were: Senators
Buttars McCoy

Senator Greiner declared a conflict of interest.

S.B. 19 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Walker, the circle was removed from S.B. 15, DRIVING UNDER THE INFLUENCE AMENDMENTS, and it was before the Senate. Senator Walker explained the bill.

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

1st Sub. S.B. 15 Driving Under the Influence Amendments (C. Walker)

Senators Romero and Valentine commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Eastman
S.B. 20, MUNICIPAL GOVERNMENT AMENDMENTS, 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. 20 Municipal Government Amendments (C. Walker)

Senator Niederhauser commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

- Killpack
- McCoy

* * *

On motion of Senator Bramble and at 11:45 a.m., the Senate adjourned until 10:00 a.m., Thursday, January 24, 2008.
FOURTH DAY
MORNING SESSION
JANUARY 24, 2008

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

Prayer – Senator Carlene Walker
Pledge of Allegiance – Senator Wayne Niederhauser
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 64)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 23, 2008

The House passed, S.J.R. 4, JOINT RESOLUTION RECOGNIZING 100TH ANNIVERSARY OF UTAH LEAGUE OF CITIES AND TOWNS, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.J.R. 4 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

Mr. President: January 23, 2008

The House passed, as amended, H.B. 30, VEHICLE CONCEALING ILLEGAL ITEMS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 55, CAPTIVE INSURANCE COMPANY AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed H.B. 63, RECODIFICATION OF TITLE 63 STATE AFFAIRS IN GENERAL, by Representative D. Aagard, and it is transmitted for consideration; and

The House passed, as amended, H.B. 74, MEDICAID 340B DRUG PRICING PROGRAMS, by Representative D. Litvack, and it is transmitted for consideration; and
The House passed **H.B. 79, SUNSET REAUTHORIZATIONS AND AMENDMENTS**, by Representative D. Clark, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 30, 1st Sub. H.B. 55, H.B. 63, H.B. 74, and H.B. 79** were read the first time and referred to the Rules Committee.

**RULES COMMITTEE REPORTS**

To the Members of the Senate: January 23, 2008

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

**Business and Labor Committee**

- **S.B. 149** Motor Vehicle Liability Policy Minimum Limits (Sen. S. Killpack)
- **S.B. 151** Trademark Protection Act Amendments (Sen. D. Eastman)
- **H.B. 56** Repeal Provisions Related to Assumption of Indebtedness on Residential Real Property (Rep. K. Garn) (Sen. S. Jenkins)

**Government Operations and Political Subdivisions Committee**

- **S.B. 67** Protection of Constitutionally Guaranteed Activities in Certain Private Venues (Sen. M. Madsen)
- **S.B. 153** Revision to County Elected Offices (Sen. G. Bell)
- **S.B. 156** Utah Relocation Assistance Act Amendments (Sen. L. Hillyard)
- **S.J.R. 6** Joint Resolution Encouraging the Governor’s Board Appointments to Reflect Utah Geographic Balance (Sen. D. Stowell)

**Health and Human Services Committee**

- **S.B. 70** Emotional Support Animals (Sen. S. McCoy)
H.B. 60 Legislative Review of Health Insurance Mandates  
(Rep. J. Dunnigan) (Sen. K. VanTassell)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 73 Wrongful Death Amendments (Sen. S. McCoy)
S.B. 150 Criminal Penalties Revisions (Sen. S. Jenkins)
S.B. 152 Presumptive Personal Representative (Sen. G. Bell)
S.B. 154 Protective Order – Crime of Inducing Breach  
(Sen. S. McCoy)
S.B. 155 Punitive Damages Amendments (Sen. L. Hillyard)

H.B. 32 Affirmative Defense for Agri-tourism Activity  
(Rep. M. Morley) (Sen. M. Dayton)

H.B. 78 Title 78 Recodification and Revision (Rep. J. Biskupski)  
(Sen. G. Bell)

Bill Hickman  
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: January 23, 2008

The Government Operations and Political Subdivisions Committee recommends S.B. 21, CAMPAIGN FINANCE DISCLOSURE REVISIONS, by Senator P. Knudson, be replaced and favorably recommends 1st Sub. S.B. 21, CAMPAIGN FINANCE DISCLOSURE REVISIONS; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 32, LOCAL GOVERNMENT BONDING ACT – PUBLIC HEARINGS, by Senator S. Jenkins, with the following amendment:

1. Page 4, Line 120 through Page 5, Line 127:

   120 (1) Before issuing a bond authorized under this chapter  
   { , but after an election, if } , a local political subdivision shall:
   121 required by this chapter } , a local political subdivision shall:
   122 (a) in accordance with Subsection (2), provide public notice of  
   the local political
   123 subdivision’s intent to issue a bond; and
   124 (b) hold a public hearing :  
   (i) if an election is required under this chapter:
(A) no sooner than 30 days before the day on which the notice of election is published under Section 11–14–202; and
(B) no later than five business days before the day on which the notice of election is published under Section 11–14–202; and

(ii) to receive input from the public with respect to:

125 {-(iii) } (A) the issuance of the bond; and
126 {-(iii) } (B) the potential economic impact that the improvement, facility, or property for which

127 the bond pays all or part of the cost will have on the private sector.


Peter C. Knudson, Chair

Mr. President: January 23, 2008

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 31**, INCOME TAX AMENDMENTS, by Senator W. Niederhauser, with the following amendments:

1. Page 1, Lines 26 through 27:

26 • addressing provisions relating to the determination and reporting of income tax

27 liability and information;

> addresses the apportionment of business income for purposes of the individual income tax;

2. Page 50, Lines 1529 through 1538:

1529 59–10–121. Proration when two returns required.

1530 {–(–) } {Where two returns are required to be filed as provided in} If an individual is required to file two returns for a taxable year under Section 59–10–120:

1531 (1) personal exemptions and the standard deduction as used on the federal individual income tax return shall

1532 be prorated between the two returns, under rules prescribed by the commission in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, to reflect the
proportions of the taxable year during which the individual was
a resident and a nonresident;

and

(2) If, for purposes of Section 59−10−120, an individual is required to file two returns
for a taxable year, the total amount of the taxes due
thereon shall on the two returns may not
be less than the total amount of the taxes that would be due if the
total of the taxable incomes
reported on the two returns had been included in one return.

3. Page 74, Lines 2265 through 2276:

(2) An estate or trust may not carry forward or carry back a tax
credit under this

section.

(3) The tax credit allowed by Subsection (1) shall be reduced by
$.013 for each dollar by which an estate’s or trust’s state taxable income
exceeds $12,000.

(4) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act:

(a) for purposes of Subsection (1)(a)(iv), the
commission may make rules for
determining what constitutes an attorney, accountant, or return
preparer fee if that attorney,
accountant, or return preparer fee is consistent with an attorney,
accountant, or return preparer
fee that may be deducted on a federal income tax return for
estates and trusts; or

(b) for purposes of Subsection (1)(a)(v), the commission
may make rules for
determining what constitutes an other deduction or
miscellaneous itemized deduction if that
other deduction or miscellaneous itemized deduction is
consistent with an other deduction or
miscellaneous itemized deduction that may be deducted on a federal income tax return for estates and trusts; and

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 96, MULTI–CHANNEL VIDEO OR AUDIO SERVICE TAX ACT AMENDMENTS, by Senator W. Niederhauser; and

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 99, AMENDMENTS TO SALES AND USE TAX EXEMPTION FOR PROSTHETIC DEVICES, by Senator W. Niederhauser, with the following amendments:

1. Page 1, Lines 12 through 16:
   Highlighted Provisions:
   This bill:
   ▶ modifies the { prescription requirement for purposes of the } eligibility requirements for the sales and use tax exemption for prosthetic devices; and
   ▶ makes technical changes.

2. Page 15, Lines 458 through 461:
   (55) sales of a prosthetic device:
   (a) for use on or in a human; and
   (b) (i) for which a prescription is [issued] required; or
   (c) to a person that presents a prescription for the prosthetic device;
   (ii) if the prosthetic device is purchased by a hospital or other medical facility; and

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 124, SALES AND USE TAX − DEFINITIONS OF PERMANENTLY ATTACHED TO REAL PROPERTY AND TANGIBLE PERSONAL PROPERTY, by Senator H. Stephenson; and

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 135, EXTENDING THE SALES AND USE TAX EXEMPTION FOR POLLUTION CONTROL FACILITIES, by Senator W. Niederhauser; and
The Revenue and Taxation Committee reports a favorable recommendation on S.B. 137, MINERAL PRODUCTION TAX WITHHOLDING AMENDMENTS, by Senator W. Niederhauser.

Wayne L. Niederhauser, Chair

Mr. President: January 22, 2008

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 52, IDENTITY THEFT AMENDMENT, by Senator C. Walker; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 94, BURGLARY OF A RAILROAD CAR, by Senator D. Peterson; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 114, NOTARY PUBLIC REVISION, by Senator G. Bell, with the following amendments:

1. Page 2, Lines 28 through 37:

   A notary may not perform a notarial act if the notary:

   (1) is a signer of the document that is to be notarized except:

   (a) in case of a self-proved will as provided in Section 75−2−504;

   (2) is named in the document that is to be notarized except:

   (a) in the case of a self-proved will as provided in Section 75−2−504; or

   (b) in the case of a licensed attorney that is listed in the document only as representing

   a signer or another person named in the document;

   (3) will receive directly from a transaction connected with a financial transaction in

   which the notary is named individually as a principal; or

   (4) will receive directly from a real property transaction in which the notary is named

   individually as a grantor, grantee, mortgagor, mortgagee, trustor, trustee, beneficiary, vendor,
The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 120**, DEPARTMENT OF CORRECTIONS EMPLOYEE VEHICLE USE, by Senator D. Peterson; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 122**, UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT, by Senator L. Hillyard; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.C.R. 3**, RESOLUTION SUPPORTING OBSERVANCE OF PEACE OFFICERS MEMORIAL DAY, by Senator J. Greiner.

Gregory S. Bell, Chair


**STANDING COMMITTEE REPORTS**

**Mr. President:** January 23, 2008

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 126**, FILING FEE FOR WRITE-IN CANDIDATES, by Senator P. Knudson, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

**Mr. President:** January 23, 2008

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 128**, AMENDMENTS TO THE VETERAN’S PROPERTY TAX EXEMPTION, by Senator B. Goodfellow, and recommends it be considered read for the second time and placed on the Consent Calendar.

Wayne L. Niederhauser, Chair

**Mr. President:** January 22, 2008

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 119**, DEPARTMENT OF CORRECTIONS
AMENDMENTS, by Senator D. Peterson, and recommends it be considered read for the second time and placed on the Consent Calendar.

Gregory S. Bell, Chair

On motion of Senator Hickman, the committee reports were adopted. **S.B. 126, S.B. 128, and S.B. 119** were considered read the second time and placed on the Consent Calendar.

**INTRODUCTION OF BILLS**

**S.B. 74, Health Care Provider Access** (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

**S.B. 75, Prohibiting Gang Activity** (J. Greiner), read the first time by short title and referred to the Rules Committee.

**S.B. 157, Rights of Citizens to Carry Firearms in Declared Emergency** (M. Madsen), read the first time by short title and referred to the Rules Committee.

**S.B. 158, Statewide Rural Boards and Committees** (D. Stowell), read the first time by short title and referred to the Rules Committee.

**S.B. 159, Workers’ Compensation Amendments** (D. Eastman), read the first time by short title and referred to the Rules Committee.

**COMMITTEE OF THE WHOLE**


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

**THIRD READING CALENDAR**

**1st Sub. S.B. 15, DRIVING UNDER THE INFLUENCE AMENDMENTS**, was read the third time and explained by Senator Walker.

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

**2nd Sub. S.B. 15 Driving Under the Influence Amendments** (C. Walker)

The bill passed on the following roll call:
Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Fife
Goodfellow  Greiner  Hillyard  Jenkins
Jones  Killpack  Knudson  Madsen
Mayne  McCoy  Peterson  Romero
Stephenson  Van Tassell  Waddoups  Walker
Valentine

Absent or not voting were: Senators
Eastman  Hickman  Niederhauser  Stowell

2nd Sub. S.B. 15 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 20, MUNICIPAL GOVERNMENT AMENDMENTS, was read the third time and explained by Senator Walker.

On motion of Senator Walker, the Senate voted to refer the bill back to the Political Subdivision Standing Committee.

SECOND READING CALENDAR

On motion of Senator Hillyard, under suspension of the rules, S.B. 1, STATE AGENCY AND HIGHER EDUCATION BASE BUDGET APPROPRIATIONS, 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
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Fife
Goodfellow  Greiner  Hillyard  Jenkins
Jones  Killpack  Knudson  Madsen
Mayne  McCoy  Niederhauser  Peterson
Romero  Stephenson  Van Tassell  Waddoups
Walker  Valentine

Absent or not voting were: Senators
Eastman  Hickman  Stowell
S.B. 1 was transmitted to the House.

* * *

S.B. 22, TIMING OF BALLOT ITEMS, was read the second time. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell Bramble Christensen Davis
Dayton Dmitrich Fife Goodfellow
Greiner Jenkins Jones Killpack
Knudson Madsen Mayne McCoy
Niederhauser Peterson Romero Stephenson
Stowell Van Tassell Waddoups Walker
Valentine

**Absent or not voting were:** Senators
Buttars Eastman Hickman Hillyard

* * *

S.B. 23, REVISION TO POLLING REQUIREMENTS, was read the second time. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell Bramble Buttars Davis
Dayton Dmitrich Fife Goodfellow
Greiner Jenkins Jones Killpack
Knudson Madsen Mayne McCoy
Niederhauser Peterson Romero Stephenson
Stowell Van Tassell Waddoups Walker
Valentine

**Absent or not voting were:** Senators
Christensen Eastman Hickman Hillyard

* * *

S.B. 24, RETIREMENT DEATH BENEFITS AND DIVORCE REVISIONS, was read the second time.
On motion of Senator Knudson, the bill was circled.

* * *

S.B. 25, MUNICIPAL INCORPORATION AMENDMENTS, was read the second time. Senator Stowell explained the bill. Senators Niederhauser and Van Tassell commented.

On motion of Senator Stowell, the bill was circled.

* * *

S.B. 26, FIRE MANAGEMENT AREAS, was read the second time. Senator Dayton explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Butler Christensen Davis
Dayton Dmitrich Fife Goodfellow
Greiner Jenkins Jones Killpack
Knudson Madsen Mayne McCoy
Niederhauser Peterson Romero Stephenson
Stowell Van Tassell Walker Valentine

Absent or not voting were: Senators
Bramble Eastman Hickman Hillyard
Waddoups

COMMITTEE OF THE WHOLE

On motion of Senator Killpack, Congressman Jim Matheson spoke in Committee of the Whole. Senators Jones, Killpack, and Peterson commented.

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

SECOND READING CALENDAR

S.B. 27, TRUSTEE SALE − PROCESS FOR EXCESS PROCEEDS, was read the second time. Senator Davis explained the bill. Senators Bell and Van Tassell commented. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.
Voting in the affirmative were: Senators
Bell            Bramble            Buttars            Christensen
Davis           Dayton            Dmitrich           Eastman
Fife            Goodfellow        Greiner            Jenkins
Jones           Killpack           Knudson           Madsen
Mayne           McCoy             Niederhauser       Peterson
Romero          Stephenson        Van Tassell        Waddoups
Walker

Absent or not voting were: Senators
Hickman          Hillyard          Stowell

* * *

S.B. 30, CONSUMER SALES PRACTICE ACT AMENDMENTS, was read the second time. Senator Jones explained the bill. Senators Bell, McCoy, 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
Bell            Bramble            Buttars            Christensen
Dayton          Dmitrich           Eastman            Fife
Goodfellow      Greiner            Jenkins           Jones
Killpack        Knudson           Madsen            Mayne
McCoy           Peterson           Romero            Stowell
Van Tassell     Waddoups           Walker            Valentine

Absent or not voting were: Senators
Hickman          Hillyard          Stowell
Stephenson

INTRODUCTION OF BILLS

S.R. 2, Senate Resolution Honoring James L. Sorenson (A. Christensen), read the first time by short title and referred to the Rules Committee.

On motion of Senator Bramble, the Senate voted to lift S.R. 2 from the Rules Committee and place it at the top of the Second Reading Calendar.

* * *

On motion of Senator Bramble and at 12:00 p.m., the Senate adjourned until 10:00 a.m., Friday, January 25, 2008.
The Senate was called to order at 10:05 a.m., with President John Valentine presiding.

Prayer – Senator Kevin Van Tassell
Pledge of Allegiance – Senator Darin Peterson
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(Please refer to Day 1, Page 64)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 24, 2008

The House passed H.B. 1, MINIMUM SCHOOL PROGRAM BASE BUDGET AMENDMENTS, by Representative B. Last, and it is transmitted for consideration; and

The House passed H.B. 29, ELECTION LAW – FINANCIAL REPORTING, by Representative B. Daw, and it is transmitted for consideration; and

The House passed, as amended, H.B. 36, CHILD WELFARE AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as amended, H.B. 52, RESEARCH ACTIVITIES TAX CREDITS AMENDMENTS, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed H.B. 129, APPROPRIATION FOR CONSTRUCTION OF A VETERANS’ NURSING HOME IN OGDEN, by Representative B. Dee, et al, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 1, H.B. 29, H.B. 36, H.B. 52, and H.B. 129 were read the first time and referred to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: January 24, 2008

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

S.B. 159  Workers’ Compensation Amendments (Sen. D. Eastman)
1st Sub. H.B. 55  Captive Insurance Company Amendments
(Rep. J. Dunnigan) (Sen. K. Van Tassell)

Government Operations and Political Subdivisions Committee

S.B. 158  Statewide Rural Boards and Committees
(Sen. D. Stowell)
H.B. 63  Recodification of Title 63 State Affairs in General
H.B. 79  Sunset Reauthorizations and Amendments
(Rep. D. Clark) (Sen. C. Bramble)

Health and Human Services Committee

S.B. 74  Health Care Provider Access (Sen. D. C. Buttars)
(Sen. G. Bell)
H.B. 74  Medicaid 340b Drug Pricing Programs (Rep. D. Litvack)
(Sen. A. Christensen)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 75  Prohibiting Gang Activity (Sen. J. Greiner)
S.B. 157  Rights of Citizens to Carry Firearms in Declared
Emergency (Sen. M. Madsen)
H.B. 30  Vehicle Concealing Illegal Items (Rep. P. Ray)
(Sen. C. Bramble)

Bill Hickman
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: January 24, 2008

The Business and Labor Committee reports a favorable recommendation on
S.B. 58, WORKERS’ COMPENSATION RELATED AMENDMENTS, by
Senator M. Dmitrich, with the following amendments:

1. Page 1, Lines 20 through 21:

   20 Other Special Clauses:
This bill coordinates with S.B. 108, Offset of Workers’ Compensation and Social Security, to make technical changes.

2. Page 4, Lines 112 through 113:

(a) (i) a child under 18 years of age, [or over] subject to the conditions of Subsections

3. Page 5, Lines 124 through 129:

(b) Subsections (1)(a)(i) and (ii) require that:

(i) the deceased employee be [ ] the parent of the child; or

(ii) (A) the deceased employee be legally bound to support the child; and

(B) the child be living with the deceased employee at the time of the death of the employee.

4. Page 14, Lines 426 through 427:

court all documents and papers and a transcript of all testimony taken in the matter together

with the decision of the commissioner or Appeals Board.

If this S.B. 58 and S.B. 108, Offset of Workers’ Compensation and Social Security, 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 coordinate the bills as follows:

(1) the amendments to Subsection 34A–2–702(5)(b)(i) in this bill supersede the amendments to that subsection in S.B. 108;

(2) the amendments to Subsection 34A–2–702(5)(b)(iii) in S.B. 108 suprceede the amendments to that subsection in this bill;

(3) the amendments to Subsections 34A–2–702(5)(b)(iv) and (5)(c)(i) in this bill supersedes the amendments to those subsections in S.B. 108;

(4) the amendments to Subsection 34A–2–702(5)(c)(ii) in S.B. 108
supersede the amendments to that subsection in this bill, except that the
introductory phrase in Subsection 34A−2−702(5)(c)(ii)(A) is deleted and
replaced with the following:
“(ii)(A) In determining the annual income of the surviving spouse after
the initial 312−week period, there shall be excluded 50% of a federal
Social Security death benefit that the surviving spouse:”; and
(5) the amendments to Subsection 34A−2−702(5)(d) and (e) in this bill
supersede the amendments to those subsections in S.B. 108.; and

The Business and Labor Committee reports a favorable recommendation on
S.B. 68, WORKERS’ COMPENSATION − DEATH BENEFITS, by Senator
K. Mayne.

Kevin T. Van Tassell, Chair

Mr. President: January 24, 2008

The Health and Human Services Committee recommends S.B. 56,
NATUROPATHIC PHYSICIAN AMENDMENTS, by Senator S. McCoy, be
replaced and favorably recommends 1st Sub. S.B. 56, NATUROPATHIC
PHYSICIAN LICENSING AMENDMENTS; and

The Health and Human Services Committee reports a favorable
recommendation on S.B. 62, HEALTH INSURANCE − MEDICAL
COMPLICATION EXCLUSIONS, by Senator P. Knudson; and

The Health and Human Services Committee reports a favorable
recommendation on S.B. 66, UNIFORM EMERGENCY VOLUNTEER
HEALTH PRACTITIONERS ACT, by Senator L. Hillyard; and

The Health and Human Services Committee reports a favorable
recommendation on S.B. 146, AMENDMENT TO UNIFORM ANATOMICAL
GIFT ACT, by Senator L. Hillyard; and

The Health and Human Services Committee reports a favorable
recommendation on H.B. 16, MEDICAID COVERAGE FOR CERTAIN
TELEHEALTH SERVICES, by Representative B. Last.

D. Chris Buttars, Chair

Mr. President: January 24, 2008

The Education Committee reports a favorable recommendation on S.B. 36,
CHARTER AND ONLINE SCHOOLS − PARTICIPATION IN
EXTRACURRICULAR ACTIVITIES, by Senator M. Madsen, with the
following amendments:
1. Page 1, Line 21:

   21  •  { a public school that is open for the enrollment of nonresident students; } the public school from which the student withdrew for the purpose of attending a charter school;

2. Page 1, Line 27:

   27  •  { a public school that is open for the enrollment of nonresident students; } the public school from which the student withdrew for the purpose of participating in an online education program; and

3. Page 2, Lines 48 through 49:

   48  (b) { a school that is open for the enrollment of nonresident students under Section 53A–2–207 and rules of the State Board of Education } the public school from which the student withdrew for the purpose of attending a charter school.

4. Page 3, Line 89 through Page 4, Line 90:

   89  (b) { a school that is open for the enrollment of nonresident students under Section 53A–2–207 and rules of the State Board of Education } the public school from which the student withdrew for the purpose of participating in an online education program; and

The Education Committee reports a favorable recommendation on S.B. 118, EDUCATION TRANSPORTATION AMENDMENTS, by Senator D. Peterson.

Margaret Dayton, Chair

On motion of Senator Hickman, the committee reports were adopted. S.B. 58, as amended, S.B. 68, 1st Sub. S.B. 56, S.B. 62, S.B. 66, S.B. 146, H.B. 16, S.B. 36, as amended, and S.B. 118 were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

S.B. 160, Candidate Replacement Deadline for General Election (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 161, Advance Health Care Directive Amendments (A. Christensen), read the first time by short title and referred to the Rules Committee.
S.J.R. 7, Joint Rules Resolution − Authorizing Electronic Committee Meetings (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 H.B. 1, MINIMUM SCHOOL PROGRAM BASE BUDGET AMENDMENTS, from the Rules Committee and place it at the top of the Second Reading Calendar

SECOND READING CALENDAR

H.B. 1, MINIMUM SCHOOL PROGRAM BASE BUDGET AMENDMENTS, was read the second time.

On motion of Senator Hillyard, the bill was circled.

COMMITTEE OF THE WHOLE

On motion of Senator Eastman, Keith Bond, Utah artist, spoke in Committee of the Whole. Senators Walker, Knudson, Hickman, and Hillyard commented.

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

THIRD READING CALENDAR

S.B. 22, TIMING OF BALLOT ITEMS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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S.B. 22 was transmitted to the House for consideration.
S.B. 23, REVISION TO POLLING REQUIREMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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S.B. 23 was transmitted to the House for consideration.

***

On motion of Senator Walker, **S.R. 2, SENATE RESOLUTION HONORING JAMES L. SORENSON**, will be considered Friday, January 25, 2008 at 11:00 a.m.

***

S.B. 26, FIRE MANAGEMENT AREAS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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S.B. 26 was transmitted to the House for consideration.

***

S.B. 27, TRUSTEES SALE − PROCESS FOR EXCESS PROCEEDS, 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

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**Absent or not voting were:** Senators

| Eastman  | Killpack |

*S.B. 27* was transmitted to the House for consideration.

***

*S.B. 30*, CONSUMER SALES PRACTICE ACT AMENDMENTS, was read the third time.

On motion of Senator Jones, the bill was circled.

**SECOND READING CALENDAR**

*S.B. 33*, DEPARTMENT OF COMMUNITY AND CULTURE − STATE−OWNED ART INVENTORY, was read the second time. Senator Madsen explained the bill. Senator Peterson 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 | Killpack |

S.B. 40, STATE TRADE DATABASE, was read the second time. Senator Madsen 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

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On motion of Senator Hillyard, the circle was removed from S.B. 24, RETIREMENT DEATH BENEFITS AND DIVORCE REVISIONS, and it was before the Senate. Senator Hillyard explained the bill. The bill passed Second Reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Buttars | Goodfellow |

**TIME CERTAIN CALENDAR**

On motion of Senator Christensen, under suspension of the rules, S.R. 2, SENATE RESOLUTION HONORING JAMES L. SORENSON, was considered read the second and third times. Senator Christensen explained the bill. Senator Jones 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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**S.R. 2** was sent to the staff for enrolling.

**SECOND READING CALENDAR**

**S.B. 44**, PENALTIES FOR FAILING TO SECURE A LOAD OR LITTERING ON A HIGHWAY, was read the second time. Senator Jones explained the bill. Senators Greiner, Peterson, and Mayne commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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On motion of Senator Stephenson, the circle was removed from **H.B. 1**, MINIMUM SCHOOL PROGRAM BASE BUDGET AMENDMENTS, and it was before the Senate.

On motion of Senator Stephenson, under suspension of the rules, **H.B. 1**, MINIMUM SCHOOL PROGRAM BASE BUDGET AMENDMENTS, was
considered read the second and third times. Senator Hillyard 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

| Eastman | McCoy |

Senator Killpack declared a conflict of interest.

**H.B. 1** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

**S.C.R. 1**, RESOLUTION SUPPORTING OBESITY AWARENESS, was read the second time. Senator Buttars 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

| Dayton | Eastman | Hickman | McCoy |

* * *

**S.J.R. 1**, RESOLUTION ENCOURAGING THE ADVERTISEMENT OF ALTERNATIVE ROUTES TO TEACHING, was read the second time. Senator
Dayton explained the bill. The bill passed second reading on the following roll call:

**Yea**, 24; **Nay**, 0; **Absent**, 5.

**Voting in the affirmative were:** Senators

| Bell    | Bramble | Christensen | Dayton | Fife    | Goodfellow | Greiner | Hillyard | Jenkins | Jones   | Killpack | Knudson | Madsen | Mayne  | Niederhauser | Peterson | Romero | Stephenson | Stowell | Van Tassell | Waddoups | Walker | Valentine |
|---------|---------|-------------|--------|---------|------------|---------|----------|---------|---------|---------|---------|--------|-------|--------|-------------|----------|--------|------------|--------|-------------|---------|--------|-----------|

**Absent or not voting were:** Senators

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**INTRODUCTION OF BILLS**

*S.B. 76, State Parks and Recreation Amendments* (B. Goodfellow), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Bramble and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Monday, January 28, 2008.
EIGHTH DAY
MORNING SESSION
JANUARY 28, 2008

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

Prayer — Alan Rindlisbacher, Chaplain, Salt Lake County Sheriff’s Office
Pledge of Allegiance — Senator Wayne Niederhauser
Roll Call — All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 64)

SPECIAL MOMENT OF SILENCE

The Senate observed a moment of silence honoring the passing of President Gordon B. Hinckley, President of the Church of Jesus Christ of Latter-day Saints. Senators Eastman, Bramble, Dmitrich, Waddoups, Van Tassell, Jones, Killpack, Walker, Romero, Goodfellow, Stephenson, Christensen, Davis, Niederhauser, Madsen, Peterson, Dayton, Bell, and Valentine commented.

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 25, 2008
The House passed, S.B. 1, STATE AGENCY AND HIGHER EDUCATION BASE BUDGET APPROPRIATIONS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

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

***

Mr. President: January 25, 2008
The House passed, as amended, H.B. 15, CONTROL AND PREVENTION OF SEXUALLY TRANSMITTED DISEASES, by Representative P. Riesen, et al, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 53, IMPACT OF ADMINISTRATIVE RULES ON SMALL BUSINESSES, by Representative S. Clark, and it is transmitted for consideration; and
The House passed **H.B. 68**, EDUCATOR RELICENSURE INITIATIVE, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 71**, PARENT–TIME AMENDMENTS, by Representative L. Fowlke, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 73**, CHILD CARE PROVIDERS, by Representative K. Morgan, et al, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 77**, PERSONAL PROPERTY TAX AMENDMENTS, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed **H.B. 118**, VETERANS HIGH SCHOOL DIPLOMAS, by Representative L. Hemingway, and it is transmitted for consideration; and

The House passed **H.B. 245**, ADMINISTRATION OF MEDICATION TO STUDENTS AMENDMENTS, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 272**, FALSE IMPERSONATION AND REPRESENTATION, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed, as amended, **H.J.R. 2**, RESOLUTION ENCOURAGING MANUFACTURED AND MOBILE HOME PARKS AS AFFORDABLE HOUSING, by Representative N. Hendrickson, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk


**STANDING COMMITTEE REPORTS**

Mr. President: January 25, 2008

The Government Operations and Political Subdivisions Committee recommends **S.B. 53**, USE OF INITIATIVE AND REFERENDUM FOR ADMINISTRATIVE LAND USE AND ZONING MATTERS, by Senator B. Goodfellow, be replaced and favorably recommends **1st Sub. S.B. 53**, USE OF INITIATIVE AND REFERENDUM FOR ADMINISTRATIVE LAND USE AND ZONING MATTERS; and
The Government Operations and Political Subdivisions Committee recommends **S.B. 54, INITIATIVE AND REFERENDUM PETITION SUBMISSION AMENDMENTS**, by Senator B. Goodfellow, be replaced and favorably recommends **1st Sub. S.B. 54, INITIATIVE AND REFERENDUM PETITION SUBMISSION AMENDMENTS**; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 113, ACCESS TO RESEARCH WORKERS’ PERSONAL INFORMATION**, by Senator G. Bell; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 63, RECODIFICATION OF TITLE 63 STATE AFFAIRS IN GENERAL**, by Representative D. Aagard.

Peter C. Knudson, Chair

Mr. President: January 25, 2008

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 28, APPORTIONMENT OF BUSINESS INCOME, ATTRIBUTING SALES TO THE STATE, AND DEDUCTION OF NET LOSSES BY A UNITARY GROUP**, by Senator H. Stephenson; and

The Revenue and Taxation Committee recommends **S.B. 38, TRANSPARENCY IN GOVERNMENT FINANCE**, by Senator W. Niederhauser, be replaced and favorably recommends **1st Sub. S.B. 38, TRANSPARENCY IN GOVERNMENT FINANCE**; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 64, INCOME TAX – CAPITAL GAIN TRANSACTIONS**, by Senator W. Niederhauser.

Wayne L. Niederhauser, Chair

Mr. President: January 25, 2008

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 105, JUDICIAL PERFORMANCE EVALUATION COMMISSION**, by Senator D. C. Buttars; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 138, UTAH SUBSTANCE ABUSE AND ANTI–VIOLENCE COORDINATING COUNCIL AMENDMENTS**, by Senator D. C. Buttars; and
The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 150, CRIMINAL PENALTIES REVISIONS, by Senator S. Jenkins, with the following amendments:

1. Page 1, Line 16:

   16 convicted of, and punished for, the separate offense; and

   Provides that a person who is convicted of murder, based on a predicate offense that also constitutes a separate offense, may also be convicted of, and punished for, the separate offense; and

2. Page 1, Line 21:

   21 This bill provides an immediate effective date.

3. Page 1, Line 25:

   25 76−5−202, as last amended by Laws of Utah 2007, Chapters 275, 340, and 345

   76−5−203, as last amended by Laws of Utah 2007, Chapter 340

   76−8−316, as last amended by Laws of Utah 2007, Chapter 326

4. Page 6, Line 181:

   181 convicted of, and punished for, the separate offense.

   Section 3. Section 76−5−203 is amended to read:

   76−5−203. Murder.

   (1) As used in this section, “predicate offense” means:

   (a) a violation of Section 58−37d−4 or 58−37d−5, Clandestine Drug Lab Act;

   (b) child abuse, under Subsection 76−5−109(2)(a), when the victim is younger than 18 years of age;

   (c) kidnapping under Section 76−5−301;

   (d) child kidnapping under Section 76−5−301.1;

   (e) aggravated kidnapping under Section 76−5−302;

   (f) rape of a child under Section 76−5−402.1;

   (g) object rape of a child under Section 76−5−402.3;

   (h) sodomy upon a child under Section 76−5−403.1;

   (i) forcible sexual abuse under Section 76−5−404;

   (j) sexual abuse of a child or aggravated sexual abuse of a child under Section 76−5−404.1;
(k) rape under Section 76−5−402;
(l) object rape under Section 76−5−402.2;
(m) forcible sodomy under Section 76−5−403;
(n) aggravated sexual assault under Section 76−5−405;
(o) arson under Section 76−6−102;
(p) aggravated arson under Section 76−6−103;
(q) burglary under Section 76−6−202;
(r) aggravated burglary under Section 76−6−203;
(s) robbery under Section 76−6−301;
(t) aggravated robbery under Section 76−6−302;
(u) escape or aggravated escape under Section 76−8−309; or
(v) a felony violation of Subsection 76−10−508(2) regarding discharge of a firearm or dangerous weapon.

(2) Criminal homicide constitutes murder if:
(a) the actor intentionally or knowingly causes the death of another;
(b) intending to cause serious bodily injury to another, the actor commits an act clearly dangerous to human life that causes the death of another;
(c) acting under circumstances evidencing a depraved indifference to human life, the actor knowingly engages in conduct which creates a grave risk of death to another and thereby causes the death of another;
(d) (i) the actor is engaged in the commission, attempted commission, or immediate flight from the commission or attempted commission of any predicate offense, or is a party to the predicate offense;
   (ii) a person other than a party as defined in Section 76−2−202 is killed in the course of the commission, attempted commission, or immediate flight from the commission or attempted commission of any predicate offense; and
   (iii) the actor acted with the intent required as an element of the predicate offense;
(e) the actor recklessly causes the death of a peace officer while in the commission or attempted commission of:
   (i) an assault against a peace officer under Section 76−5−102.4; or
   (ii) interference with a peace officer while making a lawful arrest under Section 76−8−305 if the actor uses force against a peace officer;
(f) commits a homicide which would be aggravated murder, but the offense is reduced pursuant to Subsection 76−5−202(4); or
(g) the actor commits aggravated murder, but special mitigation is established under Section 76−5−205.5.

(3) (a) Murder is a first degree felony.
(b) A person who is convicted of murder shall be sentenced to imprisonment for an indeterminate term of not less than 15 years and which may be for life.

(4) (a) It is an affirmative defense to a charge of murder or attempted murder that the defendant caused the death of another or attempted to cause the death of another:
(i) under the influence of extreme emotional distress for which there is a reasonable explanation or excuse; or
(ii) under a reasonable belief that the circumstances provided a legal justification or excuse for his conduct although the conduct was not legally justifiable or excusable under the existing circumstances.
(b) Under Subsection (4)(a)(i) emotional distress does not include:
(i) a condition resulting from mental illness as defined in Section 76−2−305; or
(ii) distress that is substantially caused by the defendant’s own conduct.
(c) The reasonableness of an explanation or excuse under Subsection (4)(a)(i) or the reasonable belief of the actor under Subsection (4)(a)(ii) shall be determined from the viewpoint of a reasonable person under the then existing circumstances.
(d) This affirmative defense reduces charges only as follows:
(i) murder to manslaughter; and
(ii) attempted murder to attempted manslaughter.

(5) (a) Any predicate offense described in Subsection (1) that constitutes a separate offense does not merge with the crime of murder.
(b) A person who is convicted of murder, based on a predicate offense described in Subsection (1) that constitutes a separate offense, may also be convicted of, and punished for, the separate offense.

Section 4. Section 76−8−316 is amended to read:
76−8−316. Influencing, impeding, or retaliating against a judge or member of the Board of Pardons and Parole.

(1) A person is guilty of a third degree felony if the person threatens to assault, kidnap, or murder a judge or a member of the Board of Pardons and Parole with the intent to impede, intimidate, or interfere
with the judge or member of the board while engaged in the performance
of the judge’s or member’s official duties or with the intent to retaliate
against the judge or member on account of the performance of those
official duties.

(2) A person is guilty of a second degree felony if the person
commits an assault on a judge or a member of the Board of Pardons and
Parole with the intent to impede, intimidate, or interfere with the judge or
member of the board while engaged in the performance of the judge’s or
member’s official duties, or with the intent to retaliate against the judge
or member on account of the performance of those official duties.

(3) A person is guilty of a first degree felony if the person
commits aggravated assault or attempted murder on a judge or a member
of the Board of Pardons and Parole with the purpose to impede,
intimidate, or interfere with the judge or member of the board while
engaged in the performance of the judge’s or member’s official duties or
with the purpose to retaliate against the judge or member on account of
the performance of those official duties.

(4) As used in this section:
(a) “Immediate family” means parents, spouse, surviving
spouse, children, and siblings of the officer.
(b) “Judge” means judges of all courts of record and courts not
of record and court commissioners.
(c) “Judge or member” includes the members of the judge’s or
member’s immediate family.
(d) “Member of the Board of Pardons and Parole” means
appointed members of the board.

(5) A member of the Board of Pardons and Parole is an
executive officer for purposes of Subsection
76–5–202(1) (m). Section 5. 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; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a
favorable recommendation on S.B. 152, PRESUMPTIVE PERSONAL
REPRESENTATIVE, by Senator G. Bell, with the following amendments:
1. Page 2, Lines 48 through 53

48 (4) Any insurer and its insured paying a claim arising out of the wrongful death of a person, including

49 a minor, including but not limited to claims for uninsured or underinsured motorist coverage as

50 provided in Section 31A–22–305, to a presumptive personal representative upon presentation of

51 an affidavit as described in Subsection (2) are discharged and released to the same extent as if

52 the insurer and its insured dealt with a personal representative of the decedent. The insurer and its insured is not required to

53 inquire into the truth of any statement in the affidavit.

Gregory S. Bell, Chair

On motion of Senator Hickman, the committee reports were adopted. 

STANDING COMMITTEE REPORTS

Mr. President: January 25, 2008

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 78, TITLE 78 RECODIFICATION AND REVISION, by Representative J. Biskupski, and recommends it be considered read for the second time and placed on the Consent Calendar.

Gregory S. Bell, Chair

On motion of Senator Hickman, the committee report was adopted. H.B. 78 was considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 77, Revisions to Government Records Access Management Act (M. Dayton), read the first time by short title and referred to the Rules Committee.

S.B. 78, County Personnel Management Act Amendments (W. Niederhauser), read the first time by short title and referred to the Rules Committee.
S.B. 162. Federal Education Agreement Requirements (M. Dayton), read the first time by short title and referred to the Rules Committee.

S.B. 163. Certified Public Accountant Licensing Act Amendments (C. Bramble), read the first time by short title and referred to the Rules Committee.


S.B. 165. Alcoholic Beverage Single Event Permits (S. McCoy), read the first time by short title and referred to the Rules Committee.

**SPECIAL ORDER OF BUSINESS**

On motion of Senator Bramble, under suspension of the rules, the Senate voted to move **S.C.R. 4, CONCURRENT RESOLUTION RECOGNIZING UTAH’S NOBEL PRIZE WINNER MARIO CAPECCHI**, to the top of the Second Reading Calendar.

**COMMITTEE OF THE WHOLE**

On motion of Senator Bramble, Dr. Mario Capecchi, Nobel Prize Recipient, spoke in Committee of the Whole.

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

On motion of Senator Bramble, under suspension of the rules, **S.C.R. 4, CONCURRENT RESOLUTION RECOGNIZING UTAH’S NOBEL PRIZE WINNER MARIO CAPECCHI**, was considered read the second and third times. Senator Bramble explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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<th>Hillyard</th>
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S.C.R. 4 was transmitted to the House.

THIRD READING CALENDAR

S.B. 33, DEPARTMENT OF COMMUNITY AND CULTURE – STATE-OWNED ART INVENTORY, 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
Bell   Bramble   Buttars   Christensen
Davis  Dayton    Dmitrich  Eastman
Fife   Goodfellow Greiner  Hickman
Hillyard Jenkins  Jones    Killpack
Knudson Madsen  Mayne    McCoy
Peterson Romero  Stephenson Stowell
Van Tassell Waddoups Walker  Valentine

Absent or not voting was: Senator
Niederhauser

S.B. 33 was transmitted to the House for consideration.

* * *

S.B. 40, STATE TRADE DATABASE, was read the third time, explained by Senator Madsen, and passed on the following roll call:

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

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

S.B. 40 was transmitted to the House for consideration.

* * *

On motion of Senator Jones, the circle was removed from S.B. 30, CONSUMER SALES PRACTICE ACT AMENDMENTS, and it was before the Senate. Senator Jones explained the bill.
Senator Jones proposed the following amendment:

1. Page 5, Lines 126 through 127

   126 (w) misrepresents the geographical origin or location of the 
   supplier’s business in {the
   127 conduct of the supplier’s business } connection with the sale 
   of cut flowers, flower arrangements, or floral products .

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

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator

  Bell

  S.B. 30, as amended, was transmitted to the House for consideration.

  ***

  S.B. 24, RETIREMENT DEATH BENEFITS AND DIVORCE REVISIONS, 
  was read the third time, explained by Senator Hillyard, and passed on the 
  following roll call:

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

Voting in the affirmative were: Senators

  Bramble  Buttars  Christensen  Davis
  Dayton   Dmitrich  Eastman   Fife
  Greiner  Hickman  Hillyard  Jenkins
  Jones    Killpack  Knudson  Madsen
  Mayne    McCoy    Niederhauser  Peterson
  Romero  Stephenson  Stowell  Van Tassell
  Waddoups  Walker  Valentine
Absent or not voting were: Senators
Bell Goodfellow

S.B. 24 was transmitted to the House for consideration.

***

S.B. 44, PENALTIES FOR FAILING TO SECURE A LOAD OR LITTERING ON A HIGHWAY, was read the third time.

On motion of Senator Jones, the bill was circled.

***

S.C.R. 1, RESOLUTION SUPPORTING OBESITY AWARENESS, was read the third time, explained by Senator Buttars, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bramble Buttars Christensen Davis
Dmitrich Eastman Fife Goodfellow
Greiner Hickman Hillyard Jenkins
Knudson Madsen Mayne McCoy
Peterson Romero Stephenson Stowell
Van Tassell Waddoups Walker Valentine

Absent or not voting were: Senators
Bell Dayton Jones Killpack
Niederhauser

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

***

S.J.R. 1, RESOLUTION ENCOURAGING THE ADVERTISEMENT OF ALTERNATIVE ROUTES TO TEACHING, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bramble Buttars Christensen Davis
Dayton Dmitrich Eastman Fife
S.J.R. 1 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Bramble, under suspension of the rules, S.J.R. 3, RESOLUTION APPROVING COMPENSATION OF IN-SESSION EMPLOYEES, was considered read the second and third times. Senator Bramble explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bramble Buttars Christensen Davis
Dayton Dmitrich Eastman Fife
Goodfellow Greiner Hickman Hillyard
Jenkins Jones Killpack Knudson
Mayne McCoy Niederhauser Peterson
Romero Stephenson Stowell Van Tassell
Waddoups Walker Valentine

Absent or not voting were: Senators
Bell Madsen

S.J.R. 3 was transmitted to the House.

* * *

S.B. 60, REPEALING LABOR COMMISSION RESPONSIBILITIES TO OVERSEE EMPLOYMENT AGENCIES, was read the second time. Senator Romero 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
Bramble Buttars Christensen Davis
Dayton Dmitrich Eastman Fife

S.B. 95, MARKUP ON ALCOHOLIC BEVERAGES, was read the second time. Senator Dmitrich explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators

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Absent or not voting was: Senator

Bell

* * *

S.B. 110, FOREIGN BUSINESS ENTITIES AND TRIBAL LAW, was read the second time. Senator Van Tassell explained the bill. Senators Knudson and Valentine 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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S.B. 131, WAGE WITHHOLDING FOR EMPLOYEE CONTRIBUTIONS, was read the second time. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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<th>Buttars</th>
<th>Hickman</th>
<th>Madsen</th>
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S.B. 14, SMOKING BAN IN MOTOR VEHICLE, was read the second time. Senator McCoy explained the bill. Senators Peterson, Jones, Hickman, Mayne, and Madsen commented. The bill passed second reading on the following roll call:

**Yeas, 20; Nays, 9; Absent, 0.**

**Voting in the affirmative were:** Senators

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<th>Buttars</th>
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<td>Stowell</td>
<td>Van Tassell</td>
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**Voting in the negative were:** Senators

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<td>Jenkins</td>
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<td>Madsen</td>
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<td>Valentine</td>
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S.B. 50, MEDICAL BENEFITS RECOVERY AMENDMENTS, was read the second time. Senator Christensen explained the bill. Senator Hickman commented.
On motion of Senator Christensen, the bill was circled.

* * *

On motion of Senator Bramble and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Tuesday, January 29, 2008.
NINTH DAY
MORNING SESSION
JANUARY 29, 2008

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

Prayer – Imam Muhammed Mehtar, Islamic Society of Greater Salt Lake
Pledge of Allegiance – Senator Margaret Dayton
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 64)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 28, 2008

The House passed, S.C.R. 4, CONCURRENT RESOLUTION RECOGNIZING UTAH’S NOBEL PRIZE WINNER MARIO CAPECCHI, by Senator J. Valentine, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.C.R. 4 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

***

Mr. President: January 28, 2008

The House passed, as substituted and amended, 1st Sub. H.B. 37, UTAH BUSINESS RESOURCE CENTERS ACT, by Representative D. Clark, and it is transmitted for consideration; and

The House passed, as amended, H.B. 61, DESIGNATION OF STATE HIGHWAYS AMENDMENTS, by Representative T. Kiser, and it is transmitted for consideration; and

The House passed, as amended, H.B. 81, TASK FORCE TO STUDY PERFORMANCE INCENTIVES FOR TEACHERS, by Representative B. Last, and it is transmitted for consideration; and
The House passed **H.B. 82**, NOTICE OF CHANGES TO THE STATE MEDICAID PLAN, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 132**, WASTE TIRE RECYCLING AMENDMENTS, by Representative N. Hendrickson, and it is transmitted for consideration; and

The House passed **H.B. 252**, CHARITABLE SOLICITATIONS ACT AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.B. 269**, SCOTT B. LUNDELL MILITARY SURVIVORS’ TUITION WAIVER AMENDMENTS, by Representative M. Morley, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk


**RULES COMMITTEE REPORTS**

To the Members of the Senate: January 28, 2008

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

**Business and Labor Committee**

- **S.B. 163** Certified Public Accountant Licensing Act Amendments (Sen. C. Bramble)
- **S.B. 165** Alcoholic Beverage Single Event Permits (Sen. S. McCoy)
- **H.J.R. 2** Resolution Encouraging Manufactured and Mobile Home Parks as Affordable Housing (Rep. N. Hendrickson) (Sen. F. Fife)

**Education Committee**

- **S.B. 162** Federal Education Agreement Requirements (Sen. M. Dayton)
H.B. 245 Administration of Medication to Students Amendments (Rep. R. Lockhart) (Sen. C. Walker)

Government Operations and Political Subdivisions Committee
S.B. 77 Revisions to Government Records Access Management Act (Sen. M. Dayton)
S.B. 78 County Personnel Management Act Amendments (Sen. W. Niederhauser)
S.B. 160 Candidate Replacement Deadline for General Election (Sen. P. Knudson)
S.J.R. 7 Joint Rules Resolution – Authorizing Electronic Committee Meetings (Sen. L. Hillyard)

Health and Human Services Committee
S.B. 161 Advance Health Care Directive Amendments (Sen. A. Christensen)
H.B. 15 Control and Prevention of Sexually Transmitted Diseases (Rep. P. Riesen) (Sen. A. Christensen)
H.B. 73 Child Care Providers (Rep. K. Morgan) (Sen. M. Madsen)

Judiciary, Law Enforcement, and Criminal Justice Committee
H.B. 272 False Impersonation and Representation (Rep. G. Froerer) (Sen. J. Greiner)

Natural Resources, Agriculture and Environment Committee
S.B. 76 State Parks and Recreation Amendments (Sen. B. Goodfellow)
Revenue and Taxation Committee

H.B. 52  Research Activities Tax Credits Amendments
         (Rep. J. Dougall) (Sen. W. Niederhauser)

                  (Sen. W. Niederhauser)

Bill Hickman
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: January 28, 2008

The Business and Labor Committee reports a favorable recommendation on
S.B. 132, CONSUMER CREDIT PROTECTION ACT − ATTORNEY
GENERAL POWERS, by Senator C. Walker, with the following amendments:

1. Page 2, Lines 49 through 50:
   49  (a) investigate the actions of any person
       {−alleged } who is found to violate Section 13−44−201 or
   50  13−44−202;

2. Page 3, Lines 60 through 73:
   60  (8) (a) The attorney general may inspect and copy all records
       related to the business
   61  conducted by the person {−alleged } who is found to
       have violated this chapter, including records located outside
   62  the state.
   63  (b) For records located outside of the state, the person
       {−alleged } who is found to have violated this
   64  chapter shall pay the attorney general’s expenses to inspect the
       records, including travel costs.
   65  (c) Upon notification from the attorney general of the attorney
       general’s intent to
   66  inspect records located outside of the state, the person
       {−alleged } who is found to have violated this chapter
   67  shall pay the attorney general $500, or a higher amount if $500 is
       estimated to be insufficient.
to cover the attorney general’s expenses to inspect the records.

(d) The attorney general shall deposit any amounts received under this Subsection (8) in the Attorney General Litigation Fund established in Section 76−10−922.

(e) To the extent an amount paid to the attorney general by a person who is found to have violated this chapter is not expended by the attorney general, the amount shall be refunded to the person who is found to have violated this chapter.

The Business and Labor Committee reports a favorable recommendation on S.B. 149, MOTOR VEHICLE LIABILITY POLICY MINIMUM LIMITS, by Senator S. Killpack; and

The Business and Labor Committee reports a favorable recommendation on H.B. 21, EMPLOYMENT SECURITY ACT AMENDMENTS, by Representative S. Mascaro, et al; and

The Business and Labor Committee reports a favorable recommendation on H.B. 56, REPEAL PROVISIONS RELATED TO ASSUMPTION OF INDEBTEDNESS ON RESIDENTIAL REAL PROPERTY, by Representative K. Garn.

Kevin T. Van Tassell, Chair

Mr. President: January 28, 2008

The Health and Human Services Committee reports a favorable recommendation on H.B. 74, MEDICAID 340B DRUG PRICING PROGRAMS, by Representative D. Litvack.

D. Chris Buttars, Chair

Mr. President: January 28, 2008

The Education Committee reports a favorable recommendation on S.B. 37, HOME SCHOOL AND EXTRA CURRICULAR ACTIVITIES AMENDMENTS, by Senator M. Madsen, with the following amendments:

1. Page 6, Lines 158 through 159:
158  (iii) enrolls in a private school and establishes academic eligibility.
   
   (i) A public school student who has been declared to be ineligible to participate in an extracurricular activity for a reason other than academics and who subsequently enrolls in a home school may not regain eligibility until the student resolves the reason for ineligibility and conforms to the eligibility standards applicable to fully enrolled public school students.

159  {−(ii) −} (j) When selection to participate in an extracurricular activity at a public school is

The Education Committee reports a favorable recommendation on S.B. 61, FINANCIAL LITERACY EDUCATION, by Senator P. Jones, with the following amendments:

1. Page 3, Lines 64 through 66:

64  complete the financial literacy passport, including incentives offered by community partners;

65  (b) more fully integrate existing and new financial literacy education into instruction in kindergarten

66  through twelfth grade by:

2. Page 3, Lines 76 through 80:

76  education and, if necessary, developing assessments;

77  (c) work with interested private and non−profit entities to
    {−coordinate } ;

78  (i) coordinate school use of existing financial literacy education resources;
   
   (ii) develop simple, clear, and consistent messaging to reinforce and link existing financial literacy resources; and

79  {−(ii) −} (iii) coordinate the efforts of school, work, private, non−profit, and other financial education providers in implementing methods of appropriately communicating to students and parents key financial literacy messages; and

The Education Committee reports a favorable recommendation on S.B. 103, HIGHER EDUCATION ENHANCEMENTS, by Senator D. Stowell; and
The Education Committee reports a favorable recommendation on **S.C.R. 2**, RESOLUTION PROMOTING LEGISLATORS BACK TO SCHOOL PROGRAM, by Senator M. Dayton.

Margaret Dayton, Chair

On motion of Senator Hickman, the committee reports were adopted. **S.B. 132**, as amended, **S.B. 149, H.B. 21, H.B. 56, H.B. 74, S.B. 37**, as amended, **S.B. 61**, as amended, **S.B. 103**, and **S.C.R. 2** were placed on Second Reading Calendar.

**STANDING COMMITTEE REPORTS**

Mr. President: January 28, 2008

The Health and Human Services Committee reports a favorable recommendation on **1st Sub. H.B. 24**, AMENDMENTS TO UTAH DIGITAL HEALTH SERVICE COMMISSION ACT, by Representative R. Menlove, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 2, Lines 44 through 46:

   44 (2) The governor shall appoint 12 members to the commission with the consent of the Senate, as follows:

   45 from a list of three nominees recommended by the department and the commission as follows:

   46

2. Page 2, Lines 53 through 54:

   53 (e) a nurse who is involved in digital health service; and

   54 seven members who fall into one or more of the following categories: and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 31**, CHILD WELFARE DEFINITIONS, by Representative W. Harper, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

On motion of Senator Hickman, the committee reports were adopted. **1st Sub. H.B. 24**, as amended, and **H.B. 31** were considered read the second time and placed on the Consent Calendar.
INTRODUCTION OF BILLS

S.B. 79, Small Business Access Amendments (R. Romero), read the first time by short title and referred to the Rules Committee.

S.B. 166, Nondiscrimination Amendments (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 167, Alcoholic Beverages on Election Day (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 168, Highway Funding Amendments (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 169, Renewable Energy Zone Task Force (D. Stowell), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

S.B. 126, FILING FEE FOR WRITE−IN CANDIDATES, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Christensen  Madsen  Niederhauser  Peterson
Stephenson  Stowell

S.B. 126 was transmitted to the House for consideration.

***

S.B. 128, AMENDMENTS TO THE VETERAN’S PROPERTY TAX EXEMPTION, was read the third time, explained by Senator Goodfellow, and passed on the following roll call:
Yeas, 24; Nays, 0; Absent, 5.

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

- Killpack
- Madsen
- Peterson
- Stephenson
- Stowell

S.B. 128 was transmitted to the House for consideration.

***

S.B. 119, DEPARTMENT OF CORRECTIONS 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

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

**Absent or not voting were:** Senators

- Killpack
- Madsen
- Stephenson

S.B. 119 was transmitted to the House for consideration.

**THIRD READING CALENDAR**

S.B. 60, REPEALING LABOR COMMISSION RESPONSIBILITIES TO OVERSEE EMPLOYMENT AGENCIES, was read the third time, explained by Senator Romero, and passed on the following roll call:
Yeas, 23; Nays, 0; Absent, 6.

**Voting in the affirmative were:** Senators
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Eastman
Fife Goodfellow Greiner Hillyard
Jenkins Jones Knudson Mayne
McCoy Peterson Romero Stephenson
Van Tassell Waddoups Walker

**Absent or not voting were:** Senators
Hickman Killpack Madsen Niederhauser
Stowell Valentine

S.B. 60 was transmitted to the House for consideration.

* * *

S.B. 95, MARKUP ON ALCOHOLIC BEVERAGES, 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
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Eastman
Fife Goodfellow Greiner Hillyard
Hillyard Jenkins Jones Knudson
Mayne McCoy Niederhauser Peterson
Romero Stephenson Van Tassell Waddoups
Walker

**Absent or not voting were:** Senators
Killpack Madsen Stowell Valentine

S.B. 95 was transmitted to the House for consideration.

* * *

S.B. 110, FOREIGN BUSINESS ENTITIES AND TRIBAL LAW, was read the third time.

On motion of Senator Van Tassell, the bill was circled.
S.B. 131, WAGE WITHHOLDING FOR EMPLOYEE CONTRIBUTIONS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

**Y** eas, 25; **N** ays, 0; **A** bsent, 4.

**Voting in the affirmative were:** Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Eastman
Fife  Goodfellow  Greiner  Hickman
Hillyard  Jenkins  Jones  Knudson
Mayne  McCoy  Niederhauser  Peterson
Romero  Stephenson  Van Tassell  Waddoups
Walker

**Absent or not voting were:** Senators
Killpack  Madsen  Stowell  Valentine

S.B. 131 was transmitted to the House for consideration.

* * *

S.B. 14, SMOKING BAN IN MOTOR VEHICLE, was read the third time and explained by Senator McCoy. Senators Greiner, Stephenson, Waddoups, and Jones commented. The bill passed on the following roll call:

**Y** eas, 18; **N** ays, 10; **A** bsent, 1.

**Voting in the affirmative were:** Senators
Christensen  Davis  Dmitrich  Eastman
Fife  Goodfellow  Greiner  Hillyard
Jones  Knudson  Mayne  McCoy
Niederhauser  Romero  Stowell  Van Tassell
Waddoups  Walker

**Voting in the negative were:** Senators
Bell  Bramble  Dayton  Hickman
Jenkins  Killpack  Madsen  Peterson
Stephenson  Valentine

**Absent or not voting was:** Senator
Buttars
S.B. 14 was transmitted to the House for consideration.

***

On motion of Senator Jones, the circle was removed from S.B. 44, PENALTIES FOR FAILING TO SECURE A LOAD OR LITTERING ON A HIGHWAY, and it was before the Senate. Senator Jones explained the bill.

Senator Jones proposed the following amendment:

1. Page 3, Lines 81 through 82

   81 [(8) (a)] (7) A law enforcement officer as defined in Section 53−13−103, within the law enforcement officer’s jurisdiction;

2. Page 4, Line 117 through Page 5, Line 121:

   117 { (−3) (a) The account shall earn interest.
   118 (b) All interest earned on account monies shall be deposited into the account.
   119 (4) (3) All monies appropriated to the account are nonlapsing.
   120 { (−5) (4) The Legislature shall appropriate money in the account to the department.
   121 { (−6) (5) The commission may authorize the monies deposited into the account to be spent

3. Page 7, Line 209:

   209 (6) A law enforcement officer as defined in Section 53−13−103, within the law enforcement officer’s jurisdiction:

Senator Jones’ 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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<th>Dayton</th>
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<td>Waddoups</td>
<td>Walker</td>
<td>Valentine</td>
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Day 9
Absent or not voting were: Senators
Bramble Buttars Killpack Madsen Niederhauser

S.B. 44 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Christensen, the circle was removed from S.B. 50, MEDICAL BENEFITS RECOVERY AMENDMENTS, and it was before the Senate. Senator Christensen explained the bill. Senators Goodfellow, Jones, Davis, and Hillyard commented.

COMMITTEE OF THE WHOLE

On motion of Senator Hillyard, Mark Brasher, Director, Office of Recovery Services, spoke in Committee of the Whole. Senators Hillyard, Davis, Hickman, and Bell commented.

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

The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Eastman Fife Greiner
Hillyard Jenkins Jones Killpack
Knudson Mayne McCoy Niederhauser
Peterson Romero Stephenson Stowell
Van Tassell Waddoups Walker Valentine

Voting in the negative were: Senators
Dmitrich Goodfellow

Absent or not voting were: Senators
Dayton Hickman Madsen

* * *

S.B. 101, UTAH COMPREHENSIVE HEALTH INSURANCE POOL FUNDING, was read the second time. Senator Davis explained the bill. Senators Valentine, Greiner, Knudson, Madsen, McCoy, and Bell commented.
On motion of Senator Davis, the bill was circled.

COMMITTEE OF THE WHOLE

On motion of Senator Bramble, Mrs. James (Beverly) Sorenson spoke in Committee of the Whole.

A copy of the resolution honoring James Sorenson was presented to his family.

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

* * *

On motion of Senator Bramble and at 11:55 a.m., the Senate adjourned until 10:00 a.m., Wednesday, January 30, 2008.
TENTH DAY
MORNING SESSION
JANUARY 30, 2008

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

Prayer – Kenneth Maryboy, Utah Navajo Commission
Pledge of Allegiance – Senator Dennis Stowell
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 64)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 29, 2008

The House passed H.B. 11, PAROLE AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 18, MATERIAL HARMFUL TO MINORS AMENDMENTS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed H.B. 20, ECONOMIC DEVELOPMENT INCENTIVES MODIFICATIONS, by Representative S. Mascaro, et al, and it is transmitted for consideration; and

The House passed H.B. 23, CHILD AND FAMILY PROTECTION, by Representative L. Fowlke, and it is transmitted for consideration; and

The House passed H.B. 27, LIEUTENANT GOVERNOR POWERS – ADMINISTRATION OF OATHS, by Representative G. Donnelson, and it is transmitted for consideration; and

The House passed, as amended, H.B. 34, EMAIL INFORMATION REQUIRED OF REGISTERED SEX OFFENDERS, by Representative J. Bird, and it is transmitted for consideration; and

The House passed, as amended, H.B. 38, EDUCATION AND OUTREACH REGARDING SUBSTANCES HARMFUL DURING PREGNANCY, by Representative R. Menlove, and it is transmitted for consideration; and
The House passed **H.B. 42**, WATER RIGHT APPLICATION FOR ELECTRICAL COOPERATIVE, by Representative G. Snow, and it is transmitted for consideration; and

The House passed **H.B. 43**, ALLOWANCE OF POLLING PLACES FOR EARLY VOTING, by Representative G. Donnelson, and it is transmitted for consideration; and

The House passed **H.B. 50**, UNDERGROUND STORAGE TANK AMENDMENTS, by Representative S. Andersen, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 57**, TRANSPORTATION ADMINISTRATIVE RULES – CRIMINAL AND CIVIL PENALTY AMENDMENTS, by Representative T. Kiser, and it is transmitted for consideration; and

The House passed **H.B. 234**, KINDERGARTEN ASSESSMENT AMENDMENTS, by Representative L. Shurtliff, and it is transmitted for consideration; and

The House passed **H.B. 249**, VEHICLES COVERED BY NEW MOTOR VEHICLE WARRANTIES, by Representative K. Gibson, and it is transmitted for consideration; and

The House passed **H.B. 264**, PROHIBITION OF CITATION QUOTAS, by Representative N. Hansen, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk


**STANDING COMMITTEE REPORTS**

Mr. President: January 29, 2008

The Education Committee reports a favorable recommendation on **S.B. 125**, HIGH SCHOOL VOTER REGISTRATION, by Senator K. VanTassell.

Margaret Dayton, Chair

Mr. President: January 29, 2008

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 52**, RESEARCH ACTIVITIES TAX CREDITS AMENDMENTS, by Representative J. Dougall; and
The Revenue and Taxation Committee reports a favorable recommendation on 1st Sub. H.B. 77, PERSONAL PROPERTY TAX AMENDMENTS, by Representative J. Dougall.

Wayne L. Niederhauser, Chair

Mr. President: January 29, 2008

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 63, ADULT PROTECTIVE SERVICES AMENDMENTS, by Senator K. VanTassell; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 65, SOLICITING GANG MEMBERS PROHIBITED, by Senator J. Greiner, with the following amendments:

1. Page 1, Line 9:
   9 This bill amends the Criminal Code regarding criminal actions {−of−} concerning a street gang’s

2. Page 1, Line 18:
   18 intimidate a minor to commit any misdemeanor criminal offense; and

3. Page 4, Lines 118 through 119:
   118 (a) intimidate or otherwise cause a minor to commit or attempt to commit any misdemeanor criminal offense; or ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 73, WRONGFUL DEATH AMENDMENTS, by Senator S. McCoy; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 75, PROHIBITING GANG ACTIVITY, by Senator J. Greiner.

Gregory S. Bell, Chair

On motion of Senator Hickman, the committee reports were adopted. S.B. 125, H.B. 52, 1st Sub. H.B. 77, S.B. 63, S.B. 65, as amended, S.B. 73, and S.B. 75 were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: January 29, 2008

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 155, PUNITIVE DAMAGES
AMENDMENTS, by Senator L. Hillyard, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 4, Lines 93 through 96

(ii) In pursuing collection, the state may exercise any of its collection rights under

Section 63A–3–301 et seq., Section 63A–8–201 et seq., and any other statutory provisions. Any

amounts collected on these judgments by either party shall be held in trust and distributed as

set forth in Subsection (3) (d)(iv) (e).  

1. Page 4, Lines 101 through 102:

(i) to the judgment for compensatory damage and any applicable judgment for attorney fees and

102 costs; and

Gregory S. Bell, Chair

On motion of Senator Hickman, the committee reports were adopted. S.B. 155 was considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 80, Ski and Snowboard Education, Development, and Promotion Special Group License Plate (K. VanTassell), read the first time by short title and referred to the Rules Committee.

S.B. 93, Licensed Direct Entry Midwife Amendments (M. Dayton), read the first time by short title and referred to the Rules Committee.

S.B. 170, Board of Water Resources Amendments (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 171, Repeal of Certain Reporting by Financial Institutions (K. VanTassell), read the first time by short title and referred to the Rules Committee.

S.B. 172, Funding for Medicaid Vision Care (A. Christensen), read the first time by short title and referred to the Rules Committee.

S.B. 174, **Dentist and Dental Hygienist Practice Act Amendments** (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 176, **Unemployment Insurance Contribution Rates Amendments** (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 177, **Local Government Disposal of Real Property Acquired by Exaction** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.C.R. 5, **Concurrent Resolution Calling for Congress to Pass Balanced Immigration Reform** (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.J.R. 8, **Joint Rules Resolution – Base Budget Amendments** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

**THIRD READING CALENDAR**

S.B. 50, **MEDICAL BENEFITS RECOVERY AMENDMENTS**, was read the third time, explained by Senator Christensen, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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S.B. 50 was transmitted to the House for consideration.
SECOND READING CALENDAR

S.B. 35, DIFFERENTIATED PAY FOR TEACHERS, was read the second time. Senator Stephenson explained the bill. Senators Bramble, Dayton, Jones, Romero, Hillyard, Knudson, Eastman, Goodfellow, Killpack, Dmitrich, Van Tassell, and Madsen commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
dayton Eastman Fife Greiner
Hickman Hillyard Jenkins Jones
Killpack Knudson Madsen McCoy
Niederhauser Peterson Stephenson Van Tassell
Waddoups Walker Valentine

Voting in the negative were: Senators
Davis Dmitrich Goodfellow Mayne
Romero

Absent or not voting was: Senator
Stowell

***

S.B. 39, MATHEMATICS, SCIENCE, AND TECHNOLOGY EDUCATION TASK FORCE, was read the second time. Senator Stephenson explained the bill. Senators Jones and Hillyard commented. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.

Voting in the affirmative were: Senators
Bell Bramble Christensen Davis
Dayton Dmitrich Eastman Fife
Goodfellow Greiner Hickman Hillyard
Jenkins Jones Killpack Knudson
Madsen Mayne McCoy Niederhauser
Peterson Stephenson Stowell Van Tassell
Waddoups Walker Valentine

Voting in the negative was: Senator
Romero
Absent or not voting was: Senator Buttars

* * *

On motion of Senator Niederhauser, the Senate voted to lift S.B. 136, APPORTIONMENT OF BUSINESS INCOME AMENDMENTS, from the Business and Labor Standing Committee and reassign it to the Revenue and Taxation Standing Committee

* * *

S.B. 41, EXTENDED SCHOOL YEAR INCENTIVE, was read the second time. Senator Stephenson explained the bill.

Senator Stephenson proposed the following amendment:

1. Page 3, Lines 79 through 84

79 (2) (a) From monies appropriated in Subsection (1), the State Board of Education shall award a grant of up to:

80 (a) (i) $20,000,000 to one school district with an enrollment of 30,000 or more students;

82 (b) (ii) $10,000,000 to one school district with an enrollment of 5,000 to 29,999 students; and

83 (c) (iii) $2,000,000 to:

(A) one rural school district with an enrollment of fewer than 5,000 students;

(B) a consortium of two or more rural school districts.

(b) The State Board of Education may make grants in the amounts specified in Subsection (2)(a) to additional school districts to the extent monies appropriated in Section (1) are available.

Senator Stephenson’s motion to amend passed on a voice vote. Senators Hickman, Jones, Madsen, Jenkins, Mayne, Valentine, Buttars, and Waddoups commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Eastman
On motion of Senator Christensen, under suspension of the rules, the Senate voted to lift S.B. 172, FUNDING FOR MEDICAID VISION CARE, from the Rules Committee and place it at the top of the Second Reading Calendar. Senators Hickman, Valentine, Bramble, and Davis commented.

* * *

On motion of Senator Christensen, under suspension of the rules, S.B. 172, FUNDING FOR MEDICAID VISION CARE, was considered read the second and third times. Senator Christensen explained the bill. 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
Bramble Buttars Christensen Davis
Dayton Dmitrich Eastman Fife
Goodfellow Greiner Hickman Jenkins
Jones Killpack Knudson Madsen
Mayne McCoy Niederhauser Peterson
Romero Stephenson Stowell Van Tassell
Waddoups Walker Valentine

**Absent or not voting were:** Senators
Bell Hillyard

S.B. 172 was transmitted to the House.

**INTRODUCTION OF BILLS**

S.B. 175, Death Certificate Procedure Amendments (J. Greiner), read the first time by short title and referred to the Rules Committee.
On motion of Senator Dayton, the Senate voted to lift H.B. 31, CHILD WELFARE DEFINITIONS, from the Consent Calendar and place it on the Second Reading Calendar.

On motion of Senator Eastman, the Senate voted to lift 1st Sub. S.B. 48, EQUALIZATION OF SCHOOL CAPITAL OUTLAY FUNDING, from the Second Reading Calendar and return it to the Revenue and Taxation Standing Committee for the purpose of substitution.

On motion of Senator Bramble and at 12:00 p.m., the Senate adjourned until 10:00 a.m., Thursday, January 31, 2008.
ELEVENTH DAY
MORNING SESSION
JANUARY 31, 2008

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

Prayer – Former State Senator Karl Snow
Pledge of Allegiance – Senator Jon Greiner
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(Please refer to Day 1, Page 64)

COMMUNICATIONS FROM THE HOUSE

Mr. President: January 30, 2008

The House passed, S.B. 111, REVISOR’S STATUTE, by Senator J. Hickman, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.J.R. 2, RESOLUTION APPROVING THE APPOINTMENT OF LEGISLATIVE FISCAL ANALYST, 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. 3, RESOLUTION APPROVING COMPENSATION OF IN−SESSION EMPLOYEES, by Senator G. Bell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 111, S.J.R. 2, and S.J.R. 3 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: January 30, 2008

The House passed H.B. 46, ADOPTION AND TERMINATION OF PARENTAL RIGHTS, by Representative S. Allen, and it is transmitted for consideration; and
The House passed, as substituted, 1st Sub. H.B. 47, STANDARDS FOR ELECTRONIC EXCHANGE OF CLINICAL HEALTH INFORMATION, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as amended, H.B. 64, DISCLOSURE OF INFORMATION BY THE DEPARTMENT OF WORKFORCE SERVICES, by Representative P. Neuenschwander, and it is transmitted for consideration; and

The House passed H.B. 67, EXTENDED YEAR FOR SPECIAL EDUCATORS, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed H.B. 98, UTAH EMPLOYMENT VERIFICATION ACT, by Representative G. Donnelson, and it is transmitted for consideration; and

The House passed H.B. 99, BUSINESS REGISTRATION – OPTIONAL INCLUSION OF OWNERSHIP DATA, by Representative M. Wheatley, and it is transmitted for consideration; and

The House passed H.B. 126, ELECTION LAW – BALLOT PROPOSITION AMENDMENTS, by Representative C. Johnson, and it is transmitted for consideration; and

The House passed H.B. 253, HIGHER EDUCATION INFORMATION TECHNOLOGY APPROPRIATION, by Representative S. Clark, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk


RULES COMMITTEE REPORTS

To the Members of the Senate: January 30, 2008

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

**Business and Labor Committee**
- **S.B. 79** Small Business Access Amendments (Sen. R. Romero)
- **S.B. 171** Repeal of Certain Reporting by Financial Institutions (Sen. K. VanTassell)
- **S.B. 176** Unemployment Insurance Contribution Rates Amendments (Sen. H. Stephenson)

Education Committee
H.B. 81  Task Force to Study Performance Incentives for Teachers (Rep. B. Last) (Sen. S. Killpack)

Government Operations and Political Subdivisions Committee
S.B. 167  Alcoholic Beverages on Election Day (Sen. S. McCoy)
S.B. 177  Local Government Disposal of Real Property Acquired by Exaction (Sen. W. Niederhauser)
H.B. 264  Prohibition of Citation Quotas (Rep. N. Hansen) (Sen. H. Stephenson)
S.J.R. 8  Joint Rules Resolution – Base Budget Amendments (Sen. W. Niederhauser)

Health and Human Services Committee
S.B. 174  Dentist and Dental Hygienist Practice Act Amendments (Sen. P. Knudson)
H.B. 82  Notice of Changes to the State Medicaid Plan (Rep. M. Newbold) (Sen. A. Christensen)

Judiciary, Law Enforcement, and Criminal Justice Committee

Natural Resources, Agriculture and Environment Committee
S.B. 170  Board of Water Resources Amendments (Sen. D. Stowell)

Transportation, Public Utilities and Technology Committee
S.B. 168  Highway Funding Amendments (Sen. D. Stowell)
Workforce Services and Community and Economic Development Committee

S.B. 80  
Ski and Snowboard Education, Development, and Promotion Special Group License Plate  
(Sen. K. VanTassell)

S.B. 169  
Renewable Energy Zone Task Force (Sen. D. Stowell)

H.B. 20  
Economic Development Incentives Modifications  
(Rep. S. Mascaro) (Sen. S. Jenkins)

Bill Hickman  
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: January 29, 2008

The Business and Labor Committee reports a favorable recommendation on S.B. 98, LICENSING OF SECURITY SERVICES, by Senator D. Eastman; and

The Business and Labor Committee reports a favorable recommendation on S.B. 108, OFFSET OF WORKERS’ COMPENSATION AND SOCIAL SECURITY, by Senator J. Hickman; and

The Business and Labor Committee recommends S.B. 134, RESIDENTIAL MORTGAGE FRAUD ACT, by Senator S. Killpack, be replaced and favorably recommends 2nd Sub. S.B. 134, MORTGAGE FRAUD ACT; and

The Business and Labor Committee reports a favorable recommendation on S.B. 151, TRADEMARK PROTECTION ACT AMENDMENTS, by Senator D. Eastman; and

The Business and Labor Committee reports a favorable recommendation on S.B. 159, WORKERS’ COMPENSATION AMENDMENTS, by Senator D. Eastman; and

The Business and Labor Committee reports a favorable recommendation on 1st Sub. H.B. 55, CAPTIVE INSURANCE COMPANY AMENDMENTS, by Representative J. Dunnigan

Kevin T. Van Tassell, Chair

Mr. President: January 29, 2008

The Health and Human Services Committee reports a favorable recommendation on H.B. 15, CONTROL AND PREVENTION OF SEXUALLY
TRANSMITTED DISEASES, by Representative P. Riesen, with the following amendments:

1. Page 1, Line 24:
   Delete “2007−08” and insert “2008−09”

2. Page 1, Line 76:
   Delete “2007−08” and insert “2008−09”; and

The Health and Human Services Committee reports a favorable recommendation on **H.B. 22**, EXPEDITED PARENT−TIME ENFORCEMENT, by Representative Julie Fisher, with the following amendments:

1. Page 1, Lines 18 through 19:
   18 Other Special Clauses:
   19 {−None−} This bill coordinates with S.B. 111, Revisor’s Statute.

2. Page 2, Line 48:
   48 Unless the court rules otherwise, a parent residing outside of the state is not unavailable. The director of the program for the courts, the court, or the mediator may excuse either party from the requirement to mediate for good cause.

3. Page 4, Line 116 through Page 5, Line 137:
   116 {−(7)−} If a parent fails to cooperate in good faith in mediation or services to facilitate parent−time, a court may order, in subsequent proceedings, a temporary change in custody or
   117 parent−time.−
   119 {−(8)−} (7) (a) The Judicial Council may make rules to implement and administer the
   120 provisions of this [pilot] program related to mediation.
   121 (b) The Department of Human Services may make rules to implement and administer
   122 the provisions of this [pilot] program related to services to facilitate parent−time.
   123 {−(9)−} (8) (a) The Administrative Office of the Courts shall adopt outcome measures to
evaluate the effectiveness of the mediation component of this [pilot] program. Progress reports

* * * Some lines not shown * * *

may adopt joint outcome measures and file joint reports to satisfy the requirements of

Subsections {−(8)−} (7) (a) and (b).

{−(10)−} (9) [(a)] The Department of Human Services shall, by following the procedures and

requirements of Title 63, Chapter 38e, Federal Funds Procedures, apply for federal funds as

available.

4. Page 6, Line 169:

of any fiscal year shall lapse into the General Fund.

Section 3. Coordinating H.B. 22 with S.B. 111.

If this bill and S.B. 111, Revisor’s Statute, both pass, it is the intent of the Legislature that Section 30−3−38 not be repealed and the amendments in this H.B. 22 take effect; and

The Health and Human Services Committee reports a favorable recommendation on H.B. 36, CHILD WELFARE AMENDMENTS, by Representative W. Harper; and

The Health and Human Services Committee reports a favorable recommendation on H.B. 71, PARENT−TIME AMENDMENTS, by Representative L. Fowlke, with the following amendments:

1. Page 3, Line 74:

After “parent” delete the rest of line 74
Delete lines 75 and 76 and insert a period

D. Chris Buttars, Chair

Mr. President: January 29, 2008

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 67, PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES, by Senator M. Madsen, et al; and
The Government Operations and Political Subdivisions Committee recommends **S.B. 144**, PARAMETERS ON GOVERNOR’S ABILITY TO ENTER AGREEMENTS BINDING THE STATE, by Senator S. Jenkins, be replaced and favorably recommends **1st Sub. S.B. 144**, PARAMETERS ON GOVERNOR’S ABILITY TO ENTER AGREEMENTS BINDING THE STATE; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 145**, STATE FAMILY DAY HOLIDAY, by Senator J. Hickman; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 147**, CANDIDATE FILING REQUIREMENTS, by Senator P. Knudson; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 156**, UTAH RELOCATION ASSISTANCE ACT AMENDMENTS, by Senator L. Hillyard, with the following amendment:

1. Page 2, Line 40:
   After “assistance” reinstate “authorized” and
   Delete “required”; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 129**, APPROPRIATION FOR CONSTRUCTION OF A VETERANS’ NURSING HOME IN OGDEN, by Representative B. Dee.

Peter C. Knudson, Chair

Mr. President: January 30, 2008

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 76**, STATE PARKS AND RECREATION AMENDMENTS, by Senator B. Goodfellow, with the following amendments:

1. Page 4, Lines 93 through 100:

   93 (1) (a) A [$2] fee set by the board in accordance with Section 63−38−3.2 shall be added

   94 to the registration fee required to register an off−highway vehicle under Section 41−22−8 to help

   95 fund the off−highway vehicle safety and education program.
96  (b) The division may also collect a fee [not to exceed $10] set by the board in accordance with Section 63–38–3.2 from each person who:
97   (i) receives the training and takes the knowledge and skills test, or a fee not to exceed $5 from each person who for off-highway vehicle use; or
99   (ii) takes the knowledge and skills test for off-highway vehicle use.
100  (c) If the board modifies the fee under Subsection (1)(a), the modification shall take effect on the first day of the calendar quarter after 90 days from the day on which the board provides the State Tax Commission:
       (i) notice from the board stating that the board will modify the fee; and
       (ii) a copy of the fee modification.

Darin G. Peterson, Chair

Mr. President: January 30, 2008

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 13, CRIMINAL STATUTE OF LIMITATIONS AMENDMENTS, by Representative C. Wimmer; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 32, AFFIRMATIVE DEFENSE FOR AGRI-TOURISM ACTIVITY, by Representative M. Morley, with the following amendments:

1. Page 2, Lines 47 through 48:

47  (b) any equipment, animals, or appliance used by the injured person during the activity
48  were used in a manner or for a purpose other than that for which a reasonable person should have known they were intended.

2. Page 2, Lines 49 through 51:

49   (3) There is a rebuttable presumption that an owner or operator of an agri-tourism activity operated the activity in conformity with all applicable statutes, rules, and regulations.

### STANDING COMMITTEE REPORTS

**Mr. President: January 29, 2008**

The Health and Human Services Committee reports a favorable recommendation on **S.B. 161**, ADVANCE HEALTH CARE DIRECTIVE AMENDMENTS, by Senator A. Christensen, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

**Mr. President: January 30, 2008**

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 164**, COMPUTER ASSISTED REMOTE HUNTING PROHIBITED, by Senator M. Waddoups, and recommends it be considered read for the second time and placed on the Consent Calendar.

Darin G. Peterson, Chair

On motion of Senator Hickman, the committee report was adopted. **S.B. 161** and **S.B. 164** were considered read the second time and placed on the Consent Calendar.

### INTRODUCTION OF BILLS

**S.B. 178, Senior Citizen Property Tax Safe Harbor** (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

**S.B. 179, Salvage Vehicle Amendments** (C. Walker), read the first time by short title and referred to the Rules Committee.

**S.B. 180, Regents’ Scholarship Program** (L. Hillyard), read the first time by short title and referred to the Rules Committee.
S.B. 181, Off–highway Vehicle Use on Public Highways (S. Jenkins), read the first time by short title and referred to the Rules Committee.

S.B. 182, Survival Action upon Injury or Death (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.B. 183, Child Pornography Amendment (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

S.J.R. 9, Joint Resolution Amending Rules of Evidence Relating to Information Contained in the Management Information System (G. Davis), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

H.B. 78, TITLE 78 RECODIFICATION AND REVISION, 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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H.B. 78 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. 35, DIFFERENTIATED PAY FOR TEACHERS, was read the third time.

On motion of Senator Stephenson, the bill was circled.

* * *

S.B. 39, MATHEMATICS, SCIENCE, AND TECHNOLOGY EDUCATION TASK FORCE, was read the third time.
On motion of Senator Stephenson, the bill was circled.

***

S.B. 41, EXTENDED SCHOOL YEAR INCENTIVE, was read the third time.

On motion of Senator Stephenson, the bill was circled.

SECOND READING CALENDAR

H.B. 16, MEDICAID COVERAGE FOR CERTAIN TELEHEALTH SERVICES, was read the second time.

On motion of Senator Niederhauser, the bill was circled.

H.B. 63, RECODIFICATION OF TITLE 63 STATE AFFAIRS IN GENERAL, was read the second time.

On motion of Senator Bell, the bill was circled.

***

H.B. 21, EMPLOYMENT SECURITY ACT AMENDMENTS, was read the second time.

On motion of Senator Jenkins, the bill was circled.

***

H.B. 56, REPEAL PROVISIONS RELATED TO ASSUMPTION OF INDEBTEDNESS ON RESIDENTIAL REAL PROPERTY, was read the second time.

On motion of Senator Jenkins, the bill was circled.

***

H.B. 74, MEDICAID 340B DRUG PRICING PROGRAMS, was read the second time.

On motion of Senator Christensen, the bill was circled.

***

On motion of Senator Bell, the circle was removed from H.B. 63, RECODIFICATION OF TITLE 63 STATE AFFAIRS IN GENERAL, and it was before the Senate. Senator Bell explained the bill. The bill passed second reading on the following roll call:
Yeas, 29; Nays, 0; Absent, 0.

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

* * *

H.B. 52, RESEARCH ACTIVITIES TAX CREDITS AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Christensen Davis
Dayton Dmitrich Eastman Fife
Goodfellow Greiner Hickman Hillyard
Jenkins Jones Knudson Madsen
Mayne McCoy Niederhauser Peterson
Romero Stephenson Stowell Van Tassell
Waddoups Walker Valentine

Absent or not voting were: Senators
Buttars Killpack

On motion of Senator Hillyard, H.B. 52 was placed on Third Reading Table due to fiscal impact.

* * *

1st Sub. H.B. 77, PERSONAL PROPERTY TAX AMENDMENTS, was read the second time.

On motion of Senator Niederhauser, the bill was circled.

COMMITTEE OF THE WHOLE

On motion of Senator Greiner, former Senator Ed Allen spoke in Committee of the Whole and introduced members of the Weber State Alumni Association.
On motion of Senator Greiner, the Committee of the Whole was dissolved.

* * *

On motion of Senator Christensen, the circle was removed from H.B. 16, MEDICAID COVERAGE FOR CERTAIN TELEHEALTH SERVICES, and it was before the Senate. 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

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**Absent or not voting were:** Senators

| Eastman | Killpack |

* * *

On motion of Senator Jenkins, the circle was removed from H.B. 21, EMPLOYMENT SECURITY ACT AMENDMENTS, and it was before the Senate. Senator Jenkins explained the bill. 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

| Killpack |
On motion of Senator Hickman, the Senate voted to lift **H.B. 264, PROHIBITION OF CITATION QUOTAS**, from the Government Operations and Political Subdivisions Standing Committee and reassign it to the Judiciary, Law Enforcement and Criminal Justice Standing Committee.

**H.B. 31, CHILD WELFARE DEFINITIONS**, was read the second time.

On motion of Senator Dayton, the bill was circled.

**S.B. 34, CONFIDENTIALITY OF REPORTS TO DRIVER LICENSE DIVISION**, was read the second time. Senator Christensen explained the bill. Senators Greiner, Dayton, Jenkins, Buttars, Mayne, Walker, and Jones commented. The bill passed second reading on the following roll call:

**Yeas, 20; Nays, 8; 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

Van Tassell

On motion of Senator Eastman, under suspension of the rules, **S.B. 100, MOTOR VEHICLE DEALER DISCLOSURE REQUIREMENTS AMENDMENTS**, was considered read the second and third times. Senator Eastman explained the bill. The bill passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**
Voting in the affirmative were: Senators
Bramble  Buttars  Christensen  Davis
Dayton  Dmitrich  Eastman  Fife
Goodfellow  Greiner  Hickman  Hillyard
Jenkins  Jones  Killpack  Knudson
Madsen  Mayne  McCoy  Niederhauser
Peterson  Romero  Stephenson  Stowell
Van Tassell  Valentine

Absent or not voting were: Senators
Bell  Waddoups  Walker

S.B. 100 was transmitted to the House.

* * *

On motion of Senator Eastman, under suspension of the rules, S.B. 115, MOTOR VEHICLE SAFETY INSPECTION ADVISORY COUNCIL AMENDMENTS, was considered read the second and third times. Senator Eastman explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bramble  Buttars  Davis  Dayton
Dmitrich  Eastman  Fife  Goodfellow
Greiner  Hickman  Hillyard  Jenkins
Jones  Killpack  Knudson  Madsen
Mayne  McCoy  Niederhauser  Peterson
Romero  Stephenson  Stowell  Van Tassell
Walker  Valentine

Absent or not voting were: Senators
Bell  Christensen  Waddoups

S.B. 115 was transmitted to the House.

* * *

On motion of Senator Stowell, the circle was removed from S.B. 25, MUNICIPAL INCORPORATION AMENDMENTS, and it was before the Senate. Senator Stowell explained the bill.

On motion of Senator Stowell, the following substitute bill replaced the original bill:
2nd Sub. S.B. 25 Municipal Incorporation Amendments (D. Stowell)

On motion of Senator Stowell, the bill was circled.

***

S.B. 130, UTILITY IMPROVEMENT DISTRICT REVISIONS, was read the second time. Senator Van Tassell explained the bill. Senator Hickman commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell
Dayton
Greiner
Jones
Mayne
Romero
Walker
Bramble
Dmitrich
Hickman
Killpack
McCoy
Stephenson
Valentine
Buttars
Fife
Hillyard
Knudson
Niederhauser
Stowell

Absent or not voting were: Senators
Christensen
Eastman
Waddoups

***

1st Sub. S.B. 21, CAMPAIGN FINANCE DISCLOSURE REVISIONS, was read the second time. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell
Davis
Goodfellow
Jenkins
Madsen
Peterson
Van Tassell
Bramble
Dayton
Greiner
Jones
Mayne
Romero
Waddoups
Buttars
Dmitrich
Hickman
Killpack
McCoy
Stephenson
Walker

Absent or not voting was: Senator
Eastman
On motion of Senator Bramble, and at 11:45 a.m., the Senate recessed.

### EVENING SESSION

The Senate reassembled at 5:10 p.m., with President Valentine presiding.

### COMMUNICATIONS FROM THE HOUSE

Mr. President:

January 31, 2008

The House passed, **S.B. 112**, LEGISLATIVE SPACE IN THE CAPITOL, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

**S.B. 112** 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, 2008

The House passed **H.B. 10**, DISCLOSURE OF IDENTITY TO OFFICER, by Representative C. Oda, and it is transmitted for consideration; and

The House passed **H.B. 12**, CONTROLLED SUBSTANCES AND PARAPHERNALIA, by Representative C. Oda, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 14**, DISCHARGE OF FIREARM AMENDMENTS, by Representative C. Wimmer, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 35**, MOTOR AND SPECIAL FUEL TAX AMENDMENTS, by Representative C. Frank, and it is transmitted for consideration; and

The House passed **H.B. 59**, COMMUNITY AND ECONOMIC DEVELOPMENT TECHNICAL CHANGES, by Representative S. Mascaro, et al, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 62**, CLEAN FUEL SPECIAL GROUP LICENSE PLATE AMENDMENTS, by Representative T. Kiser, and it is transmitted for consideration; and
The House passed, as substituted and amended, **1st Sub. H.B. 95**, DOCUMENT FRAUD, by Representative K. Morgan, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 107**, EMERGENCY MANAGEMENT ADMINISTRATIVE COUNCIL, by Representative C. Oda, and it is transmitted for consideration; and

The House passed **H.B. 235**, COUNTY MERIT SYSTEM AMENDMENTS, by Representative B. Dee, and it is transmitted for consideration; and

The House passed **H.B. 256**, CRIMINAL PENALTIES AMENDMENTS – INCLUDING JESSICA’S LAW, by Representative C. Wimmer, et al, and it is transmitted for consideration; and

The House passed **H.B. 270**, UTAH SCIENCE TECHNOLOGY AND RESEARCH INITIATIVE CENTERS, by Representative R. Bigelow, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk


**RULES COMMITTEE REPORTS**

To the Members of the Senate: January 31, 2008

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

**Education Committee**

**H.B. 234** Kindergarten Assessment Amendments (Rep. L. Shurtleff) (Sen. P. Jones)

**Government Operations and Political Subdivisions Committee**


**Health and Human Services Committee**

**S.B. 93** Licensed Direct Entry Midwife Amendments (Sen. M. Dayton)
S.B. 175  Death Certificate Procedure Amendments  
(Sen. J. Greiner)

H.B. 38  Education and Outreach Regarding Substances Harmful During Pregnancy (Rep. R. Menlove) (Sen. C. Walker)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 117  Animal Cruelty Amendments (Sen. A. Christensen)

S.B. 102  Animal Torture Offense (Sen. G. Davis)

S.B. 180  Regents’ Scholarship Program (Sen. L. Hillyard)

S.B. 182  Survival Action upon Injury or Death (Sen. M. Waddoups)

S.J.R. 9  Joint Resolution Amending Rules of Evidence Relating to Information Contained in the Management Information System (Sen. G. Davis)


H.B. 34  Email Information Required of Registered Sex Offenders (Rep. J. Bird) (Sen. S. Jenkins)

Natural Resources, Agriculture and Environment Committee


Revenue and Taxation Committee

S.B. 178  Senior Citizen Property Tax Safe Harbor (Sen. D. C. Buttars)

Transportation, Public Utilities and Technology Committee

S.B. 179  Salvage Vehicle Amendments (Sen. C. Walker)

S.B. 181  Off–highway Vehicle Use on Public Highways (Sen. S. Jenkins)

Workforce Services and Community and Economic Development Committee

Bill Hickman
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: January 31, 2008

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 78, COUNTY PERSONNEL MANAGEMENT ACT AMENDMENTS, by Senator W. Niederhauser, with the following amendments:

1. Page 1, Lines 14 through 15:

   14 persons appointed by an elected county officer to { supervise or oversee departmental

   15 or } administer division functions in furtherance of the performance of the elected officer’s

2. Page 3, Line 79:

   79 (A) appointed by an elected county officer to { supervise or oversee departmental or } administer

3. Page 4, Line 102:

   102 to exempt or tenured, the { county legislative

   body } career service council shall, after giving due notice, hold

   a public ; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 160, CANDIDATE REPLACEMENT DEADLINE FOR GENERAL ELECTION, by Senator P. Knudson; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 29, ELECTION LAW − FINANCIAL REPORTING, by Representative B. Daw; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 79, SUNSET REAUTHORIZATIONS AND AMENDMENTS, by Representative D. Clark; and
The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.J.R. 5**, JOINT RESOLUTION AMENDING LEGISLATIVE APPORTIONMENT, by Senator C. Bramble; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.J.R. 6**, JOINT RESOLUTION ENCOURAGING THE GOVERNOR’S BOARD APPOINTMENTS TO REFLECT UTAH GEOGRAPHIC BALANCE, by Senator D. Stowell; and


Peter C. Knudson, Chair

On motion of Senator Hickman, the committee reports were adopted. **S.B. 78**, as amended, **S.B. 160, H.B. 29, H.B. 79, S.J.R. 5, S.J.R. 6**, and **S.J.R. 7** were placed on Second Reading Calendar.

**STANDING COMMITTEE REPORTS**

Mr. President: January 31, 2008

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 77**, REVISIONS TO GOVERNMENT RECORDS ACCESS MANAGEMENT ACT, by Senator M. Dayton, with the following amendment and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 5, Line 144:
   At the beginning of the line,
   Delete “bidding or application period is closed,”
   Insert “contract or grant has been awarded” and
   After “a bid” Insert “, proposal,”; and

The Government Operations and Political Subdivisions Committee recommends **S.B. 158**, STATEWIDE RURAL BOARDS AND COMMITTEES, by Senator D. Stowell, be replaced and favorably recommends **1st Sub. S.B. 158**, GOVERNOR’S RURAL PARTNERSHIP BOARD AND RURAL
COORDINATING COMMITTEE AMENDMENTS and that it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

On motion of Senator Hickman, the committee reports were adopted. S.B. 77, as amended, and 1st Sub. S.B. 158 were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 81, Illegal Immigration (J. Hickman), read the first time by short title and referred to the Rules Committee.

S.B. 82, Ambulatory Surgical Centers Amendments (A. Christensen), read the first time by short title and referred to the Rules Committee.

S.B. 83, Check Cashing and Deferred Deposit Lending Registration Act (K. Mayne), read the first time by short title and referred to the Rules Committee.

S.B. 91, Benefits to American Board Certified Teachers (M. Madsen), read the first time by short title and referred to the Rules Committee.

S.B. 92, Real Property Recording Amendments (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 184, Child Care Licensing Exemptions (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 185, Economic Incentive Revisions (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 186, Custody and Parent−time for Non−parents (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 187, Bail in Capital Offense Cases (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 188, Pilot Program for Summer School and after School Programs for Children with a Disability (G. Bell), read the first time by short title and referred to the Rules Committee.

S.J.R. 10, Joint Resolution Amending Constitution Regarding Taxes of the Elderly (G. Davis), read the first time by short title and referred to the Rules Committee.
On motion of Senator Knudson, **H.B. 129**, APPROPRIATION FOR CONSTRUCTION OF A VETERANS’ NURSING HOME IN OGDEN, will be considered Friday, February 19, 2008 at 10:00 a.m.

**SECOND READING CALENDAR**

**S.B. 32**, LOCAL GOVERNMENT BONDING ACT – PUBLIC HEARINGS, was read the second time. Senator Jenkins explained the bill.

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

2nd Sub. **S.B. 32** Local Government Bonding Act – Public Hearings  
(S. Jenkins)

The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators  
Bell  Buttars  Christensen  Davis  
Dayton  Dmitrich  Eastman  Fife  
Goodfellow  Greiner  Hickman  Hillyard  
Jenkins  Jones  Killpack  Knudson  
Madsen  Mayne  McCoy  Niederhauser  
Peterson  Romero  Stephenson  Stowell  
Van Tassell  Waddoups  Walker  Valentine

**Absent or not voting was:** Senator  
Bramble

* * *

On motion of Senator Waddoups, legislative staff was authorized to draft a bill regarding condominiums.

* * *

**S.B. 123**, FILLING VACANCIES IN THE SENATE, was read the second time. Senator Hickman explained the bill.

Senator Romero proposed the following amendment:
provides that, beginning on January 1, 2008, when a vacancy exists in the state Senate, the person appointed to fill the vacancy shall serve for the entire unexpired term rather than only until the next regular general election;

1. Page 2, Lines 37 through 41:

When a vacancy exists for any reason in the office of senator in the Legislature, the governor shall fill the vacancy for the unexpired term at the next regular general election. The governor shall fill the vacancy until the next regular general election by immediately appointing the person whose name was submitted by the party liaison of the same political party as the prior senator.

Senator Romero’s motion to amend passed on a voice vote. Senators Killpack, McCoy, Buttars, Hillyard, and Bramble commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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S.B. 31, INCOME TAX AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. Senators Dayton, Walker, Bramble, and Hickman commented. 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

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**S.B. 96, MULTI−CHANNEL VIDEO OR AUDIO SERVICE TAX ACT AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. Senators Goodfellow, Van Tassell, Bramble, Jenkins, and Hickman commented. Senator Hickman declared a conflict of interest. The bill passed second reading on the following roll call:**

**Y** eas, 28; **N** ays, 0; **A** bsent, 1.

Voting in the affirmative were: Senators

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Absent or not voting was: Senator Buttars

**On motion of Senator Niederhauser, under suspension of the rules, S.B. 99, AMENDMENTS TO SALES AND USE TAX EXEMPTION FOR**
PROSTHETIC DEVICES, was considered read the second and third times. Senator Niederhauser explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**S.B. 99** was transmitted to the House.

***

**S.B. 124, SALES AND USE TAX − DEFINITIONS OF PERMANENTLY ATTACHED TO REAL PROPERTY AND TANGIBLE PERSONAL PROPERTY,** was read the second time.

On motion of Senator Stephenson, the bill was circled.

***

On motion of Senator Niederhauser, under suspension of the rules, **S.B. 135, EXTENDING THE SALES AND USE TAX EXEMPTION FOR POLLUTION CONTROL FACILITIES,** was considered read the second and third times. Senator Niederhauser 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

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Absent or not voting was: Senator Christensen

S.B. 135 was transmitted to the House.

***

S.B. 137, MINERAL PRODUCTION TAX WITHHOLDING AMENDMENTS, was read the second time.

On motion of Senator Niederhauser, the bill was circled.

***

S.B. 52, IDENTIFY THEFT AMENDMENT, was read the second time. Senator Walker explained the bill. Senator Hillyard commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell, Bramble, Buttars, Christensen
Davis, Dayton, Eastman, Fife
Goodfellow, Greiner, Hickman, Hillyard
Jenkins, Jones, Killpack, Knudson
Madsen, Mayne, McCoy, Niederhauser
Peterson, Romero, Stephenson, Stowell
Van Tassell, Waddoups, Walker, Valentine

Absent or not voting was: Senator Dmitrich

***

S.B. 94, BURGLARY OF A RAILROAD CAR, was read the second time. Senator Peterson explained the bill. Senators Greiner, Valentine, Jenkins, and Christensen commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell, Bramble, Buttars, Christensen
Dayton, Dmitrich, Eastman, Fife
Goodfellow, Greiner, Hickman, Hillyard
S.B. 114, NORATY PUBLIC REVISIONS, was read the second time. 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

Bell
Dayton
Goodfellow
Killpack
Peterson
Van Tassell

Bramble
Dmitrich
Greiner
Knudson
Romero
Waddoups

Buttars
Eastman
Hillyard
Mayne
Stephenson
Walker

Christensen
Fife
Jones
McCoy
Stowell
Valentine

**Absent or not voting were:** Senators

Davis
Niederhauser

Madsen

**Absent or not voting were:** Senators

Davis

Hickman
Jenkins
Niederhauser


* ***

On motion of Senator Stephenson, the circle was removed from S.B. 124, SALES AND USE TAX − DEFINITIONS OF PERMANENTLY ATTACHED TO REAL PROPERTY AND TANGIBLE PERSONAL PROPERTY, and it was before the Senate. Senator Stephenson explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell
Davis
Fife
Jenkins
Madsen
Peterson
Van Tassell

Bramble
Dayton
Goodfellow
Jones
Mayne
Romero
Waddoups

Buttars
Dmitrich
Greiner
Killpack
McCoy
Stephenson
Walker

Christensen
Eastman
Hillyard
Knudson
Niederhauser
Stowell
Valentine

* ***

**Absent or not voting were:** Senators

Davis

Madsen
Absent or not voting was: Senator Hickman

* * *

On motion of Senator Niederhauser, the circle was removed from S.B. 137, MINERAL PRODUCTION TAX WITHHOLDING AMENDMENTS, and it was before the Senate. Senator Niederhauser explained the bill. Senator Valentine commented.

On motion of Senator Niederhauser, the bill was circled.

* * *

S.B. 120, DEPARTMENT OF CORRECTIONS EMPLOYEE VEHICLE USE, was read the second time. Senator Peterson explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell      Bramble      Buttars      Christensen
Davis     Dayton       Dmitrich     Eastman
Fife      Goodfellow   Greiner      Hillyard
Jenkins   Jones        Killpack     Knudson
Madsen    Mayne        McCoy        Niederhauser
Peterson  Romero       Stephenson   Stowell
Van Tassell Waddoups   Walker       Valentine

Absent or not voting was: Senator Hickman

* * *

S.B. 122, UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT, was read the second time. Senator Hillyard explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell      Bramble      Buttars      Christensen
Davis     Dayton       Dmitrich     Eastman
On motion of Senator Greiner, under suspension of the rules, S.C.R. 3, RESOLUTION SUPPORTING OBSERVANCE OF PEACE OFFICERS MEMORIAL DAY, was considered read the second and third times. Senator Greiner explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

** **

S.B. 58, WORKERS’ COMPENSATION RELATED AMENDMENTS, was read the second time. Senator Dmitrich explained the bill.

Senator Dmitrich proposed the following amendment:

1. Page 4, Lines 90 through 100
   Senate Committee Amendments
   1–25–2008

   90  (2) (a) {→If } Subject to Title 63, Chapter 46b, Administrative Procedures Act, if the division {→believes } finds that an employer is violating or has violated Subsection
(1), the division shall send written notice to the employer of the requirements of this section and Section 34A−2−201.

(b) The division shall send the notice described in Subsection (2)(a) to the last address on the records of the commission for the employer.

(3) (a) If, after the division mails the notice required by Subsection (2) to an employer, the employer again violates Subsection (1), the division may impose a penalty against the employer of up to $1,000 for each violation.

(b) If, after the division imposes a penalty under Subsection (3)(a) against the employer, the employer again violates Subsection (1), the division may impose a penalty of up to $5,000 for each violation.

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

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

**Voting in the affirmative were:** Senators

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On motion of Senator Bramble and at 7:00 p.m., the Senate adjourned until 10:00 a.m., Friday, February 1, 2008.
TWELFTH DAY
MORNING SESSION
FEBRUARY 1, 2008

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

Prayer – Former State Senator Patrice Arent
Pledge of Allegiance – Senator Fred Fife
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(Please refer to Day 1, Page 64)

INTRODUCTION OF BILLS

S.B. 84, Net Metering Programs (K. VanTassell), read the first time by short title and referred to the Rules Committee.

S.B. 89, Preventing Catastrophic Wildland Fires (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 90, Payment in Lieu of Property Taxes Act (G. Davis), read the first time by short title and referred to the Rules Committee.

S.B. 189, Independent Contractor Database (D. Eastman), read the first time by short title and referred to the Rules Committee.

S.B. 190, Public Classroom Displays (A. Christensen), read the first time by short title and referred to the Rules Committee.

S.B. 191, Judicial Conduct Commission Amendments (G. Davis), read the first time by short title and referred to the Rules Committee.

S.B. 192, Sex Offense Amendments (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 193, Election Law Changes (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 194, Metal Theft Amendments and Penalties (J. Greiner), read the first time by short title and referred to the Rules Committee.
THIRD READING CALENDAR

H.B. 63, RECODIFICATION OF TITLE 63 STATE AFFAIRS IN GENERAL, 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

| Eastman | Goodfellow | Stephenson |

H.B. 63 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

CONSENT CALENDAR

1st Sub. H.B. 24, AMENDMENTS TO UTAH DIGITAL HEALTH SERVICE COMMISSION ACT, 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

| Goodfellow | Stephenson |

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.
THIRD READING CALENDAR

H.B. 16, MEDICAID COVERAGE FOR CERTAIN TELEHEALTH SERVICES, 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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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. 21, EMPLOYMENT SECURITY ACT AMENDMENTS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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H.B. 21 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

S.B. 34, CONFIDENTIALITY OF REPORTS TO DRIVER LICENSE DIVISION, was read the third time, explained by Senator Christensen, and passed on the following roll call:
Yeas, 20; Nays, 9; Absent, 0.

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Eastman  Greiner  Hillyard  Jones
Killpack  Madsen  McCoy  Niederhauser
Peterson  Romero  Stephenson  Stowell
Van Tassell  Waddoups  Walker  Valentine

Voting in the negative were: Senators
Davis  Dayton  Dmitrich  Fife
Goodfellow  Hickman  Jenkins  Knudson
Mayne

S.B. 34 was transmitted to the House for consideration.

* * *

S.B. 130, UTILITY IMPROVEMENT DISTRICT REVISIONS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Buttars  Christensen  Davis
Dayton  Dmitrich  Eastman  Fife
Goodfellow  Greiner  Hickman  Hillyard
Jenkins  Jones  Killpack  Knudson
Madsen  Mayne  McCoy  Niederhauser
Peterson  Romero  Stowell  Van Tassell
Waddoups  Walker  Valentine

Absent or not voting were: Senators
Bramble  Stephenson

S.B. 130 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 21, CAMPAIGN FINANCE DISCLOSURE REVISIONS, was read the third time.

On motion of Senator Knudson, the bill was circled.
2nd Sub. S.B. 32, LOCAL GOVERNMENT BONDING ACT – PUBLIC HEARINGS, was read the third time, explained by Senator Jenkins, 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

| Bramble | Stephenson |

2nd Sub. S.B. 32 was transmitted to the House for consideration.

**S.B. 123, FILLING VACANCIES IN THE SENATE, was read the third time and explained by Senator Hickman.**

Senator Hickman proposed the following amendment:

1. Page 1, Lines 21 through 22
   Senate 2nd Reading Amendments 1–31–2008
   21 Other Special Clauses:
   22 {None} This bill provides an immediate effective date.

2. Page 2, Line 41
   Senate 2nd Reading Amendments 1–31–2008:
   41 liaison of the same political party as the prior senator.
   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 Hickman’s motion to amend passed on a voice vote. Senator McCoy commented and the bill passed on the following roll call:

**Yeas, 21; Nays, 5; Absent, 3.**

**Voting in the affirmative were:** Senators

- Buttars
- Davis
- Dayton
- Dmitrich
- Fife
- Goodfellow
- Greiner
- Hickman
- Hillyard
- Jenkins
- Jones
- Killpack
- Knudson
- Madsen
- Mayne
- Niederhauser
- Peterson
- Romero
- Stowell
- Walker
- Valentine

**Voting in the negative were:** Senators

- Bell
- Eastman
- McCoy
- Van Tassell
- Waddoups

**Absent or not voting were:** Senators

- Bramble
- Christensen
- Stephenson

S.B. 123, as amended, was transmitted to the House for consideration.

***

On motion of Senator Niederhauser the Senate voted to lift H.B. 52, RESEARCH ACTIVITIES TAX CREDITS AMENDMENTS, from the Third Reading Table and place it at the top of the Third Reading Calendar.

H.B. 52, RESEARCH ACTIVITIES TAX CREDITS AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

- Bell
- Bramble
- Buttars
- Davis
- Dayton
- Dmitrich
- Eastman
- Fife
- Goodfellow
- Greiner
- Hickman
- Hillyard
- Jenkins
- Jones
- Killpack
- Knudson
- Peterson
- Romero
- Stowell
- Walker

**S.B. 123**
Madsen    Mayne    McCoy    Niederhauser
Peterson    Romero    Stowell    Van Tassell
Waddoups    Walker    Valentine

Absent or not voting were: Senators
Christensen    Stephenson

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.

* * *

S.B. 31, INCOME TAX AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell    Bramble    Buttars    Christensen
Davis    Dayton    Dmitrich    Eastman
Fife    Goodfellow    Greiner    Hillyard
Jenkins    Jones    Knudson    Madsen
Mayne    McCoy    Niederhauser    Peterson
Romero    Stephenson    Stowell    Van Tassell
Waddoups    Walker    Valentine

Absent or not voting were: Senators
Hickman    Killpack

S.B. 31 was transmitted to the House for consideration.

* * *

S.B. 96, MULTI–CHANNEL VIDEO OR AUDIO SERVICE TAX ACT AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell    Buttars    Christensen    Davis
Dayton    Dmitrich    Eastman    Fife
Goodfellow    Greiner    Hillyard    Jenkins
Jones    Knudson    Madsen    Mayne
McCoy    Niederhauser    Peterson    Romero
Stephenson    Stowell    Van Tassell    Waddoups
Walker    Valentine

Absent or not voting were: Senators
Bramble    Hickman    Killpack

S.B. 96 was transmitted to the House for consideration.

***

S.B. 52, IDENTITY THEFT AMENDMENT, was read the third time.
On motion of Senator Walker, the bill was circled.

***

S.B. 94, BURGLARY OF A RAILROAD CAR, was read the third time.
On motion of Senator Peterson, the bill was circled.

***

S.B. 114, NOTARY PUBLIC REVISION, 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
Bell    Buttars    Christensen    Davis
Dayton    Dmitrich    Eastman    Fife
Goodfellow    Greiner    Hillyard    Jenkins
Jones    Knudson    Madsen    Mayne
McCoy    Peterson    Romero    Stowell
Van Tassell    Waddoups    Walker    Valentine

Absent or not voting were: Senators
Bramble    Hickman    Killpack    Niederhauser
Stephenson

S.B. 114 was transmitted to the House for consideration.

***

On motion of Senator Van Tassell, the circle was removed from S.B. 110,
FOREIGN BUSINESS ENTITIES AND TRIBAL LAW, and it was before the
Senate. Senator Van Tassell explained the bill.
On motion of Senator Van Tassell, the following substitute bill replaced the original bill:

1st Sub. S.B. 110 Foreign Business Entities and Tribal Law
(K. Van Tassell)

On motion of Senator Van Tassell, the bill was circled.

* * *

S.B. 124, SALES AND USE TAX − DEFINITIONS OF PERMANENTLY ATTACHED TO REAL PROPERTY AND TANGIBLE PERSONAL PROPERTY, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Bramble  Christensen  Hickman  Killpack  
Stephenson

S.B. 124 was transmitted to the House for consideration.

* * *

S.B. 120, DEPARTMENT OF CORRECTIONS EMPLOYEE VEHICLE USE, was read the third time, explained by Senator Peterson, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell  Buttars  Davis  Dayton  
Dmitrich  Eastman  Fife  Goodfellow  
Greiner  Hillyard  Jenkins  Jones  
Knudson  Mayne  McCoy  Niederhauser  
Peterson  Romero  Stephenson  Waddoups  
Walker  Valentine
Absent or not voting were: Senators
Bramble Christensen Hickman Killpack
Madsen Stowell Van Tassell

S.B. 120 was transmitted to the House for consideration.

***

S.B. 122, UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Buttars Davis Dayton
Dmitrich Eastman Fife Goodfellow
Greiner Hillyard Jenkins Jones
Knudson Mayne McCoy Niederhauser
Peterson Romero Stephenson Waddoups
Walker Valentine

Absent or not voting were: Senators
Bramble Christensen Hickman Killpack
Madsen Stowell Van Tassell

S.B. 122 was transmitted to the House for consideration.

***

S.B. 58, WORKERS’ COMPENSATION RELATED AMENDMENTS, 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
Bell Buttars Davis Dayton
Dmitrich Eastman Fife Goodfellow
Greiner Hillyard Jenkins Jones
Killpack Knudson Mayne McCoy
Niederhauser Peterson Romero Stephenson
Stowell Van Tassell Waddoups Walker
Valentine
Absent or not voting were: Senators
Bramble Christensen Hickman Madsen

S.B. 58 was transmitted to the House for consideration.

SECOND READING CALENDAR

S.B. 68, WORKERS’ COMPENSATION – DEATH BENEFITS, was read the second time. Senator Mayne explained the bill. Senators Greiner, 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
Bell Bramble Buttars Davis
Dayton Dmitrich Eastman Fife
Goodfellow Greiner Hillyard Jenkins
Jones Knudson Mayne McCoy
Niederhauser Peterson Romero Stephenson
Van Tassell Waddoups Walker Valentine

Absent or not voting were: Senators
Christensen Hickman Killpack Madsen
Stowell

* * *

1st Sub. S.B. 56, NATUROPATHIC PHYSICIAN AMENDMENTS, was read the second time. Senator McCoy explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Dayton Eastman Fife Goodfellow
Greiner Hickman Jenkins Jones
Knudson Mayne McCoy Niederhauser
Peterson Romero Stephenson Van Tassell
Waddoups Walker Valentine

Absent or not voting were: Senators
Davis Dmitrich Hillyard Killpack
Madsen Stowell
S.B. 62, HEALTH INSURANCE – MEDICAL COMPLICATION EXCLUSIONS, was read the second time. Senator Knudson explained the bill. Senators Valentine and Greiner 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 Niederhauser, the circle was removed from 1st Sub. H.B. 77, PERSONAL PROPERTY TAX AMENDMENTS, and it was before the Senate. Senator Niederhauser explained the bill.

On motion of Senator Niederhauser, the bill was circled.

On motion of Senator Hillyard, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

On motion of Senator Hillyard, the circle was removed from S.B. 52, IDENTITY THEFT AMENDMENT, and it was before the Senate. Senator Hillyard explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 1, Line 12:
12  {authorizes—} directs the court to order restitution to the victim of an identity fraud offense or state on the record why restitution is not appropriate;

2. Page 3, Lines 66 through 67:

66  (5) When a defendant is convicted of a violation of this section, the court {may } shall order the defendant to make restitution to any victim of the offense or state on the record the reason the court does not find ordering restitution to be appropriate.

67  (6) Restitution under Subsection (5) may include:

Senator Hillyard’s motion to amend passed on a voice vote. The bill, as amended, passed 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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S.B. 52 was transmitted to the House for consideration.

**SECOND READING CALENDAR**

S.B. 66, **UNIFORM EMERGENCY VOLUNTEER HEALTH PRACTITIONERS ACT**, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

**Yeas, 22; Nays, 0; Absent, 7.**
Voting in the affirmative were: Senators
Bramble Christensen Dayton Dmitrich
Eastman Fife Goodfellow Greiner
Hickman Hillyard Jenkins Jones
Knudson Mayne Niederhauser Peterson
Romero Stephenson Van Tassell Waddoups
Walker Valentine

Absent or not voting were: Senators
Bell Buttars Davis Killpack
Madsen McCoy Stowell

* * *

On motion of Senator Jenkins, the Senate voted to move 1st Sub. S.B. 144, PARAMETERS ON GOVERNOR’S ABILITY TO ENTER AGREEMENTS BINDING THE STATE, to the top of the Second Reading Calendar.

1st Sub. S.B. 144, PARAMETERS ON GOVERNOR’S ABILITY TO ENTER AGREEMENTS BINDING THE STATE, was read the second time. Senator Jenkins explained the bill. Senators Jones, Bramble, and Romero commented. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 2; Absent, 1.

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Eastman
Fife Goodfellow Greiner Hickman
Hillyard Jenkins Killpack Knudson
Madsen Mayne Niederhauser Peterson
Stephenson Stowell Van Tassell Waddoups
Walker Valentine

Voting in the negative were: Senators
Jones Romero

Absent or not voting was: Senator
McCoy

* * *

S.B. 146, AMENDMENT TO UNIFORM ANATOMICAL GIFT ACT, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:
Y eas, 24; Nays, 0; Absent, 5.

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Buttars    Davis          Killpack        McCoy
Stowell    

* * *

On motion of Senator Bramble and at 12:00 p.m., the Senate adjourned until 10:00 a.m., Monday, February 4, 2008.
FIFTEENTH DAY
MORNING SESSION
FEBRUARY 4, 2008

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

Prayer – Reverend Handi Jo Dolloff–Holt, Trinity United Methodist Church
Pledge of Allegiance – Senator Kevin Van Tassell
Roll Call – All Senators present except Senator Hickman, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 64)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 1, 2008

The House passed, as amended, H.B. 26, NOTARY PUBLIC REVISIONS, by Representative G. Donnelson, and it is transmitted for consideration; and

The House passed, as amended, H.B. 33, WAIVERS OF IMMUNITY – EXCEPTIONS, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed H.B. 44, DECLARATION OF CANDIDACY REVISIONS, by Representative G. Donnelson, and it is transmitted for consideration; and

The House passed, as amended, H.B. 65, CRIME OF STRANGULATION OR SMOTHERING, by Representative J. Seelig, et al, and it is transmitted for consideration; and

The House passed H.B. 144, MOTOR VEHICLE INSURANCE AMENDMENTS, by Representative T. Kiser, and it is transmitted for consideration; and

The House passed, as amended, H.B. 258, MEDICAID DRUG UTILIZATION AMENDMENTS, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed H.B. 265, OFFICE OF RECOVERY SERVICES – ELECTRONIC FUNDS TRANSFER, by Representative P. Ray, and it is transmitted for consideration; and
The House passed **H.J.R. 1**, RESOLUTION ADDRESSING INTERNATIONAL TRADE ISSUES, by Representative S. Allen, and it is transmitted for consideration; and

The House passed **H.J.R. 5**, JOINT RESOLUTION URGING SUPPORT OF MEDICAID LONG-TERM CARE FUNDING OF HOME AND COMMUNITY-BASED SUPPORTS, by Representative M. Noel, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk


**RULES COMMITTEE REPORTS**

To the Members of the Senate: February 1, 2008

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

**Business and labor Committee**
- **S.B. 83** Check Cashing and Deferred Deposit Lending Registration Act (Sen. K. Mayne)
- **S.B. 166** Nondiscrimination Amendments (Sen. S. McCoy)

**Education Committee**
- **S.B. 91** Benefits to American Board Certified Teachers (Sen. M. Madsen)
- **H.B. 67** Extended Year for Special Educators (Rep. R. Menlove) (Sen. L. Hillyard)
- **H.B. 253** Higher Education Information Technology Appropriation (Rep. S. Clark) (Sen. C. Bramble)

**Government Operations and Political Subdivisions Committee**
- **S.B. 81** Illegal Immigration (Sen. J. Hickman)
- **S.B. 92** Real Property Recording Amendments (Sen. D. Stowell)
H.B. 235  County Merit System Amendments (Rep. B. Dee)  
(Sen. J. Greiner)

Health and Human Services Committee
S.B. 82  Ambulatory Surgical Centers Amendments  
(Sen. A. Christensen)
S.B. 184  Child Care Licensing Exemptions (Sen. J. Greiner)
S.B. 186  Custody and Parent−time for Non−parents  
(Sen. L. Hillyard)
S.B. 188  Pilot Program for Summer School and after School  
Programs for Children with a Disability (Sen. G. Bell)
1st Sub. H.B. 47  Standards for Electronic Exchange of Clinical Health  
Information (Rep. R. Menlove) (Sen. P. Knudson)

Judiciary, Law Enforcement, and Criminal Justice Committee
S.B. 183  Child Pornography Amendment (Sen. D. C. Buttars)
S.B. 187  Bail in Capital Offense Cases (Sen. J. Greiner)
H.B. 10  Disclosure of Identity to Officer (Rep. C. Oda)  
(Sen. J. Greiner)
H.B. 12  Controlled Substances and Paraphernalia (Rep. C. Oda)  
(Sen. J. Greiner)
H.B. 14  Discharge of Firearm Amendments (Rep. C. Wimmer)  
(Sen. M. Madsen)
H.B. 46  Adoption and Termination of Parental Rights  
(Rep. S. Allen) (Sen. C. Walker)
H.B. 256  Criminal Penalties Amendments – Including Jessica’s  
Law (Rep. C. Wimmer) (Sen. H. Stephenson)

Natural Resources, Agriculture and Environment Committee
S.B. 89  Preventing Catastrophic Wildland Fires (Sen. D. Stowell)

Revenue and Taxation Committee
S.J.R. 10  Joint Resolution Amending Constitution Regarding Taxes  
of the Elderly (Sen. G. Davis)
H.B. 35  Motor and Special Fuel Tax Amendments (Rep. C. Frank)  
(Sen. W. Niederhauser)

Transportation, Public Utilities and Technology Committee
1st Sub. H.B. 62  Clean Fuel Special Group License Plate Amendments  
(Rep. T. Kiser) (Sen. C. Walker)
Workforce Services and Community and Economic Development Committee

S.B. 185  Economic Incentive Revisions (Sen. L. Hillyard)
H.B. 64  Disclosure of Information by the Department of Workforce Services (Rep. P. Neuenschwander) (Sen. W. Niederhauser)

Bill Hickman
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 1, 2008

The Business and Labor Committee reports a favorable recommendation on S.B. 69, UNIFORM LIMITED COOPERATIVE ASSOCIATION ACT, by Senator L. Hillyard, with the following amendments:

1. Page 14, Lines 408 through 410:

408  (2)  Notwithstanding Section 48−2a−102, the name of a limited cooperative association must contain the words “limited cooperative association” or “limited cooperative” or the abbreviation “L.C.A.” or “LCA”.

2. Page 25, Line 771 through Page 26, Line 775:

771  (3) The first annual report must be delivered to the division between January 1 and

772  April 1 of the year following the calendar year in which the limited cooperative association is formed or the foreign cooperative is authorized to transact business in this state.

773  For subsequent years, an annual report must be delivered to the division between January 1 and April 1 of each subsequent year.
The Business and Labor Committee reports a favorable recommendation on S.B. 143, INSURANCE FINANCIAL REQUIREMENTS, by Senator K. VanTassell; and

The Business and Labor Committee reports a favorable recommendation on S.B. 165, ALCOHOLIC BEVERAGE SINGLE EVENT PERMITS, by Senator S. McCoy; and

The Business and Labor Committee reports a favorable recommendation on H.J.R. 2, RESOLUTION ENCOURAGING MANUFACTURED AND MOBILE HOME PARKS AS AFFORDABLE HOUSING, by Representative N. Hendrickson.

Kevin T. Van Tassell, Chair

Mr. President: February 1, 2008

The Health and Human Services Committee reports a favorable recommendation on H.B. 73, CHILD CARE PROVIDERS, by Representative K. Morgan; and

The Health and Human Services Committee reports a favorable recommendation on H.B. 82, NOTICE OF CHANGES TO THE STATE MEDICAID PLAN, by Representative M. Newbold.

D. Chris Buttars, Chair

Mr. President: February 1, 2008

The Education Committee reports a favorable recommendation on H.B. 68, EDUCATOR RELICENSURE INITIATIVE, by Representative R. Menlove; and

The Education Committee reports a favorable recommendation on H.B. 118, VETERANS HIGH SCHOOL DIPLOMAS, by Representative L. Hemingway; and

The Education Committee reports a favorable recommendation on H.B. 245, ADMINISTRATION OF MEDICATION TO STUDENTS AMENDMENTS, by Representative R. Lockhart.

Margaret Dayton, Chair
Mr. President:

February 1, 2008

The Natural Resources, Agriculture, and Environment Committee recommends **S.B. 46**, ANTI–FLOW CONTROL AMENDMENTS, by Senator D. Eastman, be replaced and favorably recommends **1st Sub. S.B. 46**, ANTI–FLOW CONTROL AMENDMENTS with the following amendments:

1. **Page 1, Lines 13 through 15:**

   13 prohibits a public entity from requiring solid waste to be stored, recovered, or disposed of at a specific waste facility, unless the public entity has physical custody of the solid waste; except in certain circumstances.

2. **Page 181, Line 181 through Page 7, Line 184:**

   181 owned or operated by a public entity if:
   
   (a) the solid waste is in the physical custody of:
   
   182 {-(a) } (i) the public entity; or
   
   183 {-(b) } (ii) a person with whom the public entity has an agreement to provide solid waste management:
   
   184 waste management {→ } or
   
   (b) no other solid waste management facility exists within:
   
   (i) the county in which the public entity is located; or
   
   (ii) 25 miles outside the geographic boundary of the county described in Subsection (2)(b)(i).

Darin G. Peterson, Chair

Mr. President:

February 1, 2008

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 148**, ENFORCEMENT OF FRONT
LICENSE PLATE DISPLAY REQUIREMENT AMENDMENTS, by Senator S. Killpack; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 168**, HIGHWAY FUNDING AMENDMENTS, by Senator D. Stowell; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 179**, SALVAGE VEHICLE AMENDMENTS, by Senator C. Walker, with the following amendments:

1. Page 1, Line 17:

   17 • (pays off the ) issues settlement payment to the registered owner of the vehicle;

2. Page 2, Line 57:

   57 (B) (pays off the ) issues settlement payment to the registered owner of the vehicle; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 181**, OFF–HIGHWAY VEHICLE USE ON PUBLIC HIGHWAYS, by Senator S. Jenkins, with the following amendments:

1. Page 3, Lines 78 through 84:

   78 (2) Unless the street or highway is designated as open for off–highway vehicle use by
   79 the municipality or county in accordance with Section 41–22–10.5, a person may not operate an
   80 off–highway vehicle on a street or highway in accordance with Subsection (1)(d) if the street or
   81 highway is under the jurisdiction of:
   82 (a) a county of the first (or second ) class;
   83 (b) a municipality that is within a county of the first (or second ) class; or
   84 (c) a municipality with a population of 30,000 or more people; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 57**, TRANSPORTATION
ADMINISTRATIVE RULES – CRIMINAL AND CIVIL PENALTY AMENDMENTS, by Representative T. Kiser; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 61, DESIGNATION OF STATE HIGHWAYS AMENDMENTS, by Representative T. Kiser.

Carlene M. Walker, Chair

Mr. President: February 1, 2008

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on 1st Sub. H.B. 18, MATERIAL HARMFUL TO MINORS AMENDMENTS, by Representative P. Ray; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 30, VEHICLE CONCEALING ILLEGAL ITEMS, by Representative P. Ray.

Gregory S. Bell, Chair


STANDING COMMITTEE REPORTS

Mr. President: February 1, 2008

The Business and Labor Committee reports a favorable recommendation on S.B. 163, CERTIFIED PUBLIC ACCOUNTANT LICENSING ACT AMENDMENTS, by Senator C. Bramble, and recommends it be considered read for the second time and placed on the Consent Calendar.

Kevin T. Van Tassell, Chair

Mr. President: February 1, 2008

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.B. 249, VEHICLES COVERED BY NEW MOTOR VEHICLE WARRANTIES, by Representative K. Gibson, and
recommends it be considered read for the second time and placed on the Consent Calendar.

Darin G. Peterson, Chair

Mr. President: February 1, 2008

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 11, PAROLE AMENDMENTS, by Representative C. Oda, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 139, UTAH ANTITRUST ACT AMENDMENTS, by Senator L. Hillyard, and recommends it be considered read for the second time and placed on the Consent Calendar.

Gregory S. Bell, Chair

On motion of Senator Killpack, the committee reports were adopted. S.B. 163, H.B. 249, H.B. 11, and S.B. 139 were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 195, Use of Campaign Contributions (G. Bell), read the first time by short title and referred to the Rules Committee.

COMMITTEE OF THE WHOLE

On motion of Senator Dmitrich, Jill Stevens, Miss Utah, spoke in Committee of the Whole. Senators Walker and Dmitrich commented.

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

CONSENT CALENDAR

S.B. 155, PUNITIVE DAMAGES AMENDMENTS, was read the third time, explained by Senator , and passed on the following roll call:

Y eas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Eastman Fife
Day 15  Monday, February 4, 2008  243

Goodfellow  Greiner  Hillyard  Jenkins
Jones       Killpack  Madsen  Mayne
McCoy       Niederhauser  Peterson  Romero
Stowell     Van Tassell  Waddoups  Walker
Valentine

Absent or not voting were: Senators
Dmitrich  Hickman  Knudson  Stephenson

S.B. 155 was transmitted to the House for consideration.

THIRD READING CALENDAR

S.B. 68, WORKERS’ COMPENSATION – DEATH BENEFITS, was read the third time, explained by Senator Mayne, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Eastman
Fife  Goodfellow  Greiner  Hillyard
Jenkins  Jones  Killpack  Knudson
Madsen  Mayne  McCoy  Niederhauser
Peterson  Romero  Stowell  Van Tassell
Waddoups  Walker  Valentine

Absent or not voting were: Senators
Hickman  Stephenson

S.B. 68 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 56, NATUROPATHIC PHYSICIAN LICENSING AMENDMENTS, was read the third time, explained by Senator McCoy, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Eastman
Fife  Goodfellow  Greiner  Hillyard
Jenkins       Jones       Killpack       Knudson
Madsen       Mayne       McCoy       Niederhauser
Peterson     Romero      Stowell      Van Tassell
Waddoups     Walker      Valentine

Absent or not voting were: Senators
Hickman       Stephenson

1st Sub. S.B. 56 was transmitted to the House for consideration.

* * *

S.B. 62, HEALTH INSURANCE − MEDICAL COMPLICATION EXCLUSIONS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell           Bramble     Buttars       Christensen
Davis         Dayton      Dmitrich     Eastman
Fife          Goodfellow  Greiner      Hillyard
Jenkins       Jones       Killpack     Knudson
Madsen        Mayne       McCoy       Niederhauser
Peterson      Romero      Stowell      Van Tassell
Waddoups      Walker      Valentine

Absent or not voting were: Senators
Hickman       Stephenson

S.B. 62 was transmitted to the House for consideration.

* * *

On motion of Senator Knudson, the circle was removed from 1st Sub. S.B. 21, CAMPAIGN FINANCE DISCLOSURE REVISIONS, and it was before the Senate. Senator Knudson explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell           Bramble     Buttars       Christensen
Davis         Dayton      Dmitrich     Eastman
Absent or not voting were: Senators
Hickman Stephenson

1st Sub. S.B. 21 was transmitted to the House for consideration.

* * *

On motion of Senator Van Tassell, the circle was removed from 1st Sub. S.B. 110, FOREIGN BUSINESS ENTITIES AND TRIBAL LAW, and it was before the Senate. Senator Van Tassell explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Eastman
Fife Goodfellow Greiner Hillyard
Jenkins Jones Killpack Knudson
Madsen Mayne McCoy Niederhauser
Peterson Romero Stowell Van Tassell
Waddoups Walker Valentine

Absent or not voting were: Senators
Hickman Stephenson

1st Sub. S.B. 110 was transmitted to the House for consideration.

* * *

S.B. 66, UNIFORM EMERGENCY VOLUNTEER HEALTH PRACTITIONERS ACT, was read the third time and explained by Senator Hillyard.

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

1st Sub. S.B. 66 Uniform Emergency Volunteer Health Practitioners Act (L. Hillyard)
The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Eastman
Fife Goodfellow Greiner Hillyard
Jenkins Jones Killpack Knudson
Madsen Mayne McCoy Niederhauser
Peterson Romero Stowell Van Tassell
Waddoups Walker Valentine

Absent or not voting were: Senators
Hickman Stephenson

1st Sub. S.B. 66 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 144, PARAMETERS ON GOVERNOR’S ABILITY TO ENTER AGREEMENTS BINDING THE STATE, was read the third time and explained by Senator Jenkins. Senators McCoy and Romero commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Eastman
Fife Goodfellow Greiner Hillyard
Jenkins Killpack Knudson Madsen
Mayne Niederhauser Peterson Stephenson
Stowell Van Tassell Waddoups Walker

Voting in the negative were: Senators
Jones McCoy Romero

Absent or not voting was: Senator
Hickman

1st Sub. S.B. 144 was transmitted to the House for consideration.
On motion of Senator Eastman, legislative staff was authorized to draft a bill regarding liquor law amendments.

On motion of Senator Bramble, legislative staff was authorized to draft a bill regarding financial institution amendments.

S.B. 146, AMENDMENT TO UNIFORM ANATOMICAL GIFT ACT, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Hickman

S.B. 146 was transmitted to the House for consideration.

SECOND READING CALENDAR

S.B. 36, CHARTER AND ONLINE SCHOOLS − PARTICIPATION IN EXTRACURRICULAR ACTIVITIES, was read the second time. Senator Madsen explained the bill.

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

1st Sub. S.B. 36 Charter and Online Schools − Participation in Extracurricular Activities (M. Madsen)

Senators Hillyard, Bell, and Dayton commented. The bill passed second reading on the following roll call:
Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators
Bell          Bramble          Buttars          Christensen
Dayton       Eastman          Fife            Goodfellow
Greiner      Hillyard         Jenkins         Jones
Killpack     Knudson          Madsen          Mayne
Niederhauser Peterson       Romero          Stephenson
Van Tassell  Waddoups        Walker

Absent or not voting were: Senators
Davis        Dmitrich         Hickman         McCoy
Stowell      Valentine

***

On motion of Senator Niederhauser, the circle was removed from S.B. 137, MINERAL PRODUCTION TAX WITHHOLDING AMENDMENTS, and it was before the Senate. Senator Niederhauser explained the bill.

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

1st Sub. S.B. 137 Mineral Production Tax Withholding Amendments
(W. Niederhauser)

On motion of Senator Niederhauser, under suspension of the rules, 1st Sub. S.B. 137, MINERAL PRODUCTION TAX WITHHOLDING AMENDMENTS, was considered read the second and third times. Senator Niederhauser explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bramble        Christensen    Dayton         Eastman
Fife           Goodfellow     Greiner         Hillyard
Jenkins        Jones          Killpack       Knudson
Madsen         Mayne          Niederhauser   Peterson
Romero         Stephenson     Stowell        Van Tassell
Waddoups       Walker          Valentine

Absent or not voting were: Senators
Bell           Buttars         Davis           Dmitrich
Hickman        McCoy

1st Sub. S.B. 137 was transmitted to the House.

* * *

S.B. 118, EDUCATION TRANSPORTATION AMENDMENTS, was read the second time. Senator Peterson explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bramble Christensen Dayton Eastman
Fife Goodfellow Greiner Hillyard
Jenkins Jones Killpack Knudson
Madsen Mayne Niederhauser Peterson
Romero Stephenson Stowell Van Tassell
Waddoups Walker Valentine

Absent or not voting were: Senators
Bell Buttars Davis Dmitrich
Hickman McCoy

* * *

On motion of Senator Niederhauser, the circle was removed from 1st Sub. H.B. 77, PERSONAL PROPERTY TAX AMENDMENTS, and it was before the Senate.

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

2nd Sub. H.B. 77 Personal Property Tax Amendments (J. Dougall)

On motion of Senator Niederhauser, the bill was circled.

* * *

1st Sub. S.B. 53, USE OF INITIATIVE AND REFERENDUM FOR ADMINISTRATIVE LAND USE AND ZONING MATTERS, was read the second time. Senator Goodfellow explained the bill. Senators Bell, Buttars, and Niederhauser commented. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.
Voting in the affirmative were: Senators
Bell  Bramble  Christensen  Dayton
Eastman  Fife  Goodfellow  Greiner
Hillyard  Jenkins  Jones  Killpack
Knudson  Madsen  Mayne  Niederhauser
Peterson  Romero  Stephenson  Stowell
Van Tassell  Waddoups  Walker  Valentine

Absent or not voting were: Senators
Buttars  Davis  Dmitrich  Hickman
McCoy

* * *

1st Sub. S.B. 54, INITIATIVE AND REFERENDUM PETITION AMENDMENTS, was read the second time. Senator Goodfellow explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Christensen  Dayton
Eastman  Fife  Goodfellow  Greiner
Hillyard  Jenkins  Jones  Killpack
Knudson  Madsen  Mayne  Niederhauser
Peterson  Romero  Stephenson  Stowell
Van Tassell  Waddoups  Walker  Valentine

Absent or not voting were: Senators
Buttars  Davis  Dmitrich  Hickman
McCoy

* * *

S.B. 113, ACCESS TO RESEARCH WORKERS' PERSONAL INFORMATION, was read the second time. Senator Bell explained the bill. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Dayton  Eastman  Fife  Goodfellow
Greiner  Hillyard  Jenkins  Jones
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Killpack  Knudson  Madsen  Mayne
Niederhauser  Peterson  Romero  Stowell
Van Tassell  Waddoups  Walker  Valentine

Voting in the negative was: Senator
Stephenson

Absent or not voting were: Senators
Davis  Dmitrich  Hickman  McCoy

* * *

S.B. 28, APPORTIONMENT OF BUSINESS INCOME, ATTRIBUTING
SALES TO THE STATE, AND DEDUCTION OF NET LOSSES BY A
UNITARY GROUP, 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
Bell  Bramble  Buttars  Christensen
Dayton  Eastman  Fife  Goodfellow
Greiner  Hillyard  Jenkins  Jones
Killpack  Knudson  Madsen  Mayne
Niederhauser  Peterson  Romero  Stephenson
Stowell  Van Tassell  Waddoups  Walker
Valentine

Absent or not voting were: Senators
Davis  Dmitrich  Hickman  McCoy

* * *

1st Sub. S.B. 38, TRANSPARENCY IN GOVERNMENT FINANCE, was
read the second time.

On motion of Senator Niederhauser, the bill was circled.

* * *

On motion of Senator Niederhauser, under suspension of the rules, S.B. 64,
INCOME TAX – CAPITAL GAIN TRANSACTIONS, was considered read the
second and third times. Senator Niederhauser explained the bill. The bill passed
on the following roll call:
Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Dayton  Eastman  Fife  Goodfellow
Greiner  Hillyard  Jenkins  Jones
Killpack  Knudson  Madsen  Mayne
Niederhauser  Peterson  Romero  Stephenson
Stowell  Van Tassell  Waddoups  Walker
Valentine

Absent or not voting were: Senators
Davis  Dmitrich  Hickman  McCoy

S.B. 64 was transmitted to the House.

* * *

On motion of Senator Bramble and at 11:45 a.m., the Senate adjourned until 10:00 a.m., Tuesday, February 5, 2008.
SIXTEENTH DAY
MORNING SESSION
FEBRUARY 5, 2008

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 Greg Bell
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 64)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 4, 2008

The House passed, S.B. 26, FIRE MANAGEMENT AREAS, by Senator M. Dayton, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 26 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 4, 2008

The House passed, as amended, H.B. 28, HONORING HEROES SPECIAL GROUP LICENSE PLATE, by Representative P. Ray, and it is transmitted for consideration; and

The House passed, as amended, H.B. 41, CAMPAIGN REPORT AMENDMENTS, by Representative S. Allen, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 49, BUDGET RESERVE ACCOUNT AND DISASTER RECOVERY ACCOUNT AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed H.B. 97, COURT−ORDERED RESTITUTION FOR COSTS OF INCARCERATION, by Representative C. Oda, and it is transmitted for consideration; and
The House passed **H.B. 237**, ILLEGAL IMMIGRATION ENFORCEMENT ACT, by Representative G. Donnelson, and it is transmitted for consideration; and

The House passed **H.B. 238**, CAMPAIGN FINANCE FILING REQUIREMENTS, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 275**, VEHICLE TOWING REQUIREMENTS, by Representative B. Daw, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 294**, APPROPRIATION LIMIT AMENDMENTS – FIRE SUPPRESSION, by Representative B. Ferry, and it is transmitted for consideration; and

The House passed **H.J.R. 7**, JOINT RESOLUTION RECOGNIZING UNREINFORCED MASONRY BUILDINGS, by Representative L. Wiley, and it is transmitted for consideration.


**STANDING COMMITTEE REPORTS**

Mr. President: February 4, 2008

The Government Operations and Political Subdivisions Committee recommends **1st Sub. S.B. 20**, MUNICIPAL GOVERNMENT AMENDMENTS, by Senator C. Walker, be replaced and favorably recommends **2nd Sub. S.B. 20**, MUNICIPAL GOVERNMENT AMENDMENTS; and

The Government Operations and Political Subdivisions Committee recommends **S.B. 45**, ACCOUNTING FOR COMPETITIVE ACTIVITIES OF LOCAL ENTITIES, by Senator H. Stephenson, be replaced and favorably recommends **1st Sub. S.B. 45**, INVENTORY FOR COMPETITIVE ACTIVITIES OF LOCAL ENTITIES; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 167**, ALCOHOLIC BEVERAGES ON ELECTION DAY, by Senator S. McCoy, with the following amendments:

1. Page 1, Lines 18 through 19:
18 Other Special Clauses:

19  { None } This bill coordinates with H.B. 344, Alcoholic Beverage Enforcement Provisions, by providing superseding amendments.

2. Page 47, Line 1436:

1436 only an immediate and unrecorded right of replay not exchangeable for value.


If this S.B. 167 and H.B. 344, Alcoholic Beverage Enforcement Provisions, 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 have the amendments to:

(1) Subsection 32A−4−106(9)(a) in this bill supersede the amendments to Subsection 32A−4−106(9)(a) in H.B. 344;

(2) Subsection 32A−4−307(9)(a) in this bill supersede the amendments to Subsection 32A−4−307(9)(a) in H.B. 344; and

(3) Subsection 32A−5−107(27)(a) in this bill supersede the amendments to Subsection 32A−5−107(27)(a) in H.B. 344.

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 177, LOCAL GOVERNMENT DISPOSAL OF REAL PROPERTY ACQUIRED BY EXACTION, by Senator W. Niederhauser, with the following amendments:

1. Page 1, Lines 14 through 17:

14  extends from five years to { 15 } 25 years the period of time that a county or municipality

15  may own surplus real property acquired by exaction in order for the county or

16  municipality to be subject to a requirement that the county or municipality offer to

17  reconvey the property to the original owner.

2. Page 2, Lines 36 through 39:

36  (2) (a) If a municipality plans to dispose of surplus real property that was acquired

37  under this section and has been owned by the municipality for less than [five] {−15 } 25 years, the
38 municipality shall first offer to reconvey the property, without receiving additional
39 consideration, to the person who granted the property to the municipality.

3. Page 2, Lines 54 through 57:

54 (2) (a) If a county plans to dispose of surplus real property under Section 17−50−312
55 that was acquired under this section and has been owned by the county for less than [five] 15 25
56 years, the county shall first offer to reconvey the property, without receiving additional
57 consideration, to the person who granted the property to the county.

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.J.R. 8, JOINT RULES RESOLUTION − BASE BUDGET AMENDMENTS, by Senator W. Niederhauser; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 107, EMERGENCY MANAGEMENT ADMINISTRATIVE COUNCIL, by Representative C. Oda.

Peter C. Knudson, Chair

Mr. President:

February 4, 2008

The Revenue and Taxation Committee recommends S.B. 29, TRUTH IN TAXATION AMENDMENTS, by Senator W. Niederhauser, be replaced and favorably recommends 1st Sub. S.B. 29, TRUTH IN TAXATION AMENDMENTS; and

The Revenue and Taxation Committee recommends 1st Sub. S.B. 48, EQUALIZATION OF SCHOOL CAPITAL OUTLAY FUNDING, by Senator D. Eastman, be replaced and favorably recommends 2nd Sub. S.B. 48, EQUALIZATION OF SCHOOL CAPITAL OUTLAY FUNDING; and

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 136, APPORTIONMENT OF BUSINESS INCOME AMENDMENTS, by Senator W. Niederhauser, with the following amendments:

1. Page 2, Lines 47 through 54:
(3) (a) Subject to Subsection (3)(b), a receipt from the performance of a service is considered to be in this state if

\((i)\) the purchaser of the service receives a greater benefit of the service in this state than in any other state.

\((ii)\) the receipt is otherwise attributable to this state’s marketplace.

(b) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the commission may by rule prescribe the circumstances under which

\((i)\) a purchaser of a service receives a greater benefit of the service in this state than in any other state.

\((ii)\) a receipt is otherwise attributable to this state’s marketplace.

Wayne L. Niederhauser, Chair

Mr. President: February 4, 2008

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on S.B. 80, SKI AND SNOWBOARD EDUCATION, DEVELOPMENT, AND PROMOTION SPECIAL GROUP LICENSE PLATE, by Senator K. VanTassell, with the following amendments:

1. Page 8, Lines 215 through 217:

215 (1) renumber Section 63−38f−206 enacted in this S.B. 80 to Section 63M−1−205; and

216 (2) change any internal cross references from Section 63−38f−206 to Section 63M−1−205; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on S.B. 169, RENEWABLE ENERGY ZONE TASK FORCE, by Senator D. Stowell, with the following amendments:
1. Page 3, Lines 66 through 68:

66 (b) identify { – and } to map and maintain in the State Geographic Information Database the location of areas in the state with the potential for

67 economically feasible electrical power generation from wind, solar, geothermal, hydroelectric,

68 and biomass resources;

Mark B. Madsen, Chair

On motion of Senator Hickman, the committee reports were adopted.


STANDING COMMITTEE REPORTS

Mr. President: February 4, 2008

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 92, REAL PROPERTY RECORDING AMENDMENTS, by Senator D. Stowell, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 27, LIEUTENANT GOVERNOR POWERS – ADMINISTRATION OF OATHS, by Representative G. Donnelson, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 43, ALLOWANCE OF POLLING PLACES FOR EARLY VOTING, by Representative G. Donnelson, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

Mr. President: February 4, 2008

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on H.B. 20, ECONOMIC DEVELOPMENT INCENTIVES MODIFICATIONS, by Representative
S. Mascaro, et al, and recommends it be considered read for the second time and placed on the Consent Calendar.

Mark B. Madsen, Chair

On motion of Senator Hickman, the committee reports were adopted. S.B. 92, H.B. 27, H.B. 43, and H.B. 20 were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 88, Uniform Model Registered Agent Act (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 220, Cause of Action for Defective Construction (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 223, Standards for Acceptance of School Transfer Applications (M. Madsen), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

S.B. 161, ADVANCE HEALTH CARE DIRECTIVE AMENDMENTS, was read the third time, explained by Senator Christensen, and passed on the following roll call:

Voting in the affirmative were: Senators
Bell  Bramble  Christensen  Davis
Dayton  Dmitrich  Eastman  Goodfellow
Greiner  Hickman  Hillyard  Jenkins
Jones  Killpack  Knudson  Madsen
Mayne  Niederhauser  Peterson  Stephenson
Stowell  Van Tassell  Waddoups  Walker
Valentine

Absent or not voting were: Senators
Buttars  Fife  McCoy  Romero

S.B. 161 was transmitted to the House for consideration.

* * *

S.B. 164, COMPUTER ASSISTED REMOTE HUNTING PROHIBITED, 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

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**S.B. 164** was transmitted to the House for consideration.

***

**S.B. 77,** **REVISIONS TO GOVERNMENT RECORDS ACCESS MANAGEMENT ACT,** was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**S.B. 77** was transmitted to the House for consideration.

***

**1st Sub. S.B. 158,** **GOVERNOR’S RURAL PARTNERSHIP BOARD AND RURAL CoORDINATING COMMITTEE AMENDMENTS,** was read the first, second and third time, explained by Senator Stowell, and passed on the following roll call:
Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators
Bell Buttar Christensen Davis
Dayton Dmitrich Eastman Fife
Goodfellow Greiner Hickman Hillyard
Jones Killpack Knudson Madsen
Mayne Niederhauser Peterson Romero
Stephenson Stowell Van Tassell Waddoups
Walker Valentine

Absent or not voting were: Senators
Bramble Jenkins McCoy

1st Sub. S.B. 158 was transmitted to the House for consideration.

THIRD READING CALENDAR

1st Sub. S.B. 36, CHARTER AND ONLINE SCHOOLS − PARTICIPATION IN EXTRACURRICULAR ACTIVITIES, was read the third time and explained by Senator Madsen. Senator Mayne commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttar Christensen
Davis Dayton Dmitrich Eastman
Fife Goodfellow Greiner Hillyard
Jenkins Jones Killpack Knudson
Madsen Mayne McCoy Niederhauser
Peterson Romero Stephenson Stowell
Van Tassell Waddoups Walker

Absent or not voting were: Senators
Hickman Valentine

1st Sub. S.B. 36 was transmitted to the House for consideration.

***

S.B. 118, EDUCATION TRANSPORTATION 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
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Eastman
Fife  Goodfellow  Greiner  Jenkins
Jones  Killpack  Knudson  Madsen
Mayne  McCoy  Niederhauser  Peterson
Romero  Stephenson  Stowell  Van Tassell
Waddoups  Walker

Absent or not voting were: Senators
Hickman  Hillyard  Valentine

S.B. 118 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 53, USE OF INITIATIVE AND REFERENDUM FOR ADMINISTRATIVE LAND USE AND ZONING MATTERS, was read the third time, explained by Senator Goodfellow, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Christensen  Davis
Dayton  Dmitrich  Eastman  Fife
Goodfellow  Greiner  Hickman  Hillyard
Jenkins  Jones  Killpack  Knudson
Madsen  Mayne  McCoy  Niederhauser
Peterson  Romero  Stephenson  Stowell
Van Tassell  Waddoups  Walker

Absent or not voting were: Senators
Buttars  Valentine

Senator Niederhauser declared a conflict of interest.

1st Sub. S.B. 53 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 54, INITIATIVE AND REFERENDUM PETITION AMENDMENTS, was read the third time, explained by Senator Goodfellow, and passed on the following roll call:
Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Eastman
Fife Goodfellow Greiner Hickman
Hillyard Jenkins Jones Killpack
Madsen Mayne McCoy Niederhauser
Peterson Romero Stephenson Stowell
Van Tassell Waddoups Walker

Absent or not voting were: Senators
Knudson Valentine

1st Sub. S.B. 54 was transmitted to the House for consideration.

* * *

S.B. 113, ACCESS TO RESEARCH WORKERS’ PERSONAL INFORMATION, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Eastman
Fife Goodfellow Greiner Hickman
Hillyard Jenkins Jones Killpack
Knudson Madsen Mayne McCoy
Niederhauser Peterson Romero Stephenson
Stowell Van Tassell Waddoups Walker

Absent or not voting was: Senator
Valentine

S.B. 113 was transmitted to the House for consideration.

* * *

S.B. 28, APPORTIONMENT OF BUSINESS INCOME, ATTRIBUTING SALES TO THE STATE, AND DEDUCTION OF NET LOSSES BY A UNITARY GROUP, was read the third time, explained by Senator Stephenson, and passed on the following roll call:
Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Eastman
Fife Goodfellow Greiner Hickman
Hillyard Jenkins Jones Killpack
Knudson Madsen Mayne McCoy
Niederhauser Peterson Romero Stephenson
Stowell Van Tassell Waddoups Walker

Absent or not voting was: Senator
Valentine

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

* * *

On motion of Senator Stephenson, the circle was removed from S.B. 39, MATHEMATICS, SCIENCE, AND TECHNOLOGY EDUCATION TASK FORCE, and it was before the Senate. Senator Stephenson explained the bill. Senator Fife commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Christensen Davis
Dayton Dmitrich Eastman Fife
Goodfellow Greiner Hickman Hillyard
Jenkins Jones Knudson Madsen
Mayne McCoy Niederhauser Peterson
Stephenson Stowell Van Tassell Waddoups Walker

Voting in the negative was: Senator
Romero

Absent or not voting were: Senators
Buttars Killpack Valentine

S.B. 39 was transmitted to the House for consideration.

* * *

On motion of Senator Stephenson, the circle was removed from S.B. 35, DIFFERENTIATED PAY FOR TEACHERS, and it was before the Senate. Senator Stephenson explained the bill.
Senator Stephenson proposed the following amendment:

1. **Page 1, Lines 15 through 17**

   15 directs the Legislature to annually appropriate money for market incentives in the
   16 form of additional compensation for mathematics and science teachers who:
   17   • fill positions for which there is a critical shortage of qualified personnel; **and**
   18   • have a major or a course work equivalent of a major in the subject taught or a related academic area;

2. **Page 1, Lines 21 through 23:**

   21 requires a school district or charter school to provide a salary supplement of $5,000
   22 to a teacher who:
   23   • fills a mathematics or science position for which there is a critical
   24 shortage of qualified personnel; **and**
   25   • has a major or a course work equivalent of a major in the subject taught or a related academic area.

3. **Page 2, Lines 37 through 38:**

   37 shortage.
   38 (1) As used in this section, “course work equivalent of a major” means 30 semester hours or 45 quarter hours of university or college work in a single academic area.

4. **Page 2, Line 42:**

   42 From monies appropriated under Subsection (2), the State Board of Education shall

5. **Page 2, Line 45:**

   45 The State Board of Education shall annually:
6. Page 2, Lines 50 through 55:

50 (4) (5) A school district or charter school shall provide a salary supplement equal to the amount specified in Subsection (5) to a teacher who:

51 (a) fills a mathematics or science position for which there is a critical shortage of qualified personnel as identified by the board pursuant to Subsection (3) ; (4) and (b) is designated NCLB highly qualified for the position under rules of the State Board of Education.

52 (i) has a bachelor’s degree major, master’s degree, or doctoral degree in:

(A) the subject taught; or
(B) a related academic area specified by the State Board of Education in rule; or
(ii) has:

(A) a bachelor’s degree in any major; and
(B) a course work equivalent of a major in:
(I) the subject taught; or
(II) a related academic area as specified by the State Board of Education in rule; and
(c)(i) is a new employee; or
(ii) has received a satisfactory rating or above on the teacher’s most recent evaluation.

7. Page 2, Line 56 through Page 3, Line 66:

56 (5) (6) (a) Beginning in fiscal year 2008–09, the salary supplement is $5,000 for a person who:

57 (i) teaches full-time in a mathematics or science position for which there is a critical shortage of qualified personnel ; and
(ii) meets the qualifications of Subsection (5)(b) for each of the courses taught.

58 (b) A person who teaches part-time in a mathematics or science position for which
there is a critical shortage of qualified personnel shall receive a partial salary supplement based on the number of hours worked in the position. }

(b) A partial salary supplement shall be awarded to a teacher who meets the qualifications of Subsections (5)(a) and (b) for some of the courses taught, based upon the number of hours of qualifying courses taught.

The salary supplement is part of the teacher’s base pay and is awarded to the teacher each year the teacher

(a) is employed by the school district or charter school ; and

(b) fills a mathematics or science position that had qualified for a salary supplement under Subsection (4).

The State Board of Education may shall make rules to administer this section, in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

Section 2. Appropriation.

Senator Stephenson’s motion to amend passed on a voice vote. Senator Mayne commented. The bill passed on the following roll call:

Yeas, 19; Nays, 7; Absent, 3.

Voting in the affirmative were: Senators

Bell Bramble Buttars Christensen
Dayton Eastman Greiner Hillyard
Jenkins Jones Knudson Madsen
Niederhauser Peterson Stephenson Stowell
Van Tassell Waddoups Walker

Voting in the negative were: Senators

Davis Dmitrich Fife Goodfellow
Mayne McCoy Romero

Absent or not voting were: Senators

Hickman Killpack Valentine

S.B. 35 was transmitted to the House for consideration.
On motion of Senator Stephenson, the circle was removed from **S.B. 41**, EXTENDED SCHOOL YEAR INCENTIVE, and it was before the Senate. Senator Stephenson explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Voting in the negative was:** Senator  
Mayne

**Absent or not voting were:** Senators  
Hickman  Knudson   Valentine  

**S.B. 41** was transmitted to the House for consideration.

**SECOND READING CALENDAR**

**S.B. 105, JUDICIAL PERFORMANCE EVALUATION COMMISSION,** was read the second time. Senator Buttars explained the bill.

Senator Buttars proposed the following amendment:

1. Page 20, Line 615 through Page 21, Line 617

615 (c) The commission may elect to make no recommendation on whether the voters

616 should retain a judge if the commission determines that the information concerning the judge is

617 {not sufficiently clear} insufficient to make a recommendation.

2. Page 21, Lines 618 through 621:

618 (d) (i) If the commission deviates from a presumption for or against recommending the
619 voters retain a judge or elects to make no recommendation on whether the voters should retain
620 a judge, the commission shall provide a detailed explanation of the reason for that deviation or
621 election in the commission’s report under Section 78–63–206.
(ii) If the commission makes no recommendation because of a tie vote, the commission shall note that fact in the commission’s report.

3. Page 22, Line 665:

665 (iv) grasp of the practical impact on the parties of the judge’s rulings, including the effect of delay and increased litigation expense;

4. Page 23, Lines 679 through 681:

679 (8) The survey shall also include a question that inquires whether the respondent would
680 recommend that the judge be retained.

681 (9) (a) If the commission determines that a certain survey question or topic is not

5. Page 23, Lines 687 through 688:

687 (10) With the exception of the question concerning whether a respondent would
688 recommend that the judge be retained, the survey shall allow respondents to indicate responses

6. Page 23, Line 694:

694 (11) The commission shall compile and make available to each judge that judge’s

7. Page 23, Line 696:

696 (12) The commission may make rules in accordance with Title 63, Chapter 46a, Utah

8. Page 23, Lines 704 through 708:

704 (b) the judge receive a minimum score on the judicial performance survey as follows:
(i) an average score of at least a 3.0 on at least 80% of the questions, excluding litigant and witness respondents, for questions scored on the numerical scale; and

(ii) affirmative responses by at least 70% of respondents, excluding litigant and witness respondents, to all questions that do not use the numerical scale. If the commission includes a question on the survey that does not use the numerical scale, the commission shall establish the minimum performance standard for all questions, excluding any question to litigant and witness respondents, that do not use the numerical scale to be substantially equivalent to the standard required under Subsection (1)(b)(i).

9. Page 25, Lines 744 through 746:

(c) information concerning any formal or informal discipline against a judge that is not subject to restrictions on disclosure under Title 78A, Chapter 11, Judicial Conduct Commission and Supreme Court Oversight of Judges.

Senator Buttars’ motion to amend passed on a voice vote. Senators Bell, Jenkins, and Waddoups commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Eastman
Fife Goodfellow Greiner Hickman
Hillyard Jenkins Jones Killpack
Knudson Madsen Mayne McCoy
Niederhauser Peterson Romero Stephenson
Stowell Van Tassell Waddoups Walker

Absent or not voting was: Senator Valentine
On motion of Senator Niederhauser, the circle was removed from 2nd Sub. H.B. 77, PERSONAL PROPERTY TAX AMENDMENTS, and it was before the Senate. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators  
Bell  
Davis  
Goodfellow  
Jenkins  
Madsen  
Peterson  
Van Tassell  

Bramble  
Dmitrich  
Greiner  
Jones  
Mayne  
Romero  
Waddoups  

Buttars  
Eastman  
Hickman  
Killpack  
McCoy  
Stephenson  
Walker  

Christensen  
Fife  
Hillyard  
Knudson  
Niederhauser  
Stowell  

**Absent or not voting were:** Senators  
Dayton  
Valentine  

**S.B. 138, UTAH SUBSTANCE ABUSE AND ANTI–VIOLENCE COORDINATING COUNCIL AMENDMENTS, was read the second time.** Senator Buttars explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators  
Bell  
Davis  
Goodfellow  
Jones  
Mayne  
Romero  
Waddoups  

Bramble  
Dmitrich  
Greiner  
Killpack  
McCoy  
Stephenson  
Walker  

Buttars  
Eastman  
Hillyard  
Knudson  
Niederhauser  
Stowell  

Christensen  
Fife  
Jenkins  
Madsen  
Peterson  
Van Tassell  
Waddoups  

**Absent or not voting were:** Senators  
Dayton  
Hickman  
Valentine  

**S.B. 150, CRIMINAL PENALTIES REVISIONS, was read the second time.** Senator Jenkins explained the bill. Senators Greiner and McCoy commented. The bill passed second reading on the following roll call:
Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Fife
Goodfellow Greiner Hillyard Jenkins
Jones Killpack Knudson Madsen
Mayne McCoy Niederhauser Peterson
Romero Stephenson Stowell Van Tassell
Waddoups Walker

Absent or not voting were: Senators
Eastman Hickman Valentine

S.B. 152, PRESUMPTIVE PERSONAL REPRESENTATIVE, was read the second time. Senator Bell explained the bill. Senator Waddoups commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Dayton Dmitrich Eastman Fife
Goodfellow Greiner Hickman Hillyard
Jenkins Killpack Knudson Madsen
Mayne McCoy Niederhauser Peterson
Romero Stephenson Stowell Van Tassell
Waddoups Walker

Absent or not voting were: Senators
Davis Valentine

S.B. 132, CONSUMER CREDIT PROTECTION ACT – ATTORNEY GENERAL POWERS, was read the second time. Senator Walker explained the bill.

Senator Walker proposed the following amendment:

Senate Standing Committee
January 28, 2008
Senator Walker’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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<tr>
<th>Bell</th>
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**Absent or not voting were:** Senators

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<th>Buttars</th>
<th>Christensen</th>
<th>Peterson</th>
<th>Valentine</th>
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* * *

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

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

COMMUNICATIONS FROM THE HOUSE

Mr. President:

February 5, 2008

The House concurred in the Senate amendments and passed 1st Sub. H.B. 24, AMENDMENTS TO UTAH DIGITAL HEALTH SERVICE COMMISSION ACT, by Representative R. Menlove, and it is transmitted for the signature of the President.

Sandy D. Tenney, 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 5, 2008

The House passed, as substituted and amended, 1st Sub. H.B. 48, MOBILE HOME OWNERS’ RIGHTS, by Representative P. Riesen, et al, and it is transmitted for consideration; and

The House passed H.B. 83, SECURITIES AMENDMENTS, by Representative J. Bird, et al, and it is transmitted for consideration; and

The House passed, as amended, H.B. 86, FUNDING OF INMATE POSTSECONDARY EDUCATION, by Representative J. Draxler, and it is transmitted for consideration; and

The House passed, as amended, H.B. 106, CLEAN AIR AND EFFICIENT VEHICLE TAX INCENTIVES, by Representative R. McGee, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 135, GRANTS FROM DEPARTMENT OF COMMUNITY AND CULTURE, by Representative S. Allen, and it is transmitted for consideration; and

The House passed H.B. 248, AMENDMENTS TO SALES AND USE TAX EXEMPTION FOR CERTAIN PROPERTY INCORPORATED INTO REAL PROPERTY, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed, as amended, H.B. 251, SALES AND USE TAX REVISIONS, by Representative J. Dougall, and it is transmitted for consideration; and
The House passed **H.B. 259**, GOLD STAR FAMILY SPECIAL GROUP LICENSE PLATE AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 291**, OFF−HIGHWAY VEHICLE AMENDMENTS, by Representative M. Noel, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk


**RULES COMMITTEE REPORTS**

To the Members of the Senate: February 5, 2008

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

**Business and labor Committee**

<table>
<thead>
<tr>
<th>Bill</th>
<th>Title</th>
<th>Sponsor</th>
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<tbody>
<tr>
<td>S.B. 88</td>
<td>Uniform Model Registered Agent Act</td>
<td>Sen. L. Hillyard</td>
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<tr>
<td>S.B. 189</td>
<td>Independent Contractor Database</td>
<td>Sen. D. Eastman</td>
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<tr>
<td>S.B. 220</td>
<td>Cause of Action for Defective Construction</td>
<td>Sen. C. Bramble</td>
</tr>
<tr>
<td>H.B. 26</td>
<td>Notary Public Revisions</td>
<td>Rep. G. Donnelson</td>
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**Education Committee**

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<th>Bill</th>
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<tr>
<td>S.B. 190</td>
<td>Public Classroom Displays</td>
<td>Sen. A. Christensen</td>
</tr>
<tr>
<td>S.B. 223</td>
<td>Standards for Acceptance of School Transfer Applications</td>
<td>Sen. M. Madsen</td>
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**Government Operations and Political Subdivisions Committee**

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<tr>
<td>S.B. 193</td>
<td>Election Law Changes</td>
<td>Sen. P. Knudson</td>
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<td>Sen. P. Knudson</td>
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<td>H.B. 44</td>
<td>Declaration of Candidacy Revisions</td>
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<td>Sen. L. Hillyard</td>
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<tr>
<td>H.B. 238</td>
<td>Campaign Finance Filing Requirements</td>
<td>Rep. G. Hughes</td>
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<td>Sen. S. Killpack</td>
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Health and Human Services Committee

Judiciary, Law Enforcement, and Criminal Justice Committee
S.B. 191 Judicial Conduct Commission Amendments (Sen. G. Davis)
S.B. 192 Sex Offense Amendments (Sen. J. Greiner)
S.B. 194 Metal Theft Amendments and Penalties (Sen. J. Greiner)

Natural Resources, Agriculture and Environment Committee

Transportation, Public Utilities and Technology Committee
S.B. 84 Net Metering Programs (Sen. K. VanTassell)
H.B. 28 Honoring Heroes Special Group License Plate (Rep. P. Ray) (Sen. C. Walker)

Workforce Services and Community and Economic Development Committee
Bill Hickman
Rules Committee Chair
Report filed. On motion of Senator Eastman, the committee report was adopted.

STANDING COMMITTEE REPORTS

Mr. President: February 5, 2008
The Business and Labor Committee reports a favorable recommendation on S.B. 79, SMALL BUSINESS ACCESS AMENDMENTS, by Senator R. Romero; and
The Business and Labor Committee reports a favorable recommendation on **S.B. 171**, REPEAL OF CERTAIN REPORTING BY FINANCIAL INSTITUTIONS, by Senator K. VanTassell; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 176**, UNEMPLOYMENT INSURANCE CONTRIBUTION RATES AMENDMENTS, by Senator H. Stephenson.

Kevin T. Van Tassell, Chair

Mr. President:

February 5, 2008

The Health and Human Services Committee reports a favorable recommendation on **S.B. 70**, EMOTIONAL SUPPORT ANIMALS, by Senator S. McCoy, with the following amendments:

1. Page 5, Line 127 through Page 6, Line 153:

   127 (4) “Veterinarian” means a person:
   
   (a) licensed as a veterinarian in Utah under Title 58, Occupations and Professions; or
   
   (b) licensed and in good standing as a veterinarian in another state

   Section 5. Section 62A−5b−202 is enacted to read:

   62A−5b−202. Documentation of emotional support animal.

   (1) A mental health therapist may provide a person with a disability with

   documentation that:

   (a) is signed by the mental health therapist;
   
   (2) is dated; and
   
   (3) certifies that in the opinion of the mental health therapist:

   (a) the person has a disability as defined in Section 62A−5b−102; and
   
   (b) the person with the disability:

   (i) needs a particular type of emotional support animal; and
   
   (ii) needs the emotional support animal in a particular location identified in Section
(2) (a) A veterinarian may provide a person with a disability with documentation that:
   (i) is signed by the veterinarian;
   (ii) is dated; and
   (iii) states that:
   (A) the emotional support animal has received all recommended vaccinations; and
   (B) in the opinion of the veterinarian, the emotional support animal is socialized or trained to behave appropriately in the particular locations in which the mental health therapist has certified the emotional support animal is needed.

(b) A veterinarian who provides a statement under Subsection (2)(a) is not liable for the actions of the animal that is the subject of the statement issued under Subsection (2)(a).

(3) The documentation authorized by this section is valid for one year from the date the document is signed.

The Health and Human Services Committee reports a favorable recommendation on S.B. 74, HEALTH CARE PROVIDER ACCESS, by Senator D. C. Buttars; and

The Health and Human Services Committee reports a favorable recommendation on S.B. 121, ACCESS TO QUALIFIED HEALTH CARE PROVIDERS, by Senator D. C. Buttars; and

The Health and Human Services Committee reports a favorable recommendation on S.B. 174, DENTIST AND DENTAL HYGIENIST PRACTICE ACT AMENDMENTS, by Senator P. Knudson; and

The Health and Human Services Committee reports a favorable recommendation on S.B. 175, DEATH CERTIFICATE PROCEDURE AMENDMENTS, by Senator J. Greiner, with the following amendments:

1. Page 1, Line 27 through Page 2, Line 28:
AMENDS:

26–2–13, as last amended by Laws of Utah 2007, Chapter 32
26–2–16, as last amended by Laws of Utah 2006, Chapter 56

2. Page 4, Line 107:

(ii) identify the court and date of the order.

Section 2. Section 26–2–16 is amended to read:


(1) The custodial funeral service director shall sign the certificate of death prior to any disposition of a dead body or dead fetus.

(2) The custodial funeral service director or an agent of the custodial funeral service director shall:

(a) obtain personal and statistical information regarding the decedent from the available persons best qualified to provide the information;

(b) present the certificate of death to the attending physician, if any, or to the medical examiner who shall certify the cause of death and other information required on the certificate of death;

(c) provide the address of the custodial funeral service director; and

(d) file the certificate of death with the state or local registrar.

(3) A funeral service director, embalmer, or other person who removes from the place of death or transports or is in charge of final disposal of a dead body or dead fetus, shall keep a record identifying the dead body or dead fetus, and containing information pertaining to receipt, removal, and delivery of the dead body or dead fetus as prescribed by department rule.

(4) (a) Not later than the tenth day of each month, every licensed funeral service establishment shall send to the local registrar and the department a list of the information required in Subsection (3) for each casket furnished and for funerals performed when no casket was furnished, during the preceding month.

(b) The list described in Subsection (4)(a) shall be in the form prescribed by the state registrar.

(5) Any person who intentionally signs the portion of a
certificate of death that is required to be signed by a funeral service
director under Subsection (1) is guilty of a class B misdemeanor, unless
the person:

(a) is a funeral service director; and
(b) is employed by a licensed funeral establishment.

Renumber remaining sections accordingly.

D. Chris Buttars, Chair

Mr. President: February 5, 2008

The Education Committee reports a favorable recommendation on S.B. 71,
SCHOOL DISTRICT AMENDMENTS, by Senator C. Walker, with the following
amendments:

1. Page 1, Lines 23 through 24:
   23 allocation of school district property;
   modifies the required content of an inventory that an existing
district is required to provide;
   requires transition teams to consider the value of school buildings
and associated property in making the allocation of other existing district
property;
   24 requires an existing school district to make money
available to the remaining district and the new district,

2. Page 2, Lines 35 through 36:
   35 Other Special Clauses:
   { None } This bill provides an immediate effective
date.

3. Page 12, Line 339:
   339 a new school district, to elect

4. Page 14, Line 406:
   406 (i) prepare an inventory of the existing district’s
   { assets }:
   (A) property, both tangible and intangible, real and personal; and
   (B) liabilities; and

5. Page 14, Lines 412 through 414:
   412 district and the new district in accordance with Subsection
(4)(c)(ii)[.]
(II) prepare a written report detailing how the existing district’s property, assets, and liabilities are to be allocated, including:

6. Page 15, Lines 438 through 440:

   (Bb) the school district board of the new district.
   (ii) Subject to Subsection (4)(c)(iii), all property[assets, and liabilities that the existing district owns on]
   the allocation date, both tangible and intangible, real and personal, shall be allocated between

7. Page 15, Lines 449 through 450:

   (D) any money made available for the use of the new district under Subsection (5);
   (E) the appraised or agreed value of school buildings and associated property allocated to the remaining district and the new district under Subsection (4)(c)(iii)(A); and
   (F) any other factors that the transition teams consider relevant in dividing the

8. Page 16, Line 486 through Page 17, Line 504:

   (5) (a) Within 30 days after the canvass date, the existing district shall make half of its General Fund, to a maximum of $20,000,000, available for the use of the remaining district and the new district, as provided in this Subsection (5).
   (i) $2,500,000, if the balance of the existing district’s fund used for school district
   operations is $5,000,000 or more on the allocation date; or
   (ii) 50% of the balance of the existing district’s fund used for school district operations.
   (b) The existing district shall make the money under Subsection (5)(a) available to the remaining district and the new district under Subsection
(5)(a): proportionately based on student population.
(c) The money made available under Subsection (5)(a):
   (i) shall be used to further the purposes of this part; and
   (ii) may be accessed and spent by:
   (A) before July 15 of the year following the creation election date:
      (I) for the remaining district, the members of the existing district board who reside within the area of the remaining district, in consultation with:
         (Aa) the legislative bodies of all municipalities in the area of the remaining district; and
         (Bb) the legislative body of the county in which the remaining district is located, if the remaining district includes one or more unincorporated areas of the county; and
      (II) for the existing district:
         (Aa) the legislative body of the city in which the new district was created or the legislative body's designee, if the new district is located entirely within the boundary of a single city; or
         (Bb) the legislative bodies of all interlocal agreement participants or the legislative bodies’ designee, if the new district was created as a result of an interlocal agreement under Subsection (2); or
   (B) on or after July 15 of the year following the creation election date:
      (I) for the remaining district, the school district board of the remaining district; and
      (II) for the new district, the school district board of the new district.
(6) (a) The existing district shall transfer title or, if applicable, partial title of property
9.  Page 18, Line 527:
Section 5. 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 Education Committee reports a favorable recommendation on **S.B. 91**, BENEFITS TO AMERICAN BOARD CERTIFIED TEACHERS, by Senator M. Madsen.

Margaret Dayton, Chair

On motion of Senator Eastman, the committee reports were adopted. **S.B. 79**, **S.B. 171**, **S.B. 176**, **S.B. 70**, as amended, **S.B. 74**, **S.B. 121**, **S.B. 174**, **S.B. 175**, as amended, **S.B. 71**, as amended, and **S.B. 91** were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

**S.B. 85**, Water Rights Board (D. Stowell), read the first time by short title and referred to the Rules Committee.

**S.B. 88**, Uniform Model Registered Agent Act (L. Hillyard), read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

**S.B. 149**, MOTOR VEHICLE LIABILITY POLICY MINIMUM LIMITS, was read the second time.

On motion of Senator Killpack, the bill was circled.

***

**S.B. 37**, HOME SCHOOL AND EXTRA CURRICULAR ACTIVITIES AMENDMENTS, was read the second time.

On motion of Senator Madsen, the bill was circled.

***

**S.B. 61**, FINANCIAL LITERACY EDUCATION, was read the second time. Senator Jones explained the bill. The bill passed second reading on the following roll call:
Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators
Bell Buttar Christensen Davis
Dayton Dmitrich Eastman Fife
Goodfellow Greiner Hillyard Jenkins
Jones Killpack Knudson Madsen
Mayne Niederhauser Romero Stowell
Van Tassell Waddoups Walker Valentine

Absent or not voting were: Senators
Bramble Hickman McCoy Peterson
Stephenson

***

S.B. 103, HIGHER EDUCATION ENHANCEMENTS, was read the second time. Senator Stowell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Buttar Christensen Davis
Dayton Dmitrich Eastman Fife
Goodfellow Greiner Hillyard Jones
Knudson Mayne Niederhauser Romero
Stephenson Stowell Van Tassell Waddoups
Walker Valentine

Absent or not voting were: Senators
Bramble Hickman Jenkins Killpack
Madsen McCoy Peterson

***

On motion of Senator Dayton, under suspension of the rules, S.C.R. 2, RESOLUTION PROMOTING LEGISLATORS BACK TO SCHOOL PROGRAM, was considered read the second and third times. Senator Dayton explained the bill. Senator Waddoups commented. The bill passed on the following roll call:

Yeas, 23; Nays, 0; Absent, 6.
Voting in the affirmative were: Senators
Bell Buttars Christensen Davis
Dayton Dmitrich Eastman Fife
Goodfellow Greiner Hickman Hillyard
Jones Killpack Knudson Mayne
Niederhauser Romero Stephenson Van Tassell
Waddoups Walker Valentine

Absent or not voting were: Senators
Bramble Jenkins Madsen McCoy
Peterson Stowell

S.C.R. 2 was transmitted to the House.

* * *

S.B. 125, HIGH SCHOOL VOTER REGISTRATION, was read the second
time. Senator Van Tassell explained the bill. Senator Valentine commented. The
bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Buttars Christensen Davis
Dayton Dmitrich Eastman Fife
Goodfellow Greiner Hickman Hillyard
Jones Killpack Knudson Mayne
Niederhauser Romero Stephenson Van Tassell
Waddoups Walker Valentine

Absent or not voting were: Senators
Bramble Hickman Jenkins Madsen McCoy
Peterson Stowell

* * *

S.B. 63, ADULT PROTECTIVE SERVICES AMENDMENTS, was read the
second time. Senator Van Tassell explained the bill. The bill passed second
reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Buttars Christensen Davis
Dayton Eastman Fife Goodfellow
Greiner            Hillyard          Jones          Killpack
Knudson            Mayne            Niederhauser  Peterson
Romero             Stephenson        Stowell        Van Tassell
Waddoups           Walker           Valentine

Absent or not voting were: Senators
Bramble            Dmitrich         Hickman        Jenkins
Madsen             McCoy

* * *

S.B. 65, SOLICITING GANG MEMBERS PROHIBITED, was read the second time. Senator Greiner explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell               Buttars           Christensen   Davis
Dayton             Dmitrich         Eastman       Fife
Goodfellow         Greiner          Hillyard      Jones
Killpack           Knudson          Mayne         McCoy
Niederhauser       Peterson         Romero        Stephenson
Stowell            Van Tassell      Waddoups      Walker
Valentine

Absent or not voting were: Senators
Bramble            Hickman         Jenkins       Madsen

* * *

S.B. 73, WRONGFUL DEATH AMENDMENTS, was read the second time.

On motion of Senator McCoy, the bill was circled.

* * *

S.B. 75, PROHIBITING GANG ACTIVITY, was read the second time. Senator Greiner explained the bill. Senator Romero commented. The bill passed second reading on the following roll call:

Yeas, 20; Nays, 4; Absent, 5.

Voting in the affirmative were: Senators
Bell               Buttars           Christensen   Davis
Dayton             Dmitrich         Eastman       Goodfellow
Day 16  Tuesday, February 5, 2008

Greiner    Hillyard    Jones    Knudson
Madsen     Mayne      Niederhauser  Peterson
Van Tassell Waddoups    Walker    Valentine

Voting in the negative were: Senators
Fife       McCoy      Romero    Stephenson

Absent or not voting were: Senators
Bramble    Hickman    Jenkins    Killpack
Stowell

***

S.B. 98, LICENSING OF SECURITY SERVICES, 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
Bell       Buttars     Christensen  Davis
Dayton     Dmitrich   Eastman     Fife
Goodfellow Greiner     Hillyard    Jones
Knudson    Madsen     Mayne      McCoy
Niederhauser Peterson   Romero    Stephenson
Van Tassell Waddoups    Walker    Valentine

Absent or not voting were: Senators
Bramble    Hickman    Jenkins    Killpack
Stowell

***

S.B. 108, OFFSET OF WORKERS’ COMPENSATION AND SOCIAL SECURITY, was read the second time.

On motion of Senator Eastman, the bill was circled.

***

2nd Sub. S.B. 134, MORTGAGE FRAUD ACT, was read the second time.

On motion of Senator Eastman, the bill was circled.
S.B. 151. TRADEMARK PROTECTION ACT AMENDMENTS, was read the second time. Senator Eastman explained the bill. Senator McCoy declared a conflict of interest. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Buttars Christensen Davis
Dayton Dmitrich Eastman Fife
Goodfellow Greiner Hickman Hillyard
Jones Knudson Madsen Mayne
McCoy Niederhauser Peterson Romero
Stephenson Stowell Van Tassell Waddoups
Walker Valentine

Absent or not voting were: Senators
Bramble Jenkins Killpack

S.B. 159, WORKERS’ COMPENSATION AMENDMENTS, was read the second time. Senator Eastman explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen Davis
Dayton Dmitrich Eastman Fife
Fife Goodfellow Greiner Hickman Hillyard
Jenkins Knudson Madsen Mayne
McCoy Niederhauser Peterson Romero
Stephenson Stowell Van Tassell Waddoups Walker Valentine

Absent or not voting was: Senator Killpack

S.B. 67, PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES, was read the second time.
Senator Madsen explained the bill. Senators Bell, Jones, Mayne, and Fife commented. The bill passed second reading 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

| Bell | Jones | Romero |

**Absent or not voting were:** Senators

| McCoy | Van Tassell |

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**S.B. 145, STATE FAMILY DAY HOLIDAY,** was read the second time. Senator Hickman explained the bill. Senators Waddoups, Eastman, Knudson, Jones, Romero, and Greiner commented. The bill passed second reading on the following roll call:

**Yeas, 16; Nays, 10; 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

| Buttars | McCoy | Van Tassell |

***

**S.B. 147, CANDIDATE FILING REQUIREMENTS,** was read the second time.
On motion of Senator Knudson, the bill was circled.

* * *

On motion of Senator Hillyard, under suspension of the rules, S.B. 156, UTAH RELOCATION ASSISTANCE ACT 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
Bell  Bramble  Christensen  Davis
Dayton  Dmitrich  Eastman  Fife
Goodfellow  Greiner  Hickman  Hillyard
Jenkins  Jones  Killpack  Knudson
Madsen  Mayne  Niederhauser  Peterson
Romero  Stephenson  Stowell  Waddoups
Walker  Valentine

**Absent or not voting were:** Senators
Buttars  McCoy  Van Tassell

S.B. 156 was transmitted to the House.

* * *

On motion of Senator Hickman, the circle was removed from S.B. 108, OFFSET OF WORKERS’ COMPENSATION AND SOCIAL SECURITY, and it was before the Senate. Senator Hickman explained the bill. Senator Dmitrich commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell  Bramble  Christensen  Davis
Dayton  Dmitrich  Eastman  Fife
Goodfellow  Greiner  Hickman  Hillyard
Jenkins  Jones  Killpack  Knudson
Madsen  Mayne  Niederhauser  Peterson
Romero  Stephenson  Stowell  Van Tassell
Waddoups  Walker  Valentine

**Absent or not voting were:** Senators
Buttars  McCoy
On motion of Senator Killpack, the circle was removed from **2nd Sub. S.B. 134, MORTGAGE FRAUD ACT**, and it was before the Senate. Senator Killpack explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell <br> Dayton <br> Greiner <br> Jones <br> Mayne <br> Stephenson <br> Walker <br> Bramble <br> Dmitrich <br> Hickey <br> Killpack <br> Niederhauser <br> Stowell <br> Christensen <br> Fife <br> Hillyard <br> Knudson <br> Peterson <br> Van Tassell <br> Davis <br> Goodfellow <br> Jenkins <br> Madsen <br> Romero <br> Walker <br> Braymoon <br> Dmitrich <br> Fife <br> Hillyard <br> Killpack <br> Niederhauser <br> Stowell <br> Christensen <br> Davis <br> Goodfellow <br> Jenkins <br> Madsen <br> Romero <br> Walker <br><br>**Absent or not voting were:** Senators

Buttars <br> Eastman <br> McCoy

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**S.B. 76, STATE PARK AND RECREATION AMENDMENTS**, was read the second time. Senator Goodfellow explained the bill. Senator Waddoups commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

Davis <br> Fife <br> Hillyard <br> Knudson <br> Peterson <br> Van Tassell <br> Waddoups <br> Dayton <br> Goodfellow <br> Jenkins <br> Madsen <br> Romero <br> Stowell <br> Valentine <br> Eastman <br> Greiner <br> Jones <br> Mayne <br> Stephenson <br> Walker <br> Braymoon <br> Dmitrich <br> Fife <br> Hillyard <br> Killpack <br> Niederhauser <br> Stowell <br> Christensen <br> Davis <br> Goodfellow <br> Jenkins <br> Madsen <br> Romero <br> Walker <br> Braymoon <br> Dmitrich <br> Fife <br> Hillyard <br> Killpack <br> Niederhauser <br> Stowell <br> Christensen <br> Davis <br> Goodfellow <br> Jenkins <br> Madsen <br> Romero <br> Walker <br>

**Absent or not voting were:** Senators

Bell <br> Bramble <br> Buttars <br> McCoy

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On motion of Senator Davis, the circle was removed from **S.B. 17, CHILD ABUSE AND NEGLECT REGISTRY – MANAGEMENT AND LICENSING INFORMATION SYSTEMS AMENDMENTS**, and it was before the Senate.
Senator Eastman proposed the following amendment:

1. Page 1, Line 13–14:
   After “and the” delete “Juvenile Court Act of 1996” and insert “Government Records Access and Management Act”

2. Page 1, Lines 18–27:
   Delete lines 18 through 27

3. Page 1, Line 27:
   After line 27 insert:
   “modifies provisions related to access to records in the Management Information System;
   establishes a procedure for providing an alleged perpetrator of child abuse, neglect, or dependency with notice and an opportunity to challenge:
   • a finding of unsupported or without merit by the division; and
   • the listing of the finding in the Management Information System;”

4. Page 2, Lines 39–40:
   Delete Lines 39 through 40

5. Page 2, Line 40:
   After line 40 insert:
   “62A–4a–412, as last amended by Laws of Utah 2006, Chapters 77 and 281”

6. Page 2, Lines 41–42:
   Delete lines 41 through 42

7. Page 2, Line 43:
   After line 43 insert:
   “63–2–202, as last amended by Laws of Utah 2005, Chapter 201
   63–2–304, as last amended by Laws of Utah 2007, Chapters 66 and 352”

8. Page 2, Line 44:
   After line 44 insert:
   “78–3a–314, as last amended by Laws of Utah 2007, Chapter 152 “

9. Page 2, Lines 44–47:
   Delete lines 44–47

10. Pages 2–7, Lines 50–204:
    Delete lines 50 through 204
11. Pages 7-13, Lines 205-381:
Delete lines 205 through 381

12. Page 7, Line 204:
After line 204 insert:
“Section 1. Section 62A-4a-412 is amended to read:
62A-4a-412. Reports and information confidential.
(1) Except as otherwise provided in this chapter, reports made pursuant to this part, as well as any other information in the possession of the division obtained as the result of a report are private, protected, or controlled records under Title 63, Chapter 2, Government Records Access and Management Act, and may only be made available to:
(a) a police or law enforcement agency investigating a report of known or suspected child abuse or neglect;
(b) a physician who reasonably believes that a child may be the subject of abuse or neglect;
(c) an agency that has responsibility or authority to care for, treat, or supervise a minor who is the subject of a report;
(d) a contract provider that has a written contract with the division to render services to a minor who is the subject of a report;
(e) [any] except as provided in Subsection 63-2-202(10), a subject of the report, the natural parents of the child, and the guardian ad litem;
(f) a court, upon a finding that access to the records may be necessary for the determination of an issue before the court, provided that in a divorce, custody, or related proceeding between private parties, the record alone is:
(i) limited to objective or undisputed facts that were verified at the time of the investigation; and
(ii) devoid of conclusions drawn by the division or any of the division’s workers on the ultimate issue of whether or not a person’s acts or omissions constituted any level of abuse or neglect of another person;
(g) an office of the public prosecutor or its deputies in performing an official duty;
(h) a person authorized by a Children’s Justice Center, for the purposes described in Section 67-5b-102;
(i) a person engaged in bona fide research, when approved by the director of the division, if the information does not include names and addresses;
(j) the State Office of Education, acting on behalf of itself or on behalf of a school district, for the purpose of evaluating whether an individual should be permitted to obtain or retain a license as an educator or serve as an employee or volunteer in a school, limited to information with
substantiated findings involving an alleged sexual offense, an alleged felony or class A misdemeanor drug offense, or any alleged offense against the person under Title 76, Chapter 5, Offenses Against the Person, and with the understanding that the office must provide the subject of a report received under Subsection (1)(k) with an opportunity to respond to the report before making a decision concerning licensure or employment;

(k) any person identified in the report as a perpetrator or possible perpetrator of child abuse or neglect, after being advised of the screening prohibition in Subsection (2);

(l) except as provided in Subsection 63−2−202(10), a person filing a petition for a child protective order on behalf of a child who is the subject of the report; and

(m) a licensed child−placing agency or person who is performing a preplacement adoptive evaluation in accordance with the requirements of Section 78−30−3.5.

(2) (a) A person, unless listed in Subsection (1), may not request another person to obtain or release a report or any other information in the possession of the division obtained as a result of the report that is available under Subsection (1)(k) to screen for potential perpetrators of child abuse or neglect.

(b) A person who requests information knowing that it is a violation of Subsection (2)(a) to do so is subject to the criminal penalty in Subsection (4).

(3) (a) Except as provided in Section 62A−4a−1007 and Subsection (3)(b), the division and law enforcement officials shall ensure the anonymity of the person or persons making the initial report and any others involved in its subsequent investigation.

(b) Notwithstanding any other provision of law, excluding Section 78−3a−314, but including this chapter and Title 63, Chapter 2, Government Records Access and Management Act, when the division makes a report or other information in its possession available under Subsection (1)(e) to a subject of the report or a parent of a child, the division shall remove from the report or other information only the names, addresses, and telephone numbers of individuals or specific information that could:

(i) identify the referent;

(ii) impede a criminal investigation; or

(iii) endanger a person’s safety.

(4) Any person who willfully permits, or aides and abets the release of data or information obtained as a result of this part, in the possession of
the division or contained on any part of the Management Information System, in violation of this part or Sections 62A–4a–1003 through 62A–4a–1007, is guilty of a class C misdemeanor.

(5) The physician–patient privilege is not a ground for excluding evidence regarding a child’s injuries or the cause of those injuries, in any proceeding resulting from a report made in good faith pursuant to this part.

(6) A child–placing agency or person who receives a report in connection with a preplacement adoptive evaluation pursuant to Section 78–30–3.5:
(a) may provide this report to the person who is the subject of the report; and
(b) may provide this report to a person who is performing a preplacement adoptive evaluation in accordance with the requirement of Section 78–30–3.5, or to a licensed child–placing agency or to an attorney seeking to facilitate an adoption.”

13. Page 13, Line 383:
After “challenge” delete “supported”; after “finding” insert “of supported, unsupported, or without merit”

14. Page 13, Line 386:
After “makes a” bracket “supported” and after “finding” insert of supported, unsupported, or without merit

15. Page 13, Line 399:
After “in Subsection (1)” insert “, relating to a supported finding.”

16. Page 14, Line 416:
After “this section,” insert “based on a challenge to a supported finding.”

17. Page 14, Line 420:
After “agency action” insert “under this section, regardless of whether the finding is supported, unsupported, or without merit.”

18. Page 14, Line 425:
After line 425 insert:
“(6) (a) If, after receiving a report of alleged child abuse, neglect, or dependency, the division makes a finding that the report is unsupported or without merit, the division shall serve notice of the finding, described in Subsection (6)(b), on the alleged perpetrator.
(b) The notice described in Subsection (6)(a):
(i) shall state that:
(A) the division has conducted an investigation regarding a report of alleged child abuse, neglect, or dependency;
(B) the division has made a finding that the report is unsupported or without merit;
(C) the alleged perpetrator’s name, information, and the report have been entered into the Management Information System, together with an indication that the report was found to be unsupported or without merit;
(D) the information described in Subsection (6)(b)(i)(C):
(I) will not be included in the Licensing Information System; and
(II) may not be accessed and used to disqualify the alleged perpetrator from adopting a child or being licensed by:
(Aa) the department;
(Bb) a human services licensee;
(Cc) a child care provider or program; or
(Dd) a covered health care facility;
(E) the alleged perpetrator has the rights described in Subsection (7);
and
(F) failure to take the action described in Subsection (7)(a) within two years after service of the notice will result in the action described in Subsection (7)(b);
(ii) shall include a general statement of the nature of the findings; and
(iii) may not include:
(A) the name of a victim or witness; or
(B) any privacy information related to the victim or a witness.

(7) (a) Upon receipt of the notice described in Subsection (6), the alleged perpetrator shall have the right to:
(i) except as provided in Subsection (7)(c), submit a request for agency review to the division, requesting one or both of the following:
(A) if the finding described in Subsection (6)(a) is a finding of unsupported, that the division reduce the finding to a finding of without merit; or
(B) if the finding described in Subsection (6)(a) is a finding of unsupported or without merit, that the division remove the alleged perpetrator’s name and information, the finding, and the report to which it relates, from the Management Information System; or
(ii) sign a written consent to:
(A) the finding made under Subsection (6)(a); and
(B) entry into the Management Information System of the alleged perpetrator’s name and information, the finding, and the report.
(b) The alleged perpetrator’s name and information, the finding, and the report shall remain in the Management Information System:
(i) if the alleged perpetrator fails to submit a request for agency review under Subsection (7)(a)(i) within two years after service of the notice described in Subsection (6);
(ii) during the time that the division awaits a request for agency review from the alleged perpetrator pursuant to Subsection (7)(a); and
(iii) unless:
(A) in response to a request for agency review, the division determines, under Subsection (7)(a)(i)(B), to remove the alleged perpetrator’s name and information, including the finding and the report, from the Management Information System;
(B) the division refuses to take the action described in Subsection (7)(b)(iii)(A) and the division’s decision is overturned; or
(C) a court orders that the perpetrator’s name and information, the finding, and the report be removed from the Management Information System.
(c) The alleged perpetrator has no right to submit a request for agency review to the division under Subsection (7)(a)(i) if a court previously held a hearing on the same alleged incident of abuse, neglect, or dependency, pursuant to the filing of a petition under Section 78−3a−305, by some other party.
(d) Consent under Subsection (7)(a)(ii) by a child shall be given by the child’s parent or guardian.
(e) In considering a request described in Subsection (7)(a)(i)(A), the agency shall have the burden of proving, by a preponderance of the evidence, that the finding should be unsupported, rather than without merit.
(f) In considering a request described in Subsection (7)(a)(i)(B), the person who submitted the request for review shall have the burden of proving, by a preponderance of the evidence, that the person’s interest in having the report and finding removed from the Management Information System outweighs the interest of the division or an alleged victim in maintaining the report and finding in the Management Information System.
(g) If the division refuses to take the action requested under Subsection (7)(a)(i), the person who submitted the request for agency review may challenge the decision pursuant to Title 63, Chapter 46b, Administrative Procedures Act.”
19. Page 14, Line 426:
   Bracket “(6)” and Insert “(8)’’

20. Page 14, Line 427:
   After “challenge a” bracket “supported” and after “finding” insert “of
   supported, unsupported, or without merit.”

21. Page 15, Line 433:
   At the beginning of line 15 bracket “(7)” and insert “(9)” and after “in
Subsection” bracket “(7)” and insert “(9)”

22. Page 15, Line 434:
   After “Subsection (4)” insert “or (7)(a)(i)”; after “challenge a” bracket
“supported”; and after “finding” insert “of supported, unsupported, or
without merit.”

23. Page 15, Lines 435–436:
   After “that” insert:
   “(i)”

24. Page 14, Line 437:
   Bracket period at end of line and insert:
   “, or
   (ii) the report was unsubstantiated or without merit.”

25. Page 14, Line 438:
   Bracket “(7)” and insert “(9)”

26. Page 14, Line 439:
   After “Subsection (5)” insert “or (7)”

27. Page 14, Line 441:
   Bracket “(8)” and insert “(10)”

28. Page 15, Line 444:
   After line 444 insert:
   “Section 8. Section 63–2–202
(1) Upon request, a governmental entity shall disclose a private record
to:
(a) the subject of the record;
(b) the parent or legal guardian of an unemancipated minor who is the
subject of the record;
(c) the legal guardian of a legally incapacitated individual who is the subject of the record;
(d) any other individual who:
(i) has a power of attorney from the subject of the record;
(ii) submits a notarized release from the subject of the record or his legal representative dated no more than 90 days before the date the request is made; or
(iii) if the record is a medical record described in Subsection 63–2–302(1)(b), is a health care provider, as defined in Section 26–33a–102, if releasing the record or information in the record is consistent with normal professional practice and medical ethics; or
(e) any person to whom the record must be provided pursuant to:
(i) court order as provided in Subsection (7); or
(ii) a legislative subpoena as provided in Title 36, Chapter 14.
(2) (a) Upon request, a governmental entity shall disclose a controlled record to:
(i) a physician, psychologist, certified social worker, insurance provider or producer, or a government public health agency upon submission of:
(A) a release from the subject of the record that is dated no more than 90 days prior to the date the request is made; and
(B) a signed acknowledgment of the terms of disclosure of controlled information as provided by Subsection (2)(b); and
(ii) any person to whom the record must be disclosed pursuant to:
(A) a court order as provided in Subsection (7); or
(B) a legislative subpoena as provided in Title 36, Chapter 14.
(b) A person who receives a record from a governmental entity in accordance with Subsection (2)(a)(i) may not disclose controlled information from that record to any person, including the subject of the record.
(3) If there is more than one subject of a private or controlled record, the portion of the record that pertains to another subject shall be segregated from the portion that the requester is entitled to inspect.
(4) Upon request, and except as provided in Subsection (10), a governmental entity shall disclose a protected record to:
(a) the person who submitted the record;
(b) any other individual who:
(i) has a power of attorney from all persons, governmental entities, or political subdivisions whose interests were sought to be protected by the protected classification; or
(ii) submits a notarized release from all persons, governmental entities,
or political subdivisions whose interests were sought to be protected by
the protected classification or from their legal representatives dated no
more than 90 days prior to the date the request is made;
(c) any person to whom the record must be provided pursuant to:
(i) a court order as provided in Subsection (7); or
(ii) a legislative subpoena as provided in Title 36, Chapter 14; or
(d) the owner of a mobile home park, subject to the conditions of
Subsection 41−1a−116(5).
(5) A governmental entity may disclose a private, controlled, or
protected record to another governmental entity, political subdivision,
another state, the United States, or a foreign government only as
provided by Section 63−2−206.
(6) Before releasing a private, controlled, or protected record, the
governmental entity shall obtain evidence of the requester’s identity.
(7) A governmental entity shall disclose a record pursuant to the terms
of a court order signed by a judge from a court of competent
jurisdiction, provided that:
(a) the record deals with a matter in controversy over which the court
has jurisdiction;
(b) the court has considered the merits of the request for access to the
record; and
(c) the court has considered and, where appropriate, limited the
requester’s use and further disclosure of the record in order to protect:
(i) privacy interests in the case of private or controlled records;
(ii) business confidentiality interests in the case of records protected
under Subsection 63−2−304(1), (2), (40)(a)(ii), or (40)(a)(vi); and
(iii) privacy interests or the public interest in the case of other protected
records;
(d) to the extent the record is properly classified private, controlled, or
protected, the interests favoring access, considering limitations
thereon, outweigh the interests favoring restriction of access; and
(e) where access is restricted by a rule, statute, or regulation referred to
in Subsection 63−2−201(3)(b), the court has authority independent of
this chapter to order disclosure.
(8) (a) A governmental entity may disclose or authorize disclosure of
private or controlled records for research purposes if the governmental
entity:
(i) determines that the research purpose cannot reasonably be
accomplished without use or disclosure of the information to the
researcher in individually identifiable form;
(ii) determines that:
(A) the proposed research is bona fide; and  
(B) the value of the research outweighs the infringement upon personal privacy;  
(iii) (A) requires the researcher to assure the integrity, confidentiality, and security of the records; and  
(B) requires the removal or destruction of the individual identifiers associated with the records as soon as the purpose of the research project has been accomplished;  
(iv) prohibits the researcher from:  
(A) disclosing the record in individually identifiable form, except as provided in Subsection (8)(b); or  
(B) using the record for purposes other than the research approved by the governmental entity; and  
(v) secures from the researcher a written statement of the researcher’s understanding of and agreement to the conditions of this Subsection (8) and the researcher’s understanding that violation of the terms of this Subsection (8) may subject the researcher to criminal prosecution under Section 63−2−801.
(b) A researcher may disclose a record in individually identifiable form if the record is disclosed for the purpose of auditing or evaluating the research program and no subsequent use or disclosure of the record in individually identifiable form will be made by the auditor or evaluator except as provided by this section.
(c) A governmental entity may require indemnification as a condition of permitting research under this Subsection (8).
(9) (a) Under Subsections 63−2−201(5)(b) and 63−2−401(6), a governmental entity may disclose to persons other than those specified in this section records that are:  
(i) private under Section 63−2−302; or  
(ii) protected under Section 63−2−304 subject to Section 63−2−308 if a claim for business confidentiality has been made under Section 63−2−308.
(b) Under Subsection 63−2−403(11)(b), the records committee may require the disclosure to persons other than those specified in this section of records that are:  
(i) private under Section 63−2−302;  
(ii) controlled under Section 63−2−303; or  
(iii) protected under Section 63−2−304 subject to Section 63−2−308 if a claim for business confidentiality has been made under Section 63−2−308.
(c) Under Subsection 63−2−404(8), the court may require the
disclosure of records that are private under Section 63–2–302, controlled under Section 63–2–303, or protected under Section 63–2–304 to persons other than those specified in this section.

(10) A record contained in the Management Information System, created in Section 62A–4a–1003, that is found to be unsubstantiated, unsupported, or without merit may not be disclosed to any person except the person who is alleged in the report to be a perpetrator of abuse, neglect, or dependency.

Section 9. Section 63–2–304

63–2–304. Protected records.
The following records are protected if properly classified by a governmental entity:

(1) trade secrets as defined in Section 13–24–2 if the person submitting the trade secret has provided the governmental entity with the information specified in Section 63–2–308;

(2) commercial information or nonindividual financial information obtained from a person if:

(a) disclosure of the information could reasonably be expected to result in unfair competitive injury to the person submitting the information or would impair the ability of the governmental entity to obtain necessary information in the future;

(b) the person submitting the information has a greater interest in prohibiting access than the public in obtaining access; and

(c) the person submitting the information has provided the governmental entity with the information specified in Section 63–2–308;

(3) commercial or financial information acquired or prepared by a governmental entity to the extent that disclosure would lead to financial speculations in currencies, securities, or commodities that will interfere with a planned transaction by the governmental entity or cause substantial financial injury to the governmental entity or state economy;

(4) records the disclosure of which could cause commercial injury to, or confer a competitive advantage upon a potential or actual competitor of, a commercial project entity as defined in Subsection 11–13–103(4);

(5) test questions and answers to be used in future license, certification, registration, employment, or academic examinations;

(6) records the disclosure of which would impair governmental procurement proceedings or give an unfair advantage to any person proposing to enter into a contract or agreement with a governmental entity, except that this Subsection (6) does not restrict the right of a
person to see bids submitted to or by a governmental entity after bidding has closed;
(7) records that would identify real property or the appraisal or estimated value of real or personal property, including intellectual property, under consideration for public acquisition before any rights to the property are acquired unless:
(a) public interest in obtaining access to the information outweighs the governmental entity’s need to acquire the property on the best terms possible;
(b) the information has already been disclosed to persons not employed by or under a duty of confidentiality to the entity;
(c) in the case of records that would identify property, potential sellers of the described property have already learned of the governmental entity’s plans to acquire the property;
(d) in the case of records that would identify the appraisal or estimated value of property, the potential sellers have already learned of the governmental entity’s estimated value of the property; or
(e) the property under consideration for public acquisition is a single family residence and the governmental entity seeking to acquire the property has initiated negotiations to acquire the property as required under Section 78–34–4.5;
(8) records prepared in contemplation of sale, exchange, lease, rental, or other compensated transaction of real or personal property including intellectual property, which, if disclosed prior to completion of the transaction, would reveal the appraisal or estimated value of the subject property, unless:
(a) the public interest in access outweighs the interests in restricting access, including the governmental entity’s interest in maximizing the financial benefit of the transaction; or
(b) when prepared by or on behalf of a governmental entity, appraisals or estimates of the value of the subject property have already been disclosed to persons not employed by or under a duty of confidentiality to the entity;
(9) records created or maintained for civil, criminal, or administrative enforcement purposes or audit purposes, or for discipline, licensing, certification, or registration purposes, if release of the records:
(a) reasonably could be expected to interfere with investigations undertaken for enforcement, discipline, licensing, certification, or registration purposes;
(b) reasonably could be expected to interfere with audits, disciplinary, or enforcement proceedings;
(c) would create a danger of depriving a person of a right to a fair trial or impartial hearing;
(d) reasonably could be expected to disclose the identity of a source who is not generally known outside of government and, in the case of a record compiled in the course of an investigation, disclose information furnished by a source not generally known outside of government if disclosure would compromise the source; or
(e) reasonably could be expected to disclose investigative or audit techniques, procedures, policies, or orders not generally known outside of government if disclosure would interfere with enforcement or audit efforts;
(10) records the disclosure of which would jeopardize the life or safety of an individual;
(11) records the disclosure of which would jeopardize the security of governmental property, governmental programs, or governmental recordkeeping systems from damage, theft, or other appropriation or use contrary to law or public policy;
(12) records that, if disclosed, would jeopardize the security or safety of a correctional facility, or records relating to incarceration, treatment, probation, or parole, that would interfere with the control and supervision of an offender’s incarceration, treatment, probation, or parole;
(13) records that, if disclosed, would reveal recommendations made to the Board of Pardons and Parole by an employee of or contractor for the Department of Corrections, the Board of Pardons and Parole, or the Department of Human Services that are based on the employee’s or contractor’s supervision, diagnosis, or treatment of any person within the board’s jurisdiction;
(14) records and audit workpapers that identify audit, collection, and operational procedures and methods used by the State Tax Commission, if disclosure would interfere with audits or collections;
(15) records of a governmental audit agency relating to an ongoing or planned audit until the final audit is released;
(16) records prepared by or on behalf of a governmental entity solely in anticipation of litigation that are not available under the rules of discovery;
(17) records disclosing an attorney’s work product, including the mental impressions or legal theories of an attorney or other representative of a governmental entity concerning litigation;
(18) records of communications between a governmental entity and an attorney representing, retained, or employed by the governmental
entity if the communications would be privileged as provided in Section 78–24–8;

(19) (a) (i) personal files of a state legislator, including personal correspondence to or from a member of the Legislature; and
(ii) notwithstanding Subsection (19)(a)(i), correspondence that gives notice of legislative action or policy may not be classified as protected under this section; and
(b) (i) an internal communication that is part of the deliberative process in connection with the preparation of legislation between:
(A) members of a legislative body;
(B) a member of a legislative body and a member of the legislative body’s staff; or
(C) members of a legislative body’s staff; and
(ii) notwithstanding Subsection (19)(b)(i), a communication that gives notice of legislative action or policy may not be classified as protected under this section;

(20) (a) records in the custody or control of the Office of Legislative Research and General Counsel, that, if disclosed, would reveal a particular legislator’s contemplated legislation or contemplated course of action before the legislator has elected to support the legislation or course of action, or made the legislation or course of action public; and
(b) notwithstanding Subsection (20)(a), the form to request legislation submitted to the Office of Legislative Research and General Counsel is a public document unless a legislator asks that the records requesting the legislation be maintained as protected records until such time as the legislator elects to make the legislation or course of action public;

(21) research requests from legislators to the Office of Legislative Research and General Counsel or the Office of the Legislative Fiscal Analyst and research findings prepared in response to these requests;

(22) drafts, unless otherwise classified as public;

(23) records concerning a governmental entity’s strategy about collective bargaining or pending litigation;

(24) records of investigations of loss occurrences and analyses of loss occurrences that may be covered by the Risk Management Fund, the Employers’ Reinsurance Fund, the Uninsured Employers’ Fund, or similar divisions in other governmental entities;

(25) records, other than personnel evaluations, that contain a personal recommendation concerning an individual if disclosure would constitute a clearly unwarranted invasion of personal privacy, or disclosure is not in the public interest;

(26) records that reveal the location of historic, prehistoric,
paleontological, or biological resources that if known would jeopardize the security of those resources or of valuable historic, scientific, educational, or cultural information;

(27) records of independent state agencies if the disclosure of the records would conflict with the fiduciary obligations of the agency;

(28) records of an institution within the state system of higher education defined in Section 53B−1−102 regarding tenure evaluations, appointments, applications for admissions, retention decisions, and promotions, which could be properly discussed in a meeting closed in accordance with Title 52, Chapter 4, Open and Public Meetings Act, provided that records of the final decisions about tenure, appointments, retention, promotions, or those students admitted, may not be classified as protected under this section;

(29) records of the governor’s office, including budget recommendations, legislative proposals, and policy statements, that if disclosed would reveal the governor’s contemplated policies or contemplated courses of action before the governor has implemented or rejected those policies or courses of action or made them public;

(30) records of the Office of the Legislative Fiscal Analyst relating to budget analysis, revenue estimates, and fiscal notes of proposed legislation before issuance of the final recommendations in these areas;

(31) records provided by the United States or by a government entity outside the state that are given to the governmental entity with a requirement that they be managed as protected records if the providing entity certifies that the record would not be subject to public disclosure if retained by it;

(32) transcripts, minutes, or reports of the closed portion of a meeting of a public body except as provided in Section 52−4−206;

(33) records that would reveal the contents of settlement negotiations but not including final settlements or empirical data to the extent that they are not otherwise exempt from disclosure;

(34) memoranda prepared by staff and used in the decision−making process by an administrative law judge, a member of the Board of Pardons and Parole, or a member of any other body charged by law with performing a quasi−judicial function;

(35) records that would reveal negotiations regarding assistance or incentives offered by or requested from a governmental entity for the purpose of encouraging a person to expand or locate a business in Utah, but only if disclosure would result in actual economic harm to the person or place the governmental entity at a competitive disadvantage, but this section may not be used to restrict access to a record evidencing
a final contract;
(36) materials to which access must be limited for purposes of securing or maintaining the governmental entity’s proprietary protection of intellectual property rights including patents, copyrights, and trade secrets;
(37) the name of a donor or a prospective donor to a governmental entity, including an institution within the state system of higher education defined in Section 53B–1–102, and other information concerning the donation that could reasonably be expected to reveal the identity of the donor, provided that:
(a) the donor requests anonymity in writing;
(b) any terms, conditions, restrictions, or privileges relating to the donation may not be classified protected by the governmental entity under this Subsection (37); and
(c) except for an institution within the state system of higher education defined in Section 53B–1–102, the governmental unit to which the donation is made is primarily engaged in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority over the donor, a member of the donor’s immediate family, or any entity owned or controlled by the donor or the donor’s immediate family;
(38) accident reports, except as provided in Sections 41–6a–404, 41–12a–202, and 73–18–13;
(39) a notification of workers’ compensation insurance coverage described in Section 34A–2–205;
(40) (a) the following records of an institution within the state system of higher education defined in Section 53B–1–102, which have been developed, discovered, disclosed to, or received by or on behalf of faculty, staff, employees, or students of the institution:
(i) unpublished lecture notes;
(ii) unpublished notes, data, and information:
(A) relating to research; and
(B) of:
(I) the institution within the state system of higher education defined in Section 53B–1–102; or
(II) a sponsor of sponsored research;
(iii) unpublished manuscripts;
(iv) creative works in process;
(v) scholarly correspondence; and
(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); and
(c) Subsection (40)(a) may not be construed to affect the ownership of a
record;
(41) (a) records in the custody or control of the Office of Legislative
Auditor General that would reveal the name of a particular legislator
who requests a legislative audit prior to the date that audit is completed
and made public; and
(b) notwithstanding Subsection (41)(a), a request for a legislative audit
submitted to the Office of the Legislative Auditor General is a public
document unless the legislator asks that the records in the custody or
control of the Office of Legislative Auditor General that would reveal
the name of a particular legislator who requests a legislative audit be
maintained as protected records until the audit is completed and made
public;
(42) records that provide detail as to the location of an explosive,
including a map or other document that indicates the location of:
(a) a production facility; or
(b) a magazine;
(43) information contained in the database described in Section
62A–3–311.1;
(44) information contained in the Management Information System
and Licensing Information System described in Title 62A, Chapter 4a,
Child and Family Services;
(45) information regarding National Guard operations or activities in
support of the National Guard’s federal mission;
(46) records provided by any pawn or secondhand business to a law
enforcement agency or to the central database in compliance with Title
13, Chapter 32a, Pawnshop and Secondhand Merchandise Transaction
Information Act;
(47) information regarding food security, risk, and vulnerability
assessments performed by the Department of Agriculture and Food;
(48) except to the extent that the record is exempt from this chapter
pursuant to Section 63–2–106, records related to an emergency plan or
program prepared or maintained by the Division of Homeland Security
the disclosure of which would jeopardize:
(a) the safety of the general public; or
(b) the security of:
(i) governmental property;
(ii) governmental programs; or
(iii) the property of a private person who provides the Division of
Homeland Security information;
(49) records of the Department of Agriculture and Food relating to the National Animal Identification System or any other program that provides for the identification, tracing, or control of livestock diseases, including any program established under Title 4, Chapter 24, Utah Livestock Brand and Anti-theft Act or Title 4, Chapter 31, Livestock Inspection and Quarantine;

(50) as provided in Section 26−39−109:
(a) information or records held by the Department of Health related to a complaint regarding a child care program or residential child care which the department is unable to substantiate; and
(b) information or records related to a complaint received by the Department of Health from an anonymous complainant regarding a child care program or residential child care; [and]

(51) unless otherwise classified as public under Section 63−2−301 and except as provided under Section 41−1a−116, an individual’s home address, home telephone number, or personal mobile phone number, if:
(a) the individual is required to provide the information in order to comply with a law, ordinance, rule, or order of a government entity; and
(b) the subject of the record has a reasonable expectation that this information will be kept confidential due to:
(i) the nature of the law, ordinance, rule, or order; and
(ii) the individual complying with the law, ordinance, rule, or order,

(52) records contained in the Management Information System, created in Section 62A−4a−1003.

29. Page 18, Line 526:
After line 526 insert:
“Section 8. Section 78−3a−314 is amended to read:
78−3a−314. All proceedings — Persons entitled to be present.
(1) A child who is the subject of a juvenile court hearing, any person entitled to notice pursuant to Section 78−3a−306 or 78−3a−309, preadoptive parents, foster parents, and any relative providing care for the child, are:
(a) entitled to notice of, and to be present at, each hearing and proceeding held under this part, including administrative and citizen reviews; and
(b) have a right to be heard at each hearing and proceeding described in Subsection (1)(a).

(2) A child shall be represented at each hearing by the guardian ad litem appointed to the child’s case by the court. The child has a right to be present at each hearing, subject to the discretion of the guardian ad
litem or the court regarding any possible detriment to the child.

(3) (a) The parent or guardian of a child who is the subject of a petition under this part has the right to be represented by counsel, and to present evidence, at each hearing.

(b) When it appears to the court that a parent or guardian of the child desires counsel but is financially unable to afford and cannot for that reason employ counsel, and the child has been placed in out-of-home care, or the petitioner is recommending that the child be placed in out-of-home care, the court shall appoint counsel.

(4) In every abuse, neglect, or dependency proceeding under this chapter, the court shall order that the child be represented by a guardian ad litem, in accordance with Section 78–3a–912. The guardian ad litem shall represent the best interest of the child, in accordance with the requirements of that section, at the shelter hearing and at all subsequent court and administrative proceedings, including any proceeding for termination of parental rights in accordance with Part 4, Termination of Parental Rights Act.

(5) [Notwithstanding] (a) Except as provided in Subsection (5)(b), and notwithstanding any other provision of law[.]

(i) counsel for all parties to the action shall be given access to all records, maintained by the division or any other state or local public agency, that are relevant to the abuse, neglect, or dependency proceeding under this chapter[.]

(ii) if the natural parent of a child is representing himself, the natural parent shall have access to [those records. The above disclosures] the records described in Subsection (5)(a)(i).

(b) The disclosures described in Subsection (5)(a) are not required in the following circumstances:

[i] Subject to Subsection (5)(c), the division or other state or local public agency did not originally create the record being requested[. In those circumstances, the person making the request under this section shall be informed of the following:]:

[i] the existence of all records in the possession of the division or any other state or local public agency;

[ii] the name and address of the person or agency that originally created the record; and

[iii] that the person must seek access to the record from the person or agency that originally created the record.

[b] Disclosure [ii] disclosure of the record would jeopardize the life or physical safety of a child who has been a victim of child abuse or neglect, or any person who provided substitute care for the child[.]
[(c) Disclosure] (iii) disclosure of the record would jeopardize the anonymity of the person or persons making the initial report of abuse or neglect or any others involved in the subsequent investigation;

[(d) Disclosure] (iv) disclosure of the record would jeopardize the life or physical safety of a person who has been a victim of domestic violence;

or

(v) the record is a report maintained in the Management Information System, for which a finding of unsubstantiated, unsupported, or without merit has been made.

(c) If a disclosure is denied under Subsection (5)(b)(i), the division shall inform the person making the request of the following:

(i) the existence of all records in the possession of the division or any other state or local public agency;

(ii) the name and address of the person or agency that originally created the record; and

(iii) that the person must seek access to the record from the person or agency that originally created the record.

(6) (a) The appropriate foster care citizen review board shall be given access to all records, maintained by the division or any other state or local public agency, that are relevant to an abuse, neglect, or dependency proceeding under this chapter.

(b) Representatives of the appropriate foster care citizen review board are entitled to be present at each hearing held under this part, but notice is not required to be provided.”

Renumber remaining sections accordingly.

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

On motion of Senator Davis, the bill was circled.

* * *

On motion of Senator Eastman and at 4:05 p.m., the Senate adjourned until 10:00 a.m., Wednesday, February 6, 2008.
SEVENTEENTH DAY
MORNING SESSION
FEBRUARY 6, 2008

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

Prayer − Reverend France Davis, Calvary Baptist Church – Salt Lake City
Pledge of Allegiance − Senator Michael Waddoups
Roll Call − All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(Please refer to Day 1, page 64)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 5, 2008

The House passed H.B. 45, SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A DISABILITY, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as amended, H.B. 85, TEACHER LOAN PROGRAM, by Representative L. Hemingway, et al, and it is transmitted for consideration; and

The House passed, as amended, H.B. 101, AMENDMENTS TO EMERGENCY INJECTION FOR ANAPHYLACTIC REACTION ACT, by Representative T. Kiser, and it is transmitted for consideration; and

The House passed H.B. 103, USE OF STATE ALTERNATIVE FUEL NETWORK, by Representative F. Hunsaker, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 119, CONTROLLED SUBSTANCE DATABASE AMENDMENTS, by Representative B. Daw, et al, and it is transmitted for consideration; and

The House passed H.B. 286, PERMANENT TEACHER LICENSE REVOCATION FOR SEXUAL ACTIVITY WITH STUDENTS, by Representative C. Wimmer, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 45, H.B. 85, H.B. 101, H.B. 103, 1st Sub. H.B. 119, and H.B. 286 were read the first time and referred to the Rules Committee.
INTRODUCTION OF BILLS

S.B. 196, County and Municipal Land Use Amendments (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 200, Professional Engineers Licensing Amendments (F. Fife), read the first time by short title and referred to the Rules Committee.

S.B. 216, Deferred Deposit Lending Information and Reporting (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 253, County Law Enforcement Duties (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.B. 267, Local Government Authority Amendments (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 290, Private Investigators’ Access to Driver Licensure Information (M. Dayton), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

S.B. 105, JUDICIAL PERFORMANCE EVALUATION COMMISSION, was read the third time, explained by Senator Buttars, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Fife
Greiner  Hickman  Hillyard  Jenkins
Jones  Killpack  Knudson  Madsen
Mayne  McCoy  Niederhauser  Romero
Stephenson  Stowell  Van Tassell  Waddoups
Walker  Valentine

Absent or not voting were: Senators
Eastman  Goodfellow  Peterson

S.B. 105 was transmitted to the House for consideration.

***

2nd Sub. H.B. 77, PERSONAL PROPERTY TAX AMENDMENTS, was read the third time and explained by Senator Niederhauser.
On motion of Senator Niederhauser, the bill was circled.

* * *

S.B. 138, UTAH SUBSTANCE ABUSE AND ANTI–VIOLENCE COORDINATING COUNCIL AMENDMENTS, was read the third time, explained by Senator Buttars, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Eastman | Madsen | Peterson |

S.B. 138 was transmitted to the House for consideration.

* * *

S.B. 150, CRIMINAL PENALTIES REVISIONS, was read the third time and explained by Senator Jenkins. Senator Valentine 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

| Eastman | Niederhauser | Peterson |

S.B. 150 was transmitted to the House for consideration.

* * *

S.B. 152, PRESUMPTIVE PERSONAL REPRESENTATIVE, 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

| Eastman | Hickman | Niederhauser | Peterson |

S.B. 152 was transmitted to the House for consideration.

* * *

S.B. 132, CONSUMER CREDIT PROTECTION ACT, 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

| Buttars | Niederhauser | Peterson |

S.B. 132 was transmitted to the House for consideration.
S.B. 61, FINANCIAL LITERACY EDUCATION, was read the third time.

On motion of Senator Jones, the bill was circled.

S.B. 103, HIGHER EDUCATION ENHANCEMENTS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell  Bramble  Christensen  Davis
Dayton  Dmitrich  Eastman  Fife
Goodfellow  Greiner  Hickman  Hillyard
Jenkins  Jones  Killpack  Knudson
Madsen  Mayne  McCoy  Niederhauser
Romero  Stephenson  Stowell  Van Tassell
Waddoups  Walker  Valentine

**Absent or not voting were:** Senators
Buttars  Peterson

S.B. 103 was transmitted to the House for consideration.

S.B. 125, HIGH SCHOOL VOTER REGISTRATION, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell  Bramble  Christensen  Davis
Dayton  Dmitrich  Eastman  Fife
Goodfellow  Greiner  Hickman  Hillyard
Jenkins  Jones  Knudson  Madsen
Mayne  Niederhauser  Romero  Stephenson
Stowell  Van Tassell  Waddoups  Walker
Valentine

**Voting in the negative was:** Senator
McCoy
Absent or not voting were: Senators
Buttars       Killpack       Peterson

S.B. 125 was transmitted to the House for consideration.

* * *

S.B. 63, ADULT PROTECTIVE SERVICES AMENDMENTS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell       Bramble       Christensen       Davis
Dayton     Dmitrich      Eastman         Fife
Goodfellow Greiner      Hickman        Hillyard
Jenkins    Jones         Knudson        Madsen
Mayne      McCoy         Niederhauser  Romero
Stephenson Van Tassell   Waddoups      Walker
Valentine

Absent or not voting were: Senators
Buttars       Killpack       Peterson       Stowell

S.B. 63 was transmitted to the House for consideration.

* * *

S.B. 65, SOLICITING GANG MEMBERS PROHIBITED, was read the third time.

On motion of Senator Greiner, the bill was circled.

* * *

S.B. 75, PROHIBITING GANG ACTIVITY, was read the third time and explained by Senator Greiner. Senators Stephenson and Bell commented and the bill passed on the following roll call:

Yeas, 16; Nays, 10; Absent, 3.

Voting in the affirmative were: Senators
Christensen    Dayton    Dmitrich    Eastman
Goodfellow    Greiner    Hickman    Jones
Killpack      Knudson    Madsen    Mayne
Niederhauser  Van Tassell Waddoups    Valentine
Voting in the negative were: Senators
Bell                 Davis                 Fife                  Hillyard
Jenkins             McCoy                 Peterson             Romero
Stephenson          Walker

Absent or not voting were: Senators
Bramble             Buttars               Stowell

S.B. 75 was transmitted to the House for consideration.

* * *

S.B. 98, LICENSING OF SECURITY SERVICES, was read the third time, explained by Senator Eastman, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell                 Bramble               Buttars               Christensen
Davis               Dayton                Dmitrich             Eastman
Fife                Goodfellow           Greiner               Hickman
Hillyard            Jenkins               Jones                Killpack
Knudson             Madsen                Mayne                McCoy
Niederhauser        Peterson              Romero               Stephenson
Van Tassell         Waddoups              Walker               Valentine

Absent or not voting was: Senator
Stowell

S.B. 98 was transmitted to the House for consideration.

* * *

S.B. 151, TRADEMARK PROTECTION 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
Bell                 Bramble               Buttars               Christensen
Davis               Dayton                Dmitrich             Eastman
Fife                Goodfellow           Hillyard             Jenkins
Jones               Killpack              Knudson              Madsen
S.B. 151 was transmitted to the House for consideration.

* * *

On motion of Senator Jones, the circle was removed from S.B. 61, FINANCIAL LITERACY EDUCATION, and it was before the Senate. Senator Jones explained the bill.

Senator Stephenson proposed the following amendment:

1. Page 2, Lines 40 through 42

   (1) As used in this section, “financial and economic literacy passport” means a document that tracks mastery of financial and economic literacy concepts and completion of financial and economic activities, including the following:

2. Page 2, Line 56 through Page 3, Line 86:

   (m) negative financial consequences of gambling; and
   
   (n) bankruptcy; free markets; supply and demand; monetary policy; and effective business plan creation, including using economic analysis in creating a plan.

3. Page 2, Line 56 through Page 3, Line 86:

   (2) The State Board of Education shall:

   (a) in cooperation with interested private and non-profit entities:

   (i) develop a financial and economic literacy passport that students may elect to complete;

   (ii) develop methods of encouraging parent and educator involvement in completion of
the financial and economic literacy passport; and

(iii) develop and implement appropriate recognition and incentives for students who complete the financial and economic literacy passport, including:

(A) a financial and economic literacy endorsement on the student’s diploma of graduation;
(B) a specific designation on the student’s official transcript; and
(C) any incentives offered by community partners;

(b) more fully integrate financial and economic literacy education into instruction in kindergarten through twelfth grade by:

(i) coordinating financial and economic literacy instruction with existing instruction in other core curriculum areas such as mathematics and social studies;
(ii) using curriculum mapping;
(iii) creating training materials and staff development programs that:

(A) highlight areas of potential coordination between financial and economic literacy education and other core curriculum concepts; and
(B) demonstrate specific examples of financial and economic literacy concepts as a way of teaching other core curriculum concepts; and
(iv) using appropriate financial and economic literacy assessments to improve financial and economic literacy education and, if necessary, developing assessments;

(c) work with interested private and non-profit entities to coordinate:

(i) coordinate school use of existing financial and economic literacy education resources;
(ii) develop simple, clear, and consistent messaging to reinforce and link existing financial and economic
78b literacy resources; ÊŠ and
79 Š⇒ [(iii)] (iii) coordinate the efforts of school, work, private, non-profit, and other
financial and economic education providers in implementing Š⇒ methods of appropriately communicating to
79b students and parents key financial and economic literacy messages; and
80 literacy messages; and
81 (d) in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,
82 make rules to develop guidelines and methods for school districts and charter schools to more
83 fully integrate financial and economic literacy education into other core curriculum courses.
84 (3) The state superintendent shall annually report to the Education Interim Committee
85 by November of each year on the successes and areas of needed improvement in financial and economic
86 literacy education provided pursuant to this section.

3. Page 4, Lines 99 through 101:
99 Uniform School Fund for fiscal year 2008–09 to the State Board of Education for staff
100 development and assessments in financial and economic literacy as provided by Subsection
101 53A–13–110(2)(b); and
Senator Stephenson’s motion to amend passed on a voice vote.

###

Senator Stephenson proposed the following amendment:
1. Page 1, Line 1:
   In the short title after “Financial” insert “and Economic”

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

On motion of Senator Jones, the bill was considered read for the first, second and third time due to the change of the short title.
The bill passed, as amended, on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting was:** Senator

Bell

**S.B. 61** was transmitted to the House for consideration.

***

**S.B. 159**, WORKERS’ COMPENSATION 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

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

**Absent or not voting was:** Senator

Bell

**S.B. 159** was transmitted to the House for consideration.

***

**S.B. 67**, PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN CERTAIN PRIVATE VENUES, was read the third time and explained by Senator Madsen.
Senator Madsen proposed the following amendment:

1. Page 5, Lines 129 through 139

129  34–45–107. Exemptions — Limitations on chapter — School
premises —

130 Government entities — Religious organizations — Single
family detached residential units.

131  (1) (a) School premises, as defined in Subsection
76–3–203.2(1), are exempt from the

132 provisions of this chapter.

133  (b) Possession of a firearm on or about school premises is
subject to the provisions of

134 Section 76–10–505.5.

135  (2) Government entities, including a local authority or state
entity, are subject to the

136 requirements of Title 63, Chapter 98, Firearm Laws, but are
otherwise exempt from the

137 provisions of this chapter.

138  (3) Religious organizations, including religious organizations
acting as an employer,

139 are exempt from, and are not subject to the provisions of this
chapter.

140  (4) Owner–occupied single family detached residential units and
tenant–occupied single family detached residential units are exempt
from the provisions of this chapter.

Senator Madsen’s motion to amend passed on a voice vote. Senators Jones
and Goodfellow commented and the bill, as amended, passed 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
Davis  Jones  McCoy  Romero

Absent or not voting were: Senators
Buttars  Christensen

S.B. 67 was transmitted to the House for consideration.

* * *

S.B. 145, STATE FAMILY DAY HOLIDAY, was read the third time and explained by Senator Hickman. Senators Waddoups, Killpack, Greiner, Stephenson, Eastman, McCoy, Goodfellow, and Davis commented.

Senator Davis made the motion to strike the enacting clause on the bill. The motion passed on a voice vote.

* * *

S.B. 108, OFFSET OF WORKERS’ COMPENSATION AND SOCIAL SECURITY, was read the third time, explained by Senator Hickman, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Buttars  Christensen  Davis
Dayton  Eastman  Fife  Goodfellow
Hickman  Hillyard  Jenkins  Jones
Killpack  Knudson  Mayne  McCoy
Niederhauser  Peterson  Romero  Stephenson
Stowell  Van Tassell  Waddoups  Walker
Valentine

Absent or not voting were: Senators
Bramble  Dmitrich  Greiner  Madsen

S.B. 108 was transmitted to the House for consideration.

* * *

2nd Sub. S.B. 134, MORTGAGE FRAUD ACT, was read the third time.

On motion of Senator Killpack, the bill was circled.
S.B. 76, STATE PARKS AND RECREATION AMENDMENTS, was read the third time and explained by Senator Goodfellow.

Senator Goodfellow proposed the following amendment:

1. Page 8, Lines 239 through 244

239 (iv) a water skier that had been towed behind the operator’s vessel unless the skier is

240 still surfing or riding in an upright stance on the wake created by the vessel;

(v) a water skier that had been towed behind another vessel and the skier is still surfing or riding in an upright stance on the wake created by the other vessel;

241 (iv) (v) (vi) a shore fisherman;

242 (v) (vi) (vii) a launching ramp;

243 (vi) (vii) (viii) a dock; or

244 (vii) (viii) (ix) a designated swimming area; or

Senator Goodfellow’s motion to amend passed on a voice vote. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Bramble  Dmitrich  Van Tassell

S.B. 76 was transmitted to the House for consideration.

SECOND READING CALENDAR

1st Sub. H.B. 55, CAPTIVE INSURANCE COMPANY AMENDMENTS, was read the second time.
On motion of Senator Greiner, the bill was circled.

***

On motion of Senator Jenkins, the circle was removed from H.B. 56, REPEAL PROVISIONS RELATED TO ASSUMPTION OF INDEBTEDNESS ON RESIDENTIAL REAL PROPERTY, and it was before the Senate. 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

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**Absent or not voting were:** Senators

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***

On motion of Senator Christensen, the circle was removed from H.B. 74, MEDICAID 340B DRUG PRICING PROGRAMS, and it was before the Senate. Senator Christensen explained the bill.

Senator Christensen proposed the following amendment:

1. Page 2, Lines 35 through 38

   House Floor Amendments

   1–23–2008

   35 (2) The department shall:

   36 (a) determine 

   (i) the feasibility of developing and implementing one or more

   340B drug

   37 pricing programs for a specific disease, similar to the department’s

   hemophilia disease
management services; and
(ii) whether the 340B drug program for a specific disease results in
greater savings for the department than other drug management
programs for the particular disease;

2. Page 2, Line 58
House Floor Amendments
1–23–2008:

If the department needs a Medicaid waiver to implement a
340B drug program for a specific disease, the department shall comply
with the reporting requirements of Subsection (2)(b)(ii) of this section,
and the reporting requirements of Section 26–18–3.

This section shall sunset in accordance with Section
63–55–226.

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

**Yeas, 22; Nays, 4; Absent, 3.**

**Voting in the affirmative were:** Senators
Bell Bramble Buttars Christensen
Davis Dmitrich Eastman Fife
Goodfellow Hillyard Jenkins Jones
Knudson Madsen Mayne McCoy
Niederhauser Peterson Romero Waddoups
Walker Valentine

**Voting in the negative were:** Senators
Dayton Greiner Stephenson Stowell

**Absent or not voting were:** Senators
Hickman Killpack Van Tassell

* * *

On motion of Senator Eastman and at 11:50 a.m., the Senate adjourned until
10:00 a.m., Thursday, February 7, 2008.
EIGHTEENTH DAY
MORNING SESSION
FEBRUARY 7, 2008

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

Prayer – President Michael Sansom, Counselor in the Wasatch Stake Presidency, The Church of Jesus Christ of Latter–Day Saints
Pledge of Allegiance – Senator Allen Christensen
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 64)

COMMUNICATIONS FROM THE HOUSE

Mr. President:

The House passed, S.B. 10, SEARCH WARRANT PROCEDURE AMENDMENTS, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 12, ELECTION LAW MODIFICATIONS, 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. 13, CANDIDATE RESIDENCY REQUIREMENTS, 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. 16, EXONERATION AND INNOCENCE ASSISTANCE, 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. 22, TIMING OF BALLOT ITEMS, 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. 27, TRUSTEES SALE – PROCESS FOR EXCESS PROCEEDS, by Senator G. Davis, which has been signed by the Speaker and it is transmitted for the signature of the President; and
The House passed, **S.B. 119**, DEPARTMENT OF CORRECTIONS AMENDMENTS, by Senator D. Peterson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 128**, AMENDMENTS TO THE VETERAN’S PROPERTY TAX EXEMPTION, by Senator B. Goodfellow, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 131**, WAGE WITHHOLDING FOR EMPLOYEE CONTRIBUTIONS, by Senator W. Niederhauser, which has been signed by the Speaker and it is transmitted for the signature of the President.

S.B. 10, S.B. 12, 1st Sub. S.B. 13, S.B. 16, S.B. 22, S.B. 27, S.B. 119, S.B. 128, and S.B. 131 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

Mr. President: February 6, 2008

The House passed **H.B. 17**, CANCER SCREENING AND MORTALITY REDUCTION PROGRAM, by Representative P. Ray, et al, and it is transmitted for consideration; and

The House passed **H.B. 19**, ASSAULT ON A PEACE OFFICER PENALTY AMENDMENTS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed **H.B. 70**, EXPUNGEMENT LAW AMENDMENTS, by Representative L. Fowlke, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 93**, INSURANCE FRAUD AMENDMENTS, by Representative D. Aagard, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 122**, DRIVER LICENSE – APPLICATION OF MINOR AMENDMENTS, by Representative D. Litvack, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 262**, RECOVERY OF FEDERAL REIMBURSEMENT FOR COSTS ASSOCIATED WITH ILLEGAL IMMIGRANTS, by Representative K. Morgan, and it is transmitted for consideration; and

The House passed **H.B. 277**, PANDEMIC PREPAREDNESS AMENDMENTS, by Representative B. Last, and it is transmitted for consideration; and
The House passed, as amended, **H.B. 301, COMPREHENSIVE HEALTH INSURANCE POOL AMENDMENTS**, by Representative J. Dunnigan, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 17, H.B. 19, H.B. 70, H.B. 93, H.B. 122, H.B. 262, H.B. 277, and H.B. 301** were read the first time and referred to the Rules Committee.

**RULES COMMITTEE REPORTS**

To the Members of the Senate: February 6, 2008

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

**Business and labor Committee**


**Education Committee**

**H.B. 86** Funding of Inmate Postsecondary Education (Rep. J. Draxler) (Sen. L. Hillyard)

**Health and Human Services Committee**

**S.B. 267** Local Government Authority Amendments (Sen. D. C. Buttars)

**H.J.R. 5** Joint Resolution Urging Support of Medicaid Long-term Care Funding of Home and Community-based Supports (Rep. M. Noel) (Sen. G. Davis)

**Natural Resources, Agriculture and Environment Committee**

**S.B. 85** Water Rights Board (Sen. D. Stowell)


**Revenue and Taxation Committee**

**H.B. 248** Amendments to Sales and Use Tax Exemption for Certain Property Incorporated into Real Property (Rep. J. Dougall) (Sen. W. Niederhauser)

**H.B. 251** Sales and Use Tax Revisions (Rep. J. Dougall) (Sen. W. Niederhauser)
Transportation, Public Utilities and Technology Committee
H.B. 275 Vehicle Towing Requirements (Rep. B. Daw)
(Sen. B. Goodfellow)

Workforce Services and Community and Economic Development Committee
1st Sub. H.B. 135 Grants from Department of Community and Culture
(Rep. S. Allen) (Sen. D. Eastman)
H.B. 259 Gold Star Family Special Group License Plate
Amendments (Rep. C. Oda) (Sen. C. Walker)

Bill Hickman
Rules Committee Chair
Report filed. On motion of Senator Hickman, the committee report was adopted.

STANDING COMMITTEE REPORTS

Mr. President: February 6, 2008
The Revenue and Taxation Committee reports a favorable recommendation on S.J.R. 10, JOINT RESOLUTION AMENDING CONSTITUTION REGARDING TAXES OF THE ELDERLY, by Senator G. Davis.

Wayne L. Niederhauser, Chair

Mr. President: February 6, 2008
The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on S.B. 185, ECONOMIC INCENTIVE REVISIONS, by Senator L. Hillyard; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on H.B. 59, COMMUNITY AND ECONOMIC DEVELOPMENT TECHNICAL CHANGES, by Representative S. Mascaro, et al; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on H.B. 64, DISCLOSURE OF INFORMATION BY THE DEPARTMENT OF WORKFORCE SERVICES, by Representative P. Neuenschwander; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on H.B. 270, UTAH SCIENCE
TECHNOLOGY AND RESEARCH INITIATIVE CENTERS, by Representative R. Bigelow.

Mark B. Madsen, Chair

Mr. President: February 5, 2008

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on S.B. 59, WILDLIFE AMENDMENTS, by Senator A. Christensen; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.B. 42, WATER RIGHT APPLICATION FOR ELECTRICAL COOPERATIVE, by Representative G. Snow; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.B. 132, WASTE TIRE RECYCLING AMENDMENTS, by Representative N. Hendrickson.

Darin G. Peterson, Chair

Mr. President: February 5, 2008

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on 1st Sub. H.B. 62, CLEAN FUEL SPECIAL GROUP LICENSE PLATE AMENDMENTS, by Representative T. Kiser, with the following amendments:

1. Page 6, Line 178:

   178 group license plate under the rules made by the Department of Transportation; and

Carlene M. Walker, Chair

Mr. President: February 5, 2008

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends S.B. 157, RIGHTS OF CITIZENS TO CARRY FIREARMS IN DECLARED EMERGENCY, by Senator M. Madsen, be replaced and favorably recommends 1st Sub. S.B. 157, RIGHTS OF CITIZENS TO CARRY FIREARMS IN DECLARED EMERGENCY with the following amendments:

1. Page 3, Lines 65 through 67:

   65 {-(b) The court shall award court costs and reasonable attorney fees to a prevailing
plaintiff in an action brought under Subsection (4)(a). }

(b) As used in this Subsection (4), “person” means an individual, the governmental; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 180, REGENTS’ SCHOLARSHIP PROGRAM, by Senator L. Hillyard; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 182, SURVIVAL ACTION UPON INJURY OR DEATH, by Senator M. Waddoups; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 12, CONTROLLED SUBSTANCES AND PARAPHERNALIA, by Representative C. Oda; and

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends H.B. 272, FALSE IMPERSONATION AND REPRESENTATION, by Representative G. Froerer, be replaced and favorably recommends 1st Sub. H.B. 272, FALSE IMPERSONATION AND REPRESENTATION.

Gregory S. Bell, Chair

Mr. President: February 6, 2008

The Retirement and Independent Entities Committee reports a favorable recommendation on S.B. 116, RETIREMENT OFFICE AMENDMENTS, by Senator C. Walker.

Curtis S. Bramble, Chair


STANDING COMMITTEE REPORTS

Mr. President: February 6, 2008

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 126, ELECTION LAW – BALLOT PROPOSITION AMENDMENTS, by Representative C. Johnson, and recommends it be considered read for the second time and placed on the Consent Calendar; and
The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 235, COUNTY MERIT SYSTEM AMENDMENTS**, by Representative B. Dee, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

Mr. President: February 6, 2008

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 35, MOTOR AND SPECIAL FUEL TAX AMENDMENTS**, by Representative C. Frank, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 4, Line 92:
   Lilac
   After “(B) has paid” remove the brackets and reinstate “the tax on”

Wayne L. Niederhauser, Chair

Mr. President: February 5, 2008

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 170, BOARD OF WATER RESOURCES AMENDMENTS**, by Senator D. Stowell, and recommends it be considered read for the second time and placed on the Consent Calendar.

Darin G. Peterson, Chair

On motion of Senator Hickman, the committee reports were adopted. **H.B. 126, H.B. 235, H.B. 35**, as amended, and **S.B. 170** were considered read the second time and placed on the Consent Calendar.

**INTRODUCTION OF BILLS**

**S.B. 205, Uniform Interstate Depositions and Discovery Act** (L. Hillyard), read the first time by short title and referred to the Rules Committee.

**S.B. 213, State Contract – False Claims Act** (A. Christensen), read the first time by short title and referred to the Rules Committee.

**S.B. 283, Transportation Funding Amendments** (S. Killpack), read the first time by short title and referred to the Rules Committee.

**S.B. 292, Voiding Transactions Against Public Policy** (M. Dayton), read the first time by short title and referred to the Rules Committee.
**On motion of Senator Knudson, the Senate voted to recall 1st Sub. H.B. 24, AMENDMENTS TO UTAH DIGITAL HEALTH SERVICE COMMISSION ACT, from the House and place it at the top of the Third Reading Calendar.**

**CONSENT CALENDAR**

On motion of Senator Bramble, under suspension of the rules, the Senate voted to remove S.B. 163, CERTIFIED PUBLIC ACCOUNTANT LICENSING ACT AMENDMENTS, from the Consent Calendar and place it at the top of the Second Reading Calendar.

**H.B. 249, VEHICLES COVERED BY NEW MOTOR VEHICLE WARRANTIES, was read the third time.**

On motion of Senator Bramble, the bill was circled.

**H.B. 11, PAROLE AMENDMENTS, was read the third time, explained by Senator Greiner, and passed on the following roll call:**

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting was:** Senator Hickman

**H.B. 11** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**On motion of Senator Peterson, the circle was removed from H.B. 249, and it was before the Senate. The bill passed on the following roll call:**
Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators
Bell Bramble Christensen Davis
Dayton Dmitrich Eastman Fife
Goodfellow Greiner Hillyard Jenkins
Jones Killpack Knudson Madsen
Mayne McCoy Niederhauser Peterson
Romero Stowell Van Tassell Waddoups
Walker Valentine

Absent or not voting were: Senators
Buttars Hickman Stephenson

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.

*S*B. 139, UTAH ANTITRUST ACT AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Christensen Davis
Dayton Eastman Fife Goodfellow
Greiner Hickman Hillyard Jenkins
Killpack Knudson Madsen Mayne
McCoy Niederhauser Peterson Romero
Stowell Van Tassell Waddoups Walker
Valentine

Absent or not voting were: Senators
Buttars Dmitrich Jones Stephenson

S.B. 139, as amended, was transmitted to the House for consideration.

THIRD READING CALENDAR

1st Sub. H.B. 24, AMENDMENTS TO UTAH DIGITAL HEALTH SERVICE COMMISSION ACT, was read the third time, explained by Senator Knudson, and passed on the following roll call:
Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators
Bell Christensen Davis Dayton
Dmitrich Eastman Fife Goodfellow
Greiner Hillyard Jenkins Jones
Killpack Knudson Madsen Mayne
McCoy Niederhauser Peterson Romero
Stephenson Stowell Van Tassell Waddoups
Walker Valentine

Absent or not voting were: Senators
Bramble Buttars Hickman

1st Sub. H.B. 24 was returned to the House for further consideration.

On motion of Senator Killpack, the circle was removed from 2nd Sub. S.B. 134, MORTGAGE FRAUD ACT, and it was before the Senate. Senator Killpack explained the bill.

Senator Killpack proposed the following amendment:

1. Page 6, Lines 166 through 167

   166 (1) knowingly makes any {deliberate} material misstatement, misrepresentation, or {material}

   167 omission during the mortgage lending process {that is}, intending that it be {relied} upon by a mortgage lender.

2. Page 6, Lines 169 through 170:

   169 (2) knowingly uses or facilitates the use of any {deliberate} material misstatement, or

   170 misrepresentation, or {material} omission, during the mortgage lending process {that is}, intending that it be {relied} {on} upon

3. Page 6, Line 173:

   173 person knows contains a {deliberate} material misstatement, misrepresentation, or {material} omission; or
4. Page 6, Lines 175 through 176:

175 the person knows resulted from a violation of this section { –or
176 (5) assists, abets, solicits, or conspires with another to violate
this section } .

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

On motion of Senator Killpack, the bill was considered read for the first, second and third time due to the title change. 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

| Buttars | Hickman |

**2nd Sub. S.B. 134** was transmitted to the House for consideration.

***

On motion of Senator Greiner, the circle was removed from **S.B. 65, SOLICITING GANG MEMBERS PROHIBITED**, and it was before the Senate. Senator Greiner explained the bill. The bill passed on the following roll call:

**Yeas, 21; Nays, 6; Absent, 2.**

**Voting in the affirmative were:** Senators

| Bramble | Christensen | Dmitrich | Eastman |
| Fife | Goodfellow | Greiner | Hillyard |
| Jones | Killpack | Knudson | Madsen |
| Mayne | Niederhauser | Peterson | Romero |
| Stowell | Van Tassell | Waddoups | Walker |
| Valentine | | | |
Voting in the negative were: Senators
Bell       Davis    Dayton        Jenkins
McCoy     Stephenson

Absent or not voting were: Senators
Buttars    Hickman

S.B. 65 was transmitted to the House for consideration.

* * *

On motion of Senator Niederhauser, the circle was removed from 2nd Sub. H.B. 77, PERSONAL PROPERTY TAX AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

Yea, 28; Nay, 0; Absent, 1.

Voting in the affirmative were: Senators
Bell       Bramble    Buttars    Christensen
Davis     Dayton     Dmitrich    Eastman
Fife      Goodfellow Greiner    Hickman
Hillyard  Jenkins    Killpack    Knudson
Madsen    Mayne      McCoy      Niederhauser
Peterson  Romero     Stephenson  Stowell
Van Tassell Waddoups  Walker    Valentine

Absent or not voting was: Senator
Jones

2nd Sub. H.B. 77 was returned to the House for further consideration.

* * *

H.B. 56, REPEAL PROVISIONS RELATED TO ASSUMPTION OF INDEBTEDNESS ON RESIDENTIAL REAL PROPERTY, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

Yea, 27; Nay, 0; Absent, 2.

Voting in the affirmative were: Senators
Bell       Bramble    Christensen  Davis
Dayton     Dmitrich    Eastman    Fife
Goodfellow Greiner    Hickman    Hillyard
Jenkins    Killpack    Knudson    Madsen
Day 18340 SENATE JOURNAL

Mayne McCoy Niederhauser Peterson
Romero Stephenson Stowell Van Tassell
Waddoups Walker Valentine

Absent or not voting were: Senators
Buttars Jones

H.B. 56 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 74, MEDICAID 340B DRUG PRICING PROGRAMS, was read the third time, explained by Senator Christensen, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dmitrich Eastman Fife
Goodfellow Greiner Hickman Hillyard
Jenkins Jones Killpack Knudson
Madsen Mayne McCoy Niederhauser
Peterson Romero Stephenson Stowell
Van Tassell Waddoups Walker Valentine

Voting in the negative was: Senator Dayton

H.B. 74, as amended, was returned to the House for further consideration.

SECOND READING CALENDAR

On motion of Senator Bramble, under suspension of the rules, the Senate voted to consider a Senate bill on a House bill day.

On motion of Senator Bramble, under suspension of the rules, S.B. 163, CERTIFIED PUBLIC ACCOUNTANT LICENSING ACT AMENDMENTS, was considered read the second and third times. Senator Bramble explained the bill.

Senator Bramble proposed the following amendment:
Senator Bramble’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

| Hillyard | McCoy | Niederhauser |

*S.B. 163* was transmitted to the House.

***

**H.B. 15,** CONTROL AND PREVENTION OF SEXUALLY TRANSMITTED DISEASES, was read the second time.

On motion of Senator Christensen, the bill was circled.

***

**H.B. 22,** EXPEDITED PARENT−TIME ENFORCEMENT, 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

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**Absent or not voting were:** Senators

Bramble       Hickman       McCoy       Romero

On motion of Senator Knudson, **H.B. 22** was placed on Third Reading Table due to fiscal impact.

***

**H.B. 36**, CHILD WELFARE AMENDMENTS, was read the second time. Senator Dayton explained the bill. Senator Greiner commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Bramble       Davis         Killpack      Niederhauser
Walker

***

**H.B. 71**, PARENT−TIME AMENDMENTS, was read the second time. Senator Bell explained the bill. Senator Hillyard commented.

On motion of Senator Bell, the bill was circled.

***

On motion of Senator Dayton, the circle was removed from **H.B. 31**, CHILD WELFARE DEFINITIONS, and it was before the Senate. Senator Dayton explained the bill.

Senator Dayton proposed the following amendment:

1. Page 2, Line 29:
   Bracket “None” and insert:
   “This bill coordinates with H.B. 78 by providing technical amendments.”
2. Page 76, Line 2331:
After line 2331 insert:

If this H.B. 31 and H.B. 78, Title 78 Recodification and Revision, 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) in Section 62A–4a–101 of H.B. 31, change all references from “78–3a–103” to “78A–6–105”;
(2) amend Subsection 62A–4a–802(1)(b) to read as follows:
“(b) Safe relinquishment of a newborn child who has not otherwise been subject to abuse or neglect shall not, in and of itself, constitute neglect as defined in Section [62A–4a–101] 78A–6–105, and the child shall not be considered a neglected child, as defined in Section [78–3a–103] 78A–6–105, so long as the relinquishment is carried out in substantial compliance with the provisions of this part.”;
(3) change the reference in Subsection 76–7–304(1)(a) from “62A–4a–101” to “78A–6–105”;
(4) not make the changes to Section 78–3a–103 in H.B. 31, and amend Section 78A–6–105 in H.B. 78, to read as follows:

“[(4)] As used in this chapter:
[(a) “Abused child” includes a child who:
[(i) has suffered or been threatened with nonaccidental physical or mental harm, negligent treatment, or sexual exploitation; or]
[(ii) has been the victim of any sexual abuse.];
(1) (a) “Abuse” means:
(i) nonaccidental harm of a child;
(ii) threatened harm of a child;
(iii) sexual exploitation; or
(iv) sexual abuse.
(b) “Abuse” does not include:
(i) reasonable discipline or management of a child, including Withholding privileges;
(ii) conduct described in Section 76–2–401; or
(iii) the use of reasonable and necessary physical restraint or force on a child:
(A) in self–defense;
(B) in defense of others;
(C) to protect the child; or
(D) to remove a weapon in the possession of a child for any of the
reasons described in Subsections (1)(b)(iii)(A) through (C).
(2) “Abused child” means a child who has been subjected to abuse.
[(b)](3) “Adjudication” means a finding by the court, incorporated in a
decree, that the facts alleged in the petition have been proved.
[(c)](4) “Adult” means a person 18 years of age or over, except that a
person 18 years or over under the continuing jurisdiction of the juvenile
court pursuant to Section [78−3a−121] 78A−6−120 shall be referred to
as a minor.
[(d)](5) “Board” means the Board of Juvenile Court Judges.
[(e)](6) “Child” means a person under 18 years of age.
[(f)](7) “Child placement agency” means:
[(a)] a private agency licensed to receive a child for placement or
adoption under this code; or
[(b)] a private agency that receives a child for placement or adoption
in another state, which agency is licensed or approved where such
license or approval is required by law.
[(g)](8) “Clandestine laboratory operation” is as defined in Section
58−37d−3.
[(h)](9) “Commit” means, unless specified otherwise:
[(a)] with respect to a child, to transfer legal custody; and
[(b)] with respect to a minor who is at least 18 years of age, to
transfer custody.
[(i)](10) “Court” means the juvenile court.
[(j)](11) “Dependent child” includes a child who is homeless
or without proper care through no fault of the child’s parent, guardian,
or custodian.
[(k)](12) “Deprivation of custody” means transfer of legal custody by
the court from a parent or the parents or a previous legal custodian to
another person, agency, or institution.
[(l)](13) “Detention” means home detention and secure
detention as defined in Section 62A−7−101 for the temporary care of a
minor who requires secure custody in a physically restricting facility:
[(a)] pending court disposition or transfer to another jurisdiction; or
[(b)] while under the continuing jurisdiction of the court.
[(m)](14) “Division” means the Division of Child and Family Services.
[(n)](15) “Formal referral” means a written report from a peace officer
or other person informing the court that a minor is or appears to be
within the court’s jurisdiction and that a petition may be filed.
[(o)](16) “Group rehabilitation therapy” means psychological and
social counseling of one or more persons in the group, depending upon
the recommendation of the therapist.
“Guardianship of the person” includes the authority to consent to:

- (a) marriage;
- (b) enlistment in the armed forces;
- (c) major medical, surgical, or psychiatric treatment; or
- (d) legal custody, if legal custody is not vested in another person, agency, or institution.

“Habitual truant” is as defined in Section 53A–11–101.

“Harm” means:

- (a) physical, emotional, or developmental injury or damage;
- (b) sexual abuse; or
- (c) sexual exploitation.

“Incest” means engaging in sexual intercourse with a person whom the perpetrator knows to be the perpetrator’s ancestor, descendant, brother, sister, uncle, aunt, nephew, niece, or first cousin.

- (a) The relationships described in Subsection (20)(a) include:
  - (i) blood relationships of the whole or half blood, without regard to legitimacy;
  - (ii) relationships of parent and child by adoption; and
  - (iii) relationships of stepparent and stepchild while the marriage creating the relationship of a stepparent and stepchild exists.

“Legal custody” means a relationship embodying the following rights and duties:

- (a) the right to physical custody of the minor;
- (b) the right and duty to protect, train, and discipline the minor;
- (c) the duty to provide the minor with food, clothing, shelter, education, and ordinary medical care;
- (d) the right to determine where and with whom the minor shall live; and
- (e) the right, in an emergency, to authorize surgery or other extraordinary care.

“Minor” means:

- (a) a child; or
- (b) a person who is:
  - (i) at least 18 years of age and younger than 21 years of age; and
  - (ii) under the jurisdiction of the juvenile court.

“Molestation” means that a person, with the intent to arouse or gratify the sexual desire of any person:

- (a) touches the anus or any part of the genitals of a child;
- (b) takes indecent liberties with a child; or
- (c) causes a child to take indecent liberties with the perpetrator or
“Natural parent” means a minor’s biological or adoptive parent, and includes the minor’s noncustodial parent.

“Neglected child” means a child:

(A) whose parent, guardian, or custodian has abandoned the child, except as provided in Title 62A, Chapter 4a, Part 8, Safe Relinquishment of a Newborn Child;

(B) whose parent, guardian, or custodian has subjected the child to mistreatment or abuse;

(C) who lacks proper parental care by reason of the fault or habits of the parent, guardian, or custodian;

(D) whose parent, guardian, or custodian fails or refuses to provide proper or necessary subsistence, education, or medical care, including surgery or psychiatric services when required, or any other care necessary for health, safety, morals, or well-being;

(E) who is at risk of being a neglected or abused child as defined in this chapter because another child in the same home is a neglected or abused child as defined in this chapter; or

(F) whose parent permits the minor to reside, on a permanent or temporary basis, at the location of a clandestine laboratory operation.

The aspect of neglect related to education, described in Subsection (1)(u)(i)(D), means that, after receiving notice that a child has been frequently absent from school without good cause, or that the child has failed to cooperate with school authorities in a reasonable manner, a parent or guardian fails to make a good faith effort to ensure that the child receives an appropriate education.

A parent or guardian legitimately practicing religious beliefs and who, for that reason, does not provide specified medical treatment for a child, is not guilty of neglect.

Notwithstanding Subsection (1)(u)(i), a health care decision made for a child by the 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 health care decision is not reasonable and informed.

Nothing in Subsection (1)(u)(iv) may prohibit a parent or guardian from exercising the right to obtain a second health care opinion.

“Neglect” means:

(i) abandonment of a child, except as provided in Title 62A, Chapter 4a, Part 8, Safe Relinquishment of a Newborn Child;

(ii) lack of proper parental care of a child by reason of the fault or habits of the parent, guardian, or custodian;
(iii) failure or refusal of a parent, guardian, or custodian to provide proper or necessary subsistence, education, or medical care, or any other care necessary for the child’s health, safety, morals, or well-being; or
(iv) a child at risk of being neglected or abused because another child in the same home is neglected or abused.

(b) The aspect of neglect relating to education, described in Subsection (25)(a)(iii), means that, after receiving a notice of compulsory education violation under Section 53A–11–101.5, or notice that a parent or guardian has failed to cooperate with school authorities in a reasonable manner as required under Subsection 53A–11–101.7(5)(a), the parent or guardian fails to make a good faith effort to ensure that the child receives an appropriate education.

(c) A parent or guardian legitimately practicing religious beliefs and who, for that reason, does not provide specified medical treatment for a child, is not guilty of neglect.

(d)(i) Notwithstanding Subsection (25)(a), a health care decision made for a child by the 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 health care decision is not reasonable and informed.

(ii) Nothing in Subsection (25)(d)(i) may prohibit a parent or guardian from exercising the right to obtain a second health care opinion.

(26) “Neglected child” means a child who has been subjected to neglect.

[(v)](27) “Nonjudicial adjustment” means closure of the case by the assigned probation officer without judicial determination upon the consent in writing of:

[(i)](a) the assigned probation officer; and

[(ii)](A) the minor; or

[(B)](ii) the minor and the minor’s parent, legal guardian, or custodian.

(28) “Physical abuse” means abuse that results in physical injury or damage to a child.

[(w)](29) “Probation” means a legal status created by court order following an adjudication on the ground of a violation of law or under Section [78–3a–104] 78A–6–103, whereby the minor is permitted to remain in the minor’s home under prescribed conditions and under supervision by the probation department or other agency designated by the court, subject to return to the court for violation of any of the conditions prescribed.
“Protective supervision” means a legal status created by court order following an adjudication on the ground of abuse, neglect, or dependency, whereby the minor is permitted to remain in the minor’s home, and supervision and assistance to correct the abuse, neglect, or dependency is provided by the probation department or other agency designated by the court.

“Residual parental rights and duties” means those rights and duties remaining with the parent after legal custody or guardianship, or both, have been vested in another person or agency, including:

(a) the responsibility for support;
(b) the right to consent to adoption;
(c) the right to determine the child’s religious affiliation; and
(d) the right to reasonable parent−time unless restricted by the court.

If no guardian has been appointed, “residual parental rights and duties” also include the right to consent to:

(a) marriage;
(b) enlistment; and
(c) major medical, surgical, or psychiatric treatment.

“Secure facility” means any facility operated by or under contract with the Division of Juvenile Justice Services, that provides 24−hour supervision and confinement for youth offenders committed to the division for custody and rehabilitation.

“Severe abuse” means abuse that causes or threatens to cause serious harm to a child.

“Severe neglect” means neglect that causes or threatens to cause serious harm to a child.

“Sexual abuse” means:

(a) an act or attempted act of sexual intercourse, sodomy, incest, or molestation directed towards a child; or
(b) engaging in any conduct with a child that would constitute an offense under any of the following, regardless of whether the person who engages in the conduct is actually charged with, or convicted of, the offense:

(i) Title 76, Chapter 5, Part 4, Sexual Offenses;
(ii) child bigamy, Section 76–7–101.5;
(iii) incest, Section 76–7–102;
(iv) lewdness or sexual battery, Section 76–9–702;
(v) lewdness involving a child, Section 76–9–702.5; or
(vi) voyeurism, Section 76–9–702.7.
“Sexual exploitation” means knowingly:
(a) employing, using, persuading, inducing, enticing, or coercing any child to:
   (i) pose in the nude for the purpose of sexual arousal of any person; or
   (ii) engage in any sexual or simulated sexual conduct for the purpose of photographing, filming, recording, or displaying in any way the sexual or simulated sexual conduct;
(b) displaying, distributing, possessing for the purpose of distribution, or selling material depicting a child:
   (i) in the nude, for the purpose of sexual arousal of any person; or
   (ii) engaging in sexual or simulated sexual conduct; or
(c) engaging in any conduct that would constitute an offense under Title 76, Chapter 5a, Sexual Exploitation of Children, regardless of whether the person who engages in the conduct is actually charged with, or convicted of, the offense.

“Shelter” means the temporary care of a child in a physically unrestricted facility pending court disposition or transfer to another jurisdiction.

“State supervision” means a disposition that provides a more intensive level of intervention than standard probation but is less intensive or restrictive than a community placement with the Division of Juvenile Justice Services.

“Substance abuse” means the misuse or excessive use of alcohol or other drugs or substances.

“Substantiated” is as defined in Section 62A–4a–101.

“Supported” is as defined in Section 62A–4a–101.

“Termination of parental rights” means the permanent elimination of all parental rights and duties, including residual parental rights and duties, by court order.

“Therapist” means:
(a) a person employed by a state division or agency for the purpose of conducting psychological treatment and counseling of a minor in its custody; or
(b) any other person licensed or approved by the state for the purpose of conducting psychological treatment and counseling.

“Unsubstantiated” is as defined in Section 62A–4a–101.

“Without merit” is as defined in Section 62A–4a–101.

As used in Part 3, Abuse, Neglect, and Dependency Proceedings, with regard to the Division of Child and Family Services:
(a) “Custody” means the custody of a minor in the Division of Child and Family Services as of the date of disposition.
(b) “Protective custody” means the shelter of a child by the Division of Child and Family Services from the time the child is removed from home until the earlier of:
(i) the shelter hearing; or
(ii) the child’s return home.
(c) “Temporary custody” means the custody of a child in the Division of Child and Family Services from the date of the shelter hearing until disposition.”;

(5) amend Subsection 78A−6−306(13) in H.B. 78 to read as follows:
“(13) The court may not order continued removal of a child solely on the basis of educational neglect as described in Subsection 78A−6−105(25)(a)(iii).”;

(6) amend Subsection 78−3a−306(13) in H.B. 31 to read as follows:
“(13) The court may not order continued removal of a child solely on the basis of educational neglect as described in Subsection 78A−6−105(25)(a)(iii).”;

(7) merge the changes in Subsections 78−3a−301(1)(c) and (2)(b) of H.B. 31 into Subsections 78A−6−302(1)(c) and (2)(b) of H.B. 78;

(8) merge the changes in Subsections 78−3a−306(9)(a)(iv), (9)(b)(ii), and (12) of H.B. 31 into Subsections 78A−6−306(9)(a)(iv), (9)(b)(ii), and (12) of H.B. 78;

(9) merge the changes in Subsections 78−3a−307.1(3)(b) and (3)(c) of H.B. 31 into Subsections 78A−6−308(3)(b) and (3)(c) of H.B. 78;

(10) merge the changes in Subsections 78−3a−311(2)(a)(iii)(A) and (3)(d)(i)(C) of H.B. 31 into Subsections 78A−6−312(2)(a)(iii)(A) and (3)(d)(i)(C) of H.B. 78;

(11) merge the changes in Subsection 78−3a−314(5) of H.B. 31 into Subsection 78A−6−317(5) of H.B. 78;

(12) merge the changes in Subsection 78−3a−318(1) of H.B. 31 into Subsection 78A−6−321(1) of H.B. 78;

(13) merge the changes in Subsection 78−3a−403(3) of H.B. 31 into Subsection 78A−6−502(3) of H.B. 78;

(14) merge the changes in Subsection 78−3a−407(1)(f)(iii) of H.B. 31 into Subsection 78A−6−507(1)(f)(iii) of H.B. 78;

(15) merge the changes in Subsection 78−3a−408(6)(a) of H.B. 31 into Subsection 78A−6−508(6)(a) of H.B. 78; and

(16) merge the changes in Subsection 78−3a−801(1)(b) of H.B. 31 into Subsection 78A−6−1001(1)(b) of H.B. 78.”

Senator Dayton’s motion to amend passed on a voice vote. The bill passed second reading on the following roll call:
Yeas, 21; Nays, 0; Absent, 8.

**Voting in the affirmative were:** Senators

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On motion of Senator Van Tassell, the circle was removed from 1st Sub. H.B. 55, CAPTIVE INSURANCE COMPANY AMENDMENTS, and it was before the Senate. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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On motion of Senator Christensen, the circle was removed from H.B. 15, CONTROL AND PREVENTION OF SEXUALLY TRANSMITTED DISEASES, and it was before the Senate. Senator Christensen explained the bill.

Senator Buttars proposed the following amendment:

1. Page 2, Line 49:  
   After "public" delete "and private"
Senator Buttars’ motion to amend passed on a voice vote. Senators Buttars and McCoy 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

| Hillyard | Valentine |

On motion of Senator Knudson, **H.B. 15** was placed on Third Reading Table due to fiscal impact.

***

**H.B. 13, CRIMINAL STATUTE OF LIMITATIONS AMENDMENTS,** was read the second time. Senator Dayton explained the bill.

Senator Dayton proposed the following amendment:

1. Page 2, Lines 31 through 48

31 76–1–301. Offenses for which prosecution may be commenced at any time.

32 **[A]** Notwithstanding any other provisions of this code, prosecution for [a] the following offenses may be commenced at any time:

* * * Some lines not shown * * *

33 (12) forcible sodomy;
(13) sodomy on a child;
Senator Dayton’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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**TIME CERTAIN**

A citation was read in recognition of Lisa Steed, 2007 Utah Highway Patrol Trooper of the Year.

**SECOND READING CALENDAR**

**H.B. 32, AFFIRMATIVE DEFENSE FOR AGRI−TOURISM ACTIVITY,** was read the second time. Senator Dayton explained the bill.

Senator Dayton proposed the following amendment:

1. Page 2, Lines 29 through 30
   Senate Committee Amendments 1–31–2008

   29 **ENACTS:**

   30 \{-78\-27\-66\-\} \underline{78B\-4\-512} , Utah Code Annotated 1953

2. Page 2, Lines 33 through 34
   Senate Committee Amendments 1–31–2008:
33 Section 1. Section \{78−27−66\} 78B−4−512 is enacted to read:

34 \{78−27−66 \} 78B−4−512 : Affirmative defense for agri–tourism industry.

Senator Dayton’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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**H.B. 29, ELECTION LAW – FINANCIAL REPORTING,** was read the second time.

On motion of Senator Dayton, the bill was circled.

***

On motion of Senator Bramble, under suspension of the rules, **H.B. 79, SUNSET REAUTHORIZATIONS AND AMENDMENTS,** was considered read the second and third times and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Bell  Buttars  Hillyard  Stowell  
Van Tassell  Waddoups  Valentine  

H.B. 79 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Bramble and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Friday, February 8, 2008.
NINETEENTH DAY
MORNING SESSION
FEBRUARY 8, 2008

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

Prayer – Claude McKinney, Counselor in the Wasatch 7th Ward Bishopric, 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 64)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 7, 2008

The House passed, **S.B. 23**, REVISION TO POLLING REQUIREMENTS, 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. 24**, RETIREMENT DEATH BENEFITS AND DIVORCE REVISIONS, 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. 30**, CONSUMER SALES PRACTICE ACT AMENDMENTS, by Senator P. Jones, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.J.R. 1**, RESOLUTION ENCOURAGING THE ADVERTISEMENT OF ALTERNATIVE ROUTES TO TEACHING, by Senator M. Dayton, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

**S.B. 23**, **S.B. 24**, **S.B. 30**, and **S.J.R. 1** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

Mr. President: February 7, 2008

The House passed, as substituted and amended, **1st Sub. H.B. 104**, URBAN TRAILS APPROPRIATION, by Representative K. Holdaway, and it is transmitted for consideration; and
The House passed, as amended, **H.B. 105**, TRANSPORTATION INFRASTRUCTURE LOAN FUND AMENDMENTS, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 117**, INSTREAM FLOW TO PROTECT TROUT HABITAT, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 125**, DEPARTMENT OF AGRICULTURE AND FOOD AMENDMENTS, by Representative K. Gibson, and it is transmitted for consideration; and

The House passed **H.B. 143**, ADMINISTRATION OF INTERSTATE WATER, by Representative M. Brown, and it is transmitted for consideration; and

The House passed **H.B. 250**, PUBLIC EMPLOYEE BENEFIT APPROVAL PROVISIONS, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 268**, HEALTH FACILITY COMMITTEE MEMBERSHIP, by Representative C. Herrod, and it is transmitted for consideration; and

The House passed **H.B. 288**, 911 COMMITTEE, by Representative B. Dee, and it is transmitted for consideration; and

The House passed **H.B. 296**, VOTING MACHINES USED BY MUNICIPALITIES, by Representative N. Hansen, and it is transmitted for consideration; and

The House passed **H.B. 310**, ABSENTEE BALLOT REVISIONS, by Representative D. Aagard, and it is transmitted for consideration; and

The House passed **H.B. 314**, SEXUAL OFFENSES – DEFINITIONS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed **H.C.R. 2**, CONCURRENT RESOLUTION DECLARING FEBRUARY 6, 2008 RONALD REAGAN DAY, by Representative M. Morley, and it is transmitted for consideration; and

The House passed, as amended, **H.C.R. 3**, CONCURRENT RESOLUTION – DECLARING LOVE YOUR LIBRARY WEEK, by Representative S. Clark, and it is transmitted for consideration; and
The House passed H.J.R. 3, RESOLUTION REAFFIRMING THE WORDS, UNDER GOD, IN THE PLEDGE OF ALLEGIANCE, by Representative K. Gibson, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk


RULES COMMITTEE REPORTS

To the Members of the Senate: February 7, 2008

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

**Business and labor Committee**

S.B. 200 Professional Engineers Licensing Amendments (Sen. F. Fife)

S.B. 216 Deferred Deposit Lending Information and Reporting (Sen. G. Bell)


**Education Committee**

H.B. 85 Teacher Loan Program (Rep. L. Hemingway) (Sen. G. Davis)

H.B. 286 Permanent Teacher License Revocation for Sexual Activity with Students (Rep. C. Wimmer) (Sen. D. C. Buttars)

**Government Operations and Political Subdivisions Committee**

S.B. 196 County and Municipal Land Use Amendments (Sen. W. Niederhauser)

S.B. 253 County Law Enforcement Duties (Sen. M. Waddoups)

**Health and Human Services Committee**

H.B. 45 Supported Employment Services to a Person with a Disability (Rep. R. Menlove) (Sen. A. Christensen)

Judiciary, Law Enforcement, and Criminal Justice Committee

S.B. 290  Private Investigators’ Access to Driver Licensure Information (Sen. M. Dayton)

Transportation, Public Utilities and Technology Committee

H.B. 103  Use of State Alternative Fuel Network (Rep. F. Hunsaker) (Sen. C. Walker)

Bill Hickman
Rules Committee Chair

Reports filed. On motion of Senator Hickman, the committee report was adopted.

STANDING COMMITTEE REPORTS

Mr. President: February 7, 2008

The Business and Labor Committee recommends S.B. 57, FRANCHISE LAW AMENDMENTS, by Senator D. Eastman, be replaced and favorably recommends 1st Sub. S.B. 57, FRANCHISE LAW AMENDMENTS with the following amendments:

1. Page 13, Lines 385 through 387:

385  {−(iv) by using a formula, computation, or process intended to gauge the franchisee’s performance: −}  or

386  performance: −}  or

387  {−(v) }  (iv)  if the franchisee complies with any reasonable requirement concerning the sale of

2. Page 18, Lines 533 through 534:

533  (5) The franchisor has the burden of proof to establish by

534  evidence that under the provisions of this chapter it should be granted permission to:

Kevin T. Van Tassell. Chair

Mr. President: February 7, 2008

The Health and Human Services Committee reports a favorable recommendation on S.B. 93, LICENSED DIRECT ENTRY MIDWIFE AMENDMENTS, by Senator M. Dayton, with the following amendments:
1. Page 5, Lines 132 through 134:

132 (xi) any condition, disease, or illness that would disqualify a certified nurse midwife,
133 licensed under Chapter 44a, Nurse Midwife Practice Act, from delivering a child; or
134 assistance under the protocols of two or more general acute hospitals in Utah; and

The Health and Human Services Committee reports a favorable recommendation on S.B. 184, CHILD CARE LICENSING EXEMPTIONS, by Senator J. Greiner, with the following amendments:

1. Page 3, Line 70:

70 person who holds a license or certificate issued in accordance with this chapter.

2. Page 3, Line 74:

74 (a) (i) under the age of 12; or

3. Page 3, Lines 78 through 84:

78 (ii) a licensed or certified residential child care provider, if the child is under the age of four;
79 or
80 (iii) an employee or owner of a licensed child care center, if the child is under the age of four.
81 [(4) (5) “Residential child care” means child care provided in the home of a provider.
82 { (6) “School” means a public or private:
83 (a) elementary school; or
84 (b) secondary school. }]
86 (6) “Public school” means a school that is:
87 (a) except as provided in Subsection (6)(b)(ii), directly funded at public expense,
89 including charter schools;
90 (b) provides:
91 (i) education to qualifying children for any grade from first grade through twelfth grade; or
(ii) preschool or kindergarten to qualifying children, regardless of whether the preschool or kindergarten is funded at public expense, if the school also provides education to qualifying children for any grade from first grade through twelfth grade.

4. Page 6, Line 182:

182 schedule for playground equipment safety standards.

(9) Nothing in this chapter may be interpreted to grant a municipality or county the authority to license or certify a child care program.

5. Page 9, Lines 258 through 264:

258 business licensed in this state; [or]

259 (6) care provided to qualifying children as part of a course of study at or a program administered by an educational institution that is regulated by the boards of education of this state, a private education institution that provides education in lieu of that provided by the public education system, or by a parochial education institution. { [—] }

263 (6) care provided to qualifying children by a school, including pre−school programs

264 operated by a school; }

6. Page 9, Line 269 through Page 10, Line 281:

269 (8) care provided to qualifying children at a public school by an organization other than the public school, if:

270 (a) the care is provided under contract with the public school or on school property; or

272 (b) the public school accepts responsibility and oversight for the care provided by the organization;

274 (9) care provided to qualifying children {—that is:

275 (a) under federal oversight; or
as part of a summer camp that operates on federal land pursuant to a federal permit;

(10) care provided by an organization that:

(a) qualifies for tax exempt status under Section 501(c)(3) of the Internal Revenue Code; and

(b) is provided pursuant to a written agreement with a local or state government entity:

(i) a municipality, as defined in Section 10−1−104, that provides oversight for the program; or

(ii) a county

(11) care provided at a residential support program that is licensed by the Department of Human Services.

The Health and Human Services Committee reports a favorable recommendation on S.B. 186, CUSTODY AND PARENT−TIME FOR NON−PARENTS, by Senator L. Hillyard; and

The Health and Human Services Committee reports a favorable recommendation on S.B. 188, PILOT PROGRAM FOR SUMMER SCHOOL AND AFTER SCHOOL PROGRAMS FOR CHILDREN WITH A DISABILITY, by Senator G. Bell; and

The Health and Human Services Committee reports a favorable recommendation on H.B. 38, EDUCATION AND OUTREACH REGARDING SUBSTANCES HARMFUL DURING PREGNANCY, by Representative R. Menlove; and

The Health and Human Services Committee recommends 1st Sub. H.B. 47, STANDARDS FOR ELECTRONIC EXCHANGE OF CLINICAL HEALTH INFORMATION, by Representative R. Menlove, be replaced and favorably recommends 2nd Sub. H.B. 47, STANDARDS FOR ELECTRONIC EXCHANGE OF CLINICAL HEALTH INFORMATION with the following amendments:

1. Page 3, Lines 81 through 84:

81 (b) A health care provider or third party payer is not required to use the standards
adopted by the department under the provisions of Subsection (2) if the health care provider or third party payer engage in the electronic exchange of clinical health information within a particular health care system.

D. Chris Buttars, Chair

Mr. President: February 7, 2008

The Education Committee reports a favorable recommendation on S.B. 162, FEDERAL EDUCATION AGREEMENT REQUIREMENTS, by Senator M. Dayton; and

The Education Committee reports a favorable recommendation on S.B. 190, PUBLIC CLASSROOM DISPLAYS, by Senator A. Christensen; and

The Education Committee reports a favorable recommendation on H.B. 67, EXTENDED YEAR FOR SPECIAL EDUCATORS, by Representative R. Menlove; and

The Education Committee reports a favorable recommendation on H.B. 81, TASK FORCE TO STUDY PERFORMANCE INCENTIVES FOR TEACHERS, by Representative B. Last.

Margaret Dayton, Chair

On motion of Senator Hickman, the committee reports were adopted. S.B. 57, as amended, S.B. 93, as amended, S.B. 184, as amended, S.B. 186, S.B. 188, H.B. 38, 2nd Sub. H.B. 47, as amended, S.B. 162, S.B. 190, H.B. 67, and H.B. 81 were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 7, 2008

The Business and Labor Committee reports a favorable recommendation on 1st Sub. H.B. 53, IMPACT OF ADMINISTRATIVE RULES ON SMALL BUSINESSES, by Representative S. Clark, and recommends it be considered read for the second time and placed on the Consent Calendar.

Kevin T. Van Tassell, Chair

Mr. President: February 7, 2008

The Education Committee reports a favorable recommendation on H.B. 269, SCOTT B. LUNDELL MILITARY SURVIVORS’ TUITION WAIVER
AMENDMENTS, by Representative M. Morley, and recommends it be considered read for the second time and placed on the Consent Calendar.

Margaret Dayton, Chair

On motion of Senator Hickman, the committee reports were adopted. 1st Sub. H.B. 53 and H.B. 269 were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 219, Use of Severance Tax Revenues When a School District Division Occurs (M. Waddoups), read the first time by short title and referred to the Rules Committee.

S.B. 236, Judiciary Amendments (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 258, Property Tax Committee (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 260, Disclosure of Public Employee Disciplinary Actions Amendments (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 274, Amendments to Utah Service Members’ Civil Relief Act (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 275, Military Justice Code Amendments (P. Knudson), read the first time by short title and referred to the Rules Committee.

S.B. 287, Appropriation for the Swanson Tactical Training Center (S. Jenkins), read the first time by short title and referred to the Rules Committee.

***

On motion of Senator Bramble, H.B. 36, CHILD WELFARE AMENDMENTS, was placed on Third Reading Table due to fiscal impact.

COMMITTEE OF THE WHOLE

On motion of Senator Killpack, in the Committee of the Whole, a special musical number, “America, of Thee I Sing,” was performed by a chorus from the Syracuse Arts Academy.
On motion of Senator Killpack, the Committee of the Whole was dissolved.

CONSENT CALENDAR

S.B. 92, REAL PROPERTY RECORDING AMENDMENTS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell         Bramble            Buttars            Christensen
Davis       Dmitrich           Eastman            Fife
Greiner     Jenkins            Knudson            Madsen
Mayne       McCoy              Niederhauser       Peterson
Romero      Stephenson         Stowell            Waddoups
Walker      Valentine

Absent or not voting were: Senators
Dayton      Goodfellow         Hickman            Hillyard
Jones       Killpack           Van Tassell

S.B. 92 was transmitted to the House for consideration.

* * *

H.B. 27, LIEUTENANT GOVERNOR POWERS − ADMINISTRATION OF OATHS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell         Bramble            Buttars            Davis
Dmitrich     Eastman            Fife               Goodfellow
Greiner      Hickman            Jenkins            Killpack
Knudson      Madsen            Mayne              McCoy
Niederhauser Peterson           Romero            Stephenson
Stowell      Waddoups           Walker              Valentine

Absent or not voting were: Senators
Christensen  Dayton            Hillyard           Jones
Van Tassell

H.B. 27 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
H.B. 43, ALLOWANCE OF POLLING PLACES FOR EARLY VOTING, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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H.B. 43 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 20, ECONOMIC DEVELOPMENT INCENTIVES MODIFICATIONS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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H.B. 20 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
On motion of Senator Hickman, legislative staff was authorized to draft a bill regarding GOED land acquisition.

On motion of Senator Dayton, legislative staff was authorized to draft a bill regarding household securities.

On motion of Senator Jenkins, legislative staff was authorized to draft a bill regarding a general obligation bond for highways.

THIRD READING CALENDAR

H.B. 31, CHILD WELFARE DEFINITIONS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Hillyard  Killpack  Stowell  Van Tassell

H.B. 31, as amended, was returned to the House for further consideration.

**1st Sub. H.B. 55,** CAPTIVE INSURANCE COMPANY 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

Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Eastman
Fife  Goodfellow  Greiner  Hickman

* * *
Jenkins   Jones   Knudson   Madsen
Mayne     McCoy   Niederhauser Peterson
Romero    Stephenson Waddoups Walker
Valentine

Absent or not voting were: Senators
Hillyard   Killpack   Stowell   Van Tassell

1st Sub. 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.

* * *

H.B. 13, CRIMINAL STATUTE OF LIMITATIONS AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell        Bramble   Buttars   Christensen
Davis      Dayton    Dmitrich Eastman
Fife       Goodfellow Greiner   Hickman
Jenkins    Jones     Knudson   Madsen
Mayne      McCoy     Niederhauser Peterson
Romero     Stephenson Stowell   Waddoups
Walker     Valentine

Absent or not voting were: Senators
Hillyard   Killpack   Van Tassell

H.B. 13 was returned to the House for further consideration.

* * *

H.B. 32, AFFIRMATIVE DEFENSE FOR AGRI−TOURISM ACTIVITY, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell        Bramble   Buttars   Christensen
Davis      Dayton    Dmitrich Eastman
Absent or not voting were: Senators
Killpack Van Tassell

**H.B. 32** was returned to the House for further consideration.

**SECOND READING CALENDAR**

On motion of Senator Bell, the circle was removed from **H.B. 71, PARENT–TIME AMENDMENTS**, and it was before the Senate. Senator Bell explained the bill.

Senator Bell proposed the following amendment:

1. Page 5, Lines 138 through 140

   138  (15) Parental care shall be presumed to be better care for the child than surrogate care

   139  and the court shall encourage the parties to cooperate in allowing the noncustodial parent, if

   140  willing and able to transport the children, to provide the child care. Child care arrangements existing during the marriage are preferred as are child care arrangements with nominal or no charge.

1. Page 8, Lines 219 through 223

   House Floor Amendments
   1–25–2008:

   219  (ii) A step−parent, grandparent, or other responsible adult designated by the

   220  noncustodial parent, may pick up the child if the custodial parent is aware of the

   220a identity of the

   221  individual, and the parent will be with the child by [6] 7 p.m.

   222  (iii) Elections should be made by the noncustodial parent at the time of entry of the
223 divorce decree or court order, and may be changed by mutual agreement or court order.

2. Page 9, Lines 246 through 250
House Floor Amendments
1−25−2008:

246 (iii) A step−parent, grandparent, or other responsible individual designated by the noncustodial parent, may pick up the child if the custodial parent is aware of the identity of the individual, and the parent will be with the child by 7 p.m.

249 (iv) Elections should be made by the noncustodial parent at the time of the divorce decree or court order, and may be changed by mutual agreement or court order.

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

**Yeas, 26; Nays, 1; Absent, 2.**

**Voting in the affirmative were:** Senators
Bell   Bramble   Buttars   Christensen
Davis  Dmitrich  Eastman  Fife
Goodfellow  Greiner  Hickman  Hillyard
Jenkins  Jones  Knudson  Madsen
Mayne  McCoy  Niederhauser  Peterson
Romero  Stephenson  Stowell  Waddoups
Walker  Valentine

**Voting in the negative was:** Senator Dayton

**Absent or not voting were:** Senators
Killpack  Van Tassel

* * *

**S.B. 78, COUNTY PERSONNEL MANAGEMENT ACT AMENDMENTS,** was read the second time. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:
Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Eastman
Fife Goodfellow Greiner Hickman
Hillyard Jenkins Jones Knudson
Madsen Mayne McCoy Niederhauser
Peterson Romero Stephenson Stowell
Waddoups Walker Valentine

Absent or not voting were: Senators
Killpack Van Tassell

* * *

On motion of Senator Davis, the circle was removed from S.B. 17, CHILD ABUSE AND NEGLECT REGISTRY – MANAGEMENT AND LICENSING INFORMATION SYSTEMS AMENDMENTS, and it was before the Senate. Senator Davis explained the bill.

Senator Davis proposed the following amendment:

. Page 15i, Line 445 through Page 18, Line 526
Senate 2nd Reading Amendments
2–5–2008

{−445−Section 7, Section 78–3a–104 is amended to read:
446 78–3a–104. Jurisdiction of juvenile court −− Original −− Exclusive.
447 (1) Except as otherwise provided by law, the juvenile court has exclusive original jurisdiction in proceedings concerning:
448 (a) a child who has violated any federal, state, or local law or municipal ordinance or a
449 person younger than 21 years of age who has violated any law or ordinance before becoming
450 18 years of age, regardless of where the violation occurred, excluding traffic laws and boating
452 and ordinances;
(b) a person 21 years of age or older who has failed or refused to comply with an order of the juvenile court to pay a fine or restitution, if the order was imposed prior to the person's 21st birthday; however, the continuing jurisdiction is limited to causing compliance with existing orders;

c) a child who is an abused child, neglected child, or dependent child, as those terms are defined in Section 78-3a-103;

d) a protective order for a child pursuant to the provisions of Title 78, Chapter 3h, Child Protective Orders, which the juvenile court may transfer to the district court if the juvenile court has entered an ex parte protective order and finds that:

(i) the petitioner and the respondent are the natural parent, adoptive parent, or step parent of the child who is the object of the petition;

(ii) the district court has a petition pending or an order related to custody or parent-time entered under Title 30, Chapter 3, Divorce, Title 30, Chapter 6, Cohabitant Abuse Act, or Title 78, Chapter 45g, Utah Uniform Parentage Act, in which the petitioner and the respondent are parties; and

(iii) the best interests of the child will be better served in the district court;

e) appointment of a guardian of the person or other guardian of a minor who comes within the court's jurisdiction under other provisions of this section;

(f) the emancipation of a minor in accordance with Part 10, Emancipation;
(g) the termination of the legal parent-child relationship in accordance with Part 4,

(h) the treatment or commitment of a mentally retarded minor;

(i) a minor who is a habitual truant from school;

(j) the judicial consent to the marriage of a child under age 16 upon a determination of voluntariness or where otherwise required by law, employment, or enlistment of a child when consent is required by law;

(k) any parent or parents of a child committed to a secure youth corrections facility, to order, at the discretion of the court and on the recommendation of a secure facility, the parent or parents of a child committed to a secure facility for a custodial term, to undergo group rehabilitation therapy under the direction of a secure facility therapist, who has supervision of that parent’s or parents’ child, or any other therapist the court may direct, for a period directed by the court as recommended by a secure facility;

(l) a minor under Title 55, Chapter 12, Interstate Compact for Juveniles;

(m) the treatment or commitment of a mentally ill child. The court may commit a child to the physical custody of a local mental health authority in accordance with the procedures and requirements of Title 62A, Chapter 15, Part 7, Commitment of Persons Under Age 18 to Division of Substance Abuse and Mental Health. The court may not commit a child directly to
the Utah State Hospital;

(n) the commitment of a child in accordance with Section 62A−15−301;

(o) de novo review of final agency actions resulting from an informal adjudicative proceeding as provided in Section 63−46b−15; and

(p) adoptions conducted in accordance with the procedures described in Title 78.

Chapter 30, Adoption, when the juvenile court has previously entered an order terminating the rights of a parent and finds that adoption is in the best interest of the child.

(2) In addition to the provisions of Subsection (1)(a) the juvenile court has exclusive jurisdiction over any traffic or boating offense committed by a person under 16 years of age and concurrent jurisdiction over all other traffic or boating offenses committed by a person 16 years of age or older, except that the court shall have exclusive jurisdiction over the following offenses committed by a child:

(a) Section 76−5−207, automobile homicide;

(b) Section 41−6a−502, operating a vehicle while under the influence of alcohol or drugs;

(c) Section 41−6a−528, reckless driving or Section 73−18−12, reckless operation;

(d) Section 41−1a−1314, unauthorized control over a motor vehicle, trailer, or semitrailer for an extended period of time; and

(e) Section 41−6a−210 or 73−18−20, fleeing a peace officer.

(3) The court also has jurisdiction over traffic and boating offenses that are part of a
single criminal episode filed in a petition that contains an offense over which the court has jurisdiction.

(4) The juvenile court has jurisdiction over an ungovernable or runaway child who is referred to it by the Division of Child and Family Services or by public or private agencies that contract with the division to provide services to that child where, despite earnest and persistent efforts by the division or agency, the child has demonstrated that the child:

(a) is beyond the control of the child's parent, guardian, lawful custodian, or school authorities to the extent that the child's behavior or condition endangers the child's own welfare or the welfare of others; or

(b) has run away from home.

(5) This section does not restrict the right of access to the juvenile court by private agencies or other persons.

(6) The juvenile court has jurisdiction of all magistrate functions relative to cases arising under Section 78−3a−602.

(7) The juvenile court has jurisdiction to make a finding of substantiated, unsubstantiated, [or] without merit, or false in accordance with Section 78−3a−320.

2. Page 18a, Line 527 through Page 19, Line 570

Senate 2nd Reading Amendments 2−5−2008:

Section 78−3a−320 is amended to read:

78−3a−320. Additional finding at adjudication hearing −− Petition −− Court records.
(1) Upon the filing with the court of a petition under Section 78-3a-305 by the Division of Child and Family Services or any interested person informing the court, among other things, that the division has made a supported finding that a person committed a severe type of child abuse or neglect as defined in Section 62A-4a-1002, the court shall:

(a) make a finding of substantiated, unsubstantiated, or without merit;

(b) include the finding described in Subsection (1)(a) in a written order; and

(c) deliver a certified copy of the order described in Subsection (1)(b) to the division.

(2) A judicial finding under Subsections (1), (3), and (4) shall be made:

(a) as part of the adjudication hearing;

(b) at the conclusion of the adjudication hearing; or

(c) as part of a court order entered pursuant to a written stipulation of the parties.

(3) Any person described in Subsection 62A-4a-1010(1) may at any time file with the court a petition for removal of the person’s name from the Licensing Information System.

(a) At the conclusion of the hearing on the petition, the court shall:

(i) make a finding of substantiated, unsubstantiated, or without merit;

(ii) include the finding described in Subsection (1)(a) in a written order; and

(iii) deliver a certified copy of the order described in Subsection (1)(b) to the division.

(4) If the court makes a finding of without merit under Subsection (1) or (3)(b), the
court shall:

(i) make an additional finding regarding whether the report is false; and

(ii) include the finding described in Subsection (4)(a)(i) in the orders described in Subsections (1)(b) and (3)(b)(ii).

(b) The finding described in Subsection (4)(a)(i) shall be made solely for the purpose of determining, under Subsection 62A−4a−1003(3), whether the report upon which the finding is based, or any reference to the report, will be included in the Management Information System.

[(4)] (5) A proceeding for adjudication of a supported finding under this section of a type of abuse or neglect that does not constitute a severe type of child abuse or neglect may be joined in the juvenile court with an adjudication of a severe type of child abuse or neglect.

[(5)] (6) If a person whose name appears on the Licensing Information system prior to May 6, 2002 files a petition during the time that an alleged perpetrator’s application for clearance to work with children or vulnerable adults is pending, the court shall hear the matter and enter a final decision no later than 60 days after the filing of the petition.

[(6)] (7) For the purposes of licensing under Sections 26−21−9.5, 26−39−105.5, 62A−1−118, and for the purposes described in Section 62A−2−121:

(a) the court shall make available records of its findings under Subsections (1) and (2)

(b) for licensing purposes, only to those with statutory authority to access also the Licensing
— Information System created under Section 62A−4a−1006; and

— (b) any appellate court shall make available court records of appeals from juvenile court decisions under Subsections (1), (2), (3), and (4) through (5) for licensing purposes;

— only to those with statutory authority to access also the Licensing Information System—

Renumber remaining sections accordingly.

Senator Davis’ 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

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

**Absent or not voting were:** Senators

Hillyard  Killpack  McCoy  Van Tassell

* * *

S.B. 160, CANDIDATE REPLACEMENT DEADLINE FOR GENERAL ELECTION, was read the second time. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Eastman
Fife  Goodfellow  Greiner  Hickman
Hillyard  Jenkins  Jones  Knudson
Madsen  Mayne  Niederhauser  Peterson
Romero  Stephenson  Stowell  Waddoups
Walker  Valentine
Absent or not voting were: Senators
Killpack McCoy Van Tassell

***

On motion of Senator Knudson, the circle was removed from S.B. 147, CANDIDATE FILING REQUIREMENT, and it was before the Senate. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Christensen Davis
Dayton Dmitrich Eastman Fife
Goodfellow Greiner Hillyard Jenkins
Jones Knudson Madsen Mayne
Niederhauser Peterson Romero Stephenson
Stowell Waddoups Walker Valentine

Absent or not voting were: Senators
Buttars Hickman Killpack McCoy
Van Tassell

***

S.J.R. 5. JOINT RESOLUTION AMENDING LEGISLATIVE APPORTIONMENT, was read the second time. Senator Bramble explained the bill. Senator McCoy commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Christensen Davis
Dayton Dmitrich Eastman Fife
Goodfellow Greiner Hickman Hillyard
Jenkins Jones Killpack Knudson
Madsen Mayne McCoy Niederhauser
Peterson Romero Stephenson Stowell
Waddoups Walker Valentine

Absent or not voting were: Senators
Buttars Van Tassell

***
TIME CERTAIN

A citation was read honoring Utah’s Dietary Supplement Industry

THIRD READING CALENDAR

S.J.R. 6. JOINT RESOLUTION ENCOURAGING THE GOVERNOR’S BOARD APPOINTMENTS TO REFLECT UTAH GEOGRAPHIC BALANCE, was read the second time. Senator Stowell explained the bill. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.

Voting in the affirmative were: Senators
Bell   Bramble   Buttars   Christensen
Davis  Dayton    Dmitrich  Eastman
Fife   Goodfellow Greiner  Hickman
Hillyard Jones   Killpack  Knudson
Madsen Mayne    McCoy    Niederhauser
Peterson Romero  Stephenson Stowell
Waddoups Walker  Valentine

Voting in the negative was: Senator
Jenkins

Absent or not voting was: Senator
Van Tassell

***

S.J.R. 7, JOINT RULES RESOLUTION — AUTHORIZING ELECTRONIC COMMITTEE MEETINGS, was read the second time. Senator Hillyard explained the bill.

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

1st Sub. S.J.R. 7 Joint Rules Resolution — Authorizing Electronic Committee Meetings (L. Hillyard)

Senators Walker, Fife, Bell, Dmitrich, Romero, McCoy, and Stephenson commented. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 2; Absent, 3.
Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dmitrich  Fife  Goodfellow
Greiner  Hickman  Hillyard  Jenkins
Jones  Knudson  Madsen  Mayne
McCoy  Niederhauser  Peterson  Stephenson
Van Tassell  Waddoups  Walker  Valentine

Voting in the negative were: Senators
Dayton  Romero

Absent or not voting were: Senators
Eastman  Killpack  Stowell

* * *

INTRODUCTION OF BILLS

S.B. 204, Income Taxation − Real Estate Investment Trusts
(W. Niederhauser), read the first time by short title and referred to the Rules Committee.

S.B. 225, Gubernatorial and Legislative Space in the Capitol
(C. Bramble), read the first time by short title and referred to the Rules Committee.

* * *

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. 94,
BURGLARY OF A RAILROAD CAR, and it was before the Senate. Senator Peterson explained the bill.

Senator Peterson proposed the following amendment: 1, Line 14

14  ▶ provides that it is a third degree felony to
   { unlawfully enter a railroad car, or } break

1. Page 2, Lines 52 through 53:

52  (5) “Railroad car {− } {− } } {− } ;
   (a) in addition to its ordinary meaning, includes a sleeping car or
   any
container or trailer that is on a railroad car; and
(b) includes only a railroad car that is operable and part of an ongoing railroad operation.

2. Page 2, Lines 56 through 57:

(1) Any person commits burglary of a railroad car when the person
\{ unlawfully enters or remains in a railroad car or \} breaks the lock or seal on any railroad car, with the intent to

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

On motion of Senator Peterson, the bill was circled.

* * *

On motion of Senator Hickman, the Senate voted to lift S.B. 225, GUBERNATORIAL AND LEGISLATIVE SPACE IN THE CAPITOL, from the Rules Committee and assign it to the Business and Labor Standing Committee.

* * *

On motion of Senator Bramble and at 11:50 a.m., the Senate adjourned until 10:00 a.m., Monday, February 11, 2008.
TWENTY–SECOND DAY
MORNING SESSION
FEBRUARY 11, 2008

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

Prayer – The Venerable Israt Ritiron, Venerable Prah–Kob, Venerable Nah–Rong, Venerable Ong, Wat Dhammagunaram
Pledge of Allegiance – Senator Lyle Hillyard
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 64)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 8, 2008

The House passed, S.B. 60, REPEALING LABOR COMMISSION RESPONSIBILITIES TO OVERSEE EMPLOYMENT AGENCIES, by Senator R. Romero, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 60 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

***

Mr. President: February 8, 2008

The House passed, as amended, H.B. 90, EXPUNGEMENT AMENDMENTS, by Representative R. C. Webb, and it is transmitted for consideration; and

The House passed H.B. 112, PUBLIC EDUCATION FOUNDATION AMENDMENTS, by Representative S. Allen, and it is transmitted for consideration; and

The House passed, as amended, H.B. 116, FLUORINE IN A PRIVATELY OWNED WATER SYSTEM, by Representative S. Andersen, and it is transmitted for consideration; and
The House passed, as substituted and amended, **1st Sub. H.B. 133**, HEALTH SYSTEM REFORM, by Representative D. Clark, et al, and it is transmitted for consideration; and

The House passed **H.B. 231**, LOCAL VOTER INFORMATION PAMPHLET AMENDMENTS, by Representative D. Aagard, and it is transmitted for consideration; and

The House passed **H.B. 261**, LOCAL DISTRICT PRIMARY ELECTIONS, by Representative K. Morgan, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 266**, ACCELERATED LEARNING PROGRAM REVISIONS, by Representative C. Moss, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 321**, HIGHER EDUCATION SAVINGS INCENTIVE PROGRAM AMENDMENTS, by Representative K. Garn, and it is transmitted for consideration; and

The House passed, as amended, **H.J.R. 4**, JOINT RESOLUTION URGING SCHOOL CLOSINGS TO RECOGNIZE VETERANS DAY, by Representative C. Wimmer, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk


**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. 205** Uniform Interstate Depositions and Discovery Act  
(Sen. L. Hillyard)

(Sen. K. Mayne)

**H.B. 93** Insurance Fraud Amendments (Rep. D. Aagard)  
(Sen. M. Waddoups)

**Government Operations and Political Subdivisions Committee**

**S.B. 213** State Contract – False Claims Act (Sen. A. Christensen)
S.C.R. 5  Concurrent Resolution Calling for Congress to Pass
Balanced Immigration Reform (Sen. H. Stephenson)
H.B. 262  Recovery of Federal Reimbursement for Costs Associated
with Illegal Immigrants (Rep. K. Morgan)
(Sen. B. Goodfellow)

Health and Human Services Committee
H.B. 17  Cancer Screening and Mortality Reduction Program
(Rep. P. Ray) (Sen. A. Christensen)
H.B. 277  Pandemic Preparedness Amendments (Rep. B. Last)
(Sen. D. Peterson)
H.B. 301  Comprehensive Health Insurance Pool Amendments
(Rep. J. Dunnigan) (Sen. M. Waddoups)

Judiciary, Law Enforcement, and Criminal Justice Committee
H.B. 19  Assault on a Peace Officer Penalty Amendments
H.B. 70  Expungement Law Amendments (Rep. L. Fowlke)
(Sen. D. C. Buttars)

Transportation, Public Utilities and Technology Committee
S.B. 283  Transportation Funding Amendments (Sen. S. Killpack)
H.B. 122  Driver License − Application of Minor Amendments

Bill Hickman
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 8, 2008

The Revenue and Taxation Committee reports a favorable recommendation
on H.B. 248, AMENDMENTS TO SALES AND USE TAX EXEMPTION FOR
CERTAIN PROPERTY INCORPORATED INTO REAL PROPERTY, by
Representative J. Dougall.

Wayne L. Niederhauser, Chair

Mr. President: February 8, 2008

The Workforce Services and Community and Economic Development
Committee reports a favorable recommendation on 1st Sub. H.B. 135, GRANTS
FROM DEPARTMENT OF COMMUNITY AND CULTURE, by Representative S. Allen.

Mark B. Madsen, Chair

Mr. President: February 8, 2008

The Natural Resources, Agriculture, and Environment Committee recommends **S.B. 89, PREVENTING CATASTROPHIC WILDLAND FIRES**, by Senator D. Stowell, be replaced and favorably recommends **1st Sub. S.B. 89, MITIGATION OF INVASIVE SPECIES**. The Committee further recommends that **1st Sub. S.B. 89** be read for the first time; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 50, UNDERGROUND STORAGE TANK AMENDMENTS**, by Representative S. Andersen; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **H.B. 291, OFF−HIGHWAY VEHICLE AMENDMENTS**, by Representative M. Noel.

Darin G. Peterson, Chair

Mr. President: February 8, 2008

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **S.B. 84, NET METERING PROGRAMS**, by Senator K. VanTassell, with the following amendments:

1. Page 3, Line 79:

   79 (b) for each other electrical corporation, the **public service** commission.

2. Page 4, Lines 102 through 113:

   102 [(140)] (12) “Renewable facility” means a facility that uses energy derived from [the
   103 sun, wind, or water] one of the following to generate electricity[,];
   104 (a) solar power;
   105 (b) wind power;
   106 (c) a fuel cell;
   107 (d) hydroelectric power;
(e) cogeneration;
(f) landfill gas;
(g) digester gas;
(h) dedicated energy crops available on a renewable basis; or
(i) non-toxic biomass derived from solid organic fuel from wood, forest, or field residue.

(a) solar photovoltaic and solar thermal energy;
(b) wind energy;
(c) hydrogen;
(d) organic waste;
(e) hydroelectric energy;
(f) waste gas and waste heat capture or recovery;
(g) biomass and biomass byproducts, except for the combustion of wood that has been treated with chemical preservatives such as creosote, pentachlorophenol, or chromated copper arsenate;
(h) forest or rangeland woody debris from harvesting or thinning conducted to improve forest or rangeland ecological health and to reduce wildfire risk;
(i) agricultural residues;
(j) dedicated energy crops;
(k) landfill gas or biogas produced from organic matter, wastewater, anaerobic digesters, or municipal solid waste; or
(l) the combustion of wood that has been treated

3. Page 5, Lines 139 through 143:

(3) (a) Notwithstanding Subsection (2)(a), the governing authority may
establish a higher amount of generating capacity from customer generation systems than .1% of the electrical corporation’s peak demand during 2007 before a net metering program may be discontinued under Subsection (2); or
(ii) forbid the discontinuation of a net metering program under Subsection (2)(a)

4. Page 6, Line 173:

is at least avoided cost, or another, higher value as determined by the governing authority; and
5. Page 6, Lines 177 through 180:

177  [(iii)] (ii) all credits that the customer does not use during the
    annualized billing period expire at the end of the annualized billing period; and

179  (b) as authorized by the governing authority, the electrical corporation may bill the

180  customer for customer charges that otherwise would have accrued during that annualized

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 28, HONORING HEROES SPECIAL GROUP LICENSE PLATE, by Representative P. Ray; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 275, VEHICLE TOWING REQUIREMENTS, by Representative B. Daw.

Carlene M. Walker, Chair

Mr. President: February 8, 2008

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 117, ANIMAL CRUELTY AMENDMENTS, by Senator A. Christensen, with the following amendments:

1. Page 5, Line 144:

144 husbandry practices or customary farming practices; or

2. Page 5, Line 147:

147 (B) is not in accordance with accepted animal husbandry practices or customary farming practices.

3. Page 6, Line 153:

153 (A) cared for in accordance with accepted animal husbandry practices or customary farming practices; and

4. Page 6, Line 161:

161 (iii) livestock that is cared for in accordance with:
    (A) accepted animal husbandry practices for livestock; or
    (B) customary farming practices for livestock; or
5. Page 8, Line 233:

233 in a manner not in keeping with accepted animal husbandry 
practices or customary farming practices, intentionally, knowingly, 
; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a 
favorable recommendation on S.B. 183, CHILD PORNOGRAPHY 
AMENDMENT, by Senator D. C. Buttars.

Gregory S. Bell, Chair

On motion of Senator Eastman, the committee reports were adopted. 
amended, H.B. 28, H.B. 275, S.B. 117, as amended, and S.B. 183 were placed on 
Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 8, 2008

The Revenue and Taxation Committee reports a favorable recommendation 
on H.B. 251, SALES AND USE TAX REVISIONS, by Representative J. Dougall, 
and recommends it be considered read for the second time and placed on the 
Consent Calendar.

Wayne L. Niederhauser, Chair

Mr. President: February 8, 2008

The Workforce Services and Community and Economic Development 
Committee reports a favorable recommendation on H.B. 259, GOLD STAR 
FAMILY SPECIAL GROUP LICENSE PLATE AMENDMENTS, by 
Representative C. Oda, and recommends it be considered read for the second time 
and placed on the Consent Calendar; and

The Workforce Services and Community and Economic Development 
Committee reports a favorable recommendation on H.J.R. 1, RESOLUTION 
ADDRESSING INTERNATIONAL TRADE ISSUES, by Representative S. 
Allen, and recommends it be considered read for the second time and placed on the 
Consent Calendar.

Mark B. Madsen, Chair

Mr. President: February 8, 2008

The Natural Resources, Agriculture, and Environment Committee reports a 
favorable recommendation on 1st Sub. H.B. 294, APPROPRIATION LIMIT
AMENDMENTS – FIRE SUPPRESSION, by Representative B. Ferry, and recommends it be considered read for the second time and placed on the Consent Calendar.

Darin G. Peterson, Chair

Mr. President: February 8, 2008

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 144, MOTOR VEHICLE INSURANCE AMENDMENTS, by Representative T. Kiser, and recommends it be considered read for the second time and placed on the Consent Calendar.

Carlene M. Walker, Chair

Mr. President: February 8, 2008

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 256, CRIMINAL PENALTIES AMENDMENTS – INCLUDING JESSICA’S LAW, by Representative C. Wimmer, and recommends it be considered read for the second time and placed on the Consent Calendar; and

Gregory S. Bell, Chair

On motion of Senator Eastman, the committee reports were adopted. H.B. 251, H.B. 259, H.J.R. 1, 1st Sub. H.B. 294, H.B. 144, and H.B. 256 were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 208, Transportation Corridor Preservation Amendments (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.B. 242, Law Enforcement Tracking of Domestic Violence Statistics (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 256, Good Samaritan Act for Engineers (M. Waddoups), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

H.B. 71, PARENT–TIME AMENDMENTS, was read the third time.

On motion of Senator Bell, the bill was circled.
S.B. 78, COUNTY PERSONNEL MANAGEMENT ACT AMENDMENTS, was read the third time and explained by Senator Niederhauser.

Senator Niederhauser proposed the following amendment:

1. Page 1, Lines 25 through 26
   Senate Committee Amendments
   1–31–2008

   25 Other Special Clauses:

   26 { None } This bill coordinates with H.B. 235, County Merit System Amendments, by providing which technical amendments supersede and by substantively and technically merging the amendments contained in H.B. 235 with the amendments contained in this bill.

2. Page 4, Line 117
   Senate Committee Amendments
   1–31–2008:

   117 promulgated under this chapter.


   If this S.B. 78 and H.B. 235, County Merit System Amendments, both pass, it is the intent of the Legislature that when the Office of Legislative Research and General Counsel prepares the Utah Code database for publication:

   (1) the amendments to Section 17–33–1 in this bill supersede the amendments to Section 17–33–1 in H.B. 235; and

   (2) merge the amendments in this bill to Section 17–33–8 with the amendments in H.B. 235 so that Section 17–33–8 reads:


   (1) The career service { shall be } { the } { career service } is a permanent service to which this { law shall apply and shall comprise } chapter applies; and

   (b) comprises all tenured county positions in the public service { now existing or hereafter established } , except { the following } :

   (i) subject to Subsection (2):

   (A) the county executive, members of the
county legislative body, other elected officials {——} ; and

(B) each major department {——} head charged directly by the county legislative body, or by a board appointed by the county legislative body, with the responsibility of assisting {——} in the formulation and carrying out of matters of policy; and if it is sought that any position which differs from its present status be exempted or tenured after the effective date of this act, a public hearing on the proposed exemption or tenure shall be held upon due notice and the concurrence of the council. to formulate and carry out policy matters;

(2) One {——} confidential secretary for each elected county officer and major department head {——} if {——} a confidential secretary is assigned {——} ;

(3) An {——} administrative assistant to the county executive, each member of the county legislative body, and {——} each elected official, if {——} an administrative assistant is assigned {——} ;

(4) The {——} duly appointed chief deputy of any elected county officer who {——} takes over and {——} discharges the duties of the elected county officer in the absence or disability of the {——} elected county officer {——} ;

(v) subject to Subsection (3), a person who is:

(A) appointed by an elected county officer to administer division functions in furtherance of the performance of the elected officer’s professional duties;

(B) in a confidential relationship with the elected county officer; and

(C) not in a law enforcement rank position of captain or below;

(5) Persons {——} each person employed to make or conduct a temporary and special inquiry, investigation, or examination on behalf of the county legislative body or one of its committees {——} ;

(6) Noncareer employees {——} each noncareer employee:

(A) compensated for {——} the employee’s services on a seasonal or contractual basis {——} ; and

(B) hired on emergency or seasonal appointment basis, as approved by the council {——} ; and

(vii) each provisional {——} employee, as
defined by the county’s policies and procedures or its rules and regulations.

- (7) Part-time employees—(ix) each part-time employee, as defined by the county’s policies and procedures or its rules and regulations.

- (8) Employees—(x) each employee appointed to perform:
  - (a) (A) work that does not exceed three years in duration; or
  - (b) (B) work with limited funding.

-and

(9) Positions which by their nature—

(xii) each position that, by its confidential or key policy-determining nature, cannot or should not be appropriately included in the career service. (All positions designated as being exempt under this Subsection shall be listed in the rules.)

(2) Before a position under Subsection (1)(b)(i) may be changed from its current status to exempt or tenured, the career service council shall, after giving due notice, hold a public hearing on the proposed change of status.

(3) (a) Subsection (1)(b)(v) may not be construed to cause a person serving as a nonexempt employee on May 5, 2008 in a position described in that subsection to lose the nonexempt status.

(b) The elected county officer in a supervisory position over an employee described in Subsection (3)(a) shall work with the county’s office of personnel management to develop financial and other incentives to encourage a nonexempt employee to convert voluntarily to exempt status.

(4) (a) Rules and regulations promulgated under this act shall list by job title and department, office or agency, and any each position designated as exempt under Subsection (1)(b)(xi).

(b) A change in exempt status of a position designated as being exempt under Subsection (1)(b)(xi) constitutes an amendment to the rules and regulations promulgated under this chapter.

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

Voting in the affirmative were: Senators
Bell           Bramble       Buttars       Christensen
Davis          Dayton        Dmitrich      Fife
Goodfellow     Greiner       Hickman      Hillyard
Jones          Killpack      Knudson      Madsen
Mayne          McCoy         Niederhauser Peterson
Romero         Stephenson    Stowell      Van Tassell
Waddoups       Walker        Valentine

Absent or not voting were: Senators
Eastman        Jenkins

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

* * *

S.B. 17, CHILD ABUSE AND NEGLECT REGISTRY – MANAGEMENT AND LICENSING INFORMATION SYSTEMS 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
Bell           Bramble       Buttars       Christensen
Davis          Dayton        Dmitrich      Fife
Goodfellow     Greiner       Hickman      Hillyard
Jones          Killpack      Knudson      Madsen
Mayne          McCoy         Niederhauser Peterson
Romero         Stephenson    Stowell      Van Tassell
Waddoups       Walker        Valentine

Absent or not voting were: Senators
Eastman        Jenkins

S.B. 17 was transmitted to the House for consideration.

* * *

S.B. 160, CANDIDATE REPLACEMENT DEADLINE FOR GENERAL ELECTION, was read the third time, explained by Senator Knudson, and passed on the following roll call:
Day 22  Monday, February 11, 2008

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

**Voting in the affirmative were:** Senators
Bell  Bramble  Christensen  Davis
Dayton  Dmitrich  Fife  Goodfellow
Greiner  Hickman  Hillyard  Jenkins
Jones  Killpack  Knudson  Madsen
Mayne  McCoy  Niederhauser  Peterson
Romero  Stephenson  Stowell  Van Tassell
Waddoups  Walker  Valentine

**Absent or not voting were:** Senators
Buttars  Eastman

*S.B. 160* was transmitted to the House for consideration.

* * *

*S.B. 147*, CANDIDATE FILING REQUIREMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell  Bramble  Christensen  Davis
Dayton  Dmitrich  Fife  Goodfellow
Greiner  Hickman  Hillyard  Jenkins
Jones  Killpack  Knudson  Madsen
Mayne  McCoy  Niederhauser  Peterson
Romero  Stephenson  Stowell  Van Tassell
Waddoups  Walker  Valentine

**Absent or not voting were:** Senators
Buttars  Eastman

*S.B. 147* was transmitted to the House for consideration.

* * *

*S.J.R. 5*, JOINT RESOLUTION AMENDING LEGISLATIVE APPORTIONMENT, was read the third time, explained by Senator Bramble, and passed on the following roll call:

**Yeas, 27; Nays, 0; Absent, 2.**
Voting in the affirmative were: Senators
Bell           Bramble          Christensen       Davis
Dayton        Dmitrich        Fife             Goodfellow
Greiner       Hickman         Hillyard        Jenkins
Jones          Killpack       Knudson         Madsen
Mayne        McCoy            Niederhauser   Peterson
Romero        Stephenson       Stowell        Van Tassell
Waddoups      Walker           Valentine

Absent or not voting were: Senators
Buttars        Eastman

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

***

S.J.R. 6, JOINT RESOLUTION ENCOURAGING THE GOVERNOR’S BOARD APPOINTMENTS TO REFLECT UTAH GEOGRAPHIC BALANCE, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell           Bramble          Christensen       Davis
Dayton        Dmitrich        Fife             Goodfellow
Greiner       Hillyard         Jenkins        Jones
Killpack      Knudson          Madsen         Mayne
McCoy         Niederhauser     Peterson        Romero
Stephenson    Stowell          Van Tassell   Waddoups
Walker        Valentine

Absent or not voting were: Senators
Buttars        Eastman        Hickman

S.J.R. 6 was transmitted to the House for consideration.

***

1st Sub. S.J.R. 7, JOINT RULES RESOLUTION – AUTHORIZING ELECTRONIC COMMITTEE MEETINGS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

Yeas, 25; Nays, 1; Absent, 3.
**Voting in the affirmative were:** Senators

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

**Voting in the negative was:** Senator

Romero

**Absent or not voting were:** Senators

Buttars  Eastman  Hickman

1st Sub. S.J.R. 7 was transmitted to the House for consideration.

* * *

On motion of Senator Peterson, the circle was removed from S.B. 94, BURGLARY OF A RAILROAD CAR, and it was before the Senate. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Bramble  Buttars  Madsen

S.B. 94 was transmitted to the House for consideration.

**SECOND READING CALENDAR**

S.B. 69, UNIFORM LIMITED COOPERATIVE ASSOCIATION ACT, was read the second time. Senator Hillyard explained the bill. Senators Waddoups and Bell commented. The bill passed second reading on the following roll call:
Yeas, 29; Nays, 0; Absent, 0.

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

* * *

S.B. 143, INSURANCE FINANCIAL REQUIREMENTS, was read the second time. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

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

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

Absent or not voting was: Senator
Hillyard

* * *

On motion of Senator Madsen, the circle was removed from S.B. 37, HOME SCHOOL AND EXTRA CURRICULAR ACTIVITIES AMENDMENTS, and it was before the Senate. Senator Madsen explained the bill.

Senator Madsen proposed the following amendment:

1. Page 5, Lines 139 through 144:

139 (e) (i) { Private } Except as provided in Subsections (7)(f) through (h):
(A) private school students and home school students shall be eligible for extracurricular activities at a public school consistent with eligibility standards as applied to fully enrolled public school students; and

(B) a public school student who has been declared to be ineligible to participate in an extracurricular activity and who subsequently enrolls in a home school may not regain eligibility until the student resolves the reason for ineligibility and conforms to the eligibility standards applicable to fully enrolled public school students.

(ii) A school district or public school may not impose additional requirements on private school students or home school students to participate in extracurricular activities that are not imposed on fully enrolled public school students.

2. Page 6, Lines 158 through 159

Senate Committee Amendments 1–28–2008:

(iii) enrolls in a private school and establishes academic eligibility. —

(i) A public school student who has been declared to be ineligible to participate in an extracurricular activity for a reason other than academics and who subsequently enrolls in a home school may not regain eligibility until the student resolves the reason for ineligibility and conforms to the eligibility standards applicable to fully enrolled public school students.

When selection to participate in an extracurricular activity at a public school is

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

# # #

Senator Bell proposed the following amendment:
147  (g)  (i) To demonstrate a home school student’s compliance with scholastic eligibility requirements, the individual providing the primary instruction of a home school student shall submit an affidavit that indicates:

(i) the student is mastering the material in each course or subject being taught; and

(ii) the student is maintaining satisfactory progress towards advancement or promotion.

(ii) The method of establishing compliance with the scholastic eligibility requirements shall be arranged between the home school student and the school.

152  (h) A public school student who has been declared to be academically ineligible to

Senator Bell’s motion to amend failed on a voice vote. Senators Greiner, Bell, Jones, Dmitrich, Hillyard, Stephenson, and Dayton commented. The bill passed second reading 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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**COMMITTEE OF THE WHOLE**

On motion of Senator Hillyard, Claudia Eliason, Utah Mother of the Year, and Ingrid Sorensen, Utah Mother of Young Children, spoke in Committee of the Whole.
On motion of Senator Hillyard, the Committee of the Whole was dissolved.

***

S.B. 165, ALCOHOLIC BEVERAGE SINGLE EVENT PERMITS, was read the second time. Senator McCoy 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

Bell
Dayton
Goodfellow
Jenkins
Madsen
Peterson
Waddoups

Bramble
Dmitrich
Greiner
Jones
Mayne
Romero
Valentine

Christensen
Eastman
Hickman
Killpack
McCoy
Stowell

Davis
Fife
Hillyard
Knudson
Niederhauser
Van Tassell

* Absent or not voting were: Senators

Buttars
Stephenson
Walker

INTRODUCTION OF BILLS

S.B. 241, Local Governmental Cooperation in Education Matters (P. Jones), read the first time by short title and referred to the Rules Committee.

***

On motion of Senator Bramble, and at 11:45 a.m., the Senate recessed.

AFTERNOON SESSION

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

RULES COMMITTEE REPORTS

To the Members of the Senate: February 11, 2008

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

Education Committee
S.B. 219 Use of Severance Tax Revenues When a School District Division Occurs (Sen. M. Waddoups)
Government Operations and Political Subdivisions Committee
S.B. 97  Immigration Task Force (Sen. S. Jenkins)
S.B. 260  Disclosure of Public Employee Disciplinary Actions Amendments (Sen. D. C. Buttars)
S.B. 274  Amendments to Utah Service Members’ Civil Relief Act (Sen. P. Knudson)
S.B. 275  Military Justice Code Amendments (Sen. P. Knudson)

Health and Human Services Committee
H.B. 268  Health Facility Committee Membership (Rep. C. Herrod) (Sen. M. Madsen)

Judiciary, Law Enforcement, and Criminal Justice Committee
S.B. 236  Judiciary Amendments (Sen. L. Hillyard)
H.B. 314  Sexual Offenses – Definitions (Rep. R. Bigelow) (Sen. J. Greiner)

Natural Resources, Agriculture and Environment Committee

Revenue and Taxation Committee
S.B. 204  Income Taxation – Real Estate Investment Trusts (Sen. W. Niederhauser)
S.B. 258  Property Tax Committee (Sen. W. Niederhauser)
Transportation, Public Utilities and Technology Committee

S.B. 208 Transportation Corridor Preservation Amendments
(Sen. S. Killpack)

H.B. 105 Transportation Infrastructure Loan Fund Amendments

H.B. 288 911 Committee (Rep. B. Dee) (Sen. J. Greiner)

Workforce Services and Community and Economic Development
Committee

S.B. 287 Appropriation for the Swanson Tactical Training Center
(Sen. S. Jenkins)

H.C.R. 3 Concurrent Resolution – Declaring Love Your Library
Week (Rep. S. Clark) (Sen. M. Dayton)

Bill Hickman
Rules Committee Chair

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

INTRODUCTION OF BILLS

S.B. 198, Child Support Technical Amendments (G. Bell), read the first
time by short title and referred to the Rules Committee.

S.J.R. 12, Joint Resolution Honoring Hill Air Force Base’s 388th and
419th Fighter Wings (S. Killpack), read the first time by short title and referred to
the Rules Committee.

* * *

On motion of Senator Bramble, legislative staff was authorized to draft a
resolution regarding Utah’s trade with Taiwan.

SECOND READING CALENDAR

1st Sub. S.B. 46, ANTI–FLOW CONTROL AMENDMENTS, was read the
second time. Senator Eastman explained the bill. Senators Knudson, Butts, and
Greiner commented. The bill passed second reading on the following roll call:

Yeas, 22; Nays, 4; Absent, 3.

Voting in the affirmative were: Senators
Bramble Christensen Davis Dmitrich
Eastman Fife Goodfellow Hickman
Voting in the negative were: Senators
Buttars  Dayton  Greiner  Waddoups

Absent or not voting were: Senators
Bell  Stephenson  Valentine

* * *

S.B. 148, ENFORCEMENT OF FRONT LICENSE PLATE DISPLAY REQUIREMENT AMENDMENTS, was read the second time. Senator Killpack 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
Bramble  Buttars  Christensen  Dayton
Dmitrich  Fife  Greiner  Hickman
Hillyard  Jenkins  Jones  Killpack
Knudson  Madsen  Mayne  McCoy
Niederhauser  Peterson  Romero  Stowell
Van Tassell  Walker

Voting in the negative were: Senators
Davis  Goodfellow

Absent or not voting were: Senators
Bell  Eastman  Stephenson  Waddoups
Valentine

* * *

S.B. 168, HIGHWAY FUNDING AMENDMENTS, was read the second time.

Senator Stowell proposed the following amendment:

1. Page 1, Lines 14 through 16

14 account funds; and
provides that the State Park Highways Access Improvement Program may be funded from funds appropriated to the Department of Transportation; and

2. Page 1, Line 25:

{72−3−207, as last amended by Laws of Utah 2007, Chapter
126−}

3. Page 4, Line 105 through Page 5, Line 131:

Section 2. Section 72−3−207 is amended to read:

72−3−207. State Park Access Highways Improvement Program — Distribution —

Rulemaking.—

(1) There is created the State Park Access Highways Improvement Program within the department.

(2) (a) The program shall be funded from the following revenue sources:

[(a)] (i) any voluntary contributions received for improvements to state park access highways; and

[(b)] (ii) appropriations made to the program by the Legislature.

(b) The program may be funded from appropriations made to the department by the Legislature.

(3) The department may use the program monies as matching grants to a county or municipality for the improvement of class B or class C roads specified as state park access highways under this part subject to:

(a) monies available in the program;

(b) prioritization of the program monies by the commission;

(c) a county or municipality providing at least 50% of the cost of each improvement.
(d) rules made under Subsection (4).

(4) The department shall make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, necessary to administer the program and to establish the procedures for a county or municipality to apply for a grant of program monies.

(5) All appropriations made to the program by the Legislature are nonlasing.

(6) The department shall commit funds for state park access highway projects for the amount of funding currently programmed in a funded year in the 2007 Statewide Transportation Improvement Program.

Section 3. Effective date.

Senator Stowell’s motion to amend passed on a voice vote. Senator Stowell explained the bill. Senator Dmitrich commented.

On motion of Senator Stowell, the bill was circled.

* * *

S.B. 179, SALVAGE VEHICLE AMENDMENTS, was read the second time. Senator Walker explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bramble Butters Christensen Davis
Dayton Dmitrich Fife Goodfellow
Greiner Hillyard Jenkins Jones
Killpack Knudson Madsen Mayne
McCoy Niederhauser Peterson Romero
Stowell Van Tassell Waddoups Walker

Absent or not voting were: Senators
Bell Eastman Hickman Stephenson
Valentine
S.B. 181, OFF-HIGHWAY VEHICLE USE ON PUBLIC HIGHWAYS, was read the second time.

On motion of Senator Hillyard, the bill was circled.

2nd Sub. S.B. 20, MUNICIPAL GOVERNMENT AMENDMENTS, was read the second time.

Senator Walker proposed the following amendment:

1. Page 1, Line 18:
   
   five-member council forms of municipal government;
   
   specifies that an election on a proposed change in the form of municipal government occur on a municipal general election or regular general election date;
   
2. Page 2, Lines 45 through 46:
   
   20A–1–102, as last amended by Laws of Utah 2007, Chapters 75, 256, 285, and 329
   
   20A–1–506, as last amended by Laws of Utah {2006, Chapter 16} 2008, Chapter 3
   
   78–5–134, as last amended by Laws of Utah 2006, Chapter 16–
   
   78A–7–202, as renumbered and amended by Laws of Utah 2008, Chapter 3
   
3. Page 16, Lines 463 through 464:
   
   council–mayor form under [Part 12, Optional Forms of Municipal Government Act] {Subsection
   
   10–36–103(3) } Chapter 3b, Part 2, Council–Mayor Form of Municipal Government, an ordinance adopted under Subsection (7)(a) may provide that the governing
   
4. Page 17, Line 494:
6. Page 18, Line 526:

526 (B) Part {−3 } 4 , Five−Member Council Form of Municipal Government;

7. Page 25, Line 745:

745 necessary; {−and }

8. Page 29, Line 886:

886 the council by ordinance delegates to the manager, subject to Subsection (3); {−and }

9. Page 30, Line 915:

915 declaring of a petition filed under Subsection (1)(b) as sufficient under Section 20A−7−507, the

10. Page 30, Line 918:

918 the proposed change in the form of government {no less than 90 days but within 12 months } at the next municipal general election or regular general election that is more than 75 days

11. Page 30, Line 922:

922 {20a−7−507 } 20A−7−507 .

12. Page 31, Lines 941 through 942:

941 A resolution may not be adopted under Subsection 10−3b−503(1)(a) {−(i) } and a petition

942 may not be filed under Subsection 10−3b−503(1) {−(a)(ii) } (b) within:

13. Page 32, Line 980:

980 Independent audits of all cities are required {−} to be performed in conformity with Title

14. Page 34, Line 1019:

1019 {−(6) } (5) “Conditional use” means a land use that, because of its unique characteristics or
15. Page 34, Line 1023:

1023  {−(7)−}  (6) “Constitutional taking” means a governmental action that results in a taking of

16. Page 34, Line 1027:

1027  {−(8)−}  (7) “Culinary water authority” means the department, agency, or public entity with

17. Page 34, Line 1030:

1030  {−(9)−}  (8) (a) “Disability” means a physical or mental impairment that substantially limits one

18. Page 34, Line 1036:

1036  {−(10)−}  (9) “Elderly person” means a person who is 60 years old or older, who desires or

19. Page 34, Line 1039:

1039  {−(11)−}  (10) “Fire authority” means the department, agency, or public entity with responsibility

20. Page 34, Line 1042:

1042  {−(12)−}  (11) “General plan” means a document that a municipality adopts that sets forth general

21. Page 34, Line 1044:

1044  {−(13)−}  (12) “Identical plans” means building plans submitted to a municipality that are

22. Page 35, Line 1051:

1051  {−(14)−}  (13) “Land use application” means an application required by a municipality’s land use

23. Page 35, Line 1053:

1053  {−(15)−}  (14) “Land use authority” means a person, board, commission, agency, or other body

24. Page 35, Line 1055:

1055  {−(16)−}  (15) “Land use ordinance” means a planning, zoning, development, or subdivision
25. Page 35, Lines 1057 through 1059:

1057 (16) “Land use permit” means a permit issued by a land use authority.

1058 (17) “Legislative body” means the municipal council.

1059 (18) “Local district” means an entity under Title 17B, Limited Purpose Local

26. Page 35, Line 1062:

1062 (19) “Lot line adjustment” means the relocation of the property boundary line in a

27. Page 35, Line 1064:

1064 (20) “Moderate income housing” means housing occupied or reserved for occupancy

28. Page 35, Line 1067:

1067 (21) “Nominal fee” means a fee that reasonably reimburses a municipality only for time

29. Page 35, Line 1072:

1072 (22) “Noncomplying structure” means a structure that:

30. Page 35, Line 1077:

1077 (23) “Nonconforming use” means a use of land that:

31. Page 36, Line 1083:

1083 (24) “Official map” means a map drawn by municipal authorities and recorded in a

32. Page 36, Line 1091:

1091 (25) “Person” means an individual, corporation, partnership, organization, association,
“Plan for moderate income housing” means a written document adopted by a city

“Plat” means a map or other graphical representation of lands being laid out and

“Public hearing” means a hearing at which members of the public are provided a

“Public meeting” means a meeting that is required to be open to the public under

“Record of survey map” means a map of a survey of land prepared in accordance

“Receiving zone” means an area of a municipality that the municipality’s land use

“Residential facility for elderly persons” means a single-family or multiple-family

“Residential facility for persons with a disability” means a residence:

“Sanitary sewer authority” means the department, agency, or public entity with

“Sending zone” means an area of a municipality that the municipality’s land use
“Specified public utility” means an electrical corporation, gas corporation, or

“Street” means a public right-of-way, including a highway, avenue, boulevard,

“Subdivision” means any land that is divided, resubdivided or proposed to be

(ii) except as provided in Subsection (c), divisions of land for residential and

not been subdivided does not constitute a subdivision under this Subsection as to the

“Transferrable development right” means the entitlement to develop land within a

“Unincorporated” means the area outside of the incorporated area of a city or

“Zoning map” means a map, adopted as part of a land use ordinance, that depicts

ballot according to the procedures established in this title.

Section 38. Section 20A−1−506 is amended to read:

Judicial vacancies −− Courts not of record.

(1) As used in this section:

(a) “Appointing authority” means:
(i) for a county:

[(i)] (A) the chair of the county commission in [counties] a county having the county commission form of county government; and

[(ii)] (B) the county executive in [counties] a county having the county executive-council form of government; and

[(iii)] the chair [(ii)] for a city, or town, the mayor of the city [council] or town [council] in municipalities having:

[(A) the traditional management arrangement established by Title 10, Chapter 3, Part 1,

[(B) the council-manager optional form of government defined in Section 10–3–101;

and]

[(iv) the mayor, in the council-mayor optional form of government defined in Section 10–3–101.]

(b) "Local legislative body" means:

(i) the county commission or county council; and

(ii) the [city] council of the city or town [council].

(2) (a) If a vacancy occurs in the office of a municipal justice court judge before the completion of his term of office, the appointing authority may:

(i) fill the vacancy by appointment for the unexpired term by following the procedures and requirements for appointments in Section 78–5–134; or

(ii) contract with a justice court judge of the county, an adjacent county, or another municipality within those counties for judicial services.

(b) When the appointing authority chooses to contract under Subsection (2)(a)(ii), it
shall ensure that the contract is for the same term as the term of office of the judge whose services are replaced by the contract.

(c) The appointing authority shall notify the Office of the State Court Administrator in writing of the appointment, resignation, or the contractual agreement for services of a judge under this section within 30 days after filling the vacancy.

(3) (a) If a vacancy occurs in the office of a county justice court judge before the completion of that judge's term of office, the appointing authority may fill the vacancy by appointment for the unexpired term by following the procedures and requirements for appointments in Section 78−5−134.

(b) The appointing authority shall notify the Office of the State Court Administrator in writing of any appointment of a county justice court judge under this section within 30 days after the appointment is made.

(4) (a) When a vacancy occurs in the office of a justice court judge, the appointing authority shall:

(i) advertise the vacancy and solicit applications for the vacancy;

(ii) appoint the best qualified candidate to office based solely upon fitness for office;

(iii) comply with the procedures and requirements of Title 52, Chapter 3, prohibiting employment of relatives in making appointments to fill the vacancy; and

(iv) submit the name of the appointee to the local legislative body.
(b) If the local legislative body does not confirm the appointment within 30 days of submission, the appointing authority may either appoint another of the applicants or reopen the vacancy by advertisement and solicitations of applications.


(1) As used in this section:

(a) “Appointing authority” means:

(i) for a county:

(A) the chair of the county commission in counties having the county commission or expanded county commission form of county government; and

(B) the county executive in counties having the county executive–council form of government;

(ii) for a city or town, the mayor of the city or town having:

(A) the traditional management arrangement established by Title 10, Chapter 3, Part 1, Governing Body; and

(B) the council–manager optional form of government defined in Section 10−3−101;

(iii) the mayor, in the council–mayor optional form of government defined in Section 10−3−101;

(b) “Local legislative body” means:

(i) for a county, the county commission or county council; and

(ii) for a city or town the council of the city or town.

(2) (a) If a vacancy occurs in the office of a municipal justice court judge before the completion of his term of office, the appointing authority may:

(i) fill the vacancy by appointment for the unexpired term by following the procedures and requirements for appointments in Section 78A−7−202; or

(ii) contract with a justice court judge of the county, an adjacent county, or another municipality within those counties for judicial services.

(b) When the appointing authority chooses to contract under
Subsection (2)(a)(ii), it shall ensure that the contract is for the same term as the term of office of the judge whose services are replaced by the contract.

(c) The appointing authority shall notify the Office of the State Court Administrator in writing of the appointment, resignation, or the contractual agreement for services of a judge under this section within 30 days after filling the vacancy.

(3) (a) If a vacancy occurs in the office of a county justice court judge before the completion of that judge’s term of office, the appointing authority may fill the vacancy by appointment for the unexpired term by following the procedures and requirements for appointments in Section 78A−7−202.

(b) The appointing authority shall notify the Office of the State Court Administrator in writing of any appointment of a county justice court judge under this section within 30 days after the appointment is made.

(4) (a) When a vacancy occurs in the office of a justice court judge, the appointing authority shall:

(i) advertise the vacancy and solicit applications for the vacancy;

(ii) appoint the best qualified candidate to office based solely upon fitness for office;

(iii) comply with the procedures and requirements of Title 52, Chapter 3, prohibiting employment of relatives in making appointments to fill the vacancy; and

(iv) submit the name of the appointee to the local legislative body.

(b) If the local legislative body does not confirm the appointment within 30 days of submission, the appointing authority may either appoint another of the applicants or reopen the vacancy by advertisement and solicitations of applications.

52. Page 55, Line 1680 through Page 57, Line 1734:

1680  Section 41. Section 78−5−134 is amended to read:


1682  (1) As used in this section:
(a) "Appointing authority" means:

(i) for a county:

(ii) (A) the chair of the county commission in a county having the county commission form of county government; and

(iii) (B) the county executive in a county having the county executive-council form of government;

(iv) the chair of the city or town council in municipalities having the traditional management arrangement established by Title 10, Chapter 3, Part I, Governing Body;

(v) the city manager, in the council-manager optional form of government defined in Section 10–3–101; and

(vi) the mayor, in the council-mayor optional form of government defined in Section 10–3–101.

(b) "Local legislative body" means:

(i) the county commission or county council; and

(ii) the city or town council.

(2) Justice court judges shall be appointed by the appointing authority and confirmed by a majority vote of the local legislative body.

(3) (a) After a newly appointed justice court judge has been confirmed, the local legislative body shall report the confirmed judge’s name to the Judicial Council.

(b) The Judicial Council shall certify the judge as qualified to hold office upon successful completion of the orientation program and upon the written opinion of the county or
municipal attorney that the judge meets the statutory qualifications for office.

A justice court judge may not perform judicial duties until certified by the Judicial Council.

Upon the expiration of a county justice court judge's term of office, the judge shall be subject to an unopposed retention election in accordance with the procedures set forth in Section 20A-12-201.

Upon the expiration of a municipal justice court judge's term of office, a municipal justice court judge shall be reappointed absent a showing of good cause by the appointing authority.

(a) If an appointing authority asserts good cause to not reappoint a municipal justice court judge, at the request of the judge, the good cause shall be presented at a formal hearing of the local legislative body.

(b) The local legislative body shall determine by majority vote whether good cause exists not to reappoint the municipal justice court judge.

(c) The decision of the local legislative body is not subject to appeal.

(d) In determining whether good cause exists to not reappoint a municipal justice court judge, the appointing authority and local legislative body shall consider:

(i) whether or not the judge has been certified as meeting the evaluation criteria for judicial performance established by the Judicial Council; and

(ii) any other factors considered relevant by the appointing authority.
(6) Before reappointment or retention election, each justice court judge shall be evaluated in accordance with the performance evaluation program established in Subsection 78–3–21(4).

(7) (a) At the conclusion of a term of office or when a vacancy occurs in the position of justice court judge, the appointing authority may contract with a justice court judge in the county or an adjacent county to serve as justice court judge.

(b) The contract shall be for the duration of the justice court judge’s term of office.

(8) Vacancies in the office of justice court judge shall be filled as provided in Section 20A–1–506.

(1) As used in this section:

(a) "Appointing authority" means:

(i) for a county:

(A) the chair of the county commission in a county having the county commission or expanded county commission form of county government; and

(B) the county executive in a county having the county executive–council form of government; and

(ii) for a city or town, the mayor of the city or town having the traditional management arrangement established by Title 10, Chapter 3, Part 1, Governing Body;

(iv) the city manager, in the council–manager optional form of government defined in Section 10–3–101; and

(v) the mayor, in the council–mayor optional form of government defined in Section 10–3–101.

(b) "Local legislative body" means:

(i) for a county, the county commission or county council; and

(ii) for a city or town, the council of the city or town.
(2) Justice court judges shall be appointed by the appointing authority and confirmed by a majority vote of the local legislative body.

(3) (a) After a newly appointed justice court judge has been confirmed, the local legislative body shall report the confirmed judge’s name to the Judicial Council.

(b) The Judicial Council shall certify the judge as qualified to hold office upon successful completion of the orientation program and upon the written opinion of the county or municipal attorney that the judge meets the statutory qualifications for office.

(c) A justice court judge may not perform judicial duties until certified by the Judicial Council.

(4) Upon the expiration of a county justice court judge’s term of office the judge shall be subject to an unopposed retention election in accordance with the procedures set forth in Section 20A−12−201.

(5) Upon the expiration of a municipal justice court judge’s term of office a municipal justice court judge shall be reappointed absent a showing of good cause by the appointing authority.

(a) If an appointing authority asserts good cause to not reappoint a municipal justice court judge, at the request of the judge, the good cause shall be presented at a formal hearing of the local legislative body.

(b) The local legislative body shall determine by majority vote whether good cause exists not to reappoint the municipal justice court judge.

(c) The decision of the local legislative body is not subject to appeal.

(d) In determining whether good cause exists to not reappoint a municipal justice court judge, the appointing authority and local legislative body shall consider:

(i) whether or not the judge has been certified as meeting the evaluation criteria for judicial performance established by the Judicial Council; and

(ii) any other factors considered relevant by the appointing authority.

(6) Before reappointment or retention election, each justice court judge shall be evaluated in accordance with the performance evaluation program established in Subsection 78A−2−104(5).

(7) (a) At the conclusion of a term of office or when a vacancy occurs in the position of justice court judge, the appointing authority may contract with a justice court judge in the county or an adjacent county to serve as justice court judge.
(b) The contract shall be for the duration of the justice court judge’s term of office.

(8) Vacancies in the office of justice court judge shall be filled as provided in Section 20A−1−506.

Senator Walker’s motion to amend passed on a voice vote. Senator Walker explained the bill. Senators Buttars, Knudson, Madsen, and Niederhauser commented.

# # #

Senator Stephenson proposed the following amendment:

1. Page 1, Line 18

18 five−member council forms of municipal government;
  ► provides that a council modifying a mayor’s powers, duties, or functions in a six−member council form or five−member council form of government constitutes a change in the form of government, requiring voter approval;
  ► eliminates a mayor’s refusal to act as a basis for the council appointing a mayor pro tempore in a six−member council form or five−member council form of government;
  ► requires persons appointed to an appointed municipal office in certain municipalities to be appointed based on qualifications;
  ► authorizes a mayor in certain municipalities to remove any of specified appointed officers;
  ► provides that following the removal of an appointed officer in certain municipalities, the position remains vacant until a successor is appointed;

2. Page 2, Line 41:

41 10−3−902, as enacted by Laws of Utah 1977, Chapter 48
    10−3−916, as last amended by Laws of Utah 2003, Chapter 292

3. Page 14, Line 409:

409 Professional Engineers and Professional Land Surveyors Licensing Act.

Section 11, Section 10−3−916 is amended to read:

10−3−916. Appointment of recorder and treasurer in a city of third, fourth, or fifth class or a town — Vacancies in office.

(1) In each city of the third, fourth, or fifth class and in each
town, on or before the first Monday in February following a municipal election, the mayor, with the advice and consent of the city council, shall appoint a qualified person to each of the offices of city recorder and treasurer.

(2) The city recorder is ex officio the city auditor and shall perform the duties of that office.

(3) (a) The mayor, with the advice and consent of the council, may also appoint and fill vacancies in all offices provided for by law or ordinance.

(b) Each person appointed under this section shall be appointed solely on the basis of the person’s abilities, integrity, and prior experience relating to the duties of the office.

(4) (a) The mayor in a city of the third, four, or fifth class or a town may remove any officer appointed under this section.

(b) If a mayor removes a person under Subsection (4)(a), the position from which the person was removed shall remain vacant until another person is appointed, as provided in this section.

Renumber remaining sections accordingly.

4. Page 27, Line 811:

811 (2) (a) If the mayor is absent or unable {or refuses} to act, the council may elect a

5. Page 27, Line 828:

828 (a) subject to {Subsection} Subsections 10–3b–302(1)(b)(ii)(B) and 10–3b–501(2), adopt an ordinance:

6. Page 27, Line 830:

830 10–3b–104; or

7. Page 27, Line 832 through Page 28, Line 833:

832 Subsection (2)(a)(i); {and}

833 {–(iii) } (b) adopt an ordinance delegating to the mayor any executive or administrative power, duty, or function

8. Page 28, Line 835:

835 {–(b) } (c) subject to Subsection10–3b–302(1)(b)(ii)(A):
9. Page 28, Line 839:

839  (c)  (d) assign any or all council members, including the mayor, to supervise one or more

10. Page 28, Line 861:

861  (2) (a) If the mayor is absent or unable or refuses to act, the council may elect a

11. Page 29, Line 878:

878  (a) subject to Subsections 10–3b–403(3) and 10–3b–501(2), adopt an ordinance:

12. Page 29, Line 880:

880  10–3b–104; or

13. Page 29, Lines 882 through 883:

882 Subsection (2)(a)(i);  

883  (iii) (b) adopt an ordinance delegating to the mayor any executive or administrative power, duty, or function

14. Page 29, Line 885:

885  (b) (c) appoint a manager to perform executive and administrative duties or functions that

15. Page 29, Lines 887 through 888:

887  (c) dismiss a manager appointed under Subsection (2) (a) ; and

888  (d) (e) assign any or all council members, including the mayor, to supervise one or more

16. Page 30, Lines 897 through 902:

897  (1) As provided in this part, a municipality may change from the form of government under

898  which it operates to:

899  (1) (a) the council–mayor form of government with a five–member council;

900  (2) (b) the council–mayor form of government with a seven–member council;
(2)(a) A removal of a power, duty, or function of a mayor under a six–member council form of government or five–member council form of government is a change in the form of municipal government requiring the approval of voters of the municipality, as provided in this part.

(b) The reinstatement of a previously removed power, duty, or function of a mayor under a six–member council form of government or a five–member council form of government is a change in the form of municipal government requiring the approval of voters of the municipality, as provided in this part.

Senator Stephenson’s motion to amend passed on the following roll call vote:

**Yeas, 15; Nays, 10; Absent, 4.**

**Voting in the affirmative were:** Senators

Bramble

Buttars

Dayton

Fife

Hillyard

Jenkins

Knudson

Madsen

Peterson

Romero

Stephenson

Stowell

Van Tassell

Waddoups

**Voting in the negative were:** Senators

Bell

Christensen

Goodfellow

Greiner

Jones

Killpack

Mayne

McCoy

Niederhauser

Walker

**Absent or not voting were:** Senators

Dmitrich

Eastman

Hickman

Valentine

On motion of Senator Walker, the bill was circled.

**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 H.B. 71, and it was before the Senate.
Senator Bell proposed the following amendment:

1. Page 8, Lines 222 through 223
   Senate 2nd Reading Amendments
   2–8–2008

   222 (iii) Elections should be made by the noncustodial parent at the
time of entry of the

   223 divorce decree or court order , and may be changed by mutual
agreement , or by the noncustodial
parent in the event of a change in the child’s schedule .

2. Page 9, Lines 249 through 250
   Senate 2nd Reading Amendments
   2–8–2008:

   249 (iv) Elections should be made by the noncustodial parent at the
time of the divorce

   250 decree or court order , and may be changed by mutual
agreement , or by the noncustodial
parent in the event of a change in the child’s schedule .

3. Page 11, Line 336
   House Floor Amendments
   1–25–2008:

   336 (o) Virtual parent–time, if the equipment is reasonably
available and the parents reside at least 100 miles apart , shall be at
reasonable

Senator Bell’s motion to amend passed on a voice vote. Senator Hillyard commented and the bill passed on the following roll call:

**Yeas, 22; Nays, 3; Absent, 4.**

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

| Dayton | Goodfellow | Greiner |


Absent or not voting were: Senators
Dmitrich  Eastman  Hickman  Valentine

H.B. 71 was returned to the House for further consideration.

* * *

On motion of Senator Christensen, the Senate voted to move to Second Reading Calendar.

SECOND READING CALENDAR

1st Sub. S.B. 45, ACCOUNTING FOR COMPETITIVE ACTIVITIES OF LOCAL ENTITIES, was read the second time. Senator Stephenson explained the bill.

Senator Romero proposed the following amendment:

1. Page 1, Line 15:
   Delete “requires” and insert “permits”

2. Page 1, Line 17:
   Delete “requires” and insert “permits”

3. Page 2, Line 53:
   Delete “shall” and insert “may”

4. Page 3, Line 82:
   Delete “shall” and insert “may”

Senator Romero’s motion to amend failed on a voice vote. Senators Hillyard, Greiner, Niederhauser, Davis, McCoy, Knudson, Dayton, Jones, Goodfellow, Eastman, and Mayne commented. The bill passed second reading on the following roll call:

Yeas, 17; Nays, 10; Absent, 2.

Voting in the affirmative were: Senators
Bell  Bramble  Christensen  Eastman
Goodfellow  Hickman  Jenkins  Killpack
Knudson  Madsen  Niederhauser  Peterson
Stephenson  Van Tassell  Waddoups  Walker
Valentine
Voting in the negative were: Senators
Davis  Dmitrich  Fife  Greiner
Hillyard  Jones  Mayne  McCoy
Romero  Stowell

Absent or not voting were: Senators
Buttars  Dayton

* * *

On motion of Senator Jenkins, the circle was removed from S.B. 181, OFF−HIGHWAY VEHICLE USE ON PUBLIC HIGHWAYS, 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. 181 Off−highway Vehicle Use on Public Highways
(S. Jenkins)

On motion of Senator Jenkins, the bill was circled.

* * *

S.B. 167, ALCOHOLIC BEVERAGES ON ELECTION DAY, was read the second time. Senator McCoy explained the bill. Senator Madsen commented. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 2; Absent, 1.

Voting in the affirmative were: Senators
Bell  Bramble  Christensen  Davis
Dmitrich  Eastman  Fife  Goodfellow
Greiner  Hickman  Jenkins  Jones
Killpack  Knudson  Madsen  Mayne
McCoy  Niederhauser  Peterson  Romero
Stephenson  Stowell  Van Tassell  Waddoups
Walker  Valentine

Voting in the negative were: Senators
Dayton  Hillyard

Absent or not voting was: Senator
Buttars
On motion of Senator Bramble and at 4:05 p.m., the Senate adjourned until 10:00 a.m., Tuesday, February 12, 2008.
TWENTY-THIRD DAY
MORNING SESSION
FEBRUARY 12, 2008

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

Prayer – Reverend Wade C. Halva, Cottonwood Presbyterian Church
Pledge of Allegiance – Senator Bill Hickman
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 64)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 11, 2008
The House concurred in the Senate amendments and passed H.B. 13, CRIMINAL STATUTE OF LIMITATIONS AMENDMENTS, by Representative C. Wimmer, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. H.B. 24, AMENDMENTS TO UTAH DIGITAL HEALTH SERVICE COMMISSION ACT, by Representative R. Menlove, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 31, CHILD WELFARE DEFINITIONS, 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. 32, AFFIRMATIVE DEFENSE FOR AGRI-TOURISM ACTIVITY, 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. 74, MEDICAID 340B DRUG PRICING PROGRAMS, by Representative D. Litvack, and it is transmitted for the signature of the President; and
The House concurred in the Senate amendments and passed **2nd Sub. H.B. 77**, PERSONAL PROPERTY TAX AMENDMENTS, by Representative J. Dougall, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

**H.B. 13, 1st Sub. H.B. 24, H.B. 31, H.B. 32, H.B. 74, and 2nd Sub. H.B. 77**, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

*****

Mr. President: February 11, 2008

The House passed, as substituted and amended, **2nd Sub. H.B. 51**, WATER RIGHT FORFEITURE PROTECTION, by Representative P. Painter, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 109**, SEX OFFENDER LAW AMENDMENTS, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed **H.B. 239**, DRIVER LICENSE QUALIFICATION AMENDMENTS, by Representative G. Donnelson, and it is transmitted for consideration; and

The House passed **H.B. 320**, VEHICLE IMPOUND YARD REQUIREMENTS, by Representative C. Oda, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **2nd Sub. H.B. 51, 1st Sub. H.B. 109, H.B. 239, and H.B. 320** were read the first time and referred to the Rules Committee.

**STANDING COMMITTEE REPORTS**

Mr. President: February 11, 2008

The Business and Labor Committee recommends **S.B. 166**, NONDISCRIMINATION AMENDMENTS, by Senator S. McCoy, be replaced and favorably recommends **1st Sub. S.B. 166**, NONDISCRIMINATION AMENDMENTS with the following amendments:

1. Page 3, Lines 62 through 63:
(iv) a person employing 15 or more employees within the state for each working day in each of 20 calendar weeks or more in the current or preceding calendar year. ; and

The Business and Labor Committee reports a favorable recommendation on S.B. 189, INDEPENDENT CONTRACTOR DATABASE, by Senator D. Eastman; and

The Business and Labor Committee reports a favorable recommendation on S.B. 205, UNIFORM INTERSTATE DEPOSITIONS AND DISCOVERY ACT, by Senator L. Hillyard; and

The Business and Labor Committee reports a favorable recommendation on S.B. 220, CAUSE OF ACTION FOR DEFECTIVE CONSTRUCTION, by Senator C. Bramble, with the following amendments:

1. Page 1, Line 27 through Page 2, Line 36:

   (1) Except as provided in Subsection (2), an action for defective design or construction is limited to breach of the contract.

   (2) An action for defective design or construction may include physical property damage or physical personal injury if the damage or injury is caused by the defective design or construction.

   (3) For purposes of this section, property damage does not include:

   (a) the failure of construction to function as designed; or

   (b) diminution of the value of the constructed property because of the defective design or construction.

   (4) An action for defective design or construction may be brought only by a person in privity of contract with the original contractor, architect, engineer, or the real estate developer; and

Kevin T. Van Tassell, Chair

Mr. President: February 11, 2008

The Health and Human Services Committee recommends **S.B. 267**, LOCAL GOVERNMENT AUTHORITY AMENDMENTS, by Senator D. C. Buttars, be replaced and favorably recommends **1st Sub. S.B. 267**, LOCAL GOVERNMENT AUTHORITY AMENDMENTS with the following amendments:

1. Page 2, Line 42:
   
   42 (c) \{grand\} grant any other right or benefit.

2. Page 5, Line 120:

   120 (C) \{grand\} grant any other right or benefit.

D. Chris Buttars, Chair

Mr. President: February 11, 2008

The Education Committee reports a favorable recommendation on **H.B. 86**, FUNDING OF INMATE POSTSECONDARY EDUCATION, by Representative J. Draxler; and

The Education Committee reports a favorable recommendation on **H.B. 234**, KINDERGARTEN ASSESSMENT AMENDMENTS, by Representative L. Shurtliff; and

The Education Committee reports a favorable recommendation on **H.B. 286**, PERMANENT TEACHER LICENSE REVOCATION FOR SEXUAL ACTIVITY WITH STUDENTS, by Representative C. Wimmer.

Margaret Dayton, Chair

Mr. President: February 8, 2008

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 43**, ADMINISTRATIVE RULES REAUTHORIZATION, by Senator H. Stephenson; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 81**, ILLEGAL IMMIGRATION, by Senator J. Hickman, with the following amendments:
1. Page 1, Line 22 through Page 2, Line 32:

---restricts the exemption from paying the nonresident portion of total tuition at a state institution of higher education to students without lawful immigration status who meet certain statutory prerequisites and register as an entering student at the institution prior to May 1, 2010;

---provides that an individual who is not lawfully present in the United States is not eligible on the basis of residence within the state for a higher education benefit, to include scholarships, financial aid, and resident tuition, with one temporary exception;

---provides for the withholding of state income tax at the top rate from an independent contractor who fails to provide documentation to the contracting entity that verifies the independent contractor's employment authorization pursuant to the prohibition against the use of unauthorized alien labor;--}

2. Page 3, Lines 84 through 89:

---53B–8–106, as enacted by Laws of Utah 2002, Chapter 230--

ENACTS:

17–22–9.5, Utah Code Annotated 1953

3. Page 11, Line 313 through Page 12, Line 362:

---Section 4. Section 53B–8–106 is amended to read:

(1) If allowed under federal law, a student, other than a nonimmigrant alien within the meaning of paragraph (15) of subsection (a) of Section 1101 of Title 8 of the United States Code, shall be exempt from paying the nonresident portion of total tuition if the student:

(a) attended high school in this state for three or more years;
(b) graduated from a high school in this state or received the equivalent of a high school diploma in this state; and
(c) registers as an entering student at an institution of higher education:
   (i) not earlier than the fall of the 2002–03 academic year; and
   (ii) before May 1, 2010.

(2) In addition to the requirements under Subsection (1), a student without lawful immigration status shall file an affidavit with the institution of higher education stating that the student has filed an application to legalize his immigration status, or will file an application as soon as the student is eligible to do so.

(3) An institution of higher education shall continue to provide the exemption from paying the nonresident portion of total tuition for a student who entered the institution before May 1, 2010, through the time that the student remains admitted as a student at that institution in a program of study leading to a degree or a certificate.

(4) The State Board of Regents shall make rules for the implementation of this section.

(5) Nothing in this section limits the ability of institutions of higher education to
Section 5. Section 53B–8–106.5 is enacted to read:

53B–8–106.5. Limitation on higher education benefits.

Except as otherwise provided in Section 53B–8–106, an individual who is not lawfully present in the United States is not eligible on the basis of residence within the state for a higher education benefit, to include:

(1) scholarships;
(2) financial aid; and
(3) resident tuition.

Section 6. Section 59–10–409 is enacted to read:


(1) If an individual independent contractor, contracting for the physical performance of services in this state, fails to provide to the contracting entity documentation to verify the independent contractor’s employment authorization pursuant to the prohibition against the use of unauthorized alien labor through contract set forth in 8 U.S.C., Sec. 1324a (a)(4), the contracting entity shall withhold state income tax at the top marginal income tax rate as provided in Title 59, Chapter 10, Part 4, Withholding of Tax, as applied to compensation paid to the individual for the performance of the services within this state which exceeds the minimum amount of compensation the contracting entity is required to report as income to the United States Internal Revenue Service pursuant to federal law.
(2) A contracting entity who fails to comply with the withholding requirements of this section is liable for the taxes required to have been withheld unless exempt from federal withholding with respect to the individual pursuant to Section 1441 of the United States Internal Revenue Code.

(3) For purposes of this section, “individual” means a resident or nonresident individual as defined in Section 59–10–103.

Section 63–99a–101 is enacted to read:

4. Page 12, Line 366:

Section 63–99a–102 is enacted to read:

5. Page 14, Line 428:

Section 63–99a–103 is enacted to read:

6. Page 16, Line 480:

Section 63–99a–104 is enacted to read:

7. Page 17, Lines 510 through 511:

(f) the exemption for paying the nonresident portion of total tuition as set forth in Section 53B–8–106.

8. Page 19, Line 555:

Section 67–5–22.5 is enacted to read:

9. Page 19, Line 564:

Section 67–5–26 is enacted to read:

10. Page 20, Line 596:
596 Section {−13−} 10. Section 76–10–2701 is enacted to read:
11. Page 20, Line 611:
611 Section {−14−} 11. Coordinating S.B. 81 with H.B. 63 — Technical renumbering. ; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 193, ELECTION LAW CHANGES, by Senator P. Knudson; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 41, CAMPAIGN REPORT AMENDMENTS, by Representative S. Allen, with the following amendments:

1. Page 13, Lines 382 through 389:
382 Section 3. Section 20A–11–104 is enacted to read:
383 20A–11–104, Late financial statements — Fees.
384 (1) The election officer shall assess the following administrative fees against any
385 person who fails to timely file a financial statement required by this chapter:
386 (a) an administrative fee of $1,000 for each
387 late financial statement; and
388 (b) for each late financial statement, an additional, daily
389 administrative fee of $50, which shall be assessed for each calendar day that falls between the
date the statement was due
390 and the date that the late statement is filed; ; and


Peter C. Knudson, Chair

On motion of Senator Eastman, the committee reports were adopted. 1st Sub. S.B. 166, as amended, S.B. 189, S.B. 205, S.B. 220, as amended, S.B. 225,

STANDING COMMITTEE REPORTS

Mr. President: February 11, 2008

The Business and Labor Committee reports a favorable recommendation on S.B. 88, UNIFORM MODEL REGISTERED AGENT ACT, by Senator L. Hillyard, and recommends it be considered read for the second time and placed on the Consent Calendar.

Kevin T. Van Tassell, Chair

Mr. President: February 11, 2008

The Health and Human Services Committee reports a favorable recommendation on H.B. 265, OFFICE OF RECOVERY SERVICES − ELECTRONIC FUNDS TRANSFER, by Representative P. Ray, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Health and Human Services Committee reports a favorable recommendation on H.J.R. 5, JOINT RESOLUTION URGING SUPPORT OF MEDICAID LONG−TERM CARE FUNDING OF HOME AND COMMUNITY−BASED SUPPORTS, by Representative M. Noel, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

Mr. President: February 8, 2008

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 44, DECLARATION OF CANDIDACY REVISIONS, by Representative G. Donnelson, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

On motion of Senator Eastman, the committee reports were adopted. S.B. 88, H.B. 265, H.J.R. 5, and H.B. 44 were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 211, Alcoholic Beverage Control Amendments (C. Bramble), read the first time by short title and referred to the Rules Committee.
**S.B. 212, Funeral Processions** (B. Goodfellow), read the first time by short title and referred to the Rules Committee.

***

On motion of Senator Van Tassell, under suspension of the rules, the Senate voted to move **S.B. 225, Gubernatorial and Legislative Space in the Capitol**, to the top of the Second Reading Calendar.

**CONSENT CALENDAR**

**H.B. 126**, ELECTION LAW – BALLOT PROPOSITION AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Bramble  Buttars  Goodfellow  Hickman
Stephenson

**H.B. 126** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

**H.B. 235**, COUNTY MERIT SYSTEM AMENDMENTS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

Absent or not voting were: Senators
Buttars   Goodfellow   Hickman

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.

* * *

H.B. 35, MOTOR AND SPECIAL FUEL TAX AMENDMENTS, was read
the third time, explained by Senator Niederhauser, and passed on the following
roll call:

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

Voting in the affirmative were: Senators
Bramble   Buttars   Christensen   Davis
Dayton   Dmitrich   Eastman   Fife
Goodfellow   Greiner   Hillyard   Jenkins
Jones   Knudson   Mayne   McCoy
Niederhauser   Peterson   Romero   Stephenson
Stowell   Van Tassell   Waddoups   Walker
Valentine

Absent or not voting were: Senators
Bell   Hickman   Killpack   Madsen

H.B. 35, as amended, was returned to the House for further consideration.

* * *

S.B. 170, BOARD OF WATER RESOURCES AMENDMENTS, was read
the third time, explained by Senator Stowell, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell   Bramble   Buttars   Christensen
Davis   Dmitrich   Eastman   Fife
Goodfellow   Greiner   Hickman   Hillyard
Jenkins   Jones   Knudson   Madsen
Mayne                McCoy               Niederhauser  Romero
Stephenson           Stowell             Van Tassell   Waddoups
Walker               Valentine

Absent or not voting were: Senators
Dayton               Killpack            Peterson

S.B. 170 was transmitted to the House for consideration.

THIRD READING CALENDAR

S.B. 69, UNIFORM LIMITED COOPERATIVE ASSOCIATION ACT, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell                  Bramble             Buttars        Christensen
Davis                 Dmitrich            Eastman        Fife
Goodfellow            Greiner             Hickman        Hillyard
Jenkins               Jones               Killpack       Knudson
Madsen                Mayne               McCoy          Romero
Stephenson            Stowell             Van Tassell    Waddoups
Walker                Valentine

Absent or not voting were: Senators
Dayton               Niederhauser        Peterson

S.B. 69 was transmitted to the House for consideration.

* * *

S.B. 143, INSURANCE FINANCIAL REQUIREMENTS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell                  Bramble             Buttars        Christensen
Davis                 Dayton              Dmitrich       Eastman
Fife                  Goodfellow          Greiner        Hillyard
Jenkins               Jones               Killpack       Knudson
Madsen                Mayne               McCoy          Peterson
Romero                Stephenson          Stowell        Van Tassell
Waddoups              Walker              Valentine
Absent or not voting were: Senators
Hickman Niederhauser

S.B. 143 was transmitted to the House for consideration.

* * *

S.B. 37, HOME SCHOOL AND EXTRA CURRICULAR ACTIVITIES AMENDMENTS, was read the third time, explained by Senator Madsen, and passed on the following roll call:

Yeas, 16; Nays, 13; Absent, 0.

Voting in the affirmative were: Senators
Bramble Buttars Christensen Dayton
Eastman Hickman Jenkins Killpack
Knudson Madsen Niederhauser Stephenson
Stowell Waddoups Walker Valentine

Voting in the negative were: Senators
Bell Davis Dmitrich Fife
Goodfellow Greiner Hillyard Jones
Mayne McCoy Peterson Romero
Van Tassell

S.B. 37 was transmitted to the House for consideration.

* * *

S.B. 165, ALCOHOLIC BEVERAGE SINGLE EVENT PERMITS, was read the third time, explained by Senator McCoy, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Eastman
Fife Goodfellow Greiner Hillyard
Jenkins Jones Killpack Knudson
Madsen Mayne McCoy Niederhauser
Peterson Romero Stephenson Stowell
Van Tassell Waddoups Walker Valentine
Absent or not voting was: Senator Hickman

S.B. 165 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 46, ANTI–FLOW CONTROL AMENDMENTS, was read the third time.

On motion of Senator Eastman, the bill was circled.

* * *

S.B. 148, ENFORCEMENT OF FRONT LICENSE PLATE DISPLAY REQUIREMENT AMENDMENTS, 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
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Eastman
Fife  Goodfellow  Greiner  Hillyard
Jenkins  Jones  Killpack  Knudson
Madsen  Mayne  McCoy  Niederhauser
Peterson  Romero  Stephenson  Stowell
Van Tassell  Waddoups  Walker  Valentine

Absent or not voting was: Senator Hickman

S.B. 148 was transmitted to the House for consideration.

* * *

S.B. 179, SALVAGE VEHICLE AMENDMENTS, was read the third time and explained by Senator Walker. Senator Greiner commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Eastman
Absent or not voting was: Senator Hillyard

S.B. 179 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 45, INVENTORY FOR COMPETITIVE ACTIVITIES OF LOCAL ENTITIES, was read the third time and explained by Senator Stephenson. Senators Greiner, McCoy, and Goodfellow commented. 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, 19; Nays, 9; Absent, 1.

Voting in the affirmative were: Senators
Bell
Dayton
Jenkins
Niederhauser
Waddoups

Voting in the negative were: Senators
Davis
Hillyard
Romero

Absent or not voting was: Senator Van Tassell

1st Sub. S.B. 45 was transmitted to the House for consideration.

* * *

S.B. 167, ALCOHOLIC BEVERAGES ON ELECTION DAY, was read the third time, explained by Senator McCoy, and passed on the following roll call:

Yeas, 23; Nays, 4; Absent, 2.
Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dmitrich  Eastman  Fife
Goodfellow  Greiner  Jenkins  Jones
Killpack  Knudson  Madsen  Mayne
McCoy  Niederhauser  Romero  Stephenson
Stowell  Walker  Valentine

Voting in the negative were: Senators
Dayton  Hillyard  Peterson  Waddoups
Absent or not voting were: Senators
Hickman  Van Tassell

S.B. 167 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Bramble, under suspension of the rules, S.B. 225, GUBERNATORIAL AND LEGISLATIVE SPACE IN THE CAPITOL, was considered read the second and third times. Senator Bramble explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Eastman  Fife  Goodfellow
Greiner  Hillyard  Jones  Killpack
Knudson  Mayne  McCoy  Niederhauser
Peterson  Romero  Stephenson  Stowell
Van Tassell  Waddoups  Walker  Valentine

Absent or not voting were: Senators
Dayton  Dmitrich  Hickman  Jenkins
Madsen

S.B. 225 was transmitted to the House.

* * *

On motion of Senator Stowell, the circle was removed from 1st Sub. S.B. 25, MUNICIPAL INCORPORATION AMENDMENTS, and it was before the Senate. Senator Stowell explained the bill.
On motion of Senator Stowell, the following substitute bill replaced the original bill:

**3rd Sub. S.B. 25 Municipal Incorporation Amendments** (D. Stowell)

On motion of Senator Stowell, the bill was circled.

** *** **

**S.B. 177, LOCAL GOVERNMENT DISPOSAL OF REAL PROPERTY ACQUIRED BY EXACTION**, was read the second time. Senator Niederhauser explained the bill. Senators Hillyard, Goodfellow, Buttars, and Bell commented.

Senator Bell proposed the following amendment:

1. Page 1, Line 14:
   Delete “25 years” and reinstate “15 years”

2. Page 2, Line 37:
   Delete “25 years” and reinstate “15 years”

3. Page 2, Line 55:
   Delete “25 years” and reinstate “15 years”

Senator Bell’s motion to amend failed 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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**Absent or not voting were:** Senators

| Dayton | Hickman | Hillyard | Van Tassell |

** *** **

**S.J.R. 8, JOINT RULES RESOLUTION − BASE BUDGET AMENDMENTS**, was read the second time. Senator Niederhauser explained the
bill. Senators Hillyard, Stephenson, Romero, and Stowell commented. The bill passed second reading on the following roll call:

**Yeas, 16; Nays, 10; 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 Niederhauser, under suspension of the rules, **1st Sub. S.B. 29**, TRUTH IN TAXATION AMENDMENTS, was considered read the second and third times. Senator Niederhauser explained the bill. 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

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**1st Sub. S.B. 29** was transmitted to the House.

* * *

On motion of Senator Dayton, under suspension of the rules, the Senate voted to lift **H.B. 269**, SCOTT B. LUNDELL MILITARY SURVIVORS’ TUITION
WAIVER AMENDMENTS, from the Consent Calendar and place it on the Time Certain Calender for Monday, February 18, 2008 at 10:15 a.m.

* * *

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 Pro Tem Bramble presiding.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 12, 2008

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

Education Committee
S.B. 241    Local Governmental Cooperation in Education Matters (Sen. P. Jones)

Government Operations and Political Subdivisions Committee
S.B. 195    Use of Campaign Contributions (Sen. G. Bell)
H.B. 261    Local District Primary Elections (Rep. K. Morgan) (Sen. P. Jones)

Health and Human Services Committee
S.B. 198    Child Support Technical Amendments (Sen. G. Bell)

Judiciary, Law Enforcement, and Criminal Justice Committee
S.B. 242    Law Enforcement Tracking of Domestic Violence Statistics (Sen. J. Greiner)
S.B. 256    Good Samaritan Act for Engineers (Sen. M. Waddoups)
Workforce Services and Community and Economic Development Committee

S.J.R. 12 Joint Resolution Honoring Hill Air Force Base’s 388th and 419th Fighter Wings (Sen. S. Killpack)

H.J.R. 4 Joint Resolution Urging School Closings to Recognize Veterans Day (Rep. C. Wimmer) (Sen. J. Greiner)

Bill Hickman  
Rules Committee Chair

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

INTRODUCTION OF BILLS

S.B. 203, Highway Abandonment Amendments (D. Peterson), read the first time by short title and referred to the Rules Committee.

S.B. 263, Self Authentication of Documents (S. McCoy), read the first time by short title and referred to the Rules Committee.

S.B. 265, Unlawful Detainer Amendments (M. Waddoups), read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

2nd Sub. S.B. 48, EQUALIZATION OF SCHOOL CAPITAL OUTLAY FUNDING, was read the second time. Senator Eastman explained the bill. Senators Greiner, McCoy, Waddoups, Jones, Buttars, Romero, Fife, Niederhauser, Davis, Stephenson, Hillyard, and Goodfellow commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Dayton
Eastman  Hickman  Hillyard  Jenkins
Killpack  Knudson  Madsen  Niederhauser
Peterson  Stephenson  Stowell  Van Tassell
Walker  Valentine

Voting in the negative were: Senators
Christensen  Davis  Dmitrich  Fife
Goodfellow  Greiner  Jones  Mayne
McCoy  Romero  Waddoups
**On motion of Senator Jenkins, the circle was removed from 1st Sub. S.B. 181, OFF−HIGHWAY VEHICLE USE ON PUBLIC HIGHWAYS, and it was before the Senate. Senator Jenkins explained the bill.**

Senator Jenkins proposed the following amendment:

1. Page 7, Lines 184 through 185

   184 (b) A street−legal all−terrain vehicle registered in accordance with Section 41−6a−1509

   185 is subject to a safety inspection when registered the first time that a person registers an off−highway vehicle as a street−legal all−terrain vehicle.

2. Page 17, Line 493:

   493 (iii) a municipality with a population of 20,000 or more people.

3. Page 24, Line 736:

   736 (2) In addition to the registration requirements imposed under Section 41−6a−1509, a

Senator Jenkins’ motion to amend passed on a voice vote. Senators Greiner, Killpack, Hickman, Dmitrich, and Van Tassell commented. The bill passed second reading on the following roll call:

**Yeas, 17; Nays, 9; Absent, 3.**

**Voting in the affirmative were:** Senators

Bell
Goodfellow
Knudson
Stephenson
Walker
Christensen
Hickman
Madsen
Stowell
Buttars
Dayton
Jenkins
Niederhauser
Van Tassell
Eastman
Dmitrich
Killpack
Peterson
Waddoups

**Voting in the negative were:** Senators

Davis
Jones
Valentine
Fife
Mayne

**Absent or not voting were:** Senators

Bramble
Greiner
Hillyard
Dmitrich
Killpack
Peterson
Waddoups
Walker
**INTRODUCTION OF BILLS**

S.B. 209, **Methamphetamine Decontamination Standards and Funding** (D. C. Buttars), read the first time by short title and referred to the Rules Committee.

S.B. 235, **Human Remains Related Amendments** (K. VanTassell), read the first time by short title and referred to the Rules Committee.

S.B. 266, **Process Servers – Age Restrictions** (J. Greiner), read the first time by short title and referred to the Rules Committee.

**SECOND READING CALENDAR**

S.B. 136, **APPORTIONMENT OF BUSINESS INCOME AMENDMENTS**, was read the second time. Senator Niederhauser explained the bill. Senator Stephenson 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

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**On motion of Senator Killpack, the circle was removed from S.B. 149, **MOTOR VEHICLE LIABILITY POLICY MINIMUM LIMITS**, and it was before the Senate. Senator Killpack explained the bill. Senators Knudson, Davis,
Hillyard, and Jenkins commented. The bill passed second reading 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

Dmitrich

***

**S.B. 80, SKI AND SNOWBOARD EDUCATION, DEVELOPMENT, AND PROMOTION SPECIAL GROUP LICENSE PLATE,** was read the second time. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

Dmitrich Niederhauser

***

**S.B. 169, RENEWABLE ENERGY ZONE TASK FORCE,** was read the second time. Senator Stowell explained the bill.
Senator Stowell proposed the following amendment:

1. Page 2, Lines 29 through 45

29 (1) There is created the Renewable Energy Zone Task Force comprised of \(\{21\} \) members, as follows:
30 (a) the governor’s energy advisor;
31 (b) a representative from the Utah Geological Survey’s energy program;
32 (c) \(\{12\} \) members appointed by the governor representing each of the following interests:
33 (i) cooperative electric associations that distribute electricity;
34 (ii) investor-owned electric utilities;
35 (iii) municipal utilities;
36 (iv) wind–electric generation;
37 (v) solar–electric generation;
38 (vi) geothermal–electric generation;
39 (vii) biomass–electric generation;
40 (viii) hydroelectric generation;
41 (ix) the Governor’s Rural Partnership Board;
42 (x) non-profit organizations addressing renewable energy issues; and
43 (xi) counties, from a list of names submitted to the governor by the Utah Association of Counties; and
44 (xii) electricity consumers.

2. Page 3, Lines 72 through 74

Senate Committee Amendments 2−5−2008:

72 (d) research the cost to consumers of \(\{\) traditional, renewable, and other resources \(\} \)
73 (i) existing electrical generation resources; and
74 (ii) newly developed resources, including tar sands, oil shale, nuclear
Senators Stowell’s motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell Bramble Christensen Davis
Dayton Eastman Fife Goodfellow
Greiner Hickman Hillyard Jenkins
Jones Killpack Madsen Mayne
Peterson Romero Stephenson Stowell
Van Tassell Waddoups Walker Valentine

**Voting in the negative were:** Senators
Knudson Niederhauser

**Absent or not voting were:** Senators
Buttars Dmitrich McCoy

* * *

**S.B. 79, SMALL BUSINESS ACCESS AMENDMENTS, was read the second time.** Senator Romero explained the bill.

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


Senator Greiner commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell Bramble Christensen Davis
Dayton Eastman Fife Goodfellow
Greiner Hickman Hillyard Jenkins
Jones Killpack Knudson Madsen
Mayne McCoy Niederhauser Peterson
Romero Stephenson Stowell Van Tassell
Waddoups Walker Valentine
Absent or not voting were: Senators
Buttars    Dmitrich

***

S.B. 171, REPEAL OF CERTAIN REPORTING BY FINANCIAL INSTITUTIONS, was read the second time. Senator Van Tassell explained the bill.

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

1st Sub. S.B. 171 Repeal of Certain Reporting by Financial Institutions
(K. Van Tassell)

Senator Madsen commented. Senators Hickman, Valentine, and Romero declared conflicts of interest. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell       Bramble       Christensen       Davis
Dayton    Eastman       Fife            Goodfellow
Greiner   Hickman       Hillyard       Jenkins
Jones     Killpack      Knudson        Madsen
Mayne     McCoy         Niederhauser   Peterson
Romero    Stephenson    Stowell        Van Tassell
Waddoups  Walker        Valentine

Absent or not voting were: Senators
Buttars    Dmitrich

***

On motion of Senator Bramble and at 5:00 p.m., the Senate adjourned until 10:00 a.m., Wednesday, February 13, 2008.
TWENTY-FOURTH DAY

MORNING SESSION

FEBRUARY 13, 2008

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

Prayer – Chaplain Rajan Zed, Hindu Chaplain
Pledge of Allegiance – Senator Bill Hickman
Roll Call – 28 Senators present.

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 64)

On motion of Senator Bramble the Senate voted to have the words of Chaplain Rajan Zed’s prayer spread upon the pages of the Senate Journal.

PRAYER BY CHAPLAIN RAJAN ZED

We meditate on the transcendental Glory of the Deity Supreme, who is inside the heart of the earth, inside the life of the sky and inside the soul of the Heaven. May He stimulate and illuminate our minds.

Lead me from the unreal to the Real. Lead me from darkness to Light. Lead me from death to Immortality.

Fulfill all your duties; action is better than inaction. Even to maintain your body, you are obliged to act. Selfish action imprisons the world. Act selflessly, without any thought of personal profit. Strive constantly to serve the welfare of the world; by devotion to selfless one attains the supreme goal of life. Do your work with the welfare of others always in mind.

May we be protected together. May we be nourished together. May we work together with great vigor. May our study be enlightening. May no obstacle arise between us.

United your resolve, united your hearts, may your spirits be as one, that you may long together dwell in unity and concord! Peace, Peace, Peace be unto all.
COMMUNICATIONS FROM THE HOUSE

Mr. President: February 12, 2008

The House passed, S.B. 115, MOTOR VEHICLE SAFETY INSPECTION ADVISORY COUNCIL AMENDMENTS, by Senator D. Eastman, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 115 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 13, 2008

The House passed, as substituted and amended, 1st Sub. H.B. 40, SAFE DRINKING WATER REVISIONS, by Representative S. Andersen, and it is transmitted for consideration; and

The House passed, as substituted, 2nd Sub. H.B. 54, PROPERTY TAX ASSESSMENT REVISIONS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed H.B. 159, PROFESSIONAL EMPLOYER ORGANIZATION LICENSING ACT, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed H.B. 271, UTAH PURPLE HEART RECIPIENTS TUITION ACT AMENDMENTS, by Representative R. Barrus, and it is transmitted for consideration; and

The House passed, as substituted and amended, 2nd Sub. H.B. 276, HEALTH PROFESSIONAL AUTHORITY − DEATH AND DISABILITY, by Representative B. Last, and it is transmitted for consideration; and

The House passed H.B. 279, TAX INCENTIVES FOR MILITARY MEMBERS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 281, GRANTS TO RURAL HOSPITALS − OVERSIGHT RESPONSIBILITIES, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 287, REGULATION OF TEACHER − STUDENT RELATIONSHIPS, by Representative S. Sandstrom, and it is transmitted for consideration; and
The House passed, as amended, **H.B. 290**, MUNICIPAL OVERSIGHT OF RENTAL DWELLINGS, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed **H.B. 292**, LEGISLATIVE TASK FORCE TO STUDY RADIO COMMUNICATION SYSTEM IN UTAH, by Representative B. Dee, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 309**, ELECTION INFORMATION AMENDMENTS, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 312**, CRIME VICTIM REPARATIONS REVISIONS, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 327**, ENTICING A MINOR BY ELECTRONIC MEANS, by Representative K. Gibson, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 342**, INSURANCE CODE AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed **H.C.R. 1**, METH AWARENESS FOR STUDENTS AND EDUCATORS RESOLUTION, by Representative C. Oda, et al, and it is transmitted for consideration; and

Sandy D. Tenney, Chief Clerk


***

Mr. President: February 12, 2008

The House passed, as amended, **S.C.R. 1**, RESOLUTION SUPPORTING OBESITY AWARENESS, by Senator D. C. Buttars, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.
STANDING COMMITTEE REPORTS

Mr. President: February 12, 2008

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on S.B. 85, WATER RIGHTS BOARD, by Senator D. Stowell.

Darin G. Peterson, Chair

Mr. President: February 12, 2008

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.B. 283, TRANSPORTATION FUNDING AMENDMENTS, by Senator S. Killpack; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 103, USE OF STATE ALTERNATIVE FUEL NETWORK, by Representative F. Hunsaker; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 122, DRIVER LICENSE − APPLICATION OF MINOR AMENDMENTS, by Representative D. Litvack.

Carlene M. Walker, Chair

Mr. President: February 12, 2008

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends S.B. 72, JUSTICE COURT AMENDMENTS, by Senator L. Hillyard, be replaced and favorably recommends 1st Sub. S.B. 72, JUSTICE COURT AMENDMENTS; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 191, JUDICIAL CONDUCT COMMISSION AMENDMENTS, by Senator G. Davis; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 192, SEX OFFENSE AMENDMENTS, by Senator J. Greiner, with the following amendments:

1. Page 1, Lines 13 through 17:

13 provides that a minor who is younger than 16 years of age, and who engages in

14 sexual activity with another minor who is less than three years older or younger than
the acting minor, but who is not older than 17 years, is guilty of a class B misdemeanor if the sexual conduct does not involve forcible acts, including rape, sexual abuse, and forcible sodomy; and—}

2. Page 1, Line 28:

{−76−5−401.3, Utah Code Annotated 1953−}

3. Page 3, Lines 62 through 89:

{−Section 2. Section 76−5−401.3 is enacted to read:

76−5−401.3. Unlawful sexual activity between minors −− Elements −− Penalty.

(1) As used in this section, “minor” means an actor who is younger than 16 years of age at the time the minor engages in sexual conduct described in Subsection (2).

(2) A minor commits unlawful sexual activity between minors if, under circumstances not amounting to any offense listed in Subsection (3), the minor engages in any of the following conduct with another person who is fewer than three years older or fewer than three years younger than the minor, but not older than 17 years of age:

(a) sexual intercourse;

(b) any sexual act involving the genitals of one person and the mouth or anus of another person, regardless of the sex of either participant; or

(c) causes the penetration, however slight, of the genital or anal opening of the person by any foreign object, substance, instrument, or device, including a part of the human body,

with the intent to cause substantial emotional or bodily pain to any person or with the intent to
arouse or gratify the sexual desire of any person, regardless of the sex of any participant.

(3) The offenses referred to in Subsection (2) are:

(a) rape, in violation of Section 76–5–402;
(b) rape of a child, in violation of Section 76–5–402.1;
(c) object rape, in violation of Section 76–5–402.2;
(d) object rape of a child, in violation of Section 76–5–402.3;
(e) forcible sodomy, in violation of Section 76–5–403;
(f) sodomy on a child, in violation of Section 76–5–403.1;
(g) forcible sexual abuse, in violation of Section 76–5–404;
(h) sexual abuse of a child, in violation of Section 76–5–404.1;
or
(i) any other offense that involves sexual conduct and which would be consensual but

for the age of one or more of the parties.

(4) A violation of Subsection (2), unlawful sexual activity between minors, is a class B
misdemeanor. ; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 46, ADOPTION AND TERMINATION OF PARENTAL RIGHTS, by Representative S. Allen.

Gregory S. Bell, Chair

Mr. President: February 13, 2008

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 258, PROPERTY TAX COMMITTEE, by Senator W. Niederhauser; and

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 204, INCOME TAXATION – REAL ESTATE INVESTMENT TRUSTS, by Senator W. Niederhauser.

Wayne L. Niederhauser, Chair

On motion of Senator Hickman, the committee reports were adopted. S.B. 85, S.B. 283, H.B. 103, H.B. 122, 1st Sub. S.B. 72, S.B. 191, S.B. 192, as amended, H.B. 46, S.B. 258, and S.B. 204 were placed on Second Reading Calendar.
STANDING COMMITTEE REPORTS

Mr. President: February 12, 2008

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 187, BAIL IN CAPITAL OFFENSE CASES, by Senator J. Greiner, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 290, PRIVATE INVESTIGATORS’ ACCESS TO DRIVER LICENSURE INFORMATION, by Senator M. Dayton, and recommends it be considered read for the second time and placed on the Consent Calendar; and

Gregory S. Bell, Chair

On motion of Senator Hickman, the committee reports were adopted. S.B. 187 and S.B. 290 were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 231, Transportation Governance (S. Killpack), read the first time by short title and referred to the Rules Committee.

S.B. 234, Minimum School Program Amendments – Counseling and Guidance Programs (M. Dmitrich), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

1st Sub. H.B. 53, IMPACT OF ADMINISTRATIVE RULES ON SMALL BUSINESSES, was read the third time, explained by Senator Madsen, and passed on the following roll call:

Y eas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

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Absent or not voting were: Senators
Buttars    Jones    McCoy

1st Sub. 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.

THIRD READING CALENDAR

S.B. 177, LOCAL GOVERNMENT DISPOSAL OF REAL PROPERTY ACQUIRED BY EXACTION, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell       Bramble    Christensen    Davis
Dayton     Dmitrich   Eastman       Fife
Goodfellow Greiner    Hickman      Hillyard
Jenkins    Jones      Killpack     Knudson
Madsen     Mayne      McCoy        Niederhauser
Peterson   Romero     Stephenson   Stowell
Van Tassell Waddoups   Walker       Valentine

Absent or not voting was: Senator
Buttars

S.B. 177 was transmitted to the House for consideration.

***

S.J.R. 8, JOINT RULES RESOLUTION − BASE BUDGET AMENDMENTS, was read the third time and explained by Senator Niederhauser. Senator Hillyard commented.

On motion of Senator Niederhauser, the bill was circled.

***

2nd Sub. S.B. 48, EQUALIZATION OF SCHOOL CAPITAL OUTLAY FUNDING, was read the third time.

On motion of Senator Killpack, the bill was circled.

***

1st Sub. S.B. 181, OFF–HIGHWAY VEHICLE USE ON PUBLIC HIGHWAYS, was read the third time and explained by Senator Jenkins.
Senator Jenkins proposed the following amendment:

1. Page 17, Line 493:
   Delete “10,000” and insert “5,000”

Senator Jenkins’ motion to amend passed on a voice vote.

# # #

Senator Peterson proposed the following amendment:

1. Page 1, Lines 22 through 23

   22 jurisdiction:
   - as open to street–legal all–terrain off–highway vehicle use,
   - off–highway vehicle use, or limited off–highway vehicle use; or
   - where operating a street–legal all–terrain vehicle on the highway is prohibited; and

2. Page 16, Line 482:

   482 (1) (a) Except as provided in Subsection (1)(b) and Subsection 41–22–10.5(2), an all–terrain type I or type II vehicle

3. Page 25, Line 757:

   757 (a) as open for street–legal all–terrain {off–highway } vehicle use;

4. Page 25, Line 762:

   (2) Notwithstanding the provisions in Subsection 41–6a–1509(1)(a), a municipality or county may adopt ordinances designating certain streets and highways under its respective jurisdiction where operating a street–legal all–terrain vehicle on the street or highway is prohibited.

   762 {–(2)–} (3) A municipality or a county may adopt an ordinance requiring an operator who is

5. Page 25, Line 765:

   765 {–(3)–} (4) A route designated under Subsection (1) may not be along, across, or within the

6. Page 25, Line 767:
Except as provided under Section 41–22–10.3, a person may not operate an

Senator Peterson’s motion to amend passed on a voice vote. Senators Dmitrich, Killpack, Greiner, Peterson, and Romero commented and the bill passed on the following roll call:

**Yeas, 22; Nays, 4; 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. 181** was transmitted to the House for consideration.

* * *

**S.B. 136, APPORTIONMENT OF BUSINESS INCOME AMENDMENTS,**

was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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S.B. 136 was transmitted to the House for consideration.

* * *

S.B. 149, MOTOR VEHICLE LIABILITY POLICY MINIMUM LIMITS, was read the third time.

On motion of Senator Killpack, the bill was circled.

* * *

S.B. 80, SKI AND SNOWBOARD EDUCATION, DEVELOPMENT, AND PROMOTION SPECIAL GROUP LICENSE PLATE, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

**Y eas, 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. 80 was transmitted to the House for consideration.

* * *

S.B. 169, RENEWABLE ENERGY ZONE TASK FORCE, was read the third time.

On motion of Senator Stowell, the bill was circled.

* * *

1st Sub. S.B. 79, SMALL BUSINESS ACCESS AMENDMENTS, was read the third time, explained by Senator Romero, and passed on the following roll call:

**Y eas, 25; Nays, 0; Absent, 4.**
Voting in the affirmative were: Senators
Bell Bramble Christensen Davis
Dayton Dmitrich Eastman Fife
Goodfellow Greiner Hickman Hillyard
Jenkins Jones Killpack Knudson
Madsen Mayne Niederhauser Romero
Stephenson Stowell Van Tassell Waddoups
Walker

Absent or not voting were: Senators
Buttars McCoy Peterson Valentine

1st Sub. S.B. 79 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 171, REPEAL OF CERTAIN REPORTING BY FINANCIAL INSTITUTIONS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Christensen Davis
Dayton Dmitrich Eastman Fife
Goodfellow Greiner Hickman Hillyard
Jenkins Jones Killpack Knudson
Madsen Mayne Niederhauser Romero
Stephenson Stowell Van Tassell Waddoups
Walker Valentine

Absent or not voting were: Senators
Buttars McCoy Peterson Valentine

Senators Hickman, Van Tassell and Valentine declared conflicts of interest.

1st Sub. S.B. 171 was transmitted to the House for consideration.

* * *

On motion of Senator Niederhauser, the circle was removed from S.J.R. 8, JOINT RULES RESOLUTION – BASE BUDGET AMENDMENTS, and it was before the Senate. Senator Niederhauser explained the bill. The bill passed on the following roll call:
Yeas, 15; Nays, 9; Absent, 5.

Voting in the affirmative were: Senators
Bramble
Hickman
Madsen
Van Tassell
Dayton
Jenkins
Niederhauser
Waddoups
Eastman
Jones
Stephenson
Walker
Goodfellow
Killpack
Stowell

Absence or not voting were: Senators
Buttars
Dmitrich
Greiner
Peterson
Dmitrich
Greiner
McCoy

S.J.R. 8 was transmitted to the House for consideration.

SECOND READING CALENDAR

H.J.R. 2, RESOLUTION ENCOURAGING MANUFACTURED AND MOBILE HOME PARKS AS AFFORDABLE HOUSING, was read the second time. Senator Fife explained the bill. Senator Mayne commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bramble
Dmitrich
Greiner
Valentine
Christensen
Eastman
Hickman
Madsen
Stephenson
Dayton
Fife
Jenkins
Mayne
Peterson
Goodfellow
Jones
Waddoups

Absent or not voting were: Senators
Bell
Buttars
Hillyard
Walker

H.B. 73, CHILD CARE PROVIDERS, was read the second time. Senator Madsen explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators
Bramble  Davis  Dayton  Dmitrich
Eastman  Goodfellow  Greiner  Jenkins
Jones  Killpack  Knudson  Madsen
Mayne  McCoy  Niederhauser  Peterson
Romero  Stephenson  Stowell  Waddoups
Walker  Valentine

**Absent or not voting were:** Senators
Bell  Buttars  Christensen  Fife
Hickman  Hillyard  Van Tassell

* * *

**H.B. 82, NOTICE OF CHANGES TO THE STATE MEDICAID PLAN,** was read the second time.

On motion of Senator Eastman, the bill was circled.

* * *

**H.B. 68, EDUCATOR RELICENSURE INITIATIVE,** was read the second time. Senator Stephenson explained the bill.

Senator Dayton proposed the following amendment:

1. Page 1, Lines 19 through 22

   19 suspended, or surrendered; and
   20 requires the principal of a school at which an educator whose license is reinstated is
   21 employed to { create, in consultation with the educator, a professional development
   22 plan for the educator. } provide information and training to assist the educator in performing the educator’s assigned position.

2. Page 2, Lines 41 through 50:

   41 shall reinstate the license.
   (3) An educator whose license is reinstated may not be required to obtain professional development not required of other educators with the
The principal of the school at which an educator whose license is reinstated is employed shall:

(a) create, in consultation with the educator, a professional development plan for the educator to provide information and training, based on the educator’s experience and education, that will assist the educator in performing the educator’s assigned position;

(b) design the professional development plan based on the educator’s experience, education, and assigned position; and

(c) provide classes, coaching, mentoring, or other interventions to the educator for completion of the professional development plan.

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

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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On motion of Senator Christensen, the circle was removed from **H.B. 82, NOTICE OF CHANGES TO THE STATE MEDICAID PLAN**, and it was before
the Senate. Senator Christensen 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. 118**, VETERANS HIGH SCHOOL DIPLOMAS, was read the second time. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**H.B. 245**, ADMINISTRATION OF MEDICATION TO STUDENTS AMENDMENTS, was read the second time. Senator Walker explained the bill.

Senator Jones proposed the following amendment:
1. Page 2, Lines 35 through 39

appropriate health professionals and adopted] school nurses shall adopt policies that provide

for:

(i) the designation of volunteer employees who may administer medication;

(ii) proper identification and safekeeping of medication;

(iii) the training of designated volunteer employees by the school nurse; [and]

Senator Jones’ 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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**Absent or not voting were:** Senators

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On motion of Senator Eastman, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

On motion of Senator Eastman, the circle was removed from 2nd Sub. S.B. 48, EQUALIZATION OF SCHOOL CAPITAL OUTLAY FUNDING, and it was before the Senate.

On motion of Senator Eastman, the following substitute bill replaced the original bill:
3rd Sub. S.B. 48 Equalization of School Capital Outlay Funding
(D. Eastman)

Senator Eastman explained the bill. Senators Bell and Greiner commented. The bill passed on the following roll call:

**Yeas, 19; Nays, 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 Buttars

3rd Sub. S.B. 48 was transmitted to the House for consideration.

**INTRODUCTION OF BILLS**

**S.B. 197, Preferred Drug List Revisions** (A. Christensen), read the first time by short title and referred to the Rules Committee.


**S.B. 210, Proof of Citizenship Required to Vote** (M. Madsen), read the first time by short title and referred to the Rules Committee.

**S.B. 218, Amendments to Tourism, Recreation, Cultural, and Convention Facilities Tax** (W. Niederhauser), read the first time by short title and referred to the Rules Committee.

**S.B. 239, Office of the Attorney General – Safety Net Initiative** (C. Bramble), read the first time by short title and referred to the Rules Committee.

**S.B. 247, Veterans Procurement Provisions** (F. Fife), read the first time by short title and referred to the Rules Committee.
S.B. 295, Security Alarm Business Licensing Amendments (M. Dayton), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Bramble and at 12:00 noon, the Senate adjourned until 10:00 a.m., Thursday, February 14, 2008.
TWENTY−FIFTH DAY
MORNING SESSION
FEBRUARY 14, 2008

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

Prayer – Shannon Peterson, President of the Governing Youth Council, Logan High School
Pledge of Allegiance – Senator Scott Jenkins
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 64)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 13, 2008

The House passed, 2nd Sub. S.B. 32, LOCAL GOVERNMENT BONDING ACT, by Senator S. Jenkins, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 58, WORKERS’ COMPENSATION RELATED AMENDMENTS, by Senator M. Dmitrich, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 68, WORKERS’ COMPENSATION − DEATH BENEFITS, by Senator K. Mayne, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 99, AMENDMENTS TO SALES AND USE TAX EXEMPTION FOR PROSTHETIC DEVICES, by Senator W. Niederhauser, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 100, MOTOR VEHICLE DEALER DISCLOSURE REQUIREMENTS 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, 1st Sub. S.B. 110, FOREIGN BUSINESS ENTITIES AND TRIBAL LAW, by Senator K. VanTassell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

2nd Sub. S.B. 32, S.B. 58, S.B. 68, S.B. 99, S.B. 100, and 1st Sub. S.B. 110 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * * 

Mr. President: February 13, 2008

The House concurred in the Senate amendments and passed H.B. 35, MOTOR AND SPECIAL FUEL TAX AMENDMENTS, by Representative C. Frank, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 71, PARENT−TIME AMENDMENTS, by Representative L. Fowlke, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 35 and H.B. 71, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * * 

Mr. President: February 13, 2008

The House passed, as substituted, 1st Sub. H.B. 72, MOTORCYCLE LICENSE AND ENDORSEMENT AMENDMENTS, by Representative P. Neuenschwander, and it is transmitted for consideration; and

The House passed, as amended, H.B. 184, CONSTRUCTION AMENDMENTS, by Representative M. Morley, and it is transmitted for consideration; and

The House passed, as amended, H.B. 241, REPEAL OF EXEMPTIONS FROM NONRESIDENT TUITION, by Representative G. Donnelson, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 326, CHILDREN’S HEALTH INSURANCE PROGRAM − OPEN ENROLLMENT, by Representative G. Curtis, and it is transmitted for consideration; and

The House passed, as amended, H.J.R. 8, JOINT RESOLUTION URGING CONGRESS TO ELIMINATE TRANSPORTATION EARMARKING THAT
OVERRIDES STATE TRANSPORTATION PRIORITIES, by Representative Julie Fisher, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. 1st Sub. H.B. 72, H.B. 184, H.B. 241, 1st Sub. H.B. 326, and H.J.R. 8 were read the first time and referred to the Rules Committee.

**

Mr. President: February 13, 2008

The House substituted and passed, 2nd Sub. S.B. 144, PARAMETERS ON GOVERNOR’S ABILITY TO ENTER AGREEMENTS BINDING THE STATE, by Senator S. Jenkins, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 13, 2008

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

**Education Committee**


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

S.B. 209 Methamphetamine Decontamination Standards and Funding (Sen. D. C. Buttars)

S.B. 263 Self Authentication of Documents (Sen. S. McCoy)

S.B. 265 Unlawful Detainer Amendments (Sen. M. Waddoups)

S.B. 266 Process Servers – Age Restrictions (Sen. J. Greiner)


**Natural Resources, Agriculture and Environment Committee**


**Transportation, Public Utilities and Technology Committee**

S.B. 203 Highway Abandonment Amendments (Sen. D. Peterson)
S.B. 212 Funeral Processions (Sen. B. Goodfellow)
H.B. 320 Vehicle Impound Yard Requirements (Rep. C. Oda)
(Sen. G. Bell)

Workforce Services and Community and Economic Development Committee
S.B. 235 Human Remains Related Amendments
(Sen. K. VanTassell)

Bill Hickman
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 13, 2008

The Education Committee reports a favorable recommendation on H.B. 321, HIGHER EDUCATION SAVINGS INCENTIVE PROGRAM AMENDMENTS, by Representative K. Garn.

Margaret Dayton, Chair

Mr. President: February 13, 2008

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 97, IMMIGRATION TASK FORCE, by Senator S. Jenkins, with the following amendments:

1. Page 2, Line 58:
   After line 58, insert “(d) The budgetary costs and economic benefits of illegal immigrants to the state.”; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 196, COUNTY AND MUNICIPAL LAND USE AMENDMENTS, by Senator W. Niederhauser; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 275, MILITARY JUSTICE CODE AMENDMENTS, by Senator P. Knudson.

Peter C. Knudson, Chair

Mr. President: February 13, 2008

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on S.B. 287, APPROPRIATION
FOR THE SWANSON TACTICAL TRAINING CENTER, by Senator S. Jenkins; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on H.C.R. 3, CONCURRENT RESOLUTION – DECLARING LOVE YOUR LIBRARY WEEK, by Representative S. Clark.

Mark B. Madsen, Chair

On motion of Senator Hickman, the committee reports were adopted. H.B. 321, S.B. 97, as amended, S.B. 196, S.B. 275, S.B. 287, and H.C.R. 3 were placed on Second Reading Calendar.

STANDING COMMITTEE REPORTS

Mr. President: February 13, 2008

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 274, AMENDMENTS TO UTAH SERVICE MEMBERS’ CIVIL RELIEF ACT, by Senator P. Knudson, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

On motion of Senator Hickman, the committee report was adopted. S.B. 274 was considered read the second time and placed on the Consent Calendar.

***

Mr. President: February 13, 2008

The Government Operations and Political Subdivisions Committee has returned S.B. 213, STATE CONTRACT – FALSE CLAIMS ACT, by Senator A. Christensen, to the Rules Committee.

Peter C. Knudson, Chair

INTRODUCTION OF BILLS

S.B. 217, Property Tax Deferrals, Abatements, and Relief Limitations (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.B. 222, Division of Real Estate Licensing and Presence in the United States (M. Dayton), read the first time by short title and referred to the Rules Committee.
S.B. 224. Coal Mine Safety Act (M. Dmitrich), read the first time by short title and referred to the Rules Committee.

S.B. 243. This Is the Place Foundation – Procurement Code Exemption (B. Goodfellow), read the first time by short title and referred to the Rules Committee.

S.B. 255. Hospital Lien (D. Peterson), read the first time by short title and referred to the Rules Committee.

S.B. 264. Development Around Military Installations (S. Killpack), read the first time by short title and referred to the Rules Committee.


* * *

On motion of Senator Bramble, S.B. 117, ANIMAL CRUELTY AMENDMENTS, will be considered today February 14, 2008 at 11:00 a.m..

CONSENT CALENDAR

H.B. 251, SALES AND USE TAX REVISIONS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Eastman
Fife  Goodfellow  Greiner  Hillyard
Jenkins  Jones  Killpack  Knudson
Madsen  Mayne  McCoy  Niederhauser
Peterson  Romero  Stephenson  Stowell
Van Tassell  Waddoups  Walker  Valentine

Absent or not voting was: Senator Hickman

H.B. 251 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 259, GOLD STAR FAMILY SPECIAL GROUP LICENSE PLATE AMENDMENTS, was read the third time, explained by Senator Walker, and passed on the following roll call:
Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

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Absent or not voting was: Senator Bramble

H.B. 259 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

H.J.R. 1, RESOLUTION ADDRESSING INTERNATIONAL TRADE ISSUES, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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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.

1st Sub. H.B. 294, APPROPRIATION LIMIT AMENDMENTS – FIRE SUPPRESSION, was read the third time, explained by Senator Stowell, and passed on the following roll call:
Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator

Jones

1st Sub. H.B. 294 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 144, MOTOR VEHICLE INSURANCE AMENDMENTS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Jenkins        Jones

H.B. 144 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 256, CRIMINAL PENALTIES AMENDMENTS – INCLUDING JESSICA’S LAW, was read the third time, explained by Senator Stephenson, and passed on the following roll call:
Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Fife
Goodfellow Greiner Hickman Hillyard
Jenkins Killpack Knudson Madsen
Mayne McCoy Niederhauser Peterson
Romero Stephenson Stowell Van Tassell
Waddoups Walker Valentine

Absent or not voting were: Senators
Eastman Jones

H.B. 256 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

CONCURRENCE CALENDAR

On motion of Senator Buttars, the Senate voted to concur in the House amendments to S.C.R. 1, RESOLUTION SUPPORTING OBESITY AWARENESS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dmitrich Eastman Fife
Goodfellow Greiner Hickman Hillyard
Jenkins Killpack Knudson Madsen
Mayne McCoy Niederhauser Peterson
Romero Stephenson Stowell Van Tassell
Waddoups Walker Valentine

Absent or not voting were: Senators
Dayton Jones

S.C.R. 1 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

H.J.R. 2, RESOLUTION ENCOURAGING MANUFACTURED AND MOBILE HOME PARKS AS AFFORDABLE HOUSING, 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

| Goodfellow | Jones | Valentine |

**H.J.R. 2** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

**H.B. 73,** CHILD CARE PROVIDERS, was read the third time, explained by Senator Madsen, and passed on the following roll call:

### Yeas, 26; Nays, 1; Absent, 2.

**Voting in the affirmative were:** Senators

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**Voting in the negative was:** Senator

| Christensen |

**Absent or not voting were:** Senators

| Jones | Valentine |

**H.B. 73** 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,** EDUCATOR RELICENSURE INITIATIVE, was read the third time, explained by Senator Stephenson, and passed on the following roll call:
Day 25  Thursday, February 14, 2008  485

**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. 68,** as amended, was returned to the House for further consideration.

* * *

**H.B. 82,** NOTICE OF CHANGES TO THE STATE MEDICAID PLAN, was read the third time, explained by Senator Christensen, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**H.B. 82** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

**H.B. 118,** VETERANS HIGH SCHOOL DIPLOMAS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:
Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Fife
Goodfellow  Greiner  Hickman  Jenkins
Killpack  Knudson  Madsen  Mayne
McCoy  Niederhauser  Peterson  Romero
Stephenson  Stowell  Van Tassell  Waddoups
Walker

Absent or not voting were: Senators
Eastman  Hillyard  Jones  Valentine

H.B. 118 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 245, ADMINISTRATION OF MEDICATION TO STUDENTS AMENDMENTS, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Fife
Goodfellow  Greiner  Hickman  Jenkins
Killpack  Knudson  Madsen  Mayne
McCoy  Niederhauser  Peterson  Romero
Stephenson  Stowell  Van Tassell  Waddoups
Walker

Absent or not voting were: Senators
Eastman  Hillyard  Jones  Valentine

H.B. 245, as amended, was returned to the House for further consideration.

SECOND READING CALENDAR

H.B. 57, TRANSPORTATION ADMINISTRATIVE RULES – CRIMINAL AND CIVIL PENALTY AMENDMENTS, was read the second time. Senator Walker explained the bill. The bill passed second reading on the following roll call:
**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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On motion of Senator Dayton, the circle was removed from **H.B. 29, ELECTION LAW − FINANCIAL REPORTING**, and it was before the Senate. Senator Dayton explained the bill.

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


Senators Walker and Madsen 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

Eastman

On motion of Senator Knudson, **2nd Sub. H.B. 29** was placed on Third Reading Table due to fiscal impact.
S.B. 117, ANIMAL CRUELTY AMENDMENTS, was read the second time. Senator Christensen explained the bill. Senators Greiner, Bell, McCoy, Jenkins, Davis, and Romero commented.

Senator McCoy proposed the following amendment:

1. Page 7, Line 196:
   Delete “within five years”

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

Senator Davis made the motion to substitute the bill. The motion failed on the following roll call vote:

**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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On motion of Senator Christensen, under suspension of the rules, S.B. 117, ANIMAL CRUELTY AMENDMENTS, was considered read the second and third times. 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. 117 was transmitted to the House.

***

On motion of Senator Hickman, S.B. 81, ILLEGAL IMMIGRATION, will be considered Tuesday, February 19, 2008 at 10:30 a.m.

***

On motion of Senator Bramble, and at 12:00 noon, the Senate recessed.

**AFTERNOON SESSION**

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

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: February 14, 2008

The House passed, S.B. 164, COMPUTER ASSISTED REMOTE HUNTING PROHIBITED, 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.C.R. 3, RESOLUTION SUPPORTING OBSERVANCE OF PEACE OFFICERS MEMORIAL DAY, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 164 and S.C.R. 3 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

***

Mr. President: February 14, 2008

The House substituted, amended, and passed, 1st Sub. S.B. 44, PENALTIES FOR FAILING TO SECURE A LOAD OR LITTERING ON A HIGHWAY, by Senator P. Jones, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

***

Mr. President: February 14, 2008

The House passed H.B. 128, UTAH RESIDENTIAL MORTGAGE PRACTICES ACT AMENDMENTS, by Representative M. Newbold, and it is transmitted for consideration; and
The House passed **H.B. 178, JURISDICTION FOR PROSECUTION**, by Representative P. Neuenschwander, and it is transmitted for consideration; and

The House passed **H.B. 182, DEADLINE FOR VOTING PRECINCT DESIGNATION**, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed **H.B. 377, CODE OF CRIMINAL PROCEDURE AMENDMENTS**, by Representative R. Lockhart, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 128, H.B. 178, H.B. 182, and H.B. 377** were read the first time and referred to the Rules Committee.

**RULES COMMITTEE REPORTS**

To the Members of the Senate: February 14, 2008

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

**Business and labor Committee**

<table>
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<th>Bill</th>
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**Education Committee**

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<tr>
<td>H.B. 271</td>
<td>Utah Purple Heart Recipients Tuition Act Amendments</td>
<td>Rep. R. Barrus (Sen. C. Walker)</td>
</tr>
<tr>
<td>H.C.R. 1</td>
<td>Meth Awareness for Students and Educators Resolution</td>
<td>Rep. C. Oda (Sen. S. Killpack)</td>
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**Government Operations and Political Subdivisions Committee**

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<tr>
<td>S.B. 210</td>
<td>Proof of Citizenship Required to Vote</td>
<td>Sen. M. Madsen</td>
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<td>Bill Number</td>
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<tr>
<td>S.B. 197</td>
<td>Preferred Drug List Revisions</td>
<td>Judiciary, Law Enforcement, and Criminal Justice Committee</td>
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<td>S.B. 211</td>
<td>Alcoholic Beverage Control Amendments</td>
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<td>S.B. 218</td>
<td>Amendments to Tourism, Recreation, Cultural, and Convention Facilities Tax</td>
<td>Revenue and Taxation Committee</td>
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<tr>
<td>S.B. 231</td>
<td>Transportation Governance</td>
<td>Transportation, Public Utilities and Technology Committee</td>
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Workforce Services and Community and Economic Development Committee
S.B. 247 Veterans Procurement Provisions (Sen. F. Fife)

Bill Hickman
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 13, 2008

The Business and Labor Committee reports a favorable recommendation on
1st Sub. H.B. 37, UTAH BUSINESS RESOURCE CENTERS ACT, by
Representative D. Clark; and

The Business and Labor Committee reports a favorable recommendation on
1st Sub. H.B. 48, MOBILE HOME OWNERS’ RIGHTS, by Representative
P. Riesen, et al; and

The Business and Labor Committee reports a favorable recommendation on
1st Sub. H.B. 95, DOCUMENT FRAUD, by Representative K. Morgan; and

The Business and Labor Committee reports a favorable recommendation on
H.B. 99, BUSINESS REGISTRATION − OPTIONAL INCLUSION OF
OWNERSHIP DATA, by Representative M. Wheatley; and

The Business and Labor Committee reports a favorable recommendation on
1st Sub. H.B. 119, CONTROLLED SUBSTANCE DATABASE
AMENDMENTS , by Representative B. Daw, et al.

Kevin T. Van Tassell

Mr. President: February 13, 2008

The Health and Human Services Committee reports a favorable recommendation on H.B. 17, CANCER SCREENING AND MORTALITY REDUCTION PROGRAM, by Representative P. Ray; and

The Health and Human Services Committee reports a favorable recommendation on H.B. 45, SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A DISABILITY, by Representative R. Menlove; and

The Health and Human Services Committee recommends H.B. 60, LEGISLATIVE REVIEW OF HEALTH INSURANCE MANDATES, by
Representative J. Dunnigan, be replaced and favorably recommends 1st Sub. H.B. 60, LEGISLATIVE REVIEW OF HEALTH INSURANCE MANDATES; and

The Health and Human Services Committee reports a favorable recommendation on 1st Sub. H.B. 133, HEALTH SYSTEM REFORM, by Representative D. Clark; and

The Health and Human Services Committee reports a favorable recommendation on H.B. 301, COMPREHENSIVE HEALTH INSURANCE POOL AMENDMENTS, by Representative J. Dunnigan.

D. Chris Buttars, Chair

Mr. President: February 14, 2008

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.B. 117, INSTREAM FLOW TO PROTECT TROUT HABITAT, by Representative S. Sandstrom; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.B. 143, ADMINISTRATION OF INTERSTATE WATER, by Representative M. Brown.

Darin G. Peterson, Chair

Mr. President: February 14, 2008

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.B. 208, TRANSPORTATION CORRIDOR PRESERVATION AMENDMENTS, by Senator S. Killpack; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 105, TRANSPORTATION INFRASTRUCTURE LOAN FUND AMENDMENTS, by Representative Julie Fisher.

Carlene M. Walker, Chair

Mr. President: February 14, 2008

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 256, GOOD SAMARITAN ACT FOR ENGINEERS, by Senator M. Waddoups, with the following amendments:

1. Page 2, Lines 47 through 48:
The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.J.R. 9, JOINT RESOLUTION AMENDING RULES OF EVIDENCE RELATING TO INFORMATION CONTAINED IN THE MANAGEMENT INFORMATION SYSTEM, by Senator G. Davis, with the following amendments:

1. Page 1, Lines 20 through 25:

   20 provides that a report, and information from or relating to a report, maintained in
   21 the Management Information System may not be disclosed or admitted as evidence {→
   22 nor may testimony regarding the report or information be made or accepted,} in a
   23 proceeding, where the state is not a party, for divorce, child-custody, a protection order, adoption, or termination
   24 of parental rights, if the report has been found to be unsubstantiated, unsupported,
   25 or without merit, unless a party who is not the alleged perpetrator in the report shows, by clear and convincing evidence, that the probative value of the report or information outweighs its prejudicial effect; and

2. Page 2, Lines 54 through 55:

   54 (a) (5) “Restricted proceeding” means a proceeding, where the state is not a party, for divorce, child-custody, a protection order, adoption, or termination of parental rights.

3. Page 3, Lines 59 through 61:

   59 (b) General rule of privilege. Restricted information may not be disclosed or admitted
   60 as evidence {→ nor may testimony regarding restricted information be made or accepted,} in a
   61 restricted proceeding, if a finding of unreliability has been made in relation to the report, unless a party who is not the alleged perpetrator
in the report shows, by clear and convincing evidence, that the probative value of the restricted information outweighs the prejudicial affect of the restricted information; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 10**, DISCLOSURE OF IDENTITY TO OFFICER, by Representative C. Oda; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 14**, DISCHARGE OF FIREARM AMENDMENTS, by Representative C. Wimmer; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 23**, CHILD AND FAMILY PROTECTION, by Representative L. Fowlke; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 33**, WAIVERS OF IMMUNITY – EXCEPTIONS, by Representative G. Hughes; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 34**, EMAIL INFORMATION REQUIRED OF REGISTERED SEX OFFENDERS, by Representative J. Bird.

Gregory S. Bell, Chair


**STANDING COMMITTEE REPORTS**

Mr. President: February 13, 2008

The Health and Human Services Committee reports a favorable recommendation on **S.B. 198**, CHILD SUPPORT TECHNICAL AMENDMENTS, by Senator G. Bell, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 6, Lines 157 through 158:

157 (c) modify a temporary judicial child support order established on or before December 31.
158 2007, if the new order is entered on or after January 1, 2008; or

2. Page 15, Lines 444 through 447:

444 (c) modify a temporary judicial child support order established on or before December 31, 2007, if the new order is entered on or after January 1, 2008; or

445 [(e)] (d) modify a final child support order entered on or before December 31, 2007, if the modification is made on or after January 1, 2010; and

The Health and Human Services Committee reports a favorable recommendation on H.B. 101, AMENDMENTS TO EMERGENCY INJECTION FOR ANAPHYLACTIC REACTION ACT, by Representative T. Kiser, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Health and Human Services Committee reports a favorable recommendation on H.B. 268, HEALTH FACILITY COMMITTEE MEMBERSHIP, by Representative C. Herrod, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Health and Human Services Committee reports a favorable recommendation on H.B. 277, PANDEMIC PREPAREDNESS AMENDMENTS, by Representative B. Last, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

Mr. President: February 14, 2008

The Natural Resources, Agriculture, and Environment Committee recommends 1st Sub. H.B. 125, DEPARTMENT OF AGRICULTURE AND FOOD AMENDMENTS, by Representative K. Gibson, be replaced and favorably recommends 2nd Sub. H.B. 125, DEPARTMENT OF AGRICULTURE AND FOOD AMENDMENTS and that it be amended as follows, considered read for the second time, and placed on the Consent Calendar.

1. Page 1, Line 17:

    17 ▶ adds the {—executive—} director of the School and Trust Lands Administration to the

2. Page 4, Lines 104 through 105:
Mr. President:

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 288, 911 COMMITTEE, by Representative B. Dee, and recommends it be considered read for the second time and placed on the Consent Calendar.

Carlene M. Walker, Chair

On motion of Senator Killpack, the committee reports were adopted. S.B. 198, as amended, H.B. 101, H.B. 268, H.B. 277, 2nd Sub. H.B. 125, as amended, and H.B. 288 were considered read the second time and placed on the Consent Calendar.

* * *

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 S.B. 149, MOTOR VEHICLE LIABILITY POLICY MINIMUM LIMITS, and it was before the Senate. Senator Killpack explained the bill. The bill passed on the following roll call:

Yeas, 16; Nays, 13; Absent, 0.

Voting in the affirmative were: Senators

Bell
Dmitrich
Greiner
Niederhauser

Bramble
Eastman
Hillyard
Peterson

Buttars
Fife
Killpack
Stephenson

 Davis
Goodfellow
Mayne
Valentine

Voting in the negative were: Senators

Christensen
Jones
Romero
Walker

Dayton
Knudson
Stowell

Hickman
Madsen
Van Tassell

Jenkins
McCoy
Waddoups
S.B. 149 was transmitted to the House for consideration.

SECOND READING CALENDAR

H.B. 61, DESIGNATION OF STATE HIGHWAYS AMENDMENTS, was read the second time. Senator Walker explained the bill. Senator McCoy 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 Hickman

* * *

On motion of Senator Stowell, the circle was removed from 3rd Sub. S.B. 25, MUNICIPAL INCORPORATION AMENDMENTS, and it was before the Senate. Senator Stowell explained the bill.

Senator Christensen proposed the following amendment:

1. Page 2, Lines 37 through 39:

37 applies amendments made by this bill to {certain pending and all future} town
38 incorporation petitions filed on or after January 1, 2008 , {except for allowing} and allows petition sponsors under certain petitions
39 filed before {the effective date of this bill} January 1, 2008 to choose whether to have the initial town

2. Page 10, Lines 281 through 289:

281 (12) (a) This section applies to {→}
each petition to incorporate a town filed before the effective date of this section on or after January 1, 2008, if:

(A) the petition was not a qualifying petition under the law in effect at the time the petition was filed; and

(B) the petition has not been granted before the effective date of this section.

(ii) each petition to incorporate a town filed on or after the effective date of this section.

(b) (i) Subject to Subsection (12)(b)(ii), a petition filed before the effective date of this section January 1, 2008 that is a qualifying petition under the law in effect at the time the petition was filed is

Senator Christensen’s motion to amend failed on a voice vote. Senators Van Tassell, McCoy, and Killpack commented. Senator Hillyard declared a conflict of interest. The bill passed on the following roll call:

**Voting in the affirmative were:** Senators

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

**Voting in the negative was:** Senator

Romero

**Absent or not voting was:** Senator

Knudson

* * *

On motion of Senator Niederhauser, the circle was removed from 1st Sub. S.B. 38, TRANSPARENCY IN GOVERNMENT FINANCE, and it was before the Senate. Senator Niederhauser explained the bill.
On motion of Senator Niederhauser, the following substitute bill replaced the original bill:

**2nd Sub. S.B. 38 Transparency in Government Finance** (W. Niederhauser)

Senator Jenkins 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. H.B. 18, MATERIAL HARMFUL TO MINORS AMENDMENTS,** was read the second time.

On motion of Senator Peterson, the bill was circled.

* * *

On motion of Senator Hickman, **S.B. 81, ILLEGAL IMMIGRATION,** will be considered Tuesday, February 19, 2008 at 11:15 a.m.

* * *

**H.B. 30, VEHICLE CONCEALING ILLEGAL ITEMS,** was read the second time. Senator Bramble 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

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Jones  Knudson  Madsen  Mayne  
McCoy  Niederhauser  Peterson  Romero  
Stephenson  Stowell  Van Tassell  Walker  
Valentine  

Absent or not voting were: Senators  
Hickman  Hillyard  Killpack  Waddoups  

* * *  

H.B. 107, EMERGENCY MANAGEMENT ADMINISTRATIVE COUNCIL, 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  
Bell  Bramble  Buttars  Christensen  
Dayton  Dmitrich  Eastman  Fife  
Goodfellow  Greiner  Jenkins  Jones  
Knudson  Madsen  Mayne  McCoy  
Niederhauser  Peterson  Romero  Stephenson  
Stowell  Van Tassell  Walker  Valentine  

Absent or not voting were: Senators  
Davis  Hickman  Hillyard  Killpack  
Waddoups  

* * *  

H.B. 59, COMMUNITY AND ECONOMIC DEVELOPMENT TECHNICAL CHANGES, was read the second time. 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  
Bell  Bramble  Buttars  Christensen  
Dayton  Dmitrich  Eastman  Fife  
Goodfellow  Greiner  Jenkins  Jones  
Killpack  Knudson  Madsen  Mayne  
McCoy  Niederhauser  Peterson  Romero  
Stephenson  Stowell  Van Tassell  Walker  
Valentine
Absent or not voting were: Senators
Davis                Hickman          Hillyard          Waddoups

***

H.B. 64, DISCLOSURE OF INFORMATION BY THE DEPARTMENT OF WORKFORCE SERVICES, was read the second time. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:

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

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

Absent or not voting was: Senator
Hillyard

***

H.B. 270, UTAH SCIENCE TECHNOLOGY AND RESEARCH INITIATIVE CENTERS, was read the second time.

On motion of Senator Knudson, the bill was circled.

***

H.B. 42, WATER RIGHT APPLICATION FOR ELECTRICAL COOPERATIVE, was read the second time. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell                Bramble         Buttars          Christensen
Davis               Dayton          Dmitrich         Goodfellow
Greiner             Hickman         Jenkins          Jones
Killpack            Knudson         Madsen           Mayne
McCoy               Niederhauser   Peterson         Romero
Stephenson          Stowell         Van Tassell      Waddoups
Walker              Valentine
Absent or not voting were: Senators
Eastman  Fife  Hillyard

***

H.B. 132, WASTE TIRE RECYCLING AMENDMENTS, was read the second time. Senator Goodfellow explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Goodfellow
Greiner  Hickman  Jenkins  Jones
Killpack  Knudson  Madsen  Mayne
McCoy  Niederhauser  Peterson  Romero
Stephenson  Stowell  Van Tassell  Waddoups
Walker  Valentine

Absent or not voting were: Senators
Eastman  Fife  Hillyard

***

1st Sub. H.B. 62, CLEAN FUEL SPECIAL GROUP LICENSE PLATE AMENDMENTS, was read the second time. Senator Walker explained the bill. The bill passed second reading on the following roll call:

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

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

Absent or not voting was: Senator
Hillyard
H.B. 12, CONTROLLED SUBSTANCES AND PARAPHERNALIA, was read the second time. Senator Greiner 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
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Eastman
Fife  Goodfellow  Greiner  Hickman
Jenkins  Jones  Killpack  Knudson
Mayne  McCoy  Niederhauser  Peterson
Romero  Stephenson  Stowell  Waddoups
Walker  Valentine

Absent or not voting were: Senators
Hillyard  Madsen  Van Tassell

H.B. 272, FALSE IMPERSONATION AND REPRESENTATION, was read the second time. Senator Greiner explained the bill. Senators Valentine and McCoy commented. The bill passed second reading on the following roll call:

Y eas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators
Bell  Bramble  Christensen  Davis
Dayton  Eastman  Fife  Goodfellow
Greiner  Hillyard  Jenkins  Jones
Killpack  Knudson  Mayne  McCoy
Niederhauser  Peterson  Romero  Stephenson
Stowell  Waddoups  Walker  Valentine

Absent or not voting were: Senators
Buttars  Dmitrich  Hickman  Madsen
Van Tassell

H.B. 38, EDUCATION AND OUTREACH REGARDING SUBSTANCES HARMFUL DURING PREGNANCY, was read the second time. Senator Walker
explained the bill. Senator Dayton commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Voting in the negative were:** Senators

Dayton    Peterson

**Absent or not voting were:** Senators

Bramble Buttars Dmitrich    Hickman

On motion of Senator Knudson, **H.B. 38** was placed on Third Reading Table due to fiscal impact.

* * *

**2nd Sub. H.B. 47,** STANDARDS FOR ELECTRONIC EXCHANGE OF CLINICAL HEALTH INFORMATION, was read the second time.

On motion of Senator Knudson, the bill was circled.

* * *

**H.B. 67,** EXTENDED YEAR FOR SPECIAL EDUCATORS, was read the second time.

On motion of Senator Hillyard, the bill was circled.

* * *

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

The Senate was called to order at 4:20 p.m., with President Valentine presiding.

* * *

On motion of Senator Hillyard, the circle was removed from **H.B. 67,** EXTENDED YEAR FOR SPECIAL EDUCATORS, and it was before the Senate.
Senator Hillyard 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

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**Absent or not voting were:** Senators

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On motion of Senator Hillyard, **H.B. 67** was placed on Third Reading Table due to fiscal impact.

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On motion of Senator Hillyard, the circle was removed from **H.B. 270, UTAH SCIENCE TECHNOLOGY AND RESEARCH INITIATIVE CENTERS**, and it was before the Senate. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Voting in the negative was:** Senator

Romero

**Absent or not voting were:** Senators

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On motion of Senator Knudson, **H.B. 270** was placed on Third Reading Table due to fiscal impact.

***

On motion of Senator Knudson, the circle was removed from **2nd Sub. H.B. 47, STANDARDS FOR ELECTRONIC EXCHANGE OF CLINICAL HEALTH INFORMATION**, and it was before the Senate. Senator Knudson explained the bill. Senator Jones commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell  
Dayton  
Goodfellow  
Jenkins  
Mayne  
Romero  
Waddoups  

Bramble  
Dmitrich  
Greiner  
Jones  
McCoy  
Stephenson  
Walker  

Christensen  
Eastman  
Hickman  
Knudson  
Niederhauser  
Stowell  
Valentine  

Davis  
Fife  
Hillyard  
Madsen  
Peterson  
Van Tassell  

**Absent or not voting were:** Senators

Buttars  
Killpack  

**H.B. 81, TASK FORCE TO STUDY PERFORMANCE INCENTIVES FOR TEACHERS**, was read the second time. Senator Stephenson explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell  
Dayton  
Greiner  
Jones  
Mayne  
Romero  
Waddoups  

Bramble  
Dmitrich  
Hickman  
Killpack  
McCoy  
Stephenson  
Walker  

Christensen  
Eastman  
Hillyard  
Knudson  
Niederhauser  
Stowell  
Valentine  

Davis  
Goodfellow  
Jenkins  
Madsen  
Peterson  
Van Tassell  

**Absent or not voting were:** Senators

Buttars  
Fife
On motion of Senator Knudson, **H.B. 81** was placed on Third Reading Table due to fiscal impact.

* * *

**H.B. 248**, AMENDMENTS TO SALES AND USE TAX EXEMPTION FOR CERTAIN PROPERTY INCORPORATED INTO REAL PROPERTY, was read the second time. Senator Niederhauser explained the bill. Senator Greiner 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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On motion of Senator Knudson, **H.B. 248** was placed on Third Reading Table due to fiscal impact.

* * *

**1st Sub. H.B. 135**, GRANTS FROM DEPARTMENT OF COMMUNITY AND CULTURE, was read the second time.

On motion of Senator Eastman, the bill was circled.

* * *

**H.B. 50**, UNDERGROUND STORAGE TANK AMENDMENTS, was read the second time. Senator Niederhauser 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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<td>Greiner</td>
<td>Hickman</td>
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Hillyard  Jenkins  Jones  Killpack
Knudson  Madsen  Mayne  McCoy
Niederhauser  Peterson  Romero  Stowell
Waddoups  Walker  Valentine

Absent or not voting were: Senators
Stephenson  Van Tassell

* * *

H.B. 291, OFF−HIGHWAY VEHICLE AMENDMENTS, was read the second time. Senator Dmitrich explained the bill. Senator Valentine and Greiner commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Buttars  Christensen  Davis
Dayton  Dmitrich  Eastman  Fife
Goodfellow  Greiner  Hickman  Hillyard
Jenkins  Jones  Killpack  Knudson
Madsen  Mayne  McCoy  Niederhauser
Peterson  Romero  Stowell  Waddoups
Walker  Valentine

Absent or not voting were: Senators
Bramble  Stephenson  Van Tassell

* * *

H.B. 28, HONORING HEROES SPECIAL GROUP LICENSE PLATE, was read the second time. Senator Walker explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Eastman
Fife  Goodfellow  Greiner  Hickman
Hillyard  Jenkins  Jones  Killpack
Knudson  Mayne  McCoy  Niederhauser
Peterson  Romero  Stowell  Waddoups
Walker  Valentine
Absent or not voting were: Senators
Madsen  Stephenson  Van Tassell

* * *

H.B. 275, VEHICLE TOWING REQUIREMENTS, was read the second time. Senator Goodfellow explained the bill. Senators Hickman and Greiner commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Fife
Goodfellow  Greiner  Hillyard  Jenkins
Jones  Killpack  Knudson  Mayne
McCoy  Niederhauser  Romero  Stowell
Van Tassell  Walker  Valentine

Voting in the negative was: Senator
Waddoups

Absent or not voting were: Senators
Eastman  Hickman  Madsen  Peterson
Stephenson

* * *

H.B. 86, FUNDING OF INMATE POSTSECONDARY EDUCATION, was read the second time. Senator Hillyard explained the bill. Senator Greiner commented. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 4; Absent, 4.

Voting in the affirmative were: Senators
Bell  Buttars  Christensen  Davis
Dmitrich  Fife  Goodfellow  Hickman
Hillyard  Jenkins  Jones  Killpack
Knudson  Mayne  McCoy  Niederhauser
Romero  Stowell  Van Tassell  Waddoups
Walker

Voting in the negative were: Senators
Dayton  Greiner  Peterson  Valentine
Absent or not voting were: Senators
Bramble  Eastman  Madsen  Stephenson

On motion of Senator Knudson, **H.B. 86** was placed on Third Reading Table due to fiscal impact.

* * *

**H.B. 234**, KINDERGARTEN ASSESSMENT AMENDMENTS, was read the second time. Senator Jones 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
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Fife
Goodfellow  Greiner  Hickman  Hillyard
Jenkins  Jones  Killpack  Knudson
Mayne  McCoy  Niederhauser  Peterson
Romero  Stowell  Van Tassell  Waddoups
Walker  Valentine

Absent or not voting were: Senators
Eastman  Madsen  Stephenson

* * *

On motion of Senator Bramble and at 5:00 p.m., the Senate adjourned until 10:00 a.m., Friday, February 15, 2008.
TWENTY-SIXTH DAY
MORNING SESSION
FEBRUARY 15, 2008

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

Prayer – Gene Shawcroft, Central Water Conservation District
Pledge of Allegiance – Senator Karen Mayne
Roll Call – 28 Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(Please refer to Day 1, Page 64)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 14, 2008

The House passed, S.B. 130, UTILITY IMPROVEMENT DISTRICT REVISIONS, by Senator K. Van Tassell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, 1st Sub. S.B. 137, MINERAL PRODUCTION TAX WITHHOLDING AMENDMENTS, by Senator W. Niederhauser, 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.C.R. 1, RESOLUTION SUPPORTING OBESITY AWARENESS, by Senator D. C. Buttars, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 130, 1st Sub. S.B. 137, and S.C.R. 1 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 14, 2008

The House passed, as substituted, 1st Sub. H.B. 58, SEVERANCE TAX AMENDMENTS, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed, as amended, H.B. 69, REPEAL OF BOARD LEEWAY FOR READING IMPROVEMENT, by Representative J. Dougall, and it is transmitted for consideration; and
The House passed **H.B. 80**, ADMINISTRATIVE RULE PENALTY AMENDMENTS, by Representative B. Ferry, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 96**, RETIRED TEACHERS − RETURN TO WORK, by Representative D. Bowman, et al, and it is transmitted for consideration; and

The House passed, as substituted, **3rd Sub. H.B. 131**, COMMUNITY BASED SELF SUFFICIENCY GRANTS, by Representative J. Seelig, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 137**, STATE FACILITY WATER CONSERVATION PROGRAM, by Representative L. Wiley, et al, and it is transmitted for consideration; and

The House passed **H.B. 142**, ABSENTEE BALLOT AMENDMENTS, by Representative J. Mathis, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 153**, IMPACT FEES AMENDMENTS, by Representative M. Morley, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 177**, COUNTY AND MUNICIPAL LAND USE REGULATION OF POTENTIAL GEOLOGIC HAZARD AREAS, by Representative M. Morley, and it is transmitted for consideration; and


Sandy D. Tenney, Chief Clerk


* * *

Mr. President: February 14, 2008

The House substituted and passed, **1st Sub. S.B. 11**, UTAH VENTURE CAPITAL ENHANCEMENT ACT AMENDMENTS, by Senator S. Jenkins, et al, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.
INTRODUCTION OF BILLS

S.B. 221, Capital Development and Improvement Amendments (L. Hillyard), read the first time by short title and referred to the Rules Committee.

S.B. 228, Regulation of Wells (M. Dayton), read the first time by short title and referred to the Rules Committee.

S.B. 238, Aquatic Invasive Species Interdiction Act (J. Greiner), read the first time by short title and referred to the Rules Committee.

S.B. 251, Task Force Studying Funding for Fighting Forest Fires (D. Stowell), read the first time by short title and referred to the Rules Committee.

S.R. 4, Senate Resolution Regarding Trade with Taiwan (C. Bramble), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

S.B. 88, UNIFORM MODEL REGISTERED AGENT 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
Bell
Dmitrich
Greiner
Jones
Mayne
Stowell
Valentine

Christensen
Eastman
Hickman
Killpack
Niederhauser
Van Tassell

Davis
Fife
Hillyard
Knudson
Romero
Waddoups

Dayton
Goodfellow
Jenkins
Madsen
Stephenson
Walker

Absent or not voting were: Senators
Bramble
Buttars
McCoy
Peterson

S.B. 88 was transmitted to the House for consideration.

* * *

H.B. 265, OFFICE OF RECOVERY SERVICES – ELECTRONIC FUNDS TRANSFER, was read the third time, explained by Senator Walker, and passed on the following roll call:
Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators
Bell Christensen Davis Dayton
Dmitrich Eastman Fife Goodfellow
Greiner Hickman Hillyard Jenkins
Jones Killpack Knudson Madsen
Mayne Niederhauser Peterson Romero
Stephenson Stowell Van Tassell Waddoups
Walker Valentine

Absent or not voting were: Senators
Bramble Buttars McCoy

H.B. 265 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.J.R. 5, JOINT RESOLUTION URGING SUPPORT OF MEDICAID LONG-TERM CARE FUNDING OF HOME AND COMMUNITY-BASED SUPPORTS, 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
Bell Christensen Davis Dayton
Dmitrich Eastman Fife Hickman
Hillyard Jenkins Jones Killpack
Knudson Madsen Mayne McCoy
Niederhauser Peterson Romero Stephenson
Stowell Van Tassell Waddoups Walker
Valentine

Absent or not voting were: Senators
Bramble Buttars Goodfellow Greiner

H.J.R. 5 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 44, DECLARATION OF CANDIDACY REVISIONS, was read the third time, explained by Senator Knudson, and passed on the following roll call:
Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators
Bell Christensen Davis Dayton
Dmitrich Eastman Fife Goodfellow
Greiner Hickman Hillyard Jenkins
Jones Killpack Knudson Madsen
Mayne McCoy Niederhauser Peterson
Romero Stephenson Stowell Waddoups
Walker Valentine

Absent or not voting were: Senators
Bramble Buttars Van Tassell

H.B. 44 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

H.B. 57, TRANSPORTATION ADMINISTRATIVE RULES – CRIMINAL AND CIVIL PENALTY 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
Bell Christensen Davis Dayton
Dmitrich Eastman Fife Goodfellow
Greiner Hickman Hillyard Jenkins
Jones Killpack Knudson Madsen
Mayne McCoy Niederhauser Peterson
Romero Stephenson Stowell Waddoups
Walker Valentine

Absent or not voting were: Senators
Bramble Buttars Van Tassell

H.B. 57 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 61, DESIGNATION OF STATE HIGHWAYS AMENDMENTS, was read the third time and explained by Senator Walker. Senators Fife and Davis commented and the bill passed on the following roll call:
Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators
Bell Christensen Davis Dayton
Dmitrich Eastman Fife Goodfellow
Greiner Hillyard Jenkins Jones
Killpack Knudson Madsen Mayne
Niederhauser Peterson Romero Stephenson
Stowell Van Tassell Waddoups Walker
Valentine

Absent or not voting were: Senators
Bramble Buttars Hickman McCoy

H.B. 61 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

3rd Sub. S.B. 25, MUNICIPAL INCORPORATION AMENDMENTS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators
Bell Christensen Davis Dayton
Dmitrich Eastman Fife Goodfellow
Greiner Hickman Hillyard Jenkins
Jones Killpack Knudson Madsen Mayne
Stephenson Stowell Van Tassell Waddoups
Walker Valentine

Voting in the negative was: Senator
Romero

Absent or not voting were: Senators
Bramble Buttars

3rd Sub. S.B. 25 was transmitted to the House for consideration. Senator Hillyard declared a conflict of interest.
2nd Sub. S.B. 38, TRANSPARENCY IN GOVERNMENT FINANCE, was read the third time and explained by Senator Niederhauser. Senator Mayne commented and the bill passed on the following roll call:

Yeas, 19; Nays, 6; Absent, 4.

Voting in the affirmative were: Senators
Bell  Christensen  Dayton  Fife
Goodfellow  Hickman  Hillyard  Jones
Knudson  Madsen  Mayne  McCoy
Niederhauser  Peterson  Romero  Stephenson
Van Tassell  Waddoups  Walker

Voting in the negative were: Senators
Davis  Dmitrich  Eastman  Greiner
Killpack  Stowell

Absent or not voting were: Senators
Bramble  Buttars  Jenkins  Valentine

2nd Sub. S.B 38 was transmitted to the House for consideration.

COMMUNICATION FROM THE GOVERNOR

ADVISE AND CONSENT

Mr. President: January 31, 2008

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

Board of Pardons and Parole
Jesse Gallegos is reappointed as a member of the Board of Pardons and Parole, a term to expire February 28, 2013. See Utah Code Ann. 77−27−2.

Crime Victims Reparations Board
Chet Loftis is appointed to replace Brian Miller as a member of the Crime Victims Reparations Board, a term to expire April 15, 2011. See Utah Code Ann. 63−25a−404 UCA.

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

Jon M. Huntsman Jr., Governor

Senator Hillyard moved to consent to the governor’s appointments. The motion passed on the following roll call:
Yeas, 24; Nays, 0; Absent, 5.

Voting in the affirmative were: Senators
Bell Christensen Davis Dayton
Dmitrich Eastman Fife Goodfellow
Greiner Hickman Hillyard Jones
Killpack Knudson Mayne McCoy
Niederhauser Peterson Romero Stephenson
Stowell Van Tassell Waddoups Walker

Absent or not voting were: Senators
Bramble Buttars Jenkins Madsen
Valentine

COMMITTEE OF THE WHOLE

On motion of Senator Hillyard, Jesse Gallegos spoke in Committee of the Whole.

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

TIME CERTAIN

Senator Christensen read a citation honoring fallen soldiers from Utah. Senators Valentine, Peterson, Dayton, Jones, Knudson, and Eastman commented.

* * *

On motion of Senator Walker, the Senate voted to move to Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Walker, the circle was removed from 2nd Sub. S.B 20, MUNICIPAL GOVERNMENT AMENDMENTS, and it was before the Senate.

On motion of Senator Walker, 2nd Sub. S.B. 20, MUNICIPAL GOVERNMENT AMENDMENTS, will be considered Friday, February 15, 2008 at 2:00 p.m.

* * *

On motion of Senator Bramble, the Senate voted to move to the Concurrence Calendar.
CONCURRENCE CALENDAR

On motion of Senator Jenkins, the Senate voted to concur in the House amendments to 2nd Sub. S.B. 144, PARAMETERS ON GOVERNOR’S ABILITY TO ENTER AGREEMENTS BINDING THE STATE. Senators Bell and McCoy commented. The bill, as amended, passed on the following roll call:

**Yeas, 21; Nays, 7; Absent, 1.**

**Voting in the affirmative were:** Senators

Bell    Bramble    Christensen    Dayton
Dmitrich    Eastman    Greiner    Hickman
Hillyard    Jenkins    Killpack    Knudson
Madsen    Niederhauser    Peterson    Stephenson
Stowell    Van Tassell    Waddoups    Walker
Valentine

**Voting in the negative were:** Senators

Davis    Fife    Goodfellow    Jones
Mayne    McCoy    Romero

**Absent or not voting was:** Senator

Buttars

2nd Sub. S.B. 144 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Jones, the Senate voted to concur in the House amendments to 1st Sub. S.B. 44, PENALTIES FOR FAILING TO SECURE A LOAD OR LITTERING ON A HIGHWAY. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell    Christensen    Davis    Dayton
Dmitrich    Eastman    Fife    Goodfellow
Greiner    Hickman    Hillyard    Jenkins
Jones    Killpack    Knudson    Mayne
McCoy    Niederhauser    Peterson    Romero
Stephenson    Stowell    Van Tassell    Waddoups
Walker    Valentine
Absent or not voting were: Senators
Bramble    Butters    Madsen

1st Sub. S.B. 44 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

H.B. 30, VEHICLE CONCEALING ILLEGAL ITEMS, was read the third time.

On motion of Senator Christensen, the bill was circled.

***

H.B. 107, EMERGENCY MANAGEMENT ADMINISTRATIVE COUNCIL, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell    Bramble    Christensen    Davis
Dayton   Dmitrich    Eastman    Fife
Goodfellow    Greiner    Hickman    Hillyard
Jenkins    Jones    Knudson    Madsen
Mayne    McCoy    Niederhauser    Peterson
Romero    Stephenson    Stowell    Van Tassell
Waddoups    Walker    Valentine

Absent or not voting were: Senators
Butters    Killpack

H.B. 107 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Bell, the Senate voted to lift H.B. 22, EXPEDITED PARENT–TIME ENFORCEMENT, from the Third Reading Table and place it at the top of the Third Reading Calendar.

H.B. 22, EXPEDITED PARENT–TIME ENFORCEMENT, was read the third time.
On motion of Senator Bell, the following substitute bill replaced the original bill:

1st Sub. H.B. 22 Expedited Parent−Time Enforcement (J. Fisher)

On motion of Senator Knudson, 1st Sub. H.B. 22 was placed on Third Reading Table due to fiscal impact.

* * *

H.B. 59. COMMUNITY AND ECONOMIC DEVELOPMENT TECHNICAL CHANGES, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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Absent or not voting was: Senator Buttars

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.

* * *

On motion of Senator Bramble, the circle was removed from H.B. 30, VEHICLE CONCEALING ILLEGAL ITEMS, and it was before the Senate.

Senator Christensen proposed the following amendment:

1. Page 1, Line 11

   11 This bill modifies the Criminal Code to provide that altering a
   
   {motor} vehicle to

2. Page 1, Line 15:
provides that modifying any motor vehicle to facilitate the illegal transportation,

provides that possession of a motor vehicle modified to facilitate concealing

(B) that is within a motor vehicle or attached to a motor vehicle.

(B) original factory equipment of a motor vehicle that is modified, altered, or changed

added to the existing structure of a motor vehicle.

(c) “Motor vehicle” has the same meaning as in Section 41–6a–102.

(d) “Semitrailer” has the same meaning as in Section 41–6a–102.

(e) “Trailer” has the same meaning as in Section 41–1a–102.

(f) “Vehicle” means a motor vehicle, a trailer, and a semitrailer.

or control a motor vehicle

(a) designing, constructing, building, altering, or fabricating a compartment for a motor vehicle

or control a motor vehicle

(a) designing, constructing, building, altering, or fabricating a compartment for a motor vehicle
(b) installing or creating a compartment in a vehicle; or
(c) attaching a compartment to a vehicle.

11. Page 7, Line 195
House Floor Amendments 1–23–2008:

Statement if the person possesses, uses, or controls a vehicle that has a compartment.

Senator Christensen’s motion to amend passed on a voice vote. Senator Jenkins commented and the bill passed on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators
Bell, Bramble, Christensen, Davis
Dayton, Dmitrich, Eastman, Fife
Goodfellow, Greiner, Hickman, Jenkins
Jones, Killpack, Knudsen, Madsen
Mayne, McCoy, Niederhauser, Peterson
Romero, Stowell, Van Tassell, Waddoups
Walker, Valentine

Voting in the negative was: Senator Stephenson

Absent or not voting were: Senators
Buttars, Hillyard

H.B. 30, as amended, was returned to the House for further consideration.

* * *

H.B. 64, DISCLOSURE OF INFORMATION BY THE DEPARTMENT OF WORKFORCE SERVICES, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell, Bramble, Christensen, Dayton
Dmitrich, Eastman, Fife, Goodfellow
Greiner      Hickman      Hillyard       Jenkins
Jones        Killpack     Knudson       Madsen
Mayne        McCoy        Niederhauser  Peterson
Romero       Stephenson   Stowell       Van Tassell
Waddoups     Walker       Valentine

Absent or not voting were: Senators
Buttars       Davis

**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. 42**, WATER RIGHT APPLICATION FOR ELECTRICAL COOPERATIVE, was read the third time and explained by Senator Van Tassell.

Senator Van Tassell proposed the following amendment:

1.   Page 3, Lines 74 through 75

74   (i) (i)  \{-If-\} The state engineer shall approve the extension of time if the applicant shows reasonable and due diligence
75   \{-is shown by the applicant, the state engineer shall approve the extension of time\} .

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

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

Voting in the affirmative were: Senators
Bell         Bramble       Christensen   Davis
Dayton       Dmitrich      Eastman      Fife
Goodfellow   Greiner       Hickman     Jenkins
Jones        Killpack      Knudson      Madsen
Mayne        McCoy         Niederhauser Peterson
Romero       Stephenson    Stowell      Van Tassell
Waddoups     Walker        Valentine

Absent or not voting were: Senators
Buttars       Hillyard

**H.B. 42**, as amended, was returned to the House for further consideration.
H.B. 132, WASTE TIRE RECYCLING AMENDMENTS, was read the third time, explained by Senator Goodfellow, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell
Bramble
Christensen
Davis
Dayton
Dmitrich
Eastman
Fife
Goodfellow
Greiner
Hillyard
Jenkins
Jones
Killpack
Knudson
Madsen
Mayne
McCoy
Niederhauser
Peterson
Romero
Stephenson
Stowell
Van Tassell
Waddoups
Walker
Valentine

**Absent or not voting were:** Senators
Buttars
Hickman

H.B. 132 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

1st Sub. H.B. 62, CLEAN FUEL SPECIAL GROUP LICENSE PLATE AMENDMENTS, 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
Bell
Bramble
Christensen
Davis
Dayton
Dmitrich
Eastman
Fife
Goodfellow
Greiner
Hillyard
Jenkins
Jones
Killpack
Knudson
Madsen
Mayne
McCoy
Niederhauser
Peterson
Romero
Stephenson
Stowell
Van Tassell
Waddoups
Walker
Valentine

**Absent or not voting were:** Senators
Buttars
Hickman

1st Sub. H.B. 62, as amended, was returned to the House for further consideration.
* * *

**H.B. 12, CONTROLLED SUBSTANCES AND PARAPHERNALIA**, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**H.B. 12** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

**1st Sub. H.B. 272, FALSE IMPERSONATION AND REPRESENTATION**, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**1st Sub. H.B. 272**, as amended, was returned to the House for further consideration.
2nd Sub. H.B. 47, STANDARDS FOR ELECTRONIC EXCHANGE OF CLINICAL HEALTH INFORMATION, 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
Bell  Bramble  Davis  Dayton  
Dmitrich  Eastman  Fife  Goodfellow  
Greiner  Hillyard  Jenkins  Jones  
Killpack  Knudson  Madsen  Mayne  
McCoy  Niederhauser  Peterson  Romero  
Stephenson  Stowell  Waddoups  Walker  
Valentine

**Absent or not voting were:** Senators
Buttars  Christensen  Hickman  Van Tassell

2nd Sub. H.B. 47, as amended, was returned to the House for further consideration.

* * *

H.B. 50, UNDERGROUND STORAGE TANK AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell  Bramble  Davis  Dayton  
Dmitrich  Eastman  Fife  Goodfellow  
Greiner  Hickman  Hillyard  Jenkins  
Jones  Killpack  Knudson  Madsen  
Mayne  McCoy  Niederhauser  Peterson  
Romero  Stephenson  Stowell  Waddoups  
Walker  Valentine

**Absent or not voting were:** Senators
Buttars  Christensen  Van Tassell

H.B. 50 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
H.B. 291, OFF−HIGHWAY VEHICLE AMENDMENTS was read the third time, explained by Senator Dmitrich, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell	Bramble	Christensen	Davis
Dayton	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stowell	Van Tassell
Waddoups	Walker	Valentine

**Absent or not voting were:** Senators
Buttars	Stephenson

H.B. 291 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**H.B. 28, HONORING HEROES SPECIAL GROUP LICENSE PLATE, was read the third time, explained by Senator Walker, and passed on the following roll call:**

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

**Voting in the affirmative were:** Senators
Bell	Bramble	Christensen	Davis
Dayton	Eastman	Fife	Goodfellow
Greiner	Hickman	Jenkins	Jones
Killpack	Knudson	Madsen	Mayne
McCoy	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine

**Absent or not voting were:** Senators
Buttars	Dmitrich	Hillyard

H.B. 28 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, VEHICLE TOWING REQUIREMENTS,** was read the third time and explained by Senator Goodfellow.

On motion of Senator Goodfellow, the bill was circled.

***

On motion of Senator Bramble, 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 15, 2008

The House concurred in the Senate amendments and passed **H.B. 68,** EDUCATOR RELICENSURE INITIATIVE, by Representative R. Menlove, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 245,** ADMINISTRATION OF MEDICATION TO STUDENTS AMENDMENTS, by Representative R. Lockhart, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

**H.B. 68** and **H.B. 245** were signed by the President of the Senate in open session and returned to the House for signature of the Speaker.

***

Mr. President:  
February 15, 2008

The House passed, as substituted and amended, **2nd Sub. H.B. 75,** INVENTORY AND REVIEW OF COMMERCIAL ACTIVITIES, by Representative C. Frank, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 148,** AQUACULTURE REVITALIZATION ACT, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 151,** MOTOR VEHICLE REVISIONS, by Representative S. Urquhart, and it is transmitted for consideration; and
The House passed, as substituted, **2nd Sub. H.B. 166**, MINUTES OF OPEN AND PUBLIC MEETINGS, by Representative M. Brown, and it is transmitted for consideration; and

The House passed **H.B. 172**, DISTRIBUTION OF LOCAL OPTION SALES AND USE TAX REVENUES, by Representative B. Dee, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 323**, EMINENT DOMAIN AMENDMENTS, by Representative A. Tilton, and it is transmitted for consideration; and

The House passed, as substituted, **2nd Sub. H.B. 346**, DIVISION OF REAL ESTATE RELATED AMENDMENTS, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 351**, INDIVIDUAL INCOME TAX – HEALTH INSURANCE, by Representative J. Dunnigan, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk


**RULES COMMITTEE REPORTS**

To the Members of the Senate: February 15, 2008

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

**Business and labor Committee**

**S.B. 222** Division of Real Estate Licensing and Presence in the United States (Sen. M. Dayton)


**H.B. 184** Construction Amendments (Rep. M. Morley) (Sen. S. Jenkins)

**Government Operations and Political Subdivisions Committee**

Health and Human Services Committee
S.B. 255 Hospital Lien (Sen. D. Peterson)
1st Sub. H.B. 326 Children’s Health Insurance Program – Open Enrollment
(Rep. G. Curtis) (Sen. J. Valentine)

Judiciary, Law Enforcement, and Criminal Justice Committee
H.B. 178 Jurisdiction for Prosecution (Rep. P. Neuenschwander)
(Sen. K. VanTassell)
H.B. 377 Code of Criminal Procedure Amendments
(Rep. R. Lockhart) (Sen. C. Bramble)

Natural Resources, Agriculture and Environment Committee
S.B. 90 Payment in Lieu of Property Taxes Act (Sen. G. Davis)
S.B. 224 Coal Mine Safety Act (Sen. M. Dmitrich)
S.B. 269 Water Rights – Ombudsman (Sen. D. Stowell)

Revenue and Taxation Committee
S.B. 217 Property Tax Deferrals, Abatements, and Relief Limitations (Sen. D. Stowell)
H.B. 106 Clean Air and Efficient Vehicle Tax Incentives
(Rep. R. McGee) (Sen. G. Bell)

Transportation, Public Utilities and Technology Committee
1st Sub. H.B. 72 Motorcycle License and Endorsement Amendments
(Rep. P. Neuenschwander) (Sen. J. Greiner)
(Sen. S. Jenkins)

Workforce Services and Community and Economic Development Committee
S.B. 264 Development Around Military Installations
(Sen. S. Killpack)

Bill Hickman
Rules Committee Chair

Report filed. On motion of Senator Bramble, the committee report was adopted.
INTRODUCTION OF BILLS

S.R. 3, Senate Resolution Petitioning Congress to Address the Illegal Immigration Crisis (M. Madsen), read the first time by short title and referred to the Rules Committee.

TIME CERTAIN CALENDAR

2nd Sub. S.B. 20, MUNICIPAL GOVERNMENT AMENDMENTS, was before the Senate.

On motion of Senator Walker, the bill was circled.

SECOND READING CALENDAR

On motion of Senator Peterson, the circle was removed from 1st Sub. H.B. 18, MATERIAL HARMFUL TO MINORS AMENDMENTS, and it was before the Senate. Senator Peterson explained the bill.

Senator Peterson proposed the following amendment:

1. Page 1, Line 17

17 by removing “age verification mechanism” as a form of restriction;
   ► amends the definition of “service provider” to include only Internet service providers;
   ► allows a provider to comply with the requirement to provide filtering for users by referring users to a third party that provides filtering software; and

2. Page 4, Line 98:

98 minor, the person intentionally {or knowingly} :

3. Page 4, Line 117:

117 76–10–1230 , a provider of an electronic communications service as defined in 18 U.S.C. 2510, a telecommunications service, information service, or mobile service as defined in 47 U.S.C. 153 , including a commercial mobile service as defined in 47 U.S.C. 332(d), or a cable operator as defined in 47 U.S.C. 522 , if:

4. Page 5, Line 119:

119 only incidentally through the {Internet service—} provider’s function of:
5. Page 5, Line 122:

122 (B) the Internet service provider does not intentionally aid or abet in the distribution of

6. Page 5, Lines 124 through 125:

124 (C) the Internet service provider does not knowingly receive funds from or through a person who distributes the pornographic material in exchange for a fee greater than the fee generally charged by the provider, as a specific condition for permitting the person to

7. Page 5, Lines 134 through 135:

134 (C) the hosting company does not knowingly receive funds from or through a person who distributes the pornographic material in exchange for a fee greater than the fee generally charged by the provider, as a specific condition for permitting the person to distribute,

8. Page 5, Lines 137 through 138:

137 (4) (a) A service provider, as defined in Section 76–10–1230, is not negligent under this section if it complies with Section 76–10–1231.

9. Page 6, Lines 175 through 178:

175 (7) (a) Except as provided in Subsection (7)(b), “service provider” means an Internet service provider or a person who otherwise provides an Internet access service to a consumer in Utah with the intent of making a profit.

10. Page 7, Lines 202 through 203:

202 (ii) providing software, engaging a third party to provide software, or referring users to a third party that provides filtering software, by providing a clear and conspicuous hyperlink or written statement, for
installation on the consumer’s computer that blocks, in an easy-to-enable and
Senator Peterson’s motion to amend passed on a voice vote.

On motion of Senator Peterson, the bill was circled.

THIRD READING CALENDAR

H.B. 234, KINDERGARTEN ASSESSMENT AMENDMENTS, was read the third time, explained by Senator Jones, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Christensen  Davis
Dayton  Dmitrich  Eastman  Fife
Goodfellow  Greiner  Hillyard  Jenkins
Jones  Killpack  Knudson  Madsen
Mayne  McCoy  Niederhauser  Peterson
Romero  Stephenson  Stowell  Van Tassell
Waddoups  Walker  Valentine

Absent or not voting were: Senators
Buttars  Hickman

H.B. 234 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Eastman, the circle was removed from 1st Sub. H.B. 135, GRANTS FROM DEPARTMENT OF COMMUNITY AND CULTURE, and it was before the Senate. Senator Eastman explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bramble  Christensen  Davis  Dayton
Dmitrich  Eastman  Fife  Goodfellow
Greiner  Hillyard  Jenkins  Jones
Killpack  Knudson  Mayne  McCoy
Niederhauser  Peterson  Romero  Stephenson
Stowell  Van Tassell  Waddoups  Walker
Valentine
Voting in the negative was: Senator Madsen

Absent or not voting were: Senators Bell Buttars Hickman

On motion of Senator Hillyard, 1st Sub. H.B. 135 was placed on Third Reading Table due to fiscal impact.

***

On motion of Senator Stowell, the circle was removed from S.B. 168, HIGHWAY FUNDING AMENDMENTS, and it was before the Senate. Senator Stowell explained the bill.

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

1st Sub. S.B. 168 Highway Funding Amendments (D. Stowell)

On motion of Senator Stowell, the bill was circled.

***

On motion of Senator Walker, the circle was removed from 2nd Sub. S.B. 20, MUNICIPAL GOVERNMENT AMENDMENTS, and it was before the Senate. Senator Walker explained the bill.

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

3rd Sub. S.B. 20 Municipal Government Amendments (C. Walker)

Senator Stephenson, Stowell, Madsen, Jenkins, and Knudson commented. The bill passed second reading on the following roll call:

Yeas, 21; Nays, 3; Absent, 5.

Voting in the affirmative were: Senators

Bell Dmitrich Hillyard Knudson Peterson Walker
Christensen Fife Jenkins Mayne Romero
Davis Greiner Jones McCoy Stephenson
Dayton Hickman Jones Niederhauser Waddoups

Page 536
SENATE JOURNAL
Day 26
Voting in the negative were: Senators
Goodfellow  Madsen  Stowell

Absent or not voting were: Senators
Bramble  Buttars  Eastman  Van Tassell
Valentine

* * *

S.B. 176, UNEMPLOYMENT INSURANCE CONTRIBUTION RATES AMENDMENTS, was read the second time.

On motion of Senator Stephenson, the bill was circled.

* * *

S.B. 70, EMOTIONAL SUPPORT ANIMALS, was read the second time. Senator McCoy explained the bill.

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

1st Sub. S.B. 70 Emotional Support Animals (S. McCoy)

Senators Dayton and Hillyard commented. The bill passed second reading on the following roll call:

Yeas, 19; Nays, 1; Absent, 9.

Voting in the affirmative were: Senators
Davis  Dmitrich  Fife  Goodfellow
Greiner  Hickman  Hillyard  Jenkins
Jones  Killpack  Madsen  Mayne
McCoy  Peterson  Romero  Stephenson
Stowell  Van Tassell  Waddoups

Voting in the negative was: Senator Dayton

Absent or not voting were: Senators
Bell  Bramble  Buttars  Christensen
Eastman  Knudson  Niederhauser  Walker
Valentine
COMMUNICATIONS FROM THE HOUSE

Mr. President: February 15, 2008

The Speaker of the House has signed **1st Sub. S.B. 44**, PENALTIES FOR Failing to Secure a Load or Littering on a Highway, by Senator P. Jones, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **2nd Sub. S.B. 144**, Parameters on Governor’s Ability to Enter Agreements Binding the State, by Senator S. Jenkins, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

**1st Sub. S.B. 44** and **2nd Sub. S.B. 144** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

INTRODUCTION OF BILLS

**S.B. 277, Post–conviction Remedies Act Revisions** (G. Bell), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Bramble and at 3:15 p.m., the Senate adjourned until 10:00 a.m., Monday, February 18, 2008.
TWENTY−NINTH DAY
MORNING SESSION
FEBRUARY 18, 2008

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

Prayer – Chaplain Dan Hornok
Pledge of Allegiance – Staff Sergeant Juanita Doll
Roll Call – All Senators present

Posting of Colors – Utah National Guard

COMMITTEE OF THE WHOLE

On motion of Senator Dayton, Miss Utah, Jill Stevens, presented an overview of the lives of Presidents Washington and Lincoln and their service to our nation in Committee of the Whole. Senator McCoy commented.

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

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 64)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 15, 2008

The House passed, S.B. 225, Gubernatorial and Legislative Space in the Capitol, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 225 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 15, 2008

The House passed, as substituted and amended, 1st Sub. H.B. 92, Garnishment Amendments, by Representative J. Draxler, and it is transmitted for consideration; and
The House passed, as amended, **H.B. 121**, COUNTY CHARGES FOR SERVICES TO INCARCERATED PERSONS, by Representative R. Greenwood, and it is transmitted for consideration; and

The House passed **H.B. 307**, CANCER SCREENING AND MORTALITY REDUCTION SPECIAL GROUP LICENSE PLATE, by Representative C. Moss, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. 1st Sub. **H.B. 92, H.B. 121, and H.B. 307** were read the first time and referred to the Rules Committee.

**STANDING COMMITTEE REPORTS**

Mr. President: February 15, 2008

The Business and Labor Committee reports a favorable recommendation on **S.B. 83**, CHECK CASHING AND DEFERRED DEPOSIT LENDING REGISTRATION ACT, by Senator K. Mayne; and

The Business and Labor Committee reports a favorable recommendation on **H.B. 26**, NOTARY PUBLIC REVISIONS, by Representative G. Donnelson.

Kevin T. Van Tassell, Chair

Mr. President: February 15, 2008

The Education Committee reports a favorable recommendation on **S.B. 234**, MINIMUM SCHOOL PROGRAM AMENDMENTS − COUNSELING AND GUIDANCE PROGRAMS, by Senator M. Dmitrich; and

The Education Committee reports a favorable recommendation on **S.B. 241**, LOCAL GOVERNMENTAL COOPERATION IN EDUCATION MATTERS, by Senator P. Jones; and

The Education Committee reports a favorable recommendation on **H.B. 112**, PUBLIC EDUCATION FOUNDATION AMENDMENTS, by Representative S. Allen, with the following amendments:

1. Page 1, Lines 15 through 16:

   15 schools;

   ▶ prohibits a school district foundation from engaging in certain political activities;

   16 ▶ requires a local school board that establishes a foundation to require the foundation
2. Page 2, Lines 49 through 54:

49 managed for that school; {and} 
50 (h) shall, for foundation accounts from which monies are distributed to schools, 
51 provide all the schools within a school district information that: 
52 (i) details account transactions; and 
53 (ii) shows available balances in the accounts {and} ; and 
54 (i) may not: 
   (i) engage in lobbying activities; 
   (ii) attempt to influence legislation; or 
   (iii) participate in any campaign activity for or against: 
      (A) a political candidate; or 
      (B) an initiative, referendum, proposed constitutional amendment, bond, or any other ballot proposition submitted to the voters 

54 (3) A local school board that establishes a foundation under Subsection (1) shall; ; and

The Education Committee reports a favorable recommendation on H.B. 271, UTAH PURPLE HEART RECIPIENTS TUITION ACT AMENDMENTS, by Representative R. Barrus; and

The Education Committee reports a favorable recommendation on 1st Sub. H.B. 287, REGULATION OF TEACHER − STUDENT RELATIONSHIPS, by Representative S. Sandstrom; and

The Education Committee reports a favorable recommendation on H.C.R. 1, METH AWARENESS FOR STUDENTS AND EDUCATORS RESOLUTION, by Representative C. Oda.

Margaret Dayton, Chair

Mr. President: February 15, 2008

The Government Operations and Political Subdivisions Committee recommends S.B. 47, LIMITED PURPOSE LOCAL GOVERNMENT ENTITIES REVISIONS, by Senator D. Stowell, be replaced and favorably recommends 1st Sub. S.B. 47, LIMITED PURPOSE LOCAL GOVERNMENT ENTITIES REVISIONS with the following amendments:

1. Page 6, Lines 153 through 154:
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2. Page 93, Lines 2852 through 2857:

2852 (1) (a) (i) An improvement district that provides electric service as authorized under
2853 Subsection 17B−2a−403(1)(a)(iv) is a public utility and subject to the jurisdiction of the Public Service
2855 Commission.

2856 (ii) An improvement district that was created before May 5, 2008 to provide electric service:

(A) may include only an area where:

(B) no retail electricity has been provided to commercial, industrial, residential, and

3. Page 93, Lines 2861 through 2864:

2861 (II) electric service is provided to at least one user of electricity within the electric
2862 service district as of September 1, 1985; and

2863 (B) shall have filed an application for certification and received approval by the Public
2864 Service Commission by September 1, 1986.

(iii) An improvement district created on or after May 5, 2008 to provide electric service may not include an area within:

(A) the certificated service area of:

(I) an investor−owned electric utility; or

(II) an electric cooperative; or

(B) the service area of a municipality that provides electric service.

4. Page 132, Lines 4058 through 4061:

4058 (5) “Local building authority”;

(a) means a nonprofit corporation that is:
(a) created as provided in Section 17D−2−201;

(b) described in Section 17D−2−103; and

(c) subject to and governed by the provisions of this chapter;

(b) includes a nonprofit corporation created as a municipal building authority before May 5, 2008 under the law then in effect.

5. Page 246, Line 7593 through Page 247, Line 7628:

Section 167. Section 78−27−63 is amended to read:

Inherent risks of certain recreational activities −− Claim barred against county or municipality −− No effect on duty or liability of person participating in recreational activity or other person.

(1) As used in this section:

(a) “Inherent risks” means those dangers, conditions, and potentials for personal injury or property damage that are an integral and natural part of participating in a recreational activity.

(b) “Municipality” has the meaning as defined in Section 10−1−104.

(c) “Person” includes an individual, regardless of age, maturity, ability, capability, or experience, and a corporation, partnership, limited liability company, or any other form of business enterprise.

(d) “Recreational activity” includes a rodeo, an equestrian activity, skateboarding, skydiving, para gliding, hang gliding, roller skating, ice skating, fishing, hiking, walking, running, jogging, bike riding, or in-line skating on property:
(i) owned, leased, or rented by, or otherwise made available to:

(A) with respect to a claim against a county, the county; and

(B) with respect to a claim against a municipality, the municipality; and

(ii) intended for the specific use in question.

(2) Notwithstanding anything in Sections 78−27−37, 78−27−38, 78−27−39, 78−27−40, 78−27−41, 78−27−42, and 78−27−43 to the contrary, no person may make a claim against or recover from any of the following entities for personal injury or property damage resulting from any of the inherent risks of participating in a recreational activity:

(a) a county, municipality, local district under Title 17B, Limited Purpose Local Government Entities − Local Districts, or special service district under Title 17D, Chapter 2, Part 13; or

(b) the owner of property that is leased, rented, or otherwise made available to a county, municipality, local district, special service district, or dependent district for the purpose of providing or operating a recreational activity.

(3) (a) Nothing in this section may be construed to relieve a person participating in a recreational activity from an obligation that the person would have in the absence of this section to exercise due care or from the legal consequences of a failure to exercise due care.

(b) Nothing in this section may be construed to relieve any other person from an
7627 obligation that the person would have in the absence of this section to exercise due care or
7628 from the legal consequences of a failure to exercise due care."

78B−4−509. Inherent risks of certain recreational activities — Claim barred against county or municipality — No effect on duty or liability of person participating in recreational activity or other person.

(1) As used in this section:

(a) “Inherent risks” means those dangers, conditions, and potentials for personal injury or property damage that are an integral and natural part of participating in a recreational activity.

(b) “Municipality” has the meaning as defined in Section 10−1−104.

(c) “Person” includes an individual, regardless of age, maturity, ability, capability, or experience, and a corporation, partnership, limited liability company, or any other form of business enterprise.

(d) “Recreational activity” includes a rodeo, an equestrian activity, skateboarding, skydiving, para gliding, hang gliding, roller skating, ice skating, fishing, hiking, walking, running, jogging, bike riding, or in−line skating on property:

(i) owned, leased, or rented by, or otherwise made available to:

(A) with respect to a claim against a county, the county; and

(B) with respect to a claim against a municipality, the municipality; and

(ii) intended for the specific use in question.

(2) Notwithstanding anything in Sections 78B−5−817 through 78B−5−823 to the contrary, no person may make a claim against or recover from any of the following entities for personal injury or property damage resulting from any of the inherent risks of participating in a recreational activity:

(a) a county, municipality, local district under Title 17B, Limited Purpose Local Government Entities − Local Districts, or special service district under Title 17A, Chapter 2, Part 13, Utah Special Service District Act, or dependent district under Title 17A, Chapter 3, Dependent Districts; or

(b) the owner of property that is leased, rented, or otherwise made available to a county, municipality, local district, or special service district for the purpose of providing or operating a recreational activity.
(3) (a) Nothing in this section may be construed to relieve a person participating in a recreational activity from an obligation that the person would have in the absence of this section to exercise due care or from the legal consequences of a failure to exercise due care.

(b) Nothing in this section may be construed to relieve any other person from an obligation that the person would have in the absence of this section to exercise due care or from the legal consequences of a failure to exercise due care.

Renumber remaining sections accordingly; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.C.R. 5, CONCURRENT RESOLUTION CALLING FOR CONGRESS TO PASS BALANCED IMMIGRATION REFORM, by Senator H. Stephenson, with the following amendments:

1. Page 2, Lines 28–30:
   Delete lines 28 through 30.

2. Page 4, Lines 99–102:
   Delete lines 99 through 102
   And renumber accordingly; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 238, CAMPAIGN FINANCE FILING REQUIREMENTS, by Representative G. Hughes; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 250, PUBLIC EMPLOYEE BENEFIT APPROVAL ProvisionS, by Representative J. Dougall; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 262, RECOVERY OF FEDERAL REIMBURSEMENT FOR COSTS ASSOCIATED WITH ILLEGAL IMMIGRANTS, by Representative K. Morgan; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.C.R. 2, CONCURRENT RESOLUTION DECLARING FEBRUARY 6, 2008 RONALD REAGAN DAY, by Representative M. Morley.

Peter C. Knudson, Chair

Mr. President: February 15, 2008

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on S.J.R. 12, JOINT
RESOLUTION HONORING HILL AIR FORCE BASE’S 388TH AND 419TH FIGHTER WINGS, by Senator S. Killpack; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on H.J.R. 4, JOINT RESOLUTION URGING SCHOOL CLOSINGS TO RECOGNIZE VETERANS DAY, by Representative C. Wimmer.

Mark B. Madsen, Chair


STANDING COMMITTEE REPORTS

Mr. President: February 15, 2008

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 296, VOTING MACHINES USED BY MUNICIPALITIES, by Representative N. Hansen, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 310, ABSENTEE BALLOT REVISIONS, by Representative D. Aagard, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

On motion of Senator Bramble, the committee reports were adopted. H.B. 296 and H.B. 310 were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 273, Regulation of Gifts (G. Bell), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

S.B. 187, BAIL IN CAPITAL OFFENSE CASES, was read the third time, explained by Senator Greiner, and passed on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.
Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Eastman
Fife Greiner Hillyard Jenkins
Jones Killpack Knudson Madsen
Mayne McCoy Niederhauser Peterson
Romero Van Tassell Walker Valentine

Absent or not voting were: Senators
Goodfellow Hickman Stephenson Stowell
Waddoups

S.B. 187 was transmitted to the House for consideration.

* * *

S.B. 290, PRIVATE INVESTIGATORS’ ACCESS TO DRIVER LICENSURE INFORMATION, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Eastman
Fife Goodfellow Jenkins Jones
Killpack Knudson Madsen Mayne
McCoy Niederhauser Peterson Romero
Waddoups Walker Valentine

Absent or not voting were: Senators
Greiner Hickman Hillyard Stephenson Stowell
Van Tassell

S.B. 290 was transmitted to the House for consideration.

CONCURRENCE CALENDAR

On motion of Senator Jenkins, the Senate voted to concur in the House amendments to 1st Sub. S.B. 11, UTAH VENTURE CAPITAL ENHANCEMENT ACT AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.
Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Eastman
Fife  Goodfellow  Greiner  Hillyard
Jenkins  Jones  Killpack  Knudson
Madsen  Mayne  McCoy  Niederhauser
Peterson  Romero  Stephenson  Waddoups
Walker  Valentine

Absent or not voting were: Senators
Hickman  Stowell  Van Tassell

1st Sub. S.B. 11 was returned to the House for the signature of the Speaker.

TIME CERTAIN CALENDAR

On motion of Senator Dayton, under suspension of the rules, H.B. 269, SCOTT B. LUNDELL MILITARY SURVIVORS’ TUITION WAIVER AMENDMENTS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Eastman
Fife  Goodfellow  Greiner  Hillyard
Jenkins  Jones  Killpack  Knudson
Madsen  Mayne  McCoy  Niederhauser
Peterson  Romero  Stephenson  Van Tassell
Waddoups  Walker  Valentine

Absent or not voting were: Senators
Goodfellow  Stowell

H.B. 269 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

3rd Sub. S.B. 20, MUNICIPAL GOVERNMENT AMENDMENTS, was read the third time, explained by Senator Walker, and passed on the following roll call:
Yeas, 25; Nays, 3; Absent, 1.

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Eastman
Fife Greiner Hickman Jenkins
Jones Killpack Knudson Mayne
McCoy Niederhauser Peterson Romero
Stephenson Van Tassell Waddoups Walker
Valentine

Voting in the negative were: Senators
Hillyard Madsen Stowell

Absent or not voting was: Senator
Goodfellow

3rd Sub. S.B. 20 was transmitted to the House for consideration.

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1st Sub. S.B. 70, EMOTIONAL SUPPORT ANIMALS, was read the third time and explained by Senator McCoy. Senator Dayton commented.

On motion of Senator McCoy, the bill was circled.

* * *

On motion of Senator Eastman, the circle was removed from 1st Sub. S.B. 46, ANTI–FLOW CONTROL AMENDMENTS, and it was before the Senate.

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

2nd Sub. S.B. 46 Anti–flow Control Amendments (D. Eastman)

Senator Eastman explained the bill. Senators Christensen, Waddoups, and Jenkins commented.

On motion of Senator Eastman, the bill was circled.

* * *

On motion of Senator Goodfellow, the circle was removed from H.B. 275, VEHICLE TOWING REQUIREMENTS and it was before the Senate.
Senator Waddoups proposed the following amendment:

1. Page 3, Lines 66 through 71
   House Floor Amendments
   2–4–2008

66 (ii) Signage under Subsection (2)(b)(i) shall display:

67 (A) where parking is subject to towing; and

(B)(I) the Internet website address that provides access to towing
database information in accordance with Section 41–6a–1406; or

(II) one of the following:

68 { (B) \[ \text{Aa} \] \( \text{I} \) \( \text{I} \) \( \text{a} \) \( \text{a} \) \} (Aa) the name and phone
number of the tow truck operator or tow truck

68a motor carrier

69 that performs a tow truck service for the locations listed under
Subsection (2)(b)(i):

69a { (B) \[ \text{Bb} \] \( \text{I} \) \} (Bb) the name of the mobile home park or
multifamily dwelling and the phone number

69b of the mobile home park or multifamily dwelling manager or
management office that

69c authorized the vehicle, vessel, or outboard motor to be towed

70 (C) the Internet website address that provides access to towing
database information in

71 accordance with Section 41–6a–1406.

Senator Waddoups’ 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

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Absent or not voting were: Senators
Eastman  Hillyard  Killpack  Niederhauser

H.B. 275, as amended, was returned to the House for further consideration.

SECOND READING CALENDAR

S.B. 74, HEALTH CARE PROVIDER ACCESS, was read the second time.

On motion of Senator Buttars, the bill was circled.

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S.B. 121, ACCESS TO QUALIFIED HEALTH CARE PROVIDERS, was read the second time.

On motion of Senator Buttars, the bill was circled.

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S.B. 174, DENTIST AND DENTAL HYGIENIST PRACTICE ACT AMENDMENTS, was read the second time. Senator Knudsen explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Christensen  Davis
Dayton  Fife  Goodfellow  Greiner
Jenkins  Jones  Knudson  Madsen
Mayne  McCoy  Niederhauser  Peterson
Romero  Stephenson  Stowell  Van Tassell
Waddoups  Walker

Absent or not voting were: Senators
Buttars  Dmitrich  Eastman  Hickman
Hillyard  Killpack  Valentine

***

S.B. 175, DEATH CERTIFICATE PROCEDURE AMENDMENTS, was read the second time. Senator Greiner explained the bill. Senators Dayton and Christensen commented.

On motion of Senator Greiner, the bill was circled.
S.B. 71, SCHOOL DISTRICTS AMENDMENTS, was read the second time.

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


On motion of Senator Walker, the bill was circled.

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S.B. 91, BENEFITS TO AMERICAN BOARD CERTIFIED TEACHERS, was read the second time. Senator Madsen explained the bill. Senators Romero and Bell commented. The bill passed second reading on the following roll call:

**Yeas, 21; Nays, 4; Absent, 4.**

**Voting in the affirmative were:** Senators
Bell Bramble Buttars Christensen
Dayton Eastman Fife Goodfellow
Hickman Jenkins Jones Killpack
Madsen Niederhauser Peterson Stephenson
Stowell Van Tassell Waddoups Walker
Valentine

**Voting in the negative were:** Senators
Davis Mayne McCoy Romero

**Absent or not voting were:** Senators
Dmitrich Greiner Hillyard Knudson

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On motion of Senator Stowell, the circle was removed from 1st Sub. S.B. 168, HIGHWAY FUNDING AMENDMENTS, and it was before the Senate. Senator Stowell explained the bill. Senators McCoy and Bell commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell Buttars Davis Dayton
Eastman Fife Goodfellow Hickman
S.J.R. 10, JOINT RESOLUTION AMENDING CONSTITUTION REGARDING TAXES OF THE ELDERLY, was read the second time. Senator Davis explained the bill. Senator Valentine commented. The bill failed second reading on the following roll call:

**Yeas, 13; Nays, 14; Absent, 2.**

**Voting in the affirmative were:** Senators

Christensen  
Goodfellow  
McCoy  
Waddoups

**Voting in the negative were:** Senators

Bell  
Hickman  
Madsen  
Walker

**Absent or not voting were:** Senators

Bramble  
Killpack

S.B. 185, ECONOMIC INCENTIVE REVISIONS, was read the second time.

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

**1st Sub. S.B. 185 Economic Incentive Revisions** (L. Hillyard)

On motion of Senator Hillyard, the bill was circled.
** S.B. 59, WILDLIFE AMENDMENTS, was read the second time.

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

**1st Sub. S.B. 59 Wildlife Amendments (A. Christensen)**

Senator Christensen explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell           Buttars        Christensen  Davis     
Dayton         Dmitrich       Eastman      Fife       
Goodfellow     Greiner        Hickman     Hillyard  
Jenkins         Jones          Killpack     Knudson   
Madsen          Mayne          McCoy       Niederhauser  
Peterson        Romero         Stephenson  Stowell   
Van Tassell     Waddoups       Walker      Valentine

**Absent or not voting was:** Senator Bramble

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1st Sub. S.B. 157, RIGHTS OF CITIZENS TO CARRY FIREARMS IN DECLARED EMERGENCY, was read the second time.

On motion of Senator Madsen, the bill was circled.

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S.B. 180, REGENTS’ SCHOLARSHIP PROGRAM, was read the second time.

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

**1st Sub. S.B. 180 Regents’ Scholarship Program (L. Hillyard)**

Senator Hillyard explained the bill. Senators Hickman, Christensen, Dayton, Jones, and Niederhauser commented. The bill passed second reading on the following roll call:
Day 29

Yeas, 25; Nays, 2; Absent, 2.

Voting in the affirmative were: Senators
Bell Bramble Davis Dayton
Dmitrich Fife Goodfellow Greiner
Hickman Hillyard Jenkins Jones
Killpack Knudson Madsen Mayne
McCoy Niederhauser Peterson Romero
Stowell Van Tassell Waddoups Walker
Valentine

Voting in the negative were: Senators
Christensen Stephenson

Absent or not voting were: Senators
Buttars Eastman

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On motion of Senator Bramble, and at 12:00 noon, the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:45 p.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 18, 2008

The House passed, S.B. 95, MARKUP ON ALCOHOLIC BEVERAGES, by Senator M. Dmitrich, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 95 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

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Mr. President: February 18, 2008

The House passed, as amended, H.B. 66, PARAEDUCATOR TO TEACHER SCHOLARSHIP PROGRAM, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed H.B. 356, TAXATION OF MOIST SNUFF, by Representative R. Lockhart, and it is transmitted for consideration; and
The House passed **H.B. 375, DECEPTION DETECTION EXAMINERS LICENSING ACT AMENDMENTS**, by Representative R. Barrus, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 66, H.B. 356, and H.B. 375** were read the first time and referred to the Rules Committee.

**RULES COMMITTEE REPORTS**

To the Members of the Senate: February 18, 2008

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

**Business and labor Committee**

2nd Sub. **H.B. 75** Inventory and Review of Commercial Activities  
(Rep. C. Frank) (Sen. H. Stephenson)

2nd Sub. **H.B. 346** Division of Real Estate Related Amendments  
(Rep. G. Froerer) (Sen. S. Killpack)

**Education Committee**

**H.B. 96** Retired Teachers − Return to Work (Rep. D. Bowman)  
(Sen. L. Hillyard)

**Government Operations and Political Subdivisions Committee**

**S.B. 221** Capital Development and Improvement Amendments  
(Sen. L. Hillyard)

**S.R. 3** Senate Resolution Petitioning Congress to Address the Illegal Immigration Crisis (Sen. M. Madsen)

**H.B. 80** Administrative Rule Penalty Amendments (Rep. B. Ferry)  
(Sen. H. Stephenson)

**H.B. 153** Impact Fees Amendments (Rep. M. Morley)  
(Sen. G. Bell)

**H.B. 177** County and Municipal Land Use Regulation of Potential Geologic Hazard Areas (Rep. M. Morley)  
(Sen. W. Niederhauser)

**Health and Human Services Committee**

**3rd Sub. H.B. 131** Community Based Self Sufficiency Grants  
(Rep. J. Seelig) (Sen. S. McCoy)
Judiciary, Law Enforcement, and Criminal Justice Committee
S.B. 277  Post-conviction Remedies Act Revisions (Sen. G. Bell)

Natural Resources, Agriculture and Environment Committee
S.B. 228  Regulation of Wells (Sen. M. Dayton)
S.B. 238  Aquatic Invasive Species Interdiction Act (Sen. J. Greiner)
S.B. 251  Task Force Studying Funding for Fighting Forest Fires (Sen. D. Stowell)

Revenue and Taxation Committee
H.B. 69  Repeal of Board Leeway for Reading Improvement (Rep. J. Dougall) (Sen. W. Niederhauser)

Transportation, Public Utilities and Technology Committee

Workforce Services and Community and Economic Development Committee
S.R. 4  Senate Resolution Regarding Trade with Taiwan (Sen. C. Bramble)

Bill Hickman
Rules Committee Chair

Report filed. On motion of Senator Hickman, the committee report was adopted.
INTRODUCTION OF BILLS

S.B. 278, Technical Amendments to Titles 78a and 78b (G. Bell), read the first time by short title and referred to the Rules Committee.

SECOND READING CALENDAR

S.B. 182, SURVIVAL ACTION UPON INJURY OR DEATH, was read the second time.

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

1st Sub. S.B. 182 Survival Action Upon Injury or Death (M. Waddoups)

Senator Waddoups explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Christensen Davis Dayton
Dmitrich Fife Goodfellow Greiner
Hickman Jenkins Jones Killpack
Mayne McCoy Niederhauser Peterson
Romero Stephenson Stowell Van Tassell
Waddoups Walker

Absent or not voting were: Senators
Bramble Buttars Eastman Hillyard
Knudson Madsen Valentine

* * *

S.B. 116, RETIREMENT OFFICE AMENDMENTS, was read the second time. Senator Walker explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Christensen Davis Dayton
Dmitrich Fife Goodfellow Greiner
Hickman Hillyard Jenkins Jones
Killpack    Mayne    McCoy    Niederhauser
Peterson    Romero    Stephenson    Stowell
Van Tassell    Walker

Absent or not voting were: Senators
Bramble    Buttars    Eastman    Knudson
Madsen    Waddoups    Valentine

* * *

1st Sub. S.B. 57, FRANCHISE LAW AMENDMENTS, was read the second time.

On motion of Senator Killpack, the bill was circled.

* * *

S.B. 93, LICENSED DIRECT ENTRY MIDWIFE AMENDMENTS, was read the second time.

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

1st Sub. S.B. 93 Licensed Direct Entry Midwife Amendments (M. Dayton)

Senator Dayton explained the bill. Senators McCoy, Walker, Jones, Jenkins, Christensen, and Bell commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell    Bramble    Buttars    Christensen
Davis    Dayton    Dmitrich    Eastman
Fife    Goodfellow    Greiner    Hickman
Hillyard    Jenkins    Jones    Killpack
Knudson    Madsen    Mayne    Niederhauser
Peterson    Romero    Stephenson    Stowell
Van Tassell    Waddoups    Walker    Valentine

Voting in the negative was: Senator
McCoy

* * *

On motion of Senator Stephenson, the circle was removed from S.B. 176, UNEMPLOYMENT INSURANCE CONTRIBUTION RATES
AMENDMENTS, and it was before the Senate. Senator Stephenson explained the bill. Senator Hickman 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

Buttars

* * *

**S.B. 184, CHILD CARE LICENSING EXEMPTIONS,** was read the second time.

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

**2nd Sub. S.B. 184 Child Care Licensing Exemptions** (J. Greiner)

Senator Greiner explained the bill. Senator Goodfellow 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

Buttars Waddoups
S.B. 186, CUSTODY AND PARENT–TIME FOR NON–PARENTS, was read the second time. Senator Hillyard explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 2, Lines 39 through 48

   39 As used in this chapter:
   40 (1) “Parent” means a biological or adoptive parent.
   41 (2) “Person other than a parent” means a person:
       (a) related to the child by marriage or
       blood, including:
       (i) siblings;
       (ii) aunts;
       (iii) uncles;
       (iv) grandparents; or
       (v) current or former step–parents, or any of
       the persons in Subsections (2)(a) through (d) in a step
       relationship to the child;

   Senator Hillyard’s motion to amend passed on a voice vote. Senators McCoy, Waddoups, Jenkins, and Fife commented. The bill passed second reading on the following roll call:

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

   **Voting in the affirmative were:** Senators
   
   Bell  Bramble  Christensen  Davis
   Dmitrich  Eastman  Fife  Goodfellow
   Greiner  Hillyard  Jenkins  Jones
   Knudson  Mayne  McCoy  Niederhauser
   Peterson  Romero  Stowell  Van Tassell
   Waddoups  Walker  Valentine

   **Voting in the negative were:** Senators
   Dayton  Madsen
Absent or not voting were: Senators
Buttars     Hickman     Killpack     Stephenson

***

On motion of Senator Hillyard, the circle was removed from 1st Sub. S.B. 185, ECONOMIC INCENTIVE REVISIONS, 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
Bell        Bramble     Christensen    Davis
Dayton      Dmitrich    Eastman       Fife
Goodfellow  Greiner     Hillyard      Jenkins
Jones       Knudson      Madsen        Mayne
McCoy       Niederhauser Peterson      Romero
Stowell     Van Tassell  Waddoups      Walker
Valentine

Absent or not voting were: Senators
Buttars     Hickman     Killpack     Stephenson

***

On motion of Senator Eastman, the circle was removed from 1st Sub. S.B. 57, FRANCHISE LAW AMENDMENTS, and it was before the Senate. Senator Eastman explained the bill.

Senator Eastman proposed the following amendment:

1. Page 3, Line 85 through Page 4, Line 89

85 (11) “Line–make” means :
(a) for other than a recreational vehicle, the motor vehicles that are offered for sale, lease, or
86 distribution
87 (a) under a common name, trademark, service mark, or brand name of the franchisor,
88 or manufacturer of the motor vehicle ;
89 (b) that are substantially similar in design and specification for a recreational vehicle, a specific series of
recreational vehicle product that:
(i) is identified by a common series trade name or trademark;
(ii) is targeted to a particular market segment, as determined by decor,
features, equipment, size, weight, and price range;
(iii) has a length and floor plan that distinguish the recreational vehicle
from other recreational vehicles with substantially the same decor,
features, equipment, size, weight, and price;
(iv) belongs to a single, distinct classification of recreational vehicle
product type having a substantial degree of commonality in the
construction of the chassis, frame, and body; and
(v) a franchise agreement authorizes a dealer to sell.

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

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

Voting in the affirmative were: Senators
Bell
Dayton
Goodfellow
Jenkins
Madsen
Peterson
Waddoups
Bramble
Dmitrich
Greiner
Jones
Mayne
Romero
Valentine
Christensen
Eastman
Hickman
Killpack
McCoy
Stowell
Davis
Fife
Hillyard
Knudson
Niederhauser
Van Tassell

Absent or not voting were: Senators
Buttars
Stephenson
Walker

* * *

S.B. 188, PILOT PROGRAM FOR SUMMER SCHOOL AND AFTER
SCHOOL PROGRAMS FOR CHILDREN WITH A DISABILITY, was read the
second time. Senator Bell explained the bill.

Senator Bell proposed the following amendment:

1. Page 4, Lines 92 through 93

82 }———(8) During the term of the pilot program, the division
shall provide oversight of
93 summer school or after school programs that receive assistance
under the pilot program. }

(8) A summer school or after school program that receives assistance under the pilot program shall:
(a) provide the division with the information necessary for the division to:
(i) account for the use of division funds; and
(ii) monitor the fiscal and operational functioning of the pilot program; and
(b) cooperate with the division to gather outcome data relating to participants in the pilot program.

Senator Bell’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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**Absent or not voting were:** Senators

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On motion of Senator Bramble and at 4:05 p.m., the Senate adjourned until 10:00 a.m., Tuesday, February 19, 2008.
THE THIRTIETH DAY
MORNING SESSION
FEBRUARY 19, 2008

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

Prayer – Mark Hewlett
Pledge of Allegiance – Senator Ross Romero
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 64)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 18, 2008

The Speaker of the House has signed 1st Sub. S.B. 11, UTAH VENTURE CAPITAL ENHANCEMENT ACT AMENDMENTS, by Senator S. Jenkins, et al, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 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 18, 2008

The House passed, as substituted, 2nd Sub. H.B. 127, COMMUNITY COUNCIL ELECTIONS, by Representative K. Sumsion, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 141, IDENTITY THEFT REPORTING INFORMATION SYSTEM AMENDMENTS, by Representative D. Aagard, and it is transmitted for consideration; and

The House passed, as amended, H.B. 145, ADDITIONAL STATE RETIREMENT BENEFIT, by Representative K. Holdaway, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 149, PROTECTIVE ORDER AMENDMENTS, by Representative L. Fowlke, and it is transmitted for consideration; and
The House passed, as amended, **H.B. 161**, SEX OFFENDERS’ CONTACT WITH CHILDREN, by Representative R. Greenwood, and it is transmitted for consideration; and

The House passed **H.B. 171**, DRIVING PRIVILEGE CARD AMENDMENTS, by Representative B. Daw, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 254**, SCHOOL COMMUNITY COUNCIL AMENDMENTS, by Representative R. Menlove, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 336**, AUTHORITY TO ESTABLISH REFUGEE SERVICES FUND, by Representative C. Herrod, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 341**, DAMAGE TO UNDERGROUND UTILITY FACILITIES AMENDMENTS, by Representative D. Clark, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk


**STANDING COMMITTEE REPORTS**

Mr. President: February 15, 2008

The Health and Human Services Committee reports a favorable recommendation on **S.B. 197**, PREFERRED DRUG LIST REVISIONS, by Senator A. Christensen; and

The Health and Human Services Committee recommends **S.B. 211**, ALCOHOLIC BEVERAGE CONTROL AMENDMENTS, by Senator C. Bramble, be replaced and favorably recommends **1st Sub. S.B. 211**, ALCOHOLIC BEVERAGE CONTROL AMENDMENTS.

D. Chris Buttars, Chair

Mr. President: February 18, 2008

The Revenue and Taxation Committee reports a favorable recommendation on **2nd Sub. H.B. 54**, PROPERTY TAX ASSESSMENT REVISIONS, by Representative W. Harper, with the following amendments:
1. Page 12, Lines 343 through 352:

   (ii) includes at least the following system features:

   (A) has the ability to update all parcels of real property located within the county each year;

   (B) can be programmed with specialized criteria;

   (C) provides uniform and equal treatment of parcels within the same class of real property throughout the county; and

   (D) annually updates all parcels of residential real property within the county using accepted valuation methodologies as determined by rule.

   (c) “Property review date” means the date a county assessor completes a detailed review of the property characteristics of a parcel of real property in accordance with Subsection (3)(a).

2. Page 12, Lines 356 through 361:

   (b) The county assessor of a county of the first, second, or third class shall conduct the annual update described in Subsection (2)(a) by using a mass appraisal system on or before the following:

   (i) for a county of the first class, January 1, 2009;

   (ii) for a county of the second class, January 1, 2010; and

   (iii) for a county of the third class, January 1, 2011.

3. Page 13, Lines 393 through 397:

   (d) If a county loses its allocation of the revenue generated statewide from the imposition of the multicounty assessing and collecting levy described in Subsection (4)(c), the
revenue the county would have received shall:
(i) be retained in the Property Tax Valuation Agency Fund for that calendar year; and
(ii) be distributed the following calendar year in accordance with Section 59−2−906.2; and

The Revenue and Taxation Committee recommends H.B. 106, CLEAN AIR AND EFFICIENT VEHICLE TAX INCENTIVES, by Representative R. McGee, be replaced and favorably recommends 1st Sub. H.B. 106, CLEAN AIR AND EFFICIENT VEHICLE TAX INCENTIVES; and

The Revenue and Taxation Committee reports a favorable recommendation on H.B. 279, TAX INCENTIVES FOR MILITARY MEMBERS, by Representative W. Harper.

Wayne L. Niederhauser, Chair

Mr. President: February 18, 2008

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on S.B. 247, VETERANS PROCUREMENT PROVISIONS, by Senator F. Fife; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on S.B. 264, DEVELOPMENT AROUND MILITARY INSTALLATIONS, by Senator S. Killpack.

Mark B. Madsen, Chair

Mr. President: February 18, 2008

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on 1st Sub. H.B. 40, SAFE DRINKING WATER REVISIONS, by Representative S. Andersen; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on 2nd Sub. H.B. 51, WATER RIGHT FORFEITURE PROTECTION, by Representative P. Painter.

Darin G. Peterson, Chair

Mr. President: February 18, 2008

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.B. 202, ENERGY RESOURCE AND CARBON EMISSION REDUCTION INITIATIVE, by Senator C. Bramble, with the following amendments:
1. Page 23, Lines 686 through 687:

   686  (2)  (a)  Cost–effectiveness under Subsection (1) for other than a cooperative association is determined in comparison to other viable resource options using the criteria provided by Subsection 54–17–201(2)(c)(ii).

   (b) For an electrical corporation that is a cooperative association, cost–effectiveness is determined using criteria applicable to the cooperative association’s acquisition of a significant energy resource established by the cooperative association’s board of directors.

2. Page 24, Lines 736 through 737:

   736  (3) The commission may:

   (a) consult with another state or a federal agency and any regional system or trading program to fulfil Subsection (1); and

   (b) allow use of a renewable energy certificate that is issued, monitored, accounted for, or transferred by or through a regional system or trading program, including the Western Renewable Energy Generation Information system, to fulfil this part’s provisions.

3. Page 26, Lines 776 through 777:

   776  (2)  (a) A progress report concerning a plan under Subsection (1) for other than a cooperative association shall be filed with the commission by January 1 of each of the years 2010, 2015, 2020, and 2024.

   (b) For an electrical corporation that is a cooperative association, a progress report shall be filed with the cooperative association’s board of directors by January 1 of each of the years 2010, 2015, 2020, and 2024.

4. Page 26, Lines 781 through 786:

   781  (c)  (i) an analysis of the cost–effectiveness of renewable energy sources for other than a cooperative association; or

   (ii) an estimate of the cost of achieving the target for an electrical corporation that is a cooperative association;

   782  (d) a discussion of conditions impacting the renewable energy source and qualifying
electricity markets;
(e) any recommendation for a suggested legislative or program change; and
(f) for other than a cooperative association, any other information requested by the commission or considered relevant by the electrical corporation.

5. Page 27, Line 816:

(b) force majeure.
(11) By July 1, 2026, an electrical corporation that is a cooperative association shall file a final progress report demonstrating:
(a) how Subsection 54–17–602(1) is satisfied for the year 2025; or
(b) the reason why Subsection 54–17–602(1) is not satisfied for the year 2025 if it is not satisfied.

(12) The plan and any progress report filed under this section by an electrical corporation that is a cooperative association shall be publicly available at the cooperative association’s office or posted on the cooperative association’s website; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.B. 203, HIGHWAY ABANDONMENT AMENDMENTS, by Senator D. Peterson; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.B. 231, TRANSPORTATION GOVERNANCE, by Senator S. Killpack; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on 1st Sub. H.B. 72, MOTORCYCLE LICENSE AND ENDORSEMENT AMENDMENTS, by Representative P. Neuenschwander; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 292, LEGISLATIVE TASK FORCE TO STUDY RADIO COMMUNICATION SYSTEM IN UTAH, by Representative B. Dee; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 320, VEHICLE IMPOUND YARD REQUIREMENTS, by Representative C. Oda; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.J.R. 8, JOINT RESOLUTION URGING
CONGRESS TO ELIMINATE TRANSPORTATION EARMARKING THAT OVERRIDES STATE TRANSPORTATION PRIORITIES, by Representative Julie Fisher, with the following amendments:

1. Page 2, Lines 39a through 39b
   House Committee Amendments
   2–4–2008:
   (39aː) Be it further resolved that the Legislature of the State of Utah strongly opposes any
   increase in the Federal Gas Tax.

   Carlene M. Walker, Chair

Mr. President: February 18, 2008

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 194, METAL THEFT AMENDMENTS AND PENALTIES, by Senator J. Greiner, with the following amendments:

1. Page 2, Lines 44 through 46:
   (44) Criminal prosecution for theft of regulated metal does not affect the right of a
   person to bring a civil action for damages as described in Subsection (1), including court costs
   and reasonable attorney fees.

2. Page 7, Lines 196 through 197:
   (196) The dealer shall hold suspect metal for seven days after the date of purchase before
   selling it.

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 209, METHAMPHETAMINE DECONTAMINATION STANDARDS AND FUNDING, by Senator D. C. Buttars; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 65, CRIME OF STRANGULATION OR SMOTHERING, by Representative J. Seelig; and
The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 70**, EXPUNGEMENT LAW AMENDMENTS, by Representative L. Fowlke.

Gregory S. Bell, Chair


**STANDING COMMITTEE REPORTS**

Mr. President: February 15, 2008

The Health and Human Services Committee reports a favorable recommendation on **1st Sub. H.B. 281**, GRANTS TO RURAL HOSPITALS – OVERSIGHT RESPONSIBILITIES, by Representative M. Newbold, and recommends it be considered read for the second time and placed on the Consent Calendar.

D. Chris Buttars, Chair

Mr. President: February 18, 2008

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 235**, HUMAN REMAINS RELATED AMENDMENTS, by Senator K. VanTassell, and recommends it be considered read for the second time and placed on the Consent Calendar.

Mark B. Madsen, Chair

Mr. President: February 18, 2008

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends **S.B. 236**, JUDICIARY AMENDMENTS, by Senator L. Hillyard, be replaced and favorably recommends **1st Sub. S.B. 236**, JUDICIARY AMENDMENTS and that it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **S.B. 242**, LAW ENFORCEMENT TRACKING OF DOMESTIC VIOLENCE STATISTICS, by Senator J. Greiner, and
recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 265, UNLAWFUL DETAINER AMENDMENTS, by Senator M. Waddoups, 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. 97, COURT−ORDERED RESTITUTION FOR COSTS OF INCARCERATION, by Representative C. Oda, and recommends it be considered read for the second time and placed on the Consent Calendar.

Gregory S. Bell, Chair

On motion of Senator Killpack, the committee reports were adopted. 1st Sub. H.B. 281, S.B. 235, 1st Sub. S.B. 236, S.B. 242, S.B. 265, and H.B. 97 were considered read the second time and placed on the Consent Calendar.

***

Mr. President: February 15, 2008

The Health and Human Services Committee has returned S.B. 133, MEDICAL ASSISTANCE AND MANAGED CARE, by Senator G. Bell, to the Rules Committee with a recommendation that the bill be sent to interim study.

D. Chris Buttars, Chair

**INTRODUCTION OF BILLS**

S.B. 245, Funding Relating to Airports (C. Bramble), read the first time by short title and referred to the Rules Committee.

S.B. 261, Political Subdivision Annexation Amendments (M. Waddoups), read the first time by short title and referred to the Rules Committee.

**COMMITTEE OF THE WHOLE**


On motion of Senator Killpack, the Committee of the Whole was dissolved.
COMMITTEE OF THE WHOLE


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

***

On motion of Senator Hickman the Senate voted to move S.B. 81, ILLEGAL IMMIGRATION, from the Time Certain Calendar today to Thursday, February 21, 2008 at 11:00 a.m.

CONSENT CALENDAR

S.B. 274, AMENDMENTS TO UTAH SERVICE MEMBERS’ CIVIL RELIEF ACT, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Christensen  Davis
Dayton  Dmitrich  Eastman  Fife
Goodfellow  Greiner  Hickman  Hillyard
Jenkins  Jones  Killpack  Knudson
Madsen  Mayne  McCoy  Niederhauser
Peterson  Romero  Stephenson  Van Tassell
Waddoups  Walker  Valentine

Absent or not voting were: Senators
Buttars  Stowell

S.B. 274 was transmitted to the House for consideration.

***

H.B. 101, AMENDMENTS TO EMERGENCY INJECTION FOR ANAPHYLACTIC REACTION ACT, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Davis
Dayton  Dmitrich  Eastman  Fife
Day 30576  SENATE JOURNAL

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

Absent or not voting were: Senators
Christensen      Killpack      Stowell

H.B. 101 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 268, HEALTH FACILITY COMMITTEE MEMBERSHIP, was read the third time, explained by Senator Madsen, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell            Bramble       Buttars       Davis
Dayton          Dmitrich      Eastman      Fife
Goodfellow      Greiner       Hickman      Hillyard
Jenkins         Jones         Knudson      Madsen
Mayne           McCoy         Niederhauser Peterson
Romero          Stephenson    Van Tassell  Waddoups
Walker          Valentine     

Absent or not voting were: Senators
Christensen      Killpack      Stowell

H.B. 268 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 277, PANDEMIC PREPAREDNESS AMENDMENTS, was read the third time, explained by Senator Peterson, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell            Bramble       Buttars       Dayton
Dmitrich        Eastman      Fife          Goodfellow
Absent or not voting were: Senators
Christensen    Davis    Killpack    Stowell

H.B. 277 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

S.B. 198, CHILD SUPPORT TECHNICAL AMENDMENTS, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell    Bramble    Buttars    Davis
Dayton    Dmitrich    Eastman    Fife
Goodfellow    Greiner    Hickman    Hillyard
Jenkins    Jones    Knudson    Madsen
Mayne    McCoy    Niederhauser    Peterson
Romero    Van Tassell    Waddoups    Walker
Valentine

Absent or not voting were: Senators
Christensen    Killpack    Stephenson    Stowell

S.B. 198 was transmitted to the House for consideration.

* * *

2nd Sub. H.B. 125, DEPARTMENT OF AGRICULTURE AND FOOD AMENDMENTS, was read the third time, explained by Senator Peterson, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell    Bramble    Buttars    Davis
Dayton    Dmitrich    Fife    Goodfellow
Greiner  Hickman  Hillyard  Jenkins
Jones    Knudson  Madsen  Mayne
McCoy   Niederhauser  Peterson  Romero
Van Tassell  Waddoups  Walker  Valentine

Absent or not voting were: Senators
Christensen    Eastman  Killpack  Stephenson  Stowell

2nd Sub. H.B. 125, as amended, was returned to the House for further consideration.

* * *

H.B. 288, 911 COMMITTEE, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell    Bramble  Buttars  Davis
Dayton  Dmitrich  Fife  Goodfellow
Greiner Hickman  Hillyard  Jenkins
Jones   Knudson  Madsen  Mayne
McCoy  Niederhauser  Peterson  Romero
Stephenson  Van Tassell  Waddoups  Walker
Valentine

Absent or not voting were: Senators
Christensen    Eastman  Killpack  Stowell

H.B. 288 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. 174, DENTIST AND DENTAL HYGIENIST 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
Bell    Bramble  Buttars  Davis
Dayton  Dmitrich  Fife  Goodfellow
Absent or not voting were: Senators
Christensen   Eastman   Hickman   Killpack
Stowell

S.B. 174 was transmitted to the House for consideration.

* * *

S.B. 91, BENEFITS TO AMERICAN BOARD CERTIFIED TEACHERS, was read the third time, explained by Senator Madsen, and passed on the following roll call:

Yeas, 19; Nays, 6; Absent, 4.

Voting in the affirmative were: Senators
Bell        Bramble      Buttars      Dayton
Eastman    Fife          Greiner      Hillyard
Jenkins    Jones         Knudson      Madsen
Niederhauser Peterson   Stephenson   Stowell
Waddoups   Walker        Valentine

Voting in the negative were: Senators
Davis       Dmitrich     Goodfellow   Mayne
Mc Coy      Romero

Absent or not voting were: Senators
Christensen   Hickman      Killpack    Van Tassell

S.B. 91 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 168, HIGHWAY FUNDING AMENDMENTS, was read the third time.

On motion of Senator Stowell, the bill was circled.

* * *

1st Sub. S.B. 59, WILDLIFE AMENDMENTS, was read the third time.
On motion of Senator Eastman, the bill was circled.

* * *

1st Sub. S.B. 180, REGENTS’ SCHOLARSHIP PROGRAM, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Voting in the negative was:** Senator 
Stephenson

**Absent or not voting were:** Senators 
Christensen  Hickman  Killpack

1st Sub. S.B. 180 was transmitted to the House for consideration. Senator Valentine declared a conflict of interest.

* * *

1st Sub. S.B. 182, SURVIVAL ACTION UPON INJURY OR DEATH, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell  Bramble  Buttars  Davis  
Dayton  Dmitrich  Eastman  Fife  
Goodfellow  Greiner  Hillyard  Jenkins  
Jones  Knudson  Madsen  Mayne  
McCoy  Niederhauser  Peterson  Romero  
Stephenson  Stowell  Van Tassell  Waddoups  
Walker  Valentine
Absent or not voting were: Senators
Christensen    Hickman    Killpack

1st Sub. S.B. 182 was transmitted to the House for consideration.

* * *

S.B. 116, RETIREMENT OFFICE AMENDMENTS, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

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

Absent or not voting was: Senator
Killpack

S.B. 116 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 93, LICENSED DIRECT ENTRY MIDWIFE AMENDMENTS, was read the third time and explained by Senator Dayton. Senator McCoy commented and passed on the following roll call:

Yeas, 24; Nays, 4; Absent, 1.

Voting in the affirmative were: Senators
Bell           Bramble       Buttars      Christensen
Davis          Dayton        Dmitrich    Eastman
Fife           Goodfellow    Greiner     Hickman
Hillyard       Jones         Knudson     Madsen
Mayne          Niederhauser  Romero      Stephenson
Stowell        Waddoups      Walker      Valentine

Voting in the negative were: Senators
Jenkins        McCoy         Peterson    Van Tassell
Absent or not voting was: Senator Killpack

1st Sub. S.B. 93 was transmitted to the House for consideration.

* * *

On motion of Senator Christensen, the circle was removed from 1st Sub. S.B. 59, WILDLIFE AMENDMENTS, and it was before the Senate. Senator Christensen explained the bill. 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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1st Sub. S.B. 59 was transmitted to the House for consideration.

* * *

S.B. 176, UNEMPLOYMENT INSURANCE CONTRIBUTION RATES AMENDMENTS, was read the third time, explained by Senator Stephenson, and 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.B. 176 was transmitted to the House for consideration.

* * *

2nd Sub. S.B. 184, CHILD CARE LICENSING EXEMPTIONS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Christensen  Davis  Killpack  Knudson  Peterson

2nd Sub. S.B. 184 was transmitted to the House for consideration.

* * *

On motion of Senator Eastman, and at 11:45 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 19, 2008

The House passed, S.B. 139, UTAH ANTITRUST ACT AMENDMENTS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 146, AMENDMENT TO UNIFORM ANATOMICAL GIFT ACT, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 150, CRIMINAL PENALTIES REVISIONS, by Senator S. Jenkins, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 139, S.B. 146, and S.B. 150 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.
Mr. President: February 19, 2008

The House passed **H.B. 123**, ACCELERATED LEARNING PROGRAMS AMENDMENTS, by Representative B. Ferry, and it is transmitted for consideration; and

The House passed **H.B. 173**, MONEY MANAGEMENT ACT UPDATES, by Representative P. Neuenschwander, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 181**, DISPOSITION OF POTENTIAL EVIDENCE, by Representative T. Cosgrove, and it is transmitted for consideration; and

The House passed **H.B. 185**, WESTERN STATES PRESIDENTIAL PRIMARY AMENDMENTS, by Representative K. Grover, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 229**, PROTECTIONS FOR AGRICULTURAL PRACTICES, by Representative M. Morley, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 330**, STATE SUPPLEMENTAL FUNDING FOR HEAD START, by Representative L. Shurtliff, et al, and it is transmitted for consideration; and

The House passed **H.B. 332**, USE OF PUBLIC SCHOOLS BY COMMUNITY ORGANIZATIONS, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed **H.B. 362**, MOTOR FUEL TAX – OFF-HIGHWAY VEHICLE REFUND AMENDMENTS, by Representative B. Ferry, and it is transmitted for consideration; and

The House passed **H.C.R. 5**, CONCURRENT RESOLUTION URGING CONGRESSIONAL APPROVAL OF R.S. 2477 RIGHTS-OF-WAY RECOGNITION ACT, by Representative M. Brown, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

RULES COMMITTEE REPORTS

To the Members of the Senate: February 19, 2008

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

Education Committee
H.B. 66  Paraeducator to Teacher Scholarship Program
(Rep. R. Menlove) (Sen. K. Mayne)

Government Operations and Political Subdivisions Committee
S.B. 261  Political Subdivision Annexation Amendments
(Sen. M. Waddoups)
H.B. 252  Charitable Solicitations Act Amendments
(Rep. W. Harper) (Sen. C. Bramble)

Health and Human Services Committee
H.B. 307  Cancer Screening and Mortality Reduction Special Group License Plate
(Rep. C. Moss) (Sen. P. Jones)

Judiciary, Law Enforcement, and Criminal Justice Committee
S.B. 278  Technical Amendments to Titles 78a and 78b
(Sen. G. Bell)
(Sen. L. Hillyard)
H.B. 121  County Charges for Services to Incarcerated Persons
(Rep. R. Greenwood) (Sen. G. Bell)
H.B. 375  Deception Detection Examiners Licensing Act Amendments
(Rep. R. Barrus) (Sen. S. Jenkins)

Bill Hickman
Rules Committee Chair

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

THIRD READING CALENDAR

On motion of Senator Eastman, the circle was removed from 2nd Sub. S.B. 46, ANTI–FLOW CONTROL AMENDMENTS, and it was before the Senate. Senator Eastman explained the bill.

On motion of Senator Eastman, the following substitute bill replaced the original bill:
3rd Sub. S.B. 46 Anti−flow Control Amendments (D. Eastman)

Senator Eastman proposed the following amendment:

1. Page 7, Lines 193 through 194

193 (b) { fewer than two } one business entity operates all
the private solid waste management facilities { that are owned by
194 different entities exist } within:

Senator Eastman’s motion to amend passed on a voice vote. Senator Waddoups commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Christensen Davis
Dayton Dmitrich Eastman Fife
Goodfellow Greiner Hillyard Jenkins
Jones Knudson Madsen McCoy
Niederhauser Peterson Romero Stephenson
Stowell Van Tassell Waddoups Walker
Valentine

Voting in the negative was: Senator Mayne

Absent or not voting were: Senators
Buttars Hickman Killpack

3rd Sub. S.B. 46 was transmitted to the House for consideration.

***

S.B. 186, CUSTODY AND PARENT−TIME FOR NON−PARENTS, was read the third time.

On motion of Senator Hillyard, the bill was circled.

***

1st Sub. S.B. 185, ECONOMIC INCENTIVE REVISIONS, was read the third time.
On motion of Senator Hillyard, the bill was circled.

* * *

1st Sub. S.B. 57, FRANCHISE LAW 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

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**Absent or not voting were:** Senators

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1st Sub. S.B. 57 was transmitted to the House for consideration.

* * *

S.B. 188, PILOT PROGRAM FOR SUMMER SCHOOL AND AFTER SCHOOL PROGRAMS FOR CHILDREN WITH A DISABILITY, was read the third time and explained by Senator Bell. Senator Buttars 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

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S.B. 188 was transmitted to the House for consideration.

* * *

On motion of Senator McCoy, the circle was removed from 1st Sub. S.B. 70, EMOTIONAL SUPPORT ANIMALS, and it was before the Senate. Senator McCoy explained the bill. Senators Dayton and Stephenson 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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1st Sub. S.B. 70 was transmitted to the House for consideration.

**SECOND READING CALENDAR**

S.B. 162, FEDERAL EDUCATION AGREEMENT REQUIREMENTS, was read the second time. Senator Dayton explained the bill. Senator Greiner commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Voting in the negative was:** Senator

Greiner
Absent or not voting were: Senators
Buttars  Hickman  Killpack  Van Tassell
Waddoups  Valentine

***

S.B. 190, PUBLIC CLASSROOM DISPLAYS, was read the second time.

On motion of Senator Christensen, the bill was circled.

***

1st Sub. S.B. 89, MITIGATION OF INVASIVE SPECIES, was read the second time. Senator Stowell 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
Bell  Bramble  Buttars  Christensen
Davis  Dmitrich  Eastman  Fife
Goodfellow  Hillyard  Jones  Knudson
Madsen  Mayne  McCoy  Niederhauser
Peterson  Romero  Stowell  Van Tassell
Walker  Valentine

Voting in the negative were: Senators
Dayton  Greiner  Jenkins  Stephenson

Absent or not voting were: Senators
Hickman  Killpack  Waddoups

***

S.B. 84, NET METERING PROGRAMS, was read the second time.

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

1st Sub. S.B. 84 Net Metering Programs (K. Van Tassell)

Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.
Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Eastman
Fife  Goodfellow  Greiner  Hickman
Hillyard  Jenkins  Jones  Knudson
Madsen  Mayne  McCoy  Niederhauser
Peterson  Romero  Stephenson  Stowell
Van Tassell  Valentine

Absent or not voting were: Senators
Killpack  Waddoups  Walker

* * *

On motion of Senator Christensen, the circle was removed from S.B. 190, PUBLIC CLASSROOM DISPLAYS, and it was before the Senate. Senator Christensen explained the bill. Senator McCoy commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Eastman
Fife  Goodfellow  Greiner  Hickman
Jenkins  Jones  Knudson  Madsen
Mayne  Niederhauser  Peterson  Romero
Stephenson  Stowell  Van Tassell  Walker
Van Tassell

Voting in the negative was: Senator
McCoy

Absent or not voting were: Senators
Hillyard  Killpack  Waddoups

* * *

S.B. 183, CHILD PORNOGRAPHY AMENDMENT, was read the second time. Senator Buttars explained the bill. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 0; Absent, 5.
Voting in the affirmative were: Senators
Bell Bramble Buttars Dayton
Dmitrich Eastman Fife Goodfellow
Greiner Hickman Jenkins Jones
Knudson Madsen Mayne McCoy
Niederhauser Peterson Romero Stephenson
Van Tassell Waddoups Walker Valentine

Absent or not voting were: Senators
Christensen Davis Hillyard Killpack
Stowell

* * *

1st Sub. S.B. 166. NONDISCRIMINATION AMENDMENTS, was read the second time. Senator McCoy explained the bill. Senators Dayton, Van Tassell, and Bell commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Christensen Davis
Dmitrich Eastman Fife Goodfellow
Greiner Hickman Jenkins Jones
Knudson Madsen Mayne McCoy
Niederhauser Peterson Romero Stephenson
Van Tassell Waddoups Walker Valentine

Voting in the negative was: Senator Dayton

Absent or not voting were: Senators
Buttars Hillyard Killpack

* * *

S.B, 189. INDEPENDENT CONTRACTOR DATABASE, was read the second time. Senator Eastman explained the bill.

Senator Eastman proposed the following amendment:

1. Page 3, Lines 69 through 74
69 (1) (a) There is created within the department the Independent Contractor Enforcement Council consisting of the following: four members:

70 (i) the executive director of the department or the executive director’s designee;

71 (ii) the executive director of the Department of Workforce Services or the executive director’s designee;

72 (iii) the commissioner of the Labor Commission or the commissioner’s designee; and

73 (iv) the chief information officer of the Department of Technology Services.

2. Page 4, Lines 91 through 95:

91 (b) beginning July 1, 2009, meet quarterly:

92 (i) with:

93 (A) the attorney general or a designee of the attorney general;

94 (B) the chair of the State Tax Commission or a designee of the chair; and

95 (C) the commissioner of the Department of Public Safety or the commissioner’s designee; and

3. Page 4, Lines 110 through 114:

110 (b) As part of the report required by this Subsection (3), the chairs of the Business and Labor Interim Committee shall provide an opportunity to the following to report to the Business Labor Interim Committee on the usefulness of the database:

113 (i) each accessing agency; and

114 (ii) the attorney general; and

(iii) the Department of Public Safety.
4. Page 5, Lines 125 through 127:

125 (1) (a) By no later than July 1, 2009, the department shall administer a database:
126 (i) designed by the council to share data amongst accessing agencies {and} the attorney
127 general, and the Department of Public Safety; and

Senator Eastman’s motion to amend passed on a voice vote. Senators Mayne, McCoy, Jenkins, Niederhauser, Jones, Bramble, Van Tassell, and Romero commented. The bill passed second reading on the following roll call:

**Yeas, 20; Nays, 2; Absent, 7.**

**Voting in the affirmative were:** Senators
- Bell
- Bramble
- Buttars
- Davis
- Dayton
- Dmitrich
- Eastman
- Fife
- Goodfellow
- Hillyard
- Jones
- Killpack
- Knudson
- Mayne
- McCoy
- Niederhauser
- Romero
- Stephenson
- Van Tassell
- Waddoups

**Voting in the negative were:** Senators
- Hickman
- Jenkins

**Absent or not voting were:** Senators
- Christensen
- Greiner
- Madsen
- Peterson
- Stowell
- Walker
- Valentine

***

**S.B. 205, UNIFORM INTERSTATE DEPOSITIONS AND DISCOVERY ACT,** was read the second time.

On motion of Senator Bramble, the bill was circled.

***

**S.B. 220, CAUSE OF ACTION FOR DEFECTIVE CONSTRUCTION,** was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators
- Bell
- Bramble
- Buttars
- Davis
- Dayton
- Dmitrich
- Eastman
- Fife
Goodfellow  Greiner  Hickman  Hillyard
Jenkins       Jones    Killpack  Knudson
Mayne         McCoy    Niederhauser  Stephenson
Van Tassell   Waddoups

Absent or not voting were: Senators
Christensen  Madsen  Peterson  Romero
Stowell     Walker  Valentine

***

1st Sub. S.B. 267, LOCAL GOVERNMENT AUTHORITY AMENDMENTS, was read the second time.

On motion of Senator Buttars, the bill was circled.

***

S.B. 43, ADMINISTRATIVE RULES REAUTHORIZATION, was read the second time. Senator Stephenson explained the bill. Senators Hickman, Dmitrich, and Buttars commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Fife
Goodfellow  Greiner  Hillyard  Jenkins
Jones  Killpack  Knudson  Madsen
Mayne  Niederhauser  Romero  Stephenson
Van Tassell  Waddoups  Valentine

Absent or not voting were: Senators
Eastman  Hickman  McCoy  Peterson
Stowell  Walker

***

On motion of Senator Bramble and at 4:10 p.m., the Senate adjourned until 10:00 a.m., Wednesday, February 20, 2008.
THIRTY-FIRST DAY
MORNING SESSION
FEBRUARY 20, 2008

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

Prayer − Seth Melling, Senator Eastman’s intern  
Pledge of Allegiance − Senator Fred Fife  
Roll Call − All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS  
(PLEASE REFER TO DAY 1, PAGE 64)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 19, 2008

The House passed, as substituted, 1st Sub. H.B. 94, PUBLIC EMPLOYEES’ RETIREMENT – SPOUSAL ELECTION, by Representative L. Shurtliff, and it is transmitted for consideration; and

The House passed H.B. 158, TAX CREDIT FOR MILITARY RETIRED PAY, by Representative S. Mascaro, et al, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 189, SCHOOL COMMUNITY COUNCILS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 304, SALES AND USE TAX REVENUES FOR QUALIFIED EMERGENCY FOOD AGENCIES, by Representative L. Wiley, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 348, ZION NATIONAL PARK SPECIAL GROUP LICENSE PLATE, by Representative B. Last, and it is transmitted for consideration; and

The House passed H.B. 357, PUBLIC ASSOCIATIONS SUBJECT TO GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT, by Representative M. Noel, and it is transmitted for consideration; and
The House passed, as amended, H.B. 365, AVIATION AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed H.B. 369, MUNICIPAL RENTAL FEES AMENDMENTS, by Representative M. Walker, and it is transmitted for consideration; and

The House passed, as substituted, 2nd Sub. H.B. 373, UNIFORM FEES ON VINTAGE MOTOR VEHICLES, by Representative W. Harper, and it is transmitted for consideration; and

The House passed H.B. 378, STATE ACCOUNTING AND BUDGETARY PROCEDURES AMENDMENTS, by Representative R. Bigelow, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk


STANDING COMMITTEE REPORTS

Mr. President: February 19, 2008

The Business and Labor Committee reports a favorable recommendation on S.B. 222, DIVISION OF REAL ESTATE LICENSING AND PRESENCE IN THE UNITED STATES, by Senator M. Dayton; and

The Business and Labor Committee reports a favorable recommendation on S.B. 295, SECURITY ALARM BUSINESS LICENSING AMENDMENTS, by Senator M. Dayton; and

The Business and Labor Committee reports a favorable recommendation on H.B. 93, INSURANCE FRAUD AMENDMENTS, by Representative D. Aagard, with the following amendments:

1. Page 2, Line 57 through Page 3, Line 60
   House Committee Amendments
   1–30–2008:

   57    (1) (a) A person shall report a fraudulent insurance act to the department if:

   58    (i) the person has a good faith belief on the basis of a preponderance of the evidence
59 that a fraudulent insurance act is being, will be, or has been committed [related to title]

60 insurance shall report the fraudulent act to the commissioner in a writing that provides] by a person other than the person making the report ; and ; and

The Business and Labor Committee reports a favorable recommendation on H.J.R. 7, JOINT RESOLUTION RECOGNIZING UNREINFORCED MASONRY BUILDINGS, by Representative L. Wiley.

Kevin T. Van Tassell, Chair

Mr. President: February 19, 2008

The Health and Human Services Committee reports a favorable recommendation on 2nd Sub. H.B. 276, HEALTH PROFESSIONAL AUTHORITY – DEATH AND DISABILITY, by Representative B. Last; and

The Health and Human Services Committee reports a favorable recommendation on 1st Sub. H.B. 326, CHILDREN’S HEALTH INSURANCE PROGRAM – OPEN ENROLLMENT, by Representative G. Curtis.

D. Chris Buttars, Chair

Mr. President: February 18, 2008

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 210, PROOF OF CITIZENSHIP REQUIRED TO VOTE, by Senator M. Madsen; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 290, MUNICIPAL OVERSIGHT OF RENTAL DWELLINGS, by Representative G. Froerer; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on 1st Sub. H.B. 309, ELECTION INFORMATION AMENDMENTS, by Representative J. Dougall.

Peter C. Knudson, Chair

STANDING COMMITTEE REPORTS

Mr. President: February 19, 2008

The Business and Labor Committee reports a favorable recommendation on **H.B. 128**, UTAH RESIDENTIAL MORTGAGE PRACTICES ACT AMENDMENTS, by Representative M. Newbold, 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. 159**, PROFESSIONAL EMPLOYER ORGANIZATION LICENSING ACT, by Representative J. Dunnigan, and recommends it be considered read for the second time and placed on the Consent Calendar.

Kevin T. Van Tassell, Chair

Mr. President: February 18, 2008

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 239**, OFFICE OF THE ATTORNEY GENERAL − SAFETY NET INITIATIVE, by Senator C. Bramble, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 231**, LOCAL VOTER INFORMATION PAMPHLET AMENDMENTS, by Representative D. Aagard, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 261**, LOCAL DISTRICT PRIMARY ELECTIONS, by Representative K. Morgan, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

On motion of Senator Hickman, the committee reports were adopted. **H.B. 128, H.B. 159, S.B. 239, H.B. 231, and H.B. 261** were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

**S.B. 237**, Commercial Airline and Airport Taxation Amendments (W. Niederhauser), read the first time by short title and referred to the Rules Committee.
S.B. 244, Division of Parks and Recreation to Support Nonprofit Corporation or Foundation (B. Goodfellow), read the first time by short title and referred to the Rules Committee.

S.B. 279, Water and Land Use Development (D. Peterson), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

S.B. 162, FEDERAL EDUCATION AGREEMENT REQUIREMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Voting in the negative was:** Senator

Greiner

**Absent or not voting were:** Senators

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S.B. 162 was transmitted to the House for consideration.

**1st Sub. S.B. 89, MITIGATION OF INVASIVE SPECIES, was read the third time, explained by Senator Stowell, and 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
Dayton Jenkins

Absent or not voting were: Senators
Bell Madsen Niederhauser

1st Sub. S.B. 89 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 84, NET METERING PROGRAMS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bramble Buttars Christensen Davis
Dayton Dmitrich Eastman Fife
Goodfellow Greiner Hickman Hillyard
Jenkins Jones Killpack Knudson
Mayne McCoy Peterson Romero
Stowell Van Tassell Waddoups Walker
Valentine

Absent or not voting were: Senators
Bell Madsen Niederhauser Stephenson

1st Sub. S.B. 84 was transmitted to the House for consideration.

* * *

S.B. 190, PUBLIC CLASSROOM DISPLAYS, was read the third time, explained by Senator Christensen, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bramble Buttars Christensen Davis
Dayton Dmitrich Eastman Fife
Goodfellow Greiner Hickman Hillyard
Jenkins Jones Killpack Knudson
Mayne McCoy Peterson Romero
Stephenson Stowell Van Tassell Waddoups
Walker Valentine
Absent or not voting were: Senators
Bell Madsen Niederhauser

S.B. 190 was transmitted to the House for consideration.

* * *

S.B. 183, CHILD PORNOGRAPHY AMENDMENT, was read the third time, explained by Senator Buttars, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Eastman
Fife Goodfellow Greiner Hickman
Hillyard Jenkins Jones Killpack
Knudson Mayne McCoy Peterson
Romero Stephenson Stowell Van Tassell
Waddoups Walker Valentine

Absent or not voting were: Senators
Madsen Niederhauser

S.B. 183 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 166, NONDISCRIMINATION AMENDMENTS, was read the third time, explained by Senator McCoy, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Eastman
Fife Goodfellow Greiner Hillyard
Jenkins Jones Killpack Knudson
Mayne McCoy Niederhauser Peterson
Romero Stephenson Stowell Van Tassell
Waddoups Walker Valentine

Absent or not voting were: Senators
Hickman Madsen
1st Sub. S.B. 166 was transmitted to the House for consideration.

* * *

S.B. 189, INDEPENDENT CONTRACTOR DATABASE, 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
Bramble    Buttars    Christensen    Davis
Dayton     Dmitrich   Eastman       Fife
Goodfellow Greiner    Hillyard      Jenkins
Jones      Killpack    Knudson       Mayne
McCoy      Niederhauser Peterson     Romero
Stephenson Stowell    Van Tassell    Waddoups
Walker     Valentine

Absent or not voting were: Senators
Bell        Hickman    Madsen

S.B. 189 was transmitted to the House for consideration.

* * *

S.B. 220, CAUSE OF ACTION FOR DEFECTIVE CONSTRUCTION, 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
Bramble    Buttars    Christensen    Davis
Dayton     Dmitrich   Eastman       Fife
Goodfellow Greiner    Hillyard      Jenkins
Jones      Killpack    Knudson       Madsen
Mayne      McCoy      Niederhauser Peterson
Romero     Stephenson Stowell    Van Tassell
Waddoups   Walker     Valentine

Absent or not voting were: Senators
Bell        Hickman

S.B. 220 was transmitted to the House for consideration.
S.B. 43, ADMINISTRATIVE RULES REAUTHORIZATION, 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
Bramble  Buttars  Christensen  Davis
Dayton  Dmitrich  Eastman  Fife
Goodfellow  Greiner  Hillyard  Jenkins
Jones  Killpack  Knudson  Mayne
McCoy  Niederhauser  Peterson  Romero
Stephenson  Stowell  Van Tassell  Waddoups
Walker  Valentine

Absent or not voting were: Senators
Bell  Hickman  Madsen

S.B. 43 was transmitted to the House for consideration.

On motion of Senator Stowell, the circle was removed from 1st Sub.
S.B. 168, HIGHWAY FUNDING AMENDMENTS, and it was before the Senate. Senator Stowell explained the bill.

On motion of Senator Stowell, the bill was circled.

SECOND READING CALENDAR

H.B. 286, PERMANENT TEACHER LICENSE REVOCATION FOR SEXUAL ACTIVITY WITH STUDENTS, was read the second time. Senator Buttars explained the bill.

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

1st Sub. H.B. 286 Permanent Teacher License Revocation for Sexual Activity with Students (C. Wimmer)

The bill passed second reading on the following roll call:

Yeas, 26; Nays, 0; Absent, 3.
Voting in the affirmative were: Senators
Bramble  Buttars  Christensen  Davis
Dayton  Dmitrich  Eastman  Fife
Goodfellow  Greiner  Hillyard  Jenkins
Jones  Killpack  Knudson  Mayne
McCoy  Niederhauser  Peterson  Romero
Stephenson  Stowell  Van Tassell  Waddoups
Walker  Valentine

Absent or not voting were: Senators
Bell  Hickman  Madsen

* * *

On motion of Senator Peterson, the circle was removed from 1st Sub. H.B. 18, MATERIAL HARMFUL TO MINORS AMENDMENTS, and it was before the Senate. 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
Bell  Bramble  Christensen  Davis
Dayton  Dmitrich  Eastman  Fife
Goodfellow  Hickman  Hillyard  Jenkins
Jones  Knudson  Mayne  McCoy
Niederhauser  Peterson  Romero  Stephenson
Stowell  Van Tassell  Waddoups  Walker

Absent or not voting were: Senators
Buttars  Greiner  Killpack  Madsen

* * *

On motion of Senator Hillyard, the circle was removed from S.B. 205, UNIFORM INTERSTATE DEPOSITIONS AND DISCOVERY ACT, 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
Bell  Bramble  Christensen  Dayton
Dmitrich  Eastman  Fife  Goodfellow
H.B. 41, CAMPAIGN REPORT AMENDMENTS, was read the second time. Senator Knudson explained the bill. Senators Killpack, Bell, and Davis commented.

On motion of Senator Knudson, the bill was circled.

* * *

1st Sub. H.B. 49, BUDGET RESERVE ACCOUNT AND DISASTER RECOVERY ACCOUNT AMENDMENTS, was read the second time. Senator Hillyard explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 2, Line 36

36 \{-63−38−2.9\} 63J−1−205 , Utah Code Annotated 1953

2. Page 9, Lines 261 through 262:

261 Section 4. Section \{-63−38−2.9\} 63J−1−205 is enacted to read:

262 \{-63−38−2.9\} 63J−1−205 . Revenue volatility report.

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

Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Eastman
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**H.B. 103.** USE OF STATE ALTERNATIVE FUEL NETWORK, 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

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**H.B. 122.** DRIVER LICENSE − APPLICATION OF MINOR AMENDMENTS, was read the second time. Senator Buttars 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

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Absent or not voting were: Senators
Bell Eastman Hickman Hillyard
Killpack Madsen Valentine

* * *

H.B. 46, ADOPTION AND TERMINATION OF PARENTAL RIGHTS, 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. H.B. 46 Adoption and termination of Parental Rights (S. Allen)

The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bramble Buttars Christensen Davis
Dayton Dmitrich Eastman Fife
Goodfellow Jenkins Jones Killpack
Knudson Mayne McCoy Niederhauser
Peterson Romero Stephenson Van Tassell
Waddoups Walker

Absent or not voting were: Senators
Bell Greiner Hickman Hillyard
Madsen Stowell Valentine

* * *

H.B. 321, HIGHER EDUCATION SAVINGS INCENTIVE PROGRAM AMENDMENTS, was read the second time.

On motion of Senator Eastman, the bill was circled.

* * *

On motion of Senator Dayton, under suspension of the rules, H.C.R. 3, CONCURRENT RESOLUTION – DECLARING LOVE YOUR LIBRARY WEEK, was considered read the second and third times and passed on the following roll call:
Yeas, 22; Nays, 1; Absent, 6.

Voting in the affirmative were: Senators
Bramble        Christensen    Davis
Dayton         Dmitrich       Eastman    Fife
Goodfellow     Greiner        Jenkins    Jones
Killpack       Knudson        Mayne      McCoy
Niederhauser   Peterson       Romero     Van Tassell
Waddoups       Walker

Voting in the negative was: Senator
Stephenson

Absent or not voting were: Senators
Bell            Hickman       Hillyard   Madsen
Stowell        Valentine

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. 37, UTAH BUSINESS RESOURCES CENTERS ACT, 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
Bramble        Christensen    Davis        Dayton
Dmitrich       Eastman        Fife         Goodfellow
Greiner        Jenkins        Jones        Killpack
Knudson        Mayne          McCoy        Niederhauser
Peterson       Romero         Stephenson   Stowell
Van Tassell    Waddoups       Walker       Valentine

Absent or not voting were: Senators
Bell            Buttars        Hickman     Hillyard
Madsen

* * *

On motion of Senator Mayne, under suspension of the rules, 1st Sub. H.B. 48, MOBILE HOME OWNERS’ RIGHTS, was considered read the second and third
times. Senators Walker, Van Tassell, Waddoups, Stowell, Fife, and Eastman commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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<th>Voting in the affirmative were: Senators</th>
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<td>Bell</td>
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**Voting in the negative were:** Senators

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<th>Voting in the negative were: Senators</th>
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<td>Dayton</td>
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**Absent or not voting was:** Senator

Greiner

1st Sub. H.B. 48 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

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

**AFTERNOON SESSION**

The Senate reassembled at 2:15 p.m., with President Valentine presiding.

On motion of Senator Knudson, H.B. 122 was placed on Third Reading Table due to fiscal impact.

On motion of Senator Knudson, 1st Sub. H.B. 37 was placed on Third Reading Table due to fiscal impact.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President:  

February 20, 2008

The House passed, S.B. 34, CONFIDENTIALITY OF REPORTS TO DRIVER LICENSE DIVISION, 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. 52**, IDENTITY THEFT AMENDMENT, 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. 63**, ADULT PROTECTIVE SERVICES AMENDMENTS, by Senator K. VanTassell, 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. 66**, UNIFORM EMERGENCY VOLUNTEER HEALTH PRACTITIONERS ACT, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 76**, STATE PARKS AND RECREATION AMENDMENTS, by Senator B. Goodfellow, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 94**, BURGLARY OF A RAILROAD CAR, by Senator D. Peterson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 120**, DEPARTMENT OF CORRECTIONS EMPLOYEE VEHICLE USE, by Senator D. Peterson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 122**, UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 124**, SALES AND USE TAX – DEFINITIONS OF PERMANENTLY ATTACHED TO REAL PROPERTY AND TANGIBLE PERSONAL PROPERTY, 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. 135**, EXTENDING THE SALES AND USE TAX EXEMPTION FOR POLLUTION CONTROL FACILITIES, by Senator W. Niederhauser, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 163**, CERTIFIED PUBLIC ACCOUNTANT LICENSING ACT AMENDMENTS, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and
The House passed, **S.C.R. 2**, RESOLUTION PROMOTING LEGISLATORS BACK TO SCHOOL PROGRAM, by Senator M. Dayton, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

**S.B. 34, S.B. 52, S.B. 63, 1st Sub. S.B. 66, S.B. 76, S.B. 94, S.B. 120, S.B. 122, S.B. 124, S.B. 135, S.B. 163, and S.C.R. 2** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 20, 2008

The House passed, as amended, **H.B. 39**, DIVESTMENT OF CERTAIN RETIREMENT FUND INVESTMENTS, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 157**, ALCOHOLIC BEVERAGE CONTROL VIOLATIONS AMENDMENTS, by Representative C. Oda, et al, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 223**, EXEMPTION FROM LICENSURE BY DIVISION OF REAL ESTATE, by Representative M. Walker, and it is transmitted for consideration; and

The House passed **H.B. 226**, DISRUPTION OF SCHOOL ACTIVITIES, by Representative C. Moss, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 257**, EMPLOYEE VERIFICATION, by Representative C. Herrod, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 352**, AMENDMENTS RELATED TO MONIES DERIVED FROM NAVAJO NATION RESERVATION LANDS IN UTAH, by Representative D. Clark, and it is transmitted for consideration; and

The House passed **H.C.R. 4**, CONCURRENT RESOLUTION ENCOURAGING CONGRESSIONAL ACTION TO DESIGNATE A NEW RECIPIENT OF ROYALTIES FROM NAVAJO RESERVATION LANDS, by Representative D. Clark, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Mr. President:  

February 20, 2008

The House substituted and passed, 1st Sub. S.B. 77, REVISIONS TO GOVERNMENT RECORDS ACCESS MANAGEMENT ACT, by Senator M. Dayton, and it is transmitted for further consideration; and

The House substituted, amended, and passed, 1st Sub. S.B. 92, REAL PROPERTY RECORDING AMENDMENTS, by Senator D. Stowell, and it is transmitted for further consideration; and

The House substituted and passed, 1st Sub. S.B. 155, PUNITIVE DAMAGES AMENDMENTS, by Senator L. Hillyard, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

RULES COMMITTEE REPORTS

To the Members of the Senate:  

February 20, 2008

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

Education Committee

H.B. 123 Accelerated Learning Programs Amendments  
(Rep. B. Ferry) (Sen. P. Knudson)

(Sen. M. Dayton)

1st Sub. H.B. 254 School Community Council Amendments  
(Rep. R. Menlove) (Sen. M. Dayton)

H.B. 332 Use of Public Schools by Community Organizations  
(Rep. G. Hughes) (Sen. H. Stephenson)

Government Operations and Political Subdivisions Committee

S.B. 245 Funding Relating to Airports (Sen. C. Bramble)

H.B. 173 Money Management Act Updates  
(Rep. P. Neuenschwander) (Sen. K. VanTassell)

H.B. 185 Western States Presidential Primary Amendments  
Health and Human Services Committee  
**1st Sub. H.B. 330**  
State Supplemental Funding for Head Start  
(Rep. L. Shurtliff) (Sen. G. Bell)

Judiciary, Law Enforcement, and Criminal Justice Committee  
**1st Sub. H.B. 141**  
Identity Theft Reporting Information System Amendments  
**1st Sub. H.B. 149**  
Protective Order Amendments  
(Rep. L. Fowlke)  
(Sen. L. Hillyard)  
**H.B. 161**  
Sex Offenders’ Contact with Children  

Natural Resources, Agriculture and Environment Committee  
**H.B. 229**  
Protections for Agricultural Practices  
(Rep. M. Morley)  
(Sen. D. Peterson)  
**H.C.R. 5**  
Concurrent Resolution Urging Congressional Approval of R.s. 2477 Rights–of–way Recognition Act  

Revenue and Taxation Committee  
**H.B. 172**  
Distribution of Local Option Sales and Use Tax Revenues  
(Rep. B. Dee) (Sen. S. Jenkins)

Transportation, Public Utilities and Technology Committee  
**H.B. 341**  
Damage to Underground Utility Facilities Amendments  
(Rep. D. Clark) (Sen. S. Killpack)  
**H.B. 362**  
Motor Fuel Tax – Off–highway Vehicle Refund Amendments  
(Rep. B. Ferry) (Sen. D. Stowell)

Workforce Services and Community and Economic Development Committee  
**1st Sub. H.B. 336**  
Authority to Establish Refugee Services Fund  
(Rep. C. Herrod) (Sen. G. Bell)

Bill Hickman  
Rules Committee Chair

Report filed. On motion of Senator Hillyard, the committee report was adopted.
SECOND READING CALENDAR

1st Sub. H.B. 95, DOCUMENT FRAUD, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell    Bramble    Buttars    Christensen
Davis   Dayton     Dmitrich   Fife
Goodfellow Greiner   Hickman   Hillyard
Jenkins  Jones      Killpack  Knudson
Madsen  Mayne      McCoy     Niederhauser
Peterson Romero    Stephenson Stowell
Van Tassell Waddoups

Absent or not voting were: Senators
Eastman Walker Valentine

On motion of Senator Knudson, 1st Sub. H.B. 95 was placed on Third Reading Table due to fiscal impact.

* * *

On motion of Senator Bell, the circle was removed from H.B. 321, HIGHER EDUCATION SAVINGS INCENTIVE PROGRAM AMENDMENTS, and it was before the Senate. Senator Bell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell    Bramble    Buttars    Christensen
Davis   Dayton     Dmitrich   Eastman
Fife    Goodfellow Greiner   Hickman
Hillyard Jenkins  Jones      Killpack
Knudson  Madsen     Mayne     McCoy
Niederhauser Peterson  Romero   Stephenson
Stowell  Van Tassell Waddoups

Absent or not voting were: Senators
Walker Valentine
On motion of Senator Hickman, S.B. 81, ILLEGAL IMMIGRATION, will be considered Thursday, February 21, 2008 at 10:45 a.m..

H.B. 99, BUSINESS REGISTRATION − INCLUSION OF OWNERSHIP DATA, was read the second time. Senator Romero explained the bill. Senator Dayton commented. The bill passed second reading on the following roll call:

**Yeas, 19; Nays, 6; Absent, 4.**

**Voting in the affirmative were:** Senators

Bell Christensen Davis Dmitrich
Fife Goodfellow Greiner Hickman
Hillyard Jenkins Jones Killpack
Knudson Mayne McCoy Niederhauser
Romero Stowell Van Tassell

**Voting in the negative were:** Senators

Bramble Buttars Dayton Madsen
Peterson Waddoups

**Absent or not voting were:** Senators

Eastman Stephenson Walker Valentine

1st Sub. H.B. 119, CONTROLLED SUBSTANCE DATABASE AMENDMENTS, was read the second time.

On motion of Senator Hillyard, the bill was circled.

H.B. 17, CANCER SCREENING AND MORTALITY REDUCTION PROGRAM, was read the second time. Senator Christensen explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Fife
Absent or not voting were: Senators
Eastman Walker Valentine

On motion of Senator Christensen, H.B. 17 was placed on Third Reading Table due to fiscal impact.

* * *

H.B. 45, SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A DISABILITY, was read the second time. Senator Christensen explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Fife
Goodfellow Greiner Hickman Hillyard
Jenkins Jones Killpack Knudson
Madsen Mayne McCoy Niederhauser
Peterson Romero Stephenson Stowell
Van Tassell Waddoups

Absent or not voting were: Senators
Eastman Walker Valentine

On motion of Senator Christensen, H.B. 45 was placed on Third Reading Table due to fiscal impact.

* * *

On motion of Senator Christensen, legislative staff was authorized to draft a bill regarding animal torture.

* * *

1st Sub. H.B. 60, LEGISLATIVE REVIEW OF HEALTH INSURANCE MANDATES, was read the second time. Senator Van Tassell explained the bill.
Senator Van Tassell proposed the following amendment:

1. Page 1, Line 17
   
   17 requires the Insurance Department {−of Insurance−} to take certain actions in relationship to a

2. Page 2, Line 55:
   
   55 (B) the Health and Human Services Interim Committee.

3. Page 3, Line 82:
   
   82 (d) The Insurance Department {−of Insurance } shall:

Senator Van Tassell’s motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

**Yea**, 25; **Nay**, 0; **Absent, 4.**

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Davis  
Eastman  
Walker  
Valentine

***

On motion of Senator Bell, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

On motion of Senator Bell, the Senate voted to lift 1st Sub. H.B. 22, EXPEDITED PARENT–TIME ENFORCEMENT, from the Third Reading Table for the purpose of substitution.

1st Sub. H.B. 22, EXPEDITED PARENT–TIME ENFORCEMENT, was read the third time.
On motion of Senator Bell, the following substitute bill replaced the original bill:

**2nd Sub. H.B. 22 Expedited Parent−time Enforcement** (Julie Fisher)

On motion of Senator Bell, **2nd Sub. H.B. 22** was placed on Third Reading Table due to fiscal impact.

**SECOND READING CALENDAR**

**1st Sub. H.B. 133, HEALTH SYSTEM REFORM,** was read the second time. Senator Killpack explained the bill.

Senator Killpack proposed the following amendment:

1. Page 31, Lines 953 through 954
   House Floor Amendments
   2–8–2008

   953 (2) Subject to Subsection (3), and except as provided in Subsection (4) for

   953a taxable years beginning on or after January 1, 2008, a

   954 claimant may claim a nonrefundable tax credit equal to the product of:

2. Page 38, Lines 1150 through 1151:


Senator Killpack’s motion to amend passed on a voice vote. Senators Jones, Waddoups, and Romero commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell Bramble Davis Dayton
Dmitrich Eastman Fife Greiner
Absent or not voting were: Senators
Buttars Christensen Goodfellow Walker

On motion of Senator Killpack, 1st Sub. H.B. 133 was placed on Third Reading Table due to fiscal impact.

* * *

H.B. 301, COMPREHENSIVE HEALTH INSURANCE POOL AMENDMENTS, was read the second time. Senator Waddoups explained the bill. Senator Davis commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Christensen Davis Dayton
Dmitrich Eastman Fife Goodfellow
Greiner Jenkins Jones Killpack
Knudson Mayne McCoy Niederhauser
Peterson Romero Stephenson Stowell
Van Tassell Waddoups Valentine

Absent or not voting were: Senators
Bramble Buttars Hickman Hillyard
Madsen Walker

* * *

H.B. 117, INSTREAM FLOW TO PROTECT TROUT HABITAT, was read the second time. Senator Knudson explained the bill. Senator Fife commented. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 3; Absent, 3.

Voting in the affirmative were: Senators
Bell Christensen Davis Dmitrich
Eastman Fife Goodfellow Greiner
Day 31620  SENATE JOURNAL

Hillyard  Jenkins  Jones  Killpack
Knudsen  Madsen  Mayne  McCoy
Niederhauser  Peterson  Romero  Stowell
Van Tassell  Walker  Valentine

Voting in the negative were: Senators
Dayton  Stephenson  Waddoups

Absent or not voting were: Senators
Bramble  Buttars  Hickman

* * *

H.B. 143, ADMINISTRATION OF INTERSTATE WATER, was read the second time. Senator Van Tassell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Christensen  Davis
Dayton  Dmitrich  Eastman  Fife
Goodfellow  Greiner  Hillyard  Jenkins
Jones  Killpack  Knudsen  Mayne
McCoy  Niederhauser  Peterson  Romero
Stephenson  Stowell  Van Tassell  Waddoups
Walker  Valentine

Absent or not voting were: Senators
Buttars  Hickman  Madsen

* * *

H.B. 105, TRANSPORTATION INFRASTRUCTURE LOAN FUND AMENDMENTS, was read the second time.

On motion of Senator Killpack, the bill was circled.

* * *

H.B. 10, DISCLOSURE OF IDENTITY TO OFFICER, was read the second time. Senator Greiner explained the bill. Senator Hillyard commented. The bill passed second reading on the following roll call:
Day 31  Wednesday, February 20, 2008

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

Voting in the affirmative were: Senators
Bell Bramble Christensen Dayton
Dmitrich Eastman Fife Goodfellow
Greiner Hillyard Jenkins Jones
Killpack Knudson Madsen Mayne
McCoy Niederhauser Romero Stephenson
Stowell Waddoups Walker Valentine

Absent or not voting were: Senators
Buttars Davis Hickman Peterson
Van Tassell

* * *

H.B. 14, DISCHARGE OF FIREARM AMENDMENTS, was read the second time. Senator Madsen explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Christensen Dayton
Dmitrich Eastman Goodfellow Greiner
Hillyard Jenkins Jones Killpack
Knudson Madsen Mayne McCoy
Peterson Romero Stephenson Stowell
Waddoups Valentine

Absent or not voting were: Senators
Buttars Davis Fife Hickman
Niederhauser Van Tassell Walker

* * *

H.B. 23, CHILD AND FAMILY PROTECTION, was read the second time. Senator Bramble explained the bill. Senator Dayton commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Eastman Fife
Absent or not voting were: Senators
Dmitrich Greiner Hillyard Niederhauser
Peterson Van Tassell

* * *

On motion of Senator Jenkins, the circle was removed from H.B. 105, TRANSPORTATION INFRASTRUCTURE LOAN FUND AMENDMENTS, and it was before the Senate. Senator Jenkins explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Davis Dayton
Eastman Fife Goodfellow Hickman
Jenkins Jones Killpack Knudson
Madsen Mayne McCoy Niederhauser
Romero Stephenson Stowell Waddoups
Walker Valentine

Absent or not voting were: Senators
Buttars Christensen Dmitrich Greiner
Hillyard Peterson Van Tassell

* * *

H.B. 33, WAIVERS OF IMMUNITY – EXCEPTIONS, was read the second time. Senator Eastman explained the bill.

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

1st Sub. H.B. 33 Waivers of Immunity – Exceptions (G. Hughes)

The bill passed second reading on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.
Voting in the affirmative were: Senators
Bell          Bramble       Buttars       Davis
Dayton       Eastman       Fife          Goodfellow
Hickman      Jenkins       Jones         Killpack
Knudson      Madsen       Mayne         Niederhauser
Romero       Stowell      Van Tassell  Waddoups
Walker       Valentine

Absent or not voting were: Senators
Christensen  Dmitrich     Greiner       Hillyard
McCoy        Peterson     Stephenson

* * *

H.B. 34, EMAIL INFORMATION REQUIRED OF REGISTERED SEX OFFENDERS, was read the second time. Senator Jenkins explained the bill. Senator Waddoups commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell          Bramble       Buttars       Davis
Dayton       Eastman       Fife          Goodfellow
Hickman      Hillyard     Jenkins       Jones
Killpack     Knudson       Madsen       Mayne
Niederhauser Romero       Stowell      Van Tassell
Waddoups     Walker       Valentine

Absent or not voting were: Senators
Christensen  Dmitrich     Greiner       McCoy
Peterson     Stephenson

* * *

On motion of Senator Bramble, the circle was removed from 1st Sub. H.B. 119, CONTROLLED SUBSTANCE DATABASE AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill.

Senator Bramble proposed the following amendment:

1. Page 9a, Lines 272u through 273
House Floor Amendments
2–5–2008
272u by the proof of costs for in-house programming submitted by
the pharmacy. \( \Rightarrow \hat{\text{H}} \)

(f) Notwithstanding any other provision of this section, the
division may, by rule, allow up to 24 hours for the reporting of data to the
database by a non-resident pharmacy, as defined in Section
58-17b-102.

273 Section \( \Rightarrow \hat{\text{H}} \) \( \Rightarrow \boxed{3} \) \( \Rightarrow \hat{\text{H}} \). Appropriation.

Senator Bramble’s motion to amend passed on a voice vote. Senators
Knudson and Stephenson 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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<th>Dmitrich</th>
<th>Hickman</th>
<th>McCoy</th>
<th>Peterson</th>
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On motion of Senator Bramble, **1st Sub. H.B. 119** was placed on Third
Reading Table due to fiscal impact.

* * *

**H.B. 26, NOTARY PUBLIC REVISIONS**, was read the second time. Senator
Knudson explained the bill. The bill passed second reading on the following roll
call:

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

**Voting in the affirmative were:** Senators

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<td>Walker</td>
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Absent or not voting were: Senators
Christensen Dmitrich Peterson

* * *

H.B. 112, PUBLIC EDUCATION FOUNDATION AMENDMENTS, was read the second time. Senator Eastman explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Davis
Dayton Dmitrich Eastman Fife
Goodfellow Greiner Hickman Hillyard
Jenkins Jones Killpack Knudson
Madsen Mayne McCoy Niederhauser
Peterson Romero Stephenson Stowell
Van Tassell Waddoups Walker Valentine

Absent or not voting was: Senator
Christensen

* * *

H.B. 271, UTAH PURPLE HEART RECIPIENTS TUITION ACT 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
Bell Bramble Buttars Davis
Dayton Dmitrich Eastman Fife
Goodfellow Greiner Hickman Hillyard
Jenkins Jones Killpack Knudson
Madsen Mayne McCoy Niederhauser
Peterson Romero Stephenson Stowell
Van Tassell Waddoups Walker Valentine

Absent or not voting was: Senator
Christensen

* * *

1st Sub. H.B. 287, REGULATION OF TEACHER – STUDENT RELATIONSHIP, was read the second time. Senator Bramble explained the bill.
Senator Greiner commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

- Christensen
- Hillyard

* * *

On motion of Senator Bramble and at 4:00 p.m., the Senate adjourned until 10:00 a.m., Thursday, February 21, 2008.
THIRTY-SECOND DAY
MORNING SESSION
FEBRUARY 21, 2008

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

Prayer – Bishop Darren Beck
Pledge of Allegiance – Senator Howard Stephenson
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 64)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 20, 2008

The House passed, S.B. 65, SOLICITING GANG MEMBERS PROHIBITED, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 98, LICENSING OF SECURITY SERVICES, 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. 125, HIGH SCHOOL VOTER REGISTRATION, by Senator K. VanTassell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 147, CANDIDATE FILING REQUIREMENTS, 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. 148, ENFORCEMENT OF FRONT LICENSE PLATE DISPLAY REQUIREMENT 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.B. 165, ALCOHOLIC BEVERAGE SINGLE EVENT PERMITS, by Senator S. McCoy, which has been signed by the Speaker and it is transmitted for the signature of the President; and
The House passed, S.B. 167, ALCOHOLIC BEVERAGES ON ELECTION DAY, by Senator S. McCoy, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 170, BOARD OF WATER RESOURCES AMENDMENTS, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 65, S.B. 98, S.B. 125, S.B. 147, S.B. 165, S.B. 167, and S.B. 170 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

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Mr. President: February 20, 2008

The House concurred in the Senate amendments and passed H.B. 30, VEHICLE CONCEALING ILLEGAL ITEMS, by Representative P. Ray, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 42, WATER RIGHT APPLICATION FOR ELECTRICAL COOPERATIVE, by Representative G. Snow, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. H.B. 62, CLEAN FUEL SPECIAL GROUP LICENSE PLATE AMENDMENTS, by Representative T. Kiser, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 2nd Sub. H.B. 125, DEPARTMENT OF AGRICULTURE AND FOOD 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. 272, FALSE IMPERSONATION AND REPRESENTATION, by Representative G. Froerer, and it is transmitted for the signature of the President; and
The House concurred in the Senate amendments and passed H.B. 275, VEHICLE TOWING REQUIREMENTS, by Representative B. Daw, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 30, H.B. 42, 1st Sub. H.B. 62, 2nd Sub. H.B. 125, 1st Sub. H.B. 272, and H.B. 275, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: February 20, 2008

The House substituted and passed, 3rd Sub. S.B. 15, DRIVING UNDER THE INFLUENCE AMENDMENTS, by Senator C. Walker, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

* * *

Mr. President: February 20, 2008

The House refused to concur with the Senate Amendments to 2nd Sub. H.B. 47, STANDARDS FOR ELECTRONIC EXCHANGE OF CLINICAL HEALTH INFORMATION, by Representative R. Menlove, and requests the Senate recede from its amendments.

Sandy D. Tenney, Chief Clerk

On motion of Senator Knudson, the Senate voted to refuse to recede from its amendments to 2nd Sub. H.B. 47. President Valentine appointed a conference committee consisting of Senators Knudson, Christensen, and Davis to meet with a like committee from the House.

STANDING COMMITTEE REPORTS

Mr. President: February 20, 2008

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 218, AMENDMENTS TO TOURISM, RECREATION, CULTURAL, AND CONVENTION FACILITIES TAX, by Senator W. Niederhauser; and

The Revenue and Taxation Committee reports a favorable recommendation on 1st Sub. H.B. 58, SEVERANCE TAX AMENDMENTS, by Representative J. Dougall; and
The Revenue and Taxation Committee recommends **H.B. 69**, REPEAL OF BOARD LEEWAY FOR READING IMPROVEMENT, by Representative J. Dougall, be replaced and favorably recommends **1st Sub. H.B. 69**, REPEAL OF BOARD LEEWAY FOR READING IMPROVEMENT; and

The Revenue and Taxation Committee reports a favorable recommendation on **1st Sub. H.B. 351**, INDIVIDUAL INCOME TAX – HEALTH INSURANCE, by Representative J. Dunnigan, with the following amendments:

1. Page 1, Lines 23 through 24:

   23 This bill { has retrospective operation } takes effect for taxable years beginning on or after January 1,

   24 {−2008−} 2009 .

2. Page 19, Lines 577 through 579
   House Committee Amendments 2−7−2008:

   577 (2) Subject to Subsection (3), and except as provided in Subsection (4), for taxable years beginning on or after January 1, {−2008 } 2009 , a claimant may claim a nonrefundable tax credit

   579 equal to the product of:

3. Page 21, Lines 622 through 624:

   622 Section 5. { has retrospective operation } Effective date .

   623 This bill { has retrospective operation } takes effect for taxable years beginning on or after January 1,
Mr. President: February 20, 2008

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on S.R. 4, SENATE RESOLUTION REGARDING TRADE WITH TAIWAN, by Senator C. Bramble.

Mark B. Madsen, Chair

Mr. President: February 20, 2008

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on S.B. 238, AQUATIC INVASIVE SPECIES INTERDICTION ACT, by Senator J. Greiner, with the following amendments:

1. Page 5, Line 135:

135 (a) the division, port-of-entry agent, or peace officer; ; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on S.B. 251, TASK FORCE STUDYING FUNDING FOR FIGHTING FOREST FIRES, by Senator D. Stowell; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.B. 137, STATE FACILITY WATER CONSERVATION PROGRAM, by Representative L. Wiley; and

The Natural Resources, Agriculture, and Environment Committee recommends 1st Sub. H.B. 148, AQUACULTURE REVITALIZATION ACT, by Representative M. Noel, be replaced and favorably recommends 2nd Sub. H.B. 148, AQUACULTURE REVITALIZATION ACT; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on 1st Sub. H.B. 323, EMINENT DOMAIN AMENDMENTS, by Representative A. Tilton; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.J.R. 10, JOINT RESOLUTION OPPOSING
DESIGNATION OF PUBLIC LANDS CURRENTLY URGED BY CONGRESS AND THE BUREAU OF LAND MANAGEMENT, by Representative A. Tilton.

Darin G. Peterson, Chair

Mr. President: February 20, 2008

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 19, ASSAULT ON A PEACE OFFICER PENALTY AMENDMENTS, by Representative P. Ray; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on H.B. 90, EXPUNGEMENT AMENDMENTS, by Representative R. C. Webb.

Gregory S. Bell, Chair


STANDING COMMITTEE REPORTS

Mr. President: February 20, 2008

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on S.B. 228, REGULATION OF WELLS, by Senator M. Dayton, and recommends it be considered read for the second time and placed on the Consent Calendar.

Darin G. Peterson, Chair

Mr. President: February 20, 2008

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 263, SELF AUTHENTICATION OF DOCUMENTS, by Senator S. McCoy, 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 recommends H.B. 178, JURISDICTION FOR PROSECUTION, by Representative P. Neuenschwander, be replaced and favorably recommends 1st Sub. H.B. 178, JURISDICTION FOR PROSECUTION and that 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. 312**, CRIME VICTIM REPARATIONS REVISIONS, by Representative Julie Fisher, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 314**, SEXUAL OFFENSES – DEFINITIONS, by Representative R. Bigelow, 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. 327**, ENTICING A MINOR BY ELECTRONIC MEANS, by Representative K. Gibson, 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. 377**, CODE OF CRIMINAL PROCEDURE AMENDMENTS, by Representative R. Lockhart, and recommends it be considered read for the second time and placed on the Consent Calendar.

Gregory S. Bell, Chair

On motion of Senator Hickman, the committee reports were adopted. **S.B. 228, S.B. 263, 1st Sub. H.B. 178, H.B. 312, H.B. 314, H.B. 327, and H.B. 377** were considered read the second time and placed on the Consent Calendar.

**INTRODUCTION OF BILLS**

**S.B. 296**, Financial Institutions Amendments (C. Bramble), read the first time by short title and referred to the Rules Committee.

**CONSENT CALENDAR**

**H.B. 296**, VOTING MACHINES USED BY MUNICIPALITIES, was read the third time, explained by Senator Jones, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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Absent or not voting were: Senators
Dmitrich    Killpack    Niederhauser    Peterson
Van Tassell

H.B. 296 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 310, ABSENTEE BALLOT REVISIONS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell      Bramble    Buttars    Davis
Dayton    Dmitrich   Eastman   Fife
Goodfellow Greiner   Hickman   Hillyard
Jenkins   Jones      Knudson   Madsen
Mayne     McCoy      Romero    Stephenson
Stowell   Waddoups   Walker    Valentine

Absent or not voting were: Senators
Christensen Killpack    Niederhauser    Peterson
Van Tassell

H.B. 310 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

SPECIAL ORDER OF BUSINESS

Students from the Uintah Elementary School recited the Declaration of Independence.

CONCURRENCE CALENDAR

1st Sub. S.B. 77, REVISIONS TO GOVERNMENT RECORDS ACCESS MANAGEMENT ACT, was before the Senate.

On motion of Senator Dayton, the bill was circled.

* * *

On motion of Senator Stowell, the Senate voted to concur in the House amendments to 1st Sub. S.B. 92, REAL PROPERTY RECORDING AMENDMENTS. The bill, as amended, passed on the following roll call:
Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Buttars, McCoy, Niederhauser

1st Sub. S.B. 92 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 1st Sub. S.B. 155, PUNITIVE DAMAGES AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Christensen, Davis, Niederhauser

1st Sub. S.B. 155 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Dayton, the circle was removed from 1st Sub. S.B. 77, REVISIONS TO GOVERNMENT RECORDS ACCESS MANAGEMENT ACT, and it was before the Senate.
On motion of Senator Dayton, the Senate voted to concur in the House amendments to 1st Sub. S.B. 77, REVISIONS TO GOVERNMENT RECORDS ACCESS MANAGEMENT ACT. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators  
Bell  Bramble  Buttars  Christensen  
Davis  Dayton  Dmitrich  Eastman  
Fife  Goodfellow  Greiner  Hillyard  
Jenkins  Jones  Killpack  Knudson  
Mayne  McCoy  Peterson  Romero  
Stephenson  Stowell  Van Tassell  Waddoups  
Walker  Valentine

**Absent or not voting were:** Senators  
Hickman  Madsen  Niederhauser

1st Sub. S.B. 77 was returned to the House for the signature of the Speaker.

**TIME CERTAIN CALENDAR**

S.B. 81, ILLEGAL IMMIGRATION, was read the second time. Senator Hickman explained the bill. Senators Bell, McCoy, Hillyard, Romero, Jones, and Fife commented.

Senator Hickman proposed the following amendment:

1. Page 13, Lines 371 through 392  
   371 engraved plate or other device for the printing of an identification document:  
   372 (a) a business, company, corporation, or service organization, or federal, state, or local  
   373 government agency for employee identification, which is designed to identify the bearer as an  
   374 employee;  
   375 (b) a business, company, corporation, or service organization for customer identification, which is designed to identify the bearer as a customer or member;
(c) a federal, state, or local government agency for purposes authorized or required by law or a legitimate purpose consistent with the duties of the agency, including such documents as voter identification cards, driver licenses, identification cards, passports, birth certificates, and Social Security cards; and

(d) a public school or state or private educational institution to identify the bearer as an administrator, faculty member, student, or employee; and

(e) a professional organization or labor union to identify the bearer as a member of the professional organization or labor union; and

(f) a business, corporation, or company that manufactures medical−alert identification for individuals required to have the identification on their persons.

(2) The name of the issuing entity shall be clearly printed upon the face of the identification document.

(3) Except as otherwise provided in Subsections (4) and (5) or by federal law, an entity providing an identity document, card, or certificate under Subsection (1) (c) (b) or (d) (c) shall issue the document, card, or certificate only to:

(a) a United States citizen;

(b) (i) An entity listed in Subsection (1) (c) (b) or (d) (c) may issue a Subsection (1) (e) (b) or (d) (c)
identification document to an applicant who satisfies the requirements of Subsection (4)(a).

3. Page 14, Lines 421 through 422
   Senate Committee Amendments
   2–12–2008:

   (5) (a) Subsection (3) does not apply to an identification document issued under Subsection (1) (c) that is only:

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

 Senator Hickman proposed the following amendment:

1. Page 2, Lines 44 through 46
   Senate Committee Amendments
   2–12–2008

   verify the work eligibility status of the contractor’s new employees;

   provides that it is unlawful to discharge a lawful employee while retaining an unauthorized alien in the same job category;

2. Page 14, Line 429 through Page 15, Line 431
   Senate Committee Amendments
   2–12–2008:

   63–99a–103. Status verification system — Registration and use — Performance of services — 
   (Discriminatory) Unlawful practice.

   (1) As used in this section:

3. Page 16, Lines 465 through 467
   Senate Committee Amendments
   2–12–2008:

   (4) (a) It is unlawful for an employing entity in the state to discharge an
employee working in Utah who is a United States citizen or permanent resident alien while
retaining an employee who:

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

# # #

Senator Hickman proposed the following amendment:

1. Page 2, Lines 51 through 54

Senate Committee Amendments
2–12–2008

51 requires an applicant for a state or local public benefit to {execute an affidavit
attesting to} certify the applicant’s lawful presence in the United States, and provides
penalties for making a false, fictitious, or fraudulent statement or representation in
the {affidavit} application;

2. Page 16, Lines 462 through 464:

462 (b) Subsection (3)(a) does not apply to a contract:
(i) entered into by the entities referred to
in Subsection (3)(a) prior to July 1, 2009, even though the contract may involve the physical
performance of services within the state on or after July 1, 2009;
or
(ii) that involves underwriting, remarketing, broker-dealer activities, securities placement, investment advisory, financial advisory, or other financial or investment banking services.

3. Page 17, Lines 510 through 511

Senate Committee Amendments
2–12–2008:

510 (f) the exemption for paying the nonresident portion of total tuition for the time
510a periods as $\equiv$

511 set forth in Section 53B–8–106 (– ) ; and

(g) an applicant for a license under Section 61–1–4, if the applicant is registered with the Financial Industry Regulatory Authority and files an application with state Division of Securities through the Central Registration Depository.

4. Page 17, Lines 512 through 521

Senate Committee Amendments 2–12–2008:

512 (4) (a) An agency or political subdivision required to verify the lawful presence in the

513 United States of an applicant under this section shall require the applicant to

514 execute an affidavit under penalty of perjury stating that:

515 (i) the applicant is a United States citizen; or

516 (ii) the applicant is:

517 (A) a qualified alien as defined in 8 U.S.C., Sec. 1641; and

518 (B) lawfully present in the United States.

519 (b) An agency or political subdivision providing a state or local benefit under this

520 section shall provide notary public services at no cost to an applicant. produce documentation substantiating the applicant’s lawful presence, which may include:

(i) a certified copy of a birth certificate that documents the applicant as a natural born citizen of the United States;

(ii) a United States military card or a military dependent’s identification card;

(iii) a United States Coast Guard Merchant Mariner card;

(iv) a Native American tribal document; or

(v) any other form of documentation that establishes lawful presence of the applicant in the United States as prescribed by a rule enacted by the agency or the political subdivision, or in the case of a federal benefit, any other form of documentation prescribed by federal law or regulation.

521 (5) (–(a) –) An agency or political subdivision shall verify the documentation provided by an applicant under
5. Page 18, Lines 525 through 536:

525 Security.

526 { (b) The affidavit is presumed proof of lawful presence in the United States until
527 eligibility verification is made under Subsection (5)(a). }

528 (6) (a) An individual who knowingly and willfully makes a false, fictitious, or
529 fraudulent statement or representation in an { affidavit executed } application for benefits under this section or in the required documentation under Subsection (4)(a) is

530 subject to the criminal penalties applicable in this state for:

531 (i) making a written false statement under Subsection 76−8−504(2); and
532 (ii) fraudulently obtaining public assistance program benefits under Sections 76−8−1205 and 76−8−1206 and unemployment compensation under Section 76−8−1301 .
534 (b) If the { affidavit } application or accompanying documentation constitutes a false claim of U.S. citizenship under 18 U.S.C., Sec. 911, the agency or political subdivision shall file a complaint with the United States Attorney

536 General for the applicable district based upon the venue in which the { affidavit was executed } application was made .

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

# # #

Senator Hickman proposed the following amendment:

1. Page 3, Lines 68 through 72

Senate Committee Amendments
2−12−2008

68 makes it a class A misdemeanor for a person to:

69 • transport in this state an alien for commercial advantage or private financial gain , knowing that the alien is in the United States in
70 violation of federal law, in furtherance of the illegal presence in the United States; or
71 conceal, harbor, or shelter from detection an alien, in a place within this state, for commercial advantage or private financial gain.

2. Page 20, Lines 600 through 606
Senate Committee Amendments 2–12–2008:

600 (2) It is unlawful for a person to:
601 (a) transport, move, or attempt to transport in this state an alien for commercial advantage or private financial gain, knowing or in reckless disregard of the fact that the alien is in the United States in violation of federal law, in
602 furtherance of the illegal presence of the alien in the United States; or
603 (b) conceal, harbor, or shelter from detection an alien in a place within this state,
604 including a building or means of transportation, for commercial advantage or financial gain, knowing or in reckless disregard of the fact
605 that the alien is in the United States in violation of federal law.

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

###

Senator Hickman proposed the following amendment:

1. Page 20, Lines 596 through 597
Senate Committee Amendments 2–12–2008

596 Section [13] 10. Section 76–10–2701 is enacted to read:

PART 27. TRANSPORTING OR HARBORING OF ILLEGAL ALIENS
Transporting or harboring aliens — Definition — Penalty.

2. Page 20, Lines 609 through 612
   Senate Committee Amendments
   2–12–2008:

   (a) a state or local public benefit described in 8 U.S.C., Section 1621(b); or

   (b) charitable or humanitarian assistance, including medical care, housing, counseling, food, victim assistance, religious services and sacraments, and transportation to or from a location where the assistance is provided, by a charitable, educational, or religious organization or its employees, agents, or volunteers using private funds.

   (5)(a) It is not a violation of this part for a religious denomination or organization or an agent, officer, or member of a religious denomination or organization to encourage, invite, call, allow, or enable an alien to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses.

   (b) Subsection (5)(a) applies only to an alien who has been a member of the religious organization or denomination for at least one year.


   If this S.B. 81 and H.B. 63, Recodification of Title 63 State Affairs in General, both

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

###

Senator McCoy proposed the following substitute motion:

1. Page 20, Line 610:
   Senate Committee Amendments
   2–12–2008:
   Strike (5)(b) and renumber (5)(a)
Senator McCoy’s motion failed on a voice vote.

###

Senator Hickman proposed the following amendment:

1. Page 20, Line 605:
   Senate Committee Amendments
   2–12–2008:
   After “for commercial advantage or” insert “private”

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

On motion of Senator Hickman, the bill was circled.

COMMITTEE OF THE WHOLE

On motion of Senator Hickman, U. S. Congressman Rob Bishop spoke in Committee of the Whole. Senators McCoy, Dayton, and Bell commented.

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

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On motion of Senator Hickman, and at 12:00 noon, the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:35 p.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 21, 2008

The House passed, 1st Sub. S.B. 29, TRUTH IN TAXATION AMENDMENTS, by Senator W. Niederhauser, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, 1st Sub. S.B. 56, NATUROPATHIC PHYSICIAN LICENSING AMENDMENTS, by Senator S. McCoy, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 114, NOTARY PUBLIC REVISION, 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. 143**, INSURANCE FINANCIAL REQUIREMENTS, by Senator K. VanTassell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 159**, WORKERS’ COMPENSATION 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. 179**, SALVAGE VEHICLE AMENDMENTS, by Senator C. Walker, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 29, 1st Sub. S.B. 56, S.B. 114, S.B. 143, S.B. 159, 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.

***

Mr. President: February 21, 2008

The House passed **H.B. 371**, DIGITAL CERTIFICATES FOR BREATHALIZERS, by Representative C. Herrod, and it is transmitted for consideration; and

The House passed, as amended, **H.C.R. 7**, CONCURRENT RESOLUTION DECLARING COLORECTAL CANCER AWARENESS MONTH, by Representative E. Hutchings, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 371** and **H.C.R. 7** were read the first time and referred to the Rules Committee.

***

Mr. President: February 21, 2008

The House substituted and passed, **1st Sub. S.B. 136**, APPORTIONMENT OF BUSINESS INCOME AND DEDUCTION OF NET LOSSES BY AN ACQUIRED CORPORATION, by Senator W. Niederhauser, and it is transmitted for further consideration; and

The House substituted and passed, **1st Sub. S.B. 152**, PRESUMPTIVE PERSONAL REPRESENTATIVE, by Senator G. Bell, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.
Mr. President: February 21, 2008

The House has rejected 1st Sub. S.B. 45, INVENTORY FOR COMPETITIVE ACTIVITIES OF LOCAL ENTITIES, by Senator H. Stephenson, and it is transmitted for filing.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 45 was returned to the staff for filing.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 21, 2008

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

Business and Labor Committee

Education Committee
H.B. 226 Disruption of School Activities (Rep. C. Moss) (Sen. R. Romero)

Government Operations and Political Subdivisions Committee
H.B. 352 Amendments Related to Monies Derived from Navajo Nation Reservation Lands in Utah (Rep. D. Clark) (Sen. C. Bramble)
H.B. 357 Public Associations Subject to Government Records Access and Management Act (Rep. M. Noel) (Sen. S. Jenkins)
H.C.R. 4 Concurrent Resolution Encouraging Congressional Action to Designate a New Recipient of Royalties from Navajo
Reservation Lands in Utah (Rep. D. Clark)  
(Sen. C. Bramble)

Natural Resources, Agriculture and Environment Committee  
S.B. 279 Water and Land Use Development (Sen. D. Peterson)

Retirement and Independent Entities Committee  
1st Sub. H.B. 94 Public Employees’ Retirement – Spousal Election  
(Rep. L. Shurtliff) (Sen. J. Greiner)  
H.B. 145 Additional State Retirement Benefit (Rep. K. Holdaway)  
(Sen. B. Goodfellow)

Revenue and Taxation Committee  
S.B. 237 Commercial Airline and Airport Taxation Amendments  
(Sen. W. Niederhauser)  
H.B. 158 Tax Credit for Military Retired Pay (Rep. S. Mascaro)  
(Sen. D. C. Buttars)  
1st Sub. H.B. 304 Sales and Use Tax Revenues for Qualified Emergency  

Transportation, Public Utilities and Technology Committee  
1st Sub. H.B. 348 Zion National Park Special Group License Plate  
(Rep. B. Last) (Sen. D. Stowell)  
H.B. 365 Aviation Amendments (Rep. W. Harper)  
(Sen. W. Niederhauser)  
2nd Sub. H.B. 373 Uniform Fees on Vintage Motor Vehicles  

Workforce Services and Community and Economic Development Committee  
S.B. 296 Financial Institutions Amendments (Sen. C. Bramble)

Bill Hickman  
Rules Committee Chair  
Report filed. On motion of Senator Hickman, the committee report was adopted.
The Business and Labor Committee reports a favorable recommendation on **S.B. 200, PROFESSIONAL ENGINEERS LICENSING AMENDMENTS**, by Senator F. Fife, with the following amendments:

1. Page 4, Line 115 through Page 5, Line 142:

   115 (E) jails and detention facilities with a gross area greater than 3,000 square feet; or
   116 (F) an occupancy with an occupant load greater than 5,000;
   117 (ii) buildings and other structures designated as essential facilities, including:
   118 (A) hospitals and other health care facilities having surgery or emergency treatment facilities with a gross area greater than 3,000 square feet;
   119 (B) fire, rescue, and police stations and emergency vehicle garages with a mean height greater than 24 feet or a gross area greater than 5,000 square feet;
   120 (C) designated earthquake, hurricane, or other emergency shelters with a gross area greater than 3,000 square feet;
   121 (D) designated emergency preparedness, communication, and operation centers and other buildings required for emergency response with a mean height more than 24 feet or a gross area greater than 5,000 square feet;
   122 (E) power−generating stations and other public utility facilities required as emergency backup facilities with a gross area greater than 3,000 square feet;
   123 (F) structures with a mean height more than 24 feet or a gross area greater than 5,000 square feet containing highly toxic materials as defined by the division by rule,
   124 where the quantity of the material exceeds the maximum allowable quantities set by the
   125 division by rule; and
129  (G) aviation control towers, air traffic control centers, and
emergency aircraft hangars at commercial service and cargo air
services airports as defined by the Federal Aviation Administration with
a mean height greater than 35 feet or a gross area greater than 20,000
square feet; or
130  (H) buildings having critical national defense functions;–}
and
132  (iii) buildings and other structures requiring special
consideration, including:
133  (A) structures or buildings that are:
134  (I) normally occupied by human beings; and
135  (II) five stories or more in height; or
136  (III) that have an average roof height more than 60 feet above
the average ground level
137  measured at the perimeter of the structure; or
138  (B) all buildings over 60,000 aggregate gross square feet in
area; and
139  (b) includes the definition of professional engineering or
the practice of professional engineering as {–defined in
140  this section } provided in Subsection (9) ;
141  (15) “Structure” means that which is built or constructed, an
edifice or building of any
kind, or [any] a piece of work artificially built up or composed of
parts joined together in
2.  Page 6, Lines 179 through 180:
179  (e) have successfully completed three years of licensed
professional engineering
180  experience established by rule by the division in collaboration with
the board , except that prior to January 1, 2009, an applicant for
licensure may submit a signed affidavit in a form prescribed by the
division stating that the applicant is currently engaged in the practice of
structural engineering ;
3.  Page 6, Line 182 through Page 7, Line 187:
182 collaboration with the board[; and], except that prior to January 1, 2009, an applicant for
183 licensure may submit a signed affidavit in a form prescribed by the division stating {→
184 (i) } that the applicant is currently engaged in the practice of structural engineering; {−and
185 (ii) the applicant is competent to engage in the practice of structural engineering as
186 defined in Section 58−22−102; } and
187 (g) meet with the board or representative of the division upon request for the purpose

4. Page 10, Line 305 through Page 11, Line 307:

305 (4) engaging in the practice of engineering, structural engineering, or surveying as set
306 forth in Subsections 58−22−102(9), (11), and (14), if the person has not been licensed under this chapter, except as provided in Section 58−1−307 or
307 Subsections 58−3a−304(1)(b) through (f); or ; and

The Business and Labor Committee reports a favorable recommendation on 2nd Sub. H.B. 75, INVENTORY AND REVIEW OF COMMERCIAL ACTIVITIES, by Representative C. Frank, et al; and

The Business and Labor Committee reports a favorable recommendation on 2nd Sub. H.B. 346, DIVISION OF REAL ESTATE RELATED AMENDMENTS, by Representative G. Froerer.

Kevin T. Van Tassell, Chair

Mr. President: February 21, 2008

The Health and Human Services Committee reports a favorable recommendation on 3rd Sub. H.B. 131, COMMUNITY BASED SELF SUFFICIENCY GRANTS, by Representative J. Seelig; and
The Health and Human Services Committee reports a favorable recommendation on **H.B. 307**, CANCER SCREENING AND MORTALITY REDUCTION SPECIAL GROUP LICENSE PLATE, by Representative C. Moss.

D. Chris Butters, Chair

Mr. President: February 21, 2008

The Education Committee reports a favorable recommendation on **S.B. 223**, STANDARDS FOR ACCEPTANCE OF SCHOOL TRANSFER APPLICATIONS, by Senator M. Madsen; and

The Education Committee reports a favorable recommendation on **H.B. 66**, PARAEDUCATOR TO TEACHER SCHOLARSHIP PROGRAM, by Representative R. Menlove; and

The Education Committee report a favorable recommendation on **H.B. 85**, TEACHER LOAN PROGRAM, by Representative L. Hemingway, with the following amendments:

1. Page 2, Lines 32 through 34
   House Committee Amendments
   1–29–2008:

   32 (2) The State Board of Education shall:
   33 (a) subject to the availability of funding for the loan program from appropriations and loan principal and interest repayments, award available loan funds to individual teachers who:
   34 (i) teach full time in a school district or charter school within the state;

2. Page 3, Lines 77 through 79
   House Committee Amendments
   1–29–2008:

   77 (ii) require full repayment of the outstanding loan principal and interest if and when the primary residence is sold within ten years of loan issuance.
   78 (6) If appropriations and loan principal and interest repayment funds are insufficient to cover the costs associated with the Teacher Loan Program for all eligible applicants, the State Board of Education shall:
   80 (a) limit the number of loans authorized to correspond to the
amount of available funds; and
(b) select loan recipients using the criteria established pursuant to
Subsection (5)(a).

79 Section 2. Appropriation. ; and

The Education Committee reports a favorable recommendation on H.B. 96,
RETIRED TEACHERS − RETURN TO WORK, by Representative D. Bowman.

Margaret Dayton, Chair

Mr. President: February 20, 2008

The Government Operations and Political Subdivisions Committee reports a
favorable recommendation on S.B. 253, COUNTY LAW ENFORCEMENT
DUTIES, by Senator M. Waddoups; and

The Government Operations and Political Subdivisions Committee reports a
favorable recommendation on S.R. 3, SENATE RESOLUTION PETITIONING
CONGRESS TO ADDRESS THE ILLEGAL IMMIGRATION CRISIS, by
Senator M. Madsen, with the following amendments:

1. Page 1, Lines 19–20:
   After “immigrants” delete “, place a moratorium on temporary worker
   and guest
   worker legislation,"

2. Page 2, Lines 55–56:
   After “immigrants” delete “, place a moratorium
   on temporary worker and guest worker legislation until illegal
   immigration has been
   brought under control”

3. Page 2, Lines 34–35:
   After “immigrants” delete “,” and insert “is”
   After “ population” delete “, should be considered an invasion”; and

The Government Operations and Political Subdivisions Committee reports a
favorable recommendation on H.B. 153, IMPACT FEES AMENDMENTS, by
Representative M. Morley; and

The Government Operations and Political Subdivisions Committee reports a
favorable recommendation on H.B. 177, COUNTY AND MUNICIPAL LAND
USE REGULATION OF POTENTIAL GEOLOGIC HAZARD AREAS, by
Representative M. Morley; and
The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 182**, DEADLINE FOR VOTING PRECINCT DESIGNATION, by Representative G. Hughes; and


Peter C. Knudson, Chair


**STANDING COMMITTEE REPORTS**

Mr. President: February 21, 2008

The Business and Labor Committee reports a favorable recommendation on **H.B. 342**, INSURANCE CODE AMENDMENTS, by Representative J. Dunnigan, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 2, Lines 38 through 40:

   38 Insurance Act; and

   39 {→addresses when individual carriers must accept individuals; and }

   40 makes additional technical amendments.

2. Page 3, Line 70:

   70 {→31A−30−108, as last amended by Laws of Utah 2004, Chapters 2 and 329→} 

3. Page 12, Lines 341 through 354

   House Floor Amendments
   2−12−2008:

   341 (50) (a) “Eligible employee” means:

   342 (i) an employee who:
343 (A) works on a full-time basis; and
344 (B) has a normal work week of 30 or more hours;
345 (i) a person described in Subsection (50) (b).
346 (b) “Eligible employee” includes, if the individual is included under a health benefit plan of a small employer: a sole proprietor;
347 (ii) a partner in a partnership; or
348 (iii) an independent contractor.
349 (c) “Eligible employee” does not include an individual who works on a temporary or substitute basis for a small employer’s spouse; or a dependent of an employer.

4. Page 64, Line 1980 through Page 65, Line 1983:
1980 (4) The Basic Health Care Plan adopted by the commissioner under this section shall provide for:
1981 (a) a lifetime maximum benefit per person not to exceed $1,000,000;
1982 (b) an annual maximum benefit per person not less than $250,000;

5. Page 103, Line 3166 through Page 106, Line 3269:
3166 Section 26. Section 31A–30–108 is amended to read:
3167 31A–30–108. Eligibility for small employer and individual market.
(1) (a) Small employer carriers shall accept residents for small group coverage as set forth in the Health Insurance Portability and Accountability Act, P.L. 104–191, 110 Stat. 1962, Sec. 2701(f) and 2711(a).

(b) Individual carriers shall accept residents for individual coverage pursuant:

(i) to P.L. 104–191, 110 Stat. 1979, Sec. 2741(a)–(b); and

(ii) Subsection (3).

(2) (a) Small employer carriers shall offer to accept all eligible employees and their dependents at the same level of benefits under any health benefit plan provided to a small employer.

(b) Small employer carriers may:

(i) request a small employer to submit a copy of the small employer’s quarterly income tax withholdings to determine whether the employees for whom coverage is provided or requested are bona fide employees of the small employer; and

(ii) deny or terminate coverage if the small employer refuses to provide documentation requested under Subsection (2)(b)(i).

(3) Except as provided in Subsections (5) and (6) and Section 31A–30–110, individual carriers shall accept for coverage individuals to whom all of the following conditions apply:

(a) the individual is not covered or eligible for coverage:

(i) (A) as an employee of an employer;

(B) as a member of an association; or

(C) as a member of any other group; and

(ii) under:
(A) a health benefit plan; or
(B) a self−insured arrangement that provides coverage similar to that provided by:

health benefit plan as defined in Section 31A−1−301;

(b) the individual is not covered and is not eligible for coverage under any public

health benefits arrangement including:

(i) the Medicare program established under Title XVIII of the Social Security Act;

[(ii) the Medicaid program established under Title XIX of the Social Security Act;]

[(iii)] (ii) any act of Congress or law of this or any other state that provides benefits comparable to the benefits provided under this chapter; or

[(iv)] (iii) coverage under the Comprehensive Health Insurance Pool Act created in Chapter 29, Comprehensive Health Insurance Pool Act;

(c) unless the maximum benefit has been reached the individual is not covered or

eligible for coverage under any:

(i) Medicare supplement policy;

(ii) conversion option;

(iii) continuation or extension under COBRA; or

(iv) state extension;

(d) the individual has not terminated or declined coverage described in Subsection

(3)(a), (b), or (c) within 93 days of application for coverage, unless the individual is eligible for

individual coverage under P.L. 104−191, 110 Stat. 1979, Sec. 2741(b), in which case, the

requirement of this Subsection (3)(d) does not apply; and

(e) the individual is certified as ineligible for the Health Insurance Pool if:
(i) the individual applies for coverage with the Comprehensive Health Insurance Pool within 30 days after being rejected or refused coverage by the covered carrier and reapplies for coverage with that covered carrier within 30 days after the date of issuance of a certificate under Subsection 31A−29−111(5)(c); or

(ii) the individual applies for coverage with any individual carrier within 45 days after:

(A) notice of cancellation of coverage under Subsection 31A−29−115(1); or

(B) the date of issuance of a certificate under Subsection 31A−29−111(5)(c) if the individual applied first for coverage with the Comprehensive Health Insurance Pool.

(4) (a) If coverage is obtained under Subsection (3)(e)(i) and the required premium is paid, the effective date of coverage shall be the first day of the month following the individual’s submission of a completed insurance application to that covered carrier.

(b) If coverage is obtained under Subsection (3)(e)(ii) and the required premium is paid, the effective date of coverage shall be the day following the:

(i) cancellation of coverage under Subsection 31A−29−115(1); or

(ii) submission of a completed insurance application to the Comprehensive Health Insurance Pool.

(5) (a) An individual carrier is not required to accept individuals for coverage under Subsection (3) if the carrier issues no new individual policies in the state after July 1, 1997.
(b) A carrier described in Subsection (5)(a) may not issue new individual policies in the state for five years from July 1, 1997.

(c) Notwithstanding Subsection (5)(b), a carrier may request permission to issue new policies after July 1, 1999, which may only be granted if:

(i) the carrier accepts uninsurables as is required of a carrier entering the market under Subsection 31A−30−110; and

(ii) the commissioner finds that the carrier's issuance of new individual policies:

(A) is in the best interests of the state; and

(B) does not provide an unfair advantage to the carrier.

(6) (a) If the Comprehensive Health Insurance Pool as set forth under Title 31A, Chapter 29, is dissolved or discontinued, or if enrollment is capped or suspended, an individual carrier may decline to accept individuals applying for individual enrollment, other than individuals applying for coverage as set forth in P.L. 104−191, 110 Stat. 1979, Sec. 2741 (a)−(b).

(b) Within two calendar days of taking action under Subsection (6)(a), an individual carrier will provide written notice to the Utah Insurance Department.

(7) (a) If a small employer carrier offers health benefit plans to small employers through a network plan, the small employer carrier may:

(i) limit the employers that may apply for the coverage to those employers with eligible employees who live, reside, or work in the service area for the network plan; and
within the service area of the network plan, deny coverage to an employer if the small employer carrier has demonstrated to the commissioner that the small employer carrier:

(A) will not have the capacity to deliver services adequately to enrollees of any additional groups because of the small employer carrier’s obligations to existing group contract holders and enrollees; and

(B) applies this section uniformly to all employers without regard to:

(I) the claims experience of an employer, an employer’s employee, or a dependent of an employee; or

(II) any health status–related factor relating to an employee or dependent of an employee.

(b) (i) A small employer carrier that denies a health benefit product to an employer in any service area in accordance with this section may not offer coverage in the small employer market within the service area to any employer for a period of 180 days after the date the coverage is denied.

(ii) This Subsection (7)(b) does not:

(A) limit the small employer carrier’s ability to renew coverage that is in force; or

(B) relieve the small employer carrier of the responsibility to renew coverage that is in force.

(c) Coverage offered within a service area after the 180–day period specified in Subsection (7)(b) is subject to the requirements of this section. —

Renumber remaining sections accordingly; and
The Business and Labor Committee reports a favorable recommendation on **H.B. 184, CONSTRUCTION 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 1, Lines 17 through 18
   House Committee Amendments
   2–8–2008:

   17 Other Special Clauses:

   18 \(\hat{\text{H}}\) [None] This bill takes effect on \{January 1, 2009 \} July 1, 2008 \(\hat{\text{H}}\)

2. Page 2, Lines 48a through 48b
   House Committee Amendments
   2–8–2008:

   48a \(\hat{\text{H}}\) Section 2. Effective Date

   48b This bill takes effect on \{January 1, 2009 \} July 1, 2008 \(\hat{\text{H}}\)

Kevin T. Van Tassell, Chair

Mr. President: February 20, 2008

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 221, CAPITAL DEVELOPMENT AND IMPROVEMENT AMENDMENTS**, by Senator L. Hillyard, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

On motion of Senator Hickman, the committee reports were adopted. **H.B. 342**, as amended, **H.B. 184**, as amended, and **S.B. 221** were considered read the second time and placed on the Consent Calendar.

**INTRODUCTION OF BILLS**

**S.B. 288, Condominium Ownership Act Amendments** (M. Waddoups), read the first time by short title and referred to the Rules Committee.

**S.B. 294, Community Development and Renewal Amendments** (C. Bramble), read the first time by short title and referred to the Rules Committee.
TIME CERTAIN CALENDAR

On motion of Senator Hickman, the circle was removed from S.B. 81, ILLEGAL IMMIGRATION, and it was before the Senate. Senator Hickman explained the bill.

Senator Jenkins proposed the following amendment:

1. Page 3, Lines 77 through 79
   Senate Committee Amendments
   2–12–2008
   77 Other Special Clauses:
   This bill takes effect on July 1, 2009.
   78 This bill coordinates with H.B. 63, Recodification of Title 63 State Affairs in General,
   79 by providing technical renumbering.

2. Page 20, Lines 610 through 612
   Senate Committee Amendments
   2–12–2008:
   610 (b) regulated public health services provided by a private charity using private funds.
   611 Section § [44] 11 §. Effective date.
   This bill takes effect on July 1, 2009.
   612 If this S.B. 81 and H.B. 63, Recodification of Title 63 State Affairs in General, both

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

**Yeas, 12; Nays, 15; 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
Hillyard Stowell

Senators Romero, Peterson, Stephenson, Jones, Greiner, McCoy, Jenkins, and Bell commented.

On motion of Senator Hickman, the bill was circled.

***

On motion of Senator Bramble, the Senate voted to lift S.B. 294, COMMUNITY DEVELOPMENT AND RENEWAL AMENDMENTS, from the Rules Committee and assign it to the Government Operations and Political Subdivisions Committee.

***

On motion of Senator Hickman, the circle was removed from S.B. 81, ILLEGAL IMMIGRATION, and it was before the Senate. Senator Hickman explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Eastman Greiner
Hickman Hillyard Jenkins Killpack
Knudson Madsen Niederhauser Peterson
Stephenson Stowell Waddoups Walker
Valentine

Voting in the negative were: Senators
Dmitrich Fife Goodfellow Jones
Mayne McCoy Romero Van Tassell

***

On motion of Senator Niederhauser, the Senate voted to lift H.B. 365 and 2nd Sub. H.B. 373 from the Transportation Committee and reassign them to the Revenue and Taxation Committee.

***

On motion of Senator Bramble, the Senate voted to move S.R. 3, S.C.R. 5, S.B. 222, and S.B. 97 to the top of the Second Reading Calendar.
On motion of Senator Dmitrich, legislative staff was authorized to draft a Senate Resolution regarding child support waivers for the Navajo nation.

On motion of Senator Bramble, and at 4:10 p.m., the Senate sauntered.

The Senate was called to order at 4:20 p.m., with President Valentine presiding.

THIRD READING CALENDAR

1st Sub. H.B. 286, PERMANENT TEACHER LICENSE REVOCATION FOR SEXUAL ACTIVITY WITH STUDENTS, was read the third time.

On motion of Senator Bramble, the bill was circled.

* * *

1st Sub. HB. 18, MATERIAL HARMFUL TO MINORS AMENDMENTS, was read the third time.

On motion of Senator Bramble, the bill was circled.

* * *

On motion of Senator Buttars, the circle was removed from 1st Sub. H.B. 286, PERMANENT TEACHER LICENSE REVOCATION FOR SEXUAL ACTIVITY WITH STUDENTS, and it was before the Senate. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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1st Sub. H.B. 286, as amended, was returned to the House for further consideration.

***

S.B. 205, UNIFORM INTERSTATE DEPOSITIONS AND DISCOVERY ACT, was read the third time.

On motion of Senator Bramble, the bill was circled.

***

1st Sub. H.B. 49, BUDGET RESERVE ACCOUNT AND DISASTER RECOVERY ACCOUNT AMENDMENTS, was read the third time.

On motion of Senator Bramble, the bill was circled.

***

On motion of Senator Peterson, the circle was removed from 1st Sub. H.B. 18, MATERIAL HARMFUL TO MINORS AMENDMENTS, and it was before the Senate.

Senator Peterson proposed the following amendment:

1. Page 4, Line 101:
   Delete “presents” and insert “performs”

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

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

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

Absent or not voting was: Senator
Mayne
1st Sub. H.B. 18, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Hillyard, the circle was removed from S.B. 205, UNIFORM INTERSTATE DEPOSITIONS AND DISCOVERY ACT, and it was before the Senate.

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

1st Sub. S.B. 205 Uniform Interstate Depositions and Discovery Act (L. Hillyard)

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

Absent or not voting were: Senators
Buttars Hickman Stephenson

1st Sub. S.B. 205 was transmitted to the House for consideration.

* * *

On motion of Senator Hillyard, the circle was removed from 1st Sub. H.B. 49, BUDGET RESERVE ACCOUNT AND DISASTER RECOVERY ACCOUNT AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Christensen Davis
Dayton Dmitrich Eastman Fife
Absent or not voting were: Senators
Buttars Niederhauser

1st Sub. H.B. 49, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Stowell, the circle was removed from 1st Sub. S.B. 168, HIGHWAY FUNDING AMENDMENTS, and it was before the Senate. Senator Stowell explained the bill. Senators Knudson commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Christensen Davis
Dmitrich Eastman Fife Goodfellow
Greiner Hickman Hillyard Jenkins
Jones Killpack Knudson Madsen
Mayne McCoy Niederhauser Peterson
Romero Stephenson Stowell Van Tassell
Waddoups Walker Valentine

Absent or not voting were: Senators
Buttars Dayton

1st Sub. S.B. 168 was transmitted to the House for consideration.

* * *

H.B. 103, USE OF STATE ALTERNATIVE FUEL NETWORK, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Christensen Davis
Dayton Dmitrich Eastman Fife
H.B. 103 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.B. 46, ADOPTION AND TERMINATION OF PARENTAL RIGHTS, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Christensen Davis
Dayton Dmitrich Eastman Fife
Goodfellow Greiner Hickman Jenkins
Jones Killpack Knudson Madsen
Mayne McCoy Peterson Romero
Stephenson Stowell Van Tassell Waddoups
Walker Valentine

Absent or not voting were: Senators
Buttars Hillyard Niederhauser

1st Sub. H.B. 46 was returned to the House for further consideration.

* * *

H.B. 321, HIGHER EDUCATION SAVINGS INCENTIVE PROGRAM AMENDMENTS, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Christensen Davis
Dayton Dmitrich Eastman Fife
Goodfellow  Greiner  Hickman  Jenkins
Jones      Killpack  Knudson  Madsen
Mayne      McCoy    Peterson  Romero
Stephenson  Stowell  Van Tassell  Waddoups
Walker     Valentine

Absent or not voting were: Senators
Buttars    Hillyard  Niederhauser

H.B. 321 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 99. BUSINESS REGISTRATION − OPTIONAL INCLUSION OF OWNERSHIP DATA, was read the third time, explained by Senator Romero, and passed on the following roll call:

Yeas, 22; Nays, 4; Absent, 3.

Voting in the affirmative were: Senators
Bell         Christensen  Davis  Dmitrich
Eastman     Fife         Goodfellow  Greiner
Jenkins      Jones        Killpack  Knudson
Mayne       McCoy        Niederhauser  Romero
Stephenson  Stowell     Van Tassell  Waddoups
Walker      Valentine

Voting in the negative were: Senators
Bramble     Dayton       Madsen  Peterson

Absent or not voting were: Senators
Buttars    Hickman  Hillyard

H.B. 99 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.B. 60, LEGISLATIVE REVIEW OF HEALTH INSURANCE MANDATES, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.
Voting in the affirmative were: Senators
Bell Bramble Christensen Davis
Dayton Dmitrich Eastman Fife
Goodfellow Greiner Jenkins Jones
Killpack Knudson Madsen Mayne
McCoy Peterson Romero Stephenson
Stowell Van Tassell Waddoups Walker
Valentine

Absent or not voting were: Senators
Buttars Hickman Hillyard Niederhauser

1st Sub. H.B. 60 was returned to the House for further consideration.

***

On motion of Senator Christensen the Senate voted to lift H.B. 15, CONTROL AND PREVENTION OF SEXUALLY TRANSMITTED DISEASES, from the Third Reading Table for the purpose of an amendment.

H.B. 15, CONTROL AND PREVENTION OF SEXUALLY TRANSMITTED DISEASES, was read the third time and explained by Senator Christensen.

Senator Christensen proposed the following amendment:

1. Page 2, Line 47:
   Insert “(D) and suggest screening my a private physician; and”

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

On motion of Senator Christensen, H.B. 15 was placed on Third Reading Table due to fiscal impact.

***

H.B. 301, COMPREHENSIVE HEALTH INSURANCE POOL AMENDMENTS, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Christensen Davis
Dayton Dmitrich Eastman Fife
Greiner    Hickman    Hillyard    Jenkins
Jones      Killpack   Knudson    Madsen
Mayne      McCoy      Peterson    Romero
Stephenson  Stowell    Van Tassell Waddoups
Walker     Valentine

Absent or not voting were: Senators
Buttars     Goodfellow  Niederhauser

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.

* * *

H.B. 117, INSTREAM FLOW TO PROTECT TROUT HABITAT, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell       Bramble    Christensen  Dmitrich
Eastman    Fife       Goodfellow  Greiner
Hickman    Hillyard   Jenkins    Jones
Killpack   Knudson    Madsen     Mayne
McCoy      Peterson   Romero     Stephenson
Stowell    Van Tassell Waddoups   Walker
Valentine

Voting in the negative was: Senator Dayton

Absent or not voting were: Senators
Buttars     Davis      Niederhauser

H.B. 117 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 143, ADMINISTRATION OF INTERSTATE WATER, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

Yeas, 25; Nays, 0; Absent, 4.
Voting in the affirmative were: Senators
Bell Bramble Christensen Dayton
Dmitrich Eastman Fife Goodfellow
Greiner Hickman Hillyard Jones
Killpack Knudson Madsen Mayne
Niederhauser Peterson Romero Stephenson
Stowell Van Tassell Waddoups Walker
Valentine

Absent or not voting were: Senators
Buttars Davis Jenkins McCoy

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.

* * *

H.B. 10, DISCLOSURE OF IDENTITY TO OFFICER, was read the third time and explained by Senator Greiner. Senator Fife commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Christensen Davis
Dayton Dmitrich Eastman Fife
Goodfellow Greiner Hickman Hillyard
Jenkins Jones Killpack Knudson
Madsen Mayne McCoy Niederhauser
Peterson Romero Stephenson Stowell
Van Tassell Waddoups Walker Valentine

Absent or not voting was: Senator
Buttars

H.B. 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. 14, DISCHARGE OF FIREARM AMENDMENTS, 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
Bell Bramble Christensen Davis
Dayton Dmitrich Eastman Fife
Goodfellow Greiner Hickman Hillyard
Jenkins Jones Killpack Knudson
Madsen Mayne McCoy Niederhauser
Peterson Romero Stephenson Stowell
Van Tassell Waddoups Walker Valentine

Absent or not voting was: Senator Buttars

H.B. 14 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 23, CHILD AND FAMILY PROTECTION, was read the third time, explained by Senator Bramble, and passed on the following roll call:

Yea.s, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators
Bell Bramble Christensen Davis
Dayton Dmitrich Eastman Fife
Goodfellow Greiner Hickman Jenkins
Jones Killpack Knudson Madsen
Mayne McCoy Peterson Romero
Stephenson Stowell Van Tassell Waddoups
Walker Valentine

Absent or not voting were: Senators
Buttars Hillyard Niederhauser

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 Bramble and at 5:00 p.m., the Senate adjourned until 9:00 a.m., Friday, February 22, 2008.
The Senate was called to order at 9:15 a.m., with President John Valentine presiding.

Prayer – Bishop John C. Wester, Catholic Diocese of Salt Lake City
Pledge of Allegiance – Senator Chris Buttars
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 64)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 21, 2008

The Speaker of the House has signed 1st Sub. S.B. 77, REVISIONS TO GOVERNMENT RECORDS ACCESS MANAGEMENT ACT, by Senator M. Dayton, and it is transmitted for the signature of the President; and

The Speaker of the House has signed 1st Sub. S.B. 92, REAL PROPERTY RECORDING AMENDMENTS, by Senator D. Stowell, and it is transmitted for the signature of the President; and

The Speaker of the House has signed 1st Sub. S.B. 155, PUNITIVE DAMAGES AMENDMENTS, by Senator L. Hillyard, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 77, 1st Sub. S.B. 92, and 1st Sub. S.B. 155 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

***

Mr. President: February 21, 2008

The House passed, as amended, H.B. 160, CHARTER SCHOOL LAW REVISIONS, by Representative R. Lockhart, and it is transmitted for consideration; and
The House passed, as amended, **H.B. 167**, A VICTIM AMICUS BILL, by Representative R. C. Webb, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 202**, EMPLOYEE BENEFIT AMENDMENTS, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 263**, UTAH REGISTRY OF AUTISM AND DEVELOPMENTAL DISABILITIES, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 303**, PHOSPHORUS LIMIT IN DISHWASHING DETERGENT, by Representative C. Johnson, and it is transmitted for consideration; and

The House passed **H.B. 353**, DEPARTMENT OF ENVIRONMENTAL QUALITY AMENDMENTS, by Representative C. Johnson, and it is transmitted for consideration; and

The House passed, as amended, **1st Sub. H.B. 363**, BEVERLEY TAYLOR SORENSON ELEMENTARY ARTS LEARNING PROGRAM, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 374**, CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT AMENDMENTS, by Representative P. Ray, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 399**, MEDICATION AIDE CERTIFIED AMENDMENTS, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 401**, MASTER PLUMBER LICENSING, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 406**, TRAFFIC CODE AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed **H.B. 412**, BELOW COST SALES, by Representative S. Urquhart, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Mr. President: February 21, 2008

The Speaker of the House has appointed a Conference Committee consisting of Representatives R. Menlove, J. Dougall, and C. Johnson to meet with a like committee from the Senate to consider or amend 2nd Sub. H.B. 47, STANDARDS FOR ELECTRONIC EXCHANGE OF CLINICAL HEALTH INFORMATION, by Representative R. Menlove.

Sandy D. Tenney, Chief Clerk

Mr. President: February 21, 2008

The Joint Conference Committee comprised of Sens. Peter C. Knudson, Allen M. Christensen, and Gene Davis, and Reps. Ronda Rudd Menlove, John Dougall, and Christine A. Johnson, recommends 2nd Sub. H.B. 47, STANDARDS FOR ELECTRONIC EXCHANGE OF CLINICAL HEALTH INFORMATION, by Representative R. Menlove, with the following amendments:


2. Also include the following amendments:
   1. Page 1, Lines 19 through 21:

   19 
   requires the department to report to the Legislature’s Health and Human Services Interim Committee concerning the adoption of the standards for the electronic exchange of clinical health information; and

   20 

   21

   2. Page 3, Lines 76 through 80
   Senate Committee Amendments 2–7–2008:

   76 (3) (a) Except as provided in Subsection (3)(b), a health care provider or third party payer in Utah is required to use the standards adopted by the department under the provisions of Subsection (2) if the health care provider or third party payer elects to engage in an
79 electronic exchange of clinical health information with another health care provider \( \rightarrow \) or third party payer \( \rightarrow \) or health care recipient \( \rightarrow \).

3. Page 4, Lines 88 through 93:

88 (5) The department shall report on the use of the standards for the electronic exchange of clinical health information to the legislative Health and Human Services Interim Committee no later than October 15, 2008 and no later than every October 15th thereafter. The report shall include publicly available information concerning the costs and savings for the department, third party payers, and health care providers associated with the standards for the secure electronic exchange of clinical health records.

4. Page 4, Lines 108 through 118:

108 (iii) The commissioner shall coordinate the administrative rules adopted under the provisions of this section with the administrative rules adopted by the Department of Health for the implementation of the standards for the secure electronic exchange of clinical health information under Section 26–1–37. The department shall establish procedures for developing the rules adopted under this section, which ensure that the Department of Health is given the opportunity to comment on proposed rules.

114 (b) The commissioner shall regulate any fees charged by insurers to the providers for:

115 (i) uniform claim forms [or];

116 (ii) electronic billing[.]; or

117 (iii) the secure electronic exchange of clinical health information permitted by Section
On motion of Senator Knudson, the Senate voted to adopt the conference committee report.

2nd Sub. H.B. 47, STANDARDS FOR ELECTRONIC EXCHANGE OF CLINICAL HEALTH INFORMATION, was before the Senate, 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 Bramble

2nd Sub. H.B. 47 was returned to the House for further consideration.

* * *

Mr. President: February 21, 2008

The House requests the return of 1st Sub. S.B. 45, INVENTORY FOR COMPETITIVE ACTIVITIES OF LOCAL ENTITIES, by Senator H. Stephenson, for reconsideration.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 45 was returned to the House for reconsideration.

**INTRODUCTION OF BILLS**

S.B. 86, Economic Analysis and Reporting of Cost of Land Use Regulation (M. Madsen), read the first time by short title and referred to the Rules Committee.
S.B. 297, Animal Torture and Cruelty Amendments (A. Christensen), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

1st Sub. H.B. 281, GRANTS TO RURAL HOSPITALS – OVERSIGHT RESPONSIBILITIES, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Eastman
Fife Goodfellow Greiner Hickman
Jones Knudson Madsen Mayne
McCoy Niederhauser Peterson Romero
Stephenson Stowell Van Tassell Waddoups
Walker Valentine

Absent or not voting were: Senators
Hillyard Jenkins Killpack

1st Sub. H.B. 281 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

S.B. 235, HUMAN REMAINS RELATED AMENDMENTS, was read the third time, explained by Senator Van Tassell, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Eastman
Fife Goodfellow Greiner Hickman
Jones Knudson Madsen Mayne
McCoy Niederhauser Peterson Romero
Stephenson Stowell Van Tassell Waddoups
Walker Valentine

Absent or not voting were: Senators
Hillyard Niederhauser Valentine
S.B. 235 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 236, JUDICIARY 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 Valentine

1st Sub. S.B. 236 was transmitted to the House for consideration.

* * *

S.B. 242, LAW ENFORCEMENT TRACKING OF DOMESTIC VIOLENCE STATISTICS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Eastman | Valentine |

S.B. 242 was transmitted to the House for consideration.
S.B. 265, UNLAWFUL DETAINER AMENDMENTS, 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
Bramble Christensen Davis Dayton
Dmitrich Goodfellow Greiner Hickman
Jenkins Jones Killpack Knudson
Madsen Mayne McCoy Niederhauser
Peterson Romero Stowell Van Tassell
Waddoups Walker

Absent or not voting were: Senators
Bell Buttars Eastman Fife
Hillyard Stephenson Valentine

S.B. 265 was transmitted to the House for consideration.

* * *

H.B. 97, COURT−ORDERED RESTITUTION FOR COSTS OF INCARCERATION, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bramble Christensen Davis Dayton
Dmitrich Goodfellow Greiner Hickman
Jenkins Jones Killpack Knudson
Madsen Mayne McCoy Niederhauser
Peterson Romero Stephenson Stowell
Van Tassell Waddoups Walker

Absent or not voting were: Senators
Bell Buttars Eastman Fife
Hillyard Valentine

H.B. 97 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
CONCURRENCE CALENDAR

On motion of Senator Walker, the Senate refused to concur in the House amendments. 3rd Sub. S.B. 15, DRIVING UNDER THE INFLUENCE AMENDMENTS, was returned to the House.

***

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to 1st Sub. S.B. 136, APPORTIONMENT OF BUSINESS INCOME AND DEDUCTION OF NET LOSSES BY AN ACQUIRED CORPORATION. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Buttars  Greiner  Valentine

1st Sub. S.B. 136 was returned to the House for the signature of the Speaker.

***

On motion of Senator Bell, the Senate refused to concur in the House amendments. 1st Sub. S.B. 152, PRESumptive PERSONal REPRESENTAteIVE, was returned to the House.

THIRD READING CALENDAR

H.B. 105, TRANSPORTATION INFRASTRUCTURE LOAN FUND AMENDMENTS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

Absent or not voting were: Senators
Buttars        Greiner       Valentine

H.B. 105 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. 33, WAIVERS OF IMMUNITY – EXCEPTIONS, was read the third time and explained by Senator Eastman.

Senator Eastman proposed the following amendment:

1. Page 2, Line 53 through Page 3, Line 58:

   53 (B) (I) was known by the person, official, or institution to be relevant to {an} a material issue or
   54 matter of inquiry in a pending judicial or administrative proceeding if the person, official, or
   55 institution knew of the pending judicial or administrative proceeding; or
   56 (II) was known by the person, official, or institution to be relevant to {an} a material issue or matter
   57 of inquiry in a pending judicial or administrative proceeding, if disclosure of the evidence was
   58 requested of the employee by a party to the proceeding or counsel for a party to the proceeding.

2. Page 4, Line 116 through Page 5, Line 121:

   116 (II) (Aa) was known by the employee to be relevant to {an} a material issue or matter of inquiry in a
   117 pending judicial or administrative proceeding, if the employee knew of the pending judicial or
   118 administrative proceeding; or
(Bb) was known by the employee to be relevant to a material issue or matter of inquiry in a judicial or administrative proceeding, if disclosure of the evidence was requested of the employee by a party to the proceeding or counsel for a party to the proceeding.

Senator Eastman’s motion to amend passed on a voice vote. Senator Stephenson commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell  
Bramble  
Buttars  
Christensen  

Davis  
Dayton  
Dmitrich  
Eastman  

Fife  
Goodfellow  
Greiner  
Hillyard  

Jenkins  
Jones  
Killpack  
Knudson  

Madsen  
Mayne  
McCoy  
Peterson  

Romero  
Stephenson  
Stowell  
Van Tassell  

Waddoups  
Walker  

**Absent or not voting were:** Senators

Hickman  
Niederhauser  
Valentine  

**1st Sub. H.B. 33,** as amended, was returned to the House for further consideration.

***

**H.B. 34,** EMAIL INFORMATION REQUIRED OF REGISTERED SEX OFFENDERS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell  
Bramble  
Buttars  
Christensen  

Davis  
Dayton  
Dmitrich  
Eastman  

Fife  
Goodfellow  
Greiner  
Hickman  

Hillyard  
Jenkins  
Jones  
Killpack  

Knudson  
Madsen  
Mayne  
McCoy  

Peterson  
Romero  
Stephenson  
Stowell  

Van Tassell  
Waddoups  
Walker  
Valentine
Absent or not voting was: Senator Niederhauser

H.B. 34 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, NOTARY REPUBLIC REVISIONS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

H.B. 26 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 112, PUBLIC EDUCATION FOUNDATION AMENDMENTS, was read the third time, explained by Senator Eastman, and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Davis
Van Tassell
H.B. 112, as amended, was returned to the House further consideration.

***

H.B. 271, UTAH PURPLE HEART RECIPIENTS TUITION ACT AMENDMENTS, was read the third time, explained by Senator Walker, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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H.B. 271 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

1st Sub. H.B. 287, REGULATION OF TEACHER – STUDENT RELATIONSHIPS, was read the third time, explained by Senator Bramble, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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1st Sub. H.B. 287 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
S.B. 81, ILLEGAL IMMIGRATION, was read the third time and explained by Senator Hickman.

Senator Niederhauser proposed the following amendment:

1. Page 20, Line 604:
   After “(b)” insert “knowingly and intentionally”

 Senator McCoy proposed the following substitute amendment:

1. Page 20, Line 604:
   After “(b)” insert “knowingly with the intent of violating federal immigration law”

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

Senators Walker, Niederhauser, McCoy, and Waddoups commented.

On motion of Senator Hickman, the bill was circled.

TIME CERTAIN

Senator Eastman introduced the Utah High School Rodeo National Champions.

THIRD READING CALENDAR

On motion of Senator Hillyard, the circle was removed from S.B. 186, CUSTODY AND PARENT−TIME FOR NON−PARENTS, and it was before the Senate. Senator Hillyard explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 1, Lines 10 through 11

   This bill allows persons who are related to a child and have assumed the role of parent to petition the court for custody or visitation.

2. Page 1, Line 15:
provides a procedure for a person other than a parent to gain custody or {parent-time} visitation;

3. Page 2, Line 31
   Senate 2nd Reading Amendments
   2–18–2008:

   31 CHAPTER 5a. CUSTODY AND {parent-time} VISITATION FOR PERSONS

4. Page 2, Line 35
   Senate 2nd Reading Amendments
   2–18–2008:

   35 This chapter is known as the “Custody and {parent-time} Visitation for Persons Other than Parents

5. Page 2, Lines 41 through 48a
   Senate 2nd Reading Amendments
   2–18–2008:

   41 (2) “Person other than a parent” means a person {Ŝ} related to the child by marriage or blood, including:

   42 Ŝ (a) (b) (c) (d) (e) (f) (g) (h) (i) (j) (k) (l) (m) (n) (o) (p) (q) (r) (s) (t) (u) (v) (w) (x) (y) (z)

   43 Ŝ siblings;
   44 Ŝ aunts;
   45 Ŝ uncles;
   46 Ŝ grandparents;

   or

   47 Ŝ step–parents, or any of the persons in Subsections (2)(a) through (d) in a step relationship to the child {Ŝ} or

   47a through (d) in a step

   48 (b) with whom the child has a court–sanctioned relationship

6. Page 2, Line 50
   Senate 2nd Reading Amendments
   2–18–2008:
50 30–5a–103. Custody and {parent-time} visitation for persons other than a parent.

7. Page 2, Lines 55 through 56
   Senate 2nd Reading Amendments
   2–18–2008:
   
55 (2) A court may find the presumption in Subsection (1) rebutted and grant custodial or
56 {parent-time} visitation rights to a person other than a parent who, by clear and convincing evidence, has

8. Page 3, Lines 68 through 72:
   
68 (g) the parent:
69 { (i) has consented or acquiesced to the parental role of the
   person; }
70 { (ii) } (i) is absent; or
71 { (iii) } (ii) is found by a court to {be abusive, neglectful, or to have left } have abused or neglected the child
   {dependent
72 through the fault of the parent }

9. Page 3, Lines 73 through 74:
   
73 (3) A proceeding under this chapter may be commenced by filing a verified petition, or
74 petition supported by an affidavit, in the juvenile court if a matter is pending, or in the district court in the county in which the child:

10. Page 3, Lines 78 through 79:
   
78 (4) A proceeding under this chapter may be filed in a pending divorce, parentage
   action, or other proceeding, including a proceeding in the juvenile court, involving custody {and parent-time
   issues } of or visitation with a child

11. Page 3, Line 82:
   
82 in Section {78–45e–209 } 78B–13–209

12. Page 3, Line 88:
88 (b) any person who has court−ordered custody or 
{parent−time} visitation rights;

13. Page 4, Lines 91 through 94:

91 (e) a person or agency that has physical custody of the child or 
that claims to have 
92 custody or {parent−time} visitation rights; and
93 (f) any other person or agency that has previously appeared in 
any action regarding 
94 custody of or {parent−time of} visitation with the 
child.

Senator Hillyard’s motion to amend passed on a voice vote. Senators Madsen 
and Dayton commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Davis Dmitrich Eastman
Fife Goodfellow Greiner Hickman
Hillyard Jones Killpack Knudson
Madsen Mayne McCoy Niederhauser
Romero Stephenson Stowell Van Tassell
Waddoups Walker

Voting in the negative were: Senators
Bramble Buttars Christensen Dayton
Jenkins Peterson Valentine

S.B. 186 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Madsen, under suspension of the rules, S.R. 3, 
SENATE RESOLUTION PETITIONING CONGRESS TO ADDRESS THE 
ILLEGAL IMMIGRATION CRISIS, was considered read the second and third 
times. Senator Madsen explained the bill. The bill passed on the following roll 
call:

Yeas, 26; Nays, 2; Absent, 1.

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Fife
Goodfellow  Greiner  Hickman  Hillyard
Jenkins     Jones    Killpack  Knudson
Madsen      Mayne    Niederhauser Peterson
Stephenson  Stowell  Van Tassell Waddoups
Walker      Valentine

**Voting in the negative were:** Senators
McCoy  Romero

**Absent or not voting was:** Senator
Eastman

S.R. 3 was signed by the President in open session and referred to the staff for enrolling.

* * *

S.C.R. 5, CONCURRENT RESOLUTION CALLING FOR CONGRESS TO PASS BALANCED IMMIGRATION REFORM, was read the second time. Senator Stephenson explained the bill. Senator McCoy commented. The bill passed second reading on the following roll call:

**Y eas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators
Bell  Buttars  Christensen  Davis
Dayton Dmitrich Eastman Fife
Goodfellow Greiner Hillyard Jenkins
Jones    Killpack Knudson Madsen
Mayne    McCoy Niederhauser Peterson
Romero  Stephenson Stowell Van Tassell
Waddoups Walker Valentine

**Absent or not voting were:** Senators
Bramble Hickman

* * *

S.B. 222, DIVISION OF REAL ESTATE LICENSING AND PRESENCE IN THE UNITED STATES, was read the second time. Senator Dayton explained the bill. Senator Killpack commented.

On motion of Senator Dayton, the bill was circled.
* * *

S.B. 97, IMMIGRATION TASK FORCE, was read the second time. Senator Jenkins explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Voting in the negative was:** Senator

Dayton

**Absent or not voting were:** Senators

Goodfellow
Hickman
Valentine

* * *

S.B. 193, ELECTION LAW CHANGES, was read the second time. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell
Davis
Fife
Jenkins
Madsen
Romero
Waddoups
Bramble
Dayton
Goodfellow
Jones
Knudson
Stephenson
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Dmitrich
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Niederhauser
Stowell
Christensen
Eastman
Hickman
Knudson
Peterson
Van Tassell

**Absent or not voting were:** Senators

Hillyard
McCoy
Valentine

* * *

S.B. 85, WATER RIGHTS BOARD, was read the second time. Senator Stowell explained the bill.
On motion of Senator Stowell, the following substitute bill replaced the original bill:

**2nd Sub. S.B. 85 Water Rights Board** (D. Stowell)

Senators Madsen and Van Tassell commented. The bill passed second reading on the following roll call:

**Yeas, 17; Nays, 9; 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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**COMMITTEE OF THE WHOLE**


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

**SECOND READING CALENDAR**

On motion of Senator Killpack, under suspension of the rules, **H.C.R. 1, METH AWARENESS FOR STUDENTS AND EDUCATORS RESOLUTION**, was considered read the second and third times and passed on the following roll call:
Yeas, 23; Nays, 0; Absent, 6.

Voting in the affirmative were: Senators
Bell, Christensen, Davis, Dayton
Dmitrich, Fife, Greiner, Hickman
Hillyard, Jones, Killpack, Madsen
Mayne, McCoy, Niederhauser, Peterson
Romero, Stephenson, Stowell, Van Tassell
Waddoups, Walker

Absent or not voting were: Senators
Bramble, Buttars, Eastman, Goodfellow
Jenkins, Knudson

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. 238, CAMPAIGN FINANCE FILING REQUIREMENTS, was read the second time. Senator Killpack explained the bill. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators
Bell, Bramble, Christensen, Davis
Dayton, Dmitrich, Eastman, Goodfellow
Greiner, Hickman, Hillyard, Jenkins
Jones, Killpack, Madsen, Mayne
McCoy, Peterson, Romero, Stephenson
Stowell, Waddoups, Walker, Valentine

Voting in the negative was: Senator Fife

Absent or not voting were: Senators
Buttars, Knudson, Niederhauser, Van Tassell

* * *

H.B. 250, PUBLIC EMPLOYEE BENEFIT APPROVAL PROVISIONS, 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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**Absent or not voting were:** Senators

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**H.B. 262**, **RECOVERY OF FEDERAL REIMBURSEMENT FOR COSTS ASSOCIATED WITH ILLEGAL IMMIGRANTS**, was read the second time. Senator Goodfellow explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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**H.C.R. 2**, **CONCURRENT RESOLUTION DECLARING FEBRUARY 6, 2008 RONALD REAGAN DAY**, was read the second time. Senator Madsen explained the bill.

Senator Dayton proposed the following amendment:

1. Page 2, Line 48:
   After “project” insert “and to his widow, Nancy Reagan”
Senator Dayton’s motion to amend passed on a voice vote.

# # #

Senator Davis proposed the following amendment:

1. Page 2, Line 31 and 32:
   Delete lines 31 and 32

Senator Davis’ motion to amend failed on a voice vote.

On motion of Senator Madsen, under suspension of the rules, H.C.R. 2, CONCURRENT RESOLUTION DECLARING FEBRUARY 6, 2008 RONALD REAGAN DAY, was considered read the second and third times and passed on the following roll call:

**Yeas, 20; Nays, 4; Absent, 5.**

**Voting in the affirmative were:** Senators
Bell  Bramble  Christensen  Dayton
Dmitrich  Eastman  Greiner  Hickman
Jenkins  Jones  Knudson  Madsen
Mayne  Niederhauser  Peterson  Romero
Stephenson  Stowell  Walker  Valentine

**Voting in the negative were:** Senators
Davis  Fife  Goodfellow  McCoy

**Absent or not voting were:** Senators
Buttars  Hillyard  Killpack  Van Tassell
Waddoups

H.C.R. 2, as amended, was returned to the House for further consideration.

* * *

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

The Senate reassembled at 2:20 p.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 22, 2008

The House passed, S.J.R. 6, JOINT RESOLUTION ENCOURAGING THE GOVERNOR’S BOARD APPOINTMENTS TO REFLECT UTAH GEOGRAPHIC BALANCE, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.J.R. 6 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

***

Mr. President: February 22, 2008

The House adopted the Joint Conference Committee Report dated February 22, 2008, and passed 2nd Sub. H.B. 47, STANDARDS FOR ELECTRONIC EXCHANGE OF CLINICAL HEALTH INFORMATION, by Representative R. Menlove, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

2nd Sub. 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.

***

Mr. President: February 22, 2008

The House passed, as amended, H.B. 165, SALES AND USE TAX EXEMPTIONS RELATING TO AIRCRAFT, by Representative B. Dee, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 316, SUBSTANCE ABUSE TREATMENT FOR PREGNANT WOMEN AND PREGNANT MINORS, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed, as amended, H.B. 339, HUMAN TRAFFICKING AMENDMENTS, by Representative C. Herrod, et al, and it is transmitted for consideration; and

The House passed, as amended, H.B. 347, MOTOR VEHICLE BUSINESS REGULATION AMENDMENTS, by Representative S. Andersen, and it is transmitted for consideration; and
The House passed **H.B. 437**, FUNERAL SERVICES LICENSING ACT AMENDMENTS, by Representative S. Urquhart, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 467**, MOTOR VEHICLE INSURANCE ARBITRATION AMENDMENTS, by Representative S. Urquhart, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk


***

Mr. President: February 22, 2008

The House substituted and passed, **1st Sub. S.B. 113**, ACCESS TO RESEARCH WORKERS’ PERSONAL INFORMATION, by Senator G. Bell, and it is transmitted for further consideration; and

The House passed, as amended, **1st Sub. S.B. 45**, INVENTORY FOR COMPETITIVE ACTIVITIES OF LOCAL ENTITIES, by Senator H. Stephenson, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

**SECOND READING CALENDAR**

**H.J.R. 4**, JOINT RESOLUTION URGING SCHOOL CLOSINGS TO RECOGNIZE VETERANS DAY, was read the second time.

On motion of Senator Hickman, the bill was circled.

***

**2nd Sub. H.B. 54**, PROPERTY TAX ASSESSMENT REVISIONS, was read the second time.

On motion of Senator Niederhauser, the bill was circled.

***

**S.B. 283**, TRANSPORTATION FUNDING AMENDMENTS, 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
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Eastman
Fife Goodfellow Hickman Hillyard
Jenkins Jones Killpack Madsen
Mayne Niederhauser Peterson Romero
Stowell Van Tassell Waddoups Walker
Valentine

Absent or not voting were: Senators
Greiner Knudson McCoy Stephenson

* * *

1st Sub. S.B. 72, JUSTICE COURT AMENDMENTS, was read the second time. Senator Hillyard explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 2, Lines 45 through 46

   45 (2) (a) Each justice or judge {—} of a court of record {—} who wishes to retain office shall, in
   46 the year the justice or judge is subject to a retention election:

2. Page 7, Lines 182 through 191:

   182 (iv) two members appointed by the governing authority of the jurisdiction where the
   183 judicial office is located.
   (b) If there is no county bar association, the member in Subsection (2)(a)(iii) shall be appointed by the regional bar association. If no regional bar association exists, the state bar association shall make the appointment.

   184 {—(b) } (c) Members appointed under Subsections (a)(i) and {—(a) } (ii) may not be an elected

   185 official of the county or municipality.

   186 {—(c) } (d) The nominating commission shall submit at least two names to the appointing
The authority of the jurisdiction expected to be served by the judge. The local government executive shall appoint a judge from the list submitted and the appointment ratified by the local legislative body.

The state court administrator shall provide staff to the commission. The Judicial Council shall establish rules and procedures for the conduct of the commission.

3. Page 7, Lines 205 through 206:

(8) Before each retention election, each justice court judge shall be evaluated in accordance with the performance evaluation program established in Subsection 78A−1−104(5) 78A−2−104(5) .

4. Page 7, Line 211 through Page 8, Line 213:

(2) Judges holding office when this act takes effect or appointed to fill any vacancy before January 1, 2009 hold office until reappointed or a successor is appointed and certified by the Judicial Council the next general election.

Notwithstanding Section 20A−12−201, any municipal justice court judge holding office on January 1, 2009 may serve out their current term if the judge:

(i) stands for retention election in 2010, and is not retained in that election; or

(ii) chooses not to stand for election in 2010.

A vacancy shall then exist in the office on the first Monday in February 2012.

Senator Hillyard’s motion to amend passed on a voice vote. Senators Jenkins, Bell, Dmitrich, and Buttars commented. The bill passed second reading on the following roll call:

Y eas, 25; Nays, 1; Absent, 3.

Voting in the affirmative were: Senators

Bell        Buttars       Christensen       Davis
Dayton      Dmitrich      Eastman          Fife
Voting in the negative was: Senator
Mayne

Absent or not voting were: Senators
Bramble Van Tassell Walker

* * *

On motion of Senator Hickman, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Hickman, the circle was removed from S.B. 81, ILLEGAL IMMIGRATION, and it was before the Senate.

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

1st Sub. S.B. 81 Illegal Immigration (J. Hickman)

On motion of Senator Hickman, the bill was circled.

SECOND READING CALENDAR

S.B. 191. JUDICIAL CONDUCT COMMISSION AMENDMENTS, was read the second time. Senator Davis explained the bill.

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

1st Sub. S.B. 191 Judicial Conduct Commission Amendments (G. Davis)

The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Eastman
Fife Goodfellow Greiner Hickman
Hillyard Jenkins Jones Killpack
Madsen Mayne McCoy Niederhauser
Peterson Romero Stephenson Stowell
Waddoups Walker

Absent or not voting were: Senators
Knudson Van Tassell Valentine

* * *

S.B. 192, SEX OFFENSE AMENDMENTS, was read the second time. Senator Greiner explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Eastman
Fife Goodfellow Greiner Hickman
Hillyard Jenkins Jones Killpack
Knudson Madsen Mayne McCoy
Niederhauser Peterson Stephenson Stowell
Waddoups Walker

Absent or not voting were: Senators
Romero Van Tassell Valentine

* * *

S.B. 204, INCOME TAXATION − REAL ESTATE INVESTMENT TRUSTS, was read the second time. Senator Niederhauser explained the bill.

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

2nd Sub. S.B. 204 Income Taxation − Real Estate Investment Trusts
(W. Niederhauser)

On motion of Senator Niederhauser, the bill was circled.

* * *

S.B. 258, PROPERTY TAX COMMITTEE, was read the second time.
On motion of Senator Niederhauser, the bill was circled.

* * *

S.B. 196, COUNTY AND MUNICIPAL LAND USE AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. Senator Killpack declared a conflict of interest. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Knudson  Van Tassell

* * *

S.B. 275, MILITARY JUSTICE CODE AMENDMENTS, was read the second time. Senator Knudson explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting was:** Senator

Van Tassell

**COMMUNICATIONS FROM THE HOUSE**

Mr. President:  February 22, 2008

The House refuses to recede from its amendments to 1st Sub. S.B. 152, PRESUMPTIVE PERSONAL REPRESENTATIVE, by Senator G. Bell, and has
appointed a Conference Committee consisting of Representatives S. Urquhart, F. Hunsaker, and R. McGee to meet with a like committee from the Senate on this bill.

Sandy D. Tenney, Chief Clerk

On motion of Senator Bell, the Senate voted to refuse to recede from its amendments to 1st Sub. S.B. 152. President Valentine appointed a conference committee consisting of Senators Bell, Waddoups, and Fife to meet with a like committee from the House.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 22, 2008

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

**Business and Labor Committee**

S.B. 288  Condominium Ownership Act Amendments  
(Sen. M. Waddoups)

**Government Operations and Political Subdivisions Committee**

(Sen. C. Bramble)

H.B. 239  Driver License Qualification Amendments  
(Rep. G. Donnelson) (Sen. C. Bramble)

H.B. 241  Repeal of Exemptions from Nonresident Tuition  
(Rep. G. Donnelson) (Sen. M. Dayton)

**Health and Human Services Committee**

S.B. 297  Animal Torture and Cruelty Amendments  
(Sen. A. Christensen)

H.C.R. 7  Concurrent Resolution Declaring Colorectal Cancer Awareness Month (Rep. E. Hutchings) (Sen. K. Mayne)

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

H.B. 371  Digital Certificates for Breathalizers (Rep. C. Herrod)  
(Sen. J. Greiner)

Bill Hickman  
Rules Committee Chair

Report filed. On motion of Senator Hickman, the committee report was adopted.
SECOND READING CALENDAR

On motion of Senator Bramble, the Senate voted to move 1st Sub. S.B. 211, ALCOHOLIC BEVERAGE CONTROL AMENDMENTS, to the top of the Second Reading Calendar.

1st Sub. S.B. 211, ALCOHOLIC BEVERAGE CONTROL AMENDMENTS, was read the second time. Senator Bramble explained the bill.

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

2nd Sub. S.B. 211 Alcoholic Beverage Control Amendments (C. Bramble)

On motion of Senator Bramble, the bill was circled.

* * *

S.B. 287, APPROPRIATION FOR THE SWANSON TACTICAL TRAINING CENTER, was read the second time. Senator Jenkins explained the bill. Senator Greiner commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Eastman
Fife Goodfellow Greiner Hickman
Hillyard Jenkins Jones Killpack
Knudson Madsen Mayne McCoy
Niederhauser Peterson Romero Stephenson
Stowell Waddoups Walker Valentine

Absent or not voting was: Senator
Van Tassell

* * *

On motion of Senator Madsen, the circle was removed from 1st Sub. S.B. 157, RIGHTS OF CITIZENS TO CARRY FIREARMS IN DECLARED EMERGENCY, and it was before the Senate. Senator Madsen explained the bill.

Senator Madsen proposed the following amendment:
1. Page 3, Lines 68 through 69
Senate Committee Amendments
2–6–2008

68 entity on whose behalf the individual is acting or purporting to act, or both the individual and

69 the governmental entity.

(5)(a) A law enforcement officer shall not be subject to disciplinary action for refusing to confiscate a firearm under this section if:
(i) ordered or directed to do so by a superior officer; and
(ii) by obeying the order or direction, the law enforcement officer would be committing a violation of this section.
(b) For purposes of this Subsection (5), disciplinary action might include:
(i) dismissal, suspension, or demotion;
(ii) loss of or decrease in benefits, pay, privileges or conditions of employment; and
(iii) any type of written or electronic indication, permanent or temporary, on the officer’s personnel record of the officer’s refusal to obey the unlawful order.

(6)(a) If a law enforcement officer commits a violation of this section, the officer’s liability in an action brought under Subsection (4)(a) is limited to five percent of the damages and civil penalty allowed under Subsection (4)(a) if the officer can show by clear and convincing evidence that the officer was obeying a direct and unlawful order from a superior officer or authority.
(b) The balance of the damages and civil penalty, the remaining 95 percent, shall be assessed against the superior officer or authority who ordered or directed the confiscation in violation of this section.

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

On motion of Senator Madsen, under suspension of the rules, Ist Sub. S.B. 157, RIGHTS OF CITIZENS TO CARRY FIREARMS IN DECLARED EMERGENCY, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 26; Nays, 2; Absent, 1.

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Eastman
Fife  Goodfellow  Greiner  Hickman
Voting in the negative were: Senators
McCoy Romero

Absent or not voting was: Senator
Van Tassell

1st Sub. S.B. 157 was transmitted to the House.

S.B. 208, TRANSPORTATION CORRIDOR PRESERVATION AMENDMENTS, was read the second time.

On motion of Senator Killpack, the bill was circled.

S.B. 256, GOOD SAMARITAN ACT FOR ENGINEERS, was read the second time. Senator Waddoups explained the bill.

Senator Waddoups proposed the following amendment:

1. Page 2, Lines 36 through 41
   Senate Committee Amendments
   2–14–2008

   36 (d) “Public official” means an appointed or elected federal, state, or local official, including building inspectors and police and fire chiefs, acting within the scope and jurisdiction of their authority in the jurisdiction in which an emergency has been declared, including building inspectors and police and fire chiefs during a declared emergency.

   37 (2) An architect or professional engineer, acting in good faith and within the scope of their respective
40 licenses, is not liable for:
41 (a) any acts, errors, or omissions; or

Senator Waddoups’ motion to amend passed on a voice vote. Senator Hillyard commented. Senators Stowell and Fife declared conflicts of interest. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell	Bramble	Buttars	Christensen
Davis	Dayton	Dmitrich	Eastman
Fife	Goodfellow	Greiner	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	McCoy	Niederhauser
Peterson	Romero	Stephenson	Stowell
Waddoups	Walker	Valentine

**Absent or not voting were:** Senators
Hickman	Van Tassell

**S.J.R. 9, JOINT RESOLUTION AMENDING RULES OF EVIDENCE RELATING TO INFORMATION CONTAINED IN THE MANAGEMENT INFORMATION SYSTEM, was read the second time. Senator Davis explained the bill.**

Senator Davis proposed the following amendment:

1. Page 1, Line 25b:
   Senate Committee Amendments 2–22–08
   Delete “affect” and insert “effect”

Senator Davis’ motion to amend passed on a voice vote. Senator Bell commented. The bill passed second reading on the following roll call:

**Yeas, 15; Nays, 12; Absent, 2.**

**Voting in the affirmative were:** Senators
Davis	Dmitrich	Fife	Goodfellow
Jones	Killpack	Madsen	Mayne
McCoy	Niederhauser	Romero	Stephenson
Stowell	Waddoups	Valentine
Voting in the negative were: Senators
Bell 	Bramble 	Buttas 	Christensen
Dayton 	Eastman 	Greiner 	Hillyard
Jenkins 	Knudson 	Peterson 	Walker

Absent or not voting were: Senators
Hickman 	Van Tassell

***

On motion of Senator Bramble, the Senate voted to return 1st Sub. S.B. 267, LOCAL GOVERNMENT AUTHORITY AMENDMENTS, to the Rules Committee.

***

S.B. 83, CHECK CASHING AND DEFERRED DEPOSIT LENDING REGISTRATION ACT, was read the second time. Senator Mayne explained the bill. Senators Hillyard, Bramble, and McCoy commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell 	Bramble 	Buttas 	Christensen
Davis 	Dayton 	Dmitrich 	Eastman
Fife 	Goodfellow 	Greiner 	Hickman
Hillyard 	Jenkins 	Jones 	Killpack
Knudson 	Mayne 	McCoy 	Niederhauser
Peterson 	Romero 	Stephenson 	Stowell
Waddoups 	Walker 	Valentine

Absent or not voting were: Senators
Madsen 	Van Tassell

***

On motion of Senator Hickman, the Senate voted to lift S.B. 243, THIS IS THE PLACE FOUNDATION − PROCUREMENT CODE EXEMPTION, and S.B. 244, DIVISION OF PARKS AND RECREATION TO SUPPORT NONPROFIT CORPORATION OR FOUNDATION, from the Rules Committee and assign them to the Natural Resources, Agriculture and Environment Committee.
On motion of Senator Killpack, S.J.R. 12, JOINT RESOLUTION HONORING HILL AIR FORCE Base’s 388TH AND 419TH FIGHTER WINGS, will be lifted from the Second Reading Calendar and placed on the Time Certain Calendar and considered Friday, February 29, 2008 at 10:30 a.m.

On motion of Senator Bramble and at 4:00 p.m., the Senate adjourned until 9:30 a.m., Monday, February 25, 2008.
THIRTY-SIXTH DAY
MORNING SESSION
FEBRUARY 25, 2008

The Senate was called to order at 9:45 a.m., with President Pro Tem Curtis Bramble presiding.

Prayer – Joy Beattie, Former First Lady of the Senate
Pledge of Allegiance – Senator Sheldon Killpack
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 64)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 22, 2008

The Speaker of the House has signed 1st Sub. S.B. 136, APPORTIONMENT OF BUSINESS INCOME AND DEDUCTION OF NET LOSSES BY AN ACQUIRED CORPORATION, by Senator W. Niederhauser, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 136 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

***

Mr. President: February 22, 2008

The House passed H.B. 102, CHILD ABUSE HOMICIDE AMENDMENTS, by Representative C. Wimmer, and it is transmitted for consideration; and

The House passed, as substituted, 2nd Sub. H.B. 136, ILLEGAL DRUG ACTIVITY REPORTING SYSTEM, by Representative C. Herrod, and it is transmitted for consideration; and

The House passed, as amended, H.B. 186, PROPERTY TAX – COUNTY ASSESSMENT AND COLLECTION AMENDMENTS, by Representative K. McIff, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 187, DEATH CAUSED BY ILLEGAL DRUGS, by Representative C. Herrod, and it is transmitted for consideration; and
The House passed, as substituted, 2nd Sub. H.B. 212, EDUCATOR SALARY ADJUSTMENTS, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed, as amended, H.B. 221, AGRICULTURE AND INDUSTRIAL PROTECTION AREA AMENDMENTS, by Representative J. Mathis, and it is transmitted for consideration; and

The House passed, as substituted and amended, 2nd Sub. H.B. 293, PRIVATE BUILDING INSPECTOR AUTHORIZED, by Representative D. Aagard, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 354, APPRAISALS FOR STATE LAND PURCHASES, by Representative J. Draxler, and it is transmitted for consideration; and

The House passed, as amended, H.B. 360, INDIVIDUAL INCOME TAX – LONG-TERM CARE INSURANCE PREMIUMS, by Representative B. Last, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 370, CHILDREN’S HEALTH INSURANCE PROGRAM AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk


STANDING COMMITTEE REPORTS

Mr. President: February 22, 2008

The Revenue and Taxation Committee reports a favorable recommendation on S.B. 237, COMMERCIAL AIRLINE AND AIRPORT TAXATION AMENDMENTS, by Senator W. Niederhauser, with the following amendments:

1. Page 16, Lines 465 through 469:

   465 (2) For purposes of the assessment of an airline’s mobile flight equipment by the
   466 commission, a portion of the value of the airline’s mobile flight equipment shall  
   {
   \begin{tabular}{l}
   by
   \end{tabular}  
   be allocated to
the state by calculating the product of:

(a) the total value of the mobile flight equipment; and
(b) the mobile flight equipment allocation factor.

2. Page 17, Lines 516 through 523:

(2) The average value of an airline’s real and tangible personal property owned or
rented and used in this state attributable to mobile flight equipment
for purposes of the
numerator of the fraction described in Subsection (1) shall be calculated for each aircraft type
by determining the product of:

(a) the total average value of the airline’s mobile flight equipment of the aircraft type
owned or rented and used in the state during the tax period; and
(b) a fraction, the numerator of which is the Utah revenue ton miles for the aircraft type
and the denominator of which is the airline revenue ton miles for the aircraft type.

3. Page 19, Lines 574 through 580:

(2) The total sales of an airline in this state during the tax period attributable to
transportation revenues in this state during the taxable year tax period for purposes of the numerator of the
fraction described in Subsection (1) shall be calculated by determining the product of:

(a) the total transportation revenues in this state during the taxable year tax period of the airline;
and
(b) a fraction, the numerator of which is the Utah revenue ton miles and the
denominator of which is the airline revenue ton miles, ; and
The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 158**, TAX CREDIT FOR MILITARY RETIRED PAY, by Representative S. Mascaro; and

The Revenue and Taxation Committee reports a favorable recommendation on **H.B. 365**, AVIATION AMENDMENTS, by Representative W. Harper.

Wayne L. Niederhauser, Chair

Mr. President: February 22, 2008

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 296**, FINANCIAL INSTITUTIONS AMENDMENTS, by Senator C. Bramble.

Mark B. Madsen, Chair

Mr. President: February 22, 2008

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 90**, PAYMENT IN LIEU OF PROPERTY TAXES ACT, by Senator G. Davis, with the following amendments:

1. Page 7, Lines 189 through 201:

   189   (1) The Division of Finance shall calculate whether or not there is eligible surplus by
   190   no later than September 15 of each fiscal year.
   191   (2) There is eligible surplus in a fiscal year if for the immediately preceding fiscal year
   192   there is an unrestricted, undesignated balance in the General Fund
   193   (a) the transfers:
   194   (i) to the General Fund Budget Reserve Account as provided in Section 63−38−2.5; and
   195   (ii) as provided in Section 63−38−2.7; and
   196   (b) the earmark to the Industrial Assistance Fund provided for in Subsection
   197   63−38f−904(5).
   198   (3) If in a fiscal year there is eligible surplus, the Division of Finance shall notify the
199 commission by no later than \(\text{September}\) October 1:
200 (a) that there is eligible surplus; and
201 (b) of the amount of eligible surplus.

2. Page 7, Lines 204 through 207:

204 (1) Subject to an appropriation by the legislature of the eligible surplus and to the other provisions in this section, if the Division of Finance notifies the commission that there is eligible surplus, the commission shall pay an eligible municipality the total of the payments in lieu of property taxes that the eligible municipality applied for under Section 59−3a−202 by no later than October 1 of that fiscal year.

3. Page 8, Lines 214 through 218:

214 (c) determine if there is sufficient eligible surplus appropriated by the Legislature to pay the amount described in Subsection (2)(b).

215 (3) If there is insufficient eligible surplus appropriated by the Legislature to pay the amount described in Subsection (2)(b), the commission shall:

216 (a) reduce the amount each eligible municipality is due under Subsection (2)(a) by the ; and

The Natural Resources, Agriculture, and Environment Committee recommends S.B. 224, COAL MINE SAFETY ACT, by Senator M. Dmitrich, be replaced and favorably recommends 1st Sub. S.B. 224, COAL MINE SAFETY ACT with the following amendments:

1. Page 10, Lines 274 through 276:

274 (1) The commissioner shall:
275 (a) direct the state’s efforts to promote coal mine safety; and
276 (b) \(\text{investigate or}\) participate with the Mine Safety and Health Administration in an investigation of a major coal mine accident in Utah. ; and

The Natural Resources, Agriculture, and Environment Committee recommends S.B. 269, WATER RIGHTS − OMBUDSMAN, by Senator
D. Stowell, be replaced and favorably recommends 2nd Sub. S.B. 269, WATER RIGHTS – OMBUDSMAN; and

The Natural Resources, Agriculture, and Environment Committee recommends H.B. 229, PROTECTIONS FOR AGRICULTURAL PRACTICES, by Representative M. Morley, be replaced and favorably recommends 1st Sub. H.B. 229, PROTECTIONS FOR AGRICULTURAL PRACTICES; and

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on H.C.R. 5, CONCURRENT RESOLUTION URGING CONGRESSIONAL APPROVAL OF R.S. 2477 RIGHTS–OF–WAY RECOGNITION ACT, by Representative M. Brown.

Darin G. Peterson, Chair

Mr. President: February 22, 2008

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 151, MOTOR VEHICLE REVISIONS, by Representative S. Urquhart; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 341, DAMAGE TO UNDERGROUND UTILITY FACILITIES AMENDMENTS, by Representative D. Clark; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 362, MOTOR FUEL TAX – OFF–HIGHWAY VEHICLE REFUND AMENDMENTS, by Representative B. Ferry.

Carlene M. Walker, Chair

Mr. President: February 22, 2008

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on S.B. 277, POST–CONVICTION REMEDIES ACT REVISIONS, by Senator G. Bell, with the following amendments:

1. Page 4, Line 99:

99 (2)  {–The court may not enter a default judgment against the state−}  The court may not

2. Page 4, Lines 115 through 116:

115 (2)  {–A time bar or procedural bar may be waived by the state only in a written waiver}
116 filed in the action and served on the petitioner. } The state may raise any of the procedural bars.

3. Page 4, Line 118:

118 post-conviction relief, unless the court determines that the state should have raised the time bar or procedural bar at an earlier time. Any court may raise a procedural bar or time bar on its own motion.

4. Page 8, Lines 234 through 235:

234 work identified is reasonably likely to develop evidence or legal arguments that will {entitle the
235 petitioner to } support post-conviction relief.


STANDING COMMITTEE REPORTS

Mr. President: February 22, 2008

The Revenue and Taxation Committee reports a favorable recommendation on 1st Sub. H.B. 304, SALES AND USE TAX REVENUES FOR QUALIFIED EMERGENCY FOOD AGENCIES, by Representative L. Wiley, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 18, Lines 528 through 530:

528 (11) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year
529 2008–09, {−$1,000,000 } $915,000 shall be deposited into the Qualified Emergency Food Agencies Fund
530 created by Section 9–4–1409 and expended as provided in Section 9–4–1409, ; and

The Revenue and Taxation Committee reports a favorable recommendation on 2nd Sub. H.B. 373, UNIFORM FEES ON VINTAGE MOTOR VEHICLES,
Mr. President: February 22, 2008

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on 1st Sub. H.B. 336, AUTHORITY TO ESTABLISH REFUGEE SERVICES FUND, by Representative C. Herrod, and recommends it be considered read for the second time and placed on the Consent Calendar.

Wayne L. Niederhauser, Chair

Mr. President: February 22, 2008

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends S.B. 278, TECHNICAL AMENDMENTS TO TITLES 78A AND 78B, by Senator G. Bell, be replaced and favorably recommends 1st Sub. S.B. 278, TECHNICAL AMENDMENTS TO TITLES 78A AND 78B and that it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on 1st Sub. H.B. 141, IDENTITY THEFT REPORTING INFORMATION SYSTEM AMENDMENTS, by Representative D. Aagard, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on 1st Sub. H.B. 149, PROTECTIVE ORDER AMENDMENTS, by Representative L. Fowlke, and recommends it be considered read for the second time and placed on the Consent Calendar.

Gregory S. Bell, Chair

On motion of Senator Hickman, the committee reports were adopted. 1st Sub. H.B. 304, as amended, 2nd Sub. H.B. 373, 1st Sub. H.B. 336, 1st Sub. S.B. 278, 1st Sub. H.B. 141, and 1st Sub. H.B. 149 were considered read the second time and placed on the Consent Calendar.

INTRODUCTION OF BILLS

S.B. 298, State Land Acquisition (J. Hickman), read the first time by short title and referred to the Rules Committee.
CONSENT CALENDAR

**H.B. 128**, UTAH RESIDENTIAL MORTGAGE PRACTICES ACT AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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<th>Senator</th>
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<th>Killpack</th>
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**H.B. 128** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

**H.B. 159**, PROFESSIONAL EMPLOYER ORGANIZATION LICENSING ACT, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**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.
S.B. 239, OFFICE OF THE ATTORNEY GENERAL − SAFETY NET INITIATIVE, was read the third time.

On motion of Senator Dmitrich, the bill was circled.

H.B. 231, LOCAL VOTER INFORMATION PAMPHLET AMENDMENTS, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell       Bramble       Buttars       Christensen
Davis    Dayton       Dmitrich       Eastman
Fife     Goodfellow    Greiner       Hickman
Hillyard Jenkins    Jones         Knudson
Madsen    Mayne       McCoy        Niederhauser
Peterson  Romero       Stephenson   Stowell
Van Tassell Waddoups

Absent or not voting were: Senators
Killpack    Walker        Valentine

H.B. 231 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

H.B. 261, LOCAL DISTRICT PRIMARY ELECTIONS, was read the third time, explained by Senator Jones, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell       Bramble       Buttars       Christensen
Davis    Dayton       Dmitrich       Eastman
Fife     Goodfellow    Greiner       Hickman
Hillyard Jenkins    Jones         Knudson
Madsen    Mayne       McCoy        Niederhauser
Peterson  Romero       Stephenson   Stowell
Van Tassell Waddoups
Absent or not voting were: Senators
Killpack Walker Valentine

H.B. 261 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

CONCURRENCE CALENDAR

On motion of Senator Bell, the Senate voted to concur in the House amendments to 1st Sub. S.B. 113, ACCESS TO RESEARCH WORKERS’ PERSONAL INFORMATION. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Eastman
Fife Goodfellow Greiner Hickman
Hillyard Jenkins Jones Knudson
Madsen Mayne McCoy Niederhauser
Peterson Romero Stephenson Stowell
Van Tassell Waddoups

Absent or not voting were: Senators
Killpack Walker Valentine

1st Sub. S.B. 113 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Stephenson, the Senate refused to concur in the House amendments. 1st Sub. S.B. 45, INVENTORY FOR COMPETITIVE ACTIVITIES OF LOCAL ENTITIES, was returned to the House.

THIRD READING CALENDAR

S.C.R. 5, CONCURRENT RESOLUTION CALLING FOR CONGRESS TO PASS BALANCED IMMIGRATION REFORM, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Christensen Davis
Dayton Dmitrich Eastman Fife
Absent or not voting were: Senators
Buttars    Killpack    Valentine

S.C.R. 5 was transmitted to the House for consideration.

* * *

On motion of Senator Hillyard, the circle was removed from 1st Sub. S.B. 185, ECONOMIC INCENTIVE REVISIONS, and it was before the Senate.

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

2nd Sub. S.B. 185 Economic Incentives Revisions (L. Hillyard)

Senator Hillyard explained the bill.

On motion of Senator Hillyard, the bill was circled.

* * *

S.B. 97, IMMIGRATION TASK FORCE, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell    Bramble    Christensen    Davis
Dmitrich    Eastman    Fife    Goodfellow
Greiner    Hickman    Hillyard    Jenkins
Jones    Knudson    Madsen    Mayne
McCoy    Niederhauser    Peterson    Romero
Stephenson    Stowell    Van Tassell    Waddoups
Walker

Voting in the negative was: Senator
Dayton
Absent or not voting were: Senators
Buttars        Killpack        Valentine

S.B. 97 was transmitted to the House for consideration.

***

S.B. 193, ELECTION LAW CHANGES, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell           Bramble        Christensen      Davis
Dayton        Dmitrich       Eastman         Fife
Goodfellow    Greiner        Hickman        Hillyard
Jenkins       Jones          Knudson        Madsen
Mayne         McCoy          Niederhauser   Peterson
Romero        Stephenson     Stowell        Van Tassell
Waddoups      Walker

Absent or not voting were: Senators
Buttars        Killpack        Valentine

S.B. 193 was transmitted to the House for consideration.

***

2nd Sub. S.B. 85, WATER RIGHTS BOARD, was read the third time.

On motion of Senator Stowell, the bill was circled.

***

H.B. 238, CAMPAIGN FINANCE FILING REQUIREMENTS, was read the third time.

On motion of Senator Christensen, the bill was circled.

***

H.B. 250, PUBLIC EMPLOYEE BENEFIT APPROVAL PROVISIONS, was read the third time.

On motion of Senator Christensen, the bill was circled.
H.B. 262, RECOVERY OF FEDERAL REIMBURSEMENT FOR COSTS ASSOCIATED WITH ILLEGAL IMMIGRANTS, was read the third time, explained by Senator Goodfellow, and passed on the following roll call:

Y eas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Eastman
Fife Goodfellow Greiner Hickman
Hillyard Jenkins Jones Knudson
Madsen Mayne McCoy Niederhauser
Peterson Romero Stowell Van Tassell
Waddoups Walker

Absent or not voting were: Senators
Killpack Stephenson Valentine

H.B. 262 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

S.B. 283, TRANSPORTATION FUNDING AMENDMENTS, was read the third time.

On motion of Senator Christensen, the bill was circled.

1st Sub. S.B. 72, JUSTICE COURT AMENDMENTS, was read the third time and explained by Senator Hillyard.

Senator Hillyard proposed the following amendment:

1. Page 1, Lines 21 through 22

21 Other Special Clauses:

22 This bill takes effect on January 1, 2009, except that the amendments to Section 78A–7–206 take effect on July 1, 2009.

2. Page 8, Line 234:
Day 36724 SENATE JOURNAL

234 in Subsection (1)(b)(ii) against the salary range determined in Subsection (1)(a) {(-11) }.

3. Page 10, Lines 290 through 291:

290 Section 8. Effective date.
291 This bill takes effect on January 1, 2009 , except that the amendments to Section 78A−7−206 in this bill take effect on July 1, 2009 .

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

**Absent or not voting was:** Senator
Valentine

1st Sub. S.B. 72 was transmitted to the House for consideration.

* * *

S.B. 191, JUDICIAL CONDUCT COMMISSION AMENDMENTS, was read the third time, explained by Senator Davis, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Fife
Goodfellow Greiner Hickman Hillyard
Jenkins Jones Killpack Knudson
Madsen Mayne McCoy Niederhauser
Peterson Romero Stephenson Stowell
Van Tassell Walker
Absent or not voting were: Senators
Eastman  Waddoups  Valentine

S.B. 191 was transmitted to the House for consideration.

* * *

S.B. 192, SEX OFFENSE AMENDMENTS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Eastman
Fife  Goodfellow  Greiner  Hickman
Hillyard  Jenkins  Jones  Killpack
Knudson  Madsen  Mayne  McCoy
Niederhauser  Peterson  Romero  Stephenson
Stowell  Van Tassell  Walker  Valentine

Absent or not voting was: Senator
Waddoups

S.B. 192 was transmitted to the House for consideration.

* * *

S.B. 196, COUNTY AND MUNICIPAL LAND USE AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Eastman
Fife  Goodfellow  Greiner  Hickman
Hillyard  Jenkins  Jones  Killpack
Knudson  Madsen  Mayne  McCoy
Niederhauser  Peterson  Romero  Stephenson
Stowell  Van Tassell  Walker  Valentine

Absent or not voting was: Senator
Waddoups
S.B. 196 was transmitted to the House for consideration.

* * *

On motion of Senator Killpack, the circle was removed from H.B. 238, CAMPAIGN FINANCE FILING REQUIREMENTS, and it was before the Senate. 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. 238 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Killpack, the circle was removed from S.B. 283, TRANSPORTATION FUNDING AMENDMENTS, and it was before the Senate. Senator Killpack 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

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S.B. 283 was transmitted to the House for consideration.
S.B. 275. MILITARY JUSTICE CODE AMENDMENTS, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Eastman
Fife  Goodfellow  Greiner  Hickman
Hillyard  Jenkins  Jones  Killpack
Knudson  Madsen  Mayne  McCoy
Niederhauser  Peterson  Romero  Stephenson
Stowell  Van Tassell  Waddoups  Walker
Valentine

S.B. 275 was transmitted to the House for consideration.

***

On motion of Senator Bramble, the Senate voted to move to the Consent Calendar.

**CONSENT CALENDAR**

On motion of Senator Bramble, the circle was removed from S.B. 239, OFFICE OF THE ATTORNEY GENERAL − SAFETY NET INITIATIVE, and it was before the Senate. Senator Bramble explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Eastman
Fife  Goodfellow  Greiner  Hickman
Hillyard  Jenkins  Jones  Killpack
Knudson  Madsen  Mayne  McCoy
Niederhauser  Peterson  Romero  Stephenson
Stowell  Van Tassell  Waddoups  Walker
Valentine

S.B. 239 was transmitted to the House for consideration.
THIRD READING CALENDAR

S.B. 287, APPROPRIATION FOR THE SWANSON TACTICAL TRAINING CENTER, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell    Bramble    Buttars    Christensen
Davis   Dayton     Dmitrich   Fife
Goodfellow    Greiner    Hickman    Hillyard
Jenkins  Jones     Killpack   Knudson
Madsen  Mayne     McCoy     Niederhauser
Peterson Romero    Stephenson Stowell
Van Tassell Waddoups Walker    Valentine

Absent or not voting was: Senator
Eastman

Senator Greiner declared a conflict of interest.

S.B. 287 was transmitted to the House for consideration.

* * *

S.B. 256, GOOD SAMARITAN ACT FOR ENGINEERS, was read the third time and explained by Senator Waddoups.

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

1st Sub. S.B. 256 Good Samaritan Act for Engineers (M. Waddoups)

The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell    Bramble    Buttars    Christensen
Davis   Dayton     Dmitrich   Fife
Goodfellow    Greiner    Hickman    Hillyard
Jenkins  Jones     Killpack   Knudson
Madsen  Mayne     McCoy     Niederhauser
Peterson Romero    Stephenson Stowell
Van Tassell Waddoups Walker    Valentine
Absent or not voting was: Senator
Eastman

1st Sub. S.B. 256 was transmitted to the House for consideration.

* * *

On motion of Senator Bramble, the circle was removed from H.B. 250, PUBLIC EMPLOYEE BENEFIT APPROVAL PROVISIONS, and it was before the Senate. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Fife
Goodfellow  Greiner  Hickman  Hillyard
Jenkins  Jones  Killpack  Knudson
Madsen  Mayne  McCoy  Niederhauser
Peterson  Romero  Stephenson  Stowell
Van Tassell  Waddoups  Walker  Valentine

Absent or not voting was: Senator
Eastman

H.B. 250 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

S.J.R. 9, JOINT RESOLUTION AMENDING RULES OF EVIDENCE RELATING TO INFORMATION CONTAINED IN THE MANAGEMENT INFORMATION SYSTEM, was read the third time.

On motion of Senator Davis, the bill was circled.

* * *

S.B. 83, CHECK CASHING AND DEFERRED DEPOSIT LENDING REGISTRATION ACT, was read the third time, explained by Senator Mayne, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.
Voting in the affirmative were: Senators
Bell       Bramble       Buttars       Christensen
Davis      Dayton        Dmitrich     Fife
Goodfellow Greiner       Hickman     Hillyard
Jenkins    Jones         Killpack    Knudson
Madsen     Mayne         McCoy       Niederhauser
Peterson   Romero        Stephenson  Stowell
Van Tassell Waddoups     Walker      Valentine

Absent or not voting was: Senator
Eastman

S.B. 83 was transmitted to the House for consideration.

SECOND READING CALENDAR

S.B. 234, MINIMUM SCHOOL PROGRAM AMENDMENTS – COUNSELING AND GUIDANCE PROGRAMS, was read the second time. Senator Dmitrich explained the bill. Senator Hillyard commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell       Bramble       Buttars       Christensen
Davis      Dayton        Dmitrich     Fife
Goodfellow Greiner       Hickman     Hillyard
Jenkins    Jones         Killpack    Knudson
Madsen     Mayne         McCoy       Niederhauser
Peterson   Romero        Stephenson  Stowell
Van Tassell Waddoups     Walker      Valentine

Absent or not voting was: Senator
Eastman

***

S.B. 241, LOCAL GOVERNMENTAL COOPERATION IN EDUCATION MATTERS, was read the second time. Senator Jones explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell       Bramble       Buttars       Christensen
Davis      Dayton        Dmitrich     Goodfellow
Absent or not voting were: Senators

Eastman     Fife     Knudson     Van Tassell

* * *

1st Sub. S.B. 47, LIMITED PURPOSE LOCAL GOVERNMENT ENTITIES REVISIONS, was read the second time. Senator Stowell explained the bill.

Senator Stowell proposed the following amendment:

1. Page 3, Lines 79 through 80

79 Other Special Clauses:

80 {None} This bill coordinates with H.B. 77, Personal Property Tax Amendments, by providing technical amendments.

2. Page 18, Line 523:

523 (3) obtain an easement or right−of−way across public or private property to {insure} ensure

3. Page 25, Line 746:

746 accomplishment of the purposes of this {act} chapter.

4. Page 27, Lines 818 through 819:

818 investments within the state {of Utah} or such county or municipality, so long as it locates within

819 the state {of Utah} or such county or municipality its headquarters where its actual investment

5. Page 27, Line 821:

821 of its investments in companies located outside the state {of Utah} to an amount which in the

6. Page 27, Line 823:
823 located outside the state of Utah in companies headquartered in Utah which the locally

7. Page 27, Line 825:

825 attention of investors outside the state of Utah. For purposes of enabling an offering of bonds

8. Page 34, Line 1029:

1029 to receive ad valorem property taxes, existing under the laws of the state of Utah.

9. Page 59, Line 1797:

1797 (3) obtain an easement or right-of-way across public or private property to ensure

10. Page 89, Line 2738:

2738 municipalities within the district is even; and

11. Page 93, Lines 2852 through 2865

Senate Committee Amendments 2−18−2008:

2852 (1) (a) An improvement district that provides electric service as authorized under

2853 Subsection 17B−2a−403(1)(a)(iv) is a public utility and subject to the jurisdiction of the Public Service Commission.

2855 Commission is a public utility and subject to the jurisdiction of the Public Service

2856 An improvement district that was created before May 5, 2008, to provide

2856a electric service:

2856b may include only an area where:

2857 no retail electricity has been provided to commercial, industrial, residential, and other users of electricity from an investor−owned utility within any part of an area certificated

2859 by the Public Service Commission or an area adjacent to that area, municipal agency, or
electric cooperative within the five years immediately preceding September 1, 1985; and

\[ S \rightarrow \{ \bullet \} \ (B) \ \{ \bullet \} \ \{ \bullet \} \ \leftrightarrow S \] electricity service is provided to at least one user of electricity within the electric service district as of September 1, 1985; and

\[ S \rightarrow \{ \bullet \} \ (iii) \ \{ \bullet \} \ \{ \bullet \} \ \leftrightarrow S \] shall have filed an application for certification and received approval by the Public Service Commission by September 1, 1986.

\[ S \rightarrow (iii) \] An improvement district created on or after May 5, 2008 to provide electricity

\[ S \rightarrow (b) \] Nothing in this part may be construed to give the Public Service Commission

12. Page 139, Line 4275:

4275 acquisition or construction of the project is completed; and

13. Page 139, Line 4294:

4294 Subsection \{\{\bullet\} \ (1) \ (a)(i)(A); and

14. Page 141, Line 4338:

4338 local entity \{\{\} \}

15. Page 145, Line 4481:

4481 (1) the local building authority \{\{\} \}

16. Page 146, Line 4506:

4506 Subsection 17D−1−601(1) or a notice under Subsection 17D−1−601(2), any person in interest may
17. Page 147, Line 4528:

4528 (b) the local building authority has made provision for the payment \( \frac{\text{when due}}{\text{of all}} \)

18. Page 250, Line 7717:

7717 Section 17A–3–1306, Existing powers with respect to historic areas not limited.

Section 169, Coordinating S.B. 47 with H.B. 77 — Technical amendments.

If this S.B. 47 and H.B. 77, Personal Property Tax Amendments both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, modify Subsection 59–2–924.2(5) in H.B. 77 to read:

“(5)(a) This Subsection (5) applies to each county that:

(i) establishes a countywide special service district under Title 17D, Chapter 1, Special Service District Act, to provide jail service, as provided in Subsection 17D–1–105(10); and

(ii) levies a property tax on behalf of the special service district under Section 17D–1–105.

(b)(i) The certified tax rate of each county to which this Subsection (5) applies shall be decreased by the amount necessary to reduce county revenues by the same amount of revenues that will be generated by the property tax imposed on behalf of the special service district.

(ii) Each decrease under Subsection (5)(b)(i) shall occur contemporaneously with the levy on behalf of the special service district under Section 17D–1–105.”

Senator Stowell’s motion to amend passed on a voice vote. Senators Jenkins, Niederhauser, Greiner, and Valentine commented. Senator Dmitrich declared a conflict of interest. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Fife
Greiner Hillyard Jenkins Jones
Killpack Knudson Madsen Mayne
McCoy Niederhauser Peterson Romero
Stephenson Stowell Van Tassell Waddoups
Walker Valentine
Absent or not voting were: Senators
Eastman  Goodfellow  Hickman

***

S.B. 197, PREFERRED DRUG LIST REVISIONS, was read the second time.

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

1st Sub. S.B. 197 Preferred Drug List Revisions (A. Christensen)

Senator Christensen explained the bill. Senator Goodfellow commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Fife
Goodfellow  Greiner  Hickman  Hillyard
Jenkins  Jones  Killpack  Knudson
Madsen  Mayne  McCoy  Niederhauser
Peterson  Romero  Stephenson  Stowell
Van Tassell  Waddoups  Walker  Valentine

Absent or not voting was: Senator
Eastman

***

S.B. 247, VETERANS PROCUREMENT PROVISIONS, was read the second time. Senator Fife explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Davis
Dayton  Dmitrich  Fife  Goodfellow
Greiner  Hickman  Hillyard  Jenkins
Jones  Killpack  Knudson  Madsen
Mayne  McCoy  Niederhauser  Peterson
Romero  Stephenson  Stowell  Van Tassell
Waddoups  Walker  Valentine
Absent or not voting were: Senators
Christensen    Eastman

***

S.B. 264, DEVELOPMENT AROUND MILITARY INSTALLATIONS, was read the second time. Senator Killpack explained the bill. The bill passed second reading on the following roll call:

Y eas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators
Bell          Bramble    Buttars    Davis
Dayton        Dmitrich   Goodfellow Greiner
Hickman       Hillyard   Jenkins   Jones
Killpack      Knudson    Madsen    Mayne
McCoy         Niederhauser Romero    Stephenson
Stowell       Van Tassell Waddoups  Walker
Valentine

Absent or not voting were: Senators
Christensen    Eastman    Fife     Peterson

***

S.B. 202, ENERGY RESOURCE AND CARBON EMISSION REDUCTION INITIATIVE, was read the second time.

On motion of Senator Bramble, the bill was circled.

***

On motion of Senator Davis, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Davis, the circle was removed from S.J.R. 9, JOINT RESOLUTION AMENDING RULES OF EVIDENCE RELATING TO INFORMATION CONTAINED IN THE MANAGEMENT INFORMATION SYSTEM, and it was before the Senate. Senator Davis explained the bill. Senators Bell and Madsen commented. The bill passed on the following roll call:

Yeas, 24; Nays, 3; Absent, 2.
Voting in the affirmative were: Senators
Bramble  Buttars  Christensen  Davis
Dayton  Dmitrich  Fife  Goodfellow
Greiner  Hickman  Hillyard  Jenkins
Jones  Knudson  Madsen  Mayne
McCoy  Niederhauser  Peterson  Romero
Stephenson  Stowell  Van Tassell  Walker

Voting in the negative were: Senators
Bell  Waddoups  Valentine

Absent or not voting were: Senators
Eastman  Killpack

S.J.R. 9 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Bramble, the circle was removed from S.B. 202, ENERGY RESOURCE AND CARBON EMISSION REDUCTION INITIATIVE, and it was before the Senate. Senator Bramble explained the bill. Senators Jones, Van Tassell, and McCoy commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Fife
Goodfellow  Greiner  Hickman  Hillyard
Jenkins  Jones  Knudson  Madsen
Mayne  McCoy  Niederhauser  Peterson
Romero  Stephenson  Stowell  Van Tassell
Waddoups  Walker  Valentine

Absent or not voting were: Senators
Eastman  Killpack

COMMITTEE OF THE WHOLE

On motion of Senator Madsen, Brent Hayden, former President of Springville Museum of Art and former Representative of Utah House, spoke in Committee of the Whole. Senators Bramble and Romero commented. Senator Madsen introduced the winners of the All-State High School Art School.
On motion of Senator Madsen, the Committee of the Whole was dissolved.

* * *

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

AFTERNOON SESSION

The Senate reassembled at 2:30 p.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 25, 2008

The House concurred in the Senate amendments and passed 1st Sub. H.B. 18, MATERIAL HARMFUL TO MINORS AMENDMENTS, by Representative P. Ray, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. H.B. 33, WAIVERS OF IMMUNITY – EXCEPTIONS, by Representative G. Hughes, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. H.B. 46, ADOPTION AND TERMINATION OF PARENTAL RIGHTS, 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. 49, BUDGET RESERVE ACCOUNT AND DISASTER RECOVERY ACCOUNT AMENDMENTS, by Representative W. Harper, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. H.B. 60, LEGISLATIVE REVIEW OF HEALTH INSURANCE MANDATES, 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. 112, PUBLIC EDUCATION FOUNDATION AMENDMENTS, 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. 286, PERMANENT TEACHER LICENSE REVOCATION FOR SEXUAL ACTIVITY WITH STUDENTS, by Representative C. Wimmer, and it is transmitted for the signature of the President; and
The House concurred in the Senate amendments and passed **H.C.R. 2, CONCURRENT RESOLUTION DECLARING FEBRUARY 6, 2008 RONALD REAGAN DAY**, by Representative M. Morley, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk


* * *

Mr. President:

**February 25, 2008**

The House passed, as substituted, **2nd Sub. H.B. 168, HEALTH INSURANCE MARKET CHOICES**, by Representative J. Dunnigan, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 203, JUDICIAL REVIEW OF STATE ENGINEER’S DECISION**, by Representative P. Painter, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 280, SCHOOL FINANCE AMENDMENTS**, by Representative Julie Fisher, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 349, OPEN ENROLLMENT REVISIONS**, by Representative Julie Fisher, et al, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 384, EMPLOYEE OBLIGATIONS RELATED TO WORKERS’ COMPENSATION**, by Representative M. Morley, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 410, RESTRICTED ACCOUNTS AMENDMENTS**, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 445, NURSING HOME AMENDMENTS**, by Representative M. Newbold, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

To the Members of the Senate:  

February 25, 2008

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

**Business and Labor Committee**

S.B. 86  
Economic Analysis and Reporting of Cost of Land Use Regulation (Sen. M. Madsen)

H.B. 202  
Employee Benefit Amendments (Rep. J. Dougall)  
(Sen. C. Bramble)

H.B. 401  
Master Plumber Licensing (Rep. J. Dunnigan)  
(Sen. S. Jenkins)

H.B. 412  
Below Cost Sales (Rep. S. Urquhart) (Sen. C. Bramble)

H.B. 437  
Funeral Services Licensing Act Amendments  
(Rep. S. Urquhart) (Sen. J. Greiner)

**Education Committee**

H.B. 160  
Charter School Law Revisions (Rep. R. Lockhart)  
(Sen. D. Eastman)

1st Sub. H.B. 363  
Beverley Taylor Sorenson Elementary Arts Learning Program (Rep. G. Hughes) (Sen. S. Killpack)

**Health and Human Services Committee**

1st Sub. H.B. 263  
Utah Registry of Autism and Developmental Disabilities  
(Rep. E. Hutchings) (Sen. K. Mayne)

1st Sub. H.B. 316  
Substance Abuse Treatment for Pregnant Women and Pregnant Minors (Rep. E. Hutchings)  
(Sen. M. Waddoups)

H.B. 399  
Medication Aide Certified Amendments  
(Rep. R. Lockhart) (Sen. S. Killpack)

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

H.B. 167  
A Victim Amicus Bill (Rep. R. C. Webb)  
(Sen. P. Knudson)

H.B. 339  
Human Trafficking Amendments (Rep. C. Herrod)  
(Sen. C. Bramble)

H.B. 374  
Natural Resources, Agriculture and Environment Committee

H.B. 303  Phosphorus Limit in Dishwashing Detergent
          (Rep. C. Johnson) (Sen. P. Knudson)

Retirement and Independent Entities Committee

H.B. 39  Divestment of Certain Retirement Fund Investments

Transportation, Public Utilities and Technology Committee

H.B. 165  Sales and Use Tax Exemptions Relating to Aircraft
          (Rep. B. Dee) (Sen. S. Killpack)
H.B. 347  Motor Vehicle Business Regulation Amendments
          (Rep. S. Andersen) (Sen. D. Eastman)
          (Sen. S. Jenkins)
H.B. 467  Motor Vehicle Insurance Arbitration Amendments
          (Rep. S. Urquhart) (Sen. C. Bramble)

Bill Hickman
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President:  February 25, 2008

The Business and Labor Committee reports a favorable recommendation on
H.B. 257, EMPLOYEE VERIFICATION, by Representative C. Herrod; and

The Business and Labor Committee reports a favorable recommendation on
1st Sub. H.B. 223, EXEMPTION FROM LICENSURE BY DIVISION OF REAL
ESTATE, by Representative M. Walker.

Kevin T. Van Tassell, Chair

Mr. President:  February 25, 2008

The Health and Human Services Committee reports a favorable
recommendation on S.B. 297, ANIMAL TORTURE AND CRUELTY
AMENDMENTS, by Senator A. Christensen; and

The Health and Human Services Committee reports a favorable
recommendation on 1st Sub. H.B. 330, STATE SUPPLEMENTAL FUNDING
FOR HEAD START, by Representative L. Shurtleff; and
The Health and Human Services Committee reports a favorable recommendation on **H.C.R. 7**, CONCURRENT RESOLUTION DECLARING COLORECTAL CANCER AWARENESS MONTH, by Representative E. Hutchings.

D. Chris Buttars, Chair

Mr. President: February 25, 2008

The Education Committee recommends **H.B. 332**, USE OF PUBLIC SCHOOLS BY COMMUNITY ORGANIZATIONS, by Representative G. Hughes, be replaced and favorably recommends **1st Sub. H.B. 332**, USE OF PUBLIC SCHOOLS BY COMMUNITY ORGANIZATIONS with the following amendments:

1. Page 4, Lines 110 through 112:

   110 charge of the grounds and protect school property when used for civic center purposes;
   
   111 {may not refuse } shall allow the use of a civic center, for other than school purposes, if it determines that the use interferes with a school function or purpose; and

Margaret Dayton, Chair

Mr. President: February 22, 2008

The Government Operations and Political Subdivisions Committee recommends **S.B. 245**, FUNDING RELATING TO AIRPORTS, by Senator C. Bramble, be replaced and favorably recommends **1st Sub. S.B. 245**, FUNDING RELATING TO AIRPORTS; and

The Government Operations and Political Subdivisions Committee recommends **S.B. 261**, POLITICAL SUBDIVISION ANNEXATION AMENDMENTS, by Senator M. Waddoups, be replaced and favorably recommends **1st Sub. S.B. 261**, POLITICAL SUBDIVISION ANNEXATION AMENDMENTS; and

The Government Operations and Political Subdivisions Committee recommends **S.R. 1**, SENATE RESOLUTION URGING UNITED STATES WITHDRAWAL FROM SECURITY AND PROSPERITY PARTNERSHIP OF NORTH AMERICA, by Senator F. Fife, be replaced and favorably recommends
1st Sub. S.R. 1, SENATE RESOLUTION URGING THE CONSIDERATION OF THE UNITED STATES ENDING ITS PARTICIPATION IN THE SECURITY AND PROSPERITY PARTNERSHIP OF NORTH AMERICA with the following amendment:

1. Page 2, Line 45:
   After “States” delete “would” and insert “might”; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 352, AMENDMENTS RELATED TO MONIES DERIVED FROM NAVAJO NATION RESERVATION LANDS IN UTAH, by Representative D. Clark; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.C.R. 4, CONCURRENT RESOLUTION ENCOURAGING CONGRESSIONAL ACTION TO DESIGNATE A NEW RECIPIENT OF ROYALTIES FROM NAVAJO RESERVATION LANDS, by Representative D. Clark.

Peter C. Knudson, Chair


STANDING COMMITTEE REPORTS

Mr. President: February 25, 2008

The Business and Labor Committee reports a favorable recommendation on S.B. 288, CONDOMINIUM OWNERSHIP ACT AMENDMENTS, by Senator M. Waddoups, 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 1st Sub. H.B. 157, ALCOHOLIC BEVERAGE CONTROL VIOLATIONS AMENDMENTS, by Representative C. Oda, and recommends it be considered read for the second time and placed on the Consent Calendar.

Kevin T. Van Tassell, Chair

Mr. President: February 25, 2008

The Education Committee reports a favorable recommendation on 1st Sub. H.B. 254, SCHOOL COMMUNITY COUNCIL AMENDMENTS, by
Representative R. Menlove, 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 2nd Sub. H.B. 127, COMMUNITY COUNCIL ELECTIONS, by Representative K. Sumsion, 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 1st Sub. H.B. 189, SCHOOL COMMUNITY COUNCILS, by Representative R. Bigelow, and recommends it be considered read for the second time and placed on the Consent Calendar; and

Margaret Dayton, Chair

Mr. President: February 22, 2008

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on S.B. 294, COMMUNITY DEVELOPMENT AND RENEWAL AMENDMENTS, by Senator C. Bramble, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 185, WESTERN STATES PRESIDENTIAL PRIMARY AMENDMENTS, by Representative K. Grover, and recommends it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee recommends H.B. 252, CHARITABLE SOLICITATIONS ACT AMENDMENTS, by Representative W. Harper, be replaced and favorably recommends 1st Sub. H.B. 252, CHARITABLE SOLICITATIONS ACT AMENDMENTS and that it be considered read for the second time and placed on the Consent Calendar; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on H.B. 378, STATE ACCOUNTING AND BUDGETARY PROCEDURES AMENDMENTS, by Representative R. Bigelow, and recommends it be considered read for the second time and placed on the Consent Calendar; and

Peter C. Knudson, Chair

H.B. 189, S.B. 294, H.B. 185, 1st Sub. H.B. 252, and H.B. 378 were considered read the second time and placed on the Consent Calendar.

**INTRODUCTION OF BILLS**

S.B. 286, *Transportation and Transit Amendments* (S. Killpack), read the first time by short title and referred to the Rules Committee.

**THIRD READING CALENDAR**

On motion of Senator Bramble, the Senate voted to lift S.B. 202, *ENERGY RESOURCE AND CARBON EMISSION REDUCTION INITIATIVE*, to the top of the Third Reading Calendar.

On motion of Senator Bramble, under suspension of the rules, S.B. 202, *ENERGY RESOURCE AND CARBON EMISSION REDUCTION INITIATIVE*, was read the third time.

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


On motion of Senator Bramble, the bill was circled.

***

On motion of Senator Hillyard, the circle was removed from 2nd Sub. S.B. 185, *ECONOMIC INCENTIVE REVISIONS*, 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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<tr>
<th>Bell</th>
<th>Buttars</th>
<th>Christensen</th>
<th>Davis</th>
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<td>Dayton</td>
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<td>Romero</td>
<td>Stephenson</td>
<td>Van Tassell</td>
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**Absent or not voting were:** Senators

<table>
<thead>
<tr>
<th>Bramble</th>
<th>Jenkins</th>
<th>Stowell</th>
<th>Waddoups</th>
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<tr>
<td>Walker</td>
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2nd Sub. S.B. 185 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Niederhauser, the circle was removed from 2nd Sub. S.B. 204, INCOME TAXATION AMENDMENTS, and it was before the Senate. Senator Niederhauser explained the bill.

On motion of Senator Niederhauser, under suspension of the rules, 2nd Sub. S.B. 204, INCOME TAXATION AMENDMENTS, was considered read the second and third times. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bramble    Buttars    Dayton    Dmitrich
Eastman    Fife       Goodfellow Greiner
Hickman    Jenkins    Jones     Knudson
Madsen     Mayne      McCoy     Niederhauser
Peterson   Romero     Stephenson Stowell
Van Tassell Waddoups  Walker    Valentine

Absent or not voting were: Senators
Bell        Christensen Davis    Hillyard
Killpack

2nd Sub. S.B. 204 was transmitted to the House.

***

On motion of Senator Walker, the circle was removed from 2nd Sub. S.B. 71, SCHOOL DISTRICT AMENDMENTS, and it was before the Senate. Senator Walker explained the bill.

On motion of Senator Walker, under suspension of the rules, 2nd Sub. S.B. 71, SCHOOL DISTRICT AMENDMENTS, was considered read the second and third times. The bill passed on the following roll call:

Yeas, 19; Nays, 5; Absent, 5.

Voting in the affirmative were: Senators
Bramble      Dayton    Dmitrich    Eastman
Fife         Greiner   Hickman    Jenkins
Jones        Knudson   Madsen     Mayne
McCoy        Niederhauser Peterson    Stowell
Van Tassell  Walker    Valentine
Voting in the negative were: Senators
Buttars  Goodfellow  Romero  Stephenson
Waddoups

Absent or not voting were: Senators
Bell  Christensen  Davis  Hillyard
Killpack

2nd Sub. S.B. 71 was transmitted to the House.

***

On motion of Senator Hickman, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Hickman, the circle was removed from 1st Sub. S.B. 81, ILLEGAL IMMIGRATION, and it was before the Senate. Senator Hickman explained the bill.

Senator Hickman proposed the following amendment:

1. Page 13, Lines 385 through 389

385  (3) (a) Beginning July 1, 2009:
386  (i) a public employer may not enter into a contract for the physical performance of
387  services within the state with a contractor unless the contractor registers and participates in the
388  Status Verification System to verify the work eligibility status of the contractor’s new
389  employees that are employed in the state.

2. Page 14, Lines 399 through 403:

399  (4) (a) It is unlawful for an employing entity in the state to discharge an employee
400  working in Utah who is a United States citizen or permanent resident alien [while retaining] and replace the employee with, or have the employee's duties assumed by, an
employee who:
(i) the employing entity knows, or reasonably should have known, is an unauthorized alien hired on or after July 1, 2009; and

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

Senator Jenkins proposed the following amendment:

1. Page 3, Lines 66 through 68

Other Special Clauses:
This bill takes effect on July 1, 2009.

This bill coordinates with H.B. 63, Recodification of Title 63 State Affairs in General,
by providing technical renumbering.

2. Page 19, Lines 559 through 560:

Section 11. Effective date.
This bill takes effect on July 1, 2009.

If this S.B. 81 and H.B. 63, Recodification of Title 63 State Affairs in General, both

Senator Jenkins’ motion to amend passed on a voice vote.

Senator Niederhauser proposed the following amendment:

1. Page 13, Lines 390 through 392

(ii) a contractor shall register and participate in the Status Verification System in order
to enter into a contract with a public employer.

(b)(i) A subcontractor who is employed by a contractor to perform a service for a public employer under Subsection (3)(a) is considered a new employee of the contractor for purposes of verifying
work eligibility under Subsection (3)(a) if the subcontractor is working for the contractor for the first time.

(ii) The contractor is:

(A) not required to verify the work eligibility status of a subcontractor’s employees; and

(B) not liable for a subcontractor’s failure to comply with the requirements of this Subsection (3).

(c) Subsection (3)(a) does not apply to a contract:

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

Senators Jones, Stephenson, Greiner, Romero, Killpack, and Waddoups commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Voting in the negative were:** Senators

Christensen  Davis           Fife             McCoy
Romero

1st Sub. S.B. 81, as amended, was transmitted to the House for consideration.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President:  
February 25, 2008

The Speaker of the House has signed 1st Sub. S.B. 113, ACCESS TO RESEARCH WORKERS’ PERSONAL INFORMATION, by Senator G. Bell, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 113 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, 2008

The House passed **H.B. 150**, AUTHORIZATION FOR COUNTIES TO PROVIDE SUPPLEMENTAL LAW ENFORCEMENT SERVICES, by Representative J. Biskupski, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 150** was read the first time and referred to the Rules Committee.

* * *

Mr. President: February 25, 2008

The House refuses to recede from its amendments to **1st Sub. S.B. 45**, INVENTORY FOR COMPETITIVE ACTIVITIES OF LOCAL ENTITIES, by Senator H. Stephenson, and has appointed a Conference Committee consisting of Representatives C. Frank, B. Dee, and N. Hendrickson to meet with a like committee from the Senate on this bill.

Sandy D. Tenney, Chief Clerk

President Valentine appointed a conference committee consisting of Senators Stephenson, Niederhauser, and Goodfellow to meet with a like committee from the House.

* * *

On motion of Senator Bell, legislative staff was authorized to draft a bill that would legislate the criteria for political subdivisions of the State of Utah to enact ordinances to legally recognize unmarried persons as financial co−dependents.

SECOND READING CALENDAR

On motion of Senator Bramble, the circle was removed from **2nd Sub. S.B. 211**, ALCOHOLIC BEVERAGE CONTROL AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

- Bell
- Bramble
- Buttars
- Christensen
- Davis
- Dmitrich
- Eastman
- Fife
- Hickman
- Hillyard
- Jenkins
- Jones
Voting in the negative were: Senators
Dayton Goodfellow Greiner Madsen
McCoy Peterson Romero

* * *

On motion of Senator Dmitrich, H.J.R. 10, JOINT RESOLUTION OPPOSING DESIGNATION OF PUBLIC LANDS CURRENTLY URGED BY CONGRESS AND THE BUREAU OF LAND MANAGEMENT, will be considered Thursday, February 28 2008 at 11:00 a.m.

* * *

On motion of Senator Niederhauser, the circle was removed from 2nd Sub. H.B. 54, PROPERTY TAX ASSESSMENT REVISIONS, and it was before the Senate. Senator Niederhauser explained the bill.

Senator Hillyard proposed the following amendment:

1. Page 1, Line 14:
   After “second,” delete “or third”

2. Page 1, Line 14:
   After “first” delete “,” and insert “or”

3. Page 12, Line 356:
   After “second,” delete “or third”

4. Page 12, Line 356:
   After “first” delete “,” and insert “or”

5. Page 12, Line 361:
   Delete line 361

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

On motion of Senator Niederhauser, under suspension of the rules, 2nd Sub. H.B. 54, PROPERTY TAX ASSESSMENT REVISIONS, was considered read the second and third times. The bill passed on the following roll call:
Yeas, 22; Nays, 0; Absent, 7.

**Voting in the affirmative were:** Senators

- Bell
- Bramble
- Christensen
- Dayton
- Eastman
- Fife
- Goodfellow
- Greiner
- Hillyard
- Jenkins
- Jones
- Killpack
- Knudson
- Mayne
- McCoy
- Niederhauser
- Peterson
- Romero
- Stephenson
- Stowell
- Van Tassell
- Waddoups

**Absent or not voting were:** Senators

- Buttars
- Davis
- Dmitrich
- Hickman
- Madsen
- Walker
- Valentine

**2nd Sub. H.B. 54.** as amended, was returned to the House for further consideration.

* * *

On motion of Senator Bramble and at 4:05 p.m., the Senate adjourned until 9:00 a.m., Tuesday, February 26, 2008.
THIRTY-SEVENTH DAY
MORNING SESSION
FEBRUARY 26, 2008

The Senate was called to order at 9:45 a.m., with President John Valentine presiding.

Prayer – Senator Karen Mayne
Pledge of Allegiance – Senator Dan Eastman
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 64)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 25, 2008

The House passed, as amended, H.B. 194, CLASS SIZE REDUCTION IN KINDERGARTEN THROUGH GRADE THREE, by Representative K. Morgan, and it is transmitted for consideration; and

The House passed, as amended, H.B. 210, IDENTITY THEFT AND OTHER CRIMES, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed, as amended, H.B. 315, CHILD AND VULNERABLE ADULT ENDANGERMENT PROVISIONS, by Representative M. Morley, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 415, JOINT CUSTODY MODIFICATIONS, by Representative L. Fowlke, and it is transmitted for consideration; and

The House passed, as amended, H.J.R. 12, JOINT RESOLUTION AMENDING THE UTAH CONSTITUTION – STOCK AND BOND SUBSCRIPTIONS, by Representative D. Clark, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 194, H.B. 210, H.B. 315, 1st Sub. H.B. 415, and H.J.R. 12 were read the first time and referred to the Rules Committee.
Mr. President: February 25, 2008

The House adopted the Joint Conference Committee Report dated February 25, 2008, and passed 2nd Sub. S.B. 152, PRESUMPTIVE PERSONAL REPRESENTATIVE, by Senator G. Bell, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

Communications filed.


Sen. Gregory S. Bell and Rep. Stephen Urquhart, Chairs

On motion of Senator Bell, the Senate voted to adopt the conference committee report to 2nd Sub. S.B. 152. The bill passed on the following roll call vote:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Bramble  Van Tassell

2nd Sub. S.B. 152 was returned to the House for its further action.

**CONSENT CALENDAR**

S.B. 228, REGULATION OF WELLS, was read the third time, explained by Senator Dayton, and passed on the following roll call:
Yeas, 29; Nays, 0; Absent, 0.

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

S.B. 228 was transmitted to the House for consideration.

***

S.B. 263, SELF AUTHENTICATION OF DOCUMENTS, was read the third time, explained by Senator McCoy, and passed on the following roll call:

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

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

S.B. 263 was transmitted to the House for consideration.

***

H.B. 178, JURISDICTION FOR PROSECUTION, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Eastman
Fife Goodfellow Greiner Hickman
H.B. 178, as amended, was returned to the House for further consideration.

* * *

H.B. 312, CRIME VICTIM REPARATIONS REVISIONS, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

- Davis
- McCoy

H.B. 312 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 314, SEXUAL OFFENSES − DEFINITIONS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

- Bell
- Bramble
- Buttars
- Christensen
- Dayton
- Dmitrich
- Eastman
- Fife
- Goodfellow
- Greiner
- Hickman
- Hillyard
- Jenkins
- Jones
- Killpack
- Knudson
- Madsen
- Mayne
- McCoy
- Niederhauser
- Peterson
- Romero
- Stephenson
- Stowell
- Stowell
- Van Tassell
- Waddoups
- Walker
- Valentine
Absent or not voting was: Senator Davis

H.B. 314 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 327, ENTICING A MINOR BY ELECTRONIC MEANS, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bramble Buttars Christensen Davis
Dayton Dmitrich Eastman Fife
Goodfellow Greiner Hickman Hillyard
Jenkins Jones Killpack Knudson
Madsen Mayne McCoy Niederhauser
Peterson Romero Stephenson Stowell
Van Tassell Waddoups Walker Valentine

Absent or not voting was: Senator Bell

H.B. 327 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 377, CODE OF CRIMINAL PROCEDURE 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
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Eastman
Fife Goodfellow Hickman Hillyard
Jenkins Jones Killpack Knudson
Madsen Mayne McCoy Niederhauser
Peterson Romero Stephenson Stowell
Van Tassell Waddoups Walker Valentine
Absent or not voting was: Senator
Greiner

H.B. 377 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 342, INSURANCE CODE AMENDMENTS, was read the third time, explained by Senator Killpack, and passed on the following roll call:

Yea, 29; Nays, 0; Absent, 0.

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

H.B. 342, as amended, was returned to the House for further consideration.

* * *

H.B. 184, CONSTRUCTION AMENDMENTS, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

Yea, 29; Nays, 0; Absent, 0.

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

H.B. 184, as amended, was returned to the House for further consideration.
S.B. 221, CAPITAL DEVELOPMENT AND IMPROVEMENT 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 McCoy

S.B. 221 was transmitted to the House for consideration.

**THIRD READING CALENDAR**

S.B. 234, MINIMUM SCHOOL PROGRAM AMENDMENTS – COUNSELING AND GUIDANCE PROGRAMS, 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

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S.B. 234 was transmitted to the House for consideration.

**S.B. 241, LOCAL GOVERNMENTAL COOPERATION IN EDUCATION MATTERS, was read the third time, explained by Senator Jones, and passed on the following roll call:**
Yeas, 29; Nays, 0; Absent, 0.

**Voting in the affirmative were:** Senators

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S.B. 241 was transmitted to the House for consideration.

***

On motion of Senator Bramble, the Senate voted to lift H.B. 412, BELOW COST SALES, from the Business and Labor Committee and place it on the Time Certain Calendar for today at 3:30 p.m.

On motion of Senator Bramble, the Senate voted to lift H.B. 202, EMPLOYEE BENEFIT AMENDMENTS, from the Business and Labor Committee and reassign it to the Retirement and Independent Entities Committee.

On motion of Senator Bramble, the Senate voted to lift S.B. 297, ANIMAL TORTURE AND CRUELTY AMENDMENTS, to the top of the Second Reading Calendar.

***

1st Sub. S.B. 47, LIMITED PURPOSE LOCAL GOVERNMENT ENTITIES REVISIONS, was read the third time, explained by Senator Stowell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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1st Sub. S.B. 47 was transmitted to the House for consideration.

* * *

1st Sub. S.B. 197, PREFERRED DRUG LIST REVISIONS, was read the third time, explained by Senator Christensen, and passed on the following roll call:

**Y** eas, 29; **N** ays, 0; **A** bsent, 0.

**Voting in the affirmative were:** Senators
Bell
Davis
Fife
Hillyard
Knudson
Niederhauser
Stowell
Valentine
Bramble
Dayton
Goodfellow
Jenkins
Madsen
Peterson
Van Tassell
Buttars
Dmitrich
Greiner
Jones
Mayne
Romero
Waddoups
Christensen
Eastman
Hickman
Killpack
McCoy
Stephenson
Walker

1st Sub. S.B. 197 was transmitted to the House for consideration.

* * *

S.B. 247, VETERANS PROCUREMENT PROVISIONS, was read the third time, explained by Senator Fife, and passed on the following roll call:

**Y** eas, 29; **N** ays, 0; **A** bsent, 0.

**Voting in the affirmative were:** Senators
Bell
Davis
Fife
Hillyard
Knudson
Niederhauser
Stowell
Valentine
Bramble
Dayton
Goodfellow
Jenkins
Madsen
Peterson
Van Tassell
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Dmitrich
Greiner
Jones
Mayne
Romero
Waddoups
Christensen
Eastman
Hickman
Killpack
McCoy
Stephenson
Walker

S.B. 247 was transmitted to the House for consideration.

* * *

S.B. 264, DEVELOPMENT AROUND MILITARY INSTALLATIONS, was read the third time and explained by Senator Killpack.
On motion of Senator Killpack, the following substitute bill replaced the original bill:

1st Sub. S.B. 264 Development Around Military Installations
(S. Killpack)

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. 264 was transmitted to the House for consideration.

***

2nd Sub. S.B. 211, ALCOHOLIC BEVERAGE CONTROL AMENDMENTS, was read the third time.

On motion of Senator Bramble, the bill was circled.

***

On motion of Senator Bramble, the circle was removed from 1st Sub. S.B. 202, ENERGY RESOURCE AND CARBON EMISSION REDUCTION INITIATIVE, and it was before the Senate. Senator Bramble explained the bill. Senator Jenkins commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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Absent or not voting was: Senator Niederhauser

**1st Sub. S.B. 202** was transmitted to the House for consideration.

**SECOND READING CALENDAR**

On motion of Senator Greiner, the circle was removed from **H.J.R. 4, JOINT RESOLUTION URGING SCHOOL CLOSINGS TO RECOGNIZE VETERANS DAY**, and it was before the Senate. Senator Greiner explained the bill. The bill passed second reading on the following roll call:

**Yeas, 26; Nays, 1; Absent, 2.**

**Voting in the affirmative were:** Senators

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**Voting in the negative was:** Senator McCoy

**Absent or not voting were:** Senators

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***

**S.B. 297, ANIMAL TORTURE AND CRUELTY AMENDMENTS,** was read the second time. Senator Christensen explained the bill. Senators Jenkins, Greiner, Davis, Hickman, Jones, Bell, and Bramble commented.

Senator Jenkins proposed the following amendment:

1. Page 1, Line 19:
   Delete “third degree felony” and insert “class A misdemeanor”

2. Page 6, Line 164:
   Delete “third degree felony” and insert “class A misdemeanor”

   Senator Jenkins’ motion to amend failed on a voice vote. The bill passed second reading on the following roll call:
Yeas, 22; Nays, 6; Absent, 1.

**Voting in the affirmative were:** Senators

- Bell
- Bramble
- Buttars
- Christensen
- Davis
- Dmitrich
- Eastman
- Fife
- Goodfellow
- Hillyard
- Jones
- Knudson
- Mayne
- McCoy
- Niederhauser
- Peterson
- Romero
- Stowell
- Van Tassell
- Waddoups
- Walker
- Valentine

**Voting in the negative were:** Senators

- Dayton
- Greiner
- Hickman
- Jenkins
- Madsen
- Stephenson

**Absent or not voting was:** Senator

- Killpack

***

On motion of Senator Hickman the Senate voted to lift **S.B. 286**, TRANSPORTATION AND TRANSIT AMENDMENTS, from the Rules Committee and assign it to the Transportation, Public Utilities and Technology Committee.

***

On motion of Senator Hickman the Senate voted to lift **S.B. 298**, STATE LAND ACQUISITION, from the Rules Committee and assign it to the Retirement and Independent Entities Committee.

***

**S.B. 203**, HIGHWAY ABANDONMENT AMENDMENTS, was read the second time. Senator Peterson explained the bill. Senator Van Tassell commented. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

**Voting in the affirmative were:** Senators

- Bell
- Bramble
- Buttars
- Christensen
- Dayton
- Dmitrich
- Eastman
- Fife
- Greiner
- Hillyard
- Jenkins
- Jones
- Killpack
- Knudson
- Madsen
- Mayne
- McCoy
- Niederhauser
- Peterson
- Stephenson
- Stowell
- Van Tassell
- Waddoups
- Valentine
Voting in the negative was: Senator Romero

Absent or not voting were: Senators
Davis      Goodfellow      Hickman      Walker

***

S.B. 231, TRANSPORTATION GOVERNANCE, was read the second time. Senator Killpack explained the bill. The bill passed second reading on the following roll call:

Yea, 24; Nay, 1; Absent, 4.

Voting in the affirmative were: Senators
Bell       Bramble       Buttars       Christensen
Dayton     Dmitrich      Eastman      Goodfellow
Greiner    Hillyard      Jenkins      Jones
Killpack   Knudson       Madsen      Mayne
McCoy      Niederhauser Peterson      Stephenson
Stowell    Van Tassell    Waddoups      Valentine

Voting in the negative was: Senator Romero

Absent or not voting were: Senators
Davis      Fife           Hickman      Walker

***

S.B. 194, METAL THEFT AMENDMENTS AND PENALTIES, was read the second time. Senator Greiner explained the bill. Senators Jenkins, Jones, and Knudson commented.

Senator McCoy proposed the following amendment:

1. Page 1, Line 15 and 16:
   Delete lines 15 and 16 and renumber accordingly

2. Page 5, Lines 138 through 141:
   Delete lines 138 through 141 and renumber accordingly

Senator McCoy’s motion to amend passed on a voice vote. The bill failed second reading on the following roll call:
Yeas, 13; Nays, 14; Absent, 2.

Voting in the affirmative were: Senators
Bell  Bramble  Dayton  Goodfellow
Greiner  Hickman  Jenkins  Mayne
Romero  Stowell  Van Tassell  Waddoups
Valentine

Voting in the negative were: Senators
Buttars  Christensen  Davis  Dmitrich
Fife  Hillyard  Jones  Knudson
Madsen  McCoy  Niederhauser  Peterson
Stephenson  Walker

Absent or not voting were: Senators
Eastman  Killpack

The bill was filed.

* * *

S.B. 209, METHAMPHETAMINE DECONTAMINATION STANDARDS AND FUNDING, was read the second time. Senator Buttars explained the bill.

Senator Buttars proposed the following amendment:

1. Page 2, Lines 45 through 47

45 (3) “Contaminated” or “contamination” means :

(a) polluted by hazardous materials that

46 cause property to be unfit for human habitation or use due to immediate or long−term health hazards { — } ; or

(b) that a property is polluted by hazardous materials as a result of the use, production, or presence of methamphetamine in excess of decontamination standards adopted by the Department of Health under Section 26–49–201.

Senator Buttars’ motion to amend passed on a voice vote. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.
Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Fife
Goodfellow  Greiner  Hickman  Hillyard
Jenkins  Jones  Knudson  Madsen
Mayne  McCoy  Niederhauser  Peterson
Romero  Stephenson  Stowell  Van Tassell
Waddoups  Walker  Valentine

Absent or not voting were: Senators
Eastman  Killpack

* * *

S.B. 295, SECURITY ALARM BUSINESS LICENSING AMENDMENTS, was read the second time.

On motion of Senator Dayton, the bill was circled.

* * *

S.B. 210, PROOF OF CITIZENSHIP REQUIRED TO VOTE, was read the second time. Senator Madsen explained the bill. Senators Romero, Walker, McCoy, Davis, Bell, Hickman, and Dmitrich commented. The bill passed second reading on the following roll call:

Yeas, 16; Nays, 10; Absent, 3.

Voting in the affirmative were: Senators
Bramble  Christensen  Dayton  Eastman
Hickman  Jenkins  Killpack  Knudson
Madsen  Niederhauser  Peterson  Stephenson
Van Tassell  Waddoups  Walker  Valentine

Voting in the negative were: Senators
Bell  Davis  Dmitrich  Fife
Goodfellow  Greiner  Jones  Mayne
McCoy  Romero

Absent or not voting were: Senators
Buttars  Hillyard  Stowell

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 26, 2008

The House passed, 1st Sub. S.B. 158, GOVERNOR’S RURAL PARTNERSHIP BOARD AND RURAL COORDINATING COMMITTEE
AMENDMENTS, by Senator D. Stowell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 187, BAIL IN CAPITAL OFFENSE CASES, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 290, PRIVATE INVESTIGATORS’ ACCESS TO DRIVER LICENSURE INFORMATION, by Senator M. Dayton, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 158, S.B. 187, and S.B. 290 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President:

February 26, 2008

The House passed H.B. 329, HIGH−ABILITY STUDENT INITIATIVE PROGRAM, by Representative B. Last, et al, and it is transmitted for consideration; and

The House passed, as amended, H.B. 459, CONSTRUCTION TRADES EXEMPTION, by Representative S. Urquhart, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 472, CHARTER SCHOOL BUILDING AND ENROLLMENT AMENDMENTS, by Representative K. Garn, and it is transmitted for consideration; and

The House passed, as amended, H.B. 492, SEX OFFENDER NOTIFICATION AND REGISTRATION, by Representative P. Ray, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.C.R. 6, CONCURRENT RESOLUTION HONORING THE LIFE AND CONTRIBUTIONS OF PRESIDENT GORDON B. HINCKLEY, by Representative M. Morley, et al, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk


* * *

On motion of Senator Bramble, and at 12:00 noon, the Senate recessed.
AFTERNOON SESSION

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

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 26, 2008

The House passed **H.B. 324**, NOT−A−DROP DRIVERS PROGRAM AMENDMENTS, by Representative R. Greenwood, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 361**, ANTI−SEIZURE DRUG NOTIFICATION, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed, as substituted and amended, **2nd Sub. H.B. 364**, PROMOTION OF HEALTH CARE COVERAGE, by Representative K. Holdaway, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 366**, MEDICAID LONG TERM CARE AMENDMENTS, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed **H.B. 402**, VEHICLE TO PULL OFF HIGHWAY, by Representative F. Hunsaker, and it is transmitted for consideration; and

The House passed **H.B. 409**, POWERSPORT VEHICLE FRANCHISE ACT REVISIONS, by Representative J. Gowans, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk


STANDING COMMITTEE REPORTS

Mr. President: February 26, 2008

The Government Operations and Political Subdivisions Committee recommends **H.B. 80**, ADMINISTRATIVE RULE PENALTY AMENDMENTS, by Representative B. Ferry, be replaced and favorably recommends **1st Sub. H.B. 80**, ADMINISTRATIVE RULE PENALTY AMENDMENTS; and

Peter C. Knudson, Chair

Mr. President: February 25, 2008

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 121**, COUNTY CHARGES FOR SERVICES TO INCARCERATED PERSONS, by Representative R. Greenwood; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **1st Sub. H.B. 92**, GARNISHMENT AMENDMENTS, by Representative J. Draxler; and

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 161**, SEX OFFENDERS’ CONTACT WITH CHILDREN, by Representative R. Greenwood.

Gregory S. Bell, Chair

On motion of Senator Jenkins, the committee reports were adopted. **H.B. 80, H.B. 171, H.B. 121, 1st Sub. H.B. 92, and H.B. 161** were placed on Second Reading Calendar.

**STANDING COMMITTEE REPORTS**

Mr. President: February 26, 2008

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **H.B. 173**, MONEY MANAGEMENT ACT UPDATES, by Representative P. Neuenschwander, and recommends it be considered read for the second time and placed on the Consent Calendar.

Peter C. Knudson, Chair

Mr. President: February 25, 2008

The Natural Resources, Agriculture, and Environment Committee reports a favorable recommendation on **S.B. 243**, THIS IS THE PLACE FOUNDATION – PROCUREMENT CODE EXEMPTION, by Senator B. Goodfellow, 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 **S.B. 244**, DIVISION OF PARKS AND
RECREATION TO SUPPORT NONPROFIT CORPORATION OR FOUNDATION, by Senator B. Goodfellow, and recommends it be considered read for the second time and placed on the Consent Calendar.

Darin G. Peterson, Chair

Mr. President: February 25, 2008

The Judiciary, Law Enforcement, and Criminal Justice Committee recommends H.B. 371, DIGITAL CERTIFICATES FOR BREATHALIZERS, by Representative C. Herrod, be replaced and favorably recommends 1st Sub. H.B. 371, DIGITAL CERTIFICATES FOR BREATHALIZERS and that 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. 375, DECEPTION DETECTION EXAMINERS LICENSING ACT AMENDMENTS, by Representative R. Barrus, and recommends it be considered read for the second time and placed on the Consent Calendar.

Gregory S. Bell, Chair

On motion of Senator Jenkins, the committee reports were adopted. H.B. 173, S.B. 243, S.B. 244, 1st Sub. H.B. 371, and H.B. 375 were considered read the second time and placed on the Consent Calendar.

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Mr. President: February 26, 2008

Without committee review, the Revenue and Taxation Committee has returned S.B. 178, SENIOR CITIZEN PROPERTY TAX SAFE HARBOR, by Senator D. C. Buttars, to the Rules Committee; and

With committee review, the Revenue and Taxation Committee has returned S.B. 217, PROPERTY TAX DEFERRALS, ABATEMENTS, AND RELIEF LIMITATIONS, by Senator D. Stowell, to the Rules Committee without recommendation; and

Without committee review, the Revenue and Taxation Committee has returned H.B. 172, DISTRIBUTION OF LOCAL OPTION SALES AND USE TAX REVENUES, by Representative B. Dee, to the Rules Committee.

Wayne L. Niederhauser, Chair

Mr. President: February 25, 2008

With committee review, the Workforce Services and Community and Economic Development Committee deleted S.B. 173, RENEWABLE ENERGY
PROVISIONS, by Senator S. McCoy, and replaced it with 1st Sub. S.B. 173, RENEWABLE ENERGY PROVISIONS, and has returned it to the Rules Committee without recommendation

Mark B. Madsen, Chair

Mr. President: February 26, 2008

Without committee review, the Natural Resources, Agriculture, and Environment Committee has returned S.B. 279, WATER AND LAND USE DEVELOPMENT, by Senator D. Peterson, to the Rules Committee; and

Without committee review, the Natural Resources, Agriculture, and Environment Committee has returned H.B. 303, PHOSPHORUS LIMIT IN DISHWASHING DETERGENT, by Representative C. Johnson, to the Rules Committee

Darin G. Peterson, Chair


SECOND READING CALENDAR

S.B. 218, AMENDMENTS TO TOURISM, RECREATION, CULTURAL, AND CONVENTION FACILITIES TAX, was read the second time.

On motion of Senator Bramble, the bill was circled.

* * *

On motion of Senator Bramble, under suspension of the rules, S.R. 4, SENATE RESOLUTION REGARDING TRADE WITH TAIWAN, was considered read the second and third times. Senator Bramble explained the bill. 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
Buttars      Christensen      Hickman      Jenkins
Killpack     Niederhauser    Walker

S.R. 4 was signed by the President of the Senate in open session and returned to the staff for enrolling.

* * *

S.B. 238, AQUATIC INVASIVE SPECIES INTERDICTION ACT, was read the second time. Senator Greiner explained the bill.

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

1st Sub. S.B. 238 Aquatic Invasive Species Interdiction Act (J. Greiner)

The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Dayton Dmitrich Eastman Fife
Goodfellow Greiner Hillyard Jenkins
Jones Killpack Knudson Madsen
Mayne McCoy Peterson Romero
Stephenson Stowell Van Tassell Waddoups
Walker

Absent or not voting were: Senators
Davis Hickman Niederhauser Valentine

* * *

On motion of Senator Dayton, the circle was removed from S.B. 295, SECURITY ALARM BUSINESS LICENSING AMENDMENTS, and it was before the Senate. Senator Dayton explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Davis
Dayton Dmitrich Eastman Fife
Goodfellow  Greiner  Hickman  Hillyard
Jones     Killpack  Knudson  Madsen
Mayne     McCoy   Peterson  Romero
Stephenson Stowell  Waddoups Walker

Absent or not voting were: Senators
Christensen Jenkins  Niederhauser  Van Tassell
Valentine

* * *

S.B. 251, TASK FORCE STUDYING FUNDING FOR FIGHTING FOREST FIRES, was read the second time. Senator Stowell explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell        Bramble  Buttars  Christensen
Davis      Dayton   Dmitrich  Eastman
Fife       Goodfellow Greiner  Hickman
Hillyard   Jenkins  Jones    Killpack
Knudson    Madsen   Mayne    McCoy
Peterson   Romero   Stowell  Van Tassell
Waddoups   Walker

Absent or not voting were: Senators
Niederhauser Stephenson  Valentine

* * *

S.B. 200, PROFESSIONAL ENGINEERS LICENSING AMENDMENTS, was read the second time. Senator Fife explained the bill.

Senator Niederhauser proposed the following amendment:

1. Page 5, Line 138:
   After “all buildings over” delete “60,000” and insert “200,000”

   Senator Niederhauser’s motion to amend passed on a voice vote. Senators Niederhauser and Van Tassell commented. The bill passed second reading on the following roll call:

Yeas, 23; Nays, 2; Absent, 4.
Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Davis
Dmitrich  Eastman  Fife  Goodfellow
Greiner  Hickman  Jenkins  Jones
Killpack  Knudson  Madsen  Mayne
McCoy  Niederhauser  Peterson  Romero
Stowell  Van Tassell  Waddoups

Voting in the negative were: Senators
Christensen  Dayton

Absent or not voting were: Senators
Hillyard  Stephenson  Walker  Valentine

***

S.B. 223, STANDARDS FOR ACCEPTANCE OF SCHOOL TRANSFER APPLICATIONS, was read the second time.

On motion of Senator Madsen, the bill was circled.

***

On motion of Senator Killpack, the circle was removed from S.B. 208, TRANSPORTATION CORRIDOR PRESERVATION AMENDMENTS, and it was before the Senate. Senator Killpack explained the bill.

Senator Killpack proposed the following amendment:

1. Page 2, Lines 44 through 45
   44  circumstances;  {–and–}
   ▶  on July 1, 2012, sunsets the authority of the:
      •  Transportation Commission to designate a transportation corridor or a portion of a transportation corridor as a critical transportation corridor; and
      •  Department of Transportation to use eminent domain powers for the acquisition of private property rights within a critical transportation corridor; and
   45 ▶  makes technical changes.

2. Page 2, Lines 53 through 54:
   53  17–27a–508, as last amended by Laws of Utah 2007, Chapter 363
   63–55–272, as last amended by Laws of Utah 2004, Chapter 90
3. Page 4, Lines 98 through 99:

98 complied with the requirements of Subsection (1)(b).

(d) After a municipality has complied with the requirements of Subsection (1)(b) for a land use application, the municipality may not withhold approval of the land use application for which the applicant is otherwise entitled under Subsection (1)(a).

99 [(b)] {−(d)} (e) The municipality shall process an application without regard to proceedings

4. Page 4, Line 104:

104 [(c)] {−(e)} (f) An application for a land use approval is considered submitted and complete

5. Page 4, Line 107:

107 [(d)] {−(f)} (g) The continuing validity of an approval of a land use application is conditioned

6. Page 4, Line 110:

110 [(e)] {−(g)} (h) A municipality may not impose on a holder of an issued land use permit a

7. Page 4, Line 114:

114 [(f)] {−(h)} (i) A municipality may not withhold issuance of a certificate of occupancy

8. Page 6, Lines 160 through 161:

160 complied with the requirements of Subsection (1)(b).

(d) After a county has complied with the requirements of Subsection (1)(b) for a land use application, the county may not withhold approval of the land use application for which the applicant is otherwise entitled under Subsection (1)(a).

161 [(b)] {−(d)} (e) The county shall process an application without regard to proceedings initiated

9. Page 6, Line 166:

166 [(c)] {−(e)} (f) An application for a land use approval is considered submitted and complete
10. Page 6, Line 169:

169 [(d)] [−(f)] (g) The continuing validity of an approval of a land use application is conditioned

11. Page 6, Line 172:

172 [(e)] [−(g)] (h) A county may not impose on a holder of an issued land use permit a

12. Page 6, Line 176:

176 [(f)] [−(h)] (i) A county may not withhold issuance of a certificate of occupancy because of

13. Page 6, Line 181:

181 shall comply with mandatory provisions of those ordinances.

Section 3. Section 63−55−272 is amended to read:

63−55−272. Repeal dates, Title 72.

Subsection 72−5−403(4) regarding the designation of critical transportation corridors and the use of eminent domain for acquisition of private property rights within a critical transportation corridor is repealed July 1, 2012.

Renumber remaining sections accordingly.

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

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

**Absent or not voting were:** Senators

Hillyard Stephenson Walker Valentine

* * *

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. 211, ALCOHOLIC BEVERAGE CONTROL AMENDMENTS, and it was before the Senate.

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

3rd Sub. S.B. 211 Alcoholic Beverage Control Amendments (C. Bramble)

Senator Bramble explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell    Bramble    Buttars    Christensen
Davis   Dayton     Eastman   Fife
Hickman Hillyard  Jenkins   Jones
Killpack Knudson   Mayne     Niederhauser
Peterson Stephenson Stowell   Van Tassell
Waddoups Walker    Valentine

Voting in the negative were: Senators
Dmitrich Goodfellow Greiner Madsen
McCoy   Romero

3rd Sub. S.B. 211 was transmitted to the House for consideration.

SECOND READING CALENDAR

On motion of Senator Bramble, under suspension of the rules, H.B. 412, BELOW COST SALES, was considered read the second and third times. Senator Bramble explained the bill. Senator Jenkins commented. The bill passed on the following roll call:

Yeas, 19; Nays, 6; Absent, 4.

Voting in the affirmative were: Senators
Bell    Bramble    Buttars    Christensen
Dayton  Dmitrich  Eastman   Fife
Goodfellow Greiner Hillyard Killpack
Knudson  Madsen   Niederhauser Stephenson
Stowell  Van Tassell Waddoups
Voting in the negative were: Senators
Davis Jenkins Jones Mayne
McCoy Romero

Absent or not voting were: Senators
Hickman Peterson Walker Valentine

H.B. 412 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.B. 253, COUNTY LAW ENFORCEMENT DUTIES, was read the second time. Senator Waddoups explained the bill.

Senator Waddoups proposed the following amendment:

1. Page 3, Lines 82 through 83

   82 (1) A county of the first class may enter into an interlocal agreement under Title 11,
   83 Chapter 13, Interlocal Cooperation Act, to provide law enforcement service.
   (2) An interlocal agreement described in Subsection (1) may be entered into on behalf of the county by:
       (a) the county sheriff; or
       (b) on and after January 1, 2009, the county legislative body.

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

# # #

Senator Dmitrich proposed the following amendment:

1. Page 3, Line 83(b):
   Senate Floor Amendments
   2–26–2008
   Delete “January 1, 2009” and insert “May 5, 2009”

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

   Yeas, 22; Nays, 2; Absent, 5.
Voting in the affirmative were: Senators
Bell Bramble Christensen Davis
Dayton Dmitrich Eastman Fife
Greiner Hillyard Jenkins Jones
Killpack Knudson Madsen Mayne
Niederhauser Romero Stephenson Stowell
Van Tassell Waddoups

Voting in the negative were: Senators
Goodfellow McCoy

Absent or not voting were: Senators
Buttars Hickman Peterson Walker Valentine

* * *

On motion of Senator Madsen, the circle was removed from S.B. 223, STANDARDS FOR ACCEPTANCE OF SCHOOL TRANSFER APPLICATIONS, and it was before the Senate. Senator Madsen explained the bill.

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

1st Sub. S.B. 223 Standards for Acceptance of School Transfer Applications (M. Madsen)

Senators Dmitrich, Jones, and Jenkins commented. The bill failed second reading on the following roll call:

Yeas, 6; Nays, 21; Absent, 2.

Voting in the affirmative were: Senators
Dayton Madsen McCoy Niederhauser
Stephenson Waddoups

Voting in the negative were: Senators
Bell Bramble Buttars Christensen
Davis Dmitrich Eastman Fife
Goodfellow Greiner Hillyard Jenkins
Jones Killpack Knudson Mayne
Peterson Romero Stowell Van Tassell
Walker
Absent or not voting were: Senators
Hickman Valentine

The bill was filed.

***

On motion of Senator Bramble, the Senate voted to lift 1st Sub. S.B. 245, FUNDING RELATING TO AIRPORTS, to the top of the Second Reading Calendar.

1st Sub. S.B. 245, FUNDING RELATING TO AIRPORTS, was read the second time. Senator Bramble explained the bill.

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

2nd Sub. S.B. 245 Funding Relating to Airports, Highways, and Public Transit (C. Bramble)

On motion of Senator Bramble, the bill was circled.

***

Senator Niederhauser made the motion to reconsider its action on S.B. 194, METAL THEFT AMENDMENTS AND PENALTIES. The motion failed on a voice vote.

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On motion of Senator Bramble and at 4:30 p.m., the Senate adjourned until 9:00 a.m., Wednesday, February 27, 2008.
THIRTY-EIGHTH DAY

MORNING SESSION

FEBRUARY 27, 2008

The Senate was called to order at 9:25 a.m., with President John Valentine presiding.

Prayer – Reverend Sean Parker Dennison
Pledge of Allegiance – Senator Curtis Bramble
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 64)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 26, 2008

The Speaker of the House has signed 2nd Sub. S.B. 152, PRESUMPTIVE PERSONAL REPRESENTATIVE, by Senator G. Bell, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

2nd Sub. S.B. 152 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 26, 2008

The House passed, as substituted, 5th Sub. H.B. 164, TOWN INCORPORATION PROCESS AMENDMENTS, by Representative M. Brown, and it is transmitted for consideration; and

The House passed, as substituted, 2nd Sub. H.B. 426, GOVERNMENT PROCUREMENT − PRIVATE PROPOSALS, by Representative K. Garn, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. 5th Sub. H.B. 164 and 2nd Sub. H.B. 426 were read the first time and referred to the Rules Committee.

THIRD READING CALENDAR

H.J.R. 4, JOINT RESOLUTION URGING SCHOOL CLOSINGS TO RECOGNIZE VETERANS DAY, was read the third time, explained by Senator Greiner, and passed on the following roll call:
Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators
Bramble       Buttars       Christensen       Davis
Dayton        Eastman       Fife            Goodfellow
Greiner       Hickman       Hillyard        Jenkins
Jones         Killpack      Knudson         Mayne
Niederhauser  Peterson      Romero          Stephenson
Stowell       Waddoups      Walker          Valentine

Voting in the negative was: Senator
McCoy

Absent or not voting were: Senators
Bell          Dmitrich      Madsen          Van Tassell

H.J.R. 4 was signed by the President of the Senate in open session and
returned to the House for the signature of the Speaker.

***

S.B. 297, ANIMAL TORTURE AND CRUELTY AMENDMENTS, was
read the third time and explained by Senator Christensen.

Senator Jenkins proposed the following amendment:

1. Page 1, Lines 19 through 20

   19 ► makes it a third degree felony to , after being
   convicted of intentionally or knowingly torturing an animal,
   intentionally or knowingly torture a companion
   animal; and

2. Page 6, Lines 164 through 165:

   164 (6) (a) A person is guilty of a third degree felony if , after
   being convicted of intentionally or knowingly torturing an animal under
   Subsection (4)(a), the person intentionally or knowingly
   tortures a companion animal.

Senator Jenkins’ motion to amend failed on a voice vote. Senators Davis,
Bramble, Greiner and McCoy commented and the bill passed on the following roll
call:
Yeas, 21; Nays, 6; Absent, 2.

Voting in the affirmative were: Senators
Bramble Buttars Christensen Davis
Dmitrich Eastman Fife Goodfellow
Jones Killpack Knudson Mayne
McCoy Niederhauser Peterson Romero
Stowell Van Tassell Waddoups Walker
Valentine

Voting in the negative were: Senators
Dayton Greiner Hickman Jenkins
Madsen Stephenson

Absent or not voting were: Senators
Bell Hillyard

S.B. 297 was transmitted to the House for consideration.

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S.B. 203, HIGHWAY ABANDONMENT AMENDMENTS, was read the third time.

On motion of Senator Peterson, the bill was circled.

***

S.B. 231, TRANSPORTATION GOVERNANCE, was read the third time.

On motion of Senator Bramble, the bill was circled.

***

S.B. 209, METHAMPHETAMINE DECONTAMINATION STANDARDS AND FUNDING, was read the third time and explained by Senator Buttars. Senator Fife commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bramble Buttars Christensen Davis
Dayton Dmitrich Eastman Fife
Goodfellow Greiner Hickman Jenkins
Jones Knudson Madsen Mayne
McCoy Niederhauser Peterson Romero
Stephenson Stowell Van Tassell Waddoups
Walker Valentine

Absent or not voting were: Senators
Bell Hillyard Killpack

S.B. 209 was transmitted to the House for consideration.

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S.B. 210, PROOF OF CITIZENSHIP REQUIRED TO VOTE, was read the third time.

On motion of Senator Madsen, the bill was circled.

* * *

1st Sub. S.B. 238, AQUATIC INVASIVE SPECIES INTERDICTION ACT, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bramble Christensen Davis Dayton
Dmitrich Eastman Fife Goodfellow
Greiner Hickman Jenkins Jones
Knudson Madsen Mayne McCoy
Niederhauser Peterson Romero Stephenson
Stowell Van Tassell Waddoups Walker
Valentine

Absent or not voting were: Senators
Bell Buttars Hillyard Killpack

1st Sub. S.B. 238 was transmitted to the House for consideration.

* * *

S.B. 295, SECURITY ALARM BUSINESS LICENSING AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:
Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators
Bramble Buttars Christensen Davis
Dayton Dmitrich Eastman Fife
Goodfellow Greiner Hickman Jenkins
Jones Killpack Knudson Madsen
Mayne McCoy Niederhauser Romero
Stephenson Stowell Van Tassell Waddoups
Walker Valentine

Absent or not voting were: Senators
Bell Hillyard Peterson

S.B. 295 was transmitted to the House for consideration.

* * *

S.B. 251, TASK FORCE STUDYING FUNDING FOR FIGHTING FOREST FIRES, was read the third time, explained by Senator Stowell, and passed on the following roll call:

Yeas, 27; Nays, 1; Absent, 1.

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dmitrich Eastman Fife
Goodfellow Greiner Hickman Jenkins
Jones Killpack Knudson Madsen
Mayne McCoy Niederhauser Peterson
Romero Stephenson Stowell Van Tassell
Waddoups Walker Valentine

Voting in the negative was: Senator
Dayton

Absent or not voting was: Senator
Hillyard

S.B. 251 was transmitted to the House for consideration.

* * *

On motion of Senator Stowell, the circle was removed from 2nd Sub. S.B. 85, WATER RIGHTS BOARD, and it was before the Senate. Senator Stowell explained the bill.
On motion of Senator Stowell, the following substitute bill replaced the original bill:

**3rd Sub. S.B. 85 Water Rights Board** (D. Stowell)

Senator Stowell proposed the following amendment:

1. Page 14, Line 414

   414  50  \{-acre−fee\}  acre−feet  or less;

   Senator Stowell’s motion to amend passed on a voice vote. Senators Knudson, Peterson, Bell, Jenkins, Dmitrich, Madsen, and Dayton commented. The bill passed on the following roll call:

**Yeas, 16; Nays, 11; Absent, 2.**

**Voting in the affirmative were:** Senators

- Buttars
- Christensen
- Dayton
- Eastman
- Goodfellow
- Hickman
- Jenkins
- Killpack
- Knudson
- Madsen
- Niederhauser
- Peterson
- Stephenson
- Stowell
- Waddoups
- Walker

**Voting in the negative were:** Senators

- Bell
- Davis
- Dmitrich
- Fife
- Greiner
- Jones
- Mayne
- McCoy
- Romero
- Van Tassell
- Valentine

**Absent or not voting were:** Senators

- Bramble
- Hillyard

**3rd Sub. S.B. 85** was transmitted to the House for consideration.

* * *

**S.B. 200, PROFESSIONAL ENGINEERS LICENSING AMENDMENTS,**

was read the third time, explained by Senator Fife, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

- Bell
- Buttars
- Christensen
- Davis
- Dayton
- Eastman
- Fife
- Goodfellow
- Greiner
- Hickman
- Jenkins
- Jones
- Van Tassell
- Valentine
Absent or not voting were: Senators
Bramble    Dmitrich    Hillyard    Knudson

S.B. 200 was transmitted to the House for consideration.

* * *

S.B. 208. TRANSPORTATION CORRIDOR PRESERVATION AMENDMENTS, was read the third time and explained by Senator Killpack.

Senator Killpack proposed the following amendment:

1. Page 2, Lines 34 through 35
   Senate 2nd Reading Amendments
   2–26–2008

   34 beginning on August 1, 2008, authorizes the Transportation Commission to designate certain transportation
   35 corridors as critical transportation corridors;

2. Page 2, Lines 39 through 44
   Senate 2nd Reading Amendments
   2–26–2008:

   39 beginning on August 1, 2008, authorizes the Department of Transportation to acquire certain private property
   40 rights through the use of eminent domain powers that are located
   41 within a critical
   42 transportation corridor;

3. Page 8, Lines 221 through 222:

   Š Š [and]
Beginning on August 1, 2008, the commission may designate a transportation corridor or a portion of a transportation corridor as a critical transportation corridor if:

4. Page 8, Lines 229 through 231:

Beginning on August 1, 2008, the department may:

(i) use eminent domain powers for the acquisition of private property rights for transportation corridor preservation purposes:

Senator Killpack’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
Bell Davis Dayton Dmitrich
Eastman Fife Greiner Hickman
Jenkins Jones Killpack Madsen
Mayne McCoy Niederhauser Peterson
Romero Stephenson Van Tassell Waddoups
Walker Valentine

**Absent or not voting were:** Senators
Bramble Buttars Christensen Goodfellow
Hillyard Knudson Stowell

S.B. 208 was transmitted to the House for consideration.

***

On motion of Senator Killpack, the circle was removed from S.B. 231, TRANSPORTATION GOVERNANCE, and it was before the Senate. Senator Killpack explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell Christensen Davis Dayton
Eastman Fife Greiner Hickman
Jenkins Jones Killpack Knudson

Madsen  Mayne  McCoy  Niederhauser
Peterson  Romero  Stephenson  Stowell
Van Tassell Waddoups Walker Valentine

Absent or not voting were: Senators
Bramble  Buttars  Dmitrich  Goodfellow
Hillyard

S.B. 231 was transmitted to the House for consideration.

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On motion of Senator Hickman, the Senate voted to move bills back to the Rules Committee which have not been reported out of Senate Standing Committees after the conclusion of their last scheduled meeting.

***

S.B. 253, COUNTY LAW ENFORCEMENT DUTIES, was read the third time and explained by Senator Waddoups.

Senator Waddoups proposed the following amendment:

1. Page 1, Lines 12 through 15

   12 ▶ requires county sheriffs in counties of the first class to:
   13   provide law enforcement service as provided in an interlocal agreement; and
   14   {requires county sheriffs to} provide law enforcement service to an unincorporated area of the county to the extent that another entity established to provide law enforcement service or extended

2. Page 3, Lines 66 through 68

Senate 2nd Reading Amendments 2−26−2008:

   66 (o) for the sheriff of a first class county that enters into an interlocal agreement for law enforcement service under Title 11, Chapter 13, Interlocal Cooperation Act, as authorized in Section 17−50−324:
   (i) provide law enforcement service as provided in the interlocal agreement under Title
67. Chapter 13, Interlocal Cooperation Act, to which the county is a party; or

68. (ii) provide law enforcement service to an unincorporated area of the county to the

3. Page 3, Line 70
   Senate 2nd Reading Amendments
   2–26–2008:

   70. interlocal entity, as defined in Section 11–13–103, established to provide law enforcement service or extended police

4. Page 3, Lines 72 through 74
   Senate 2nd Reading Amendments
   2–26–2008:

   72. (o) manage search and rescue services in his county;

   73. (p) obtain saliva DNA specimens as required under Section 53–10–404;

   74. on or before January 1, 2003, adopt a written policy that prohibits the

5. Page 3, Line 77
   Senate 2nd Reading Amendments
   2–26–2008:

   77. perform any other duties that are required by law.

Senator Waddoups’ motion to amend passed on a voice vote. Senator McCoy commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell, Dmitrich, Jones, Mayne, Stephenson, Walker

Christensen, Eastman, Killpack, Niederhauser, Stowell, Valentine

Davis, Greiner, Knudson, Peterson, Van Tassell, Waddoups

Dayton, Jenkins, Madsen, Romero, Waddoups

**Voting in the negative were:** Senators

Goodfellow, McCoy
Absent or not voting were: Senators
Bramble          Buttars          Fife             Hickman
Hillyard

S.B. 253 was transmitted to the House for consideration.

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

**INTENT LANGUAGE FOR S.B. 253**

In enacting S.B. 253, County Law Enforcement Duties, it is the intent of the Legislature that any interlocal entity created in a first class county to provide law enforcement service be governed by a board consisting of the county sheriff, a representative of the county legislative body, and a representative of each municipality that is a party to the interlocal agreement creating the interlocal entity, and that each member of the board have an equal vote.

* * *

On motion of Senator Killpack, under suspension of the rules, the Senate voted to consider Senate bills on a House bill day.

**SECOND READING CALENDAR**

S.B. 237, COMMERCIAL AIRLINE AND AIRPORT TAXATION AMENDMENTS, was read the second time.

On motion of Senator Niederhauser, the bill was circled.

* * *

S.B. 296, FINANCIAL INSTITUTIONS AMENDMENTS, was read the second time.

On motion of Senator Bramble, the bill was circled.

S.B. 90, PAYMENT IN LIEU OF PROPERTY TAXES ACT, was read the second time.

On motion of Senator Davis, the bill was circled.

* * *

1st Sub. S.B. 224, COAL MINE SAFETY ACT, was read the second time. Senator Dmitrich explained the bill. Senator Dmitrich declared a conflict of interest. The bill passed second reading on the following roll call:
Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Eastman
Goodfellow Greiner Hickman Hillyard
Jenkins Jones Knudson Madsen
Mayne McCoy Niederhauser Peterson
Romero Stephenson Stowell Van Tassell
Waddoups Valentine

Absent or not voting were: Senators
Fife Killpack Walker

* * *

2nd Sub. S.B. 269, WATER RIGHTS OMBUDSMAN, was read the second time. Senator Stowell explained the bill.

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

3rd Sub. S.B. 269 Water Rights Ombudsman (D. Stowell)

Senators Christensen, Hickman, and Waddoups commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Buttars Christensen Davis
Dayton Dmitrich Eastman Fife
Goodfellow Greiner Hillyard Jones
Knudson Madsen Mayne McCoy
Niederhauser Peterson Romero Stephenson
Stowell Van Tassell Waddoups Walker

Absent or not voting were: Senators
Bramble Hickman Jenkins Killpack
Valentine

* * *

S.B. 277, POST–CONVICTION REMEDIES ACT REVISIONS, was read the second time. Senator Bell explained the bill.
Senator Romero proposed the following amendment:

1. Page 7, Line 217:
   Delete “$125” and insert “$175”

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

###

Senator Romero proposed the following amendment

1. Page 7, Line 218:
   Delete “$60,000” and insert “$90,000”

2. Page 7, Line 220:
   Delete “$20,000” and insert “$30,000”

Senator Romero’s motion to amend failed on a voice vote. Senator McCoy commented. The bill passed second reading 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 Romero

**Absent or not voting were:** Senators

| Davis | Hickman | Peterson | Walker |

###

1st Sub. S.B. 261, POLITICAL SUBDIVISION ANNEXATION AMENDMENTS, was read the second time. Senator Waddoups 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

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On motion of Senator Fife, under suspension of the rules, *1st Sub. S.R. 1*, SENATE RESOLUTION URGING THE CONSIDERATION OF THE UNITED STATES ENDING ITS PARTICIPATION IN THE SECURITY AND PROSPERITY PARTNERSHIP OF NORTH AMERICA, was considered read the first, second and third times. Senator Fife 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

| Greiner | Jones | Niederhauser | Walker |

*1st Sub. S.R. 1* was signed by the President in open session and referred to the staff for enrolling.

**On motion of Senator Goodfellow, under suspension of the rules, the Senate voted to lift S.B. 243 and S.B. 244 from the Consent Calendar and place them on the Second Reading Calendar.**

On motion of Senator Goodfellow, under suspension of the rules, **S.B. 243, THIS IS THE PLACE FOUNDATION − PROCUREMENT CODE EXEMPTION**, was considered read the second and third times. Senator Goodfellow explained the bill. The bill passed on the following roll call:
Yeas, 26; Nays, 0; Absent, 3.

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Davis
Dayton  Dmitrich  Eastman  Fife
Goodfellow  Greiner  Hickman  Hillyard
Jenkins  Jones  Knudson  Madsen
Mayne  McCoy  Peterson  Romero
Stephenson  Stowell  Van Tassell  Waddoups
Walker  Valentine

Absent or not voting were: Senators
Christensen  Killpack  Niederhauser

S.B. 243 was transmitted to the House.

***

On motion of Senator Goodfellow, under suspension of the rules, S.B. 244, DIVISION OF PARKS AND RECREATION TO SUPPORT NONPROFIT CORPORATION OR FOUNDATION, was considered read the first, second and third times. Senator Goodfellow explained the bill. Senator Greiner commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Christensen  Davis
Dayton  Dmitrich  Eastman  Fife
Goodfellow  Greiner  Hickman  Hillyard
Jenkins  Jones  Knudson  Madsen
Mayne  McCoy  Peterson  Romero
Stephenson  Stowell  Van Tassell  Waddoups
Walker  Valentine

Absent or not voting were: Senators
Buttars  Killpack  Niederhauser

S.B. 244 was transmitted to the House.

***

On motion of Senator Bramble, and at 11:45 a.m., the Senate recessed.
AFTERNOON SESSION

The Senate reassembled at 2:30 p.m., with President Pro Tem Bramble presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 27, 2008

The House passed, S.B. 138, UTAH SUBSTANCE ABUSE AND ANTI–VIOLENCE COORDINATING COUNCIL AMENDMENTS, by Senator D. C. Buttars, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 156, UTAH RELOCATION ASSISTANCE ACT AMENDMENTS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, 1st Sub. S.B. 171, REPEAL OF CERTAIN REPORTING BY FINANCIAL INSTITUTIONS, by Senator K. VanTassell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 138, S.B. 156, and 1st Sub. S.B. 171 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 27, 2008

The House concurred in the Senate amendments and passed 1st Sub. H.B. 178, JURISDICTION FOR PROSECUTION, by Representative P. Neuenschwander, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 184, CONSTRUCTION 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. 342, INSURANCE CODE AMENDMENTS, by Representative J. Dunnigan, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. H.B. 178, H.B. 184, and H.B. 342, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
Mr. President:  

February 27, 2008  

The House passed, as substituted, **1st Sub. H.B. 192**, PROPERTY TRANSACTION AMENDMENTS, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 206**, TAX AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as substituted and amended, **1st Sub. H.B. 242**, TRANSPORTATION FUNDING REVISIONS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed **H.B. 282**, STATE PAYMENT AND REIMBURSEMENT TO COUNTY CORRECTIONAL FACILITIES, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 343**, EXEMPTION OF UNIVERSITY HOUSING FROM EVICTION LAWS, by Representative P. Neuenschwander, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 425**, EXEMPTION FOR ALCOHOLIC BEVERAGE MANUFACTURING LICENSE, by Representative C. Johnson, and it is transmitted for consideration; and

The House passed **H.B. 440**, MODIFICATIONS TO GOVERNMENT LAW, by Representative L. Fowlke, and it is transmitted for consideration; and

The House passed **H.B. 443**, MEMBERSHIP OF OCCUPATIONAL AND PROFESSIONAL LICENSURE REVIEW COMMITTEE, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 452**, HANDLING OF MINOR TRAFFIC ACCIDENTS, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 466**, TITLE INSURANCE RECOVERY, EDUCATION, AND RESEARCH FUND ACT, by Representative M. Morley, and it is transmitted for consideration; and

The House passed **H.C.R. 8**, CONCURRENT RESOLUTION SUPPORTING THE NARROWS WATER PROJECT IN CENTRAL UTAH, by Representative B. Winn, et al, and it is transmitted for consideration; and
The House passed **H.J.R. 11**, JOINT RESOLUTION SUPPORTING STATEWIDE GOVERNMENT 211 SYSTEM INFORMATION DIRECTORY, by Representative E. Hutchings, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk


* * *

Mr. President: February 27, 2008

The House passed, as amended, **S.B. 132**, CONSUMER CREDIT PROTECTION ACT – ATTORNEY GENERAL POWERS, by Senator C. Walker, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

* * *

Mr. President: February 27, 2008

The House adopted the Joint Conference Committee Report dated February 27, 2008, and passed **1st Sub. S.B. 45**, INVENTORY FOR COMPETITIVE ACTIVITIES OF LOCAL ENTITIES, by Senator H. Stephenson, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

Mr. President: February 26, 2008


Sen. Howard Stephenson and Rep. Craig Frank, Chairs

On motion of Senator Stephenson, the Senate voted to adopt the Conference Committee report. The bill passed on the following roll call:
Yeas, 16; Nays, 8; Absent, 5.

Voting in the affirmative were: Senators
Bell Bramble Christensen Dayton
Eastman Goodfellow Jenkins Killpack
Madsen Niederhauser Peterson Stephenson
Stowell Van Tassell Waddoups Walker

Voting in the negative were: Senators
Davis Dmitrich Fife Greiner
Jones Mayne McCoy Romero

Absent or not voting were: Senators
Buttars Hickman Hillyard Knudson
Valentine

2nd Sub. S.B. 45 was returned to the House for the Signature of the Speaker.

***

Mr. President: February 27, 2008

The House refused to concur with the Senate Amendments to 2nd Sub. H.B. 54, PROPERTY TAX ASSESSMENT REVISIONS, by Representative W. Harper, and requests the Senate recede from its amendments.

Sandy D. Tenney, Chief Clerk

On motion of Senator Niederhauser the Senate voted to concur with the House's request to recede from our amendments.

The bill passed on the following roll call vote:

Yeas, 15; Nays, 10; Absent, 4.

Voting in the affirmative were: Senators
Bell Bramble Dayton Eastman
Hickman Jenkins Jones Killpack
Knudson Madsen Niederhauser Stephenson
Stowell Waddoups Walker

Voting in the negative were: Senators
Christensen Davis Dmitrich Fife
Goodfellow Greiner Mayne McCoy
Peterson Romero
Absent or not voting were: Senators
Buttars      Hillyard      Van Tassell      Valentine

2nd Sub. H.B. 54, was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

STANDING COMMITTEE REPORTS

Mr. President: February 26, 2008

The Health and Human Services Committee reports a favorable recommendation on 1st Sub. H.B. 263, UTAH REGISTRY OF AUTISM AND DEVELOPMENTAL DISABILITIES, by Representative E. Hutchings; and

The Health and Human Services Committee reports a favorable recommendation on 1st Sub. H.B. 316, SUBSTANCE ABUSE TREATMENT FOR PREGNANT WOMEN AND PREGNANT MINORS, by Representative E. Hutchings; and

The Health and Human Services Committee reports a favorable recommendation on H.B. 399, MEDICATION AIDE CERTIFIED AMENDMENTS, by Representative R. Lockhart.

D. Chris Buttars, Chair

Mr. President: February 27, 2008

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on S.B. 286, TRANSPORTATION AND TRANSIT AMENDMENTS, by Senator S. Killpack; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 165, SALES AND USE TAX EXEMPTIONS RELATING TO AIRCRAFT, by Representative B. Dee; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 347, MOTOR VEHICLE BUSINESS REGULATION AMENDMENTS, by Representative S. Andersen; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on 1st Sub. H.B. 348, ZION NATIONAL PARK SPECIAL GROUP LICENSE PLATE, by Representative B. Last; and

The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on H.B. 406, TRAFFIC CODE AMENDMENTS, by Representative J. Dunnigan; and
The Transportation and Public Utilities and Technology Committee reports a favorable recommendation on **H.B. 467**, MOTOR VEHICLE INSURANCE ARBITRATION AMENDMENTS, by Representative S. Urquhart.

Carlene M. Walker, Chair

On motion of Senator Hickman, the committee reports were adopted. 


**STANDING COMMITTEE REPORTS**

Mr. President: February 26, 2008

The Business and Labor Committee reports a favorable recommendation on **H.B. 401**, MASTER PLUMBER LICENSING, by Representative J. Dunnigan, 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. 437**, FUNERAL SERVICES LICENSING ACT AMENDMENTS, by Representative S. Urquhart, with the following amendments and recommends it be considered read for the second time and placed on the Consent Calendar.

1. Page 9, Lines 266 through 268:

266 (4) (a) A person who removes or possesses dental gold or silver, jewelry, or mementos

267 from human remains:

(i) with purpose to deprive another over control of the property is

 guilty of an offense and subject to the punishments provided in Section

76–6–412;

(ii) with purpose to exercise unauthorized control and with intent to
temporarily deprive another of control over the property is guilty of an
offense and subject to the punishments provided in Section 76–6–404.5; and

(iii) under circumstances not amounting to Subsection (4)(a)(i) or
(ii) and without specific written permission of the individual who has
the right to
control those remains is guilty of a class B misdemeanor.

Kevin T. Van Tassell, Chair

Mr. President: February 27, 2008

The Judiciary, Law Enforcement, and Criminal Justice Committee reports a favorable recommendation on **H.B. 167**, A VICTIM AMICUS BILL, by Representative R. C. Webb, 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. 374**, CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT AMENDMENTS, by Representative P. Ray, and recommends it be considered read for the second time and placed on the Consent Calendar.

Gregory S. Bell, Chair

On motion of Senator Hickman, the committee reports were adopted. **H.B. 401, H.B. 437**, as amended, **H.B. 167**, and **H.B. 374** were considered read the second time and placed on the Consent Calendar.

* * *

On motion of Senator Hickman, the Senate voted to sift the entire board on the Second Reading Calendar.

**STANDING COMMITTEE REPORTS**

Mr. President: February 27, 2008

With committee review, the Business and Labor Committee has returned **S.B. 86**, ECONOMIC ANALYSIS AND REPORTING OF COST OF LAND USE REGULATION, by Senator M. Madsen, to the Rules Committee without recommendation.

Kevin T. Van Tassell, Chair

Mr. President: February 27, 2008

Without committee review, the Health and Human Services Committee has returned **S.B. 82**, AMBULATORY SURGICAL CENTERS AMENDMENTS, by Senator A. Christensen, to the Rules Committee; and

With committee review, the Business and Labor Committee has returned **S.B. 216**, DEFERRED DEPOSIT LENDING INFORMATION AND
REPORTING, by Senator G. Bell, to the Rules Committee without recommendation; and

Without committee review, the Health and Human Services Committee has returned S.B. 255, HOSPITAL LIEN, by Senator D. Peterson, to the Rules Committee.

D. Chris Buttars, Chair

Mr. President: February 27, 2008

Without committee review, the Education Committee has returned S.B. 42, UTAH COLLEGE OF APPLIED TECHNOLOGY – GOVERNANCE AND OPERATIONS, by Senator G. Bell, to the Rules Committee; and

Without committee review, the Education Committee has returned S.B. 140, EDUCATION ADVISORY COUNCILS, by Senator P. Jones, to the Rules Committee; and

Without committee review, the Education Committee has returned S.B. 142, HIGH SCHOOL GRADUATION REQUIREMENTS, by Senator M. Madsen, to the Rules Committee; and

With committee review, the Education Committee deleted S.B. 219, USE OF SEVERANCE TAX REVENUES WHEN A SCHOOL DISTRICT DIVISION OCCURS, by Senator M. Waddoups, and replaced it with 1st Sub. S.B. 219, SCHOOL DISTRICT DIVISION FUNDING, and has returned it to the Rules Committee without recommendation; and

Without committee review, the Education Committee has returned H.B. 160, CHARTER SCHOOL LAW REVISIONS, by Representative R. Lockhart, to the Rules Committee; and

With committee review, the Education Committee has returned H.B. 253, HIGHER EDUCATION INFORMATION TECHNOLOGY APPROPRIATION, by Representative S. Clark, to the Rules Committee without recommendation; and

Without committee review, the Education Committee has returned H.B. 123, ACCELERATED LEARNING PROGRAMS AMENDMENTS, by Representative B. Ferry, to the Rules Committee; and

Without committee review, the Education Committee has returned H.B. 226, DISRUPTION OF SCHOOL ACTIVITIES, by Representative C. Moss, to the Rules Committee; and
With committee review, the Education Committee has returned **H.B. 266**, ACCELERATED LEARNING PROGRAM REVISIONS, by Representative C. Moss, to the Rules Committee without recommendation; and

Without committee review, the Education Committee has returned **1st Sub. H.B. 363**, BEVERLEY TAYLOR SORENSON ELEMENTARY ARTS LEARNING PROGRAM, by Representative G. Hughes, to the Rules Committee.

Margaret Dayton, Chair

Mr. President: February 26, 2008

Without committee review, the Government Operations and Political Subdivisions Committee has returned **S.B. 129**, CHANGES TO COUNTY SURVEYOR, by Senator K. VanTassell, to the Rules Committee; and

Without committee review, the Government Operations and Political Subdivisions Committee has returned **S.B. 141**, WATER CONSERVANCY DISTRICT − SELECTION OF BOARD OF TRUSTEES, by Senator W. Niederhauser, to the Rules Committee; and

Without committee review, the Government Operations and Political Subdivisions Committee has returned **S.B. 153**, REVISION TO COUNTY ELECTED OFFICES, by Senator G. Bell, to the Rules Committee; and

With committee review, the Government Operations and Political Subdivisions Committee deleted **S.B. 195**, USE OF CAMPAIGN CONTRIBUTIONS, by Senator G. Bell, and replaced it with **1st Sub. S.B. 195**, USE OF CAMPAIGN CONTRIBUTIONS, and has returned it to the Rules Committee; and

With committee review, the Government Operations and Political Subdivisions Committee deleted **S.B. 260**, DISCLOSURE OF PUBLIC EMPLOYEE DISCIPLINARY ACTIONS AMENDMENTS, by Senator D. C. Buttars, and replaced it with **1st Sub. S.B. 260**, DISCLOSURE OF PUBLIC EMPLOYEE DISCIPLINARY ACTIONS AMENDMENTS, and has returned it to the Rules Committee; and

With committee review, the Government Operations and Political Subdivisions Committee has returned **H.B. 116**, FLUORINE IN A PRIVATELY OWNED WATER SYSTEM, by Representative S. Andersen, to the Rules Committee; and

With committee review, the Government Operations and Political Subdivisions Committee has returned **H.B. 239**, DRIVER LICENSE
QUALIFICATION AMENDMENTS, by Representative G. Donnelson, to the Rules Committee; and

Without committee review, the Government Operations and Political Subdivisions Committee has returned H.B. 241, REPEAL OF EXEMPTIONS FROM NONRESIDENT TUITION, by Representative G. Donnelson, to the Rules Committee; and

Without committee review, the Government Operations and Political Subdivisions Committee has returned H.B. 357, PUBLIC ASSOCIATIONS SUBJECT TO GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT, by Representative M. Noel, to the Rules Committee; and

Without committee review, the Government Operations and Political Subdivisions Committee has returned H.B. 369, MUNICIPAL RENTAL FEES AMENDMENTS, by Representative M. Walker, to the Rules Committee.

Peter C. Knudson, Chair

Mr. President: February 27, 2008

With committee review, the Transportation and Public Utilities and Technology Committee deleted S.B. 127, UNDERGROUND UTILITIES FACILITIES AMENDMENTS, by Senator J. Greiner, and replaced it with 1st Sub. S.B. 127, UNDERGROUND UTILITIES FACILITIES AMENDMENTS, and has returned it to the Rules Committee without recommendation; and

With committee review, the Transportation and Public Utilities and Technology Committee has returned S.B. 212, FUNERAL PROCESSIONS, by Senator B. Goodfellow, to the Rules Committee without recommendation.

Carlene M. Walker, Chair

Mr. President: February 26, 2008

With committee review, the Retirement and Independent Entities Committee has returned S.B. 107, STATE RETIREMENT BENEFIT ADDITIONS, by Senator B. Goodfellow, to the Rules Committee without recommendation.

Curtis S. Bramble, Chair


INTRODUCTION OF BILLS

S.B. 299, Revision to Local Government (G. Bell), read the first time by short title and referred to the Rules Committee.

S.R. 5, Senate Resolution Encouraging Congressional Action Related to the Navajo Nation’s Ability to Collect Child Support (M. Dmitrich), read the first time by short title and referred to the Rules Committee.

* * *

On motion of Senator Waddoups, under suspension of the rules, the Senate voted to move all Senate bills currently on the Consent Calendar to the top of the Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Dayton the Senate voted to lift H.B. 36 from the Third Reading Table and place it at the top of the Third Reading Calendar.

H.B. 36, CHILD WELFARE AMENDMENTS, was read the third time and explained by Senator Dayton.

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

1st Sub. H.B. 36 Child Welfare Amendments (M. Dayton)

On motion of Senator Dayton, 1st Sub. H.B. 36 was placed on Third Reading Table due to fiscal impact.

* * *

1st Sub. S.B. 278, TECHNICAL AMENDMENTS TO TITLES 78A AND 78B, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

Absent or not voting were: Senators
Hillyard    Valentine

1st Sub. S.B. 278 was transmitted to the House for consideration.

* * *

S.B. 288, CONDOMINIUM OWNERSHIP ACT AMENDMENTS, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell    Bramble    Buttars    Christensen
Davis    Dayton    Dmitrich    Eastman
Fife    Goodfellow    Greiner    Hickman
Jenkins     Jones    Killpack    Madsen
Mayne    McCoy    Niederhauser    Peterson
Romero    Stephenson    Stowell    Van Tassell
Waddoups    Walker

Absent or not voting were: Senators
Hillyard    Knudson    Valentine

S.B. 288 was transmitted to the House for consideration.

* * *

S.B. 294, COMMUNITY DEVELOPMENT AND RENEWAL AMENDMENTS, was read the third time.

On motion of Senator Buttars, the bill was circled.

SECOND READING CALENDAR

1st Sub. H.B. 106, CLEAN AIR AND EFFICIENT VEHICLE TAX INCENTIVES, was read the second time. Senator Bell explained the bill.
On motion of Senator Bell, the bill was circled.

* * *

**H.B. 279**, TAX INCENTIVES FOR MILITARY MEMBERS, was read the second time.

On motion of Senator Eastman, the bill was circled.

* * *

**1st Sub. H.B. 40**, SAFE DRINKING WATER REVISIONS, was read the second time. Senator Stowell explained the bill.

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

**2nd Sub. H.B. 40 Safe Drinking Water Revisions** (S. Anderson)

Senator Hickman commented.

On motion of Senator Stowell, the bill was circled.

* * *

**2nd Sub. H.B. 51**, WATER RIGHT FORFEITURE PROTECTION, was read the second time.

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

**5th Sub. H.B. 51 Water Right Amendments** (P. Painter)

Senator Dayton explained the bill. Senator Van Tassell commented.

On motion of Senator Dayton, under suspension of the rules, **5th Sub. H.B. 51**, WATER RIGHT AMENDMENTS, was considered read the first, second and third times and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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<td>Greiner</td>
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Absent or not voting were: Senators
Buttars Christensen Hillyard

5th Sub. H.B. 51, as amended, was returned to the House for further consideration.

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

**INTENT LANGUAGE FOR 5TH SUB. H.B. 51**

Because our state policy is to secure the maximum use and benefit of our scarce water resources, a person entitled to the use of water has a continuing obligation to place all of a water right to beneficial use except as provided in Section 73–1–4 as amended by 5th Substitute H.B. 51, “Water Right Amendments.” The forfeiture of all or part of any right to use water for failure to place all or part of the water to beneficial use makes possible the allocation and use of water consistent with long established beneficial use concepts. Fifth Substitute H.B. 51, “Water Right Amendments,” is not intended to:

1. change the way the State Engineer evaluates change applications based on historic beneficial use;
2. provide a mechanism for public water suppliers to hoard water beyond the amount of water needed in the next 40 years by persons within the public water supplier’s projected service area;
3. validate any invalid water rights;
4. promote or allow for speculation in water rights; or
5. provide a mechanism for any out-of-state person or entity to acquire water rights in Utah for the purpose of providing water in another state.

The amendments made to Section 73–1–4 by 5th Substitute H.B. 51, “Water Right Amendments,” should be construed to carry out these purposes and policies.

***

On motion of Senator Bramble, and at 3:35 p.m., the Senate sauntered.

The Senate was called to order at 4:10 p.m., with President Valentine presiding.
STANDING COMMITTEE REPORTS

Mr. President:

February 27, 2008

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned S.B. 51, IMPACT FEES − PUBLIC SAFETY FACILITY, by Senator G. Bell, to the Rules Committee; and

Without committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned S.B. 102, ANIMAL TORTURE OFFENSE, by Senator G. Davis, to the Rules Committee; and

With committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned S.B. 106, JUVENILE CUSTODY MAINTENANCE AMENDMENTS, by Senator D. Peterson, to the Rules Committee without committee recommendation; and

The Judiciary, Law Enforcement, and Criminal Justice Committee has returned S.B. 154, PROTECTIVE ORDER − CRIME OF INDUCING BREACH, by Senator S. McCoy, to the Rules Committee without recommendation with the following amendments:

1. Page 1, Line 27 through Page 2, Line 28:

   27 (1) Any person who is {the respondent or defendant subject} a party to a protective order, child
   28 protective order, ex parte protective order, or ex parte child protective order issued under Title ; and

With committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned S.B. 266, PROCESS SERVERS − AGE RESTRICTIONS, by Senator J. Greiner, to the Rules Committee without recommendation; and

The Judiciary, Law Enforcement, and Criminal Justice Committee has returned 1st Sub. H.B. 109, SEX OFFENDER LAW AMENDMENTS, by Representative G. Hughes, to the Rules committee.

With committee review, the Judiciary, Law Enforcement, and Criminal Justice Committee has returned H.B. 264, PROHIBITION OF CITATION QUOTAS, by Representative N. Hansen, to the Rules Committee without recommendation; and

The Judiciary, Law Enforcement, and Criminal Justice Committee has returned H.B. 339, HUMAN TRAFFICKING AMENDMENTS, by
Representative C. Herrod, to the Rules Committee without recommendation with the following amendments:

1. Page 1, Line 19
   House Committee Amendments 2–14–2008:

   19 { None } This bill coordinates with S.B. 81, Illegal Immigration, by providing a substantive amendment.

2. Page 4, Line 115
   House Committee Amendments 2–14–2008:

   115 this section. ] ← Hat

   If this H.B. 339 and S.B. 81, Illegal Immigration, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, modify Subsection 76–10–2701(3) as enacted by S.B. 81 to read as follows:

   (3)(a) A person who violates Subsection (2)(a) is guilty of a third degree felony.
   (b) A person who violates Subsection (2)(b) is guilty of a class A misdemeanor.

   Gregory S. Bell, Chair

On motion of Senator Hickman, the committee reports were adopted. S.B. 51, S.B. 102, S.B. 106, S.B. 154, as amended, S.B. 266, 1st Sub. H.B. 109, H.B. 264, and H.B. 339, as amended, were returned to the Rules Committee.

SECOND READING CALENDAR

2nd Sub. S.B. 245, FUNDING RELATING TO AIRPORTS, under suspension of the rules, was read the first and second time. Senator Bramble explained the bill. Senators McCoy, Romero, and Jones commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
   Bell          Bramble         Buttars         Christensen
   Davis         Dayton          Dmitrich       Eastman
Voting in the negative were: Senators
Fife  Jones  McCoy  Romero
Stephenson

Absent or not voting was: Senator
Mayne

* * *

On motion of Senator Bramble, the circle was removed from S.B. 296, FINANCIAL INSTITUTIONS AMENDMENTS, and it was before the Senate.

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

1st Sub. S.B. 296 Financial Institutions Amendments (C. Bramble)

Senator Bramble explained the bill. Senator Davis commented. Senators Romero, Van Tassell, Hickman and Valentine declared conflicts of interest. The bill passed second reading on the following roll call:

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

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

Absent or not voting was: Senator
Mayne

* * *

On motion of Senator Stowell, the circle was removed from 2nd Sub. H.B. 40, SAFE DRINKING WATER REVISIONS, and it was before the Senate.
On motion of Senator Stowell, under suspension of the rules, 2nd Sub. H.B. 40, SAFE DRINKING WATER REVISIONS, was considered read the second and third times. Senator Stowell 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

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2nd Sub. H.B. 40 was returned to the House for further consideration.

***

On motion of Senator Knudson, the Senate voted to reconsider its action on 2nd Sub. H.B. 54, PROPERTY TAX ASSESSMENT REVISIONS.

On motion of Senator Hillyard, the Senate voted to refuse to recede from its amendments to 2nd Sub. H.B. 54, PROPERTY TAX ASSESSMENT REVISIONS. President Valentine appointed a conference committee consisting of Senators Hillyard, Niederhauser and McCoy to meet with a like committee from the House.

***

On motion of Senator Bell, the circle was removed from 1st Sub. H.B. 106, CLEAN AIR AND EFFICIENT VEHICLE TAX INCENTIVES, and it was before the Senate.

Senator Niederhauser proposed the following amendment:

1. Page 7, Line 210

210 may claim a **one-time** tax credit **per vehicle** against tax otherwise due under this chapter or
2. Page 9, Line 265:

265 five taxable years.

(6) The tax credit provided by this section may be taken only once per vehicle.

3. Page 10, Line 303:

303 (2)[(a)(iii)] { (b) (c) or [(2)(a)(iii)]

{ (d) }.

4. Page 11, Line 324:

324 claimant, estate, or trust may claim {one-time } a

nonrefundable tax credit {per vehicle } against tax

5. Page 12, Line 338:

338 Utah, { a one-time credit per vehicle equal to } the lesser of:

6. Page 13, Line 378:

378 that does not exceed the next five taxable years.

(6) The tax credit provided by this section may be taken only once per vehicle.

7. Page 14, Line 400:

400 (vi) use of untaxed special fuel[, other than a clean special fuel] other than propane or electricity.

8. Page 15, Line 454:

454 (10) (a) The purchaser shall pay the tax on diesel fuel or clean fuel purchased for uses under

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

**Yeas, 24; Nays, 1; Absent, 4.**

**Voting in the affirmative were:** Senators

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<td>Stowell</td>
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Voting in the negative was: Senator Dayton

Absent or not voting were: Senators
Knudson Peterson Stephenson Van Tassell

On motion of Senator Bell, 1st Sub. H.B. 106 was placed on Third Reading Table due to fiscal impact.

* * *

On motion of Senator Walker, the Senate voted to move to Third Reading Table.

THIRD READING CALENDAR

On motion of Senator Walker, the Senate voted to lift H.B. 38 from the Third Reading Table and place it at the top of the Third Reading Calendar.

H.B. 38, EDUCATION AND OUTREACH REGARDING SUBSTANCES HARMFUL DURING PREGNANCY, was read the third time and explained by Senator Walker.

Senator Walker proposed the following amendment:

1. Page 2, Line 47d
   House Floor Amendments
   1–29–2008

   47d {−The } Beginning on July 1, 2008, and ending on June 30, 2009, the department shall, under the direction of the Utah Substance Abuse and Anti

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

Yeas, 18; Nays, 3; Absent, 8.

Voting in the affirmative were: Senators
Bramble Christensen Dmitrich Eastman
Fife Goodfellow Greiner Hillyard
Jones Killpack Knudson Mayne
Niederhauser Romero Stowell Waddoups
Walker Valentine
Voting in the negative were: Senators
Dayton      Jenkins      Madsen

Absent or not voting were: Senators
Bell         Buttars      Davis       Hickman
McCoy        Peterson    Stephenson  Van Tassell

H.B. 38, as amended, was returned to the House for further consideration.

SECOND READING CALENDAR

1st Sub. H.B. 72, MOTORCYCLE LICENSE AND ENDORSEMENT AMENDMENTS, was read the second time. Senator Greiner explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bramble      Davis        Dayton       Dmitrich
Eastman      Fife         Goodfellow  Greiner
Hickman      Hillyard     Jenkins     Jones
Killpack     Knudson      Madsen      Mayne
Niederhauser Peterson    Romero     Stephenson
Stowell      Van Tassell  Waddoups   Walker
Valentine

Absent or not voting were: Senators
Bell         Buttars      Christensen  McCoy

On motion of Senator Greiner, 1st Sub. H.B. 72 was placed on Third Reading Table due to fiscal impact.

* * *

H.B. 292, LEGISLATIVE TASK FORCE TO STUDY RADIO COMMUNICATION SYSTEM IN UTAH, was read the second time. Senator Greiner explained the bill. Senators Valentine and Romero commented. The bill passed second reading on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators
Bell         Buttars      Christensen  Davis
Dayton       Dmitrich    Eastman     Goodfellow
Voting in the negative was: Senator Romero

Absent or not voting were: Senators Bramble Fife

On motion of Senator Greiner, H.B. 292 was placed on Third Reading Table due to fiscal impact.

* * *

On motion of Senator Bramble, the circle was removed from H.B. 279, TAX INCENTIVES FOR MILITARY MEMBERS, and it was before the Senate. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators Bell Bramble Buttars Christensen Davis Dayton Dmitrich Eastman Goodfellow Greiner Hickman Hillyard Jenkins Jones Killpack Knudson Madsen Mayne McCoy Niederhauser Peterson Romero Stephenson Stowell Van Tassell Waddoups Walker Valentine

Absent or not voting was: Senator Fife

On motion of Senator Knudson, H.B. 279 was placed on Third Reading Table due to fiscal impact.

* * *

On motion of Senator Hickman, the Senate voted to send all bills on the Second Reading Calendar back to the Rules Committee.

RULES COMMITTEE REPORTS

To the Members of the Senate: February, 2008

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

S.B. 175 Death Certificate Procedure Amendments (Sen. J. Greiner)
S.B. 218 Amendments to Tourism, Recreation, Cultural, and Convention Facilities Tax (Sen. W. Niederhauser)
S.B. 222 Division of Real Estate Licensing and Presence in the United States (Sen. M. Dayton)
S.B. 237 Commercial Airline and Airport Taxation Amendments (Sen. W. Niederhauser)
S.B. 258 Property Tax Committee (Sen. W. Niederhauser)
H.B. 121 County Charges for Services to Incarcerated Persons (Rep. R. Greenwood) (Sen. G. Bell)
H.B. 177  County and Municipal Land Use Regulation of Potential Geologic Hazard Areas (Rep. M. Morley) (Sen. W. Niederhauser)


H.B. 352  Amendments Related to Monies Derived from Navajo Nation Reservation Lands in Utah (Rep. D. Clark) (Sen. C. Bramble)

H.C.R. 4  Concurrent Resolution Encouraging Congressional Action to Designate a New Recipient of Royalties from Navajo Reservation Lands in Utah (Rep. D. Clark) (Sen. C. Bramble)


H.C.R. 7  Concurrent Resolution Declaring Colorectal Cancer Awareness Month (Rep. E. Hutchings) (Sen. K. Mayne)


Bill Hickman
Rules Committee Chair

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

* * *

On motion of Senator McCoy, the Senate voted to lift H.B. 339, HUMAN TRAFFICKING AMENDMENTS, from the Rules Committee and place it at the bottom of the Second Reading Calendar.
On motion of Senator Bramble, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

On motion of Senator Bramble, the Senate voted to lift 1st Sub. S.B. 296, FINANCIAL INSTITUTIONS AMENDMENTS, to the top of the Third Reading Calendar.

1st Sub. S.B. 296, FINANCIAL INSTITUTIONS AMENDMENTS, was read the third time and explained by Senator Bramble.

Senator Bramble proposed the following amendment:

1. Page 6, Line 162:
   After “Subsection 7−9−53(2)” insert “(d)”

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: February 27, 2008

The House passed H.B. 140, CHILD RESTRAINT DEVICE AMENDMENTS, by Representative T. Cosgrove, and it is transmitted for consideration; and

The House passed, as amended, H.B. 201, TAX CREDIT FOR SOLAR PROJECTS, by Representative B. Last, et al, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 274, UTAH K−8 ONLINE VIRTUAL SCHOOL, by Representative B. Ferry, and it is transmitted for consideration; and

The House passed H.B. 311, HIGHER EDUCATION DISTANCE LEARNING PARTNERSHIPS, by Representative B. Last, and it is transmitted for consideration; and

The House passed, as substituted, 2nd Sub. H.B. 319, REVIEW AND APPROVAL OF GRANTS, by Representative D. Clark, and it is transmitted for consideration; and
The House passed, as substituted, **2nd Sub. H.B. 359**, TAX CHANGES, by Representative J. Dougall, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 380**, INSURANCE DEPARTMENT – WORKERS’ COMPENSATION AMENDMENTS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed **H.B. 436**, ENGLISH LANGUAGE LEARNER FAMILY LITERACY CENTERS PROGRAM, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 476**, PAY OF NATIONAL GUARD MEMBERS, by Representative G. Hughes, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 479**, HEALTH CARE PATIENT IDENTITY PROTECTIONS, by Representative S. Sandstrom, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 494**, AMENDMENTS TO THE UTAH MEDICAL SERVICE SYSTEM ACT, by Representative J. Dougall, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk


* * *

On motion of Senator Bramble and at 5:15 p.m., the Senate adjourned until 9:00 a.m., Thursday, February 28, 2008.
THIRTY–NINTH DAY DAY
MORNING SESSION
FEBRUARY 28, 2008

The Senate was called to order at 9:40 a.m., with President Valentine presiding.

_prayer – Daren Bell
Pledge of Allegiance – Senator Mike Dmitrich
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 64)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 27, 2008

The House passed, as substituted and amended, 1st Sub. H.B. 169, CUSTODY EVALUATION AND PARENT COORDINATION, by Representative T. Cosgrove, and it is transmitted for consideration; and

The House passed, as amended, H.B. 195, CONCEALED FIREARM PERMIT AMENDMENTS, by Representative M. Newbold, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 208, LIVESTOCK WATERING RIGHTS, by Representative M. Noel, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 400, CONDOMINIUM AND COMMUNITY ASSOCIATION PROVISIONS, by Representative R. C. Webb, and it is transmitted for consideration; and

The House passed H.B. 497, REVENUE BOND AUTHORIZATION FOR STATE FAIR PARK, by Representative N. Hendrickson, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

COMMUNICATIONS FROM THE GOVERNOR

ADVISE AND CONSENT

Mr. President:  
February 19, 2008

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

Central Utah Water Conservancy District Board of Directors Board:

Tom Dolan is appointed to replace Tim Doxey as a member of the Central Utah Water Conservancy District Board of Directors, a term to expire on January 7, 2012. See Utah Code Ann. 17A−2−1409 UCA.

Gary Palmer is reappointed as a member of the Central Utah Water Conservancy District Board of Directors, a term to expire on January 7, 2012. See Utah Code Ann. 17A−2−1409 UCA.

Claude Hicken is appointed to replace John West as a member of the Central Utah Water Conservancy District Board of Directors, a term to expire on January 7, 2012. See Utah Code Ann. 17A−2−1409 UCA.

Scott Ruppe is appointed to replace David Rasmussen as a member of the Central Utah Water Conservancy District Board of Directors, a term to expire on January 7, 2012. See Utah Code Ann. 17A−2−1409 UCA.

Boyd Workman is reappointed as a member of the Central Utah Water Conservancy District Board of Directors, a term to expire on January 7, 2012. See Utah Code Ann. 17A−2−1409 UCA.

Kent Peatross is appointed to replace Roger Hicken as a member of the Central Utah Water Conservancy District Board of Directors, a term to expire on January 7, 2012. See Utah Code Ann. 17A−2−1409 UCA.

Brent Brotherson is reappointed as a member of the Central Utah Water Conservancy District Board of Directors, a term to expire on January 7, 2012. See Utah Code Ann. 17A−2−1409 UCA.

Gary Anderson is appointed to replace Stanley Smith as a member of the Central Utah Water Conservancy District Board of Directors, a term to expire on January 7, 2012. See Utah Code Ann. 17A−2−1409 UCA.

George Jackson is appointed to replace Roscoe Garrett as a member of the Central Utah Water Conservancy District Board of Directors, a term to expire on January 7, 2012. See Utah Code Ann. 17A−2−1409 UCA.
Grand County Water Conservancy District Board of Directors:
Brian Backus is reappointed as a member of the Grand County Water Conservancy District Board of Directors, a term to expire on January 7, 2012. See Utah Code Ann. 17A–2–1409 UCA.

John Keys is reappointed as a member of the Grand County Water Conservancy District Board of Directors, a term to expire on January 7, 2012. See Utah Code Ann. 17A–2–1409 UCA.

Jerry McNeely is reappointed as a member of the Grand County Water Conservancy District Board of Directors, a term to expire on January 7, 2012. See Utah Code Ann. 17A–2–1409 UCA.

Conservancy District Board of Directors:
Margaret Peterson is reappointed as a member of the Jordan Valley Water Conservancy District Board of Directors, a term to expire on January 7, 2012. See Utah Code Ann. 17A–2–1409 UCA.

Steven Taggart is reappointed as a member of the Jordan Valley Water Conservancy District Board of Directors, a term to expire on January 7, 2012. See Utah Code Ann. 17A–2–1409 UCA.

Dale Gardiner is reappointed as a member of the Jordan Valley Water Conservancy District Board of Directors, a term to expire on January 7, 2012. See Utah Code Ann. 17A–2–1409 UCA.

Lynn Crane is appointed to replace Jeff Rasmussen as a member of the Jordan Valley Water Conservancy District Board of Directors, a term to expire on January 7, 2012. See Utah Code Ann. 17A–2–1409 UCA.

Conservancy District Board of Directors:
Jewel Kenley is reappointed as a member of the Weber Basin Water Conservancy District Board of Directors, a term to expire on January 7, 2012. See Utah Code Ann. 17A–2–1409 UCA.

Earl Staker is appointed to replace Charles Black as a member of the Weber Basin Water Conservancy District Board of Directors, a term to expire on January 7, 2012. See Utah Code Ann. 17A–2–1409 UCA.

Robert Hensley is reappointed as a member of the Weber Basin Water Conservancy District Board of Directors, a term to expire on January 7, 2012. See Utah Code Ann. 17A–2–1409 UCA.

Karen Fairbanks is reappointed as a member of the Weber Basin Water Conservancy District Board of Directors, a term to expire on January 7, 2012. See Utah Code Ann. 17A–2–1409 UCA.
Eric Storey is reappointed as a member of the Weber Basin Water Conservancy District Board of Directors, a term to expire on January 7, 2012. See Utah Code Ann. 17A−2−1409 UCA.

**Board of Water Resources:**
Joseph Paulick is appointed to replace John Robert Carman as a member of the Board of Water Resources, a term to expire on March 1, 2009. See Utah Code Ann. 73−10−2.

**Utah Motor Vehicle Franchise Advisory Board:**
Neil H. Citte is appointed as a member of the Utah Motor Vehicle Franchise Advisory Board, a term to expire February 1, 2012. See Utah Code Ann. 13−14−103 UCA.

Constance White is appointed as a member of the Utah Motor Vehicle Franchise Advisory Board, a term to expire February 1, 2012. See Utah Code Ann. 13−14−103 UCA.

**Board of Parks and Recreation:**
Marty Ott is appointed to replace Gael Hill as a member of the Board of Parks and Recreation, a term to expire July 1, 2008. See Utah Code Ann. 63−11−14 UCA.

**State Board of Financial Institutions:**
William Farley is reappointed as a member of the State Board of Financial Institutions, a term to expire July 1, 2011. See Utah Code Ann. 7−1−203 UCA.

James Anderson is reappointed as a member of the State Board of Financial Institutions, a term to expire July 1, 2011. See Utah Code Ann. 7−1−203 UCA.

**Youth Parole Authority:**
Eldon Money is appointed to replace Gary Mackelprang as a member of the Youth Parole Authority, a term to expire April 1, 2011. See Utah Code Ann. 62A−7−501.

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

Jon M. Huntsman, Governor

Senator Bramble moved to consent to the appointments. The motion passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**
Voting in the affirmative were: Senators
Bell Bramble Christensen Davis
Dayton Dmitrich Eastman Fife
Goodfellow Greiner Hickman Jenkins
Jones Killpack Knudson Madsen
Mayne McCoy Niederhauser Romero
Stephenson Stowell Van Tassell Waddoups
Walker Valentine

Absent or not voting were: Senators
Buttars Hillyard Peterson

CONSENT CALENDAR

1st Sub. H.B. 304, SALES AND USE TAX REVENUES FOR QUALIFIED EMERGENCY FOOD AGENCIES, was read the third time, explained by Senator Dmitrich, and passed on the following roll call:

Yeas, 20; Nays, 0; Absent, 9.

Voting in the affirmative were: Senators
Bell Bramble Christensen Davis
Dayton Dmitrich Eastman Fife
Greiner Jenkins Jones Madsen
Mayne McCoy Romero Stephenson
Van Tassell Waddoups Walker Valentine

Absent or not voting were: Senators
Buttars Goodfellow Hickman Hillyard
Killpack Knudson Niederhauser Peterson
Stowell

1st Sub. H.B. 304, as amended, was returned to the House for further consideration.

* * *

2nd Sub. H.B. 373, UNIFORM FEES ON VINTAGE MOTOR VEHICLES, was read the third time, explained by Senator Eastman, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Christensen Davis
Dayton Dmitrich Eastman Fife
Goodfellow  Greiner  Hickman  Hillyard
Jones          Knudson  Madsen  Mayne
McCoy          Niederhauser  Romero  Stephenson
Van Tassell    Waddoups  Walker  Valentine

Absent or not voting were: Senators
Buttars        Jenkins  Killpack  Peterson
Stowell

2nd Sub. H.B. 373 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. 336, AUTHORITY TO ESTABLISH REFUGEE SERVICES FUND, 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
Bell          Bramble  Christensen  Davis
Dayton        Eastman  Fife  Goodfellow
Greiner       Hickman  Hillyard  Jenkins
Jones         Killpack  Knudson  Madsen
Mayne         McCoy  Niederhauser  Romero
Stowell       Van Tassell  Waddoups  Valentine

Absent or not voting were: Senators
Buttars        Dmitrich  Peterson  Stephenson
Stowell

1st Sub. H.B. 336 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.B. 141, IDENTIFY THEFT REPORTING INFORMATION SYSTEM AMENDMENTS, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell          Bramble  Christensen  Davis
Dayton        Dmitrich  Eastman  Fife
Goodfellow  Greiner  Hickman  Hillyard
Jones  Killpack  Knudson  Mayne
McCoy  Niederhauser  Peterson  Romero
Stephenson  Stowell  Van Tassell  Waddoups
Walker  Valentine

Absent or not voting were: Senators
Buttars  Jenkins  Madsen

1st Sub. H.B. 141 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. 149, PROTECTIVE ORDER AMENDMENTS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Christensen  Davis
Dayton  Dmitrich  Eastman  Fife
Goodfellow  Greiner  Hickman  Hillyard
Jenkins  Jones  Killpack  Knudson
Mayne  McCoy  Niederhauser  Peterson
Romero  Stephenson  Stowell  Van Tassell
Waddoups  Walker  Valentine

Absent or not voting were: Senators
Buttars  Madsen

1st Sub. 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.

* * *

1st Sub. H.B. 157, ALCOHOLIC BEVERAGE CONTROL VIOLATIONS AMENDMENTS, was read the third time, explained by Senator Hickman, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Christensen  Davis
Dayton  Dmitrich  Eastman  Fife
Absent or not voting were: Senators
Buttars Madsen Stephenson

1st Sub. H.B. 157 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

1st Sub. H.B. 254, SCHOOL COMMUNITY COUNCIL AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Eastman
Fife Goodfellow Greiner Hickman
Hillyard Jenkins Jones Killpack
Knudson Mayne McCoy Niederhauser
Peterson Romero Stephenson Stowell
Van Tassell Waddoups Walker Valentine

Absent or not voting was: Senator
Madsen

1st Sub. H.B. 254 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

2nd Sub. H.B. 127, COMMUNITY COUNCIL ELECTIONS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Eastman
Absent or not voting was: Senator Madsen

2nd Sub. H.B. 127 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. 189, SCHOOL COMMUNITY COUNCILS, was read the third time, explained by Senator Hillyard, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Eastman
Fife Goodfellow Greiner Hickman
Hillyard Jenkins Jones Killpack
Knudson Mayne McCoy Niederhauser
Peterson Romero Stephenson Stowell
Van Tassell Waddoups Walker Valentine

Absent or not voting was: Senator Madsen

1st Sub. H.B. 189 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 185, WESTERN STATES PRESIDENTIAL PRIMARY AMENDMENTS, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Christensen Davis
Dayton Eastman Fife Goodfellow
Absent or not voting were: Senators
Buttars Dmitrich Jenkins Madsen

H.B. 185 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. 252, CHARITABLE SOLICITATIONS 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
Bell Bramble Christensen Davis
Dayton Dmitrich Eastman Fife
Goodfellow Hickman Hillyard Jones
Killpack Knudson Mayne McCoy
Niederhauser Peterson Romero Stephenson
Stowell Van Tassell Waddoups Walker
Valentine

Absent or not voting were: Senators
Buttars Greiner Jenkins Madsen

1st Sub. H.B. 252 was returned to the House for further consideration.

* * *

H.B. 378, STATE ACCOUNTING AND BUDGETARY PROCEDURES AMENDMENTS, 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
Bell Bramble Christensen Davis
Dayton Dmitrich Eastman Fife
STANDING COMMITTEE REPORTS

Mr. President: February 28, 2008

The Retirement and Independent Entities Committee reports a favorable recommendation on S.B. 298, STATE LAND ACQUISITION, by Senator J. Hickman.

Curtis S. Bramble, Chair

On motion of Senator Bramble, the committee report was adopted. S.B. 298 was placed at the top of the Second Reading Calendar.

* * *

The Retirement and Independent Entities Committee reports a favorable recommendation on H.B. 145, ADDITIONAL STATE RETIREMENT BENEFIT, by Representative K. Holdaway.

Curtis S. Bramble, Chair

On motion of Senator Bramble, the committee report was adopted. H.B. 145 was returned to the Rules Committee.

SECOND READING CALENDAR

On motion of Senator Bramble, the Senate voted to lift S.B. 299, REVISION TO LOCAL GOVERNMENT, from the Rules Committee and place it at the top of the Second Reading Calendar.

S.B. 299, REVISION TO LOCAL GOVERNMENT, was read the second time. This bill did not have a Senate standing committee hearing.
On motion of Senator Bramble, under suspension of the rules, the following substitute bill replaced the original bill:

**1st Sub. S.B. 299 Revision to Local Government** (G. Bell)

On motion of Senator Bramble, the bill was circled.

**CONCURRENCE CALENDAR**

On motion of Senator Walker, the Senate voted to concur in the House amendments to **S.B. 132**, **CONSUMER CREDIT PROTECTION ACT – ATTORNEY GENERAL POWERS**. 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

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**S.B. 132** was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Valentine, under suspension of the rules, the Senate voted to authorize legislative staff to draft a resolution regarding the authorization of rebuilding I–15 in Utah County. Senators Jenkins and Hillyard commented.

**THIRD READING CALENDAR**

**1st Sub. S.B. 224**, **COAL MINE SAFETY ACT**, 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

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Absent or not voting were: Senators  
Greiner  Madsen  Stephenson

1st Sub. S.B. 224 was transmitted to the House for consideration.

* * *

On motion of Senator Bramble, the circle was removed from S.B. 294, COMMUNITY DEVELOPMENT AND RENEWAL AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators  
Bell  Bramble  Buttars  Christensen  
Davis  Dayton  Dmitrich  Eastman  
Fife  Goodfellow  Hickman  Hillyard  
Jones  Knudson  Mayne  McCoy  
Niederhauser  Peterson  Romero  Stephenson  
Stowell  Van Tassell  Waddoups  Walker  
Valentine

Absent or not voting were: Senators  
Greiner  Jenkins  Killpack  Madsen

S.B. 294 was transmitted to the House for consideration.

* * *

3rd Sub. S.B. 269, WATER RIGHTS − OMBUDSMAN, was read the third time.

On motion of Senator Stowell, the bill was circled.

* * *

S.B. 277, POST−CONVICTION REMEDIES ACT REVISIONS, 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
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Eastman
Fife Goodfellow Hillyard Jones
Killpack Knudson Mayne McCoy
Niederhauser Peterson Stephenson Stowell
Van Tassell Waddoups Walker Valentine

Voting in the negative was: Senator Romero

Absent or not voting were: Senators
Greiner Hickman Jenkins Madsen

S.B. 277 was transmitted to the House for consideration.

***

1st Sub. S.B. 261, POLITICAL SUBDIVISION ANNEXATION AMENDMENTS, was read the third time.

On motion of Senator Waddoups, the bill was circled.

***

2nd Sub. S.B. 245, FUNDING RELATING TO AIRPORTS, was read the third time.

On motion of Senator Eastman, the bill was circled.

SECOND READING CALENDAR

H.B. 70, EXPUNGEMENT LAW AMENDMENTS, was read the second time. Senator Buttars explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Buttars Christensen Davis
Dayton Dmitrich Eastman Fife
Goodfellow Hillyard Jenkins Jones
Voting in the negative was: Senator Greiner

Absent or not voting were: Senators
Bramble Hickman Killpack Madsen
Van Tassell

* * *

H.B. 90, EXPUNGEMENT AMENDMENTS, was read the second time.

On motion of Senator Bell, the bill was circled.

* * *

1st Sub. H.B. 92, GARNISHMENT AMENDMENTS, was read the second time. Senator Hillyard explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Christensen Davis
Dayton Dmitrich Eastman Fife
Goodfellow Greiner Hillyard Jenkins
Jones Killpack Knudson Mayne
McCoy Niederhauser Peterson Romero
Stephenson Stowell Van Tassell Waddoups
Walker Valentine

Absent or not voting were: Senators
Buttars Hickman Madsen

* * *

H.B. 121, COUNTY CHARGES FOR SERVICES TO INCARCERATED PERSONS, was read the second time.

On motion of Senator Bell, the bill was circled.
H.B. 151, MOTOR VEHICLE REVISIONS, was read the second time.

On motion of Senator Eastman, the bill was circled.

H.B. 153, IMPACT FEES AMENDMENTS, was read the second time. Senator Bell explained the bill. Senator Waddoups commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Buttars  Dmitrich  Hickman  Hillyard  
Killpack  

H.B. 171, DRIVING PRIVILEGE CARD AMENDMENTS, was read the second time. Senator Bramble explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Buttars  Hickman  Hillyard
On motion of Senator Bell, the circle was removed from H.B. 90, EXPUNGEMENT AMENDMENTS, and it was before the Senate. 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

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**Absent or not voting were:** Senators

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On motion of Senator Killpack, the circle was removed from H.B. 151, MOTOR VEHICLE REVISIONS, 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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**Absent or not voting were:** Senators

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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. 261, POLITICAL SUBDIVISION ANNEXATION AMENDMENTS, and it was before the Senate. Senator Waddoups explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bramble Buttars Christensen Davis
Dayton Dmitrich Eastman Fife
Goodfellow Greiner Hillyard Jenkins
Jones Killpack Knudson Mayne
McCoy Peterson Romero Stephenson
Stowell Van Tassell Waddoups Walker
Valentine

Absent or not voting were: Senators
Bell Hickman Madsen Niederhauser

1st Sub. S.B. 261 was transmitted to the House for consideration.

* * *

On motion of Senator Bramble, the Senate voted to lift 1st Sub. H.C.R. 6, CONCURRENT RESOLUTION HONORING THE LIFE AND CONTRIBUTIONS OF PRESIDENT GORDON B. HINCKLEY, from Rules and place it on the Time Certain Calendar. The resolution will be considered today at 3:00 p.m.

TIME CERTAIN CALENDAR

H.J.R. 10, JOINT RESOLUTION OPPOSING DESIGNATION OF PUBLIC LANDS CURRENTLY URGED BY CONGRESS AND THE BUREAU OF LAND MANAGEMENT, was read the second time. Senator Dmitrich explained the bill.

Senator Dmitrich proposed the following amendment:

1. Page 2, Lines 35 through 38
   House Committee Amendments
   2–6–2008
WHEREAS, the state of Utah’s economy relies on these important industries to fuel its economy and tax base;

WHEREAS, energy price increases have a disproportionately negative impact on Utah’s poor individuals and families;

WHEREAS, Utah schools and local governments are among the benefactors of access to Utah public lands;

Senator Dmitrich’s motion to amend passed on a voice vote. Senators Stephenson, Jenkins, Davis, and Buttars commented.

On motion of Senator Dmitrich, under suspension of the rules, H.J.R. 10, JOINT RESOLUTION OPPOSING DESIGNATION OF PUBLIC LANDS CURRENTLY URGED BY CONGRESS AND THE BUREAU OF LAND MANAGEMENT, was considered read the second and third times and passed on the following roll call:

**Yeas, 22; Nays, 3; 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.J.R. 10 was returned to the House for further consideration.

**THIRD READING CALENDAR**

On motion of Senator Bramble, the circle was removed from 1st Sub. S.B. 296, FINANCIAL INSTITUTIONS AMENDMENTS, and it was before the Senate.

Senator Bramble proposed the following amendment:
1. Page 6, Lines 160 through 163

Senate 2nd Reading Amendments
2–27–2008

160  (A) participates in the loan participation arrangement for the member–business loan;

161  {–and  }

162  (B) is organized under this chapter; and

(C) is a successor to or was a credit union described in Subsection 7–9–53(2) as of May 3, 1999.

Senator Bramble’s motion to amend passed on a voice vote. Senator Bramble explained the bill. Senators Van Tassell, Romero and Valentine declared conflicts of interest. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Bell  Hickman  Hillyard

**1st Sub. S.B. 296** was transmitted to the House for consideration.

* * *

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

The Senate reassembled at 3:35 p.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 28, 2008

The Speaker of the House has signed 1st Sub. S.B. 21, CAMPAIGN FINANCE DISCLOSURE REVISIONS, by Senator P. Knudson, and it is transmitted for the signature of the President; and

The House passed, S.B. 43, ADMINISTRATIVE RULES REAUTHORIZATION, by Senator H. Stephenson, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed 2nd Sub. S.B. 45, INVENTORY FOR COMPETITIVE ACTIVITIES OF LOCAL ENTITIES, by Senator H. Stephenson, and it is transmitted for the signature of the President; and

The House passed, 1st Sub. S.B. 53, USE OF INITIATIVE AND REFERENDUM FOR ADMINISTRATIVE LAND USE AND ZONING MATTERS, by Senator B. Goodfellow, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 69, UNIFORM LIMITED COOPERATIVE ASSOCIATION ACT, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 116, RETIREMENT OFFICE AMENDMENTS, by Senator C. Walker, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 132, CONSUMER CREDIT PROTECTION ACT – ATTORNEY GENERAL POWERS, by Senator C. Walker, and it is transmitted for the signature of the President; and

The House passed, S.B. 162, FEDERAL EDUCATION AGREEMENT REQUIREMENTS, by Senator M. Dayton, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 186, CUSTODY AND PARENT–TIME FOR NON–PARENTS, 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. 274, AMENDMENTS TO UTAH SERVICE MEMBERS’ CIVIL RELIEF ACT**, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 21, S.B. 43, 2nd Sub. S.B. 45, 1st Sub. S.B. 53, S.B. 69, S.B. 116, S.B. 132, S.B. 162, S.B. 186, and S.B. 274 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

***

Mr. President: February 28, 2008

The House passed **H.B. 216, ANNEXATION REVISIONS**, by Representative B. Last, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 325, BULLYING AND HAZING**, by Representative C. Moss, et al, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 345, MINIMUM AGE FOR PUBLIC EDUCATION ENROLLMENT AMENDMENTS**, by Representative E. Hutchings, and it is transmitted for consideration; and

The House passed **H.B. 456, FAIR CAMPAIGN PLEDGE AMENDMENTS**, by Representative E. Hutchings, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 216, 1st Sub. H.B. 325, H.B. 345, and H.B. 456** were read the first time and referred to the Rules Committee.

***

Mr. President: February 28, 2008

The House passed, as amended, **1st Sub. S.B. 78, COUNTY PERSONNEL MANAGEMENT ACT AMENDMENTS**, by Senator W. Niederhauser, and it is transmitted for further consideration; and

The House passed, as amended, **1st Sub. S.B. 181, OFF−HIGHWAY VEHICLE USE ON PUBLIC HIGHWAYS**, by Senator S. Jenkins, and it is transmitted for further consideration; and

The House substituted and passed, **3rd Sub. S.B. 184, CHILD CARE LICENSING EXEMPTIONS**, by Senator J. Greiner, and it is transmitted for further consideration; and
The House substituted and passed, **1st Sub. S.B. 283**, TRANSPORTATION FUNDING AMENDMENTS, by Senator S. Killpack, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

* * *

Mr. President: February 28, 2008

The Speaker of the House has appointed a Conference Committee consisting of Representatives W. Harper, F. Hunsaker, and D. Litvack to meet with a like committee from the Senate to consider or amend **2nd Sub. H.B. 54**, PROPERTY TAX ASSESSMENT REVISIONS, by Representative W. Harper.

Sandy D. Tenney, Chief Clerk

* * *

Mr. President: February 28, 2008

The House refuses to recede from its amendments to **3rd Sub. S.B. 15**, DRIVING UNDER THE INFLUENCE AMENDMENTS, by Senator C. Walker, and has appointed a Conference Committee consisting of Representatives P. Ray, C. Frank, and N. Hansen to meet with a like committee from the Senate on this bill.

Sandy D. Tenney, Chief Clerk

On motion of Senator Walker, the Senate voted to refuse to recede from its amendments to **3rd Sub. S.B. 15**. President Valentine appointed a conference committee consisting of Senators Walker, Waddoups, and Mayne to meet with a like committee from the House.

**RULES COMMITTEE REPORTS**

To the Members of the Senate: February 28, 2008

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

**S.B. 286** Transportation and Transit Amendments (Sen. S. Killpack)


H.B. 290  Municipal Oversight of Rental Dwellings  

H.B. 365  Aviation Amendments  
(Rep. W. Harper)  
(Sen. W. Niederhauser)

H.B. 186  Property Tax – County Assessment and Collection Amendments  
(Rep. K. McIff) (Sen. L. Hillyard)

1st Sub. H.B. 80  Administrative Rule Penalty Amendments  
(Rep. B. Ferry)  
(Sen. H. Stephenson)

1st Sub. H.B. 316  Substance Abuse Treatment for Pregnant Women and Pregnant Minors  
(Rep. E. Hutchings)  
(Sen. M. Waddoups)

1st Sub. H.B. 326  Children’s Health Insurance Program – Open Enrollment  
(Rep. G. Curtis) (Sen. J. Valentine)

1st Sub. H.B. 332  Use of Public Schools by Community Organizations  
(Rep. G. Hughes) (Sen. H. Stephenson)

H.B. 341  Damage to Underground Utility Facilities Amendments  
(Rep. D. Clark) (Sen. S. Killpack)

H.B. 347  Motor Vehicle Business Regulation Amendments  
(Rep. S. Andersen) (Sen. D. Eastman)

1st Sub. H.B. 348  Zion National Park Special Group License Plate  
(Rep. B. Last) (Sen. D. Stowell)

(Rep. B. Ferry) (Sen. D. Stowell)

H.B. 467  Motor Vehicle Insurance Arbitration Amendments  
(Rep. S. Urquhart) (Sen. C. Bramble)

H.J.R. 8  Joint Resolution Urging Congress to Eliminate Transportation Earmarking That Overrides State Transportation Priorities  
(Rep. Julie Fisher)  
(Sen. S. Jenkins)

Bill Hickman  
Rules Committee Chair

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

STANDING COMMITTEE REPORTS

Mr. President: February 28, 2008

Without committee review, the Retirement and Independent Entities Committee has returned **H.B. 202, EMPLOYEE BENEFIT AMENDMENTS**, by Representative J. Dougall, to the Rules Committee without recommendation; and

Without committee review, the Retirement and Independent Entities Committee has returned **1st Sub. H.B. 94, PUBLIC EMPLOYEES’**
RETIREMENT − SPOUSAL ELECTION, by Representative L. Shurtliff, to the Rules Committee without recommendation; and

The Retirement and Independent Entities Committee has tabled and returned **H.B. 39, DIVESTMENT OF CERTAIN RETIREMENT FUND INVESTMENTS**, by Representative Julie Fisher, to the Rules Committee.

Curtis S. Bramble, Chair

On motion of Senator Hickman, the committee reports were adopted. **H.B. 39, 1st Sub. H.B. 94, and H.B. 202** were returned to Rules.

**SECOND READING CALENDAR**

**H.B. 177, COUNTY AND MUNICIPAL LAND USE REGULATION OF POTENTIAL GEOLOGIC HAZARD AREAS**, was read the second time. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell Bramble Buttars Dayton
Dmitrich Eastman Fife Greiner
Jenkins Jones Killpack Knudson
Mayne Niederhauser Peterson Romero
Stephenson Stowell Van Tassell Waddoups
Walker Valentine

**Absent or not voting were:** Senators

Christensen Davis Goodfellow Hickman
Hillyard Madsen McCoy

* * *

**H.B. 182, DEADLINE FOR VOTING PRECINCT DESIGNATION**, was read the second time. Senator Killpack explained the bill. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell Bramble Buttars Dayton
Eastman Fife Goodfellow Greiner
Jenkins Jones Killpack Knudson
Madsen   Mayne   Peterson   Romero  
Stephenson  Stowell  Van Tassell  Waddoups 
Walker  Valentine

Absent or not voting were: Senators
Christensen  Davis  Dmitrich  Hickman
Hillyard  McCoy  Niederhauser

TIME CERTAIN CALENDAR

On motion of Senator Madsen, under suspension of the rules, 1st Sub. H.C.R. 6, CONCURRENT RESOLUTION HONORING THE LIFE AND CONTRIBUTIONS OF PRESIDENT GORDON B. HINCKLEY, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell   Bramble   Buttars   Davis
Dayton  Eastman  Fife  Goodfellow
Greiner  Jenkins  Jones  Killpack
Knudson  Madsen  Mayne  McCoy
Niederhauser  Peterson  Romero  Stowell
Waddoups  Walker  Valentine

Absent or not voting were: Senators
Christensen  Dmitrich  Hickman  Hillyard  
Stephenson  Van Tassell

1st Sub. 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.

SECOND READING CALENDAR

On motion of Senator Bell, the circle was removed from H.B. 121, COUNTY CHARGES FOR SERVICES TO INCARCERATED PERSONS, and it was before the Senate. Senator Bell explained the bill.

Senator Bell proposed the following amendment:

1. Page 1, Line 16 
House Committee Amendments
1–30–2008
Subject to current statutory limits

- removes language that made that provision applicable to only first and second class counties; and
- establishes a fee schedule that applies in the absence of a contract with respect to medical services provided by a health care provider.

2. Page 2, Line 58:

shall be commensurate with:

(i) for a health care facility, the current noncapitated state Medicaid rates; and

(ii) for a health care provider, 65% of the amount that would be paid under the Public Employees’ Benefit and Insurance Program, created in Section 49–20–103, to a health care provider for service rendered in a county of the first class to a covered state employee in the health care plan with the highest number of participants.

Senator Bell’s motion to amend passed on a voice vote. Senators Romero and Goodfellow commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell            Bramble            Buttars            Christensen
Davis           Dayton            Dmitrich           Eastman
Fife            Greiner           Hickman            Jenkins
Jones           Killpack          Knudson            Madsen
Mayne           McCoy            Peterson           Romero
Stowell         Van Tassell       Waddoups           Walker

**Voting in the negative were:** Senators
Goodfellow       Niederhauser      Stephenson

**Absent or not voting were:** Senators
Hillyard         Valentine

* * *

1st Sub. H.B. 223, EXEMPTION FROM LICENSURE BY DIVISION OF REAL ESTATE, was read the second time. Senator Killpack explained the bill. Senators Waddoups, Knudson, Eastman, Jenkins, and Hickman commented. The bill failed second reading on the following roll call:

**Yeas, 9; Nays, 18; Absent, 2.**
Voting in the affirmative were: Senators
Bell       Christensen       Eastman       Jenkins
Knudson    Niederhauser    Romero       Stowell
Walker

Voting in the negative were: Senators
Buttars    Davis           Dayton       Dmitrich
Fife       Goodfellow      Greiner       Hickman
Hillyard   Jones           Killpack     Madsen
Mayne      McCoy           Peterson     Stephenson
Van Tassell Waddoups

Absent or not voting were: Senators
Bramble    Valentine

The bill was filed.

***

1st Sub. H.B. 309, ELECTION INFORMATION AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell       Dayton        Christensen     Davis
Buttars    Dmitrich     Eastman       Fife
Goodfellow Greiner      Hickman       Jenkins
Jones      Killpack     Knudson       Madsen
Mayne      McCoy        Niederhauser  Peterson
Romero     Stephenson   Stowell       Van Tassell
Waddoups   Walker

Absent or not voting were: Senators
Bramble    Hillyard     Valentine

***

1st Sub. H.B. 323, EMINENT DOMAIN AMENDMENTS, was read the second time. Senator Peterson explained the bill. The bill passed second reading on the following roll call:

Yeas, 16; Nays, 9; Absent, 4.
Voting in the affirmative were: Senators
Bell Buttars Christensen Dayton
Dmitrich Eastman Hickman Killpack
Madsen Niederhauser Peterson Stephenson
Stowell Van Tassell Waddoups Walker

Voting in the negative were: Senators
Davis Fife Goodfellow Greiner
Jones Knudson Mayne McCoy
Romero

Absent or not voting were: Senators
Bramble Hillyard Jenkins Valentine

***

2nd Sub. H.B. 346, DIVISION OF REAL ESTATE RELATED AMENDMENTS, was read the second time.

On motion of Senator Killpack, the bill was circled.

***

H.B. 352, AMENDMENTS RELATED TO MONIES DERIVED FROM NAVAJO NATION RESERVATION LANDS IN UTAH, was read the second time.

On motion of Senator Hickman, the bill was circled.

***

H.C.R. 4, CONCURRENT RESOLUTION ENCOURAGING CONGRESSIONAL ACTION TO DESIGNATE A NEW RECIPIENT OF ROYALTIES FROM NAVAJO RESERVATION LANDS IN UTAH, was read the second time.

On motion of Senator Hickman, the bill was circled.

***

On motion of Senator Dmitrich, under suspension of the rules, H.C.R. 5, CONCURRENT RESOLUTION URGING CONGRESSIONAL APPROVAL OF R.S. 2477 RIGHTS–OF–WAY RECOGNITION ACT, was considered read the second and third times and passed on the following roll call:
Yeas, 21; Nays, 3; Absent, 5.

Voting in the affirmative were: Senators
Bell  Buttars  Christensen  Davis
Dayton  Dmitrich  Eastman  Fife
Greiner  Hickman  Hillyard  Jenkins
Jones  Killpack  Knudson  Madsen
Niederhauser  Peterson  Stephenson  Van Tassell
Waddoups

Voting in the negative were: Senators
McCoy  Romero  Stowell

Absent or not voting were: Senators
Bramble  Goodfellow  Mayne  Walker
Valentine

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

***

H.C.R. 7, CONCURRENT RESOLUTION DECLARING COLORECTAL CANCER AWARENESS MONTH, was read the second time.

On motion of Senator Romero, the bill was circled.

***

On motion of Senator Dayton, under suspension of the rules, H.J.R. 3, RESOLUTION REAFFIRMING THE WORDS, UNDER GOD, IN THE PLEDGE OF ALLEGIANCE, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Buttars  Christensen  Dayton
Dmitrich  Eastman  Fife  Goodfellow
Greiner  Hickman  Hillyard  Jenkins
Jones  Killpack  Knudson  Madsen
Niederhauser  Peterson  Romero  Stephenson
Stowell
Absent or not voting were: Senators

Bramble        Davis        Mayne        McCoy
Van Tassell    Waddoups    Walker        Valentine

H.J.R. 3 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.J.R. 7, JOINT RESOLUTION RECOGNIZING UNREINFORCED MASONRY BUILDINGS, was read the second time. Senator Fife explained the bill. Senators Stephenson, Davis, and Peterson commented. The bill passed second reading on the following roll call:

Yeas, 16; Nays, 6; Absent, 7.

Voting in the affirmative were: Senators

Davis        Dmitrich        Eastman        Fife
Goodfellow   Greiner        Jenkins        Jones
Killpack     Knudson        Mayne          Peterson
Romero       Stowell        Waddoups       Walker

Voting in the negative were: Senators

Bell        Buttars        Christensen        Dayton
Madsen      Stephenson

Absent or not voting were: Senators

Bramble          Hickman        Hillyard        McCoy
Niederhauser    Van Tassell    Valentine

* * *

H.B. 339, HUMAN TRAFFICKING AMENDMENTS, was read the second time.

On motion of Senator Christensen, the bill was circled.

* * *

On motion of Senator Mayne, the circle was removed from H.C.R. 7, and it was before the Senate. On motion of Senator Mayne, under suspension of the rules, H.C.R. 7, CONCURRENT RESOLUTION DECLARING COLORECTAL CANCER AWARENESS MONTH, was considered read the second and third times. Senator Waddoups commented and the bill passed on the following roll call:
Yeas, 24; Nays, 0; Absent, 5.

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

- Bramble
- Hillyard
- McCoy
- Niederhauser
- Valentine

**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.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: February 28, 2008

The House passed **H.B. 305**, COUNTY SHERIFF QUALIFICATION AMENDMENTS, by Representative R. Greenwood, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 305** was read the first time and referred to the Rules Committee.

***

On motion of Senator Hickman and at 5:00 p.m., the Senate adjourned until 9:00 a.m., Friday, February 29, 2008.
The Senate was called to order at 9:20 a.m., with President John Valentine presiding.

Prayer – Alma Evans, Parowan, Utah
Pledge of Allegiance – Senator Mike Dmitrich
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 64)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 28, 2008
The House passed, 1st Sub. S.B. 54, INITIATIVE AND REFERENDUM PETITION AMENDMENTS, by Senator B. Goodfellow, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, 1st Sub. S.B. 191, JUDICIAL CONDUCT COMMISSION AMENDMENTS, by Senator G. Davis, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 192, SEX OFFENSE AMENDMENTS, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 196, COUNTY AND MUNICIPAL LAND USE AMENDMENTS, by Senator W. Niederhauser, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 235, HUMAN REMAINS RELATED AMENDMENTS, by Senator K. VanTassell, 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. 236, 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. 275**, MILITARY JUSTICE 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.C.R. 5**, CONCURRENT RESOLUTION CALLING FOR CONGRESS TO PASS BALANCED IMMIGRATION REFORM, by Senator H. Stephenson, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

**1st Sub. S.B. 54, 1st Sub. S.B. 191, S.B. 192, S.B. 196, S.B. 235, 1st Sub. S.B. 236, S.B. 275, and S.C.R. 5** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

**INTRODUCTION OF BILLS**

**S.B. 4**, **General Obligation Bond Authorization** (S. Jenkins), read the first time by short title and referred to the Rules Committee.

**CONSENT CALENDAR**

**H.B. 173**, **MONEY MANAGEMENT ACT UPDATES**, was read the third time.

On motion of Senator Fife, the bill was circled.

***

**1st Sub. H.B. 371**, **DIGITAL CERTIFICATES FOR BREATHALIZERS**, was read the third time, explained by Senator Greiner, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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<th>Eastman</th>
<th>Van Tassell</th>
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1st Sub. H.B. 371 was and returned to the House for further consideration.

* * *

H.B. 375, DECEPTION DETECTION EXAMINERS LICENSING 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
- Bell
- Bramble
- Buttars
- Christensen
- Davis
- Dayton
- Dmitrich
- Fife
- Goodfellow
- Greiner
- Hickman
- Hillyard
- Jenkins
- Jones
- Killpack
- Knudson
- Madsen
- Mayne
- Niederhauser
- Peterson
- Romero
- Stephenson
- Stowell
- Waddoups
- Walker
- Valentine

**Absent or not voting were:** Senators
- Eastman
- McCoy
- Van Tassell

H.B. 375 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**CONCURRENCE CALENDAR**

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to 1st Sub. S.B. 78, COUNTY PERSONNEL MANAGEMENT ACT AMENDMENTS. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators
- Bell
- Bramble
- Buttars
- Christensen
- Davis
- Dayton
- Dmitrich
- Fife
- Goodfellow
- Greiner
- Hickman
- Hillyard
- Jenkins
- Jones
- Killpack
- Knudson
- Madsen
- Mayne
- Niederhauser
- Peterson
- Romero
- Stephenson
- Stowell
- Waddoups
- Walker
- Valentine

**Absent or not voting were:** Senators
- Eastman
- Van Tassell
1st Sub. S.B. 78 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Jenkins, the Senate voted to concur in the House amendments to 1st Sub. S.B. 181, OFF-HIGHWAY VEHICLE USE ON PUBLIC HIGHWAYS. Senators Jones and Greiner commented. The bill, as amended, passed on the following roll call:

**Yeas, 18; Nays, 8; Absent, 3.**

**Voting in the affirmative were:** Senators

Bell  Buttars  Christensen  Dayton
Eastman  Fife  Hickman  Jenkins
Killpack  Knudson  Madsen  Mayne
Niederhauser  Peterson  Stephenson  Stowell
Waddoups  Walker

**Voting in the negative were:** Senators

Davis  Goodfellow  Greiner  Hillyard
Jones  McCoy  Romero  Valentine

**Absent or not voting were:** Senators

Bramble  Dmitrich  Van Tassell

1st Sub. S.B. 181 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Greiner, the Senate voted to concur in the House amendments to 3rd Sub. S.B. 184, CHILD CARE LICENSING EXEMPTIONS. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell  Buttars  Christensen  Davis
Dayton  Eastman  Fife  Goodfellow
Greiner  Hickman  Hillyard  Jones
Killpack  Knudson  Madsen  Mayne
McCoy  Niederhauser  Peterson  Romero
Stephenson  Stowell  Waddoups  Walker
Valentine
Absent or not voting were: Senators
Bramble Dmitrich Jenkins Van Tassell

3rd Sub. S.B. 184 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Killpack, the Senate voted to concur in the House amendments to 1st Sub. S.B. 283, TRANSPORTATION FUNDING AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Buttars Christensen Davis
Dayton Eastman Fife Goodfellow
Greiner Hickman Hillyard Jenkins
Jones Killpack Knudson Madsen
Mayne McCoy Niederhauser Peterson
Romero Stephenson Stowell Van Tassell
Waddoups Walker Valentine

Absent or not voting were: Senators
Bramble Dmitrich

1st Sub. S.B. 283 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bell, 1st Sub. S.B. 299, REVISION TO LOCAL GOVERNMENT, will be considered today at 3:00 p.m.

RULES COMMITTEE REPORTS

To the Members of the Senate: February 29, 2008

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

2nd Sub. H.B. 276 Health Professional Authority – Death and Disability (Rep. B. Last) (Sen. A. Christensen)
H.B. 307  Cancer Screening and Mortality Reduction Special Group License Plate (Rep. C. Moss) (Sen. P. Jones)
H.B. 216  Annexation Revisions (Rep. B. Last) (Sen. J. Hickman)
H.B. 282  State Payment and Reimbursement to County Correctional Facilities (Rep. M. Noel) (Sen. J. Greiner)

Bill Hickman
Rules Committee Chair

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

THIRD READING CALENDAR

H.B. 70, EXPUNGEMENT LAW AMENDMENTS, was read the third time, explained by Senator Buttar's, and passed on the following roll call:

Yea's, 24; Nays, 0; Absent, 5.
Voting in the affirmative were: Senators
Buttars Christensen Davis Dayton
Eastman Fife Goodfellow Hillyard
Jenkins Jones Killpack Knudson
Madsen Mayne McCoy Niederhauser
Peterson Romero Stephenson Stowell
Van Tassell Waddoups Walker Valentine

Absent or not voting were: Senators
Bell Bramble Dmitrich Greiner
Hickman

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.

* * *

1st Sub. H.B. 92. GARNISHMENT AMENDMENTS, 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
Buttars Christensen Davis Dayton
Eastman Fife Goodfellow Hillyard
Jenkins Jones Killpack Knudson
Madsen Mayne McCoy Niederhauser
Peterson Romero Stephenson Stowell
Van Tassell Waddoups Walker Valentine

Absent or not voting were: Senators
Bell Bramble Dmitrich Greiner
Hickman

1st Sub. H.B. 92 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 153, REVISION TO COUNTY ELECTED OFFICES, was read the third time.

On motion of Senator Eastman, the bill was circled.
* * *

H.B. 171, DRIVING PRIVILEGE CARD AMENDMENTS, was read the third time.

On motion of Senator Eastman, the bill was circled.

* * *

H.B. 90, EXPUNGEMENT AMENDMENTS, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell        Buttars        Christensen        Davis
Dayton      Eastman       Fife              Goodfellow
Hillyard    Jenkins       Jones             Killpack
Knudson     Madsen        Mayne             McCoy
Niederhauser Peterson      Romero            Stephenson
Stowell     Van Tassell    Waddoups         Walker
Valentine

**Absent or not voting were:** Senators
Bramble     Dmitrich      Greiner          Hickman

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.

* * *

On motion of Senator Bell, the circle was removed from H.B. 153, IMPACT FEES AMENDMENTS, and it was before the Senate. Senators Bell, Killpack and Madsen declared conflicts of interest. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell        Bramble       Buttars          Christensen
Davis       Dayton        Dmitrich        Eastman
Fife        Goodfellow    Greiner         Hickman
Hillyard    Jenkins       Jones            Killpack
Knudson     Madsen        Mayne           McCoy
Niederhauser Peterson      Romero            Stephenson
Stowell     Van Tassell    Waddoups        Walker
Valentine
H.B. 153 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, legislative staff was authorized to draft a bill regarding executive compensation.

TIME CERTAIN CALENDAR

On motion of Senator Knudson, under suspension of the rules, H.B. 129, APPROPRIATION FOR CONSTRUCTION OF A VETERANS’ NURSING HOME IN OGDEN, was considered read the second and third times. Senators Walker, Christensen, Davis, Stowell, Jones, Romero, Greiner, Jenkins, and Madsen commented. Senators Knudson, Greiner, Walker, and Valentine declared conflicts of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

| Voting in the affirmative were: Senators |
|---|---|---|---|
| Bell | Buttars | Christensen | Davis |
| Dayton | Dmitrich | Eastman | Fife |
| Goodfellow | Greiner | Hickman | Hillyard |
| Jenkins | Jones | Killpack | Knudson |
| Madsen | Mayne | McCoy | Niederhauser |
| Peterson | Romero | Stephenson | Stowell |
| Van Tassell | Waddoups | Walker | Valentine |

Absent or not voting was: Senator Bramble

H.B. 129 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, Terry Schow, Executive Director of the Utah Department of Veterans Affairs spoke in Committee of the Whole. Senators Fife and Dmitrich commented.

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

* * *

On motion of Senator Bramble, and at 10:30 a.m., the Senate sauntered.
The Senate was called to order at 10:40 a.m., with President Valentine presiding.

* * *

On motion of Senator Killpack, under suspension of the rules, S.J.R. 12, JOINT RESOLUTION HONORING HILL AIR FORCE BASE’S 388TH AND 419TH FIGHTER WINGS, was considered read the second and third times. Senator Killpack explained the bill. The bill passed on the following roll call:

Y eas, 20; Nays, 0; Absent, 9.

Voting in the affirmative were: Senators

Bell
Goodfellow
Jones
McCoy
Stowell
Dayton
Greiner
Killpack
Niederhauser
Van Tassell
Dmitrich
Hickman
Knudson
Romero
Waddoups
Eastman
Jenkins
Mayne
Stephenson
Valentine

Absent or not voting were: Senators

Bramble
Fife
Walker
Buttars
Hillyard
Davis
Christensen
Madsen
Peterson

S.J.R. 12 was transmitted to the House.

COMMITTEE OF THE WHOLE


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

CONSENT CALENDAR

On motion of Senator Van Tassell, the circle was removed from H.B. 173, MONEY MANAGEMENT ACT UPDATES, and it was before the Senate. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell
Eastman
Bramble
Goodfellow
Davis
Greiner
Dayton
Hickman
Absent or not voting were: Senators
Buttars Christensen Dmitrich Fife
Hillyard Jenkins Killpack Madsen
Mayne Peterson Stephenson Stowell

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.

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

SECOND READING CALENDAR

On motion of Senator Hickman, under suspension of the rules, S.B. 298, STATE LAND ACQUISITION, was considered read the second and third times. Senator Hickman explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Davis Dayton
Dmitrich Goodfellow Greiner Hickman
Jenkins Jones Knudson Madsen
Mayne McCoy Niederhauser Peterson
Romero Stephenson Stowell Van Tassell
Walker Valentine

Absent or not voting were: Senators
Buttars Christensen Eastman Fife
Hillyard Killpack Waddoups

S.B. 298 was transmitted to the House.

***

S.B. 75, PROHIBITING GANG ACTIVITY, was before the Senate. On motion of Senator Greiner, the bill was returned to the Rules Committee.

***

S.B. 218, AMENDMENTS TO TOURISM, RECREATION, CULTURAL, AND CONVENTION FACILITIES TAX, was before the Senate. On motion of Senator Niederhauser, the bill was returned to the Rules Committee.
S.B. 222, DIVISION OF REAL ESTATE LICENSING AND PRESENCE IN THE UNITED STATES, was before the Senate. On motion of Senator Dayton, the bill was returned to the Rules Committee.

S.B. 237, COMMERCIAL AIRLINE AND AIRPORT TAXATION AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. Senators Romero and McCoy commented. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dmitrich Eastman Goodfellow
Hickman Hillyard Jenkins Jones
Killpack Knudson Madsen Mayne
Niederhauser Peterson Romero Stephenson
Stowell Van Tassell Waddoups Walker

Voting in the negative were: Senators
Fife McCoy

Absent or not voting were: Senators
Dayton Greiner Valentine

On motion of Senator Hillyard. the Senate voted to lift the following bills from the Third Reading Table and place them at the top of the Third Reading Calendar: 1st Sub. H.B. 36, H.B. 45, 1st Sub. H.B. 119, and H.B. 122.

On motion of Senator Hillyard. the Senate voted to lift H.B. 102, CHILD ABUSE HOMICIDE AMENDMENTS, from the Rules Committee and place it at the top of the Second Reading Calendar.

On motion of Senator Hillyard. the Senate voted to lift 1st Sub. H.B. 326 to the top of the Second Reading Calendar.
**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 **S.B. 210, PROOF OF CITIZENSHIP REQUIRED TO VOTE**, and it was before the Senate.

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

**1st Sub. S.B. 210 Proof of Citizenship Required to Vote (M. Madsen)**

On motion of Senator Madsen, the bill was circled.

**SECOND READING CALENDAR**

On motion of Senator Niederhauser, the circle was removed from **S.B. 258, PROPERTY TAX COMMITTEE**, and it was before the Senate. On motion of Senator Niederhauser, the bill was returned to the Rules Committee.

**S.B. 286, TRANSPORTATION AND TRANSIT AMENDMENTS**, was read the second time.

On motion of Senator Bramble, the bill was circled.

**H.B. 102, CHILD ABUSE HOMICIDE AMENDMENTS**, was read the second time.

On motion of Senator Bramble, the bill was circled.

**On motion of Senator Valentine, under suspension of the rules, 1st Sub. H.B. 326, CHILDREN’S HEALTH INSURANCE PROGRAM – OPEN ENROLLMENT, was considered read the second and third times and passed on the following roll call:**

**Yeas, 24; Nays, 2; Absent, 3.**
Voting in the affirmative were: Senators
Bell  Bramble  Christensen  Davis
Dmitrich  Eastman  Fife  Greiner
Hickman  Jenkins  Jones  Killpack
Knudson  Madsen  Mayne  McCoy
Niederhauser  Peterson  Romero  Stowell
Van Tassell  Waddoups  Walker  Valentine

Voting in the negative were: Senators
Dayton  Stephenson

Absent or not voting were: Senators
Buttars  Goodfellow  Hillyard

1st Sub. H.B. 326 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

1st Sub. H.B. 36, CHILD WELFARE AMENDMENTS, was read the third time.

On motion of Senator Dayton, the bill was circled.

* * *

H.B. 45, SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A DISABILITY, was read the third time, explained by Senator Christensen, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Eastman
Greiner  Hickman  Jenkins  Jones
Killpack  Knudson  Madsen  Mayne
McCoy  Niederhauser  Peterson  Romero
Stephenson  Stowell  Van Tassell  Waddoups
Walker  Valentine

Absent or not voting were: Senators
Fife  Goodfellow  Hillyard
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.

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 29, 2008

The House passed, 1st Sub. S.B. 57, FRANCHISE LAW AMENDMENTS, by Senator D. Eastman, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 57 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

Mr. President: February 29, 2008

The House concurred in the Senate amendments and passed 1st Sub. H.B. 304, SALES AND USE TAX REVENUES FOR QUALIFIED EMERGENCY FOOD AGENCIES, by Representative L. Wiley, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. H.B. 252, CHARITABLE SOLICITATIONS ACT AMENDMENTS, by Representative W. Harper, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 5th Sub. H.B. 51, WATER RIGHT AMENDMENTS, by Representative P. Painter, et al, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 2nd Sub. H.B. 40, SAFE DRINKING WATER REVISIONS, by Representative S. Andersen, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 38, EDUCATION AND OUTREACH REGARDING SUBSTANCES HARMFUL DURING PREGNANCY, by Representative R. Menlove, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. H.B. 304, 1st Sub. H.B. 252, 5th Sub. H.B. 51, 2nd Sub. H.B. 40, and H.B. 38, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
Mr. President:

February 29, 2008

The House passed, as amended, **H.B. 486**, WRONGFUL LIENS AND WRONGFUL JUDGEMENT LIENS, by Representative J. Gowans, and it is transmitted for consideration; and

The House passed, as amended, **H.B. 222**, WATER QUALITY BOARD AMENDMENTS, by Representative P. Painter, and it is transmitted for consideration; and

The House passed, as substituted, **1st Sub. H.B. 174**, TRAUMATIC BRAIN INJURY FUND, by Representative J. Gowans, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 486, H.B. 222,** and **1st Sub. H.B. 174** were read the first time and referred to the Rules Committee

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Mr. President:

February 29, 2008


Sandy D. Tenney, Chief Clerk


On motion of Senator Walker, the Senate voted to adopt the conference committee report to **4th Sub. S.B. 15**, DRIVING UNDER THE INFLUENCE AMENDMENTS. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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4th Sub. S.B. 15 was returned to the House for further consideration.

* * *

On motion of Senator Bramble, and at 11:45 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 29, 2008

The Speaker of the House has signed 1st Sub. S.B. 78, COUNTY PERSONNEL MANAGEMENT ACT AMENDMENTS, by Senator W. Niederhauser, and it is transmitted for the signature of the President; and

The Speaker of the House has signed 1st Sub. S.B. 181, OFF−HIGHWAY VEHICLE USE ON PUBLIC HIGHWAYS, 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. 283, TRANSPORTATION FUNDING AMENDMENTS, by Senator S. Killpack, and it is transmitted for the signature of the President; and

The Speaker of the House has signed 3rd Sub. S.B. 184, CHILD CARE LICENSING EXEMPTIONS, by Senator J. Greiner, and it is transmitted for the signature of the President; and

The House passed, S.J.R. 12, JOINT RESOLUTION HONORING HILL AIR FORCE BASE’S 388TH AND 419TH FIGHTER WINGS, by Senator S. Killpack, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 78, 1st Sub. S.B. 181, 1st Sub. S.B. 283, 3rd Sub. S.B. 184, and S.J.R. 12 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.
Mr. President: February 29, 2008

The House passed, as substituted and amended, 1st Sub. H.B. 395, DEPORTATION OF ELIGIBLE UNDOCUMENTED IMMIGRANT PRISONERS, by Representative G. Donnelson, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 464, ACCESS TO LANDLOCKED PARCELS, by Representative M. Walker, and it is transmitted for consideration; and

The House passed, as amended, H.B. 493, STALKING AMENDMENTS, by Representative L. Fowlke, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. 1st Sub. H.B. 395, 1st Sub. H.B. 464, and H.B. 493 were read the first time and referred to the Rules Committee.

On motion of Senator Killpack, the Senate voted to reconsider its action on 1st Sub. H.B. 223.

On motion of Senator Killpack, the bill was circled.

TIME CERTAIN CALENDAR

A citation was read honoring the Liver Transplant Team at Intermountain Medical Center (Dr. LeGrand Belnap, Dr. Willem Van der Werf, and Dr. Terry Box) and Liver Donor, Debbie McKowen. Senator Dayton commented.

THIRD READING CALENDAR

1st Sub. H.B. 119, CONTROLLED SUBSTANCE DATABASE AMENDMENTS, was read the third time.

On motion of Senator Killpack, the bill was circled.

* * *

H.B. 122, DRIVER LICENSE – APPLICATION OF MINOR AMENDMENTS, was read the third time.

On motion of Senator Killpack, the bill was circled.
On motion of Senator Stowell, the circle was removed from 3rd Sub. S.B. 269, WATER RIGHTS – OMBUDSMAN, and it was before the Senate. Senator Stowell explained the bill. Senator Walker 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

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<td>Hillyard</td>
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3rd Sub. S.B. 269 was transmitted to the House for consideration.

**H.B. 151, MOTOR VEHICLE REVISIONS,** 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

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**Voting in the negative were:** Senators

<table>
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**Absent or not voting were:** Senators

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H.B. 151 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Buttars, the circle was removed from H.B. 122, DRIVER LICENSE – APPLICATION OF MINOR AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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H.B. 122 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Dayton, the circle was removed from 1st Sub. H.B. 36, CHILD WELFARE AMENDMENTS, and it was before the Senate. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

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<td>Knudson</td>
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1st Sub. H.B. 36, as amended, was returned to the House for further consideration.

* * *

H.B. 177, COUNTY AND MUNICIPAL LAND USE REGULATION OF POTENTIAL GEOLOGIC HAZARD AREAS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

<table>
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**Voting in the negative was:** Senator Mayne

**Absent or not voting were:** Senators

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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.

**TIME CERTAIN CALENDAR**

On motion of Senator Bell, the circle was removed from 1st Sub. S.B. 299, REVISION TO LOCAL GOVERNMENT, and it was before the Senate. Senator Bell explained the bill.

Senator Davis proposed the following amendment:

1. Page 1, Line 19

   19  
   19  • enacts provisions authorizing counties and municipalities to 
   19  • enact an ordinance

2. Page 1, Line 21:
unmarried employee’s financially dependent or interdependent adult designee; and

- enact an ordinance making hospital and health care facility visitation rights or privileges available to certain individuals;

3. Page 2, Lines 43 through 45:

43 (1) (a) A municipality may, by ordinance enacted by the municipal legislative body, make

44 benefits generally available to all municipal employees, their dependents, and an unmarried

45 employee’s financially dependent or interdependent adult designee.

(b) A municipality may, by ordinance enacted by the municipal legislative body, make hospital and health care facility visitation rights or privileges available:

(i) to all individuals participating in a registry created under this section; and

(ii) to the same extent that those rights or privileges are available to other individuals in other adult relationships.

4. Page 3, Lines 64 through 66:

64 (1) (a) A county may, by ordinance enacted by the county legislative body, make benefits

65 generally available to all county employees, their dependents, and an unmarried employee’s

66 financially dependent or interdependent adult designee.

(b) A county may, by ordinance enacted by the county legislative body, make hospital and health care facility visitation rights or privileges available:

(i) to all individuals participating in a registry created under this section; and

(ii) to the same extent that those rights or privileges are available to other individuals in other adult relationships.

Senator Davis’ motion to amend failed on a voice vote. Senator McCoy commented.

On motion of Senator Bell, the Senate voted to move the bill to the top of the Second Reading Calendar.
On motion of Senator Bell, the bill was circled.

THIRD READING CALENDAR

On motion of Senator Bramble, the circle was removed from 1st Sub. HB. 119, CONTROLLED SUBSTANCE DATABASE AMENDMENTS, and it was before the Senate.

Senator Bramble proposed the following amendment:

1. Page 2a, Lines 48x through 48aa
   House Floor Amendments
   2–5–2008

   48x (3) The department shall report on the development and implementation of the program
   48y required in Subsection (2) to the legislative Health and Human Services Interim Committee and the
   48z legislative Business and Labor Interim Committee no later than the November interim meetings in
   48aa { 2007 and 2008 and 2009 }. Each report shall include:

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

Y eas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators
Bell   Bramble   Buttars   Christensen
Davis  Dayton   Dmitrich  Eastman
Fife   Goodfellow Greiner  Hillyard
Jenkins Jones    Killpack  Knudson
Madsen Mayne   McCoy    Niederhauser
Peterson Romero  Stephenson Stowell
Van Tassell Waddoups Valentine

Absent or not voting were: Senators
Hickman Walker

1st Sub. H.B. 119, as amended, was returned to the House for further consideration.

***

On motion of Senator Bramble, the circle was removed from 2nd Sub. S.B. 245, FUNDING RELATING TO AIRPORTS, HIGHWAYS, AND PUBLIC TRANSIT, and it was before the Senate.
On motion of Senator Killpack, the following substitute bill replaced the original bill:

3rd Sub. S.B. 245 Funding Relating to Airports, Highways, and Public Transit (C. Bramble)

Senator Bramble explained the bill. The bill was considered read for the first, second, and third time. The bill passed on the following roll call:

**Y eas, 20; Nays, 6; Absent, 3.**

**Voting in the affirmative were:** Senators

Bramble  Buttars  Christensen  Davis
Dayton  Dmitrich  Eastman  Goodfellow
Greiner  Hillyard  Killpack  Knudson
Madsen  Niederhauser  Peterson  Stowell
Van Tassell  Waddoups  Walker  Valentine

**Voting in the negative were:** Senators

Fife  Jones  Mayne  McCoy
Romero  Stephenson

**Absent or not voting were:** Senators

Bell  Hickman  Jenkins

3rd Sub. S.B. 245 was transmitted to the House for consideration.

* * *

On motion of Senator Bramble, the Senate voted to move to Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Bramble, the circle was removed from 1st Sub. S.B. 299, REVISION TO LOCAL GOVERNMENT, and it was before the Senate.

On motion of Senator Bramble, the Senate voted to reconsider its action on Amendment 3 previously proposed by Senator Davis.

Senator Bramble proposed the following amendment:

1. Page 1, Line 19

   19 enact enacts provisions authorizing counties and municipalities to enact an ordinance
2. Page 1, Line 21:

21 unmarried employee’s financially dependent or interdependent adult designee; and

• enact an ordinance making hospital and health care facility visitation rights or privileges available to certain individuals;

3. Page 2, Lines 43 through 45:

43 (1) (a) A municipality may, by ordinance enacted by the municipal legislative body, make

44 benefits generally available to all municipal employees, their dependents, and an unmarried

45 employee’s financially dependent or interdependent adult designee.

(b) A municipality may, by ordinance enacted by the municipal legislative body, make hospital and health care facility visitation rights or privileges available:

(i) to all individuals participating in a registry created under this section; and

(ii) to the same extent that those rights or privileges are available to other individuals in other adult relationships.

4. Page 3, Lines 64 through 66:

64 (1) (a) A county may, by ordinance enacted by the county legislative body, make benefits

65 generally available to all county employees, their dependents, and an unmarried employee’s

66 financially dependent or interdependent adult designee.

(b) A county may, by ordinance enacted by the county legislative body, make hospital and health care facility visitation rights or privileges available:

(i) to all individuals participating in a registry created under this section; and

(ii) to the same extent that those rights or privileges are available to other individuals in other adult relationships.

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

On motion of Senator Bramble, the bill was circled.
On motion of Senator Hillyard, the Senate voted to lift the following bills from Rules and place them at the top of the Second Reading Calendar: 1st Sub. H.B. 330, 1st Sub. H.B. 263, 2nd Sub. H.B. 75, and H.B. 19.

On motion of Senator Hillyard, the Senate voted to lift the following bills from the Third Reading Table and place them at the top of the Third Reading Calendar: 1st Sub. H.B. 37 and H.B. 86.

On motion of Senator Hillyard, the Senate voted to move H.B. 93 and H.B. 29 to the top of the Second Reading Calendar.

On motion of Senator Hillyard, the Senate voted to lift 3rd Sub. H.B. 131 from Rules and place it on the Second Reading Calendar.

On motion of Senator Bramble, and at 3:50 p.m., the Senate sauntered.

The Senate was called to order at 4:20 p.m., with President Valentine presiding.

THIRD READING CALENDAR

1st Sub. H.B. 37, UTAH BUSINESS RESOURCE CENTERS ACT, was read the third time and explained by Senator Bramble.

Senator Bramble proposed the following amendment:

1. Page 8, Line 214:
   Delete “$525,000” and insert “$125,000”

2. Page 8, Line 215:
   After “Development” insert “;”

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

Yeas, 26; Nays, 0; Absent, 3.
Voting in the affirmative were: Senators
Bell       Bramble       Buttars       Christensen
Davis      Dayton       Dmitrich      Eastman
Fife       Goodfellow   Greiner       Hillyard
Jones      Killpack     Madsen       Mayne
McCoy      Niederhauser Peterson     Romero
Stephenson Stowell      Van Tassell Waddoups
Walker      Valentine

Absent or not voting were: Senators
Hickman   Jenkins   Knudson

1st Sub. H.B. 37 was returned to the House for further consideration.

* * *

H.B. 86, FUNDING OF INMATE POSTSECONDARY EDUCATION, was read the third time and explained by Senator Hillyard.

Senator Hillyard proposed the following amendment:

1. Page 2, Line 31:
   Delete “$1,500,000” and insert “$150,000”

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

Yeas, 23; Nays, 3; Absent, 3.

Voting in the affirmative were: Senators
Bell       Bramble       Buttars       Christensen
Davis      Dmitrich      Eastman       Fife
Goodfellow Hillyard      Jones       Killpack
Mayne      McCoy        Niederhauser Peterson
Romero     Stephenson   Stowell      Van Tassell
Waddoups   Walker       Valentine

Voting in the negative were: Senators
Dayton     Greiner       Madsen

Absent or not voting were: Senators
Hickman   Jenkins   Knudson

H.B. 86, as amended, was returned to the House for further consideration.
On motion of Senator Hillyard, the Senate voted to lift 2nd Sub. H.B. 29 from the Third Reading Table and place it at the top of the Third Reading Calendar.

2nd Sub. H.B. 29, ELECTION LAW – FINANCIAL REPORTING, was read the third time, explained by Senator Dayton, and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Hickman  Jenkins  Knudson

2nd Sub. H.B. 29, as amended, was returned to the House for further consideration.

On motion of Senator Bramble, under suspension of the rules, the Senate voted to move S.B. 237 to the top of the Third Reading Calendar.

S.B. 237, COMMERCIAL AIRLINE AND AIRPORT TAXATION AMENDMENTS, under suspension of the rules, was read the third time and explained by Senator Niederhauser.

Senator Niederhauser proposed the following amendment:

1. Page 1, Lines 22 through 23

   22 provides a sales and use tax exemption for sales of certain construction materials

   23 purchased on or after July 1, 2010 by or on behalf of an international airport; and

2. Page 42, Lines 1274 through 1288:
(69) sales of construction materials:
(a) purchased on or after July 1, 2010;
(b) purchased by, on behalf of, or for the benefit of an international airport:
(i) located within a county of the first class; and
(ii) that has a United States customs office on its premises; and
(c) if the construction materials are:
(i) clearly identified;
(ii) segregated; and
(iii) installed or converted to real property:
(A) owned or operated by the international airport described in Subsection (69)
(B) located at the international airport described in Subsection (69).

Section 14. Effective date.
(1) Except as provided in Subsection (2) or (3), this bill has retrospective operation for taxable years beginning on or after January 1, 2008.
(2) The amendments to Section 59−2−804 take effect on January 1, 2009.
(3) The amendments to Section 59−12−104 take effect on May 5, 2008.

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

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

Voting in the affirmative were: Senators
Bell Bramble Christensen Davis
Dayton Dmitrich Eastman Goodfellow
Greiner Hillyard Jenkins Jones
Killpack Knudson Mayne Niederhauser
Peterson Romero Stephenson Stowell
Van Tassell Waddoups Walker Valentine

Voting in the negative were: Senators
Fife McCoy
Absent or not voting were: Senators
Buttars        Hickman        Madsen

S.B. 237 was transmitted to the House for consideration.

SECOND READING CALENDAR

1st Sub. H.B. 330, STATE SUPPLEMENTAL FUNDING FOR HEAD START, was read the second time. Senator Bell explained the bill.

Senator Bell proposed the following amendment:

1. Page 1, Line 32:
   Delete “$700,000 and insert “$100,000”

On motion of Senator Bell, under suspension of the rules, 1st Sub. H.B. 330, STATE SUPPLEMENTAL FUNDING FOR HEAD START, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell     Bramble     Christensen     Davis
Dmitrich Eastman     Fife     Goodfellow
Greiner    Hillyard     Jenkins     Jones
Killpack    Knudson     Mayne     McCoy
Niederhauser Peterson     Romero     Stowell
Van Tassell     Waddoups     Walker     Valentine

Voting in the negative were: Senators
Dayton    Madsen     Stephenson

Absent or not voting were: Senators
Buttars        Hickman

1st Sub. H.B. 330 was returned to the House for further consideration.

* * *

1st Sub. H.B. 263, UTAH REGISTRY OF AUTISM AND DEVELOPMENTAL DISABILITIES, was read the second time. Senator Mayne explained the bill.

Senator Mayne proposed the following amendment:
1. Page 1, Line 22: Delete “$350,000” and insert “$75,000”

2. Page 2, Line 56: Delete “$350,000” and insert “$75,000”

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

On motion of Senator Mayne, the circle was removed from 1st Sub. H.B. 263, UTAH REGISTRY OF AUTISM AND DEVELOPMENTAL DISABILITIES, and it was before the Senate. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell
Eastman
Hillyard
Knudson
Niederhauser
Stowell
Valentine
Davis
Fife
Jenkins
Madsen
Peterson
Van Tassell
Dayton
Goodfellow
Jones
Mayne
Romero
Waddoups
Dmitrich
Greiner
Killpack
McCoy
Stephenson
Walker

**Absent or not voting were:** Senators
Bramble
Buttars
Christensen
Hickman

1st Sub. H.B. 263 was returned to the House for further consideration.

* * *

On motion of Senator Stephenson, under suspension of the rules, 2nd Sub. H.B. 75, INVENTORY AND REVIEW OF COMMERCIAL ACTIVITIES, 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
Bell
Greiner
Knudson
Peterson
Waddoups
Dayton
Hillyard
Madsen
Stephenson
Walker
Eastman
Jenkins
McCoy
Stowell
Dmitrich
Killpack
Niederhauser
Van Tassell

**Voting in the negative were:** Senators
Davis
Mayne
Dmitrich
Romero
Fife
Jones
Absent or not voting were: Senators
Bramble Buttars Christensen Hickman

2nd Sub. 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.

* * *

On motion of Senator Peterson, under suspension of the rules, H.B. 19, ASSAULT ON A PEACE OFFICER PENALTY AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 23; Nays, 3; Absent, 3.

Voting in the affirmative were: Senators
Bell Buttars Dayton Eastman
Fife Goodfellow Greiner Hillyard
Jenkins Jones Killpack Knudson
Madsen McCoy Niederhauser Peterson
Romero Stephenson Stowell Van Tassell
Waddoups Walker Valentine

Voting in the negative were: Senators
Davis Dmitrich Mayne

Absent or not voting were: Senators
Bramble Christensen Hickman

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.

* * *

3rd Sub. H.B. 131, COMMUNITY BASED SELF SUFFICIENCY GRANTS, was read the second time. Senator McCoy explained the bill.

Senator McCoy proposed the following amendment:

1. Page 1, Line 24:
   Delete “$401,500” and insert “$70,000”

2. Page 6, Line 167:
   Delete “$401,500” and insert “$70,000”
Senator McCoy’s motion to amend passed on a voice vote. Senator Waddoups commented. The bill passed second reading 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

| Dayton | Stephenson |

**Absent or not voting was:** Senator

Hickman

***

**H.B. 93, INSURANCE FRAUD AMENDMENTS,** was read the second time. Senator Waddoups explained the bill. Senator Valentine commented. The bill passed second reading on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

Hickman McCoy

***

On motion of Senator Bramble, the circle was removed from **H.B. 102,** CHILD ABUSE HOMICIDE AMENDMENTS, and it was before the Senate.
On motion of Senator Bramble, under suspension of the rules, **H.B. 102**, CHILD ABUSE HOMICIDE AMENDMENTS, was considered read the second and third times and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

- Hickman
- Peterson

**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.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: February 29, 2008

The House passed, **S.B. 19**, ENHANCED PUBLIC SAFETY RETIREMENT SYSTEMS COLA OPTION, by Senator C. Walker, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

**S.B. 19** was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

***

Mr. President: February 29, 2008

The House substituted, amended, and passed, **5th Sub. S.B. 48**, EQUALIZATION OF SCHOOL CAPITAL OUTLAY FUNDING, by Senator D. Eastman, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

**THIRD READING CALENDAR**

On motion of Senator Waddoups, under suspension of the rules, the Senate voted to lift **H.B. 93** to the top of the Third Reading Calendar.
H.B. 93, INSURANCE FRAUD AMENDMENTS, under suspension of the rules, 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

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**Absent or not voting was:** Senator

Hickman

**H.B. 93** as amended, was returned to the House for further consideration.

***

On motion of Senator Bramble and at 5:15 p.m., the Senate adjourned until 9:00 a.m., Monday, March 3, 2008.
The Senate was called to order at 9:50 a.m., with President John Valentine presiding.

Prayer – Elder James M. Dunn, Second Quorum of Seventy, 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 64)

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 29, 2008

The Speaker of the House has signed 4th Sub. S.B. 15, DRIVING UNDER THE INFLUENCE AMENDMENTS, by Senator C. Walker, and it is transmitted for the signature of the President; and

The House passed, 1st Sub. S.B. 59, WILDLIFE AMENDMENTS, by Senator A. Christensen, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, 1st Sub. S.B. 224, COAL MINE SAFETY ACT, by Senator M. Dmitrich, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

4th Sub. S.B. 15, 1st Sub. S.B. 59, and 1st Sub. S.B. 224 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

Mr. President: February 29, 2008

The House concurred in the Senate amendments and passed H.J.R. 10, JOINT RESOLUTION OPPOSING DESIGNATION OF PUBLIC LANDS CURRENTLY URGED BY CONGRESS AND THE BUREAU OF LAND
MANAGEMENT, by Representative A. Tilton, et al, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

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.

* * *

Mr. President: February 29, 2008

The House passed, as substituted and amended, 2nd Sub. H.B. 146, SCHOOL BUS AMENDMENTS, by Representative C. Johnson, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 156, DNA SAMPLE − FELONY AND CERTAIN MISDEMEANOR CONVICTIONS, by Representative K. Gibson, and it is transmitted for consideration; and

The House passed, as substituted, 1st Sub. H.B. 183, SALES AND USE TAX AMENDMENTS, by Representative W. Harper, and it is transmitted for consideration; and

The House passed, as substituted, 2nd Sub. H.B. 333, SENIOR CITIZEN’S HOMEOWNER’S CREDIT, by Representative G. Froerer, and it is transmitted for consideration; and

The House passed, as substituted and amended, 1st Sub. H.B. 470, AMENDMENTS TO ANIMAL CRUELTY PROVISIONS, by Representative S. Allen, and it is transmitted for consideration; and

The House passed, as amended, H.B. 481, SUBDIVISION APPROVAL AMENDMENTS, by Representative M. Noel, and it is transmitted for consideration.

Mr. President: February 29, 2008

The House substituted and passed, 2nd Sub. S.B. 103, HIGHER EDUCATION ENHANCEMENTS, by Senator D. Stowell, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

INTRODUCTION OF BILLS

S.B. 5, Executive Compensation Revisions (C. Bramble), read the first time by short title and referred to the Rules Committee.

CONSENT CALENDAR

H.B. 401, MASTER PLUMBER LICENSING, was read the third time, explained by Senator Jenkins, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Eastman
Fife Goodfellow Greiner Jenkins
Jones Killpack Knudson Madsen
Mayne McCoy Niederhauser Peterson
Romero Stephenson Stowell Van Tassell
Waddoups Walker Valentine

Absent or not voting were: Senators
Hickman Hillyard

H.B. 401 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 437, FUNERAL SERVICES LICENSING ACT AMENDMENTS, was read the third time, explained by Senator Greiner, and passed on the following roll call:
Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Eastman
Fife  Goodfellow  Greiner  Jenkins
Jones  Killpack  Knudson  Madsen
Mayne  McCoy  Niederhauser  Peterson
Romero  Stephenson  Stowell  Van Tassell
Waddoups  Walker  Valentine

Absent or not voting were: Senators
Hickman  Hillyard

H.B. 437, as amended, was returned to the House for further consideration

* * *

H.B. 167, A VICTIM AMICUS BILL, was read the third time, explained by Senator Knudson, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Eastman
Fife  Goodfellow  Greiner  Hillyard
Jenkins  Jones  Killpack  Knudson
Madsen  Mayne  McCoy  Niederhauser
Peterson  Romero  Stephenson  Stowell
Waddoups  Walker  Valentine

Absent or not voting were: Senators
Hickman  Van Tassell

H.B. 167 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 374. CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT AMENDMENTS, was read the third time, explained by Senator Peterson, and passed on the following roll call:
Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators
Bell      Bramble      Buttars      Christensen
Davis    Dayton       Dmitrich     Eastman
Fife     Goodfellow   Greiner      Hillyard
Jenkins  Jones        Killpack     Knudson
Madsen  Mayne        McCoy       Niederhauser
Peterson Romero      Stephenson  Stowell
Waddoups Walker      Valentine

Absent or not voting were: Senators
Hickman  Van Tassell

H.B. 374 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

CONCURRENCE CALENDAR

5th Sub. S.B. 48, EQUALIZATION OF SCHOOL CAPITAL OUTLAY FUNDING, was before the Senate.

On motion of Senator Eastman the bill was circled.

THIRD READING CALENDAR

H.B. 182, DEADLINE FOR VOTING PRECINCT DESIGNATION, was read the third time, explained by Senator Killpack, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell      Bramble      Buttars      Christensen
Davis    Dayton       Dmitrich     Eastman
Fife     Goodfellow   Greiner      Hickman
Hillyard Jenkins     Jones        Killpack
Knudson  Madsen      Mayne       McCoy
Niederhauser Peterson  Romero      Stephenson
Stowell  Van Tassell Waddoups    Walker

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.
On motion of Senator Hillyard, the Senate voted to recall 1st Sub. H.B. 330, STATE SUPPLEMENTAL FUNDING FOR HEAD START, from the House for the purpose of amendments.

H.B. 121, COUNTY CHARGES FOR SERVICES TO INCARCERATED PERSONS, was read the third time and explained by Senator Bell.

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

1st Sub. H.B. 121 County Charges for Services to Incarcerated Persons (R. Greenwood)

Senator Stephenson commented and the bill passed on the following roll call:

Yeas, 21; Nays, 7; Absent, 1.

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dmitrich Eastman Fife
Greiner Hillyard Jones Killpack
Knudson Mayne McCoy Niederhauser
Romero Stowell Van Tassell Walker
Valentine

Voting in the negative were: Senators
Dayton Goodfellow Jenkins Madsen
Peterson Stephenson Waddoups

Absent or not voting was: Senator Hickman

1st Sub. H.B. 121, as amended, was returned to the House for further consideration.

1st Sub. H.B. 309, ELECTION INFORMATION AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:
Yeas, 29; Nays, 0; Absent, 0.

**Voting in the affirmative were:** Senators

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

**1st Sub. H.B. 309** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

**1st Sub. H.B. 323,** EMINENT DOMAIN AMENDMENTS, was read the third time and explained by Senator Peterson.

Senator Dayton proposed the following amendment:

1. Page 2, Line 47:
   Reinstate language deleted in the House Floor Amendment 2–15–08

   Senator Dayton’s motion to amend failed on a voice vote. Senators Jenkins and McCoy commented and the bill passed on the following roll call:

Yeas, 21; Nays, 5; Absent, 3.

**Voting in the affirmative were:** Senators

Bell  Bramble  Buttars  Christensen
Dmitrich  Eastman  Goodfellow  Greiner
Jenkins  Killpack  Knudson  Madsen
Mayne  Niederhauser  Peterson  Stephenson
Stowell  Van Tassell  Waddoups  Walker
Valentine

**Voting in the negative were:** Senators

Dayton  Fife  Jones  McCoy
Romero

**Absent or not voting were:** Senators

Davis  Hickman  Hillyard
1st Sub. H.B. 323 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, the Senate voted to move to Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Bramble, the Senate voted to lift H.B. 206, TAX AMENDMENTS, to the top of the Second Reading Calendar.

H.B. 206, TAX AMENDMENTS, was read the second time.

On motion of Senator Bramble, the bill was circled.

* * *

On motion of Senator Bramble, the Senate voted to lift H.B. 202 and 1st Sub. H.B. 242 to the top of the Second Reading Calendar.


* * *

On motion of Senator Bramble, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Bramble, the Senate voted to lift 1st Sub. H.B. 133 from the Third Reading Table and place it at the bottom of the Third Reading Calendar.

On motion of Senator Eastman, the Senate voted to move to Concurrence Calendar.

CONCURRENCE CALENDAR

On motion of Senator Eastman, the circle was removed from 5th Sub. S.B. 48, EQUALIZATION OF SCHOOL CAPITAL OUTLAY FUNDING, and it was before the Senate.
On motion of Senator Eastman, the Senate voted to concur in the House amendments to 5th Sub. S.B. 48, EQUALIZATION OF SCHOOL CAPITAL OUTLAY FUNDING. The bill, as amended, passed on the following roll call:

**Yeas, 17; Nays, 9; Absent, 3.**

**Voting in the affirmative were:** Senators

- Bell
- Bramble
- Buttars
- Christensen
- Dayton
- Eastman
- Greiner
- Hickman
- Jenkins
- Knudson
- Madsen
- Niederhauser
- Peterson
- Stephenson
- Stowell
- Van Tassell
- Valentine

**Voting in the negative were:** Senators

- Davis
- Dmitrich
- Fife
- Goodfellow
- Jones
- Mayne
- McCoy
- Romero
- Waddoups

**Absent or not voting were:** Senators

- Hillyard
- Killpack
- Walker

5th Sub. S.B. 48 was returned to the House for the signature of the Speaker.

On motion of Senator Eastman, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

H.J.R. 7, JOINT RESOLUTION RECOGNIZING UNREINFORCED MASONRY BUILDINGS, was read the third time, explained by Senator Fife, and failed on the following roll call:

**Yeas, 11; Nays, 16; Absent, 2.**

**Voting in the affirmative were:** Senators

- Buttars
- Davis
- Dmitrich
- Fife
- Goodfellow
- Jones
- Mayne
- McCoy
- Niederhauser
- Romero
- Van Tassell
- Walker

**Voting in the negative were:** Senators

- Bell
- Bramble
- Christensen
- Dayton
- Eastman
- Greiner
- Hickman
- Jenkins
- Knudson
- Madsen
- McCoy
- Peterson
- Stephenson
- Stowell
- Waddoups
- Valentine
Absent or not voting were: Senators
Hillyard                Killpack

H.J.R. 7 was filed.

* * *

On motion of Senator Bramble, the Senate voted to move to Second Reading Calendar.

SECOND READING CALENDAR


* * *

On motion of Senator Bramble, and at 11:05 a.m., the Senate sauntered.

The Senate was called to order at 11:15 a.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 3, 2008

The House passed H.B. 227, REVOKING FEDERAL AUTHORITY TO USE STATE LANDS AS A BIRD REFUGE, by Representative B. Ferry, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 227 was read the first time and referred to the Rules Committee.

* * *

Mr. President: March 3, 2008

The House concurred in the Senate amendments and passed 2nd Sub. H.B. 29, ELECTION LAW – FINANCIAL REPORTING, by Representative B. Daw, and it is transmitted for the signature of the President; and
The House concurred in the Senate amendments and passed 1st Sub. H.B. 36, CHILD WELFARE AMENDMENTS, by Representative W. Harper, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. H.B. 37, UTAH BUSINESS RESOURCE CENTERS ACT, 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. 86, FUNDING OF INMATE POSTSECONDARY EDUCATION, by Representative J. Draxler, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 93, INSURANCE FRAUD AMENDMENTS, by Representative D. Aagard, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. H.B. 119, CONTROLLED SUBSTANCE DATABASE AMENDMENTS, by Representative B. Daw, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. H.B. 263, UTAH REGISTRY OF AUTISM AND DEVELOPMENTAL DISABILITIES, by Representative E. Hutchings, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. H.B. 371, DIGITAL CERTIFICATES FOR BREATHALIZERS, by Representative C. Herrod, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk


INTRODUCTION OF BILLS

S.B. 3, Current Fiscal Year Supplemental Appropriations Act (L. Hillyard), read the first time by short title and referred to the Rules Committee.

* * *

Senator Walker asked leave of the body to cast an aye vote to 5th Sub. S.B. 48. The final vote is now:
Yeas, 18; Nays, 9; Absent, 2.

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Dayton Eastman Greiner Hickman
Jenkins Knudson Madsen Niederhauser
Peterson Stephenson Stowell Van Tassell
Walker Valentine

Voting in the negative were: Senators
Davis Dmitrich Fife Goodfellow
Jones Mayne McCoy Romero
Waddoups

Absent or not voting were: Senators
Hillyard Killpack

THIRD READING CALENDAR

On motion of Senator Bramble, the circle was removed from H.B. 171, DRIVING PRIVILEGE CARD AMENDMENTS, and it was before the Senate.

Senator Madsen proposed the following amendment:

1. Page 1, Line 24

   24 Identification Database Program; prohibits the Driver License Division from issuing a receipt that serves as a temporary driving privilege card or other temporary permit to an applicant for a driving privilege card;

2. Page 21, Line 644 through Page 22, Line 654:

   644 (4) (a) (i) The division upon determining after an examination that an applicant is mentally and physically qualified to be granted a driving privilege may issue to an applicant a receipt for the fee if the applicant is eligible for a license certificate.

   647 (ii) The receipt serves as a temporary license certificate or temporary driving privilege card allowing the person to drive a motor vehicle while the division is completing its
investigation to determine whether the person is entitled to be
granted a driving privilege.

(b) The receipt shall be in the person’s immediate possession
while driving a motor

vehicle, and it is invalid when the person’s license certificate
(or driving privilege card) has been
issued or when, for good cause, the privilege has been refused.

(c) The division shall indicate on the receipt a date after which it
is not valid as a
license certificate (or driving privilege card).

(d) (i) Except as provided in Subsection (4)(d)(ii), the division
may not issue a receipt that serves as a temporary driving privilege card
or other temporary permit to an applicant for a driving privilege card.

(ii) The division may issue a learner permit issued in accordance
with Section 53−3−210.5 to an applicant for a driving privilege card.

3. Page 22, Line 677 through Page 23, Line 680:

(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.

Senator Madsen’s motion to amend passed on a voice vote. Senator Romero
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
Buttars    Hickman    Killpack

H.B. 171 was returned to the House for further consideration.

***

3rd Sub. H.B. 131, COMMUNITY BASED SELF SUFFICIENCY GRANTS, was read the third time.

On motion of Senator McCoy, the bill was circled.

***

1st Sub. H.B. 133, HEALTH SYSTEM REFORM, was read the third time.

On motion of Senator Killpack, the bill was circled.

SECOND READING CALENDAR

H.B. 202, EMPLOYEE BENEFIT AMENDMENTS, was read the second time. Senator Bramble explained the bill.

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

1st Sub. H.B. 202 Employee Benefit Amendments (J. Dougall)

Senator Valentine commented.

On motion of Senator Bramble, the bill was circled.

***

On motion of Senator Bramble, the circle was removed from H.C.R. 4, CONCURRENT RESOLUTION ENCOURAGING CONGRESSIONAL ACTION TO DESIGNATE A NEW RECIPIENT OF ROYALTIES FROM NAVAO RO A TION LANDS IN UTAH, and it was before the Senate. Senator Bramble explained the bill. Senators Jenkins and Dmitrich commented.

On motion of Senator Bramble, under suspension of the rules, H.C.R. 4, CONCURRENT RESOLUTION ENCOURAGING CONGRESSIONAL ACTION TO DESIGNATE A NEW RECIPIENT OF ROY ALTIES FROM NAVAO RE SERVATION LANDS IN UTAH, was considered read the second and third times and passed on the following roll call:
Yeas, 28; Nays, 0; Absent, 1.

**Voting in the affirmative were:** Senators

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

**Absent or not voting was:** Senator Buttars

**H.C.R. 4** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, the circle was removed from **H.B. 352**, AMENDMENTS RELATED TO MONIES DERIVED FROM NAVAJO NATION RESERVATION LANDS IN UTAH, and it was before the Senate. Senator Bramble explained the bill.

On motion of Senator Bramble, under suspension of the rules, **H.B. 352**, AMENDMENTS RELATED TO MONIES DERIVED FROM NAVAJO NATION RESERVATION LANDS IN UTAH, was considered read the second and third times and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators Buttars Hickman

**H.B. 352** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
COMMUNICATIONS FROM THE HOUSE

Mr. President: March 3, 2008

The House passed, **1st Sub. S.B. 84**, NET METERING PROGRAMS, by Senator K. VanTassell, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 88**, UNIFORM MODEL REGISTERED AGENT ACT, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 239**, OFFICE OF THE ATTORNEY GENERAL – SAFETY NET INITIATIVE, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

**1st Sub. S.B. 84, S.B. 88**, 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 3, 2008

The House substituted and passed, **2nd Sub. S.B. 161**, ADVANCE HEALTH CARE DIRECTIVE AMENDMENTS, by Senator A. Christensen, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 209**, METHAMPHETAMINE DECONTAMINATION STANDARDS AND FUNDING, by Senator D. C. Buttars, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 247**, VETERANS PROCUREMENT PROVISIONS, by Senator F. Fife, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

* * *

Mr. President: March 3, 2008

The House passed, as amended, **H.B. 427**, HUNTER EDUCATION REQUIREMENT EXEMPTION FOR MILITARY PERSONNEL, by Representative B. Winn, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 427** was read the first time and referred to the Rules Committee.
Mr. President: March 3, 2008

The House transmits 1st Sub. H.B. 330, STATE SUPPLEMENTAL FUNDING FOR HEAD START, by Representative L. Shurtliff, for further consideration.

Sandy D. Tenney, Chief Clerk

1st Sub. H.B. 330 was placed at the top of the Third Reading Calendar.

On motion of Senator Bramble, and at 12:00 noon, the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:30 p.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 3, 2008

The House passed, S.B. 277, POST−CONVICTION REMEDIES ACT REVISIONS, by Senator G. Bell, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 277 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. 2, Minimum School Program Budget Amendments (H. Stephenson), read the first time by short title and referred to the Rules Committee.
On motion of Senator Bramble, the Senate voted to lift S.B. 5, EXECUTIVE COMPENSATION REVISIONS, from the Rules Committee and place it at the top of the Second Reading Calendar.

THIRD READING CALENDAR

1st Sub. H.B. 330, STATE SUPPLEMENTAL FUNDING FOR HEAD START, was before the Senate and explained by Senator Bell.

Senator Hillyard proposed the following amendment:

1. Page 1, Line 22

   as an ongoing appropriation subject to future budget constraints, \(-700,000\) $100,000 from the

2. Page 2, Lines 47 through 49

   (c) distributed to agencies at a per child rate based on a statewide average of the federal

   per child rate, resulting in \(-100\) additional children receiving the comprehensive child development services.

Senator Hillyard’s motion to amend passed on a voice vote. The bill 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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Absent or not voting were: Senators
Buttars Christensen Fife Killpack

1st Sub. H.B. 330, as amended, was returned to the House for further consideration.

SECOND READING CALENDAR

On motion of Senator Bell, the circle was removed from 1st Sub. S.B. 299, REVISION TO LOCAL GOVERNMENT, and it was before the Senate. Senator Bell explained the bill.

Senator Bramble proposed the following amendment:

1. Page 1, Lines 19 through 19a
   Senate 2nd Reading Amendments
   2−29−2008

   19   enacts provisions authorizing counties and municipalities to enact an ordinance

   19a   enact an ordinance

2. Page 1, Lines 21 through 21b
   Senate 2nd Reading Amendments
   2−29−2008:

   21 unmarried employee’s financially dependent or interdependent adult designee; enact an ordinance making hospital and health care facility visitation rights or

   21a   enact an ordinance making hospital and health care facility visitation rights or

   21b privileges available to certain individuals; }

3. Page 2, Line 43
   Senate 2nd Reading Amendments
   2−29−2008:

   43 (1) A municipality may, by ordinance enacted by the municipal legislative body.

4. Page 2, Lines 45 through 45e
   Senate 2nd Reading Amendments
   2−29−2008:
employee’s financially dependent or interdependent adult designee.

\(\text{(b)}\) A municipality may, by ordinance enacted by the municipal legislative body, make hospital and health care facility visitation rights or privileges available:

\(\text{(i)}\) to all individuals participating in a registry created under this section; and

\(\text{(ii)}\) to the same extent that those rights or privileges are available to other individuals in other adult relationships.

A county may, by ordinance enacted by the county legislative body, make hospital and health care facility visitation rights or privileges available:

\(\text{(i)}\) to all individuals participating in a registry created under this section; and

\(\text{(ii)}\) to the same extent that those rights or privileges are available to other individuals in other adult relationships.

Senator Bramble’s motion to amend passed on a voice vote. Senators McCoy, Buttars, and Romero commented.

On motion of Senator Bell, under suspension of the rules, **1st Sub. S.B. 299. REVISION TO LOCAL GOVERNMENT**, was considered read the second and third times. The bill passed on the following roll call:
Yeas, 21; Nays, 7; Absent, 1.

**Voting in the affirmative were:** Senators
Bell  Bramble  Buttars  Christensen
Dayton  Eastman  Greiner  Hillyard
Jenkins  Jones  Killpack  Knudson
Madsen  Niederhauser  Peterson  Stephenson
Stowell  Van Tassell  Waddoups  Walker
Valentine

**Voting in the negative were:** Senators
Davis  Dmitrich  Fife  Goodfellow
Mayne  McCoy  Romero

**Absent or not voting was:** Senator
Hickman

1st Sub. S.B. 299 was transmitted to the House.

***

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

**INTENT LANGUAGE FOR 1ST SUB. S.B. 299**

It is the intent of the Legislature that the enactment of 1st Sub. S.B. 299, Revision to Local Government, not disturb any hospital visitation rights provided by a municipal registry.

***

On motion of Senator Bramble, under suspension of the rules, S.B. 5, EXECUTIVE COMPENSATION REVISIONS, was considered read the second and third times. Senator Bramble explained the bill. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell  Bramble  Buttars  Davis
Dayton  Dmitrich  Fife  Goodfellow
Greiner  Hillyard  Jenkins  Jones
Killpack  Knudson  Madsen  Mayne
S.B. 5 was transmitted to the House.

* * *

On motion of Senator Killpack, the circle was removed from S.B. 286, TRANSPORTATION AND TRANSIT AMENDMENTS, and it was before the Senate. Senator Killpack explained the bill.

Senator Killpack proposed the following amendment:

1. Page 1, Lines 14 through 16:

   14 This bill:

   15 provides that a public transit district is not required to

   16 county of the first class's land use ordinances when

   constructing:

2. Page 1, Line 20:

   20 across two or more counties:

   21 repeal the provisions providing that a public transit

   district is not required to
conform to certain municipal or county land use ordinances when constructing certain public transit facilities on July 1, 2013; and

4. Page 2, Lines 50 through 56:

(2) (a) Notwithstanding Subsection (1), a public transit district under Title 17B, Chapter 2a, Part 8, Public Transit District Act, is not required to conform to any applicable land use ordinance of a municipality located within the boundaries of a county of the first class when constructing a:

(i) rail fixed guideway public transit facility that extends across two or more counties;

or

(ii) structure that serves a rail fixed guideway public transit facility that extends across two or more counties, including:

(A) platforms;
(B) passenger terminals or stations;
(C) park and ride facilities;
(D) maintenance facilities;
(E) all related utility lines, roadways, and other facilities serving the public transit facility; or
(F) other auxiliary facilities.

(b) The exemption from municipal land use ordinances under this Subsection (2) does not extend to any property not necessary for the construction or operation of a rail fixed guideway public transit facility.

(c) A municipality located within the boundaries of a county of the first class may not, through an agreement under Title 11, Chapter 3, Interlocal Cooperation Act, require a public transit district under Title 17B, Chapter 2a, Part 8, Public Transit District Act, to obtain approval from the municipality prior to constructing a:

(i) rail fixed guideway public transit facility that extends across two or more counties; or

(ii) structure that serves a rail fixed guideway public transit facility that extends across two or more counties, including:

(A) platforms;
(B) passenger terminals or stations;
(C) park and ride facilities;
(D) maintenance facilities;
(E) all related utility lines, roadways, and other facilities serving
the public transit facility; or
(F) other auxiliary facilities.

5. Page 6, Lines 163 through 169:

163 (2) (a) Notwithstanding Subsection (1), a public transit
district under Title 17B, Chapter 2a, Part 8, Public Transit District Act, is not required to conform to
any applicable land use
ordinance of a county of the first class when constructing a:

{ (a) } (i) rail fixed guideway public transit facility
that extends across two or more counties;
{ (b) } (ii) structure that serves a rail fixed guideway
public transit facility that extends across
two or more counties, including:
(A) platforms;
(B) passenger terminals or stations;
(C) park and ride facilities;
(D) maintenance facilities;
(E) all related utility lines, roadways, and other facilities serving
the public transit facility; or
(F) other auxiliary facilities.

(b) The exemption from county land use ordinances under this
Subsection (2) does not extend to any property not necessary for the
construction or operation of a rail fixed guideway public transit facility.

(c) A county of the first class may not, through an agreement under
Title 11, Chapter 3, Interlocal Cooperation Act, require a public transit
district under Title 17B, Chapter 2a, Part 8, Public Transit District Act, to
obtain approval from the county prior to constructing a:

{ (i) } (i) rail fixed guideway public transit facility that extends across
two or more counties; or
(ii) structure that serves a rail fixed guideway public transit facility
that extends across two or more counties, including:
(A) platforms;
(B) passenger terminals or stations;
(C) park and ride facilities;
(D) maintenance facilities;
(E) all related utility lines, roadways, and other facilities serving
the public transit facility; or
(F) other auxiliary facilities.

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

On motion of Senator Killpack, under suspension of the rules, S.B. 286, TRANSPORTATION AND TRANSIT AMENDMENTS, was considered read the second and third times. The bill passed on the following roll call:

**Yeas, 21; Nays, 3; Absent, 5.**

**Voting in the affirmative were:** Senators
Bell Bramble Buttars Davis
Dmitrich Fife Goodfellow Greiner
Hillyard Jones Killpack Knudson
Madsen Mayne McCoy Niederhauser
Peterson Romero Waddoups Walker
Valentine

**Voting in the negative were:** Senators
Jenkins Stephenson Stowell

**Absent or not voting were:** Senators
Christensen Dayton Eastman Hickman
Van Tassell

S.B. 286 was transmitted to the House.

***

On motion of Senator Bramble, the circle was removed from 1st Sub. H.B. 202, EMPLOYEE BENEFIT AMENDMENTS, and it was before the Senate.

On motion of Senator Bramble, the bill was circled.

***

1st Sub. H.B. 242, TRANSPORTATION FUNDING REVISIONS, was read the second time. Senator Waddoups explained the bill.
Senator Waddoups proposed the following amendment:

1. Page 3, Lines 66 through 71
   House Floor Amendments
   2–27–2008

   66 interchange, and highway improvements;
   67 (ii) \{-3,000,000\} $2,000,000 to West Valley City for 7200 West;
   68 (iii) $4,000,000 to West Jordan City for 7800 South and Airport Road intersection and
   69 highway improvements;
   70 (iv) \{-6,500,000\} $6,250,000 to Sandy City for 1300 East, 9000 South to 11400 South, and State Street to Interstate 15;

2. Page 3, Lines 78 through 81
   House Floor Amendments
   2–27–2008:

   78 (viii) $1,000,000 to Murray City for highway and intersection improvements for 6400 South and Cottonwood Street;
   79 (ix) $1,000,000 to Cottonwood Heights for Fort Union Boulevard between 1300 East and Highland Drive;
   80 (x) $1,000,000 to Midvale City for State Street between 7200 South and 9000 South; and
   81 (xi) $250,000 to Salt Lake County for 2300 East.

Senator Waddoups’ motion to amend passed on a voice vote. Senators Jones and Hillyard commented.

On motion of Senator Waddoups, under suspension of the rules, 1st Sub. H.B. 242, TRANSPORTATION FUNDING REVISIONS, was considered read the second and third times and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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Jenkins  Jones  Killpack  Knudson  
Madsen  Mayne  Niederhauser  Peterson  
Romero  Stephenson  Stowell  Waddoups  
Walker  Valentine  

Voting in the negative was: Senator Goodfellow

Absent or not voting were: Senators

Christensen  Eastman  Hickman  Hillyard  
McCoy  Van Tassell

1st Sub. H.B. 242, as amended, was returned to the House for further consideration.

SECOND READING CALENDAR

On motion of Senator Bramble, under suspension of the rules, 2nd Sub. H.B. 319, REVIEW AND APPROVAL OF GRANTS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell  Bramble  Butters  Davis  
Dayton  Dmitrich  Goodfellow  Greiner  
Hillyard  Jenkins  Jones  Killpack  
Knudson  Madsen  Mayne  Niederhauser  
Peterson  Romero  Stephenson  Stowell  
Waddoups  Walker  Valentine

Absent or not voting were: Senators

Christensen  Eastman  Fife  Hickman  
McCoy  Van Tassell

2nd Sub. H.B. 319 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. 339, HUMAN TRAFFICKING AMENDMENTS, and it was before the Senate.

Senator Romero proposed the following amendment:
1. Page 3, Line 71

71 purpose is a [second degree felony] class A misdemeanor, except under Section 76−5−310.

2. Page 4, Lines 115 through 115g

Senate Committee Amendments
2−27−2008:

115 this section.]

115a [Section 5. Coordinating H.B. 339 with S.B. 81 — Modifying substantive language.

115b If this H.B. 339 and S.B. 81, Illegal Immigration, both pass, it is the intent of the Legislature

115c that the Office of Legislative Research and General Counsel, in preparing the Utah Code

115d database for publication, modify Subsection 76−10−2701(3) as enacted by S.B. 81 to read as

115e follows:

115f (3)(a) A person who violates Subsection (2)(a) is guilty of a third degree felony.

115g (b) A person who violates Subsection (2)(b) is guilty of a class A misdemeanor.]


If this H.B. 339 and S.B. 81, Illegal Immigration, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, modify Subsection 76−5−309(2), as enacted by this H.B. 339, to read as follows:

(2) Human smuggling of one or more human beings for profit or for a commercial purpose is a class A misdemeanor, except under Section 76−5−310.

Senator Romero’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
Bell  Bramble  Buttars  Davis
Dayton  Dmitrich  Fife  Goodfellow
Greiner  Hillyard  Jenkins  Jones
Killpack  Knudson  Madsen  Mayne
McCoy  Niederhauser  Peterson  Romero
Stephenson  Stowell  Waddoups  Walker
Valentine

Absent or not voting were: Senators
Christensen  Eastman  Hickman  Van Tassell

* * *

On motion of Senator Killpack, the circle was removed from 2nd Sub. H.B. 346, DIVISION OF REAL ESTATE RELATED AMENDMENTS, and it was before the Senate. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Davis
Dayton  Dmitrich  Fife  Goodfellow
Greiner  Hillyard  Jenkins  Jones
Killpack  Knudson  Madsen  Mayne
McCoy  Niederhauser  Peterson  Romero
Stephenson  Stowell  Waddoups  Walker
Valentine

Absent or not voting were: Senators
Christensen  Eastman  Hickman  Van Tassell

* * *

H.B. 290, MUNICIPAL OVERSIGHT OF RENTAL DWELLINGS, was read the second time. Senator Waddoups explained the bill. Senators Greiner, Dayton, and McCoy commented. The bill passed second reading on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators
Bell  Buttars  Davis  Dmitrich
Fife  Goodfellow  Greiner  Hillyard
Voting in the negative was: Senator Dayton

Absent or not voting were: Senators
Bramble Christensen Eastman Hickman

COMMUNICATIONS FROM THE HOUSE

Mr. President: February 27, 2008


On motion of Senator Niederhauser, the Senate voted to adopt the conference committee report to 3rd Sub. H.B. 54, PROPERTY TAX ASSESSMENT REVISIONS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Davis
Dayton Dmitrich Fife Goodfellow
Greiner Hickman Hillyard Jenkins
Jones Killpack Knudson Madsen
Mayne McCoy Niederhauser Peterson
Romero Stephenson Stowell Van Tassell
Waddoups Walker Valentine

Absent or not voting were: Senators
Christensen Eastman

3rd Sub. H.B. 54 was returned to the House for further consideration.
SECOND READING CALENDAR

On motion of Senator Bramble, the circle was removed from 1st Sub. H.B. 202, EMPLOYEE BENEFIT AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill. Senator Davis commented.

On motion of Senator Bramble, under suspension of the rules, 1st Sub. H.B. 202, EMPLOYEE BENEFIT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 22; Nays, 4; Absent, 3.

Voting in the affirmative were: Senators

Bell  Bramble  Buttars  Davis
Dayton  Dmitrich  Eastman  Fife
Greiner  Hickman  Hillyard  Jenkins
Jones  Killpack  Knudson  Madsen
Niederhauser  Stephenson  Stowell  Van Tassell
Walker  Valentine

Voting in the negative were: Senators

Goodfellow  Mayne  McCoy  Romero

Absent or not voting were: Senators

Christensen  Peterson  Waddoups

1st Sub. H.B. 202 was returned to the House for further consideration.

***

On motion of Senator Hillyard, the Senate voted to lift S.B. 3, CURRENT FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS ACT, from Rules and place it at the top of the Second Reading Calendar.

S.B. 3, CURRENT FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS ACT, was read the second time.

On motion of Senator Hillyard, the bill was circled.

***

H.B. 365, AVIATION AMENDMENTS, was read the second time. Senator Niederhauser explained the bill. Senators Hillyard and Greiner commented. The bill passed second reading on the following roll call:
Yeas, 19; Nays, 6; Absent, 4.

Voting in the affirmative were: Senators
Bell Bramble Buttars Dayton
Dmitrich Eastman Goodfellow Greiner
Jenkins Knudson Madsen Niederhauser
Peterson Stephenson Stowell Van Tassell
Waddoups Walker Valentine

Voting in the negative were: Senators
Fife Hillyard Jones Mayne
McCoy Romero

Absent or not voting were: Senators
Christensen Davis Hickman Killpack

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 3, 2008
The House passed, S.B. 200, PROFESSIONAL ENGINEERS LICENSING AMENDMENTS, by Senator F. Fife, 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 5th Sub. S.B. 48, EQUALIZATION OF SCHOOL CAPITAL OUTLAY FUNDING, by Senator D. Eastman, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 200 and 5th 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: March 3, 2008
The House passed, as amended, H.B. 473, FIREARMS AMENDMENTS, by Representative C. Oda, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 473 was read the first time and referred to the Rules Committee.

***

Mr. President: March 3, 2008
The House passed, as amended, 1st Sub. S.B. 72, JUSTICE COURT AMENDMENTS, by Senator L. Hillyard, and it is transmitted for further consideration; and
The House passed, as amended, 2nd Sub. S.B. 134, MORTGAGE FRAUD ACT, by Senator S. Killpack, and it is transmitted for further consideration; and

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

SECOND READING CALENDAR

On motion of Senator Hillyard, under suspension of the rules, H.B. 186, PROPERTY TAX − COUNTY ASSESSMENT AND COLLECTION AMENDMENTS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Dayton
Dmitrich  Eastman  Fife  Goodfellow
Greiner  Hillyard  Jenkins  Jones
Knudson  Madsen  Mayne  McCoy
Niederhauser  Peterson  Romero  Stephenson
Stowell  Van Tassell  Waddoups  Walker
Valentine

Absent or not voting were: Senators
Christensen  Davis  Hickman  Killpack

H.B. 186 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Hillyard, under suspension of the rules, the Senate voted to lift 1st Sub. H.B. 104, URBAN TRAILS APPROPRIATION, from Rules and placed it at the top of the Second Reading Calendar.

1st Sub. H.B. 104, URBAN TRAILS APPROPRIATION, was read the second time. Senator Waddoups explained the bill.

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

3rd Sub. H.B. 104 Urban Trails Appropriation (K. Holdaway)
On motion of Senator Waddoups, under suspension of the rules, **3rd Sub. H.B. 104**, URBAN TRAILS APPROPRIATION, was considered read the second and third times and passed on the following roll call:

**Yeas, 22; Nays, 4; Absent, 3.**

**Voting in the affirmative were:** Senators  
Bell  
Bramble  
Buttars  
Christensen  
Davis  
Dmitrich  
Eastman  
Fife  
Goodfellow  
Greiner  
Hillyard  
Jenkins  
Jones  
Killpack  
Knudson  
Mayne  
McCoy  
Niederhauser  
Romero  
Stephenson  
Van Tassell  
Waddoups

**Voting in the negative were:** Senators  
Dayton  
Madsen  
Peterson  
Stowell

**Absent or not voting were:** Senators  
Hickman  
Walker  
Valentine

**3rd Sub. H.B. 104**, as amended, was returned to the House for further consideration.

***

**1st Sub. H.B. 80**, ADMINISTRATIVE RULE PENALTY AMENDMENTS, was read the second time. Senator Stephenson explained the bill.

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

**2nd Sub. H.B. 80 Administrative Rule Penalty Amendments** (B. Ferry)

On motion of Senator Stephenson, under suspension of the rules, **2nd Sub. H.B. 80**, ADMINISTRATIVE RULE PENALTY AMENDMENTS, was considered read the second and third times and passed on the following roll call:

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

**Voting in the affirmative were:** Senators  
Bell  
Bramble  
Christensen  
Davis  
Dayton  
Dmitrich  
Eastman  
Fife  
Goodfellow  
Greiner  
Hillyard  
Jenkins  
Jones  
Killpack  
Knudson  
Madsen
Absent or not voting were: Senators
Buttars Hickman Walker Valentine

2nd Sub. H.B. 80 was returned to the House for further consideration.

* * *

On motion of Senator Waddoups, under suspension of the rules, 1st Sub. H.B. 316, SUBSTANCE ABUSE TREATMENT FOR PREGNANT WOMEN AND PREGNANT MINORS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Christensen Davis
Dayton Dmitrich Eastman Fife
Goodfellow Greiner Hillyard Jenkins
Jones Killpack Knudson Mayne
McCoy Niederhauser Peterson Romero
Stephenson Stowell Van Tassell Waddoups Walker

Absent or not voting were: Senators
Buttars Hickman Madsen Valentine

1st Sub. H.B. 316 was signed by the President and returned to the House.

* * *

1st Sub. H.B. 332, USE OF PUBLIC SCHOOLS BY COMMUNITY ORGANIZATIONS, was read the second time. Senator Stephenson explained the bill.

Senator Stephenson proposed the following amendment:

1. Page 1, Line 16

   16 { MODIFYS THE EXEMPTION FOR CHARTER SCHOOLS;

2. Page 2, Line 31:
Section 1. Section 53A-1a-511 is amended to read:

53A-1a-511. Waivers from state board rules — Application of statutes and rules to charter schools.

(1) A charter school shall operate in accordance with its charter and is subject to Title 53A, State System of Public Education, and other state laws applicable to public schools, except as otherwise provided in this part.

(2) (a) A charter school or any other public school or school district may apply to the State Board of Education for a waiver of any state board rule that inhibits or hinders the school or the school district from accomplishing its mission or educational goals set out in its strategic plan or charter.

(b) The state board may grant the waiver, unless:

(i) the waiver would cause the school district or the school to be in violation of state or federal law; or

(ii) the waiver would threaten the health, safety, or welfare of students in the district or at the school.

(c) If the State Board of Education denies the waiver, the reason for the denial shall be provided in writing to the waiver applicant.

(3) (a) Except as provided in Subsection (3)(b), State Board of Education rules governing the following do not apply to a charter school:
Day 43926 SENATE JOURNAL

55 (i) school libraries;
56 (ii) required school administrative and supervisory services;
and
57 (iii) required expenditures for instructional supplies.
58 (b) A charter school shall comply with rules implementing statutes that prescribe how
59 state appropriations may be spent.
60 (4) The following provisions of Title 53A, State System of Public Education, and rules
61 adopted under those provisions, do not apply to a charter school:
62 (a) Sections 53A−1a−108 and 53A−1a−108.5, requiring the establishment of a school
63 community council and school improvement plan;
64 [(b) Sections 53A−3−413 and 53A−3−414, pertaining to the use of school buildings as
65 civic centers;]
66 [(c)] [(b) Section 53A−3−420, requiring the use of activity disclosure statements;
67 [(d)] [(c)] Section 53A−12−207, requiring notification of intent to dispose of textbooks;
68 [(e)] [(d)] Section 53A−13−107, requiring annual presentations on adoption;
69 [(f)] [(e)] Chapter 19, Part 1, Fiscal Procedures, pertaining to fiscal procedures of school
70 districts and local school boards; and
71 [(g)] [(f) Section 53A−14−107, requiring an independent evaluation of instructional
72 materials.
73 (5) For the purposes of Title 63, Chapter 56, Utah Procurement Code, a charter school
74 shall be considered a local public procurement unit.
75 (6) Each charter school shall be subject to:
76 (a) Title 52, Chapter 4, Open and Public Meetings Act; and
77 (b) Title 63, Chapter 2, Government Records Access and Management Act.

78 (7) (a) The State Charter School Board shall, in concert with the charter schools, study
existing state law and administrative rules for the purpose of determining from which laws and
rules charter schools should be exempt.
81 (b) (i) The State Charter School Board shall present recommendations for exemption to
the State Board of Education for consideration.
83 (ii) The State Board of Education shall consider the recommendations of the State
Charter School Board and respond within 60 days:
85 (8) Sections 53A−3−413 and 53A−3−414, pertaining to the use of school buildings and
grounds as civic centers, and rules adopted under those provisions, do not apply to a charter
school that leases its buildings and grounds.

Section 3. Section 53A−3−413 is amended to read:

3. Page 4, Line 98
Senate Committee Amendments
2−25−2008:

98 Section 3. Section 53A−3−414 is amended to read:

Senator Stephenson’s motion to amend passed on a voice vote. Senators Romero, McCoy, Jones, Madsen, Mayne, Greiner, and Fife commented. Senator Killpack declared a conflict of interest. The bill passed second reading on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Dayton Eastman Goodfellow Hickman
Jenkins  Killpack  Knudson  Madsen
Mayne  Niederhauser  Peterson  Stephenson
Stowell  Van Tassell  Waddoups  Walker
Valentine

Voting in the negative were: Senators
Davis  Dmitrich  Fife  Greiner
Hillyard  Jones  McCoy  Romero

* * *

On motion of Senator Hillyard, the Senate voted to lift H.B. 410, RESTRICTED ACCOUNTS AMENDMENTS, from Rules and place it at the top of the Second Reading Calendar.

* * *

On motion of Senator Bramble and at 5:00 p.m., the Senate adjourned until 8:00 a.m., Tuesday, March 4, 2008.
The Senate was called to order at 8:55 a.m., with President John Valentine presiding.

Prayer – Former Senator Tom Hatch
Pledge of Allegiance – Senator Pat Jones
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 64)

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 3, 2008

The House concurred in the Senate amendments and passed 1st Sub. H.B. 242, TRANSPORTATION FUNDING REVISIONS, 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. 330, STATE SUPPLEMENTAL FUNDING FOR HEAD START, by Representative L. Shurtliff, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. H.B. 242 and 1st Sub. H.B. 330 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 3, 2008

The House passed, as amended, H.B. 4, STATE AGENCY AND HIGHER EDUCATION COMPENSATION AMENDMENTS, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed H.B. 5, REVENUE BOND, CAPITAL FACILITY, AND PROPERTY ACQUISITION AUTHORIZATIONS, by Representative K. Garn, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 4 and H.B. 5 were read the first time and referred to the Rules Committee.
Mr. President: March 3, 2008

The House passed, as amended, 1st Sub. S.B. 81, ILLEGAL IMMIGRATION, by Senator J. Hickman, and it is transmitted for further consideration; and

The House substituted and passed, 1st Sub. S.B. 208, TRANSPORTATION CORRIDOR PRESERVATION AMENDMENTS, by Senator S. Killpack, and it is transmitted for further consideration; and

The House substituted, amended, and passed, 1st Sub. S.B. 220, CAUSE OF ACTION FOR DEFECTIVE CONSTRUCTION, by Senator C. Bramble, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

INTRODUCTION OF BILLS

S.B. 281, Use of Minimum School Program Nonlapsing Balances (H. Stephenson), read the first time by short title and referred to the Rules Committee.

CONCURRENCE CALENDAR

On motion of Senator Stowell, the Senate voted to concur in the House amendments to 2nd Sub. S.B. 103, HIGHER EDUCATION ENHANCEMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

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2nd Sub. S.B. 103 was returned to the House for the signature of the Speaker.
On motion of Senator Christensen, the Senate voted to concur in the House amendments to 2nd Sub. S.B. 161, ADVANCE HEALTH CARE DIRECTIVE AMENDMENTS. The bill, as amended, passed on the following roll call:

**Y** eas, 28; **N** ays, 0; **A** bsent, 1.

**Voting in the affirmative were:** Senators

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**Absent or not voting was:** Senator

Hickman

2nd Sub. S.B. 161 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Buttars, the Senate voted to concur in the House amendments to S.B. 209, METHAMPHETAMINE DECONTAMINATION STANDARDS AND FUNDING. The bill, as amended, passed on the following roll call:

**Y** eas, 28; **N** ays, 0; **A** bsent, 1.

**Voting in the affirmative were:** Senators

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**Absent or not voting was:** Senator

Hickman

S.B. 209 was returned to the House for the signature of the Speaker.
On motion of Senator Fife, the Senate voted to concur in the House amendments to S.B. 247, VETERANS PROCUREMENT PROVISIONS. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell
Bramble
Buttars
Christensen
Davis
Dayton
Dmitrich
Eastman
Fife
Goodfellow
Greiner
Hickman
Hillyard
Jenkins
Jones
Killpack
Knudson
Madsen
Mayne
McCoy
Niederhauser
Peterson
Romero
Stephenson
Stowell
Van Tassell
Waddoups
Walker
Valentine

S.B. 247 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Buttars, the Senate voted to concur in the House amendments to 2nd Sub. S.B. 105, JUDICIAL PERFORMANCE EVALUATION COMMISSION. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell
Bramble
Buttars
Christensen
Davis
Dayton
Dmitrich
Eastman
Fife
Goodfellow
Greiner
Hickman
Hillyard
Jenkins
Jones
Killpack
Knudson
Madsen
Mayne
McCoy
Niederhauser
Peterson
Romero
Stephenson
Stowell
Van Tassell
Waddoups
Walker
Valentine

**Absent or not voting was:** Senator
Van Tassell

2nd Sub. S.B. 105 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 1st Sub. S.B. 72, JUSTICE COURT AMENDMENTS. The bill, as amended, passed on the following roll call:
Day 44  Tuesday, March 4, 2008

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

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

1st Sub. S.B. 72 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Killpack, the Senate voted to concur in the House amendments to 2nd Sub. S.B. 134, MORTGAGE FRAUD ACT. The bill, as amended, passed on the following roll call:

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

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

2nd Sub. S.B. 134 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Hickman, the Senate voted to concur in the House amendments to 1st Sub. S.B. 81, ILLEGAL IMMIGRATION. Senator Davis commented. The bill, as amended, passed on the following roll call:

Yeas, 24; Nays, 4; Absent, 1.

Voting in the affirmative were: Senators
Bell  Bramble  Christensen  Dayton
Dmitrich  Eastman  Goodfellow  Greiner
Voting in the negative were: Senators
Davis Fife McCoy Romero

Absent or not voting was: Senator Buttars

1st Sub. S.B. 81 was returned to the House for the signature of the Speaker.
On motion of Senator Hillyard, a 24–hour hold was placed on the bill.

* * *

1st. Sub. S.B. 208, TRANSPORTATION CORRIDOR PRESERVATION AMENDMENTS, was before the Senate.
On motion of Senator Bramble, the bill was circled.

* * *

1st Sub. S.B. 220, CAUSE OF ACTION FOR DEFECTIVE CONSTRUCTION, was before the Senate and explained by Senator Bramble. Senator Waddoups commented.
On motion of Senator Bramble, the bill was circled.

* * *

On motion of Senator Killpack, the circle was removed from 1st Sub. S.B. 208, TRANSPORTATION CORRIDOR PRESERVATION AMENDMENTS, and it was before the Senate.
On motion of Senator Killpack, the Senate voted to concur in the House amendments to 1st Sub. S.B. 208, TRANSPORTATION CORRIDOR PRESERVATION AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Eastman
Absent or not voting were: Senators
Fife Hickman Hillyard

1st Sub. S.B. 208 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

H.B. 339, HUMAN TRAFFICKING AMENDMENTS, was read the third time.

On motion of Senator Jenkins, the bill was circled.

***

On motion of Senator Jenkins, the Senate voted to reconsider its action on H.J.R. 7.

H.J.R. 7, JOINT RESOLUTION RECOGNIZING UNREINFORCED MASONRY BUILDINGS, was before the Senate.

On motion of Senator Jenkins, the bill was circled.

***

2nd Sub. H.B. 346, DIVISION OF REAL ESTATE RELATED AMENDMENTS, was read the third time, explained by Senator Killpack, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Buttars Christensen Dayton
Dmitrich Eastman Fife Goodfellow
Greiner Hillyard Jenkins Jones
Killpack Knudson Mayne McCoy
Niederhauser Peterson Romero Stephenson
Stowell Van Tassell Walker Valentine
Absent or not voting were: Senators
Bramble          Davis          Hickman          Madsen
Waddoups

2nd Sub. H.B. 346 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 1st Sub. H.B. 106 from the Third Reading Table and place it at the bottom of the Third Reading Calendar.

On motion of Senator Hillyard, the Senate voted to lift 2nd Sub. H.B. 146, H.B. 258, and H.B. 459 from Rules and place them at the top of the Second Reading Calendar.

* * *

H.B. 290, MUNICIPAL OVERSIGHT OF RENTAL DWELLINGS, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell          Buttars          Christensen          Davis
Dmitrich      Fife            Goodfellow          Greiner
Hickman       Hillyard        Jenkins            Jones
Killpack      Knudson         Mayne              McCoy
Niederhauser  Peterson        Romero            Stephenson
Stowell       Van Tassell      Waddoups          Valentine

Voting in the negative were: Senators
Dayton        Walker

Absent or not voting were: Senators
Bramble          Eastman          Madsen

H.B. 290 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

Senators Waddoups and Valentine declared conflicts of interest.

* * *

H.B. 365, AVIATION AMENDMENTS, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:
Yeas, 26; Nays, 3; Absent, 0.

Voting in the affirmative were: Senators

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Voting in the negative were: Senators

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H.B. 365 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, the Senate voted to move to Concurrence Calendar.

CONCURRENCE CALENDAR

On motion of Senator Bramble, the circle was removed from 1st Sub. S.B. 220, CAUSE OF ACTION FOR DEFECTIVE CONSTRUCTION, and it was before the Senate.

On motion of Senator Bramble, the Senate voted to concur in the House amendments to 1st Sub. S.B. 220, CAUSE OF ACTION FOR DEFECTIVE CONSTRUCTION. Senator Waddoups commented. The bill, as amended, 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 Waddoups

Absent or not voting was: Senator Walker

1st Sub. S.B. 220 was returned to the House for the signature of the Speaker.

THIRD READING CALENDAR

1st Sub. H.B. 332, USE OF PUBLIC SCHOOLS BY COMMUNITY ORGANIZATIONS, was read the third time, explained by Senator Stephenson, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Dayton Eastman Hickman Hillyard
Jenkins Killpack Knudson Madsen
Niederhauser Peterson Stephenson Stowell
Waddoups Walker Valentine

Voting in the negative were: Senators
Davis Dmitrich Fife Goodfellow
Greiner Jones Mayne McCoy
Romero Van Tassell

1st Sub. H.B. 332, as amended, was returned to the House for further consideration.

* * *

1st Sub. H.B. 106, CLEAN AIR AND EFFICIENT VEHICLE TAX INCENTIVES, was read the third time, explained by Senator Bell, and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Christensen Davis
Dmitrich Eastman Fife Goodfellow
Greiner Jenkins Jones Killpack
Knudson McCoy Niederhauser Peterson
Romero Stephenson Stowell Van Tassell
Waddoups Walker Valentine
Voting in the negative were: Senators
Dayton Mayne

Absent or not voting were: Senators
Buttars Hickman Hillyard Madsen

1st Sub. H.B. 106, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Jenkins, the circle was removed from H.J.R. 7, JOINT RESOLUTION RECOGNIZING UNREINFORCED MASONRY BUILDINGS, and it was before the Senate.

Senator Fife proposed the following amendment:

1. Page 1, Lines 11 through 16

11 inventory public unreinforced masonry buildings in Utah and recommend how to address the
12 problem.
13 Highlighted Provisions:
14 This resolution:
15 urges the Utah Seismic Safety Commission to compile an inventory of public unreinforced
16 masonry buildings in the state;

2. Page 2, Lines 28 through 29:

28 WHEREAS, much of the existing public building stock within the state was constructed under
29 codes and standards that did not recognize this hazard;

3. Page 2, Lines 38 through 39:

38 WHEREAS, there is a large, but not quantified, inventory of public unreinforced masonry
39 buildings in seismically active areas in the state; {—and—}

4. Page 2, Lines 40 through 41:
WHEREAS, recognizing and anticipating future catastrophic events, and preparing to recover from them is in the best interests of the citizens and the state; and

WHEREAS, it is not intended that the state, a school district, a charter school, or their officers or employees would be liable for any injury or damage resulting from the exercise or performance of, or the failure to exercise or perform, an action related to a recommended priority made by the Utah Seismic Safety Commission under this resolution:

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

###

Senator Jenkins proposed the following amendment:

1. Page 2, Line 49:

Senator Jenkins’ motion to amend passed on a voice vote. Senator McCoy and Christensen commented. The bill passed on the following roll call vote:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Hillyard, Madsen

**H.J.R. 7, as amended, was returned to the House for further consideration.**

***

On motion of Senator Jenkins, the circle was removed from 1st Sub. H.B. 133, HEALTH SYSTEM REFORM, and it was before the Senate.
On motion of Senator Killpack, the following substitute bill replaced the original bill:

**2nd Sub. H.B. 133 Health System Reform (D. Clark)**

The bill passed on the following roll call vote:

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

Voting in the affirmative were: Senators

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Absent or not voting were: Senators

| Christensen | Hickman | Madsen |

**2nd Sub. H.B. 133**, as amended, was returned to the House for further consideration.

**SECOND READING CALENDAR**

On motion of Senator Dmitrich, under suspension of the rules, **2nd Sub. H.B. 146, SCHOOL BUS AMENDMENTS**, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

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Absent or not voting was: Senator

Christensen
2nd Sub. H.B. 146 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, under suspension of the rules, H.B. 258, MEDICAID DRUG UTILIZATION AMENDMENTS, was considered read the second and third times. Senators Walker, Knudson, Buttars, and Mayne 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. 258 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, under suspension of the rules, H.B. 459, CONSTRUCTION TRADES EXEMPTION, was considered read the second and third times. Senators Davis, Jenkins, and Christensen 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 Buttars

H.B. 459 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, under suspension of the rules, H.B. 410, RESTRICTED ACCOUNTS AMENDMENTS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator Buttars

H.B. 410 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, the Senate voted to lift the following bills from Rules and place them on the Second Reading Calendar below 1st Sub. H.B. 223:

1st Sub. H.B. 192, H.B. 399, and H.B. 160

On motion of Senator Bramble, the Senate voted to lift the following bills from Rules and place the on the bottom of the Second Reading Calendar:

On motion of Senator Bramble, and at 10:30 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: March 4, 2008

The House passed, S.B. 288, CONDOMINIUM OWNERSHIP ACT AMENDMENTS, by Senator M. Waddoups, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 295, SECURITY ALARM BUSINESS LICENSING AMENDMENTS, by Senator M. Dayton, which has been signed by the Speaker and it is transmitted for the signature of the President

Sandy D. Tenney, Chief Clerk

S.B. 288 and S.B. 295 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

Mr. President: March 4, 2008

The House adopted the Joint Conference Committee Report dated March 4, 2008, and passed 3rd Sub. H.B. 54, PROPERTY TAX ASSESSMENT REVISIONS, by Representative W. Harper, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 2nd Sub. H.B. 80, ADMINISTRATIVE RULE PENALTY AMENDMENTS, by Representative B. Ferry, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 3rd Sub. H.B. 104, URBAN TRAILS APPROPRIATION, 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. 121, COUNTY CHARGES FOR SERVICES TO INCARCERATED PERSONS, by Representative R. Greenwood, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 171, DRIVING PRIVILEGE CARD AMENDMENTS, by Representative B. Daw, and it is transmitted for the signature of the President; and
The House concurred in the Senate amendments and passed 1st Sub. H.B. 202, EMPLOYEE BENEFIT AMENDMENTS, by Representative J. Dougall, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 437, FUNERAL SERVICES LICENSING ACT AMENDMENTS, by Representative S. Urquhart, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk


SECOND READING CALENDAR

On motion of Senator Greiner, under suspension of the rules, 1st Sub. H.B. 192, PROPERTY TRANSACTION AMENDMENTS, was considered read the second and third times and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Buttars Davis Goodfellow Hillyard
Niederhauser Walker

1st Sub. H.B. 192 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Killpack, under suspension of the rules, H.B. 399, MEDICATION AIDE CERTIFIED AMENDMENTS, was considered read the second and third times and passed on the following roll call:

**Yeas, 28; Nays, 0; Absent, 1.**
Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Eastman
Fife  Goodfellow  Greiner  Hickman
Hillyard  Jenkins  Jones  Killpack
Knudson  Madsen  Mayne  McCoy
Niederhauser  Peterson  Romero  Stephenson
Stowell  Van Tassell  Waddoups  Valentine

Absent or not voting was: Senator
Walker

H.B. 399 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Eastman, under suspension of the rules, H.B. 160, CHARTER SCHOOL LAW REVISIONS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Eastman
Fife  Goodfellow  Greiner  Hickman
Hillyard  Jenkins  Jones  Killpack
Knudson  Madsen  Mayne  McCoy
Peterson  Romero  Stephenson  Stowell
Van Tassell  Waddoups  Valentine

Absent or not voting were: Senators
Niederhauser  Walker

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.

***

On motion of Senator Killpack, under suspension of the rules, H.B. 341, DAMAGE TO UNDERGROUND UTILITY FACILITIES AMENDMENTS, was considered read the second and third times.
Senator Greiner proposed the following amendment:

1. Page 8, Lines 238 through 241:

   (e) (i) An operator need not mark or locate an underground facility the operator does not own.
   
   (ii) An underground facility under Subsection (2)(e)(i) includes a water or sewer lateral,
   
   unless the facility crosses a public right-of-way or public utility easement.

2. Page 13, Lines 382 through 385:

   Any operator, [utilizing a fiberoptic or other] installing a nonmetallic facility, such as a sewer, water, or fiber optic line, shall install the [fiberoptic or other] nonmetallic facility so that it can be located with standard underground facility detection devices or in a concrete conduit system.

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

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

**Voting in the affirmative were:** Senators

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

**Voting in the negative was:** Senator Greiner

**H.B. 341** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
On motion of Senator Dmitrich, under suspension of the rules, 1st Sub. H.B. 174, TRAUMATIC BRAIN INJURY FUND, 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

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1st Sub. H.B. 174 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**THIRD READING CALENDAR**

On motion of Senator Hillyard, the circle was removed from 3rd Sub. H.B. 131, COMMUNITY BASED SELF SUFFICIENCY GRANTS, and it was before the Senate.

Senator McCoy proposed the following amendment:

1. Page 1, Line 21
   Senate 2nd Reading Amendments
   2-29-2008
establishes a pilot program for the grants {for the 2008–09 fiscal year}.

2. Page 1, Line 24
   Senate 2nd Reading Amendments
   2–29–2008:

   $401,500 $ {70,000 } 175,000 $ from
   the General Fund for fiscal year 2008–09 only, to fund

3. Page 3, Line 68:

   (1) Within appropriations specified by the Legislature for this
       purpose, or as funding is available, the department

4. Page 6, Lines 153 through 158
   Senate 2nd Reading Amendments
   2–29–2008:

   (d) {for fiscal year 2008–09 } as funding permits, implement the community based grant as a pilot program
   for which the department shall award the money {appropriated } for the grants {in nine different
   grants } as follows:

   (i) {four } two grants in the amount of $50,000 each
to be awarded to experienced and

   established grant applicants; and

   (ii) {five } three grants in the amount of $30,000
each to be awarded to grant applicants that;

5. Page 6, Lines 167 through 169
   Senate 2nd Reading Amendments
   2–29–2008:

   There is appropriated from the General Fund for fiscal year
   2008–09 only, $401,500

   $70,000 175,000 to
   the Department of Health to fund the community based grant
   program authorize by Chapter 18.


Senator McCoy’s motion to amend passed on a voice vote.
On motion of Senator McCoy, the bill was circled.

SECOND READING CALENDAR

On motion of Senator Stowell, under suspension of the rules, 5th Sub. H.B. 164, TOWN INCORPORATION PROCESS AMENDMENTS, was considered read the second and third times.

Senator Christensen proposed the following amendment:

1. Page 2, Line 36 provides that a petition filed before January 1, 2008 is subject to the law in effect when the

2. Page 2, Line 43

   {This bill provides revisor instructions.}

3. Page 13, Lines 368 through 372:

   368 (13) (a) For each petition filed before the effective date of this section January 1, 2008:
   369   (a) the petition is subject to and governed by the law in effect at the time the petition
   370   was filed; and
   371   (b) the law in effect at the time the petition was filed governs in all administrative and
   372   judicial proceedings relating to the petition.
   (b) Each petition filed on or after January 1, 2008 is subject to and governed by this section.

4. Page 15, Lines 451 through 455:

   451   {Section 6. Revisor instructions.
   452   It is the intent of the Legislature that the Office of Legislative Research and General
   453   Counsel, in preparing the Utah Code database for publication, replace the phrase “the effective
   454   date of this section” in Subsection 10–2–125(13) of this bill with the actual effective date of this}
Senator Christensen’s motion to amend failed on a voice vote.

Senator Killpack proposed the following amendment:

1. Page 1, Line:

   13 modifies the process of incorporating a town;
   limits the areas in counties of the first class that qualify as contiguous for purposes of a proposed incorporation of a town;

2. Page 5, Lines 132 through 133:

   132 (2) (a) (i) A contiguous area of a county not within a municipality, with a population of at least 100 but less than 1,000, may incorporate as a town as provided in this section.

   (ii) An area within a county of the first class is not contiguous for purposes of Subsection (2)(a)(i) if:

   (A) the area includes a strip of land that connects geographically separate areas; and

   (B) the distance between the geographically separate areas is greater than the average width of the strip of land connecting the geographically separate areas.

Senator Killpack’s motion to amend passed on a voice vote. Senators Van Tassell and Romero commented.

On motion of Senator Stowell, the bill was circled.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 4, 2008

The House passed, 1st Sub. S.B. 202, ENERGY RESOURCE AND CARBON EMISSION REDUCTION INITIATIVE, 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. 297, ANIMAL TORTURE AND CRUELTY AMENDMENTS, by Senator A. Christensen, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk
**Day 44952** **SENATE JOURNAL**

**1st Sub. S.B. 202** and **S.B. 297** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

***

Mr. President: March 4, 2008

The House passed, as amended, **1st Sub. S.B. 180**, REGENTS’ SCHOLARSHIP PROGRAM, by Senator L. Hillyard, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 263**, SELF AUTHENTICATION OF DOCUMENTS, by Senator S. McCoy, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

On motion of Senator McCoy, the Senate voted to move to Third Reading Calendar.

**THIRD READING CALENDAR**

On motion of Senator McCoy, the circle was removed from **3rd Sub. H.B. 131**, COMMUNITY BASED SELF SUFFICIENCY GRANTS, and it was before the Senate.

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

**4th Sub. H.B. 131 Community Based Self Sufficiency Grants** (J. Seelig)

Senator McCoy proposed the following amendment:

1. Page 1, Line 23:

   23 ▶ establishes a pilot program for the contract for services for the 2008–09 fiscal year.

2. Page 1, Lines 26 through 27:

   26 ▶ {$250,000 from the Medicaid Restricted Account} 175,000 from the General Fund for fiscal year 2008–09 only, to
3. Page 3, Line 73:

73 (b) Within appropriations specified by the Legislature, the department may contract as funding permits.

4. Page 6, Lines 158 through 164:

158 (d) For fiscal year 2008–09, as funding permits, implement the community based service contract as a pilot program for which the department shall enter into contracts for services as follows:

160 (i) two contracts in the amount of $50,000 each to be awarded to experienced and established applicants; and

162 (ii) three contracts in the amount of $30,000 each to be awarded to applicants that:

163 (A) are not as established or experienced as the applicants under Subsection (3)(c)(i);

164 or

5. Page 6, Lines 171 through 173:

171 There is appropriated from the General Fund for fiscal year 2008–09 only, $250,000 to the Department of Health to fund the contracts for services authorized by Chapter 18, Part 3, Access to Health Care.

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

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

**Voting in the affirmative were:** Senators

Bell Bramble Davis Dmitrich
Eastman Fife Goodfellow Greiner
Hickman Hillyard Jenkins Jones
Killpack Knudson Mayne McCoy
Niederhauser Romero Stowell Van Tassell
Walker Valentine
Voting in the negative were: Senators
Dayton        Madsen        Peterson        Stephenson
            Waddoups

Absent or not voting were: Senators
Buttars        Christensen

4th Sub. H.B. 131, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Hillyard, the Senate voted to lift 2nd Sub. H.B. 22 from
the Third Reading Table and place it on the Third Reading Calendar.

* * *

2nd Sub. H.B. 22, EXPEDITED PARENT–TIME ENFORCEMENT, was
read the third time and explained by Senator Bell.

Senator Bell proposed the following amendment:

1. Page 1, Line 9:

9  This bill { expands } converts the Expedited Parent–time Enforcement Program { to the entire state } to a Pilot program to a program in the Third District Court.

2. Page 1, Lines 12 through 13:

12  converts the Expedited Parent–time Enforcement Program from a pilot program in
13  the Third Judicial District { to a statewide program }.

3. Page 2, Lines 26 through 28:

26  (1) There is established an Expedited Parent–time Enforcement Program { Pilot } in the
27  third judicial district { } to be administered by the Administrative Office of the Courts [from July
28  1, 2003, to July 1, 2007].

4. Page 2, Line 42:
Under this pilot program, if a parent files a motion in the third district

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

On motion of Senator Bell, the bill was circled.

* * *

On motion of Senator Hillyard, the Senate voted to lift H.B. 15 from the Third Reading Table and place it at the top of the Third Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Stowell, the circle was removed from 5th Sub. H.B. 164, TOWN INCORPORATION PROCESS AMENDMENTS, and it was before the Senate. Senator Stowell explained the bill.

Senator Stowell proposed the following amendment:

1. Page 2, Line 43:

   This bill provides revisor instructions.
   This bill coordinates with S.B. 20, Municipal Government Amendments, by technically merging amendments.

2. Page 15, Line 455:

   Section 7. Coordinating H.B. 164 with S.B. 20 -- Technically merging amendments.
   If this H.B. 164 and S.B. 20, Municipal Government Amendments, both pass, it is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, modify Subsection 10−2−125(10), as amended in this bill, to read:
   “[(7)] (10) Each newly incorporated town shall operate under the [six-member] five-member council form of government as [described] defined in Section [10−3−101] 10−3b−102.”

Senator Stowell’s motion to amend passed on a voice vote. Senator Hillyard declared a conflict of interest.

On motion of Senator Stowell, under suspension of the rules, 5th Sub. H.B. 164, TOWN INCORPORATION PROCESS AMENDMENTS, was considered read the second and third times and passed on the following roll call:
Yeas, 25; Nays, 0; Absent, 4.

Voting in the affirmative were: Senators

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

Valentine

Absent or not voting were: Senators

Buttars  Christensen  Hickman  McCoy

5th Sub. H.B. 164 was returned to the House for further consideration.

* * *

On motion of Senator Bramble the Senate voted to lift the following bills from Rules and place them on the Second Reading Calendar:


* * *

On motion of Senator Bramble, and at 12:00 noon, the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:30 p.m., with President Pro Tem Bramble presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 4, 2008

The Speaker of the House has signed 1st Sub. S.B. 72, JUSTICE COURT AMENDMENTS, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 2nd Sub. S.B. 103, HIGHER EDUCATION ENHANCEMENTS, by Senator D. Stowell, and it is transmitted for the signature of the President; and
The House concurred in the Senate amendments and passed 2nd Sub. S.B. 105, JUDICIAL PERFORMANCE EVALUATION COMMISSION, by Senator D. C. Buttars, and it is transmitted for the signature of the President; and

The Speaker of the House has signed 2nd Sub. S.B. 134, MORTGAGE FRAUD ACT, by Senator S. Killpack, and it is transmitted for the signature of the President; and

The Speaker of the House has signed 2nd Sub. S.B. 161, ADVANCE HEALTH CARE DIRECTIVE AMENDMENTS, by Senator A. Christensen, and it is transmitted for the signature of the President; and

The House passed, S.B. 189, INDEPENDENT CONTRACTOR DATABASE, by Senator D. Eastman, 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. 208, TRANSPORTATION CORRIDOR PRESERVATION AMENDMENTS, by Senator S. Killpack, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 209, METHAMPHETAMINE DECONTAMINATION STANDARDS AND FUNDING, 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. 220, CAUSE OF ACTION FOR DEFECTIVE CONSTRUCTION, by Senator C. Bramble, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 247, VETERANS PROCUREMENT PROVISIONS, by Senator F. Fife, and it is transmitted for the signature of the President; and

The House passed, S.B. 286, TRANSPORTATION AND TRANSIT 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, 1st Sub. S.B. 296, FINANCIAL INSTITUTIONS 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.J.R. 5, JOINT RESOLUTION AMENDING LEGISLATIVE APPORTIONMENT, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

***

Mr. President:

March 4, 2008

The House substituted and passed, 1st Sub. S.B. 62, HEALTH INSURANCE – MEDICAL COMPLICATION EXCLUSIONS, by Senator P. Knudson, and it is transmitted for further consideration; and

The House passed, as amended, S.B. 177, LOCAL GOVERNMENT DISPOSAL OF REAL PROPERTY ACQUIRED BY EXACTION, by Senator W. Niederhauser, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

***

Mr. President:

March 4, 2008

The House passed, as amended, H.B. 2, NEW FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS ACT, by Representative R. Bigelow, and it is transmitted for consideration; and

The House passed, as amended, H.B. 490, LEGISLATIVE TASK FORCES AND STUDY PRIORITIES, by Representative D. Clark, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 2 and H.B. 490 were read the first time and referred to the Rules Committee.

***
Mr. President: March 4, 2008

The House has rejected S.B. 123, FILLING VACANCIES IN THE SENATE, by Senator J. Hickman, and it is transmitted for filing.

Sandy D. Tenney, Chief Clerk

THIRD READING CALENDAR

On motion of Senator Hickman, the circle was removed from H.B. 339, HUMAN TRAFFICKING AMENDMENTS, and it was before the Senate.


On motion of Senator Hickman, the bill was circled.

SECOND READING CALENDAR

On motion of Senator Greiner, under suspension of the rules, 1st Sub. H.B. 325, BULLYING AND HAZING, was considered read the second and third times.

Senator Jenkins proposed the following amendment:

1. Page 1, Lines 16 through 17:

   16 { requires and encourages the reporting of bullying, hazing, or retaliation; } 17 { provides immunity for the good faith reporting of bullying, hazing, or retaliation; }

2. Page 2, Lines 40 through 41:


3. Page 4, Line 88:

   88 (3) “Policy” means a bullying and hazing policy described in Section { 53A−11a−401 } 53A−11a−401 53A−11a−301

4. Page 4, Line 117:
53A–11a–202. Retaliation and making false reporting allegation prohibited.

5. Page 5, Lines 123 through 145:

(2) No school employee or student may make a false reporting allegation of bullying, hazing, or retaliation against a school employee or student.

Section 5. Section 53A–11a–301 is enacted to read:

Part 3. Reporting

53A–11a–301. Reporting of bullying, hazing, or retaliation required.

(1) A school employee who witnesses, or has reliable information regarding, an incident of bullying, hazing, or retaliation shall report the incident and information to the school official designated in the school’s policy.

(2) A student or parent who witnesses, or has reliable information regarding, an incident of bullying, hazing, or retaliation is encouraged to report the incident and information to the school official designated in the school’s policy.

Section 6. Section 53A–11a–302 is enacted to read:


A school employee, student, or parent who reports an incident of, or information relating to, bullying, hazing, or retaliation, is immune from any civil liability that otherwise might result by reason of making the report, if the report is made:

(1) promptly;

(2) in good faith;

(3) to the school official designated in the school’s policy; and

(4) in accordance with the school’s policy.

Section 53A–11a–401 is enacted to read:
144 Part 4. School Policy

145 53A-11a-401 53A-11a-301 Bullying and hazing policy.

6. Page 7, Lines 189 through 190:

189 (m) procedures and plans for training school employees and students in recognizing and preventing bullying, hazing, or retaliation.

190 and reporting bullying, hazing, or retaliation.

7. Page 7, Lines 197 through 207:

197 Section 6. Section 53A-11a-402 is enacted to read:

198 53A-11a-302 Model policy.

199 On or before September 1, 2008, the State Board of Education shall:

200 (1) develop a model policy on bullying, hazing, and retaliation, consistent with Section

201 53A-11a-401 53A-11a-301, in order to assist a school board in adopting a policy under Section

202 53A-11a-401 53A-11a-301; and

203 (2) post the model policy described in Subsection (1) on the State Board of Education’s website.

204 website.

205 Section 7. Section 53A-11a-501 is enacted to read:

206 Part 4. Miscellaneous


8. Page 8, Lines 217 through 218:

217 Section 8. Section 53A-11a-502 is enacted to read:

218 53A-11a-402 Other forms of legal redress.

Senator Jenkins’ motion to amend passed on a voice vote.
Senators Dayton, Waddoups, Jones, Walker, Buttars, McCoy, and Madsen commented and the bill passed on the following roll call:

**Yeas, 25; Nays, 2; Absent, 2.**

**Voting in the affirmative were:** Senators
Bell          Bramble          Buttars          Christensen
Davis        Dmitrich        Eastman          Fife
Greiner      Hickman         Hillyard         Jenkins
Jones        Killpack        Knudson          Mayne
McCoy        Niederhauser    Peterson          Romero
Stephenson   Stowell         Van Tassell      Waddoups
Walker

**Voting in the negative were:** Senators
Dayton          Madsen

**Absent or not voting were:** Senators
Goodfellow      Valentine

1st Sub. H.B. 325, as amended, was returned to the House for further consideration.

***

On motion of Senator Hickman, the Senate voted to lift H.J.R. 12 from Rules and place it at the top of the Second Reading Calendar.

On motion of Senator Hickman, the Senate voted to lift H.B. 476 to the top of the Second Reading Calendar.

***

On motion of Senator Killpack, under suspension of the rules, H.B. 476, PAY OF NATIONAL GUARD MEMBERS, was considered read the second and third times and passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell          Bramble          Buttars          Christensen
Davis        Dmitrich        Eastman          Fife
Goodfellow   Greiner         Hickman         Hillyard
Jenkins      Jones           Killpack        Knudson
Absent or not voting were: Senators
Dayton Madsen

H.B. 476 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, under suspension of the rules, H.J.R. 12, JOINT RESOLUTION AMENDING THE UTAH CONSTITUTION − STOCK AND BOND SUBSCRIPTIONS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Eastman
Fife Goodfellow Greiner Hickman
Hillyard Jenkins Jones Killpack
Knudson Mayne McCoy Niederhauser
Peterson Romero Stephenson Stowell
Van Tassell Waddoups Walker Valentine

Absent or not voting was: Senator Madsen

H.J.R. 12 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Hillyard, the Senate voted to recall H.B. 352, AMENDMENTS RELATED TO MONIES DERIVED FROM NAVAJO NATION RESERVATION LANDS IN UTAH, from the House for the purpose of amendments.

***

H.B. 172, DISTRIBUTION OF LOCAL OPTION SALES AND USE TAX REVENUES, was read the second time.
On motion of Senator Jenkins, the bill was circled.

* * *

On motion of Senator Bramble, under suspension of the rules, H.B. 361, ANTI–SEIZURE DRUG NOTIFICATION, was considered read the second and third times and passed on the following roll call:

**Y eas, 27; Nays, 0; Absent, 2.**

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Knudson | Madsen |

H.B. 361 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Jenkins, the circle was removed from H.B. 172, DISTRIBUTION OF LOCAL OPTION SALES AND USE TAX REVENUES, and it was before the Senate.

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

1st Sub. H.B. 172 City or Town Option Sales and Use Tax (B. Dee)

Senator Jenkins proposed the following amendment:

1. Page 39, Lines 1189 through 1195:

1189 (1) (a) Subject to the other provisions of this section and except as provided in

1190 Subsection (2), beginning on January 1, 2009 and ending on June 30, 2016, if a city or town
Day 44  Tuesday, March 4, 2008

1191 receives {the minimum tax revenue distribution in accordance with Section 59–12–205} a distribution for the
1192 twelve consecutive months of fiscal year 2005–06 because the city or town would have received a tax revenue distribution of less than .75% of the taxable sales within the boundaries of the city or town but for Subsection 59–12–205(3)(a), the city or town legislative body may
1193 impose a sales and use tax of up to .20% on the transactions:
1194 (i) described in Subsection 59–12–103(1); and
1195 (ii) within the city or town.

2. Page 44, Lines 1329 through 1335:

1329 (1) (a) Subject to the other provisions of this section and except as provided in
1330 Subsection (2), beginning on January 1, 2009 and ending on June 30, 2013, if a city or town
1331 receives {the minimum tax revenue distribution in accordance with Section 59–12–205} a distribution for the
1332 twelve consecutive months of fiscal year 2005–06 because the city or town would have received a tax revenue distribution of less than .75% of the taxable sales within the boundaries of the city or town but for Subsection 59–12–205(3)(a), the city or town legislative body may
1333 impose a sales and use tax of up to .20% on the transactions:
1334 (i) described in Subsection 59–12–103(1); and
1335 (ii) within the city or town.

3. Page 45, Line 1363:

1363 (b) A tax under this part is not subject to Subsections 59–12–205(2) through (7).

4. Page 45, Lines 1384 through 1385:

1384 (b) (i) If the billing period for a transaction begins before the enactment of the tax or
1385 the tax rate increase under Subsection (1), the enactment of a tax or a tax rate increase shall
5. Page 45, Lines 1388 through 1389:

1388 (ii) If the billing period for a transaction begins before the effective date of the repeal of the tax or the tax rate decrease imposed under Subsection (1), the repeal of a tax or a tax rate

6. Page 46, Lines 1414 through 1415:

1414 (e) (i) If the billing period for a transaction begins before the effective date of the enactment of the tax or a tax rate increase under Subsection (1), the enactment of a tax or a tax

7. Page 46, Lines 1418 through 1419:

1418 (ii) If the billing period for a transaction begins before the effective date of the repeal of the tax or the tax rate decrease imposed under Subsection (1), the repeal of a tax or a tax rate

Senator Jenkins’ motion to amend passed on a voice vote. Senator Jenkins explained the bill. Senators Bramble and Niederhauser commented.

On motion of Senator Jenkins, under suspension of the rules, 1st Sub. H.B. 172, CITY OR TOWN OPTION SALES AND USE TAX, was considered read the first, second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell          Bramble          Christensen        Davis
Dayton       Dmitrich         Eastman          Fife
Goodfellow   Greiner          Hickman          Hillyard
Jenkins      Jones            Killpack         Knudson
Mayne        McCoy            Niederhauser   Peterson
Romero       Stowell          Waddoups       Walker

Voting in the negative were: Senators
Buttars      Madsen          Stephenson    Van Tassell
Valentine

1st Sub. H.B. 172, as amended, was returned to the House for further consideration.
On motion of Senator Bramble, under suspension of the rules, **H.B. 352, AMENDMENTS RELATED TO MONIES DERIVED FROM NAVAJO NATION RESERVATION LANDS IN UTAH**, was considered read the first, 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

| Eastman   | Niederhauser |

**H.B. 352** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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On motion of Senator Hillyard, the Senate voted to lift **S.B. 2, MINIMUM SCHOOL PROGRAM BUDGET AMENDMENTS**, from Rules and place it at the top of the Second Reading Calendar.

On motion of Senator Bramble, and at 3:35 p.m., the Senate sauntered.

The Senate was called to order at 4:00 p.m., with President Valentine presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 4, 2008

The House passed, **S.B. 5, EXECUTIVE COMPENSATION REVISIONS**, 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, **3rd Sub. S.B. 211, ALCOHOLIC BEVERAGE CONTROL AMENDMENTS**, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President; and
The House passed, **S.B. 231**, TRANSPORTATION GOVERNANCE, by Senator S. Killpack, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

**S.B. 5, 3rd Sub. S.B. 211**, and **S.B. 231** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

***

On motion of Senator Hillyard, the Senate voted to lift **S.B. 281**, USE OF MINIMUM SCHOOL PROGRAM NONLAPSING BALANCES, from Rules and place it at the top of the Second Reading Calendar under **S.B. 2**.

**SECOND READING CALENDAR**

**S.B. 2**, MINIMUM SCHOOL PROGRAM BUDGET AMENDMENTS, was read the second time.

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

**1st Sub. S.B. 2 Minimum School Program Budget** (H. Stephenson)

Senator Stephenson explained the bill. Senators Peterson, Jones, Hillyard, Romero, Van Tassell, Mayne, and Waddoups commented.

Senator McCoy proposed the following amendment:

1. Page 1, Lines 23 through 24:

   23 \{-a pilot project using a home-based educational technology program to develop school readiness skills of preschool children;\} 

2. Page 2, Line 53:

   53 \{-$3,469,580\} $969,580 from the Uniform School Fund for fiscal year 2008–09;

3. Page 2, Line 55 through Page 3, Line 57:

   55 \{-$1,000,000 from the Uniform School Fund for fiscal year 2007–08 only;\}
56  • $250,000 from the General Fund for fiscal year 2008−09; and
57  • $50,000 from the General Fund for fiscal year 2007−08 only. }

4. Page 3, Lines 76 through 82:

76  { 53A−1a−1001, Utah Code Annotated 1953
77  53A−1a−1002, Utah Code Annotated 1953
78  53A−1a−1003, Utah Code Annotated 1953
79  53A−1a−1004, Utah Code Annotated 1953
80  53A−1a−1005, Utah Code Annotated 1953
81  53A−1a−1006, Utah Code Annotated 1953
82  53A−1a−1007, Utah Code Annotated 1953–}

5. Page 3, Line 85:

85  { 53A−17a−157, Utah Code Annotated 1953–}

6. Page 11, Line 316 through Page 15, Line 456:
Delete lines 316 to 456 and renumber accordingly.

7. Page 21, Line 626:

626  (hh) Teacher Salary Supplement  {−Restricted Account Program $4,700,000;

8. Page 27, Lines 830 through 831:

830  money to the  {Teacher Salary Supplement Restricted Account
831  established in Section
831  53A−17a−157−} State Board of Education to fund the
Teacher Salary Supplement Program.

9. Page 28, Line 848 through Page 30, Line 897:

848  (4) The  {−Department of Human Resource
Management} State Board of Education shall:

849  {−(a) create an on−line application system for a teacher to
apply to receive a salary
850  supplement through the Teacher Salary Supplement Program;
(b) determine if a teacher:

(i) is an eligible teacher; and

(ii) has a course assignment as listed in Subsections (1)(a)(i)(A) through (D);

(b) verify, as needed, the determinations made under Subsection (4) with school district and school administrators; and

(c) certify a list of eligible teachers and the amount of their salary supplement by school district and charter school to the Division of Finance to the school district or charter school.

(5) An eligible teacher shall apply with the Department of Human Resource Management prior to the conclusion of a school year to receive the salary supplement authorized in this section.

(b) An eligible teacher may apply with the Department of Human Resource Management after verification that the requirements under this section have been satisfied an eligible teacher may receive a salary supplement after the completion of:

(a) the school year as an annual award; or

(b) a semester or trimester as a partial award based on the portion of the school year that has been completed.

(6) The State Board of Education shall distribute monies from the Teacher Salary Supplement Restricted Account appropriated for the Teacher Salary Supplement Program to school districts and charter schools in accordance with the provisions of this section.
(b) The Department of Human Resource Management shall include the employer-paid benefits described under Subsection (2)(b) in the amount of each salary supplement certified to the Division of Finance school district or charter school.

(c) The employer-paid benefits described under Subsection (2)(b) are an addition to the salary supplement limits described under Subsection (3).

(7) (a) Money received for the Teacher Salary Supplement Restricted Account Program shall be used by a school district or charter school to provide a salary supplement equal to the amount specified for each eligible teacher.

(b) The salary supplement is part of the teacher’s base pay, subject to the teacher’s qualification as an eligible teacher every year, semester, or trimester.

(8) The State Board of Education shall cooperate with the Department of Human Resource Management as it administers the Teacher Salary Supplement Program by:

(a) providing or verifying teacher data, as requested; and

(b) making information technology resources available.

(9) Notwithstanding the provisions of this section, if the appropriation for the program is insufficient to cover the costs associated with salary supplements, the Department of Human Resource Management may limit or reduce the salary supplements.

Section 20. Section 53A−17a−157 is enacted to read:

(1) There is created within the Uniform School Fund a restricted account known as the "Teacher Salary Supplement Restricted Account."

(2) The account shall be funded from appropriations made to the account by the Legislature.

(3) The account shall be used to fund teacher salary supplements for school districts and charter schools as provided in Section 53A–17a–156.

(4) The Division of Finance shall distribute account monies to school districts and charter schools for the Teacher Salary Supplement Program as provided in Section 53A–17a–156.

10. Page 36, Line 1092:

   (4) Title 53A, Chapter 1a, Part 10, UPSTART, is repealed July 1, 2014.

11. Page 36, Lines 1101 through 1108:

   (a) $2,500,000 to the State Board of Education for UPSTART as provided in Title 53A, Chapter 1a, Part 10, UPSTART, including costs of:

   (i) a home–based educational technology program provided by a contractor;

   (ii) computers, peripheral equipment, and Internet service for families who cannot afford the equipment and service;

   (iii) administrative and technical support provided by school districts;

   (iv) an audit of the contractor’s use of funds appropriated for UPSTART; and

   (v) an evaluation of the home–based educational technology program;
12. Page 36, Line 1110 through Page 37, Line 1119:

1110 financial and economic literacy as provided by Subsection 53A–13–110(2)(b); and

1111 (c) $869,580 to the State Charter School Board for support services to charter schools as provided in Section 53A–1a–501.6.

1112 (d) $4,700,000 from the Uniform School Fund Teacher Salary Supplement Restricted Account for the Teacher Salary Supplement Program in accordance with the provisions under Sections 53A–17a–156 and 53A–17a–157.

1113 (2) As an ongoing appropriation subject to future budget constraints, there is appropriated from the General Fund for fiscal year 2008–09, $250,000 from the General Fund to the Department of Human Resource Management for administration of the Teacher Salary Supplement Program established in Section 53A–17a–156.

13. Page 37, Line 1134 through Page 38, Line 1142:

1134 (1) There is appropriated for fiscal year 2007–08 only, as follows:

1135 (a) $50,000 from the General Fund to the Department of Human Resource Management for costs to administer the Teacher Salary Supplement Program established in Section 53A–17a–156;

1138 (b) $1,000,000 from the Uniform School Fund to the State Board of Education for UPSTART as provided in Title 53A, Chapter 1a, Part 10, UPSTART; and

1140 (c) $280,000 from the Uniform School Fund to the State Board of Education for library
books and electronic resources.

(2) The money appropriated in Subsections (1)(a) through (e) is nonlapsing.

14. Page 39, Lines 1196 through 1203:

This bill takes effect on July 1, 2008, except:

(1) if approved by two-thirds of all the members elected to each house, Sections 53A-1a-1001 through 53A-1a-1007 take effect upon approval by the governor, or the day following the constitutional time limit of Utah Constitution Article VII, Section 8, without the governor’s signature, or in the case of a veto, the date of veto override; and

(2) the following sections take effect on May 5, 2008:

(a) Section 53A-17a-156; and

(b) Uncodified Section 29, One-time appropriations for fiscal year 2007-08 takes effect on May 5, 2008.

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

**Yeas, 9; Nays, 19; Absent, 1.**

**Voting in the affirmative were:** Senators

Christensen  Davis  Dmitrich  Fife
Goodfellow  Jones  Mayne  McCoy
Romero

**Voting in the negative were:** Senators

Bell  Bramble  Buttars  Dayton
Eastman  Greiner  Hickman  Hillyard
Jenkins  Killpack  Knudsen  Madsen
Niederhauser  Peterson  Stephenson  Stowell
Van Tassell  Waddoups  Valentine

**Absent or not voting was:** Senator

Walker

# # #

Senator Romero proposed the following amendment:
1. Page 2, Lines 27 through 28:

27 { • the Teacher Salary Supplement Program to provide a salary supplement to an eligible teacher; } 

28 the K–3 Class Size Reduction Incentive Program; 

2. Page 2, Line 55 through Page 3, Line 57:

55 • $1,000,000 from the Uniform School Fund for fiscal year 2007–08 only; 

56 { • $250,000 from the General Fund for fiscal year 2008–09; and } 

57 { • $50,000 from the General Fund for fiscal year 2007–08 only. } 

3. Page 3, Lines 84 through 85:

84 53A–17a–156, Utah Code Annotated 1953 

85 { 53A–17a–157, Utah Code Annotated 1953 } 

4. Page 21, Line 626:

626 (hh) { Teacher Salary Supplement Restricted Account } K–3 Class Size Reduction Program, $4,700,000; 

5. Page 27, Line 806 through Page 60, Line 897:

Delete lines 806 through 897 

6. Page 30, Lines 896 through 897:

896 charter schools for the Teacher Salary Supplement Program as provided in Section 

897 53A–17a–156, 

Section 19. Section 53A–17a–156 is enacted to read: 


(1) As used in this section: 

(a) “Average class size by grade” shall be determined in accordance with the provisions of Section 53A–3–602.5. 

(b) “Target class size” means: 

(i) for kindergarten: 

(A) an average class size for the school that does not exceed 18
students; and
   (B) a class in the school that does not exceed 20 students;
   (ii) for first grade:
      (A) an average class size for the school that does not exceed 20
      students; and
      (B) a class in the school that does not exceed 22 students; and
   (iii) for second or third grade:
      (A) an average class size for the school that does not exceed 22
      students; and
      (B) a class in the school that does not exceed 24 students.
   (2) Subject to monies appropriated for the K–3 Class Size
      Reduction Incentive Program, the State Board of Education shall
      establish a grant program as provided in this section to assist schools to
      reduce average class size by grade for kindergarten through grade 3 to the
      target class size.
   (3) (a) A school may apply for K–3 Class Size Reduction Incentive
      Program grants, with each grade individually considered, if a grade’s
      average class size by grade is larger than the target class size.
      (b) A grant application shall indicate how the monies will be used to
      reach a target class size.
      (c) Grants shall be awarded:
         (i) to reduce an eligible grade’s average class size to the target class
            size, prioritized within this category based upon the highest average class
            size by grade; or
         (ii) to allow schools that are limited by facilities or other constraints
            from qualifying for the grants described in Subsection (3)(c)(i) to hire
            paraeducators who shall work in the classrooms of a grade.
      (4) Once awarded, a grant is intended to be ongoing, provided that
      the grade’s average class size by grade remains within the target class
      size.
      (5) If a participating school does not meet the target class size for a
      grade for which a grant is received or if a school uses grant monies in a
      manner that is inconsistent with the provisions of this section, the school
      is liable for reimbursing the State Board of Education for the amount of
      grant monies received from the State Board of Education.
      (6) In accordance with Title 63, Chapter 46a, Utah Administrative
      Rulemaking Act, the State Board of Education shall make rules:
      (a) establishing procedures and deadlines for applying for and
          awarding grants;
      (b) specifying how grant monies shall be allocated among schools
that qualify to receive the grants; and

(c) requiring reporting of grant money expenditures and evidence showing that the grant monies have been used to reduce average class size by grade for kindergarten through grade 3.

(7) The State Board of Education shall provide a report by December 1 of each year to the Public Education Appropriations Subcommittee on the K−3 Class Size Reduction Incentive Program.

(8) The Legislature shall provide for an annual adjustment in the appropriation for the K−3 Class Size Reduction Incentive Program based upon the report under Subsection (7) and the requirements of schools under this section.

Renumber remaining sections accordingly.

7. Page 37, Lines 1111 through 1119:

1111 (c) $869,580 to the State Charter School Board for support services to charter schools

1112 as provided in Section 53A−1a−501.6 { (c) and }

1113 { (d) $4,700,000 from the Uniform School Fund Teacher Salary Supplement Restricted

1114 Account for the Teacher Salary Supplement Program in accordance with the provisions under

1115 Sections 53A−17a−156 and 53A−17a−157. }

1116 { (2) As an ongoing appropriation subject to future budget constraints, there is

1117 appropriated from the General Fund for fiscal year 2008−09, $250,000 from the General Fund

1118 to the Department of Human Resource Management for administration of the Teacher Salary

1119 Supplement Program established in Section 53A−17a−156. }

8. Page 37, Lines 1134 through 1137:

1134 (1) There is appropriated for fiscal year 2007−08 only, as follows:

1135 { (a) $50,000 from the General Fund to the Department of Human Resource
Management for costs to administer the Teacher Salary Supplement Program established in
Section 53A–17a–156; } Renumber remaining subsections accordingly.

9. Page 39, Lines 1200 through 1203:

governor’s signature, or in the case of a veto, the date of veto override; and

(2) the following sections take effect on May 5, 2008:

(a) Section 53A–17a–156; and

(b) Uncodified Section 29, One–time appropriations for fiscal year 2007–08 takes effect on May 5, 2008.

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

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

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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Senator Van Tassell proposed the following amendment:

1. Page 2, Lines 34 through 35:

34 enhance the academic growth of high–ability students;

35 • the English Language Learner Family Literacy Centers Program; and • career and technical education online assessment;
2. Page 21, Line 631:

631 (mm) USTAR Centers, \( \{-6,900,000\} \) \$6,500,000 ;

3. Page 37, Lines 1112 through 1115:

1112 as provided in Section 53A–1a–501.6; \{\text{and}\}

1113 (d) \$4,700,000 from the Uniform School Fund Teacher Salary Supplement Restricted

1114 Account for the Teacher Salary Supplement Program in accordance with the provisions under

1115 Sections 53A–17a–156 and 53A–17a–157 \{\text{and}\} ; and

1116 (e) \$400,000 to the State Board of Education for career and technical education online assessment.

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

On motion of Senator Stephenson, under suspension of the rules, 1st Sub. S.B. 2, MINIMUM SCHOOL PROGRAM BUDGET AMENDMENTS, was considered read the second and third times. The bill passed on the following roll call:

**Yeas, 21; Nays, 7; Absent, 1.**

**Voting in the affirmative were:** Senators
Bell  Bramble  Buttars  Christensen
Dayton  Eastman  Hickman  Hillyard
Jenkins  Jones  Killpack  Knudson
Madsen  Mayne  Niederhauser  Peterson
Stephenson  Stowell  Van Tassell  Waddoups
Valentine

**Voting in the negative were:** Senators
Davis  Dmitrich  Fife  Goodfellow
Greiner  McCoy  Romero

**Absent or not voting was:** Senator
Walker

1st Sub. S.B. 2 was transmitted to the House.

* * *

S.B. 281, USE OF MINIMUM SCHOOL PROGRAM NONLAPSING BALANCES, was read the second time.
On motion of Senator Stephenson, the bill was circled.

***

On motion of Senator Bramble, the Senate voted to lift the following bills from Rules and place them at the top of the Second Reading Calendar:

S.B. 4 and H.B. 359

***

On motion of Senator Hillyard, the Senate voted to lift the following bills from Rules and place them at the top of the Second Reading Calendar below H.B. 165:


***

On motion of Senator Hillyard, the Senate voted to lift the following bills from the Third Reading Table and place them at the top of the Third Reading Calendar:

H.B. 248 and 1st Sub. H.B. 72

***

On motion of Senator Stephenson, the circle was removed from S.B. 281, USE OF MINIMUM SCHOOL PROGRAM NONLAPSING BALANCES, and it was before the Senate. Senator Stephenson explained the bill.

Senator Jones proposed the following amendment:

1. Page 1, Lines 18 through 19:

   18 • a grant program to minimize the expenses of teachers to obtain the {American
   19 Board–} Distinguished Teacher certification and to provide additional

2. Page 2, Line 42:

   42 Board or the National Board

3. Page 2, Line 45:
(ii) the endorsements required by board rule for the teacher’s assignments.

(d) “National Board” means the National Board for Professional Teaching Standards.

4. Page 2, Line 47:

(a) minimize out-of-pocket expenses of licensed teachers to obtain the \{American Board\}

5. Page 2, Lines 49 through 50:

(b) provide additional compensation to licensed teachers who obtain the \{American Board\} Distinguished Teacher certification.

6. Page 2, Line 54:

teachers to obtain the \{American Board\} Distinguished Teacher certification, a school district or

7. Page 2, Line 57:

(4)(a) to pay for costs of licensed teachers directly related to obtaining \{American Board\}

8. Page 3, Line 60:

additional compensation to licensed teachers who obtain the \{American Board\} Distinguished Teacher, except as provided in Subsection

9. Page 3, Line 63:

$1,500 for each \{American Board\} Distinguished Teacher, except as provided in Subsection

10. Page 3, Lines 69 through 70:

match the grant monies to further increase compensation to teachers who obtain the \{American Board\} Distinguished Teacher certification.

11. Page 4, Line 100:

teachers to obtain the \{American Board\} Distinguished Teacher certification and to provide
Senator Jones’ motion to amend failed on a voice vote.

###

Senator Stephenson proposed the following amendment:

1. Page 5, Line 138:
   Delete “2008” and insert “2009”

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

Senators Madsen, McCoy, Hillyard, and Romero commented.

On motion of Senator Stephenson, under suspension of the rules, S.B. 281, USE OF MINIMUM SCHOOL PROGRAM NONLAPSING BALANCES, was considered read the second and third times. The bill passed on the following roll call:

**Yeas, 20; Nays, 8; Absent, 1.**

**Voting in the affirmative were:** Senators
Bell Bramble Christensen Dayton
Eastman Fife Greiner Hickman
Hillyard Jenkins Killpack Knudson
Madsen Niederhauser Peterson Stephenson
Stowell Waddoups Walker Valentine

**Voting in the negative were:** Senators
Davis Dmitrich Goodfellow Jones
Mayne McCoy Romero Van Tassell

**Absent or not voting was:** Senator Buttars

S.B. 281 was transmitted to the House.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 4, 2008

The House concurred in the Senate amendments and passed H.J.R. 7, JOINT RESOLUTION RECOGNIZING UNREINFORCED MASONRY BUILDINGS, by Representative L. Wiley, and it is transmitted for the signature of the President; and
The House concurred in the Senate amendments and passed 1st Sub. **H.B. 106**, CLEAN AIR AND EFFICIENT VEHICLE TAX INCENTIVES, 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 4th Sub. **H.B. 131**, COMMUNITY BASED SELF SUFFICIENCY PROGRAM, by Representative J. Seelig, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 2nd Sub. **H.B. 133**, HEALTH SYSTEM REFORM, by Representative D. Clark, et al, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 5th Sub. **H.B. 164**, TOWN INCORPORATION PROCESS AMENDMENTS, by Representative M. Brown, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. **H.B. 332**, USE OF PUBLIC SCHOOLS BY COMMUNITY ORGANIZATIONS, by Representative G. Hughes, et al, and it is transmitted for the signature of the President.


* * *

Mr. President: March 4, 2008

The House passed, **S.B. 83**, CHECK CASHING AND DEFERRED DEPOSIT LENDING REGISTRATION ACT, by Senator K. Mayne, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 174**, DENTIST AND DENTAL HYGIENIST 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 House passed, **S.B. 193, ELECTION LAW CHANGES**, by Senator P. Knudson, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

**S.B. 83, S.B. 174, and S.B. 193** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 4, 2008

The House passed, as amended, **3rd Sub. S.B. 20, MUNICIPAL GOVERNMENT AMENDMENTS**, by Senator C. Walker, and it is transmitted for further consideration; and

The House substituted and passed, **2nd Sub. S.B. 151, TRADEMARK PROTECTION ACT AMENDMENTS**, by Senator D. Eastman, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 294, COMMUNITY DEVELOPMENT AND RENEWAL AMENDMENTS**, by Senator C. Bramble, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

**INTRODUCTION OF BILLS**

**S.C.R. 6, Concurrent Resolution on the Reconstruction of Interstate 15** (J. Valentine), read the first time by short title and referred to the Rules Committee.

**SECOND READING CALENDAR**

On motion of Senator Jenkins, under suspension of the rules, **S.B. 4, GENERAL OBLIGATION BOND AUTHORIZATION**, was considered read the second and third times. Senator Jenkins explained the bill. Senators Waddoups and Goodfellow commented. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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Jones
Mayne
Romero
Waddoups

Hickman
Killpack
McCoy
Stephenson
Walker

S.B. 4 was transmitted to the House.

* * *

On motion of Senator Hillyard, the circle was removed from S.B. 3, CURRENT FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS ACT, and it was before the Senate. Senator Hillyard explained the bill. Senator Waddoups commented.

On motion of Senator Hillyard, under suspension of the rules, S.B. 3, CURRENT FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS ACT, was considered read the second and third times. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bramble
Dayton
Goodfellow
Jenkins
Madsen
Peterson
Van Tassell

Buttars
Dmitrich
Greiner
Jones
Mayne
Romero
Waddoups

Christensen
Eastman
Hickman
Killpack
McCoy
Stephenson
Walker

Davis
Fife
Hillyard
Knudson
Niederhauser
Stowell
Valentine

Absent or not voting was: Senator

Bell

S.B. 3 was transmitted to the House.

* * *

On motion of Senator Bramble, the circle was removed from H.B. 206, TAX AMENDMENTS, and it was before the Senate.

Senator Bramble proposed the following amendment:
1. Page 26, Lines 773 through 778

773 [(4)] (6) “Agreement sales and use tax” means a tax imposed under:
774 (a) Subsection 59−12−103(2)(a)(i) (A) ;
775 (b) Subsection 59−12−103(2)(b)(i);
776 (c) Subsection 59−12−103(2)(c)(i);
777 [(d) Subsection 59−12−103(2)(d)(i);]
778 [(e)] (d) Subsection 59−12−103(2)(e)(ii) (d)(i)(A) (I) ;

2. Page 75, Lines 2316 through 2318:

2316 (2) (a) Except as provided in Subsections (2)(b) through (e), a state tax and a local tax
2317 is imposed on a transaction described in Subsection (1) equal to the sum of:
2318 (i) a state tax imposed on the transaction at a tax rate equal to the sum of:
2319 (A) 4.65%; and
2320 (B) the tax rate the state imposes in accordance with Part 18, Additional State Sales and Use Tax Act, if the location of the transaction as determined under Sections 59−12−211 through 59−12−215 is in a county in which the state imposes the tax under Part 18, Additional State Sales and Use Tax Act; and

3. Page 76, Line 2348 through Page 77, Line 2358:

2348 [(e)] (d) (i) [A state tax and a local tax is imposed on an entire] For a bundled
2349 transaction [as provided in this Subsection (2)(e) if the bundled transaction] that is attributable
2350 to food and food ingredients and tangible personal property other than food and food
2351 ingredients[.(ii) If the tax on a bundled transaction described in Subsection (2)(e)(i) is
2352 collected by a seller other than a seller that collects a tax in accordance with Subsection
2353 59−12−107(1)(b), beginning on January 1, 2007], a state tax and a local tax is imposed on the
entire bundled transaction equal to the sum of:

(A) a state tax imposed on the entire bundled transaction equal to the sum of:

(I) the tax rate described in Subsection (2)(a)(i) (A); and

(II) the tax rate the state imposes in accordance with Part 18, Additional State Sales and Use Tax Act, if the location of the transaction as determined under Sections 59−12−211 through 59−12−215 is in a county in which the state imposes the tax under Part 18, Additional State Sales and Use Tax Act; and

(B) a local tax imposed on the entire bundled transaction at the sum of the tax rates described in Subsection (2)(a)(ii).

4. Page 78, Lines 2391 through 2397:

[(f) (e)] Subject to Subsections (2)[(g) (f) and [(h) (g)], a tax rate repeal or tax rate change for a tax rate imposed under the following shall take effect on the first day of a calendar quarter:

(i) Subsection (2)(a)(i) (A); 
(ii) Subsection (2)(b)(i); 
(iii) Subsection (2)(c)(i); or 
(iv) Subsection (2)(d)(i)(A) [I].

5. Page 78, Lines 2400 through 2407:

[(g) (f) (i) [For a transaction described in Subsection (2)(g)(iii), a] tax rate increase shall take effect on the first day of the first billing period that begins after the effective date of the tax rate increase if the billing period for the transaction begins before the effective date of a tax rate increase imposed under:

(A) Subsection (2)(a)(i) (A); 
(B) Subsection (2)(b)(i);
6. Page 78, Line 2410 through Page 79, Line 2418:

(ii) For a transaction described in Subsection (2)(g)(iii), the repeal of a tax or a tax rate decrease shall take effect on the first day of the last billing period that began before the effective date of the repeal of the tax or the tax rate decrease if the billing period for the transaction begins before the effective date of the repeal of the tax or the tax rate decrease imposed under:

(A) Subsection (2)(a)(i) (A) ;
(B) Subsection (2)(b)(i);
(C) Subsection (2)(c)(i); or
(D) Subsection (2)(d)(i)(A) (I) [i].

7. Page 79, Lines 2432 through 2441:

(h) (g) (i) For a tax rate described in Subsection (2)(h) (g)(ii), if a tax due on a catalogue sale is computed on the basis of sales and use tax rates published in the catalogue, a tax rate repeal or change in a tax rate takes effect:

(A) on the first day of a calendar quarter; and
(B) beginning 60 days after the effective date of the tax rate repeal or tax rate change.

(ii) Subsection (2)(h)(g)(i) applies to the tax rates described in the following:

(A) Subsection (2)(a)(i) (A) ;
(B) Subsection (2)(b)(i);
(C) Subsection (2)(c)(i); or
2441  (D) Subsection (2)(d)(i)(A) (I) [s_i] 

8. Page 80, Lines 2446 through 2451:

2446  (3) (a) Except as provided in Subsections (4) through [(49)] (9), the following state taxes shall be deposited into the General Fund:
2447  (i) the tax imposed by Subsection (2)(a)(i) (A) ;
2448  (ii) the tax imposed by Subsection (2)(b)(i);
2449  (iii) the tax imposed by Subsection (2)(c)(i); or
2450  (iv) the tax imposed by Subsection (2)(d)(i)(A) (I) [s_i].

9. Page 85, Lines 2615 through 2625:

2615  [(49)] (8) (a) Notwithstanding Subsection (3)(a), in addition to the amount deposited in
2616  Subsection (7)(a), and until Subsection [(49)] (8)(b) applies, for a fiscal year beginning on or
2617  after July 1, 2007, the Division of Finance shall deposit into the Centennial Highway Fund
2618  Restricted Account created by Section 72−2−118 a portion of the taxes listed under Subsection
2619  (3)(a) equal to 8.3% of the revenues collected from the following taxes, which represents a
2620  portion of the approximately 17% of sales and use tax revenues generated annually by the sales
2621  and use tax on vehicles and vehicle−related products:
2622  (i) the tax imposed by Subsection (2)(a)(i) (A) ;
2623  (ii) the tax imposed by Subsection (2)(b)(i);
2624  (iii) the tax imposed by Subsection (2)(c)(i); and
2625  (iv) the tax imposed by Subsection [(2)(e)(ii)(A)] [(2)(d)(i)(A) (I) .

10. Page 85, Line 2626 through Page 86, Line 2638:

2626  (b) Notwithstanding Subsection (3)(a) and in addition to the amounts deposited under
Subsection (7)(b), when the highway general obligation bonds have been paid off and the highway projects completed that are intended to be paid from revenues deposited in the Centennial Highway Fund Restricted Account as determined by the Executive Appropriations Committee under Subsection 72–2–118(6)(d), the Division of Finance shall deposit into the Transportation Investment Fund of 2005 created by Section 72–2–124 a portion of the taxes listed under Subsection (3)(a) equal to 8.3% of the revenues collected from the following taxes, which represents a portion of the approximately 17% of sales and use tax revenues generated annually by the sales and use tax on vehicles and vehicle–related products:

(i) the tax imposed by Subsection (2)(a)(i) (A);
(ii) the tax imposed by Subsection (2)(b)(i);
(iii) the tax imposed by Subsection (2)(c)(i); and
(iv) the tax imposed by Subsection (2)(e)(ii)(A)

11. Page 278, Lines 8601 through 8602:

(b) (i) [For a transaction described in Subsection (9)(b)(iii), if] If the billing period for a transaction begins before the effective date of the enactment of the tax or tax rate increase

12. Page 278, Lines 8606 through 8607:

(ii) [For a transaction described in Subsection (9)(b)(iii), if] If the billing period for a transaction begins before the effective date of the repeal of the tax or the tax rate decrease

13. Page 279, Lines 8644 through 8645:
8644  (e) (i) [For a transaction described in Subsection (9)(e)(iii), if] If
the billing period for

8645  {the—} a transaction begins before the effective date of
the enactment of the tax or a tax rate increase

14. Page 280, Lines 8649 through 8650:

8649  (ii) [For a transaction described in Subsection (9)(e)(iii), if] If
the billing period for {the—} a

8650  transaction begins before the effective date of the repeal of the
tax or the tax rate decrease

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

On motion of Senator Bramble, under suspension of the rules, H.B. 206, TAX
AMENDMENTS, was considered read the second and third times and passed on
the following roll call:

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

Voting in the affirmative were: Senators
Bell     Bramble     Buttars     Christensen
Davis    Dmitrich    Eastman    Fife
Goodfellow Greiner    Hillyard    Jenkins
Jones    Killpack    Knudson    Madsen
Mayne    Niederhauser Peterson    Romero
Stephenson Stowell    Van Tassell    Waddoups
Walker    Valentine

Absent or not voting were: Senators
Dayton    Hickman    McCoy

H.B. 206, as amended, was returned to the House for further consideration.

* * *

2nd Sub. H.B. 359, TAX CHANGES, was read the second time. Senator
Niederhauser explained the bill.

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

3rd Sub. H.B. 359 Tax Changes (J. Dougall)
Senator Jones commented.

On motion of Senator Niederhauser, under suspension of the rules, 3rd Sub. H.B. 359, TAX CHANGES, 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

| Goodfellow | McCoy | Romero |

**Absent or not voting were:** Senators

| Madsen | Stephenson |

3rd Sub. H.B. 359 was returned to the House for further consideration.

**CONCURRENCE CALENDAR**

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to 1st Sub. S.B. 180, REGENTS’ SCHOLARSHIP PROGRAM. The bill, as amended, passed on the following roll call:

**Yeas, 26; Nays, 1; Absent, 2.**

**Voting in the affirmative were:** Senators

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**Voting in the negative was:** Senator

| Dayton |
Absent or not voting were: Senators
Madsen Stephenson

1st Sub. S.B. 180 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator McCoy, the Senate voted to concur in the House amendments to S.B. 263, SELF AUTHENTICATION OF DOCUMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Eastman
Fife Goodfellow Greiner Hickman
Hillyard Jenkins Jones Killpack
Knudson Mayne McCoy Niederhauser
Peterson Romero Stephenson Stowell
Van Tassell Waddoups Walker Valentine

Absent or not voting was: Senator
Madsen

S.B. 263 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. 62, HEALTH INSURANCE – MEDICAL COMPLICATION EXCLUSIONS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Eastman
Fife Goodfellow Greiner Hickman
Hillyard Jenkins Jones Killpack
Knudson Mayne McCoy Niederhauser
Peterson Romero Stephenson Stowell
Van Tassell Waddoups Walker Valentine
Absent or not voting was: Senator Madsen

1st Sub. S.B. 62 was returned to the House for the signature of the Speaker.

* * *

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to S.B. 177, LOCAL GOVERNMENT DISPOSAL OF REAL PROPERTY ACQUIRED BY EXACTION. The bill, as amended, passed on the following roll call:

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

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

S.B. 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. 294, COMMUNITY DEVELOPMENT AND RENEWAL AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Eastman
Fife  Goodfellow  Greiner  Hickman
Hillyard  Jenkins  Jones  Killpack
Knudson  Madsen  Mayne  Niederhauser
Peterson  Romero  Stephenson  Stowell
Van Tassell  Waddoups  Walker  Valentine

Voting in the negative was: Senator McCoy
S.B. 294 was returned to the House for the signature of the Speaker.

***

On motion of Senator Walker, the Senate voted to concur in the House amendments to 3rd Sub. S.B. 20, MUNICIPAL GOVERNMENT AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators

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Voting in the negative were: Senators

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3rd Sub. S.B. 20 was returned to the House for the signature of the Speaker.

***

On motion of Senator Eastman, the Senate refused to concur in the House amendments. 2nd Sub. S.B. 151, TRADEMARK PROTECTION ACT AMENDMENTS, was returned to the House.

***

Senator Bell asked leave of the body to cast an aye vote on S.B. 3. The vote now reads:

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

Voting in the affirmative were: Senators

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Valentine
On motion of Senator Hickman, the Senate voted to move to Third Reading Calendar.

THIRD READING CALENDAR

On motion of Senator Hickman, the circle was removed from H.B. 339, HUMAN TRAFFICKING AMENDMENTS, and it was before the Senate.

Senator Hickman proposed the following amendment:

1. Page 3, Line 71
   Senate 2nd Reading Amendments
   3–3–2008

   71 purpose is a second degree felony
   except under Section 76–5–310.

2. Page 3, Lines 75 through 76
   Senate 2nd Reading Amendments
   3–3–2008:

   75 knowing participation in
   (a) human trafficking is guilty of a second degree
   (b) human smuggling is guilty of a third degree felony

   Senator Hickman’s motion to amend passed on a voice vote. Senator Romero commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Goodfellow Killpack Stephenson
H.B. 339, as amended, was returned to the House for further consideration.

***

On motion of Senator Bramble and at 6:40 p.m., the Senate adjourned until 8:30 a.m., Wednesday, March 5, 2008.
FORTY–FIFTH DAY

MORNING SESSION

MARCH 5, 2008

The Senate was called to order at 9:00 a.m., with President John Valentine presiding.

Prayer – Rabbi Tracee Rosen, Congregation Kol Ami
Pledge of Allegiance – Senator Brent Goodfellow
Roll Call – All Senators present

READING OF TITLES OF BILLS AND RESOLUTIONS
(PLEASE REFER TO DAY 1, PAGE 64)

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 4, 2008

The House passed, S.B. 3, CURRENT FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS ACT, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 4, GENERAL OBLIGATION BOND AUTHORIZATION, by Senator S. Jenkins, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, 2nd Sub. S.B. 185, ECONOMIC INCENTIVE REVISIONS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, 1st Sub. S.B. 264, DEVELOPMENT AROUND MILITARY INSTALLATIONS, by Senator S. Killpack, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 265, UNLAWFUL DETAINER AMENDMENTS, by Senator M. Waddoups, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 3, S.B. 4, 2nd Sub. S.B. 185, 1st Sub. S.B. 264, S.B. 265 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 substituted and passed, 3rd Sub. S.B. 17, CHILD ABUSE AND NEGLECT REGISTRY − MANAGEMENT AND LICENSING INFORMATION SYSTEMS AMENDMENTS, by Senator G. Davis, and it is transmitted for further consideration; and

The House passed, as amended, 3rd Sub. S.B. 46, ANTI−FLOW CONTROL AMENDMENTS, by Senator D. Eastman, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

THIRD READING CALENDAR

H.B. 248, AMENDMENTS TO SALES AND USE TAX EXEMPTION FOR CERTAIN PROPERTY INCORPORATED INTO REAL PROPERTY, was read the third time, explained by Senator Niederhauser, and passed on the following roll call:

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

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

H.B. 248 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. 72, MOTORCYCLE LICENSE AND ENDORSEMENT AMENDMENTS, was read the third time, explained by Senator Greiner, and passed on the following roll call:
Yeas, 29; Nays, 0; Absent, 0.

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

1st Sub. H.B. 72 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 15. CONTROL AND PREVENTION OF SEXUALLY TRANSMITTED DISEASES, was before the Senate, explained by Senator Dmitrich.

Senator Christensen proposed the following amendment:

1. Page 1, Line 23:
   Delete “$350,000” and insert “$175,000”

2. Page 3, Line 76:
   Delete “$350,000” and insert “$175,000”

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

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Eastman
Fife Goodfellow Greiner Hickman
Hillyard Jenkins Jones Killpack
Knudson Madsen Mayne McCoy
Niederhauser Peterson Romero Stephenson
Stowell Van Tassell Waddoups Walker
Valentine
H.B. 15, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Bell, the circle was removed from 2nd Sub. H.B. 22, EXPEDITED PARENT–TIME ENFORCEMENT, and it was before the Senate. The bill passed on the following roll call:

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

** Voting in the affirmative were: ** Senators

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

2nd Sub. H.B. 22, as amended, was returned to the House for further consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 4, 2008

The House passed, as amended, 2nd Sub. S.B. 71, SCHOOL DISTRICT AMENDMENTS, by Senator C. Walker, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

* * *

Mr. President: March 5, 2008

The House refuses to recede from its amendments to 2nd Sub. S.B. 151, TRADEMARK PROTECTION ACT AMENDMENTS, by Senator D. Eastman, and has appointed a Conference Committee consisting of Representatives J. Dougall, G. Snow, and D. Litvack to meet with a like committee from the Senate on this bill.

Sandy D. Tenney, Chief Clerk

On motion of Senator Eastman, the Senate voted to refuse to recede from its amendments to 2nd Sub. S.B. 151. President Valentine appointed a conference
committee consisting of Senators Eastman, Niederhauser, and McCoy to meet with a like committee from the House.

SECOND READING CALENDAR

H.B. 165, SALES AND USE TAX EXEMPTIONS RELATING TO AIRCRAFT, was read the second time. Senator Killpack explained the bill.

Senator Killpack proposed the following amendment:

1. Page 2, Line 57 through Page 3, Line 62:
   House Floor Amendments
   2–22–2008

57   (5) sales of parts [H] [i] and [j] [k] ≤[H] equipment [H] [or
   supplies] :

57a   (a) by an establishment described in NAICS Code
   336411 {→} or 336412 {→ or 336413 } of the

57b   2002 North American Industry Classification System of the federal
   Executive Office of the

57c   President, Office of Management and Budget; and

57d   (b) ≤[H] for:

58   [H] [a] [i] ≤[H] installation in an aircraft [operated by common
   carriers in interstate or foreign

59   commerce], including services relating to the installation of parts
   [H] [a] or ≤[H] equipment [H] [a]

59a   or supplies] ≤[H] in the

60   aircraft;

61   [H] [b] [ii] ≤[H] renovation of an aircraft; or

62   [H] [c] [iii] ≤[H] repair of an aircraft;

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

On motion of Senator Killpack, under suspension of the rules, H.B. 165, SALES AND USE TAX EXEMPTIONS RELATING TO AIRCRAFT, was considered read the second and third times and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.
Voting in the affirmative were: Senators
Bell   Bramble   Buttars   Christensen
Davis  Dayton    Dmitrich  Fife
Goodfellow  Greiner  Hickman  Hillyard
Jenkins  Jones    Killpack  Knudson
Madsen  Mayne    McCoy    Niederhauser
Peterson  Romero  Stephenson  Stowell
Van Tassell  Waddoups  Walker  Valentine

Absent or not voting was: Senator
Eastman

H.B. 165, as amended, was returned to the House for further consideration.

***

H.B. 66, PARAEDUCATOR TO TEACHER SCHOLARSHIP PROGRAM, was read the second time.

On motion of Senator Mayne, the bill was circled.

***

1st Sub. H.B. 109, SEX OFFENDER LAW AMENDMENTS, was read the second time.

Senator Greiner proposed the following amendment:

1. Page 2, Line 48:
   After “parole” insert “, such as the following:” and delete the remaining language.

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

###

Senator Dmitrich proposed the following amendment:

1. Page 2, Line 28:
   Delete “$495,000” and insert “$200,000”

2. Page 4, Line 100a:
   Delete “$495,000” and insert “$200,000”

Senator Dmitrich’s motion to amend passed on a voice vote.
On motion of Senator Dmitrich, under suspension of the rules, **1st Sub. H.B. 109**, SEX OFFENDER LAW AMENDMENTS, was considered read the second and third times and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Goodfellow | Niederhauser |

**1st Sub. H.B. 109**, as amended, was returned to the House for further consideration.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 5, 2008

The House concurred in the Senate amendments and passed **1st Sub. H.B. 172**, CITY OR TOWN OPTION SALES AND USE TAX, 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. 206**, TAX AMENDMENTS, by Representative W. Harper, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **1st Sub. H.B. 325**, BULLYING AND HAZING, by Representative C. Moss, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed **H.B. 339**, HUMAN TRAFFICKING AMENDMENTS, by Representative C. Herrod, and it is transmitted for the signature of the President; and
The House concurred in the Senate amendments and passed 3rd Sub. H.B. 359, TAX CHANGES, by Representative J. Dougall, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. H.B. 172, H.B. 206, 1st Sub. H.B. 325, H.B. 339, and 3rd Sub. H.B. 359 were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

Mr. President: March 5, 2008

The Speaker of the House has signed 3rd Sub. S.B. 20, MUNICIPAL GOVERNMENT AMENDMENTS, by Senator C. Walker, and it is transmitted for the signature of the President; and

The Speaker of the House has signed 1st Sub. S.B. 62, HEALTH INSURANCE − MEDICAL COMPLICATION EXCLUSIONS, by Senator P. Knudson, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 177, LOCAL GOVERNMENT DISPOSAL OF REAL PROPERTY ACQUIRED BY EXACTION, by Senator W. Niederhauser, and it is transmitted for the signature of the President; and

The Speaker of the House has signed 1st Sub. S.B. 180, REGENTS’ SCHOLARSHIP PROGRAM, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 263, SELF AUTHENTICATION OF DOCUMENTS, by Senator S. McCoy, and it is transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 294, COMMUNITY DEVELOPMENT AND RENEWAL AMENDMENTS, by Senator C. Bramble, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

3rd Sub. S.B. 20, 1st Sub. S.B. 62, S.B. 177, 1st Sub. S.B. 180, S.B. 263, and S.B. 294 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

On motion of Senator Bramble, the Senate voted to suspend the rules for the remainder of the day in considering bills on the Second Reading Calendar.
**SECOND READING CALENDAR**

On motion of Senator Valentine, under suspension of the rules, S.C.R. 6, CONCURRENT RESOLUTION ON THE RECONSTRUCTION OF INTERSTATE 15, was considered read the second and third times. Senator Valentine explained the bill. Senators Knudson, Jenkins, Hillyard, Bramble, Killpack, Stephenson, and Jones commented. Senator Jones declared a conflict of interest. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Eastman
Fife  Goodfellow  Greiner  Hickman
Hillyard  Jenkins  Jones  Killpack
Knudson  Madsen  Mayne  Niederhauser
Peterson  Romero  Stephenson  Stowell
Van Tassell  Waddoups  Walker  Valentine

**Absent or not voting was:** Senator
McCoy

S.C.R. 6 was transmitted to the House.

**SECOND READING CALENDAR**

On motion of Senator Knudson, under suspension of the rules, 2nd Sub. H.B. 364, PROMOTION OF HEALTH CARE COVERAGE, was considered read the second and third times.

Senator Knudson proposed the following amendment:

1. Page 2, Line 28:
   House Floor Amendments
   2–26–2008

28  as an ongoing appropriation subject to future budget constraints, $ 60,000 from the
2. Page 4, Lines 90 through 93:

90 As an ongoing appropriation subject to future budget constraints, there is appropriated
91 from the General Fund for fiscal year 2008–09, $100,000 to the Division of Health Care
92 Financing within the Department of Health to promote awareness
93 of and facilitate enrollment

in the Utah’s Premium Partnership for Health Insurance Program.

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

Yeas, 25; Nays, 2; Absent, 2.

Voting in the affirmative were: Senators
Bell            Bramble          Christensen         Davis
Dmitrich        Eastman         Fife               Goodfellow
Greiner         Hickman         Hillyard           Jenkins
Jones           Knudson         Mayne              McCoy
Niederhauser    Peterson        Romero             Stephenson
Stowell         Van Tassell      Waddoups           Walker
Valentine

Voting in the negative were: Senators
Dayton          Madsen

Absent or not voting were: Senators
Buttars         Killpack

2nd Sub. H.B. 364, as amended, was returned to the House for further
consideration.

CONCURRENCE CALENDAR

On motion of Senator Davis, the Senate voted to concur in the House
amendments to 3rd Sub. S.B. 17, CHILD ABUSE AND NEGLECT REGISTRY –
MANAGEMENT AND LICENSING INFORMATION SYSTEMS AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell            Bramble          Buttars            Christensen
Davis          Dayton          Dmitrich          Eastman
Absent or not voting were: Senators
Knudson Niederhauser

3rd Sub. S.B. 17 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 3rd Sub. S.B. 46, ANTI–FLOW CONTROL AMENDMENTS. The bill, as amended, passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Eastman Fife
Greiner Hickman Hillyard Jenkins
Jones Killpack Knudson Mayne
McCoy Peterson Romero Stephenson
Stowell Van Tassell Waddoups Walker
Valentine

Absent or not voting were: Senators
Dmitrich Goodfellow Madsen Niederhauser

3rd Sub. S.B. 46 was returned to the House for the signature of the Speaker.

* * *

2nd Sub. S.B. 71, SCHOOL DISTRICT AMENDMENTS, was before the Senate.

Senator Walker made the motion to refuse to concur in the House amendments to 2nd Sub. S.B. 71, SCHOOL DISTRICT AMENDMENTS. Senator Waddoups made the motion to concur to the House amendments. Senator Buttars commented.

On motion of Senator Walker, the bill was circled.
** ***

On motion of Senator Bramble, and at 10:10 a.m., the Senate sauntered.

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

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 5, 2008

   The House passed, **1st Sub. S.B. 205**, UNIFORM INTERSTATE DEPOSITIONS AND DISCOVERY ACT, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President; and

   The House passed, **1st Sub. S.B. 261**, POLITICAL SUBDIVISION ANNEXATION AMENDMENTS, by Senator M. Waddoups, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

**1st Sub. S.B. 205** and **1st Sub. S.B. 261** were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

** ***

Mr. President: March 5, 2008

   The House passed **1st Sub. H.B. 198**, STATE AGENCY ENERGY EFFICIENCY, by Representative F. Hunsaker, and it is transmitted for consideration; and

   The House passed, as substituted and amended, **1st Sub. H.B. 385**, ROAD AND RIGHTS−OF−WAY AMENDMENTS, by Representative M. Noel, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **1st Sub. H.B. 198** and **1st Sub. H.B. 385** were read the first time and referred to the Rules Committee.

**CONCURRENCE CALENDAR**

On motion of Senator Walker, the circle was removed from **2nd Sub. S.B. 71**, SCHOOL DISTRICT AMENDMENTS, and it was before the Senate.

Senator Walker made the motion to refuse to concur in the House amendments to **2nd Sub. S.B. 71**, SCHOOL DISTRICT AMENDMENTS.
Senator Waddoups made the motion to concur to the House amendments. Senator Waddoups’ motion to concur passed.

On motion of Senator Waddoups, the Senate voted to concur in the House amendments to 2nd Sub. S.B. 71, SCHOOL DISTRICT AMENDMENTS. The bill, as amended, passed on the following roll call:

**Y eas, 24; Nays, 5; 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. 71 was returned to the House for the signature of the Speaker.

**SECOND READING CALENDAR**

On motion of Senator Mayne, the circle was removed from H.B. 66, PARAEDUCATOR TO TEACHER SCHOLARSHIP PROGRAM, and it was before the Senate.

Senator Mayne proposed the following amendment:

1. Page 1, Lines 16 through 19

   16 creates the Paraeducator to Teacher Scholarship Program which provides

   17 scholarships of up to $5,000 to paraeducators employed by school districts and

   18 charter schools who are pursuing an associate’s degree or bachelor’s degree to

   19 become a licensed teacher;

2. Page 2, Line 30:
As an ongoing appropriation, $1,000,000 from the Uniform School Fund for fiscal

3. Page 2, Line 52:

Teacher Scholarship Program to award scholarships of up to $10,000 to paraeducators

4. Page 3, Line 82:

The maximum scholarship amount is $5,000.

5. Page 4, Lines 101 through 103

As an ongoing appropriation subject to future budget constraints, there is appropriated

for fiscal year 2008–09, $1,000,000 from the Uniform School Fund to the State Board of Education for the Paraeducator to Teacher Scholarship Program.

Senator Mayne’s motion to amend passed on a voice vote. Senator Dayton commented. Senator Mayne declared a conflict of interest.

On motion of Senator Mayne, under suspension of the rules, H.B. 66, PARAEDUCATOR TO TEACHER SCHOLARSHIP PROGRAM, 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

| Eastman | Niederhauser |
H.B. 66, as amended, was returned to the House for further consideration.

***

H.B. 490, LEGISLATIVE TASK FORCES AND STUDY PRIORITIES, was read the second time.

On motion of Senator Bramble, the bill was circled.

***

On motion of Senator Dayton, under suspension of the rules, H.B. 221, AGRICULTURE AND INDUSTRIAL PROTECTION AREA AMENDMENTS, was considered read the second and third times.

Senator Dayton proposed the following amendment:

1. Page 1, Lines 20 through 22:
   House Committee Amendments
   2–14–2008

   20 ▶ {—prohibits—} requires state agencies and political subdivisions {—from—} to consider impacts on agriculture protection areas and reasonably comparable alternatives when designating a transportation corridor {—as a final, preferred alternative} over land in an agriculture protection area

   21a unless there is no other

   22 reasonably comparable alternative{—} and to make reasonable efforts to minimize or eliminate detrimental impacts on agriculture.

2. Page 10, Lines 282 through 285
   House Committee Amendments
   2–14–2008:

   282 (3) {—A } Each state agency {—or—} and political subdivision {—may not designate or propose—} of the state that designates or proposes to designate a transportation corridor {—as a final, preferred alternative} {—on land within an agriculture protection area unless there is no} {—} shall:

   (a) consider:
(i) whether the transportation corridor would:
   (A) be located on land that is included within an agriculture protection area; or
   (B) interfere with agriculture production activities on land within an agriculture protection area; and
   (ii) each other

reasonably comparable alternative to the placement of the corridor on land within an agriculture protection area; and

(b) make reasonable efforts to minimize or eliminate any detrimental impact on agriculture that may result from the designation of a transportation corridor.

Senator Dayton’s motion to amend passed on a voice vote. Senators Jenkins, Killpack, and Bell commented. Senators Jenkins and Peterson declared conflicts of interest. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Christensen Davis
Dayton Dmitrich Eastman Fife
Goodfellow Greiner Hickman Jenkins
Jones Killpack Knudson Madsen
McCoy Niederhauser Peterson Romero
Stephenson Stowell Van Tassell Valentine

Absent or not voting were: Senators
Buttars Hillyard Mayne Waddoups Walker

H.B. 221, as amended, was returned to the House for further consideration.

On motion of Senator Dayton, the Senate voted to include the following intent language in the Senate Journal:

INTENT LANGUAGE ON H.B. 221

In passing H.B. 221, Agriculture and Industrial Protection Area Amendments, it is the intent of the Legislature that the protection of agricultural lands be a priority throughout the transportation corridor determination process, but without resulting in unnecessary procedural delay in evaluating and determining the designation of a preferred transportation corridor.
On motion of Senator Bramble, the Senate voted to move the following bills on the Second Reading Calendar below **H.B. 406:**


On motion of Senator Bramble, the Senate voted to lift the following bills from Rules and place them on the Second Reading Calendar above **1st Sub. H.B. 400:**


On motion of Senator Bramble, the Senate voted to lift **H.B. 443 and H.B. 380** from Rules and place them at the top of the Second Reading Calendar.

On motion of Senator Bramble, and at 11:00 a.m., the Senate sauntered.

The Senate was called to order at 11:25 a.m., with President Valentine presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 5, 2008

The House substituted and passed, **6th Sub. S.B. 38, TRANSPARENCY IN GOVERNMENT,** by Senator W. Niederhauser, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

**SECOND READING CALENDAR**

**H.B. 150, AUTHORIZATION FOR COUNTIES TO PROVIDE SUPPLEMENTAL LAW ENFORCEMENT SERVICES,** was read the second time.

On motion of Senator Bramble, the bill was circled.

**On motion of Senator Van Tassell, under suspension of the rules, H.B. 443, MEMBERSHIP OF OCCUPATIONAL AND PROFESSIONAL LICENSURE**
REVIEW COMMITTEE, was considered read the second and third times and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Greiner  Knudson  Walker

**H.B. 443** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Killpack, under suspension of the rules, **H.B. 380**, INSURANCE DEPARTMENT – WORKERS’ COMPENSATION AMENDMENTS, was considered read the second and third times and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Buttars  Dmitrich  Greiner  Walker

**H.B. 380** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
H.B. 445, NURSING HOME AMENDMENTS, was read the second time.

On motion of Senator Killpack, the bill was circled.

* * *

On motion of Senator Eastman, under suspension of the rules, H.B. 349, OPEN ENROLLMENT REVISIONS, was considered read the second and third times and passed on the following roll call:

**Yeas, 25; Nays, 2; Absent, 2.**

**Voting in the affirmative were:** Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Eastman
Fife  Greiner  Hickman  Jenkins
Jones  Killpack  Knudson  Madsen
McCoy  Niederhauser  Peterson  Romero
Stephenson  Stowell  Van Tassell  Waddoups
Valentine

**Voting in the negative were:** Senators
Goodfellow  Mayne

**Absent or not voting were:** Senators
Hillyard  Walker

H.B. 349 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, under suspension of the rules, 1st Sub. H.B. 384, EMPLOYEE OBLIGATIONS RELATED TO WORKERS’ COMPENSATION, was considered read the second and third times. Senator Romero commented and the bill passed on the following roll call:

**Yeas, 24; Nays, 4; Absent, 1.**

**Voting in the affirmative were:** Senators
Bell  Bramble  Buttars  Dayton
Dmitrich  Eastman  Fife  Goodfellow
Day 45  Wednesday, March 5, 2008  1017

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

**Voting in the negative were:** Senators
Davis        Mayne       McCoy      Romero

**Absent or not voting was:** Senator
Christensen

**1st Sub. H.B. 384** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

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

**AFTERNOON SESSION**

The Senate reassembled at 2:55 p.m., with President Valentine presiding.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 5, 2008

The House passed, as amended, **1st Sub. S.B. 2**, MINIMUM SCHOOL PROGRAM BUDGET AMENDMENTS, by Senator H. Stephenson, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

**INTRODUCTION OF BILLS**

**S.J.R. 11, Master Study Resolution** (C. Bramble), read the first time by short title and referred to the Rules Committee.

**SECOND READING CALENDAR**

**H.B. 216**, ANNEXATION REVISIONS, was read the second time.

On motion of Senator Eastman, the bill was circled.
2nd Sub. H.B. 426, GOVERNMENT PROCUREMENT − PRIVATE PROPOSALS, was read the second time.

On motion of Senator Killpack, the bill was circled.

On motion of Senator Bell, under suspension of the rules, H.B. 140, CHILD RESTRAINT DEVICE AMENDMENTS, was considered read the second and third times. Senators Jenkins, Jones, Christensen, Romero, Knudson, and Mayne 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

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H.B. 140 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 the following bills from Rules and place them at the top of the Second Reading Calendar:


On motion of Senator Hickman, the circle was removed from H.B. 216, ANNEXATION REVISIONS, and it was before the Senate.
On motion of Senator Hickman, under suspension of the rules, **H.B. 216**, ANNEXATION 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
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Eastman
Fife Goodfellow Greiner Hickman
Hillyard Jenkins Jones Killpack
Knudson Madsen Mayne Niederhauser
Peterson Romero Stowell Van Tassell
Waddoups

**Absent or not voting were:** Senators
McCoy Stephenson Walker Valentine

**H.B. 216** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Jenkins, under suspension of the rules, **1st Sub. H.B. 198**, STATE AGENCY ENERGY EFFICIENCY, was considered read the second and third times and passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Fife
Goodfellow Greiner Hillyard Jenkins
Jones Killpack Knudson Madsen
Mayne McCoy Niederhauser Peterson
Romero Stephenson Stowell Van Tassell
Waddoups

**Absent or not voting were:** Senators
Eastman Hickman Walker Valentine

**1st Sub. 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 Hillyard, under suspension of the rules, **H.B. 2, NEW FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS ACT**, was considered read the second and third times.

Senator Waddoups proposed the following amendment:

1. Page 4, Line 138:
   Delete “$5,000,000” and insert “$3,500,000”

2. Page 4, Line 140:
   Delete “$5,000,000” and insert “$3,500,000”

3. Page 4, Line 142:
   Delete “$2,000,000” and insert “$3,500,000”

4. Page 4, Line 144:
   Delete “$2,000,000” and insert “$3,500,000”

Senator Waddoups’ motion to amend passed on a voice vote. Senators Stowell and Romero commented and the bill passed on the following roll call:

**Yeas, 26; Nays, 1; Absent, 2.**

**Voting in the affirmative were:** Senators

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

**Voting in the negative was:** Senator
McCoy

**Absent or not voting were:** Senators
Madsen Van Tassell

**H.B. 2**, as amended, was returned to the House for further consideration.

**On motion of Senator Hillyard, under suspension of the rules, H.B. 4, STATE AGENCY AND HIGHER EDUCATION COMPENSATION AMENDMENTS,**
was considered read the second and third times. 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

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<th>Stephenson</th>
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**Absent or not voting was:** Senator

Van Tassell

**H.B. 4** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Jenkins, under suspension of the rules, **H.B. 5**, REVENUE BOND, CAPITAL FACILITY, AND PROPERTY ACQUISITION AUTHORIZATIONS, was considered read the second and third times.

Senator Jenkins proposed the following amendment:

1. Page 5, Line 136:

136 (3) The Legislature intends that:

   (a) the University of Utah may, subject to the requirements of Section 63A–5–206, use donations to plan, design, and construct a School of Business Replacement/Expansion;

   (b) no state funds be used for any portion of this project; and

   (c) the university may request state funds for operation and maintenance costs and capital improvements 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.

(4) The Legislature intends that:

2. Page 5, Line 144:

   144 {-(4)} (5) The Legislature intends that:

3. Page 6, Line 152:

   152 {-(5)} (6) The Legislature intends that:

4. Page 6, Line 159:

   159 {-(6)} (7) The Legislature intends that:

5. Page 6, Line 166:

   166 {-(7)} (8) The Legislature intends that:

6. Page 6, Line 174:

   174 {-(8)} (9) The Legislature intends that:

Senator Jenkins’ motion to amend passed on a voice vote. Senator Hillyard and Romero and passed on the following roll call:

Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators

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

Voting in the negative was: Senator Waddoups

Absent or not voting were: Senators

Buttars           Christensen         Madsen           McCoy

H.B. 5, as amended, was returned to the House for further consideration.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 5, 2008

The Speaker of the House has signed 3rd Sub. S.B. 17, CHILD ABUSE AND NEGLECT REGISTRY − MANAGEMENT AND LICENSING
INFORMATION SYSTEMS AMENDMENTS, by Senator G. Davis, and it is transmitted for the signature of the President; and

The Speaker of the House has signed 3rd Sub. S.B. 46, ANTI–FLOW CONTROL AMENDMENTS, by Senator D. Eastman, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

3rd Sub. S.B. 17 and 3rd Sub. S.B. 46 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 5, 2008

The House adopted the Joint Conference Committee Report dated March 5, 2008, and passed 2nd Sub. S.B. 151, TRADEMARK PROTECTION ACT AMENDMENTS, by Senator D. Eastman, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk


Sen. Dan Eastman and
Rep. John Dougall, Chairs

On motion of Senator Eastman, the Senate voted to adopt the Joint Conference Committee Report to 3rd Sub. S.B. 151, TRADEMARK PROTECTION ACT AMENDMENTS. The bill, as amended, 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
Buttars       Goodfellow       Hickman       Killpack
Waddoups

3rd Sub. S.B. 151 was returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Jenkins, under suspension of the rules, H.B. 406, TRAFFIC CODE AMENDMENTS, was considered read the second and third times. Senators Greiner, Hickman, McCoy, Jones, and Stowell commented and the bill passed on the following roll call:

Yeas, 19; Nays, 9; Absent, 1.

Voting in the affirmative were: Senators
Bell           Bramble           Christensen       Dayton
Dmitrich       Eastman          Fife              Hickman
Jenkins        Killpack         Knudson           Madsen
Niederhauser   Peterson         Stephenson        Van Tassell
Waddoups       Walker           Valentine

Voting in the negative were: Senators
Davis          Goodfellow       Greiner           Hillyard
Jones          Mayne            McCoy             Romero
Stowell

Absent or not voting was: Senator
Buttars

H.B. 406 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. 445, NURSING HOME AMENDMENTS, and it was before the Senate. Senator Christensen commented.

On motion of Senator Killpack, under suspension of the rules, H.B. 445, NURSING HOME AMENDMENTS, was considered read the second and third times and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.
Voting in the affirmative were: Senators
Bell            Bramble            Christensen            Davis
Dayton         Dmitrich           Eastman              Fife
Goodfellow     Greiner            Hickman           Hillyard
Jones           Killpack          Knudson            Madsen
Mayne           McCoy              Niederhauser        Peterson
Romero          Stephenson        Stowell           Van Tassell
Waddoups       Walker            Valentine

Absent or not voting were: Senators
Buttars         Jenkins

H.B. 445 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 5, 2008
The House passed, 1st Sub. S.B. 299, REVISION TO LOCAL GOVERNMENT, by Senator G. Bell, et al, which has been signed by the Speaker and it is transmitted for the signature of the President

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 299 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

***

Mr. President: March 5, 2008
The House concurred in the Senate amendments and passed H.B. 66, PARAEDUCATOR TO TEACHER SCHOLARSHIP PROGRAM, by Representative R. Menlove, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 165, SALES AND USE TAX EXEMPTIONS RELATING TO AIRCRAFT, by Representative B. Dee, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk
H.B. 66 and H.B. 165 were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
Mr. President: March 5, 2008

The House refused to concur with the Senate Amendments to 1st Sub. H.B. 109, SEX OFFENDER LAW AMENDMENTS, by Representative G. Hughes, and requests the Senate recede from its amendments.

Sandy D. Tenney, Chief Clerk

Senator Dmitrich made the motion to recede to the Senate Amendments to 1st Sub. H.B. 109, SEX OFFENDER LAW AMENDMENTS. Senator Greiner commented. The motion passed and the bill failed on the following roll call:

**Yeas, 13; Nays, 16; Absent, 0.**

**Voting in the affirmative were:** Senators

Bramble  Davis  Dmitrich  Fife

Goodfellow  Jones  Killpack  Madsen

Mayne  Romero  Stephenson  Van Tassell

Walker

**Voting in the negative were:** Senators

Bell  Buttars  Christensen  Dayton

Eastman  Greiner  Hickman  Hillyard

Jenkins  Knudson  McCoy  Niederhauser

Peterson  Stowell  Waddoups  Valentine

1st Sub. H.B. 109 was filed.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 5, 2008

The House concurred in the Senate amendments and passed H.B. 15, CONTROL AND PREVENTION OF SEXUALLY TRANSMITTED DISEASES, by Representative P. Riesen, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. H.B. 106, CLEAN AIR AND EFFICIENT VEHICLE TAX INCENTIVES, 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 2nd Sub. H.B. 364, PROMOTION OF HEALTH CARE COVERAGE, by Representative K. Holdaway, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

H.B. 15, 1st Sub. H.B. 106, and 2nd Sub. H.B. 364, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

Mr. President: March 5, 2008

The House passed, as amended, 1st Sub. S.B. 89, MITIGATION OF INVASIVE SPECIES, by Senator D. Stowell, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

SECOND READING CALENDAR

1st Sub. H.B. 203, JUDICIAL REVIEW OF STATE ENGINEER’S DECISION, was read the second time. Senator Van Tassell explained the bill. Senator Hillyard commented.

On motion of Senator Van Tassell, the bill was circled.

***

On motion of Senator Eastman, the Senate voted to recall 1st Sub. H.B. 109, SEX OFFENDER LAW AMENDMENTS, from the House for reconsideration.

CONCURRENCE CALENDAR

6th Sub. S.B. 38, TRANSPARENCY IN GOVERNMENT, was before the Senate.

On motion of Senator Stephenson, the bill was circled.

***

On motion of Senator Stephenson, the Senate voted to refuse to concur in the House amendments to 1st Sub. S.B. 2 and asks the House to recede from their amendments.
On motion of Senator Stowell, the Senate voted to concur in the House amendments to **1st Sub. S.B. 89, MITIGATION OF INVASIVE SPECIES**. The bill, as amended, passed on the following roll call:

**Y eas, 25; Nays, 0; Absent, 4.**

**Voting in the affirmative were:** Senators

Bell
Dmitrich
Greiner
Jones
McCoy
Stowell
Valentine

Bramble
Eastman
Hickman
Knudson
Peterson
Van Tassell

Christensen
Fife
Hillyard
Madsen
Romero
Waddoups

Davis
Goodfellow
Jenkins
Mayne
Stephenson
Walker

**Absent or not voting were:** Senators

Buttars
Dayton
Killpack
Niederhauser

**1st Sub. S.B. 89** was returned to the House for the signature of the Speaker.

**SECOND READING CALENDAR**

On motion of Senator Stowell, under suspension of the rules, **H.B. 222, WATER QUALITY BOARD AMENDMENTS**, was considered read the second and third times. Senator Jenkins commented and the bill passed on the following roll call:

**Y eas, 23; Nays, 4; Absent, 2.**

**Voting in the affirmative were:** Senators

Bramble
Dmitrich
Greiner
Mayne
Romero
Waddoups

Buttars
Eastman
Jones
McCoy
Stephenson
Walker

Christensen
Fife
Killpack
Niederhauser
Stowell
Valentine

Davis
Goodfellow
Madsen
Peterson
Van Tassell

**Voting in the negative were:** Senators

Bell
Dayton
Jenkins

**Absent or not voting were:** Senators

Hickman
Hillyard
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.

* * *

On motion of Senator Dmitrich, the Senate voted to reconsider its action on 1st Sub. H.B. 109, SEX OFFENDER LAW AMENDMENTS.

1st Sub. H.B. 109, SEX OFFENDER LAW AMENDMENTS, was before the Senate, explained by Senator Dmitrich, and 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

Hickman

1st Sub. H.B. 109 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

On motion of Senator Greiner the Senate voted to include the following intent language to in the Senate Journal:

**INTENT LANGUAGE FOR 1ST SUB. H.B. 109**

I move that a report be made to the Interim Criminal Justice Subcommittee regarding the contracting process described in this bill.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 5, 2008

The House passed, 1st Sub. S.B. 47, LIMITED PURPOSE LOCAL GOVERNMENT ENTITIES REVISIONS, by Senator D. Stowell, which has
been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 108, OFFSET OF WORKERS’ COMPENSATION AND SOCIAL SECURITY, by Senator J. Hickman, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, S.B. 176, UNEMPLOYMENT INSURANCE CONTRIBUTION RATES 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. 221, CAPITAL DEVELOPMENT AND IMPROVEMENT 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. 228, REGULATION OF WELLS, by Senator M. Dayton, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 47, S.B. 108, S.B. 176, S.B. 221, and S.B. 228 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

CONCURRENCE CALENDAR

On motion of Senator Niederhauser, the circle was removed from 6th Sub. S.B. 38, TRANSPARENCY IN GOVERNMENT, and it was before the Senate.

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to 6th Sub. S.B. 38, TRANSPARENCY IN GOVERNMENT. Senator Hickman commented.

On motion of Senator Niederhauser, under suspension of the rules, 6th Sub. S.B. 38, TRANSPARENCY IN GOVERNMENT, was considered read the first, second and third times. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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<th>Senator</th>
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Voting in the negative were: Senators
Davis  Dmitrich  Hillyard  Knudson

Absent or not voting were: Senators
Madsen  Valentine

6th Sub. S.B. 38 was returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Van Tassell, the circle was removed from 1st Sub. H.B. 203, JUDICIAL REVIEW OF STATE ENGINEER’S DECISION, and it was before the Senate.

Senator Van Tassell proposed the following amendment:

1. Page 2, Line 37 and 38:
   Delete lines 37 and 38

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

On motion of Senator Van Tassell, under suspension of the rules, 1st Sub. H.B. 203, JUDICIAL REVIEW OF STATE ENGINEER’S DECISION, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Eastman
Fife  Goodfellow  Greiner  Hickman
Hillyard  Jenkins  Jones  Killpack
Knudson  Mayne  McCoy  Niederhauser
Peterson  Romero  Stephenson  Stowell
Van Tassell  Waddoups  Walker

Absent or not voting were: Senators
Madsen  Valentine

1st Sub. H.B. 203, as amended, was returned to the House for further consideration.
On motion of Senator Peterson, under suspension of the rules, **H.B. 492**, SEX OFFENDER NOTIFICATION AND REGISTRATION, 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

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**Absent or not voting was:** Senator Valentine

**H.B. 492** was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

**On motion of Senator Bramble, the Senate voted to lift S.J.R. 11, MASTER STUDY RESOLUTION, from Rules and place it at the top of the Second Reading Calendar.**

**S.J.R. 11, MASTER STUDY RESOLUTION, was read the second time.**

On motion of Senator Bramble, the bill was circled.

**On motion of Senator Eastman, under suspension of the rules, 1st Sub. H.B. 472, CHARTER SCHOOL BUILDING AND ENROLLMENT AMENDMENTS, was considered read the second and third times and passed on the following roll call:**

**Yeas, 28; Nays, 0; Absent, 1.**
Voting in the affirmative were: Senators
Bell            Bramble        Buttars        Christensen
Davis           Dayton         Dmitrich       Eastman
Fife            Goodfellow    Greiner        Hickman
Hillyard        Jenkins        Jones          Killpack
Knudson         Madsen         Mayne          McCoy
Niederhauser    Peterson       Romero         Stephenson
Stowell         Van Tassell    Waddoups      Walker

Absent or not voting was: Senator
Valentine

Senator Killpack declared a conflict of interest.

1st Sub. H.B. 472 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Eastman, under suspension of the rules, H.B. 347, MOTOR VEHICLE BUSINESS REGULATION AMENDMENTS, was considered read the second and third times and passed on the following roll call:

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

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

H.B. 347 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

COMMITTEE OF THE WHOLE

On motion of Senator Christensen, Michael Castner, Senate Communication Specialist spoke in Committee of the Whole. Senator Walker commented.

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

1st Sub. H.B. 464, ACCESS TO LANDLOCKED PARCELS, was read the second time.

On motion of Senator Bramble, the bill was circled.

* * *

On motion of Senator Knudson, under suspension of the rules, H.B. 303, PHOSPHORUS LIMIT IN DISHWASHING DETERGENT, was considered read the second and third times. Senators Dayton, Jenkins, Hickman, McCoy, Romero, and Jones commented and passed on the following roll call:

**Yeas, 19; Nays, 7; Absent, 3.**

**Voting in the affirmative were:** Senators
- Bell
- Christensen
- Davis
- Dmitrich
- Eastman
- Fife
- Goodfellow
- Greiner
- Hillyard
- Jones
- Knudson
- Mayne
- McCoy
- Niederhauser
- Romero
- Stowell
- Van Tassell
- Waddoups
- Walker

**Voting in the negative were:** Senators
- Dayton
- Hickman
- Jenkins
- Madsen
- Peterson
- Stephenson
- Valentine

**Absent or not voting were:** Senators
- Bramble
- Buttars
- Killpack

H.B. 303 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

March 5, 2008

The House refuses to recede from its amendments to 1st Sub. S.B. 2, MINIMUM SCHOOL PROGRAM BUDGET AMENDMENTS, by Senator H. Stephenson, and has appointed a Conference Committee consisting of Representatives B. Last, R. Bigelow, and D. Litvack to meet with a like committee from the Senate on this bill.

Sandy D. Tenney, Chief Clerk

On motion of Senator Stephenson, the Senate voted to refuse to recede from its amendments to 1st Sub. S.B. 2. President Valentine appointed a conference
committee consisting of Senators Stephenson, Jenkins, and Mayne to meet with a like committee from the House.

* * *

Mr. President:

March 5, 2008

The House refused to concur with the Senate Amendments to H.B. 2, NEW FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS ACT, by Representative R. Bigelow, and requests the Senate recede from its amendments.

On motion of Senator Hillyard, the Senate refused to recede from their amendments to H.B. 2. A conference committee composed of Senators Hillyard, Waddoups, and McCoy.

SECOND READING CALENDAR

On motion of Senator Bramble, under suspension of the rules, H.B. 467, MOTOR VEHICLE INSURANCE ARBITRATION AMENDMENTS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell       Bramble       Buttars       Christensen
Davis      Dayton        Dmitrich      Eastman
Fife       Goodfellow    Greiner       Hickman
Hillyard   Jenkins       Jones         Killpack
Knudson    Mayne         McCoy         Niederhauser
Peterson   Romero        Stephenson    Stowell
Van Tassell Waddoups    Walker        Valentine

Absent or not voting was: Senator Madsen

H.B. 467 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Niederhauser, the circle was removed from 2nd Sub. H.B. 426, GOVERNMENT PROCUREMENT − PRIVATE PROPOSALS, and it was before the Senate.

On motion of Senator Niederhauser, the following substitute bill replaced the original bill:
(K. Garn)

On motion of Senator Niederhauser, the bill was circled.

***

On motion of Senator Bramble, and at 6:30 p.m., the Senate recessed.

EVENING SESSION

The Senate reassembled at 8:20 p.m., with President Valentine presiding.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 5, 2008

The Speaker of the House has appointed a Conference Committee consisting of Representatives R. Bigelow, G. Hughes, and P. Riesen to meet with a like committee from the Senate to consider or amend H.B. 2, NEW FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS ACT, by Representative R. Bigelow.

Sandy D. Tenney, Chief Clerk

***

Mr. President: March 5, 2008

The House adopted the Joint Conference Committee Report dated March 5, 2008, and passed 1st Sub. S.B. 2, MINIMUM SCHOOL PROGRAM BUDGET AMENDMENTS, by Senator H. Stephenson, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

Mr. President: March 5, 2008


Sen. Howard Stephenson and Rep. Bradley Last, Chairs

On motion of Senator Stephenson, the Senate voted to adopt the Joint Conference Committee report to 2nd Sub. S.B. 2, MINIMUM SCHOOL PROGRAM BUDGET AMENDMENTS. Senator Killpack declared a conflict of interest. The bill, as amended, passed on the following roll call:
Yeas, 22; Nays, 3; 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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2nd Sub. S.B. 2 was returned to the House for the signature of the Speaker.

***

Mr. President: March 5, 2008

The House concurred in the Senate amendments and passed 2nd Sub. H.B. 22, EXPEDITED PARENT−TIME ENFORCEMENT, by Representative Julie Fisher, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. H.B. 203, JUDICIAL REVIEW OF STATE ENGINEER’S DECISION, by Representative P. Painter, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 221, AGRICULTURE AND INDUSTRIAL PROTECTION AREA AMENDMENTS, by Representative J. Mathis, and it is transmitted for the signature of the President.

2nd Sub. H.B. 22, 1st Sub. H.B. 203, 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.

***

Mr. President: March 5, 2008

The Speaker of the House has signed 6th Sub. S.B. 38, TRANSPARENCY IN GOVERNMENT, by Senator W. Niederhauser, and it is transmitted for the signature of the President; and
The Speaker of the House has signed 2nd Sub. S.B. 71, SCHOOL DISTRICT AMENDMENTS, by Senator C. Walker, and it is transmitted for the signature of the President; and

The Speaker of the House has signed 1st Sub. S.B. 89, MITIGATION OF INVASIVE SPECIES, by Senator D. Stowell, and it is transmitted for the signature of the President; and

The Speaker of the House has signed 3rd Sub. S.B. 151, TRADEMARK PROTECTION ACT AMENDMENTS, by Senator D. Eastman, and it is transmitted for the signature of the President; and

Sandy D. Tenney, Chief Clerk

6th Sub. S.B. 38, 2nd Sub. S.B. 71, 1st Sub. S.B. 89, and 3rd Sub. S.B. 151 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 Niederhauser, the circle was removed from 4th Sub. H.B. 426, GOVERNMENT PROCUREMENT − PRIVATE PROPOSALS, and it was before the Senate.

Senator Niederhauser proposed the following amendment:

1. Page 23, Line 698:

   698 (b) A detailed proposal that is to be reviewed by the committee shall be submitted to the

2. Page 26, Lines 786 through 792:

   786 63M−1−2412. Private Proposal Restricted Special Revenue Fund −− Fees.

   787 (1) There is created a restricted special revenue fund within the office called the Private Proposal Restricted Special Revenue Fund.

   788 (2) Monies collected from the payment of a fee required by this part shall be deposited in the Private Proposal Restricted Special Revenue Fund.

   790 (3) Subject to appropriation by the Legislature, the board or the committee may use the
monies in the Private Proposal Restricted Account to offset:

Senator Niederhauser’s motion to amend passed on a voice vote. Senator Niederhauser explained the bill. Senators Christensen, Stephenson, Bramble, Romero, and Killpack commented. Senator Christensen made the motion to send the bill to interim study. The motion failed on a voice vote.

On motion of Senator Niederhauser, under suspension of the rules, 4th Sub. H.B. 426, GOVERNMENT PROCUREMENT − PRIVATE PROPOSALS, was considered read the second and third times and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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4th Sub. H.B. 426, as amended, was returned to the House for further consideration.

***

On motion of Senator Bramble, the circle was removed from H.B. 490, LEGISLATIVE TASK FORCES AND STUDY PRIORITIES, and it was before the Senate.

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

1st Sub. H.B. 490 Legislative Task forces and Study Priorities (D. Clark)

Senator Bramble explained the bill. Senator McCoy commented.

On motion of Senator Bramble, under suspension of the rules, 1st Sub. H.B. 490, LEGISLATIVE TASK FORCES AND STUDY PRIORITIES, was considered read the second and third times and passed on the following roll call:
Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators
Bell    Bramble    Buttars    Christensen
Davis   Dayton     Dmitrich  Eastman
Fife    Goodfellow Greiner  Hickman
Hillyard Jenkins  Jones     Killpack
Knudson Mayne     McCoy     Peterson
Romero  Stephenson Stowell  Van Tassell
Waddoups Walker    Valentine

Absent or not voting were: Senators
Madsen  Niederhauser

1st Sub. H.B. 490 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 5, 2008

The House passed, as amended, S.B. 149, MOTOR VEHICLE LIABILITY POLICY MINIMUM LIMITS, by Senator S. Killpack, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

On motion of Senator Killpack, the Senate voted to concur in the House amendments to S.B. 149, MOTOR VEHICLE LIABILITY POLICY MINIMUM LIMITS. The bill, as amended, passed on the following roll call:

Yeas, 26; Nays, 1; Absent, 2.

Voting in the affirmative were: Senators
Bell    Bramble    Buttars    Christensen
Davis   Dayton     Dmitrich  Eastman
Fife    Goodfellow Greiner  Hickman
Hillyard Jenkins  Jones     Killpack
Knudson Mayne     McCoy     Niederhauser
Peterson Stephenson Stowell  Van Tassell
Walker    Valentine

Voting in the negative was: Senator
Romero
Absent or not voting were: Senators
Madsen Waddoups

S.B. 149 was returned to the House for the signature of the Speaker.

***

On motion of Senator Bramble, the Senate voted to lift 1st Sub. H.B. 348 from Rules and place it on the Second Reading Calendar.

***

On motion of Senator Jenkins, the Senate voted to recall H.B. 5, REVENUE BOND, CAPITAL FACILITY, AND PROPERTY ACQUISITION AUTHORIZATIONS, from the House for the purpose of reconsidering their action.

***

On motion of Senator Bramble, the Senate voted to lift H.B. 282 to the top of the Second Reading Calendar.

***

On motion of Senator Niederhauser, the circle was removed from 1st Sub. H.B. 464, ACCESS TO LANDLOCKED PARCELS, and it was before the Senate.

On motion of Senator Niederhauser, under suspension of the rules, 1st Sub. H.B. 464, ACCESS TO LANDLOCKED PARCELS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell Bramble Christensen Davis
Dayton Dmitrich Eastman Fife
Goodfellow Greiner Hickman Hillyard
Jenkins Jones Killpack Knudson
Mayne McCoy Niederhauser Peterson
Romero Stephenson Stowell Van Tassell
Waddoups Walker Valentine

Absent or not voting were: Senators
Buttars Madsen
1st Sub. H.B. 464 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, the circle was removed from S.J.R. 11, MASTER STUDY RESOLUTION, and it was before the Senate.

On motion of Senator Bramble, under suspension of the rules, S.J.R. 11, MASTER STUDY RESOLUTION, was considered read the second and third times. The bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

Buttars  Madsen

S.J.R. 11 was transmitted to the House.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 5, 2008

The House substituted and passed, 5th Sub. S.B. 245, FUNDING RELATING TO AIRPORTS, HIGHWAYS, AND PUBLIC TRANSIT, by Senator C. Bramble, and it is transmitted for further consideration

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

On motion of Senator Bramble, the Senate voted to concur in the House amendments to 5th Sub. S.B. 245, FUNDING RELATING TO AIRPORTS, HIGHWAYS, AND PUBLIC TRANSIT. The bill, as amended, passed on the following roll call:
Yeas, 27; Nays, 1; Absent, 1.

Voting in the affirmative were: Senators
Bell    Bramble    Buttars    Christensen
Davis   Dayton     Dmitrich    Eastman
Fife    Goodfellow Greiner     Hickman
Hillyard Jenkins    Jones      Killpack
Knudson Mayne      McCoy      Niederhauser
Peterson Romero    Stowell    Van Tassell
Waddoups Walker    Valentine

Voting in the negative was: Senator
Stephenson

Absent or not voting was: Senator
Madsen

5th Sub. S.B. 245 was returned to the House for the signature of the Speaker.

* * *

Mr. President: March 5, 2008

The House substituted and passed, 1st Sub. S.B. 281, USE OF MINIMUM SCHOOL PROGRAM NONLAPSING BALANCES, by Senator H. Stephenson, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar and circled.

SECOND READING CALENDAR

On motion of Senator Killpack, the circle was removed from 1st Sub. H.B. 223, EXEMPTION FROM LICENSURE BY DIVISION OF REAL ESTATE, and it was before the Senate. Senator Killpack explained the bill.

On motion of Senator Killpack, under suspension of the rules, 1st Sub. H.B. 223, EXEMPTION FROM LICENSURE BY DIVISION OF REAL ESTATE, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell    Bramble    Davis    Dmitrich
Eastman Goodfellow Hickman Jones
Voting in the negative were: Senators

Buttars  Christensen  Dayton  Fife
Greiner  Hillyard  Jenkins  Madsen
Peterson  Stephenson  Waddoups  Valentine

1st Sub. H.B. 223 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Greiner, the circle was removed from H.B. 150, AUTHORIZATION FOR COUNTIES TO PROVIDE SUPPLEMENTAL LAW ENFORCEMENT SERVICES, and it was before the Senate. Senator Greiner explained the bill.

Senator Dayton proposed the following amendment:

1. Page 2, Lines 50 through 51:

50 (ii) employed by the county sheriff on an average of at least 40 hours per week; {and } 
51 (b) set forth peace officer rates of pay {and } ; and 
(c) require the individual, entity, or agency receiving supplemental law enforcement service under the contract to provide adequate liability insurance for the county and for the officer providing supplemental law enforcement service under the contract. 

Senator Dayton’s motion to amend failed on a voice vote. Senators Jenkins, McCoy, Hickman, Eastman, and Stowell commented.

On motion of Senator Stowell, the bill was circled.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 5, 2008

The Joint Conference Committee comprised of Sens. Hillyard, Waddoups, and McCoy, and Reps. Bigelow, Hughes, and Riesen, recommends H.B. 2, NEW FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS ACT, by Representative R. Bigelow, with the following amendments:
1. Page 4, Line 138, Goldenrod 03−05−2008:
Delete “3,500,000” insert “2,000,000”

2. Page 4, Line 140, Goldenrod 03−05−2008:
Delete “3,500,000” insert “2,000,000” and after Line 140, insert:
“The Legislature intends that the Department of Corrections spend up to 3,000,000 in nonlapsing balances for jail contracting in addition to the 2,000,000 appropriated in this item.”

3. Page 4, Line 142, Goldenrod 03−05−2008:
Delete “3,500,000” insert “2,000,000”

4. Page 4, Line 144, Goldenrod 03−05−2008:
Delete “3,500,000” insert “2,000,000”; and

Sen. Lyle Hillyard and Rep. Ron Bigelow, Chairs

On motion of Senator Waddoups, the Senate voted to adopt the conference committee report to H.B. 2, NEW FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS ACT. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell             Bramble           Buttars           Christensen
Davis           Dayton           Dmitrich          Eastman
Fife            Goodfellow       Hickman          Hillyard
Jenkins          Jones           Killpack         Knudson
Mayne           McCoy           Niederhauser     Peterson
Romero          Stephenson       Stowell          Van Tassell
Waddoups        Walker           Valentine

**Absent or not voting were:** Senators
Greiner           Madsen

H.B. 2, as amended, was returned to the House for further consideration.
Mr. President: March 5, 2008

The House passed, as amended, S.B. 198, CHILD SUPPORT TECHNICAL AMENDMENTS, by Senator G. Bell, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

On motion of Senator Bell, the Senate voted to concur in the House amendments to S.B. 198, CHILD SUPPORT TECHNICAL AMENDMENTS. The bill, as amended, passed on the following roll call:

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

**Voting in the affirmative were:** Senators

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

**Absent or not voting were:** Senators

- Davis
- Greiner

S.B. 198 was returned to the House for the signature of the Speaker.

Mr. President: March 5, 2008

The House substituted and passed, 2nd Sub. S.B. 278, TECHNICAL AMENDMENTS TO TITLES 78A AND 78B, by Senator G. Bell, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

On motion of Senator Bell, the Senate voted to concur in the House amendments to 2nd Sub. S.B. 278, TECHNICAL AMENDMENTS TO TITLES 78A AND 78B. The bill, as amended, passed on the following roll call:
Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

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

Absent or not voting was: Senator
Greiner

2nd Sub. S.B. 278 was returned to the House for the signature of the Speaker.

***

Mr. President: March 5, 2008

The House substituted and passed, 2nd Sub. S.B. 298, STATE LAND ACQUISITION, by Senator J. Hickman, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

On motion of Senator Hickman, the Senate voted to concur in the House amendments to 2nd Sub. S.B. 298, STATE LAND ACQUISITION. Senator Hickman commented. The bill, as amended, passed on the following roll call:

Yeas, 20; Nays, 8; Absent, 1.

Voting in the affirmative were: Senators

Bell  Bramble  Buttars  Davis
Dayton  Dmitrich  Eastman  Goodfellow
Greiner  Hickman  Jones  Killpack
Knudson  Madsen  Mayne  Niederhauser
Peterson  Stowell  Walker  Valentine

Voting in the negative were: Senators

Fife  Hillyard  Jenkins  McCoy
Romero  Stephenson  Van Tassell  Waddoups
Absent or not voting was: Senator Christensen

2nd Sub. S.B. 298 was returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

H.B. 282. STATE PAYMENT AND REIMBURSEMENT TO COUNTY CORRECTIONAL FACILITIES, was read the second time.

On motion of Senator Greiner, the bill was circled.

* * *

On motion of Senator Bramble, the Senate voted to lift H.B. 369 and H.B. 208 from Rules and place them on the Second Reading Calendar below H.B. 466.

CONCURRENCE CALENDAR

On motion of Senator Stephenson, the circle was removed from 1st Sub. S.B. 281, USE OF MINIMUM SCHOOL PROGRAM NONLAPSING BALANCES, and it was before the Senate.

On motion of Senator Stephenson, the Senate refused to concur in the House amendments. 1st Sub. S.B. 281 was returned to the House.

COMMUNICATIONS FROM THE HOUSE

The House transmits H.B. 5, REVENUE BOND, CAPITAL FACILITY, AND PROPERTY ACQUISITION AUTHORIZATIONS, by Representative K. Garn, for further consideration.

Sandy D. Tenney, Chief Clerk

On motion of Senator Jenkins, the Senate voted to reconsider its action on H.B. 5.

Senator Jenkins made the motion to remove the Senate Floor Amendments. Senator Romero commented. The motion passed on a voice vote. The bill passed on the following roll call vote:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Eastman
Voting in the negative were: Senators
Goodfellow, Jones, Mayne, McCoy, Waddoups

Absent or not voting was: Senator Madsen

H.B. 5 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Walker, under suspension of the rules, H.B. 210, IDENTITY THEFT AND OTHER CRIMES, was considered read the second and third times. Senator Greiner commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell, Bramble, Buttars, Christensen
Davis, Dayton, Dmitrich, Eastman
Fife, Goodfellow, Greiner, Hickman
Hillyard, Jenkins, Jones, Killpack
Knudson, Mayne, McCoy, Niederhauser
Peterson, Romero, Stephenson, Stowell
Van Tassell, Waddoups, Walker, Valentine

Absent or not voting was: Senator Madsen

H.B. 210 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. 370, CHILDREN’S HEALTH INSURANCE PROGRAM AMENDMENTS, was considered read the second and third times and passed on the following roll call:
Yeas, 23; Nays, 2; Absent, 4.

**Voting in the affirmative were:** Senators
Bell       Bramble       Buttars       Christensen
Davis      Eastman       Fife          Greiner
Hickman    Jenkins       Jones         Killpack
Knudson    Mayne         McCoy         Niederhauser
Peterson   Romero        Stowell       Van Tassell
Waddoups   Walker        Valentine

**Voting in the negative were:** Senators
Dayton  Stephenson

**Absent or not voting were:** Senators
Dmitrich  Goodfellow  Hillyard  Madsen

1st Sub. H.B. 370 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

H.B. 493, STALKING AMENDMENTS, was read the second time.

On motion of Senator Bramble, the bill was circled.

***

1st Sub. H.B. 58, SEVERANCE TAX AMENDMENTS, was read the second time.

On motion of Senator Niederhauser, the bill was circled.

***

On motion of Senator Bramble, the circle was removed from H.B. 493, STALKING AMENDMENTS, and it was before the Senate. Senator Bramble explained the bill.

On motion of Senator Bramble, under suspension of the rules, H.B. 493, STALKING AMENDMENTS, was considered read the second and third times and passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell       Bramble       Christensen  Davis
Dayton     Dmitrich     Eastman     Fife
On motion of Senator Killpack, under suspension of the rules, 1st Sub. H.B. 366, MEDICAID LONG TERM CARE AMENDMENTS, was considered read the second and third times and passed on the following roll call:

\[ \text{Yeas, 26; Nays, 0; Absent, 3.} \]

\textbf{Voting in the affirmative were:} Senators

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

\textbf{Absent or not voting were:} Senators

Buttars, Greiner, Hickman

H.B. 493 was returned to the House for further consideration.

\* \* \*

On motion of Senator Killpack, under suspension of the rules, 1st Sub. H.B. 366 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

\* \* \*

On motion of Senator Bramble, the Senate voted to move H.B. 305 on the Second Reading Calendar and place it below 1st Sub. H.B. 208.

\textbf{COMMUNICATIONS FROM THE HOUSE}

Mr. President:

March 5, 2008

The Speaker of the House has signed 1st Sub. S.B. 81, ILLEGAL IMMIGRATION, by Senator J. Hickman, and it is transmitted for the signature of the President; and
The House passed, **1st Sub. S.B. 157**, RIGHTS OF CITIZENS TO CARRY FIREARMS IN DECLARED EMERGENCY, 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, **1st Sub. S.B. 238**, AQUATIC INVASIVE SPECIES INTERDICTION ACT, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.B. 242**, LAW ENFORCEMENT TRACKING OF DOMESTIC VIOLENCE STATISTICS, by Senator J. Greiner, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The House passed, **S.C.R. 6**, CONCURRENT RESOLUTION ON THE RECONSTRUCTION OF INTERSTATE 15, by Senator J. Valentine, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 81, 1st Sub. S.B. 157, 1st Sub. S.B. 238, S.B. 242, and S.C.R. 6 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

On motion of Senator Bramble, and at 10:15 p.m., the Senate sauntered.

The Senate was called to order at 10:25 p.m., with President Valentine presiding.

**SECOND READING CALENDAR**

On motion of Senator Bramble, under suspension of the rules, **H.B. 356**, TAXATION OF MOIST SNUFF, was considered read the second and third times. Senator Waddoups commented and the bill passed on the following roll call:

**Yeas, 15; Nays, 12; Absent, 2.**

**Voting in the affirmative were:** Senators

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<th>Bramble</th>
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<td>Killpack</td>
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<td>Van Tassell</td>
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**Voting in the negative were:** Senators

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<th>Bell</th>
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Absent or not voting were: Senators
Goodfellow     Hillyard

H.B. 356 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Eastman, under suspension of the rules, H.B. 466, TITLE INSURANCE RECOVERY, EDUCATION, AND RESEARCH FUND ACT, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell              Bramble              Buttars           Christensen
Davis            Dayton               Dmitrich          Eastman
Fife             Greiner              Hillyard          Jenkins
Jones            Killpack             Knudson           Mayne
McCoy            Niederhauser         Peterson          Romero
Stephenson       Stowell             Van Tassell       Waddoups
Walker           Valentine

Absent or not voting were: Senators
Goodfellow     Hickman     Madsen

H.B. 466 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Niederhauser, the circle was removed from 1st Sub. H.B. 58, SEVERANCE TAX AMENDMENTS, and it was before the Senate.

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

3rd Sub. H.B. 58 Severance Tax Amendments (J. Dougall)

On motion of Senator Niederhauser, under suspension of the rules, 3rd Sub. H.B. 58, SEVERANCE TAX AMENDMENTS, was considered read the second and third times. Senators Van Tassell, Jenkins, Valentine, and Hillyard commented and the bill passed on the following roll call:
Yeas, 24; Nays, 1; Absent, 4.

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Dayton
Dmitrich  Eastman  Fife  Goodfellow
Hickman  Hillyard  Jones  Killpack
Knudson  Mayne  McCoy  Niederhauser
Peterson  Romero  Stephenson  Stowell
Van Tassell  Waddoups  Walker  Valentine

Voting in the negative was: Senator Christensen

Absent or not voting were: Senators
Davis  Greiner  Jenkins  Madsen

3rd Sub. H.B. 58, as amended, was returned to the House for further consideration.

* * *

On motion of Senator Stephenson, the Senate voted to recall 1st Sub. S.B. 281 from the House for the purpose of concurring with the House amendments.

* * *

H.B. 369, MUNICIPAL RENTAL FEES AMENDMENTS, was read the second time.

On motion of Senator Bramble, the bill was circled.

* * *

On motion of Senator Stowell, under suspension of the rules, 1st Sub. H.B. 208, LIVESTOCK WATERING RIGHTS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Eastman
Fife  Goodfellow  Hickman  Hillyard
Jenkins  Jones  Killpack  Knudson
Senator Hickman declared a conflict of interest.

1st Sub. 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.

* * *

On motion of Senator Niederhauser, the circle was removed from H.B. 369, MUNICIPAL RENTAL FEES AMENDMENTS, and it was before the Senate. Senator Niederhauser explained the bill.

On motion of Senator Niederhauser, under suspension of the rules, H.B. 369, MUNICIPAL RENTAL FEES AMENDMENTS, 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

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**Absent or not voting were:** Senators

| Greiner | Madsen | Van Tassell |

H.B. 369 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Jenkins, under suspension of the rules, H.B. 305, COUNTY SHERIFF QUALIFICATION AMENDMENTS, was considered read the second and third times. Senators McCoy, Bell, Buttars, Valentine, and Waddoups commented and the bill passed on the following roll call:
Yeas, 21; Nays, 7; Absent, 1.

**Voting in the affirmative were:** Senators
Bell
Dmitrich
Hickman
Madsen
Peterson
Walker
Bramble
Eastman
Jenkins
Mayne
Romero
Van Tassell
Christensen
Fife
Jones
McCoy
Stowell
Walker
Davis
Goodfellow
Knudson
Niederhauser

**Voting in the negative were:** Senators
Buttars
Killpack
Waddoups
Dayton
Greiner
Valentine
Hillyard

**Absent or not voting was:** Senator
Stephenson

H.B. 305 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Bramble, the Senate voted to lift H.B. 148, AQUACULTURE REVITALIZATION ACT, from Rules and place it on the Second Reading Calendar.

***

On motion of Senator Stowell, under suspension of the rules, 1st Sub. H.B. 348, ZION NATIONAL PARK SPECIAL GROUP LICENSE PLATE, was considered read the second and third times and passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell
Davis
Fife
Hilleryard
Knudson
Peterson
Waddoups
Bramble
Dayton
Goodfellow
Jenkins
Mayne
Romero
Walker
Buttars
Dmitrich
Greiner
Jones
McCoy
Stowell
Valentine
Christensen
Eastman
Hickman
Killpack
Niederhauser
Van Tassell

**Absent or not voting were:** Senators
Madsen
Stephenson
1st Sub. H.B. 348 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

On motion of Senator Bramble, the Senate voted to lift 1st Sub. H.B. 354, APPRAISALS FOR STATE LAND PURCHASES, and 1st Sub. H.B. 343, EXEMPTION OF UNIVERSITY HOUSING FROM EVICTION LAWS, from Rules and place them on the Second Reading Calendar.

On motion of Senator Bramble, the Senate voted to place H.B. 479 above 1st Sub. H.B. 400 on the Second Reading Calendar.

* * *

On motion of Senator Bramble, under suspension of the rules, 1st Sub. H.B. 187, DEATH CAUSED BY ILLEGAL DRUGS, was considered read the second and third times and passed on the following roll call:

**Voting in the affirmative were:** Senators

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**Absent or not voting were:** Senators

| Goodfellow | Madsen | Stephenson |

1st Sub. H.B. 187 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

* * *

H.B. 486, WRONGFUL LIENS AND WRONGFUL JUDGEMENT LIENS, was read the second time.

On motion of Senator Eastman, the bill was circled.

* * *

On motion of Senator Peterson, under suspension of the rules, 2nd Sub. H.B. 148, AQUACULTURE REVITALIZATION ACT, was considered read the second and third times and passed on the following roll call:
Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Eastman
Fife Greiner Hickman Hillyard
Jenkins Jones Killpack Knudson
Mayne McCoy Niederhauser Peterson
Romero Stephenson Stowell Van Tassell
Waddoups Walker Valentine

Absent or not voting were: Senators
Goodfellow Madsen

2nd Sub. H.B. 148 was returned to the House for further consideration.

* * *

On motion of Senator Bramble, the circle was removed from H.B. 486, WRONGFUL LIENS AND WRONGFUL JUDGEMENT LIENS, and it was before the Senate.

Senator Bramble proposed the following amendment:

1. Page 3, Lines 60 through 64
   House Committee Amendments
   2–26–2008
   
   60 (1) (a) The provisions of Sections 38–9–1, 38–9–3, 38–9–4, and 38–9–6 apply to any recording or filing or any rejected recording or filing of a lien or notice of interest pursuant to this chapter on or after May 5, 1997 and 2008.
   
   61 (b) The provisions of Sections 38–9–1 and 38–9–7 apply to all liens of record regardless of the date the lien or notice of interest was recorded or filed.
   
   (c) Notwithstanding Subsections (1)(a) and (b), the provisions of this chapter applicable to the filing of a notice of interest do not apply to a notice of interest filed before May 5, 2008.
Senator Bramble’s motion to amend passed on a voice vote. Senator Bramble explained the bill. Senator Jenkins commented.

On motion of Senator Bramble, under suspension of the rules, H.B. 486, WRONGFUL LIENS AND WRONGFUL JUDGEMENT LIENS, was considered read the second and third times and passed on the following roll call:

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

**Voting in the affirmative were:** Senators

Bell  
Bramble  
Buttars  
Christensen

Davis  
Dayton  
Dmitrich  
Eastman

Fife  
Greiner  
Hickman  
Hillyard

Jenkins  
Jones  
Killpack  
Knudson

Mayne  
McCoy  
Niederhauser  
Peterson

Romero  
Stephenson  
Stowell  
Van Tassell

Waddoups  
Walker  
Valentine

**Absent or not voting were:** Senators

Goodfellow  
Madsen

Senator Christensen declared a conflict of interest.

**H.B. 486** was returned to the House for further consideration.

**COMMUNICATIONS FROM THE HOUSE**

Mr. President: March 5, 2008

The House passed, as amended, H.B. 3, APPROPRIATIONS ADJUSTMENTS, by Representative R. Bigelow, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. H.B. 3 was read the first time and referred to the Rules Committee.

On motion of Senator Hillyard, the Senate voted to lift H.B. 3, APPROPRIATIONS ADJUSTMENTS, 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. 3, APPROPRIATIONS ADJUSTMENTS, was considered read the second and third times. Senator Hickman 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

Goodfellow

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.

**COMMUNICATIONS FROM THE HOUSE**

The House passed, as amended, S.B. 237, COMMERCIAL AIRLINE AND AIRPORT TAXATION AMENDMENTS, by Senator W. Niederhauser, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar and circled.

* * *

Mr. President:

March 5, 2008

The House adopted the Joint Conference Committee Report dated March 5, 2008, and passed H.B. 2, NEW FISCAL YEAR SUPPLEMENTAL APPROPRIATIONS ACT, by Representative R. Bigelow, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 4th Sub. H.B. 426, GOVERNMENT PROCUREMENT – PRIVATE PROPOSALS, by Representative K. Garn, and it is transmitted for the signature of the President

Sandy D. Tenney, Chief Clerk

H.B. 2 and 4th Sub. H.B. 426, were signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.
SECOND READING CALENDAR

On motion of Senator Greiner, the circle was removed from **H.B. 282**, STATE PAYMENT AND REIMBURSEMENT TO COUNTY CORRECTIONAL FACILITIES, and it was before the Senate. On motion of Senator Greiner, under suspension of the rules, **H.B. 282**, STATE PAYMENT AND REIMBURSEMENT TO COUNTY CORRECTIONAL FACILITIES, was considered read the second and third times.

Senator Knudson proposed the following amendment:

1. Page 1, Lines 15 through 16:
   
   15 ▶ modifies the formula for calculating the final state daily incarceration rate; {and}
   16 ▶ reduces the percentage of the final state daily incarceration rate that is paid to a county as reimbursement for housing a state probationary inmate or a state parole inmate; and

2. Page 4, Lines 102 through 104:
   
   102 (2) Within funds appropriated by the Legislature for this purpose, the department shall
   103 reimburse a county that houses a state probationary inmate or a state parole inmate at a rate of
   104 {−50} 42.1 % of the final state daily incarceration rate.

Senator Knudson’s motion to amend passed on a voice vote. Senators Bramble and Waddoups commented and the bill passed on the following roll call:

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

**Voting in the affirmative were:** Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Eastman
Fife  Greiner  Hickman  Hillyard
Jenkins  Jones  Knudson  Madsen
Mayne  McCoy  Niederhauser  Peterson
Romero  Stephenson  Stowell  Van Tassell
Waddoups  Walker  Valentine

**Absent or not voting were:** Senators
Goodfellow  Killpack

**H.B. 282** was returned to the House for further consideration.
COMMUNICATIONS FROM THE HOUSE

Mr. President: March 5, 2008

The House transmits 1st Sub. S.B. 281, USE OF MINIMUM SCHOOL PROGRAM NONLAPSING BALANCES, by Senator H. Stephenson, for further consideration

Sandy D. Tenney, Chief Clerk

On motion of Senator Stephenson, the Senate voted to concur in the House amendments to 1st Sub. S.B. 281, USE OF MINIMUM SCHOOL PROGRAM NONLAPSING BALANCES, on the following roll call vote:

Yeas, 25; Nays, 2; Absent, 2.

Voting in the affirmative were: Senators
Bell Bramble Buttars Christensen
Davis Dayton Eastman Fife
Goodfellow Greiner Hickman Hillyard
Jenkins Jones Knudson Mayne
McCoy Niederhauser Peterson Romero
Stephenson Van Tassell Waddoups Walker
Valentine

Voting in the negative were: Senators
Dmitrich Madsen

Absent or not voting were: Senators
Killpack Stowell

1st Sub. S.B. 281 was returned to the House for the signature of the Speaker.

* * *

Mr. President: March 5, 2008

The House concurred in the Senate amendments and passed 3rd Sub. H.B. 58, SEVERANCE TAX AMENDMENTS, by Representative J. Dougall, and it is transmitted for the signature of the President.

3rd Sub. H.B. 58, was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

SECOND READING CALENDAR

On motion of Senator Romero, under suspension of the rules, H.B. 226, DISRUPTION OF SCHOOL ACTIVITIES, was considered read the second and
third times. Senators Valentine, Hillyard, and McCoy commented and the bill failed on the following roll call:

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

**Voting in the affirmative were:** Senators

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**Voting in the negative were:** Senators

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**H.B. 226** was filed.

**CONCURRENCE CALENDAR**

On motion of Senator Niederhauser, the circle was removed from **S.B. 237, COMMERCIAL AIRLINE AND AIRPORT TAXATION AMENDMENTS**, and it was before the Senate.

On motion of Senator Niederhauser, the Senate voted to concur in the House amendments to **S.B. 237, COMMERCIAL AIRLINE AND AIRPORT TAXATION AMENDMENTS**. Senator Hillyard commented.

On motion of Senator Niederhauser, the bill was circled.

**SECOND READING CALENDAR**

On motion of Senator Peterson, under suspension of the rules, **H.B. 427, HUNTER EDUCATION REQUIREMENT EXEMPTION FOR MILITARY PERSONNEL**, 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

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</table>
Hillyard  Jenkins  Jones  Killpack
Knudson  Mayne  McCoy  Niederhauser
Peterson  Romero  Stephenson  Stowell
Van Tassell  Waddoups  Walker  Valentine

Absent or not voting was: Senator
Madsen

H.B. 427 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

***

On motion of Senator Waddoups, under suspension of the rules, 1st Sub. H.B. 354, APPRAISALS FOR STATE LAND PURCHASES, was considered read the second and third times and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Eastman
Fife  Goodfellow  Hickman  Hillyard
Jenkins  Jones  Killpack  Knudson
Madsen  Mayne  McCoy  Niederhauser
Romero  Stephenson  Stowell  Van Tassell
Waddoups  Walker  Valentine

Absent or not voting were: Senators
Greiner  Peterson

1st Sub. H.B. 354 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President:  March 5, 2008

The House passed, as amended, S.B. 93, LICENSED DIRECT ENTRY MIDWIFE AMENDMENTS, by Senator M. Dayton, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

On motion of Senator Dayton, the Senate voted to concur in the House amendments to S.B. 93, LICENSED DIRECT ENTRY MIDWIFE AMENDMENTS. The bill, as amended, passed on the following roll call:
Yeas, 22; Nays, 4; Absent, 3.

Voting in the affirmative were: Senators
Bell                Bramble                Christensen          Davis
Dayton             Eastman                Fife                 Goodfellow
Hickman            Hillyard               Jenkins              Jones
Killpack           Knudson                Madsen               Mayne
Niederhauser       Romero                 Stephenson           Stowell
Walker             Valentine

Voting in the negative were: Senators
Dmitrich           McCoy                  Van Tassell          Waddoups

Absent or not voting were: Senators
Buttars            Greiner                Peterson

S.B. 93 was returned to the House for the signature of the Speaker.

CONCURRENCE CALENDAR

On motion of Senator Niederhauser, the circle was removed from S.B. 237, COMMERCIAL AIRLINE AND AIRPORT TAXATION AMENDMENTS. The Senate voted to concur in the House amendments to S.B. 237, COMMERCIAL AIRLINE AND AIRPORT TAXATION AMENDMENTS. The bill, as amended, passed on the following roll call:

Yeas, 25; Nays, 2; Absent, 2.

Voting in the affirmative were: Senators
Bell                Bramble                Buttars              Christensen
Davis              Dayton                 Dmitrich             Eastman
Fife               Goodfellow            Hickman              Hillyard
Jenkins            Jones                  Killpack             Knudson
Madsen             Mayne                  Niederhauser         Stephenson
Stowell            Van Tassell            Waddoups             Walker
Valentine

Voting in the negative were: Senators
McCoy              Romero

Absent or not voting were: Senators
Greiner             Peterson

S.B. 237 was returned to the House for the signature of the Speaker.
COMMUNICATIONS FROM THE HOUSE

Mr. President: March 5, 2008

The House substituted and passed, **1st Sub. S.B. 41, INTERNATIONAL EDUCATION INITIATIVE – CRITICAL LANGUAGES PROGRAM**, by Senator STEPHENSON, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bill was placed on the Concurrence Calendar.

On motion of Senator Stephenson, the Senate voted to concur in the House amendments to **1st Sub. S.B. 41, INTERNATIONAL EDUCATION INITIATIVE – CRITICAL LANGUAGES PROGRAM**. The bill, as amended, passed on the following roll call:

**Yeas, 24; Nays, 2; Absent, 3.**

**Voting in the affirmative were:** Senators
Bell    Bramble    Buttars    Davis
Dayton  Dmitrich  Eastman  Fife
Goodfellow  Hillyard  Jenkins  Jones
Killpack  Knudson  Madsen  Mayne
Niederhauser  Romero  Stephenson  Stowell
Van Tassell  Waddoups  Walker  Valentine

**Voting in the negative were:** Senators
Hickman  McCoy

**Absent or not voting were:** Senators
Christensen  Greiner  Peterson

**1st Sub. S.B. 41** was returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President: March 5, 2008

The Speaker of the House has signed **2nd Sub. S.B. 2, MINIMUM SCHOOL PROGRAM BUDGET AMENDMENTS**, by Senator H. Stephenson, and it is transmitted for the signature of the President; and

The House passed, **1st Sub. S.B. 36, CHARTER AND ONLINE SCHOOLS – PARTICIPATION IN EXTRACURRICULAR ACTIVITIES**, by Senator M. Madsen, 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. 149, MOTOR VEHICLE LIABILITY POLICY MINIMUM LIMITS, by Senator S. Killpack, and it is transmitted for the signature of the President; and

The House passed, 1st Sub. S.B. 168, HIGHWAY FUNDING AMENDMENTS, by Senator D. Stowell, 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. 198, CHILD SUPPORT TECHNICAL AMENDMENTS, by Senator G. Bell, and it is transmitted for the signature of the President; and

The House passed, S.B. 244, DIVISION OF PARKS AND RECREATION TO SUPPORT NONPROFIT CORPORATION OR FOUNDATION, by Senator B. Goodfellow, 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 5th Sub. S.B. 245, FUNDING RELATING TO AIRPORTS, HIGHWAYS, AND PUBLIC TRANSIT, by Senator C. Bramble, and it is transmitted for the signature of the President; and

The House passed, S.B. 253, COUNTY LAW ENFORCEMENT DUTIES, by Senator M. Waddoups, which has been signed by the Speaker and it is transmitted for the signature of the President; and

The Speaker of the House has signed 2nd Sub. S.B. 278, TECHNICAL AMENDMENTS TO TITLES 78A AND 78B, by Senator G. Bell, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed 1st Sub. S.B. 281, USE OF MINIMUM SCHOOL PROGRAM NONLAPSING BALANCES, by Senator H. Stephenson, and it is transmitted for the signature of the President; and

The Speaker of the House has signed 2nd Sub. S.B. 298, STATE LAND ACQUISITION, by Senator J. Hickman, and it is transmitted for the signature of the President; and

The House passed, S.J.R. 11, MASTER STUDY RESOLUTION, by Senator C. Bramble, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk
S.B. 298, and S.J.R. 11 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

Mr. President: March 5, 2008

The House concurred in the Senate amendments and passed 2nd Sub. H.B. 148, AQUACULTURE REVITALIZATION ACT, by Representative M. Noel, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 282, STATE PAYMENT AND REIMBURSEMENT TO COUNTY CORRECTIONAL FACILITIES, by Representative M. Noel, and it is transmitted for the signature of the President; and

The House concurred in the Senate amendments and passed H.B. 486, WRONGFUL LIENS AND WRONGFUL JUDGEMENT LIENS, by Representative J. Gowans, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

2nd Sub. H.B. 148, H.B. 282, and H.B. 486 were signed by the President in open session and returned to the House.

* * *

Mr. Speaker: March 5, 2008

The Speaker of the House has signed 1st Sub. S.B. 41, INTERNATIONAL EDUCATION INITIATIVE − CRITICAL LANGUAGES PROGRAM by Senator H. Stephenson and it has been transmitted for the signature of the President; and

The Speaker of the House has signed 7th Sub. S.B. 93, LICENSED DIRECT ENTRY MIDWIFE AMENDMENTS by Senator M. Dayton and it has been transmitted for the signature of the President; and

The Speaker of the House has signed S.B. 237, COMMERCIAL AIRLINE AND AIRPORT TAXATION AMENDMENTS by Senator W. Niederhauser and it has been transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

1st Sub. S.B. 41, 7th Sub. S.B. 93, and S.B. 237 were signed by the President of the Senate in open session. The bills will be enrolled and transmitted to the Governor.

* * *

On motion of Senator Bramble, the Senate struck the enacting clause on all House bills and resolutions remaining on the Senate calendar and with the Rules Committee.
On motion of Senator Bramble, the Senate struck the enacting clause on all Senate bills and resolutions remaining on the calendar and with the Rules Committee and ordered them filed.

President John Valentine directed Annette Moore and Leslie McLean to read, revise, and make minor corrections to the Daily Senate Journals and be responsible for certifying the indexed and bound copy as the accurate record of the proceedings of the 2008 General Session of the Fifty-Seventh Legislature.

President Valentine appointed Senators Michael Waddoups, Mark Madsen, and Pat Jones to wait upon the Governor and ask if he has any further business to bring before the Senate.

President Valentine appointed Senators Carlene Walker, Scott Jenkins, and Karen Mayne to notify the House of Representatives that the Senate has concluded its business and is ready to adjourn sine die.

Senator Curtis Bramble and Senator Mike Dmitrich expressed appreciation to the opposite party.

Senator Greg Bell, Chairman of the Employee Committee, asked that all Senate employees stand and receive appreciation from the Senators. He also expressed thanks to all the legislative employees serving in the Office of Legislative Research and General Counsel, Fiscal Analyst, Auditor General, and to the employees in Legislative Printing.

Senator Bell also expressed appreciation to the Senate interns for the exceptional work they have done throughout the session.

On motion of Senator Bell, the Senate voted to give each member of the Senate staff an additional 16 hours compensation at the rates established for each employee.

President Valentine expressed appreciation to Senator Bramble, Senator Eastman, Senator Hickman, and Senator Lyle Hillyard.

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 Waddoups reported that his committee, with a like committee from the House of Representatives had notified the Governor. The Governor asked that the committee convey to each house that he has no further business to bring before the legislature but that he would like to speak before each house prior to their adjournment sine die.

Governor Jon M. Huntsman, Jr. made closing remarks and expressed appreciation to the Senate.
On motion of Senator Bramble and at 12:00 a.m., the Senate adjourned sine die.

**SENATE STRUCK ENACTING CLAUSE**

**HOUSE BILLS AND RESOLUTIONS**

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. 17** Cancer Screening and Mortality Reduction Program (Rep. P. Ray)
- **H.B. 41** Campaign Report Amendments (Rep. S. Allen)
- **H.B. 65** Crime of Strangulation or Smothering (Rep. J. Seelig)
- **H.B. 67** Extended Year for Special Educators (Rep. R. Menlove)
- **1st Sub. H.B. 69** Repeal of Board Leeway for Reading Improvement (Rep. J. Dougall)
- **H.B. 81** Task Force to Study Performance Incentives for Teachers (Rep. B. Last)
- **H.B. 83** Securities Amendments (Rep. J. Bird)
- **H.B. 85** Teacher Loan Program (Rep. L. Hemingway)
- **1st Sub. H.B. 95** Document Fraud (Rep. K. Morgan)
- **H.B. 98** Utah Employment Verification Act (Rep. G. Donnelson)
- **H.B. 116** Fluorine in a Privately Owned Water System (Rep. S. Andersen)
- **H.B. 123** Accelerated Learning Programs Amendments (Rep. B. Ferry)
- **1st Sub. H.B. 135** Grants from Department of Community and Culture (Rep. S. Allen)
- **H.B. 137** State Facility Water Conservation Program (Rep. L. Wiley)
- **H.B. 142** Absentee Ballot Amendments (Rep. J. Mathis)
- **H.B. 145** Additional State Retirement Benefit (Rep. K. Holdaway)
- **H.B. 150** Authorization for Counties to Provide Supplemental Law Enforcement Services (Rep. J. Biskupski)
- **H.B. 158** Tax Credit for Military Retired Pay (Rep. S. Mascaro)
H.B. 161  Sex Offenders’ Contact with Children  
(Rep. R. Greenwood)

2nd Sub. H.B. 166  Minutes of Open and Public Meetings  
(Rep. M. Brown)

2nd Sub. H.B. 168  Health Insurance Market Choices  
(Rep. J. Dunnigan)

1st Sub. H.B. 169  Custody Evaluation and Parent Coordination  
(Rep. T. Cosgrove)

H.B. 181  Disposition of Potential Evidence  
(Rep. T. Cosgrove)

1st Sub. H.B. 183  Sales and Use Tax Amendments  
(Rep. W. Harper)

H.B. 194  Class Size Reduction in Kindergarten Through Grade  
Three  
(Rep. K. Morgan)

H.B. 195  Concealed Firearm Permit Amendments  
(Rep. M. Newbold)

H.B. 201  Tax Credit for Solar Projects  
(Rep. B. Last)

2nd Sub. H.B. 212  Educator Salary Adjustments  
(Rep. J. Dougall)

H.B. 226  Disruption of School Activities  
(Rep. C. Moss)

H.B. 227  Revoking Federal Authority to Use State Lands as a Bird  
Refuge  
(Rep. B. Ferry)

1st Sub. H.B. 229  Protections for Agricultural Practices  
(Rep. M. Morley)

H.B. 237  Illegal Immigration Enforcement Act  
(Rep. G. Donnelson)

H.B. 239  Driver License Qualification Amendments  
(Rep. G. Donnelson)

H.B. 241  Repeal of Exemptions from Nonresident Tuition  
(Rep. G. Donnelson)

H.B. 253  Higher Education Information Technology Appropriation  
(Rep. S. Clark)

H.B. 257  Employee Verification  
(Rep. C. Herrod)

H.B. 264  Prohibition of Citation Quotas  
(Rep. N. Hansen)

H.B. 266  Accelerated Learning Program Revisions  
(Rep. C. Moss)

H.B. 270  Utah Science Technology and Research Initiative Centers  
(Rep. R. Bigelow)

1st Sub. H.B. 274  Utah K–8 Online Virtual School  
(Rep. B. Ferry)

2nd Sub. H.B. 276  Health Professional Authority – Death and Disability  
(Rep. B. Last)

H.B. 279  Tax Incentives for Military Members  
(Rep. W. Harper)

H.B. 280  School Finance Amendments  
(Rep. Julie Fisher)

H.B. 292  Legislative Task Force to Study Radio Communication  
System in Utah  
(Rep. B. Dee)

2nd Sub. H.B. 293  Private Building Inspector Authorized  
(Rep. D. Aagard)

H.B. 307  Cancer Screening and Mortality Reduction Special Group  
License Plate  
(Rep. C. Moss)
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<td>High–ability Student Initiative Program</td>
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<td>Senior Citizen’s Homeowner’s Credit</td>
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<td>Minimum Age for Public Education Enrollment Amendments</td>
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<td>H.B. 353</td>
<td>Department of Environmental Quality Amendments</td>
<td>Rep. C. Johnson</td>
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<td>H.B. 357</td>
<td>Public Associations Subject to Government Records Access and Management Act</td>
<td>Rep. M. Noel</td>
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<td>H.B. 402</td>
<td>Vehicle to Pull off Highway</td>
<td>Rep. F. Hunsaker</td>
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<td>H.B. 436</td>
<td>English Language Learner Family Literacy Centers Program</td>
<td>Rep. G. Hughes</td>
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<td>H.B. 452</td>
<td>Handling of Minor Traffic Accidents</td>
<td>Rep. E. Hutchings</td>
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(Rep. S. Allen)
H.B. 473 Firearms Amendments (Rep. C. Oda)
H.B. 479 Health Care Patient Identity Protections
(Rep. S. Sandstrom)
H.B. 481 Subdivision Approval Amendments (Rep. M. Noel)
H.B. 494 Amendments to the Utah Medical Service System Act
(Rep. J. Dougall)
H.B. 497 Revenue Bond Authorization for State Fair Park
(Rep. N. Hendrickson)
H.C.R. 8 Concurrent Resolution Supporting the Narrows Water
Project in Central Utah (Rep. B. Winn)
H.J.R. 8 Joint Resolution Urging Congress to Eliminate
Transportation Earmarking That Overrides State
Transportation Priorities (Rep. Julie Fisher)
H.J.R. 11 Joint Resolution Supporting Statewide Government 211
System Information Directory (Rep. E. Hutchings)

Annette Moore,
Secretary of the Senate

**HOUSE STRUCK ENACTING CLAUSE**
(SENATE BILLS AND RESOLUTIONS)

Mr. President: March 5, 2008

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. 14 Smoking Ban in Motor Vehicle (S. McCoy)
S.B. 18 Public Safety Retirement Death Benefit Modifications
(J. Greiner)
5th Sub. S.B. 25 Municipal Incorporation Amendments (D. Stowell)
S.B. 28 Apportionment of Business Income, Attributing Sales to
the State and Deduction of Net Losses by a Unitary
Group (H. Stephenson)
S.B. 31 Income Tax Amendments (W. Niederhauser)
S.B. 33 Department of Community and Culture−State−Owned Art
Inventory (M. Madsen)
S.B. 35 Differentiated Pay for Teachers (H. Stephenson)
S.B. 37 Home School and Extra Curricular Activities
Amendments (M. Madsen)
S.B. 39  Mathematics, Science, and Technology Education Task Force (H. Stephenson)
S.B. 40  State Trade Database (M. Madsen)
S.B. 50  Medical Benefits Recovery Amendments (A. Christensen)
S.B. 61  Financial and Economic Literacy Education (P. Jones)
S.B. 64  Income Tax – Capital Gain Transactions (W. Niederhauser)
S.B. 67  Protection of Constitutionally Guaranteed Activities in Certain Private Venues (M. Madsen)
1st Sub. S.B. 70  Emotional Support Animals (S. McCoy)
S.B. 75  Prohibiting Gang Activity (J. Greiner)
S.B. 80  Ski and Snowboard Education, Development, and Promotion Special Group License Plate (K. VanTassell)
S.B. 85  Water Rights Board (D. Stowell)
S.B. 91  Benefits to American Board Certified Teachers (M. Madsen)
1st Sub. S.B. 96  Multi–Channel Video or Audio Service Tax Act Amendments (W. Niederhauser)
S.B. 97  Immigration Task Force (S. Jenkins)
S.B. 117  Animal Cruelty Amendments (A. Christensen)
S.B. 118  Education Transportation Amendments (D. Peterson)
S.B. 126  Filing Fee for Write–In Candidates (P. Knudson)
S.B. 160  Candidate Replacement Deadline for General Election (P. Knudson)
1st Sub. S.B. 166  Nondiscrimination Amendments (S. McCoy)
S.B. 172  Funding for Medicaid Vision Care (A. Christensen)
1st Sub. S.B. 182  Survival Action Upon Injury or Death (M. Waddoups)
S.B. 183  Child Pornography Amendment (D. Buttars)
S.B. 188  Pilot Program for Summer School and After School Programs for Children With a Disability (G. Bell)
S.B. 190  Public Classroom Displays (A. Christensen)
1st Sub. S.B. 197  Preferred Drug List Revisions (A. Christensen)
2nd Sub. S.B. 204  Income Tax Amendments (W. Niederhauser)
S.B. 234  Minimum School Program Amendments–Counseling and Guidance Programs (M. Dmitrich)
S.B. 241  Local Governmental Cooperation in Education Matters (P. Jones)
S.B. 243  This is the Place Foundation–Procurement Code Exemption (B. Goodfellow)
To the Members of the Senate: March 5, 2008

The Rules Committee recommends the enacting clause be stricken on the following Senate Bills and Resolutions and they be filed:

S.B. 42  Utah College of Applied Technology – Governance and Operations (Sen. G. Bell)
S.B. 49  New School District Amendments (Sen. D. C. Buttars)
S.B. 51  Impact Fees – Public Safety Facility (Sen. G. Bell)
S.B. 73  Wrongful Death Amendments (Sen. S. McCoy)
S.B. 74  Health Care Provider Access (Sen. D. C. Buttars)
S.B. 82  Ambulatory Surgical Centers Amendments (Sen. A. Christensen)
S.B. 86  Economic Analysis and Reporting of Cost of Land Use Regulation (Sen. M. Madsen)
S.B. 90  Payment in Lieu of Property Taxes Act (Sen. G. Davis)
S.B. 101 Utah Comprehensive Health Insurance Pool Funding (Sen. G. Davis)
S.B. 102 Animal Torture Offense (Sen. G. Davis)
S.B. 104 State Capital Facility Board – Creation and Oversight (Sen. D. C. Buttars)
S.B. 106 Juvenile Custody Maintenance Amendments (Sen. D. Peterson)
S.B. 107 State Retirement Benefit Additions (Sen. B. Goodfellow)
S.B. 109 Poll Worker Neutrality (Sen. S. McCoy)
S.B. 121 Access to Qualified Health Care Providers (Sen. D. C. Buttars)
S.B. 123 Filling Vacancies in the Senate (Sen. J. Hickman)
S.B. 127 Underground Utilities Facilities Amendments (Sen. J. Greiner)
S.B. 129 Changes to County Surveyor (Sen. K. VanTassell)
S.B. 133  Medical Assistance and Managed Care (Sen. G. Bell)
S.B. 140  Education Advisory Councils (Sen. P. Jones)
S.B. 141  Water Conservancy District – Selection of Board of Trustees (Sen. W. Niederhauser)
S.B. 142  High School Graduation Requirements (Sen. M. Madsen)
S.B. 145  State Family Day Holiday (Sen. J. Hickman)
S.B. 153  Revision to County Elected Offices (Sen. G. Bell)
S.B. 154  Protective Order – Crime of Inducing Breach (Sen. S. McCoy)
S.B. 169  Renewable Energy Zone Task Force (Sen. D. Stowell)
S.B. 175  Death Certificate Procedure Amendments (Sen. J. Greiner)
S.B. 178  Senior Citizen Property Tax Safe Harbor (Sen. D. C. Buttars)
S.B. 194  Metal Theft Amendments and Penalties (Sen. J. Greiner)
1st Sub. S.B. 195  Use of Campaign Contributions (Sen. G. Bell)
S.B. 203  Highway Abandonment Amendments (Sen. D. Peterson)
1st Sub. S.B. 210  Proof of Citizenship Required to Vote (Sen. M. Madsen)
S.B. 212  Funeral Processions (Sen. B. Goodfellow)
S.B. 213  State Contract – False Claims Act (Sen. A. Christensen)
S.B. 216  Deferred Deposit Lending Information and Reporting (Sen. G. Bell)
S.B. 217  Property Tax Deferrals, Abatements, and Relief Limitations (Sen. D. Stowell)
S.B. 218  Amendments to Tourism, Recreation, Cultural, and Convention Facilities Tax (Sen. W. Niederhauser)
1st Sub. S.B. 219  School District Division Funding (Sen. M. Waddoups)
S.B. 222  Division of Real Estate Licensing and Presence in the United States (Sen. M. Dayton)
1st Sub. S.B. 223  School Transfers – Participation in Extracurricular Activities (Sen. M. Madsen)
S.B. 255  Hospital Lien (Sen. D. Peterson)
S.B. 258  Property Tax Committee (Sen. W. Niederhauser)
S.B. 266  Process Servers – Age Restrictions (Sen. J. Greiner)
S.B. 267  Local Government Authority Amendments (Sen. D. C. Buttars)
S.B. 273  Regulation of Gifts (Sen. G. Bell)
S.B. 279  Water and Land Use Development (Sen. D. Peterson)
S.B. 292  Voiding Transactions Against Public Policy
(Sen. M. Dayton)

S.J.R. 9  Joint Resolution Amending Rules of Evidence Relating to Information Contained in the Management Information System (Sen. G. Davis)

S.J.R. 10  Joint Resolution Amending Constitution Regarding Taxes of the Elderly (Sen. G. Davis)

S.R. 5  Senate Resolution Encouraging Congressional Action Related to the Navajo Nation’s Ability to Collect Child Support (Sen. M. Dmitrich)

Bill Hickman,
Senate Rules Committee Chair
### SUMMARY OF LEGISLATION
#### 2008 GENERAL SESSION

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### STATISTICAL SUMMARY OF GENERAL SESSIONS
#### 2001-2007

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SUBJECT INDEX

ALL SENATE AND HOUSE BILLS
AND RESOLUTIONS
(P) – Passed & (F) – Failed

2008 GENERAL SESSION
FIFTY—SEVENTH LEGISLATURE
January 21 through March 5, 2008
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Read the third time .................................................. 143
Transmitted to the House ............................................. 143
Signed by the President and transmitted to the Governor ............. 253
S.B. 27 — TRUSTEES SALE – PROCESS FOR EXCESS PROCEEDS (G. Davis)
Read the first time by short title and referred to the Rules Committee .................. 72
Placed on calendar ...................................................... 80
Read the second time .................................................. 135
Read the third time .................................................... 143
Transmitted to the House ............................................. 144
Signed by the President and transmitted to the Governor ................................. 329

S.B. 28 — APPORTIONMENT OF BUSINESS INCOME, ATTRIBUTING SALES TO THE STATE, AND DEDUCTION OF NET LOSSES BY A UNITARY GROUP (H. Stephenson)
Read the first time by short title and referred to the Rules Committee .................. 72
Assigned to standing committee ....................................... 83
Committee report adopted and placed on calendar ............................................. 156
Read the second time .................................................. 251
Read the third time .................................................... 263
Transmitted to the House ............................................. 264
Enacting Clause Stricken ............................................. 1073

S.B. 29 — TRUTH IN TAXATION AMENDMENTS (W. Niederhauser)
Read the first time by short title and referred to the Rules Committee .................. 72
Assigned to standing committee ....................................... 83
Substituted .............................................................. 256
Committee report adopted and placed on calendar ............................................. 258
Read the second and third time ......................................... 447
Transmitted to the House ............................................. 447
Signed by the President and transmitted to the Governor ................................. 645

S.B. 30 — CONSUMER SALES PRACTICE ACT AMENDMENTS (P. Jones)
Read the first time by short title and referred to the Rules Committee .................. 72
Placed on calendar ...................................................... 80
Read the second time .................................................. 136
Read the third time .................................................... 144
Circled ................................................................. 144
Uncircled ............................................................... 158
Amendments ........................................................... 159
Transmitted to the House ............................................. 159
Signed by the President and transmitted to the Governor ................................. 356

S.B. 31 — INCOME TAX AMENDMENTS (W. Niederhauser)
Read the first time by short title and referred to the Rules Committee .................. 72
Assigned to standing committee ....................................... 83
Amendments ........................................................... 127
Committee report adopted and placed on calendar ............................................. 131
Read the second time .................................................. 212
Read the third time .................................................... 225
Transmitted to the House ............................................. 225
Enacting Clause Stricken ............................................. 1073

S.B. 32 — LOCAL GOVERNMENT BONDING ACT – PUBLIC HEARINGS (S. Jenkins)
Read the first time by short title and referred to the Rules Committee .................. 72
Assigned to standing committee ....................................... 82
Amendments ........................................................... 126
Committee report adopted and placed on calendar ............................................. 131
Read the second time .................................................. 210
Substituted ........................................................... 210
Read the third time .................................................... 223
Transmitted to the House ............................................. 223
Signed by the President and transmitted to the Governor ................................. 476
S.B. 33 — DEPARTMENT OF COMMUNITY AND CULTURE – STATE-OWNED ART INVENTORY (M. Madsen)
Read the first time by short title and referred to the Rules Committee. 72
Placed on calendar 80
Read the second time 144
Read the third time 158
Transmitted to the House 158
Enacting Clause Stricken 1073

S.B. 34 — CONFIDENTIALITY OF REPORTS TO DRIVER LICENSE DIVISION (A. Christensen)
Read the first time by short title and referred to the Rules Committee. 72
Assigned to standing committee 84
Committee report adopted and placed on calendar 115
Read the second time 201
Read the third time 221
Transmitted to the House 222
Signed by the President and transmitted to the Governor 611

S.B. 35 — DIFFERENTIATED PAY FOR TEACHERS (H. Stephenson)
Read the first time by short title and referred to the Rules Committee. 72
Assigned to standing committee 81
Committee report adopted and placed on calendar 115
Read the second time 184
Read the third time 197
Circled 197
Uncircled 264
Amendments 265
Transmitted to the House 267
Enacting Clause Stricken 1073

S.B. 36 — CHARTER AND ONLINE SCHOOLS – PARTICIPATION IN EXTRACURRICULAR ACTIVITIES (M. Madsen)
Read the first time by short title and referred to the Rules Committee. 73
Assigned to standing committee 82
Amendments 140
Committee report adopted and placed on calendar 141
Read the second time 247
Substituted 247
Read the third time 261
Transmitted to the House 261
Signed by the President and transmitted to the Governor 1067

S.B. 37 — HOME SCHOOL AND EXTRA CURRICULAR ACTIVITIES AMENDMENTS (M. Madsen)
Read the first time by short title and referred to the Rules Committee. 73
Assigned to standing committee 82
Amendments 169
Committee report adopted and placed on calendar 171
Read the second time 283
Circled 283
Uncircled 398
Amendments 398
Read the third time 442
Transmitted to the House 442
Enacting Clause Stricken 1073
S.B. 38 — TRANSPARENCY IN GOVERNMENT FINANCE (W. Niederhauser)
Read the first time by short title and referred to the Rules Committee. ... 73
Assigned to standing committee ........................................ 84
Substituted .................................................................. 151, 500
Committee report adopted and placed on calendar .................. 156
Read the second time ...................................................... 251
Circled ........................................................................ 251, 1027
Uncircled ...................................................................... 499, 1030
Read the third time ......................................................... 518
Transmitted to the House ................................................... 518
Placed on Concurrence Calendar ......................................... 1014
Before the Senate ............................................................ 1027
Concurrence .................................................................. 1030
Read the first, second and third time .................................. 1030
Returned to the House ..................................................... 1031
Signed by the President and transmitted to the Governor ...... 1038

S.B. 39 — MATHEMATICS, SCIENCE, AND TECHNOLOGY EDUCATION TASK FORCE (H. Stephenson)
Read the first time by short title and referred to the Rules Committee. ... 73
Assigned to standing committee ........................................ 82
Amendments .................................................................. 113
Committee report adopted and placed on calendar ................. 115
Read the second time ...................................................... 184
Read the third time ......................................................... 197
Circled ........................................................................ 198
Uncircled ...................................................................... 264
Transmitted to the House ................................................... 264
Enacting Clause Stricken .................................................. 1074

S.B. 40 — STATE TRADE DATABASE (M. Madsen)
Read the first time by short title and referred to the Rules Committee. ... 73
Placed on calendar ............................................................ 81
Read the second time ...................................................... 145
Read the third time ......................................................... 158
Transmitted to the House ................................................... 158
Enacting Clause Stricken .................................................. 1074

S.B. 41 — EXTENDED SCHOOL YEAR INCENTIVE (H. Stephenson)
Read the first time by short title and referred to the Rules Committee. ... 73
Assigned to standing committee ........................................ 82
Committee report adopted and placed on calendar ................. 115
Read the second time ...................................................... 185
Amendments .................................................................. 185
Read the third time ......................................................... 198
Circled ........................................................................ 198
Uncircled ...................................................................... 268
Transmitted to the House ................................................... 268
Concurrence .................................................................. 1066
Placed on Concurrence Calendar ......................................... 1066
Returned to the House ..................................................... 1066
Signed by the President and transmitted to the Governor ...... 1068

S.B. 42 — UTAH COLLEGE OF APPLIED TECHNOLOGY – GOVERNANCE AND OPERATIONS (G. Bell)
Read the first time by short title and referred to the Rules Committee. ... 73
Assigned to standing committee ........................................ 82
Returned to the Rules Committee ....................................... 806
Enacting Clause Stricken .................................................. 1075
S.B. 43 — ADMINISTRATIVE RULES REAUTHORIZATION (H. Stephenson)
Read the first time by short title and referred to the Rules Committee. .......... 95
Assigned to standing committee ....................................................... 110
Committee report adopted and placed on calendar ................................ 438
Read the second time ........................................................................ 594
Read the third time ........................................................................... 603
Transmitted to the House ................................................................. 603
Signed by the President and transmitted to the Governor ....................... 844

S.B. 44 — PENALTIES FOR FAILING TO SECURE A LOAD OR LITTERING ON A HIGHWAY
(P. Jones)
Read the first time by short title and referred to the Rules Committee .......... 73
Placed on calendar ............................................................................. 81
Read the second time .......................................................................... 146
Read the third time ........................................................................... 160
Circled ................................................................................................. 160
Uncircled ............................................................................................ 176
Amendments ....................................................................................... 176
Transmitted to the House .................................................................. 177
Placed on Concurrence Calendar ........................................................ 489
Concurrence ....................................................................................... 520
Returned to the House ...................................................................... 521
Signed by the President and transmitted to the Governor ....................... 538

S.B. 45 — ACCOUNTING FOR COMPETITIVE ACTIVITIES OF LOCAL ENTITIES (H. Stephenson)
Read the first time by short title and referred to the Rules Committee .......... 73
Assigned to standing committee .......................................................... 82
Substituted .......................................................................................... 254, 799
Committee report adopted and placed on calendar .................................. 258
Read the second time ........................................................................... 426
Amendments ....................................................................................... 426
Read the third time ........................................................................... 444
Read the first, second and third time ..................................................... 444
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Placed on Concurrence Calendar ........................................................ 697
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Returned to the House ...................................................................... 800
Signed by the President and transmitted to the Governor ....................... 844

S.B. 46 — ANTI–FLOW CONTROL AMENDMENTS (D. Eastman)
Read the first time by short title and referred to the Rules Committee .......... 73
Assigned to standing committee .......................................................... 83
Substituted .......................................................................................... 239, 550, 585
Amendments ....................................................................................... 239, 586
Committee report adopted and placed on calendar .................................. 241
Read the second time ........................................................................... 403
Read the third time ........................................................................... 443
Circled ................................................................................................. 443, 550
Uncircled ............................................................................................. 550, 585
Transmitted to the House .................................................................. 586
Placed on Concurrence Calendar ........................................................ 999
Concurrence ....................................................................................... 1008
Returned to the House ...................................................................... 1008
Signed by the President and transmitted to the Governor ....................... 1023
S.B. 47 — LIMITED PURPOSE LOCAL GOVERNMENT ENTITIES REVISIONS (D. Stowell)
Read the first time by short title and referred to the Rules Committee ......................... 73
Assigned to standing committee ................................................................. 82
Substituted .................................................................................. 115, 256, 472
Committee report adopted and placed on calendar ........................................... 115
Returned to the Rev. and Tax Committee ....................................................... 187
Committee report adopted and placed on calendar ........................................... 258
Read the second time ........................................................................ 449
Read the third time ........................................................................ 463
Circled .............................................................................................. 463, 894
Uncircled .................................................................................. 472, 897
Transmitted to the House ........................................................................... 473
Placed on Concurrence Calendar ................................................................. 888
Before the Senate .................................................................................. 894
Concurrence ............................................................................................... 898
Returned to the House ........................................................................ 898
Signed by the President and transmitted to the Governor .................... 921

S.B. 48 — EQUALIZATION OF SCHOOL CAPITAL OUTLAY FUNDING (D. Eastman)
Read the first time by short title and referred to the Rules Committee ............ 73
Assigned to standing committee ................................................................. 82
Substituted .................................................................................. 115, 256, 472
Committee report adopted and placed on calendar ........................................... 115
Returned to the Rev. and Tax Committee ....................................................... 187
Committee report adopted and placed on calendar ........................................... 258
Read the second time ........................................................................ 449
Read the third time ........................................................................ 463
Circled .............................................................................................. 463, 894
Uncircled .................................................................................. 472, 897
Transmitted to the House ........................................................................... 473
Placed on Concurrence Calendar ................................................................. 888
Before the Senate .................................................................................. 894
Concurrence ............................................................................................... 898
Returned to the House ........................................................................ 898
Signed by the President and transmitted to the Governor .................... 921

S.B. 49 — NEW SCHOOL DISTRICT AMENDMENTS (D. C. Buttars)
Read the first time by short title and referred to the Rules Committee ............ 73
Enacting Clause Stricken ........................................................................ 1075

S.B. 50 — MEDICAL BENEFITS RECOVERY AMENDMENTS (A. Christensen)
Read the first time by short title and referred to the Rules Committee ............ 73
Assigned to standing committee ................................................................. 83
Committee report adopted and placed on calendar ........................................... 115
Read the second time ........................................................................ 163
Circled .............................................................................................. 164
Uncircled .............................................................................................. 177
Read the third time ........................................................................ 183
Transmitted to the House ........................................................................ 183
Enacting Clause Stricken ........................................................................ 1074

S.B. 51 — IMPACT FEES – PUBLIC SAFETY FACILITY (G. Bell)
Read the first time by short title and referred to the Rules Committee ............ 74
Assigned to standing committee ................................................................. 83
Returned to the Rules Committee ............................................................... 812
Enacting Clause Stricken ........................................................................ 1075

S.B. 52 — IDENTITY THEFT AMENDMENT (C. Walker)
Read the first time by short title and referred to the Rules Committee ............ 74
Assigned to standing committee ................................................................. 83
Committee report adopted and placed on calendar ........................................... 131
Read the second time ........................................................................ 214
Read the third time ........................................................................ 226
Circled .............................................................................................. 226
Uncircled .............................................................................................. 230
Amendments .............................................................................................. 230
Transmitted to the House ........................................................................ 231
Signed by the President and transmitted to the Governor .................... 611
S.B. 53 — USE OF INITIATIVE AND REFERENDUM FOR ADMINISTRATIVE LAND USE
AND ZONING MATTERS (B. Goodfellow)
Read the first time by short title and referred to the Rules Committee .......... 74
Assigned to standing committee ........................................... 82
Substituted ............................................................................. 150
Committee report adopted and placed on calendar .............................. 156
Read the second time ................................................................ 249
Read the third time .................................................................... 262
Transmitted to the House ......................................................... 262
Signed by the President and transmitted to the Governor ...................... 844

S.B. 54 — INITIATIVE AND REFERENDUM PETITION SUBMISSION
AMENDMENTS (B. Goodfellow)
Read the first time by short title and referred to the Rules Committee .......... 74
Assigned to standing committee ................................................. 82
Substituted .............................................................................. 151
Committee report adopted and placed on calendar .............................. 156
Read the second time ................................................................ 250
Read the third time .................................................................... 262
Transmitted to the House ......................................................... 263
Signed by the President and transmitted to the Governor ...................... 856

S.B. 56 — NATUROPATHIC PHYSICIAN AMENDMENTS (S. McCoy)
Read the first time by short title and referred to the Rules Committee .......... 74
Assigned to standing committee ................................................. 83
Substituted .............................................................................. 140
Committee report adopted and placed on calendar .............................. 141
Read the second time ................................................................ 229
Read the third time .................................................................... 243
Transmitted to the House ......................................................... 244
Signed by the President and transmitted to the Governor ...................... 645

S.B. 57 — FRANCHISE LAW AMENDMENTS (D. Eastman)
Read the first time by short title and referred to the Rules Committee .......... 74
Assigned to standing committee ................................................. 81
Committee report adopted and placed on calendar .............................. 363
Substituted .............................................................................. 359
Amendments ........................................................................... 359, 563
Read the second time ................................................................ 560
Circled .................................................................................. 560
Uncircled .................................................................................. 563
Read the third time .................................................................... 587
Transmitted to the House ......................................................... 587
Signed by the President and transmitted to the Governor ...................... 869

S.B. 58 — WORKERS’ COMPENSATION RELATED AMENDMENTS (M. Dmitrich)
Read the first time by short title and referred to the Rules Committee .......... 74
Assigned to standing committee ................................................. 81
Amendments ........................................................................... 138
Committee report adopted and placed on calendar .............................. 141
Read the second time ................................................................ 217
Amendments ........................................................................... 217
Read the third time .................................................................... 228
Transmitted to the House ......................................................... 229
Signed by the President and transmitted to the Governor ...................... 476
S.B. 59 — WILDLIFE AMENDMENTS (A. Christensen)
Read the first time by short title and referred to the Rules Committee ...... 74
Assigned to standing committee ........................................ 83
Committee report adopted and placed on calendar ...................... 333
Read the second time ...................................................... 555
Substituted ................................................................. 555
Read the third time ......................................................... 579
Circled ........................................................................... 580
Uncircled .......................................................................... 582
Transmitted to the House ...................................................... 582
Signed by the President and transmitted to the Governor ............... 890

S.B. 60 — REPEALING LABOR COMMISSION RESPONSIBILITIES TO OVERSEE
EMPLOYMENT AGENCIES (R. Romero)
Read the first time by short title and referred to the Rules Committee ...... 74
Assigned to standing committee ............................................. 81
Committee report adopted and placed on calendar ......................... 115
Read the second time ......................................................... 161
Read the third time ......................................................... 173
Transmitted to the House ...................................................... 174
Signed by the President and transmitted to the Governor ............... 383

S.B. 61 — FINANCIAL AND ECONOMIC LITERACY EDUCATION (P. Jones)
Read the first time by short title and referred to the Rules Committee ...... 74
Assigned to standing committee ............................................. 82
Amendments .................................................................... 170, 319
Committee report adopted and placed on calendar .......................... 171
Read the second time ......................................................... 283
Read the third time ......................................................... 316
Circled ........................................................................... 316
Uncircled .......................................................................... 319
Read the first, second and third time ........................................... 321
Transmitted to the House ...................................................... 322
Enacting Clause Stricken ....................................................... 1074

S.B. 62 — HEALTH INSURANCE − MEDICAL COMPLICATION EXCLUSIONS (P. Knudson)
Read the first time by short title and referred to the Rules Committee ...... 74
Assigned to standing committee ............................................. 111
Committee report adopted and placed on calendar ......................... 141
Read the second time ......................................................... 230
Read the third time ......................................................... 244
Transmitted to the House ...................................................... 244
Placed on Concurrence Calendar ............................................. 958
Concurrence ....................................................................... 993
Returned to the House ......................................................... 994
Signed by the President and transmitted to the Governor ............... 1005

S.B. 63 — ADULT PROTECTIVE SERVICES AMENDMENTS (K. VanTassell)
Read the first time by short title and referred to the Rules Committee ...... 74
Assigned to standing committee ............................................. 111
Committee report adopted and placed on calendar ......................... 181
Read the second time ......................................................... 285
Read the third time ......................................................... 317
Transmitted to the House ...................................................... 317
Signed by the President and transmitted to the Governor ............... 611
S.B. 64 — INCOME TAX – CAPITAL GAIN TRANSACTIONS (W. Niederhauser)
Read the first time by short title and referred to the Rules Committee. .......... 74
Assigned to standing committee .................................................. 111
Committee report adopted and placed on calendar .......................... 156
Read the second and third time .................................................. 251
Transmitted to the House ......................................................... 252
Enacting Clause Stricken .......................................................... 1074

S.B. 65 — SOLICITING GANG MEMBERS PROHIBITED (J. Greiner)
Read the first time by short title and referred to the Rules Committee. .......... 74
Assigned to standing committee .................................................. 111
Amendments .............................................................................. 181
Committee report adopted and placed on calendar .......................... 181
Read the second time ............................................................... 286
Read the third time ................................................................. 317
Circled .................................................................................. 317
Uncircled .............................................................................. 338
Transmitted to the House ......................................................... 339
Signed by the President and transmitted to the Governor ................. 628

S.B. 66 — UNIFORM EMERGENCY VOLUNTEER HEALTH
PRACTITIONERS ACT (L. Hillyard)
Read the first time by short title and referred to the Rules Committee. .......... 75
Assigned to standing committee .................................................. 111
Committee report adopted and placed on calendar .......................... 141
Read the second time ............................................................... 231
Read the third time ................................................................. 245
Substituted ............................................................................ 245
Transmitted to the House ......................................................... 246
Signed by the President and transmitted to the Governor ................. 611

S.B. 67 — PROTECTION OF CONSTITUTIONALLY GUARANTEED ACTIVITIES IN
CERTAIN PRIVATE VENUES (M. Madsen)
Read the first time by short title and referred to the Rules Committee. .......... 75
Assigned to standing committee .................................................. 125
Committee report adopted and placed on calendar .......................... 196
Read the second time ............................................................... 288
Read the third time ................................................................. 322
Amendments ............................................................................ 323
Transmitted to the House ......................................................... 324
Enacting Clause Stricken .......................................................... 1074

S.B. 68 — WORKERS’ COMPENSATION – DEATH BENEFITS (K. Mayne)
Read the first time by short title and referred to the Rules Committee. .......... 75
Assigned to standing committee .................................................. 110
Committee report adopted and placed on calendar .......................... 141
Read the second time ............................................................... 229
Read the third time ................................................................. 243
Transmitted to the House ......................................................... 243
Signed by the President and transmitted to the Governor ................. 476

S.B. 69 — UNIFORM LIMITED COOPERATIVE ASSOCIATION ACT (L. Hillyard)
Read the first time by short title and referred to the Rules Committee. .......... 75
Assigned to standing committee .................................................. 110
Amendments ............................................................................ 237
Committee report adopted and placed on calendar .......................... 241
Read the second time ............................................................... 397
Read the third time ................................................................. 441
Transmitted to the House ......................................................... 441
Signed by the President and transmitted to the Governor ................. 844
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S.B. 166 — NONDISCRIMINATION AMENDMENTS (S. McCoy)
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Amendments ................................................................................. 430
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Read the third time ..................................................................... 601
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Committee report adopted and placed on calendar .................................. 258
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S.B. 168 — HIGHWAY FUNDING AMENDMENTS (D. Stowell)
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Assigned to standing committee ................................................. 190
Committee report adopted and placed on calendar ................................... 241
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Substituted ................................................................................. 536
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Signed by the President and transmitted to the Governor ......................... 1067

S.B. 169 — RENEWABLE ENERGY ZONE TASK FORCE (D. Stowell)
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Assigned to standing committee ................................................. 191
Amendments ................................................................................. 257
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Enacting Clause Stricken .................................................................. 1076

S.B. 170 — BOARD OF WATER RESOURCES AMENDMENTS (D. Stowell)
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Assigned to standing committee ................................................. 190
Read the second time and placed on Consent Calendar .............................. 334
Read the third time ........................................................................ 440
Transmitted to the House .................................................................. 441
Signed by the President and transmitted to the Governor ......................... 628

S.B. 171 — REPEAL OF CERTAIN REPORTING BY FINANCIAL INSTITUTIONS (K. VanTassell)
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Assigned to standing committee ................................................. 189
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Substituted ................................................................................. 455
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Assigned to standing committee ................................................. 207
Substituted .................................................................................. 771
Returned to the Rules Committee .................................................... 772
Enacting Clause Stricken .................................................................. 1076
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<td>S.B. 178</td>
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<td>Read the first time by short title and referred to the Rules Committee</td>
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Amendments 240
Committee report adopted and placed on calendar 241
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Read the third time 443
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Signed by the President and transmitted to the Governor 645

S.B. 180 — REGENTS’ SCHOLARSHIP PROGRAM (L. Hillyard)
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Assigned to standing committee 206
Committee report adopted and placed on calendar 333
Read the second time 555
Substituted 555
Read the third time 580
Transmitted to the House 580
Placed on Concurrence Calendar 952
Concurrence 992
Returned to the House 993
Signed by the President and transmitted to the Governor 1005

S.B. 181 — OFF–HIGHWAY VEHICLE USE ON PUBLIC HIGHWAYS (S. Jenkins)
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Committee report adopted and placed on calendar 241
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Circled 407, 427
Uncircled 427, 450
Substituted 427
Read the third time 463
Transmitted to the House 465
Placed on Concurrence Calendar 844
Concurrence 858
Returned to the House 858
Signed by the President and transmitted to the Governor 871

S.B. 182 — SURVIVAL ACTION UPON INJURY OR DEATH (M. Waddoups)
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Assigned to standing committee 206
Committee report adopted and placed on calendar 333
Read the second time 559
Substituted 559
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Transmitted to the House 581
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S.B. 183 — CHILD PORNOGRAPHY AMENDMENT (D. C. Buttars)
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Read the second time 590
Read the third time 601
Transmitted to the House 601
Enacting Clause Stricken 1074
**S.B. 184 — CHILD CARE LICENSING EXEMPTIONS (J. Greiner)**

- Read the first time by short title and referred to the Rules Committee: 209
- Assigned to standing committee: 236
- Amendments: 360
- Committee report adopted and placed on calendar: 363
- Read the second time: 561
- Substituted: 561
- Read the third time: 583
- Transmitted to the House: 583
- Placed on Concurrence Calendar: 844
- Concurrence: 858
- Returned to the House: 859
- Signed by the President and transmitted to the Governor: 871

**S.B. 185 — ECONOMIC INCENTIVE REVISIONS (L. Hillyard)**

- Read the first time by short title and referred to the Rules Committee: 209
- Assigned to standing committee: 237
- Committee report adopted and placed on calendar: 333
- Read the second time: 554
- Substituted: 554, 721
- Circled: 554, 587, 721
- Uncircled: 563, 721, 745
- Read the third time: 586
- Transmitted to the House: 746
- Signed by the President and transmitted to the Governor: 998

**S.B. 186 — CUSTODY AND PARENT−TIME FOR NON−PARENTS (L. Hillyard)**

- Read the first time by short title and referred to the Rules Committee: 209
- Assigned to standing committee: 236
- Committee report adopted and placed on calendar: 363
- Read the second time: 562
- Amendments: 562
- Read the third time: 586
- Circled: 586
- Uncircled: 686
- Amendments: 686
- Transmitted to the House: 689
- Signed by the President and transmitted to the Governor: 844

**S.B. 187 — BAIL IN CAPITAL OFFENSE CASES (J. Greiner)**

- Read the first time by short title and referred to the Rules Committee: 209
- Assigned to standing committee: 236
- Read the second time and placed on Consent Calendar: 462
- Read the third time: 547
- Transmitted to the House: 548
- Signed by the President and transmitted to the Governor: 768

**S.B. 188 — PILOT PROGRAM FOR SUMMER SCHOOL AND AFTER SCHOOL PROGRAMS FOR CHILDREN WITH A DISABILITY (G. Bell)**

- Read the first time by short title and referred to the Rules Committee: 209
- Assigned to standing committee: 236
- Committee report adopted and placed on calendar: 363
- Read the second time: 564
- Amendments: 564
- Read the third time: 587
- Transmitted to the House: 588
- Enacting Clause Stricken: 1074
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<td>Read the first time by short title and referred to the Rules Committee</td>
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<td>S.B. 190</td>
<td>PUBLIC CLASSROOM DISPLAYS (A. Christensen)</td>
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S.B. 196 — COUNTY AND MUNICIPAL LAND USE AMENDMENTS (W. Niederhauser)
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S.B. 203 — HIGHWAY ABANDONMENT AMENDMENTS  (D. Peterson)
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S.B. 204 — INCOME TAXATION AMENDMENTS (W. Niederhauser)
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Circled 701
Uncircled 746
Read the second and third time 746
Transmitted to the House 746
Enacting Clause Stricken 1074

S.B. 205 — UNIFORM INTERSTATE DEPOSITIONS AND DISCOVERY ACT (L. Hillyard)
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Assigned to standing committee 384
Committee report adopted and placed on calendar 437
Read the second time 593
Circled 593, 664
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Read the third time 664
Substituted 665
Transmitted to the House 665
Signed by the President and transmitted to the Governor 1009

S.B. 208 — TRANSPORTATION CORRIDOR PRESERVATION AMENDMENTS (S. Killpack)
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Returned to the House 935
Signed by the President and transmitted to the Governor 958
S.B. 209 — METHAMPHETAMINE DECONTAMINATION STANDARDS AND FUNDING (D. C. Buttars)
Read the first time by short title and referred to the Rules Committee .......... 451
Assigned to standing committee .................................................. 477
Committee report adopted and placed on calendar ............................. 573
Read the second time ................................................................. 766
Amendments .............................................................................. 766
Read the third time ...................................................................... 784
Transmitted to the House .............................................................. 785
Placed on Concurrence Calendar .................................................. 905
Concurrence ............................................................................... 931
Returned to the House ................................................................. 931
Signed by the President and transmitted to the Governor ....................... 958

S.B. 210 — PROOF OF CITIZENSHIP REQUIRED TO VOTE (M. Madsen)
Read the first time by short title and referred to the Rules Committee ........ 473
Assigned to standing committee ..................................................... 490
Committee report adopted and placed on calendar .............................. 597
Read the second time .................................................................... 767
Read the third time ....................................................................... 785
Circled ......................................................................................... 785
Uncircled ...................................................................................... 867
Substituted .................................................................................. 867
Circled ......................................................................................... 867
Enacting Clause Stricken ................................................................ 1076

S.B. 211 — ALCOHOLIC BEVERAGE CONTROL AMENDMENTS (C. Bramble)
Read the first time by short title and referred to the Rules Committee ........ 438
Assigned to standing committee ..................................................... 491
Substituted .................................................................................. 567
Committee report adopted and placed on calendar .............................. 573
Read the second time .................................................................... 704
Substituted .................................................................................. 704, 778
Circled ......................................................................................... 704, 762
Uncircled ...................................................................................... 750, 778
Read the third time ....................................................................... 762
Transmitted to the House .............................................................. 778
Signed by the President and transmitted to the Governor ....................... 968

S.B. 212 — FUNERAL PROCESSIONS (B. Goodfellow)
Read the first time by short title and referred to the Rules Committee ........ 439
Assigned to standing committee ..................................................... 478
Returned to the Rules Committee ................................................... 807
Enacting Clause Stricken ................................................................ 1076

S.B. 213 — STATE CONTRACT – FALSE CLAIMS ACT (A. Christensen)
Read the first time by short title and referred to the Rules Committee ........ 334
Assigned to standing committee ..................................................... 384
Returned to the Rules Committee ................................................... 479
Enacting Clause Stricken ................................................................ 1076

S.B. 216 — DEFERRED DEPOSIT LENDING INFORMATION AND REPORTING (G. Bell)
Read the first time by short title and referred to the Rules Committee ........ 313
Assigned to standing committee ..................................................... 358
Returned to the Rules Committee ................................................... 806
Enacting Clause Stricken ................................................................ 1076
S.B. 217 — PROPERTY TAX DEFERRALS, ABATEMENTS, AND
RELIEF LIMITATIONS (D. Stowell)
Read the first time by short title and referred to the Rules Committee. . . . 479
Assigned to standing committee .................................................. 532
Returned to the Rules Committee .................................................. 772
Enacting Clause Stricken ............................................................... 1076

S.B. 218 — AMENDMENTS TO TOURISM, RECREATION, CULTURAL, AND
CONVENTION FACILITIES TAX (W. Niederhauser)
Read the first time by short title and referred to the Rules Committee. . . . 473
Assigned to standing committee .................................................. 491
Committee report adopted and placed on calendar .............................. 632
Read the second time .................................................................. 772
Circled ......................................................................................... 772
Returned to the Rules Committee ................................................... 819
Placed on calendar ....................................................................... 819
Before the Senate ....................................................................... 865
Returned to the Rules Committee ................................................... 865
Enacting Clause Stricken ............................................................... 1076

S.B. 219 — USE OF SEVERANCE TAX REVENUES WHEN A SCHOOL DISTRICT
DIVISION OCCURS (M. Waddoups)
Read the first time by short title and referred to the Rules Committee. . . 364
Assigned to standing committee .................................................. 401
Substituted ................................................................................... 804
Returned to the Rules Committee ................................................... 806
Enacting Clause Stricken ............................................................... 1076

S.B. 220 — CAUSE OF ACTION FOR DEFECTIVE CONSTRUCTION (C. Bramble)
Read the first time by short title and referred to the Rules Committee. . . 259
Assigned to standing committee .................................................. 275
Amendments ............................................................................... 431
Committee report adopted and placed on calendar .............................. 437
Read the second time .................................................................. 593
Read the third time ...................................................................... 602
Transmitted to the House ............................................................. 602
Placed on Concurrence Calendar .................................................. 930
Before the Senate ....................................................................... 934
Circled ......................................................................................... 934
Uncircled .................................................................................... 937
Concurrence ............................................................................... 937
Returned to the House ................................................................. 938
Signed by the President and transmitted to the Governor .................... 958

S.B. 221 — CAPITAL DEVELOPMENT AND IMPROVEMENT AMENDMENTS (L. Hillyard)
Read the first time by short title and referred to the Rules Committee. . . 514
Assigned to standing committee .................................................. 557
Read the second time and placed on Consent Calendar ....................... 660
Read the third time ...................................................................... 759
Transmitted to the House ............................................................. 759
Signed by the President and transmitted to the Governor .................... 1030
S.B. 222 — DIVISION OF REAL ESTATE LICENSING AND PRESENCE IN THE UNITED STATES (M. Dayton)
Read the first time by short title and referred to the Rules Committee. .................. 479
Assigned to standing committee ................................................................. 531
Committee report adopted and placed on calendar ................................. 597
Read the second time .......................................................... 690
Circled .......................................................... 690
Returned to the Rules Committee ................................................ 819
Placed on calendar .......................................................... 819
Before the Senate .......................................................... 866
Returned to the Rules Committee ................................................ 866
Enacting Clause Stricken .................................................. 1076

S.B. 223 — STANDARDS FOR ACCEPTANCE OF SCHOOL TRANSFER APPLICATIONS (M. Madsen)
Read the first time by short title and referred to the Rules Committee. ............ 259
Assigned to standing committee ................................................................. 275
Committee report adopted and placed on calendar ................................. 653
Read the second time .......................................................... 775
Circled .......................................................... 775
Uncircled .......................................................... 780
Substituted .......................................................... 780
Failed .......................................................... 780
Filed .......................................................... 781
Enacting Clause Stricken .................................................. 1076

S.B. 224 — COAL MINE SAFETY ACT (M. Dmitrich)
Read the first time by short title and referred to the Rules Committee. ............ 480
Assigned to standing committee ................................................................. 532
Substituted .......................................................... 714
Amendments .......................................................... 714
Committee report adopted and placed on calendar ................................. 716
Read the second time .......................................................... 792
Read the third time .......................................................... 834
Transmitted to the House .......................................................... 835
Signed by the President and transmitted to the Governor ......................... 890

S.B. 225 — GUBERNATORIAL AND LEGISLATIVE SPACE IN THE CAPITOL (C. Bramble)
Read the first time by short title and referred to the Rules Committee. ............ 381
Assigned to standing committee ................................................................. 382
Committee report adopted and placed on calendar ................................. 437
Read the second and third time .......................................................... 445
Transmitted to the House .......................................................... 445
Signed by the President and transmitted to the Governor ......................... 539

S.B. 228 — REGULATION OF WELLS (M. Dayton)
Read the first time by short title and referred to the Rules Committee. ............ 514
Assigned to standing committee ................................................................. 558
Read the second time and placed on Consent Calendar ......................... 633
Read the third time .......................................................... 754
Transmitted to the House .......................................................... 755
Signed by the President and transmitted to the Governor ......................... 1030
S.B. 231 — TRANSPORTATION GOVERNANCE (S. Killpack)
Read the first time by short title and referred to the Rules Committee ............ 462
Assigned to standing committee ......................................................... 491
Committee report adopted and placed on calendar ................................. 573
Read the second time ................................................................. 765
Read the third time ................................................................. 784
Circled ........................................................................................................... 784
Uncircled ................................................................................................. 789
Transmitted to the House ...................................................................... 790
Signed by the President and transmitted to the Governor ......................... 968

S.B. 234 — MINIMUM SCHOOL PROGRAM AMENDMENTS – COUNSELING AND GUIDANCE PROGRAMS (M. Dmitrich)
Read the first time by short title and referred to the Rules Committee ............ 462
Assigned to standing committee ......................................................... 490
Committee report adopted and placed on calendar ................................. 547
Read the second time ........................................................................ 730
Read the third time ........................................................................ 759
Transmitted to the House ...................................................................... 759
Enacting Clause Stricken ...................................................................... 1074

S.B. 235 — HUMAN REMAINS RELATED AMENDMENTS (K. VanTassell)
Read the first time by short title and referred to the Rules Committee ............ 451
Assigned to standing committee ......................................................... 478
Read the second time and placed on Consent Calendar ......................... 574
Read the third time ........................................................................ 678
Transmitted to the House ...................................................................... 679
Signed by the President and transmitted to the Governor ......................... 856

S.B. 236 — JUDICIARY AMENDMENTS (L. Hillyard)
Read the first time by short title and referred to the Rules Committee ............ 364
Assigned to standing committee ......................................................... 402
Substituted ........................................................................................................... 573
Read the second time and placed on Consent Calendar ......................... 574
Read the third time ........................................................................ 679
Transmitted to the House ...................................................................... 679
Signed by the President and transmitted to the Governor ......................... 856

S.B. 237 — COMMERCIAL AIRLINE AND AIRPORT TAXATION AMENDMENTS (W. Niederhauser)
Read the first time by short title and referred to the Rules Committee ............ 598
Assigned to standing committee ......................................................... 647
Amendments ........................................................................................................... 711, 882
Committee report adopted and placed on calendar ................................. 716
Read the second time ........................................................................ 792, 866
Circled ........................................................................................................... 792, 1060, 1063
Returned to the Rules Committee ............................................................. 819
Placed on calendar ...................................................................................... 819
Read the third time ........................................................................ 882
Transmitted to the House ...................................................................... 884
Placed on Concurrence Calendar ............................................................. 1060
Uncircled ........................................................................................................... 1063, 1065
Concurrence ...................................................................................................... 1065
Returned to the House ...................................................................... 1065
Signed by the President and transmitted to the Governor ......................... 1068
S.B. 238 — AQUATIC INVASIVE SPECIES INTERDICTION ACT (J. Greiner)
Read the first time by short title and referred to the Rules Committee .................. 514
Assigned to standing committee ................................................................. 558
Amendments .................................................................................................. 631
Committee report adopted and placed on calendar ........................................... 632
Read the second time ..................................................................................... 773
Substituted ..................................................................................................... 773
Read the third time ....................................................................................... 785
Transmitted to the House ............................................................................. 785
Signed by the President and transmitted to the Governor ......................... 1052

S.B. 239 — OFFICE OF THE ATTORNEY GENERAL − SAFETY NET INITIATIVE (C. Bramble)
Read the first time by short title and referred to the Rules Committee .............. 473
Assigned to standing committee ................................................................... 490
Read the second time and placed on Consent Calendar .......................... 598
Read the third time ....................................................................................... 719
Circled ........................................................................................................... 719
Uncircled ....................................................................................................... 727
Transmitted to the House ............................................................................. 727
Signed by the President and transmitted to the Governor ......................... 905

S.B. 241 — LOCAL GOVERNMENTAL COOPERATION IN EDUCATION MATTERS (P. Jones)
Read the first time by short title and referred to the Rules Committee .............. 401
Assigned to standing committee ................................................................... 448
Committee report adopted and placed on calendar ........................................ 547
Read the second time ..................................................................................... 730
Read the third time ....................................................................................... 759
Transmitted to the House ............................................................................. 760
Enacting Clause Stricken ............................................................................. 1074

S.B. 242 — LAW ENFORCEMENT TRACKING OF DOMESTIC VIOLENCE STATISTICS (J. Greiner)
Read the first time by short title and referred to the Rules Committee .............. 390
Assigned to standing committee ................................................................... 448
Read the second time and placed on Consent Calendar .......................... 574
Read the third time ....................................................................................... 679
Transmitted to the House ............................................................................. 679
Signed by the President and transmitted to the Governor ......................... 1052

S.B. 243 — THIS IS THE PLACE FOUNDATION − PROCUREMENT CODE EXEMPTION (B. Goodfellow)
Read the first time by short title and referred to the Rules Committee .............. 480
Assigned to standing committee ................................................................... 708
Read the second time and placed on Consent Calendar .......................... 771
Read the second and third time .................................................................... 795
Transmitted to the House ............................................................................. 796
Enacting Clause Stricken ............................................................................. 1074

S.B. 244 — DIVISION OF PARKS AND RECREATION TO SUPPORT NONPROFIT CORPORATION OR FOUNDATION (B. Goodfellow)
Read the first time by short title and referred to the Rules Committee .............. 599
Assigned to standing committee ................................................................... 708
Read the second time and placed on Consent Calendar .......................... 771
Read the first, second and third time ............................................................ 796
Transmitted to the House ............................................................................. 796
Signed by the President and transmitted to the Governor ......................... 1067
S.B. 245 — FUNDING RELATING TO AIRPORTS, HIGHWAYS, AND PUBLIC TRANSIT (C. Bramble)
Read the first time by short title and referred to the Rules Committee. 574
Assigned to standing committee 612
Substituted 742, 781, 878
Committee report adopted and placed on calendar 743
Read the second time 781
Circled 781
Read the third time 812
Circled 836
Uncircled 877
Read the first, second and third time 878
Transmitted to the House 878
Placed on Concurrence Calendar 1042
Concurrence 1042
Returned to the House 1043
Signed by the President and transmitted to the Governor 1067

S.B. 247 — VETERANS PROCUREMENT PROVISIONS (F. Fife)
Read the first time by short title and referred to the Rules Committee. 473
Assigned to standing committee 492
Committee report adopted and placed on calendar 573
Read the second time 735
Read the third time 761
Transmitted to the House 761
Placed on Concurrence Calendar 905
Concurrence 932
Returned to the House 932
Signed by the President and transmitted to the Governor 958

S.B. 251 — TASK FORCE STUDYING FUNDING FOR FIGHTING FOREST FIRES (D. Stowell)
Read the first time by short title and referred to the Rules Committee. 514
Assigned to standing committee 558
Committee report adopted and placed on calendar 632
Read the second time 774
Read the third time 786
Transmitted to the House 786
Enacting Clause Stricken 1075

S.B. 253 — COUNTY LAW ENFORCEMENT DUTIES (M. Waddoups)
Read the first time by short title and referred to the Rules Committee. 313
Assigned to standing committee 358
Committee report adopted and placed on calendar 653
Read the second time 779
Amendments 779
Read the third time 790
Amendments 790
Transmitted to the House 792
Intent Language 792
Signed by the President and transmitted to the Governor 1067

S.B. 255 — HOSPITAL LIEN (D. Peterson)
Read the first time by short title and referred to the Rules Committee. 480
Assigned to standing committee 532
Returned to the Rules Committee 806
Enacting Clause Stricken 1076
S.B. 256 — GOOD SAMARITAN ACT FOR ENGINEERS (M. Waddoups)

Read the first time by short title and referred to the Rules Committee. .......... 390
Assigned to standing committee ....................................................... 448
Amendments ................................................................. 493
Committee report adopted and placed on calendar .................................. 495
Read the second time ........................................................................ 706
Amendments .................................................................................. 706
Read the third time ........................................................................... 728
Substituted ...................................................................................... 728
Transmitted to the House ................................................................. 729
Enacting Clause Stricken .................................................................. 1075

S.B. 258 — PROPERTY TAX COMMITTEE (W. Niederhauser)

Read the first time by short title and referred to the Rules Committee. .......... 364
Assigned to standing committee .......................................................... 402
Committee report adopted and placed on calendar .................................... 461
Returned to the Rules Committee ....................................................... 819
Read the second time ........................................................................ 701
Circled ......................................................................................... 702
Placed on calendar ............................................................................ 819
Uncircled .......................................................................................... 867
Returned to the Rules Committee ....................................................... 867
Enacting Clause Stricken .................................................................. 1076

S.B. 260 — DISCLOSURE OF PUBLIC EMPLOYEE DISCIPLINARY ACTIONS
AMENDMENTS (D. C. Buttars)

Read the first time by short title and referred to the Rules Committee. .......... 364
Assigned to standing committee .......................................................... 402
Substituted ...................................................................................... 805
Returned to the Rules Committee ....................................................... 807
Enacting Clause Stricken .................................................................. 1076

S.B. 261 — POLITICAL SUBDIVISION ANNEXATION AMENDMENTS (M. Waddoups)

Read the first time by short title and referred to the Rules Committee. .......... 574
Assigned to standing committee .......................................................... 585
Substituted ...................................................................................... 742
Committee report adopted and placed on calendar .................................... 743
Read the second time ........................................................................ 794
Read the third time ........................................................................... 836
Circled ......................................................................................... 836
Uncircled .......................................................................................... 840
Transmitted to the House ................................................................. 840
Signed by the President and transmitted to the Governor ....................... 1009

S.B. 263 — SELF AUTHENTICATION OF DOCUMENTS (S. McCoy)

Read the first time by short title and referred to the Rules Committee. .......... 449
Assigned to standing committee .......................................................... 477
Read the second time and placed on Consent Calendar ............................ 633
Read the third time ........................................................................... 755
Transmitted to the House ................................................................. 755
Placed on Concurrence Calendar ....................................................... 952
Concurrence .................................................................................... 993
Returned to the House ...................................................................... 993
Signed by the President and transmitted to the Governor ....................... 1005
S.B. 264 — DEVELOPMENT AROUND MILITARY INSTALLATIONS (S. Killpack)
Read the first time by short title and referred to the Rules Committee .......... 480
Assigned to standing committee .............................................. 532
Committee report adopted and placed on calendar ................................. 573
Read the second time .................................................................. 736
Read the third time ................................................................... 761
Substituted .................................................................................. 762
Transmitted to the House ............................................................. 762
Signed by the President and transmitted to the Governor ..................... 998

S.B. 265 — UNLAWFUL DETAINER AMENDMENTS (M. Waddoups)
Read the first time by short title and referred to the Rules Committee ........ 449
Assigned to standing committee ...................................................... 477
Read the second time and placed on Consent Calendar .......................... 574
Read the third time .................................................................... 680
Transmitted to the House ............................................................. 680
Signed by the President and transmitted to the Governor ..................... 998

S.B. 266 — PROCESS SERVERS — AGE RESTRICTIONS (J. Greiner)
Read the first time by short title and referred to the Rules Committee ........ 451
Assigned to standing committee ...................................................... 477
Returned to the Rules Committee ................................................ 812
Enacting Clause Stricken .................................................................. 1076

S.B. 267 — LOCAL GOVERNMENT AUTHORITY AMENDMENTS (D. C. Buttars)
Read the first time by short title and referred to the Rules Committee ........ 313
Assigned to standing committee ...................................................... 330
Substituted .................................................................................. 432
Amendments .............................................................................. 432
Committee report adopted and placed on calendar .................................. 438
Read the second time .................................................................. 594
Circled ....................................................................................... 594
Returned to the Rules Committee ................................................ 708
Enacting Clause Stricken .................................................................. 1076

S.B. 269 — WATER RIGHTS — OMBUDSMAN (D. Stowell)
Read the first time by short title and referred to the Rules Committee .......... 480
Assigned to standing committee ...................................................... 532
Substituted .................................................................................. 714
Committee report adopted and placed on calendar .................................. 716
Read the second time .................................................................. 793
Substituted .................................................................................. 793
Read the third time .................................................................... 835
Circled ....................................................................................... 835
Uncircled ................................................................................... 873
Transmitted to the House ............................................................. 873
Enacting Clause Stricken .................................................................. 1075

S.B. 273 — REGULATION OF GIFTS (G. Bell)
Read the first time by short title and referred to the Rules Committee ........ 547
Enacting Clause Stricken .................................................................. 1076

S.B. 274 — AMENDMENTS TO UTAH SERVICE MEMBERS’ CIVIL RELIEF ACT (P. Knudson)
Read the first time by short title and referred to the Rules Committee ........ 364
Assigned to standing committee ...................................................... 402
Read the second time and placed on Consent Calendar .......................... 479
Read the third time .................................................................... 575
Transmitted to the House ............................................................. 575
Signed by the President and transmitted to the Governor ..................... 844
S.B. 275 — MILITARY JUSTICE CODE AMENDMENTS (P. Knudson)
Read the first time by short title and referred to the Rules Committee ........... 364
Assigned to standing committee .................................................. 402
Committee report adopted and placed on calendar .............................. 479
Read the second time ............................................................... 702
Read the third time ..................................................................... 727
Transmitted to the House ............................................................. 727
Signed by the President and transmitted to the Governor ....................... 856

S.B. 277 — POST–CONVICTI O N REMEDIES ACT REVISIONS (G. Bell)
Read the first time by short title and referred to the Rules Committee ........... 538
Assigned to standing committee ...................................................... 558
Amendments ................................................................................. 715
Committee report adopted and placed on calendar ................................. 716
Read the second time .................................................................... 793
Amendments ............................................................................... 794
Read the third time ..................................................................... 835
Transmitted to the House ............................................................. 836
Signed by the President and transmitted to the Governor ....................... 906

S.B. 278 — TECHNICAL AMENDMENTS TO TITLES 78A AND 78B (G. Bell)
Read the first time by short title and referred to the Rules Committee ........... 559
Assigned to standing committee ...................................................... 585
Substituted ................................................................................... 717
Read the second time and placed on Consent Calendar ......................... 717
Transmitted to the House ............................................................. 807
Place d on Concurrence Calendar .................................................... 1046
Concurrence ............................................................................... 1046
Returned to the House ............................................................... 1047
Signed by the President and transmitted to the Governor ............. 1067

S.B. 279 — WATER AND LAND USE DEVELOPMENT (D. Peterson)
Read the first time by short title and referred to the Rules Committee ........... 599
Assigned to standing committee ...................................................... 647
Returned to the Rules Committee ................................................... 772
Enacting Clause Stricken .................................................................. 1076

S.B. 281 — USE OF MINIMUM SCHOOL PROGRAM NONLAPSING
BALANCES (H. Stephenson)
Read the first time by short title and referred to the Rules Committee ........... 930
Placed on calendar ........................................................................ 968
Read the second time .................................................................... 979
Circled ....................................................................................... 980, 1043
Uncircled ..................................................................................... 980, 1048
Amendments ............................................................................... 980
Read the second and third time ....................................................... 982
Transmitted to the House ............................................................. 982
Placed on Concurrence Calendar .................................................... 1043, 1062
Returned to the House ............................................................... 1048, 1062
Concurrence ............................................................................... 1062
Signed by the President and transmitted to the Governor ............. 1067
S.B. 283 — TRANSPORTATION FUNDING AMENDMENTS (S. Killpack)
Read the first time by short title and referred to the Rules Committee. 334
Assigned to standing committee 385
Committee report adopted and placed on calendar 461
Read the second time 697
Read the third time 723
Circled 723
Uncircled 726
Transmitted to the House 726
Placed on Concurrence Calendar 845
Concurrence 859
Returned to the House 859
Signed by the President and transmitted to the Governor 871

S.B. 286 — TRANSPORTATION AND TRANSIT AMENDMENTS (S. Killpack)
Read the first time by short title and referred to the Rules Committee. 745
Assigned to standing committee 764
Committee report adopted and placed on calendar 802
Returned to the Rules Committee 819
Placed on calendar 845
Read the second time 867
Circled 867
Uncircled 911
Amendments 911
Read the second and third time 914
Transmitted to the House 914
Signed by the President and transmitted to the Governor 958

S.B. 287 — APPROPRIATION FOR THE SWANSON TACTICAL TRAINING CENTER (S. Jenkins)
Read the first time by short title and referred to the Rules Committee. 364
Assigned to standing committee 403
Committee report adopted and placed on calendar 479
Read the second time 704
Read the third time 728
Transmitted to the House 728
Enacting Clause Stricken 1075

S.B. 288 — CONDOMINIUM OWNERSHIP ACT AMENDMENTS (M. Waddoups)
Read the first time by short title and referred to the Rules Committee. 660
Assigned to standing committee 703
Read the second time and placed on Consent Calendar 744
Read the third time 808
Transmitted to the House 808
Signed by the President and transmitted to the Governor 944

S.B. 290 — PRIVATE INVESTIGATORS’ ACCESS TO DRIVER LICENSURE INFORMATION (M. Dayton)
Read the first time by short title and referred to the Rules Committee. 313
Assigned to standing committee 359
Read the second time and placed on Consent Calendar 462
Read the third time 548
Transmitted to the House 548
Signed by the President and transmitted to the Governor 768

S.B. 292 — VOIDING TRANSACTIONS AGAINST PUBLIC POLICY (M. Dayton)
Read the first time by short title and referred to the Rules Committee. 334
Enacting Clause Stricken 1077
S.B. 294 — COMMUNITY DEVELOPMENT AND RENEWAL AMENDMENTS (C. Bramble)
Read the first time by short title and referred to the Rules Committee .......... 660
Assigned to standing committee ......................................................... 662
Read the second time and placed on Consent Calendar .......................... 745
Read the third time ............................................................................. 808
Circled ............................................................................................... 808
Uncircled ............................................................................................ 835
Transmitted to the House .................................................................... 835
Placed on Concurrence Calendar ....................................................... 984
 Concurrence ....................................................................................... 994
Returned to the House ........................................................................ 995
Signed by the President and transmitted to the Governor ..................... 1005

S.B. 295 — SECURITY ALARM BUSINESS LICENSING AMENDMENTS (M. Dayton)
Read the first time by short title and referred to the Rules Committee ........ 474
Assigned to standing committee ......................................................... 490
Committee report adopted and placed on calendar ............................... 597
Read the second time ........................................................................ 767
Circled ............................................................................................... 767
Uncircled ............................................................................................ 773
Read the third time ............................................................................ 785
Transmitted to the House .................................................................... 786
Signed by the President and transmitted to the Governor ..................... 944

S.B. 296 — FINANCIAL INSTITUTIONS AMENDMENTS (C. Bramble)
Read the first time by short title and referred to the Rules Committee ........ 633
Assigned to standing committee ......................................................... 647
Committee report adopted and placed on calendar ............................... 716
Read the second time ........................................................................ 792
Circled ............................................................................................... 792, 821
Uncircled ............................................................................................ 813, 841
Substituted ........................................................................................ 813
Read the third time ............................................................................ 821
Amendments ....................................................................................... 821, 841
Transmitted to the House .................................................................... 842
Signed by the President and transmitted to the Governor ..................... 958

S.B. 297 — ANIMAL TORTURE AND CRUELTY AMENDMENTS (A. Christensen)
Read the first time by short title and referred to the Rules Committee ........ 678
Assigned to standing committee ......................................................... 703
Committee report adopted and placed on calendar ............................... 743
Read the second time ........................................................................ 763
Amendments ....................................................................................... 763, 783
Read the third time ............................................................................ 783
Transmitted to the House .................................................................... 784
Signed by the President and transmitted to the Governor ..................... 952

S.B. 298 — STATE LAND ACQUISITION (J. Hickman)
Read the first time by short title and referred to the Rules Committee ........ 717
Assigned to standing committee ......................................................... 764
Placed on calendar ............................................................................. 833
Read the second and third time ......................................................... 865
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- Read for the first time and referred to the Rules Committee: 110
- Assigned to standing committee: 125
- Committee report adopted and placed on calendar: 171
- Read the second time: 198
- Circled: 198
- Uncircled: 200
- Read the third time: 221
- Signed by the President and returned to the House: 221

**H.B. 22 — EXPEDITED PARENT–TIME ENFORCEMENT (Julie Fisher)**
- Read for the first time and referred to the Rules Committee: 110
- Assigned to standing committee: 138
- Amendments placed on calendar: 192, 954
- Committee report adopted and placed on calendar: 196
- Read the second time: 341
- Tabled on Third Reading Calendar: 342
- Read the third time: 521
- Substituted: 522, 618
- Tabled on Third Reading Calendar: 522
- Lifted from Third Reading Table: 617
- Read the third time: 617
- Tabled on Third Reading Calendar: 618
- Placed on Third Reading Calendar: 954
- Read the third time: 954
- Circled: 955
- Uncircled: 1001
- Returned to the House: 1001
- Signed by the President and returned to the House: 1037
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<td>H.B. 23</td>
<td>CHILD AND FAMILY PROTECTION (L. Fowlke)</td>
<td>Read</td>
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<td>AMENDMENTS TO UTAH DIGITAL HEALTH SERVICE</td>
<td>Read</td>
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H.B. 30 — VEHICLE CONCEALING ILLEGAL ITEMS (P. Ray)
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Assigned to standing committee 138
Committee report adopted and placed on calendar 241
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Signed by the President and returned to the House 629

H.B. 31 — CHILD WELFARE DEFINITIONS (W. Harper)
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Assigned to standing committee 125
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Lifted from Consent Calendar and placed on Second Reading Calendar 187
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Circled 201
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Amendments 342
Read the third time 367
Returned to the House 367
Signed by the President and returned to the House 430

H.B. 32 — AFFIRMATIVE DEFENSE FOR AGRI-TOURISM ACTIVITY (M. Morley)
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Assigned to standing committee 126
Amendments 195
Committee report adopted and placed on calendar 196
Read the second time 353
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Read the third time 368
Returned to the House 369
Signed by the President and returned to the House 430

H.B. 33 — WAIVERS OF IMMUNITY – EXCEPTIONS (G. Hughes)
Read for the first time and referred to the Rules Committee 235
Assigned to standing committee 276
Committee report adopted and placed on calendar 495
Read the second time 622
Substituted 622
Read the third time 682
Amendments 682
Returned to the House 683
Signed by the President and returned to the House 739

H.B. 34 — EMAIL INFORMATION REQUIRED OF REGISTERED SEX OFFENDERS (J. Bird)
Read for the first time and referred to the Rules Committee 180
Assigned to standing committee 206
Committee report adopted and placed on calendar 495
Read the second time 623
Read the third time 683
Signed by the President and returned to the House 684

H.B. 35 — MOTOR AND SPECIAL FUEL TAX AMENDMENTS (C. Frank)
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Assigned to standing committee 236
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H.B. 37 — UTAH BUSINESS RESOURCE CENTERS ACT (D. Clark)
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Tabled on Third Reading Calendar ........................................ 609
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Returned to the House ......................................................... 881
Signed by the President and returned to the House ...................... 900

H.B. 38 — EDUCATION AND OUTREACH REGARDING SUBSTANCES HARMFUL DURING PREGNANCY (R. Menlove)
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Assigned to standing committee .............................................. 206
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H.B. 39 — DIVESTMENT OF CERTAIN RETIREMENT FUND INVESTMENTS (Julie Fisher)
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Returned to the Rules Committee ........................................... 847
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H.B. 40 — SAFE DRINKING WATER REVISIONS (S. Andersen)
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H.B. 41 — CAMPAIGN REPORT AMENDMENTS (S. Allen)
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Circled .............................................................................................................. 605
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Enacting Clause Stricken .............................................................................. 1070

H.B. 42 — WATER RIGHT APPLICATION FOR ELECTRICAL COOPERATIVE (G. Snow)
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Read the third time ........................................................................................ 525
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Signed by the President and returned to the House ....................................... 629

H.B. 43 — ALLOWANCE OF POLLING PLACES FOR EARLY VOTING (G. Donnelson)
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Assigned to standing committee .................................................................. 205
Read the second time and placed on Consent Calendar ................................ 259
Read the third time ........................................................................................ 366
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H.B. 44 — DECLARATION OF CANDIDACY REVISIONS (G. Donnelson)
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Assigned to standing committee .................................................................. 275
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Read the third time ........................................................................................ 515
Signed by the President and returned to the House ....................................... 516

H.B. 45 — SUPPORTED EMPLOYMENT SERVICES TO A PERSON WITH A
DISABILITY (R. Menlove)
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Assigned to standing committee .................................................................. 358
Committee report adopted and placed on calendar ........................................ 495
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Tabled on Third Reading Calendar ............................................................... 616
Read the third time ........................................................................................ 868
Signed by the President and returned to the House ....................................... 869

H.B. 46 — ADOPTION AND TERMINATION OF PARENTAL RIGHTS (S. Allen)
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Assigned to standing committee .................................................................. 236
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Assigned to Standing Committee .................................................. 384
Committee report adopted and placed on calendar ....................... 495
Read the second and third time .................................................... 608
Signed by the President and returned to the House .................... 609

H.B. 49 — BUDGET RESERVE ACCOUNT AND DISASTER RECOVERY ACCOUNT AMENDMENTS (W. Harper)
Read for the first time and referred to the Rules Committee ............ 254
Assigned to standing committee .................................................... 275
Committee report adopted and placed on calendar ......................... 438
Read the second time .................................................................. 605
Amendments ............................................................................... 605
Read the third time .................................................................... 664
Circled ...................................................................................... 664
Uncircled .................................................................................... 665
Returned to the House ................................................................. 666
Signed by the President and returned to the House .................... 666

H.B. 50 — UNDERGROUND STORAGE TANK AMENDMENTS (S. Andersen)
Read for the first time and referred to the Rules Committee ............ 180
Assigned to standing committee .................................................... 206
Committee report adopted and placed on calendar ......................... 389
Read the second time .................................................................. 508
Read the third time .................................................................... 528
Signed by the President and returned to the House .................... 528

H.B. 51 — WATER RIGHT AMENDMENTS (P. Painter)
Read for the first time and referred to the Rules Committee ............ 430
Assigned to standing committee .................................................... 477
Committee report adopted and placed on calendar ......................... 573
Read the second time .................................................................. 809
Substituted ................................................................................ 809
Read the first, second and third time ............................................. 809
Returned to the House ................................................................. 810
Intent Language .......................................................................... 810
Signed by the President and returned to the House .................... 869

H.B. 52 — RESEARCH ACTIVITIES TAX CREDITS AMENDMENTS (J. Dougall)
Read for the first time and referred to the Rules Committee .......................... 137
Assigned to standing committee ...................................................... 168
Committee report adopted and placed on calendar ................................. 181
Read the second time .............................................................. 199
Tabled on Third Reading Calendar .................................................. 199
Placed on Third Reading Calendar .................................................. 224
Read the third time .............................................................. 224
Signed by the President and returned to the House ................................. 225

H.B. 53 — IMPACT OF ADMINISTRATIVE RULES ON SMALL BUSINESSES (S. Clark)
Read for the first time and referred to the Rules Committee ...................... 150
Assigned to standing committee ...................................................... 166
Read the second time and placed on Consent Calendar ............................ 364
Read the third time .............................................................. 462
Signed by the President and returned to the House ................................ 463

H.B. 54 — PROPERTY TAX ASSESSMENT REVISIONS (W. Harper)
Read for the first time and referred to the Rules Committee ...................... 458
Assigned to standing committee ...................................................... 491
Amendments ........................................................................... 567, 751
Committee report adopted and placed on calendar ................................. 573
Read the second time .............................................................. 697
Circled .............................................................. 697
Uncircled .............................................................. 751
Read the second and third time ................................................... 751
Returned to the House .............................................................. 752
Receded .............................................................. 800
Signed by the President and returned to the House ................................ 801
Conference Committee Appointed .................................................. 814
Reconsideration .............................................................. 814
Refuse to Recede .............................................................. 814
Substituted .............................................................. 919
Joint Conference Committee Report ................................................. 919
Returned to the House .............................................................. 919
Signed by the President and returned to the House ................................ 945

H.B. 55 — CAPTIVE INSURANCE COMPANY AMENDMENTS (J. Dunnigan)
Read for the first time and referred to the Rules Committee ...................... 125
Assigned to standing committee ...................................................... 138
Committee report adopted and placed on calendar ................................. 196
Read the second time .............................................................. 325
Circled .............................................................. 326
Uncircled .............................................................. 351
Read the third time .............................................................. 367
Signed by the President and returned to the House ................................. 368

H.B. 56 — REPEAL PROVISIONS RELATED TO ASSUMPTION OF INDEBTEDNESS ON RESIDENTIAL REAL PROPERTY (K. Garn)
Read for the first time and referred to the Rules Committee ...................... 110
Assigned to standing committee ...................................................... 125
Committee report adopted and placed on calendar ................................. 171
Read the second time .............................................................. 198
Circled .............................................................. 198
Uncircled .............................................................. 326
Read the third time .............................................................. 339
Signed by the President and returned to the House ................................ 340
### H.B. 57 — TRANSPORTATION ADMINISTRATIVE RULES – CRIMINAL AND CIVIL

**PENALTY AMENDMENTS (T. Kiser)**
- Read for the first time and referred to the Rules Committee .................. 180
- Assigned to standing committee ................................................. 206
- Committee report adopted and placed on calendar ............................ 241
- Read the second time .................................................................. 486
- Read the third time ..................................................................... 516
- Signed by the President and returned to the House ............................ 516

### H.B. 58 — SEVERANCE TAX AMENDMENTS (J. Dougall)

- Read for the first time and referred to the Rules Committee .............. 513
- Assigned to standing committee .................................................... 558
- Committee report adopted and placed on calendar ........................... 632
- Returned to the Rules Committee ................................................ 819
- Placed on calendar ..................................................................... 1014
- Read the second time .................................................................. 1050
- Circled ....................................................................................... 1050
- Uncircled ................................................................................... 1053
- Substituted ................................................................................ 1053
- Read the second and third time .................................................... 1053
- Returned to the House ................................................................. 1054
- Signed by the President and returned to the House ......................... 1062

### H.B. 59 — COMMUNITY AND ECONOMIC DEVELOPMENT TECHNICAL CHANGES (S. Mascaro)

- Read for the first time and referred to the Rules Committee .............. 205
- Assigned to standing committee .................................................... 237
- Committee report adopted and placed on calendar ........................... 333
- Read the second time .................................................................. 501
- Read the third time ..................................................................... 522
- Signed by the President and returned to the House ............................ 522

### H.B. 60 — LEGISLATIVE REVIEW OF HEALTH INSURANCE MANDATES (J. Dunnigan)

- Read for the first time and referred to the Rules Committee .............. 110
- Assigned to standing committee .................................................... 126
- Substituted ................................................................................ 492
- Committee report adopted and placed on calendar ........................... 495
- Read the second time .................................................................. 616
- Amendments .............................................................................. 617
- Read the third time ..................................................................... 668
- Returned to the House ................................................................. 669
- Signed by the President and returned to the House ......................... 739

### H.B. 61 — DESIGNATION OF STATE HIGHWAYS AMENDMENTS (T. Kiser)

- Read for the first time and referred to the Rules Committee .............. 166
- Assigned to standing committee .................................................... 190
- Committee report adopted and placed on calendar ........................... 241
- Read the second time .................................................................. 498
- Read the third time ..................................................................... 516
- Signed by the President and returned to the House ............................ 517

### H.B. 62 — CLEAN FUEL SPECIAL GROUP LICENSE PLATE AMENDMENTS (T. Kiser)

- Read for the first time and referred to the Rules Committee .............. 205
- Assigned to standing committee .................................................... 236
- Amendments .............................................................................. 332
- Committee report adopted and placed on calendar ........................... 333
- Read the second time .................................................................. 503
- Read the third time ..................................................................... 526
- Returned to the House ................................................................. 526
- Signed by the President and returned to the House ......................... 629
H.B. 63 — RECODIFICATION OF TITLE 63 STATE AFFAIRS IN GENERAL (D. Aagard)
Read for the first time and referred to the Rules Committee ................................. 125
Assigned to standing committee ................................................................. 138
Committee report adopted and placed on calendar ........................................... 156
Read the second time ....................................................................................... 198
Circled .............................................................................................................. 198
Uncircled ......................................................................................................... 198
Read the third time ......................................................................................... 220
Signed by the President and returned to the House ........................................... 220

H.B. 64 — DISCLOSURE OF INFORMATION BY THE DEPARTMENT OF WORKFORCE SERVICES (P. Neuenschwander)
Read for the first time and referred to the Rules Committee ................................. 189
Assigned to standing committee ................................................................. 237
Committee report adopted and placed on calendar ........................................... 333
Read the second time ....................................................................................... 502
Read the third time ......................................................................................... 524
Signed by the President and returned to the House ........................................... 525

H.B. 65 — CRIME OF STRANGULATION OR SMOTHERING (J. Seelig)
Read for the first time and referred to the Rules Committee ................................. 235
Assigned to standing committee ................................................................. 276
Committee report adopted and placed on calendar ........................................... 573
Returned to the Rules Committee .................................................................. 819
Enacting Clause Stricken .............................................................................. 1070

H.B. 66 — PARAEDUCATOR TO TEACHER SCHOLARSHIP PROGRAM (R. Menlove)
Read for the first time and referred to the Rules Committee ................................. 557
Assigned to standing committee ................................................................. 585
Committee report adopted and placed on calendar ........................................... 653
Returned to the Rules Committee .................................................................. 819
Placed on calendar ......................................................................................... 980
Read the second time ....................................................................................... 1003
Circled .............................................................................................................. 1003
Uncircled ......................................................................................................... 1010
Amendments ................................................................................................... 1010
Read the second and third time .................................................................... 1011
Returned to the House .................................................................................... 1012
Signed by the President and returned to the House ........................................... 1025

H.B. 67 — EXTENDED YEAR FOR SPECIAL EDUCATORS (R. Menlove)
Read for the first time and referred to the Rules Committee ................................. 189
Assigned to standing committee ................................................................. 235
Committee report adopted and placed on calendar ........................................... 363
Read the second time ....................................................................................... 505
Circled .............................................................................................................. 505
Uncircled ......................................................................................................... 505
Tabled on Third Reading Calendar ............................................................... 506
Enacting Clause Stricken .............................................................................. 1070

H.B. 68 — EDUCATOR RELICENSURE INITIATIVE (R. Menlove)
Read for the first time and referred to the Rules Committee ................................. 150
Assigned to standing committee ................................................................. 166
Committee report adopted and placed on calendar ........................................... 241
Read the second time ....................................................................................... 469
Amendments ................................................................................................... 469
Read the third time ......................................................................................... 484
Returned to the House .................................................................................... 485
Signed by the President and returned to the House ........................................... 530
H.B. 69 — REPEAL OF BOARD LEEWAY FOR READING IMPROVEMENT (J. Dougall)
Read for the first time and referred to the Rules Committee .......................... 513
Assigned to standing committee ................................................................. 558
Substituted ........................................................................................................ 630
Committee report adopted and placed on calendar ............................................. 632
Returned to the Rules Committee .................................................................... 819
Enacting Clause Stricken ................................................................................... 1070

H.B. 70 — EXPUNGEMENT LAW AMENDMENTS (L. Fowlke)
Read for the first time and referred to the Rules Committee ......................... 330
Assigned to standing committee ................................................................. 385
Committee report adopted and placed on calendar ......................................... 573
Returned to the Rules Committee ............................................................... 819
Placed on calendar ......................................................................................... 819
Read the second time ...................................................................................... 836
Read the third time ......................................................................................... 860
Signed by the President and returned to the House ......................................... 861

H.B. 71 — PARENT–TIME AMENDMENTS (L. Fowlke)
Read for the first time and referred to the Rules Committee ......................... 150
Assigned to standing committee ................................................................. 167
Amendments .................................................................................................. 193, 369, 425
Committee report adopted and placed on calendar ......................................... 196
Read the second time ...................................................................................... 342
Circled .............................................................................................................. 342, 390
Uncircled ......................................................................................................... 369, 424
Read the third time ......................................................................................... 390
Returned to the House ................................................................................... 426
Signed by the President and returned to the House ......................................... 476

H.B. 72 — MOTORCYCLE LICENSE AND ENDORSEMENT
AMENDMENTS (P. Neuenschwander)
Read for the first time and referred to the Rules Committee ......................... 477
Assigned to standing committee ................................................................. 532
Committee report adopted and placed on calendar ......................................... 573
Read the second time ...................................................................................... 817
Tabled on Third Reading Calendar ............................................................... 817
Placed on calendar ......................................................................................... 980
Read the third time ......................................................................................... 999
Signed by the President and returned to the House ......................................... 1000

H.B. 73 — CHILD CARE PROVIDERS (K. Morgan)
Read for the first time and referred to the Rules Committee ......................... 150
Assigned to standing committee ................................................................. 167
Committee report adopted and placed on calendar ......................................... 241
Read the second time ...................................................................................... 468
Read the third time ......................................................................................... 484
Signed by the President and returned to the House ......................................... 484

H.B. 74 — MEDICAID 340B DRUG PRICING PROGRAMS (D. Litvack)
Read for the first time and referred to the Rules Committee ......................... 125
Assigned to standing committee ................................................................. 138
Committee report adopted and placed on calendar ......................................... 171
Read the second time ...................................................................................... 198
Circled .............................................................................................................. 198
Uncircled ......................................................................................................... 326
Amendments .................................................................................................. 326
Read the third time ......................................................................................... 340
Returned to the House ................................................................................... 340
Signed by the President and returned to the House ......................................... 430
H.B. 75 — INVENTORY AND REVIEW OF COMMERCIAL ACTIVITIES (C. Frank)
Read for the first time and referred to the Rules Committee ......................... 531
Assigned to standing committee ............................................................... 557
Committee report adopted and placed on calendar ...................................... 653
Returned to the Rules Committee ............................................................... 819
Placed on calendar ..................................................................................... 880
Read the second and third time ................................................................. 885
Signed by the President and returned to the House ..................................... 886

H.B. 77 — PERSONAL PROPERTY TAX AMENDMENTS (J. Dougall)
Read for the first time and referred to the Rules Committee ......................... 150
Assigned to standing committee ............................................................... 168
Committee report adopted and placed on calendar ...................................... 181
Read the second time ................................................................................ 199
Circled ................................................................. 199, 230, 249, 314
Uncircled ............................................................. 230, 249, 271, 339
Substituted ......................................................................................... 249
Read the third time ................................................................................... 313
Returned to the House .............................................................................. 339
Signed by the President and returned to the House ..................................... 430

H.B. 78 — TITLE 78 RECODIFICATION AND REVISION (J. Biskupski)
Read for the first time and referred to the Rules Committee ......................... 110
Assigned to standing committee ............................................................... 126
Read the second time and placed on Consent Calendar .............................. 156
Read the third time ................................................................................... 197
Signed by the President and returned to the House ..................................... 197

H.B. 79 — SUNSET REAUTHORIZATIONS AND AMENDMENTS (D. Clark)
Read for the first time and referred to the Rules Committee ......................... 125
Assigned to standing committee ............................................................... 138
Committee report adopted and placed on calendar ...................................... 208
Read the second and third time ................................................................. 354
Signed by the President and returned to the House ..................................... 355

H.B. 80 — ADMINISTRATIVE RULE PENALTY AMENDMENTS (B. Ferry)
Read for the first time and referred to the Rules Committee ......................... 513
Assigned to standing committee ............................................................... 557
Substituted ................................................................. 769, 923
Committee report adopted and placed on calendar ...................................... 770
Returned to the Rules Committee ............................................................... 819
Placed on calendar ..................................................................................... 846
Read the second time ................................................................................ 923
Read the second and third time ................................................................. 923
Returned to the House .............................................................................. 924
Signed by the President and returned to the House ..................................... 945

H.B. 81 — TASK FORCE TO STUDY PERFORMANCE INCENTIVES FOR TEACHERS (B. Last)
Read for the first time and referred to the Rules Committee ......................... 166
Assigned to standing committee ............................................................... 190
Committee report adopted and placed on calendar ...................................... 363
Read the second time ................................................................................ 507
Tabled on Third Reading Calendar ............................................................. 508
Enacting Clause Stricken ........................................................................... 1070

H.B. 82 — NOTICE OF CHANGES TO THE STATE MEDICAID PLAN (M. Newbold)
Read for the first time and referred to the Rules Committee ......................... 166
Assigned to standing committee ............................................................... 190
Committee report adopted and placed on calendar ...................................... 241
Read the second time ................................................................................ 469
Circled ...................................................................................... 469
Uncircled ....................................................................................... 470
Read the third time ................................................................................... 485
Signed by the President and returned to the House ..................................... 485
H.B. 83 — SECURITIES AMENDMENTS (J. Bird)
Read for the first time and referred to the Rules Committee . . . . . . . . . . . . . . . . . . . 275
Enacting Clause Stricken ................................................................. 1070

H.B. 85 — TEACHER LOAN PROGRAM (L. Hemingway)
Read for the first time and referred to the Rules Committee . . . . . . . . . . . . . . . . . . . 312
Assigned to standing committee .......................................................... 358
Amendments ....................................................................................... 651
Committee report adopted and placed on calendar ......................................... 653
Returned to the Rules Committee .......................................................... 819
Enacting Clause Stricken ................................................................. 1070

H.B. 86 — FUNDING OF INMATE POSTSECONDARY EDUCATION (J. Draxler)
Read for the first time and referred to the Rules Committee . . . . . . . . . . . . . . . . . . . 275
Assigned to standing committee .......................................................... 330
Committee report adopted and placed on calendar ......................................... 438
Read the second time .............................................................................. 510
Tabled on Third Reading Calendar .......................................................... 511
Read the third time ............................................................................... 881
Amendments ....................................................................................... 881
Returned to the House ........................................................................ 881
Signed by the President and returned to the House ..................................... 900

H.B. 90 — EXPUNGEMENT AMENDMENTS (R. C. Webb)
Read for the first time and referred to the Rules Committee . . . . . . . . . . . . . . . . . . . 384
Assigned to standing committee .......................................................... 448
Committee report adopted and placed on calendar ......................................... 632
Returned to the Rules Committee .......................................................... 819
Placed on calendar .............................................................................. 819
Read the second time .............................................................................. 837
Circled ................................................................................................ 837
Uncircled ............................................................................................. 839
Read the third time ............................................................................... 862
Signed by the President and returned to the House ..................................... 862

H.B. 92 — GARNISHMENT AMENDMENTS (J. Draxler)
Read for the first time and referred to the Rules Committee . . . . . . . . . . . . . . . . . . . 540
Assigned to standing committee .......................................................... 585
Committee report adopted and placed on calendar ......................................... 770
Returned to the Rules Committee .......................................................... 819
Placed on calendar .............................................................................. 819
Read the second time .............................................................................. 837
Read the third time ............................................................................... 861
Signed by the President and returned to the House ..................................... 861

H.B. 93 — INSURANCE FRAUD AMENDMENTS (D. Aagard)
Read for the first time and referred to the Rules Committee . . . . . . . . . . . . . . . . . . . 330
Assigned to standing committee .......................................................... 384
Amendments ....................................................................................... 596
Committee report adopted and placed on calendar ......................................... 597
Returned to the Rules Committee .......................................................... 819
Placed on calendar .............................................................................. 845
Read the second time .............................................................................. 887
Read the third time ............................................................................... 889
Returned to the House ........................................................................ 889
Signed by the President and returned to the House ..................................... 900

H.B. 94 — PUBLIC EMPLOYEES’ RETIREMENT – SPOUSAL ELECTION (L. Shurtliff)
Read for the first time and referred to the Rules Committee . . . . . . . . . . . . . . . . . . . 596
Assigned to standing committee .......................................................... 647
Returned to the Rules Committee .......................................................... 847
Enacting Clause Stricken ................................................................. 1070
H.B. 95 — DOCUMENT FRAUD (K. Morgan)
Read for the first time and referred to the Rules Committee .......................... 205
Assigned to standing committee ............................................................. 235
Committee report adopted and placed on calendar ................................. 495
Read the second time ........................................................................ 614
Tabled on Third Reading Calendar ....................................................... 614
Enacting Clause Stricken ................................................................... 1070

H.B. 96 — RETIRED TEACHERS — RETURN TO WORK (D. Bowman)
Read for the first time and referred to the Rules Committee ....................... 513
Assigned to standing committee ............................................................. 557
Committee report adopted and placed on calendar ................................. 653
Returned to the Rules Committee ......................................................... 819
Enacting Clause Stricken ................................................................... 1070

H.B. 97 — COURT-ORDERED RESTITUTION FOR COSTS OF INCARCERATION (C. Oda)
Read for the first time and referred to the Rules Committee ....................... 254
Assigned to standing committee ............................................................. 276
Read the second time and placed on Consent Calendar ......................... 574
Read the third time ............................................................................. 680
Signed by the President and returned to the House ................................. 680

H.B. 98 — UTAH EMPLOYMENT VERIFICATION ACT (G. Donnelson)
Read for the first time and referred to the Rules Committee ....................... 189
Enacting Clause Stricken ................................................................... 1070

H.B. 99 — BUSINESS REGISTRATION — OPTIONAL INCLUSION OF
OWNERSHIP DATA (M. Wheatley)
Read for the first time and referred to the Rules Committee ....................... 189
Assigned to standing committee ............................................................. 235
Committee report adopted and placed on calendar ................................. 495
Read the second time ........................................................................ 615
Read the third time ............................................................................. 668
Signed by the President and returned to the House ................................. 668

H.B. 101 — AMENDMENTS TO EMERGENCY INJECTION FOR ANAPHYLACTIC
REACTION ACT (T. Kiser)
Read for the first time and referred to the Rules Committee ....................... 312
Assigned to standing committee ............................................................. 358
Read the second time and placed on Consent Calendar ......................... 497
Read the third time ............................................................................. 575
Signed by the President and returned to the House ................................. 576

H.B. 102 — CHILD ABUSE HOMICIDE AMENDMENTS (C. Wimmer)
Read for the first time and referred to the Rules Committee ....................... 711
Placed on calendar ............................................................................. 866
Read the second time ........................................................................ 867
Circled ............................................................................................... 867
Uncircled ........................................................................................... 887
Read the second and third time ............................................................ 888
Signed by the President and returned to the House ................................. 888

H.B. 103 — USE OF STATE ALTERNATIVE FUEL NETWORK (F. Hunsaker)
Read for the first time and referred to the Rules Committee ....................... 312
Assigned to standing committee ............................................................. 359
Committee report adopted and placed on calendar ................................. 461
Read the second time ........................................................................ 606
Read the third time ............................................................................. 666
Signed by the President and returned to the House ................................. 667
H.B. 104 — URBAN TRAILS APPROPRIATION *(K. Holdaway)*
Read for the first time and referred to the Rules Committee ............... 358
Placed on calendar ......................................................... 922
Read the second time .................................................. 922
Substituted ................................................................. 922
Read the second and third time ..................................... 923
Returned to the House ................................................. 923
Signed by the President and returned to the House .................. 945

H.B. 105 — TRANSPORTATION INFRASTRUCTURE LOAN FUND
AMENDMENTS *(Julie Fisher)*
Read for the first time and referred to the Rules Committee ............... 358
Assigned to standing committee ....................................... 403
Committee report adopted and placed on calendar ...................... 495
Read the second time .................................................. 620
Circled ........................................................................... 620
Uncircled ......................................................................... 622
Read the third time ....................................................... 681
Signed by the President and returned to the House .................. 682

H.B. 106 — CLEAN AIR AND EFFICIENT VEHICLE TAX INCENTIVES *(R. McGee)*
Read for the first time and referred to the Rules Committee ............... 275
Assigned to standing committee ....................................... 532
Substituted ...................................................................... 569
Committee report adopted and placed on calendar ...................... 573
Read the second time .................................................. 808
Circled ........................................................................... 809
Uncircled ......................................................................... 814
Amendments ..................................................................... 814
Tabled on Third Reading Calendar ....................................... 816
Placed on calendar ....................................................... 936
Read the third time ....................................................... 938
Returned to the House ................................................. 939
Signed by the President and returned to the House .................. 983, 1027

H.B. 107 — EMERGENCY MANAGEMENT ADMINISTRATIVE COUNCIL *(C. Oda)*
Read for the first time and referred to the Rules Committee ............... 205
Assigned to standing committee ....................................... 235
Committee report adopted and placed on calendar ...................... 258
Read the second time .................................................. 501
Read the third time ....................................................... 521
Signed by the President and returned to the House .................. 521

H.B. 109 — SEX OFFENDER LAW AMENDMENTS *(G. Hughes)*
Read for the first time and referred to the Rules Committee ............... 430
Assigned to standing committee ....................................... 477
Returned to the Rules Committee ....................................... 812
Placed on calendar ....................................................... 980
Read the second time .................................................. 1003
Amendments ..................................................................... 1003
Read the second and third time ..................................... 1004
Returned to the House ................................................. 1004
Failed ............................................................................ 1026
Filed ............................................................................. 1026
Recalled .......................................................................... 1027
Reconsideration .......................................................... 1029
Before the Senate ........................................................ 1029
Intent Language ............................................................ 1029
Signed by the President and returned to the House .................. 1029
H.B. 112 — PUBLIC EDUCATION FOUNDATION AMENDMENTS (S. Allen)
Read for the first time and referred to the Rules Committee .......... 384
Assigned to standing committee ........................................ 448
Amendments ...................................................................... 540
Committee report adopted and placed on calendar .................... 547
Read the second time ................................................................ 625
Read the third time .................................................................. 684
Returned to the House ............................................................ 685
Signed by the President and returned to the House ...................... 739

H.B. 116 — FLUORINE IN A PRIVATELY OWNED WATER SYSTEM (S. Andersen)
Read for the first time and referred to the Rules Committee .......... 384
Assigned to standing committee .............................................. 491
Returned to the Rules Committee ............................................ 807
Enacting Clause Stricken ....................................................... 1070

H.B. 117 — INSTREAM FLOW TO PROTECT TROUT HABITAT (S. Sandstrom)
Read for the first time and referred to the Rules Committee .......... 358
Assigned to standing committee .............................................. 402
Committee report adopted and placed on calendar .................... 495
Read the second time ................................................................ 619
Read the third time .................................................................. 670
Signed by the President and returned to the House ...................... 670

H.B. 118 — VETERANS HIGH SCHOOL DIPLOMAS (L. Hemingway)
Read for the first time and referred to the Rules Committee .......... 150
Assigned to standing committee .............................................. 167
Committee report adopted and placed on calendar .................... 241
Read the second time ................................................................ 471
Read the third time .................................................................. 485
Signed by the President and returned to the House ...................... 486

H.B. 119 — CONTROLLED SUBSTANCE DATABASE AMENDMENTS (B. Daw)
Read for the first time and referred to the Rules Committee .......... 312
Assigned to standing committee .............................................. 358
Committee report adopted and placed on calendar .................... 495
Read the second time ................................................................ 615
Circled ............................................................................. 615, 872
Uncircled ............................................................................ 623, 877
Amendments .......................................................................... 623, 877
Tabled on Third Reading Calendar ......................................... 624
Read the third time .................................................................. 872
Returned to the House ............................................................ 877
Signed by the President and returned to the House ...................... 900

H.B. 121 — COUNTY CHARGES FOR SERVICES TO INCARCERATED PERSONS (R. Greenwood)
Read for the first time and referred to the Rules Committee .......... 540
Assigned to standing committee .............................................. 585
Committee report adopted and placed on calendar .................... 770
Returned to the Rules Committee ............................................ 819
Placed on calendar ............................................................... 819
Read the second time ................................................................ 837
Circled ............................................................................. 837
Uncircled ............................................................................ 848
Amendments .......................................................................... 848
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<td>Signed by the President and returned to the House: 831</td>
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<tr>
<td>H.B. 192</td>
<td>PROPERTY TRANSACTION AMENDMENTS (R. Lockhart)</td>
<td>Read for the first time and referred to the Rules Committee: 799</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Placed on calendar: 860</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Returned to the Rules Committee: 899</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Placed on calendar: 943</td>
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<tr>
<td></td>
<td></td>
<td>Read for the second and third time: 945</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Signed by the President and returned to the House: 945</td>
</tr>
</tbody>
</table>
### House Bills

**H.B. 194 — Class Size Reduction in Kindergarten Through Grade Three (K. Morgan)**
- Read for the first time and referred to the Rules Committee: 753
- Enacting Clause Stricken: 1071

**H.B. 195 — Concealed Firearm Permit Amendments (M. Newbold)**
- Read for the first time and referred to the Rules Committee: 823
- Placed on calendar: 860
- Returned to the Rules Committee: 899
- Enacting Clause Stricken: 1071

**H.B. 198 — State Agency Energy Efficiency (F. Hunsaker)**
- Read for the first time and referred to the Rules Committee: 1009
- Placed on calendar: 1018
- Read the second and third time: 1019
- Signed by the President and returned to the House: 1019

**H.B. 201 — Tax Credit for Solar Projects (B. Last)**
- Read for the first time and referred to the Rules Committee: 822
- Enacting Clause Stricken: 1071

**H.B. 202 — Employee Benefit Amendments (J. Dougall)**
- Read for the first time and referred to the Rules Committee: 674
- Assigned to standing committee: 740
- Returned to the Rules Committee: 847
- Placed on calendar: 860
- Read the second time: 903
- Substituted: 903
- Circled: 914
- Uncircled: 920
- Read the second and third time: 920
- Returned to the House: 920
- Signed by the President and returned to the House: 945

**H.B. 203 — Judicial Review of State Engineer’s Decision (P. Painter)**
- Read for the first time and referred to the Rules Committee: 739
- Placed on calendar: 860
- Returned to the Rules Committee: 899
- Placed on calendar: 943
- Read the second time: 1027
- Circled: 1027
- Uncircled: 1031
- Amendments: 1031
- Read the second and third time: 1031
- Returned to the House: 1031
- Signed by the President and returned to the House: 1037

**H.B. 206 — Tax Amendments (W. Harper)**
- Read for the first time and referred to the Rules Committee: 799
- Placed on calendar: 860
- Read the second time: 897
- Circled: 897
- Uncircled: 985
- Amendments: 985
- Read the second and third time: 991
- Returned to the House: 991
- Signed by the President and returned to the House: 1005

**H.B. 208 — Livestock Watering Rights (M. Noel)**
- Read for the first time and referred to the Rules Committee: 823
- Read the second and third time: 1054
- Signed by the President and returned to the House: 1055
H.B. 210 — IDENTITY THEFT AND OTHER CRIMES (S. Sandstrom)
Read for the first time and referred to the Rules Committee ............................................. 753
Placed on calendar ............................................................................................................. 1014
Read the second and third time ..................................................................................... 1049
Signed by the President and returned to the House ....................................................... 1049

H.B. 212 — EDUCATOR SALARY ADJUSTMENTS (J. Dougall)
Read for the first time and referred to the Rules Committee ............................................. 711
Enacting Clause Stricken .................................................................................................. 1071

H.B. 216 — ANNEXATION REVISIONS (B. Last)
Read for the first time and referred to the Rules Committee ............................................. 844
Placed on calendar ............................................................................................................. 860
Returned to the Rules Committee .................................................................................... 899
Placed on calendar ............................................................................................................. 956
Read the second time ........................................................................................................ 1017
Circled ................................................................................................................................. 1017
Uncircled ............................................................................................................................ 1018
Read the second and third time ..................................................................................... 1019
Signed by the President and returned to the House ....................................................... 1019

H.B. 221 — AGRICULTURE AND INDUSTRIAL PROTECTION AREA
AMENDMENTS (J. Mathis)
Read for the first time and referred to the Rules Committee ............................................. 711
Placed on calendar ............................................................................................................. 897
Read the second and third time ..................................................................................... 1012
Amendments ..................................................................................................................... 1012
Returned to the House ...................................................................................................... 1013
Intent Language ................................................................................................................ 1013
Signed by the President and returned to the House ....................................................... 1037

H.B. 222 — WATER QUALITY BOARD AMENDMENTS (P. Painter)
Read for the first time and referred to the Rules Committee ............................................. 870
Placed on calendar ............................................................................................................. 943
Read the second and third time ..................................................................................... 1028
Signed by the President and returned to the House ....................................................... 1029

H.B. 223 — EXEMPTION FROM LICENSURE BY DIVISION OF REAL ESTATE (M. Walker)
Read for the first time and referred to the Rules Committee ............................................. 611
Assigned to standing committee ..................................................................................... 646
Committee report adopted and placed on calendar ......................................................... 743
Returned to the Rules Committee .................................................................................... 819
Placed on calendar ............................................................................................................. 820
Read the second time ........................................................................................................ 849
Failed ................................................................................................................................. 849
Filed .................................................................................................................................. 850
Reconsideration ................................................................................................................ 872
Circled ................................................................................................................................. 872
Uncircled ............................................................................................................................. 1043
Read the second and third time ..................................................................................... 1043
Signed by the President and returned to the House ....................................................... 1044

H.B. 226 — DISRUPTION OF SCHOOL ACTIVITIES (C. Moss)
Read for the first time and referred to the Rules Committee ............................................. 611
Assigned to standing committee ..................................................................................... 646
Returned to the Rules Committee .................................................................................... 806
Placed on calendar ............................................................................................................. 1014
Read the second and third time ..................................................................................... 1062
Failed ................................................................................................................................. 1063
Filed .................................................................................................................................. 1063
Enacting Clause Stricken ................................................................................................. 1071
<table>
<thead>
<tr>
<th>Bill Number</th>
<th>Bill Title</th>
<th>Committee Members</th>
<th>Status Notes</th>
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<tbody>
<tr>
<td>H.B. 227</td>
<td>REVOKING FEDERAL AUTHORITY TO USE STATE LANDS AS A BIRD REFUGE (B. Ferry)</td>
<td>(G. Donnelson)</td>
<td>Read for the first time and referred to the Rules Committee 899 Enacting Clause Stricken 1071</td>
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<tr>
<td>H.B. 229</td>
<td>PROTECTIONS FOR AGRICULTURAL PRACTICES (M. Morley)</td>
<td>(D. Aagard)</td>
<td>Read for the first time and referred to the Rules Committee 584 Assigned to standing committee 613 Substituted 715 Committee report adopted and placed on calendar 716 Returned to the Rules Committee 819 Placed on calendar 859 Returned to the Rules Committee 899 Enacting Clause Stricken 1071</td>
</tr>
<tr>
<td>H.B. 231</td>
<td>LOCAL VOTER INFORMATION PAMPHLET AMENDMENTS (D. Aagard)</td>
<td>(G. Hughes)</td>
<td>Read for the first time and referred to the Rules Committee 384 Assigned to standing committee 448 Read the second time and placed on Consent Calendar 598 Read the third time 719 Signed by the President and returned to the House 719</td>
</tr>
<tr>
<td>H.B. 234</td>
<td>KINDERGARTEN ASSESSMENT AMENDMENTS (L. Shurtliff)</td>
<td>(B. Dee)</td>
<td>Read for the first time and referred to the Rules Committee 180 Assigned to standing committee 205 Committee report adopted and placed on calendar 438 Read the second time 511 Read the third time 535 Signed by the President and returned to the House 535</td>
</tr>
<tr>
<td>H.B. 235</td>
<td>COUNTY MERIT SYSTEM AMENDMENTS (B. Dee)</td>
<td>(B. Ferry)</td>
<td>Read for the first time and referred to the Rules Committee 205 Assigned to standing committee 236 Read the second time and placed on Consent Calendar 334 Read the third time 439 Signed by the President and returned to the House 440</td>
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<tr>
<td>H.B. 237</td>
<td>ILLEGAL IMMIGRATION ENFORCEMENT ACT (G. Donnelson)</td>
<td>(D. Aagard)</td>
<td>Read for the first time and referred to the Rules Committee 254 Enacting Clause Stricken 1071</td>
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<tr>
<td>H.B. 238</td>
<td>CAMPAIGN FINANCE FILING REQUIREMENTS (G. Hughes)</td>
<td>(G. Hughes)</td>
<td>Read for the first time and referred to the Rules Committee 254 Assigned to standing committee 275 Committee report adopted and placed on calendar 547 Read the second time 693 Read the third time 722 Circled 722 Uncircled 726 Signed by the President and returned to the House 726</td>
</tr>
<tr>
<td>H.B. 239</td>
<td>DRIVER LICENSE QUALIFICATION AMENDMENTS (G. Donnelson)</td>
<td>(G. Hughes)</td>
<td>Read for the first time and referred to the Rules Committee 430 Assigned to standing committee 703 Returned to the Rules Committee 807 Enacting Clause Stricken 1071</td>
</tr>
<tr>
<td>H.B. 241</td>
<td>REPEAL OF EXEMPTIONS FROM NONRESIDENT TUITION (G. Donnelson)</td>
<td>(G. Hughes)</td>
<td>Read for the first time and referred to the Rules Committee 477 Assigned to standing committee 703 Returned to the Rules Committee 807 Enacting Clause Stricken 1071</td>
</tr>
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</table>
H.B. 242 — TRANSPORTATION FUNDING REVISIONS (W. Harper)
   Read for the first time and referred to the Rules Committee .................. 799
   Placed on calendar .................................................. 860
   Read the second time ................................................. 914
   Amendments .............................................................. 915
   Read the second and third time .................................... 915
   Transmitted to the House ............................................ 916
   Signed by the President and returned to the House ................. 929

H.B. 245 — ADMINISTRATION OF MEDICATION TO STUDENTS
   AMENDMENTS (R. Lockhart)
   Read for the first time and referred to the Rules Committee ............ 150
   Assigned to standing committee ........................................ 167
   Committee report adopted and placed on calendar ...................... 241
   Read the second time ................................................ 471
   Amendments .............................................................. 471
   Read the third time .................................................... 486
   Returned to the House ................................................ 486
   Signed by the President and returned to the House ...................... 530

H.B. 248 — AMENDMENTS TO SALES AND USE TAX EXEMPTION FOR CERTAIN
   PROPERTY INCORPORATED INTO REAL PROPERTY (J. Dougall)
   Read for the first time and referred to the Rules Committee ............ 275
   Assigned to standing committee ........................................ 330
   Committee report adopted and placed on calendar ...................... 389
   Read the second time ................................................ 508
   Tabled on Third Reading Calendar ................................... 508
   Placed on calendar ..................................................... 980
   Read the third time .................................................... 999
   Signed by the President and returned to the House ...................... 999

H.B. 249 — VEHICLES COVERED BY NEW MOTOR VEHICLE WARRANTIES (K. Gibson)
   Read for the first time and referred to the Rules Committee ............ 180
   Assigned to standing committee ........................................ 190
   Read the second time and placed on Consent Calendar .................. 242
   Read the third time .................................................... 335
   Circled ................................................................. 335
   Uncircled ............................................................... 335
   Signed by the President and returned to the House ...................... 336

H.B. 250 — PUBLIC EMPLOYEE BENEFIT APPROVAL PROVISIONS (J. Dougall)
   Read for the first time and referred to the Rules Committee ............ 358
   Assigned to standing committee ........................................ 402
   Committee report adopted and placed on calendar ...................... 547
   Read the second time ................................................ 693
   Read the third time .................................................... 722
   Circled ................................................................. 722
   Uncircled ............................................................... 729
   Signed by the President and returned to the House ...................... 729

H.B. 251 — SALES AND USE TAX REVISIONS (J. Dougall)
   Read for the first time and referred to the Rules Committee ............ 275
   Assigned to standing committee ........................................ 330
   Read the second time and placed on Consent Calendar .................. 390
   Read the third time .................................................... 480
   Signed by the President and returned to the House ...................... 480
H.B. 252 — CHARITABLE SOLICITATIONS ACT AMENDMENTS (W. Harper)
Read for the first time and referred to the Rules Committee ................................. 166
Assigned to standing committee ................................................................. 585
Substituted ................................................................................................. 744
Read the second time and placed on Consent Calendar ...................................... 745
Read the third time ................................................................................... 832
Returned to the House .............................................................................. 832
Signed by the President and returned to the House ........................................ 869

H.B. 253 — HIGHER EDUCATION INFORMATION TECHNOLOGY APPROPRIATION (S. Clark)
Read for the first time and referred to the Rules Committee ................................. 189
Assigned to standing committee ................................................................. 235
Returned to the Rules Committee ................................................................ 806
Enacting Clause Stricken ............................................................................ 1071

H.B. 254 — SCHOOL COMMUNITY COUNCIL AMENDMENTS (R. Menlove)
Read for the first time and referred to the Rules Committee ................................. 567
Assigned to standing committee ................................................................. 612
Read the second time and placed on Consent Calendar ...................................... 744
Read the third time ................................................................................... 830
Signed by the President and returned to the House ........................................ 830

H.B. 256 — CRIMINAL PENALTIES AMENDMENTS – INCLUDING JESSICA’S LAW (C. Wimmer)
Read for the first time and referred to the Rules Committee ................................. 205
Assigned to standing committee ................................................................. 236
Read the second time and placed on Consent Calendar ...................................... 390
Read the third time ................................................................................... 482
Signed by the President and returned to the House ........................................ 483

H.B. 257 — EMPLOYEE VERIFICATION (C. Herrod)
Read for the first time and referred to the Rules Committee ................................. 611
Assigned to standing committee ................................................................. 646
Committee report adopted and placed on calendar .......................................... 743
Returned to the Rules Committee ................................................................ 807, 819
Enacting Clause Stricken ............................................................................ 1071

H.B. 258 — MEDICAID DRUG UTILIZATION AMENDMENTS (R. Lockhart)
Read for the first time and referred to the Rules Committee ................................. 235
Placed on calendar .................................................................................... 936
Read the second and third time ................................................................... 942
Signed by the President and returned to the House ........................................ 942

H.B. 259 — GOLD STAR FAMILY SPECIAL GROUP LICENSE PLATE AMENDMENTS (C. Oda)
Read for the first time and referred to the Rules Committee ................................. 275
Assigned to standing committee ................................................................. 331
Read the second time and placed on Consent Calendar ...................................... 390
Read the third time ................................................................................... 480
Signed by the President and returned to the House ........................................ 481

H.B. 261 — LOCAL DISTRICT PRIMARY ELECTIONS (K. Morgan)
Read for the first time and referred to the Rules Committee ................................. 384
Assigned to standing committee ................................................................. 448
Read the second time and placed on Consent Calendar ...................................... 598
Read the third time ................................................................................... 719
Signed by the President and returned to the House ........................................ 720
H.B. 262 — RECOVERY OF FEDERAL REIMBURSEMENT FOR COSTS ASSOCIATED WITH ILLEGAL IMMIGRANTS (K. Morgan)
Read for the first time and referred to the Rules Committee .......................... 330
Assigned to standing committee ................................................................. 385
Committee report adopted and placed on calendar ....................................... 547
Read the second time .................................................................................... 694
Read the third time ....................................................................................... 723
Signed by the President and returned to the House ......................................... 723

H.B. 263 — UTAH REGISTRY OF AUTISM AND DEVELOPMENTAL DISABILITIES (E. Hutchings)
Read for the first time and referred to the Rules Committee ......................... 674
Assigned to standing committee ................................................................... 740
Committee report adopted and placed on calendar ........................................ 802
Returned to the Rules Committee ................................................................. 819
Placed on calendar ....................................................................................... 880
Read the second time .................................................................................... 884
Amendments .................................................................................................. 884
Read the second and third time ..................................................................... 885
Returned to the House .................................................................................. 885
Signed by the President and returned to the House .......................................... 900

H.B. 264 — PROHIBITION OF CITATION QUOTAS (N. Hansen)
Read for the first time and referred to the Rules Committee ......................... 180
Assigned to standing committee ................................................................... 190
Reassigned to standing committee ............................................................... 201
Returned to the Rules Committee ................................................................. 812
Enacting Clause Stricken ............................................................................... 1071

H.B. 265 — OFFICE OF RECOVERY SERVICES – ELECTRONIC FUNDS TRANSFER (P. Ray)
Read for the first time and referred to the Rules Committee ......................... 235
Assigned to standing committee ................................................................... 276
Read the second time and placed on Consent Calendar ................................. 438
Read the third time ....................................................................................... 514
Signed by the President and returned to the House ......................................... 515

H.B. 266 — ACCELERATED LEARNING PROGRAM REVISIONS (C. Moss)
Read for the first time and referred to the Rules Committee ......................... 384
Assigned to standing committee ................................................................... 477
Returned to the Rules Committee ................................................................. 806
Enacting Clause Stricken ............................................................................... 1071

H.B. 268 — HEALTH FACILITY COMMITTEE MEMBERSHIP (C. Herrod)
Read for the first time and referred to the Rules Committee ......................... 358
Assigned to standing committee ................................................................... 402
Read the second time and placed on Consent Calendar ................................. 497
Read the third time ....................................................................................... 576
Signed by the President and returned to the House ......................................... 576

H.B. 269 — SCOTT B. LUNDELL MILITARY SURVIVORS’ TUITION WAIVER AMENDMENTS (M. Morley)
Read for the first time and referred to the Rules Committee ......................... 166
Assigned to standing committee ................................................................... 190
Read the second time and placed on Consent Calendar ................................. 364
Placed on Time Certain Calendar .................................................................. 447
Read the second and third time ..................................................................... 549
Signed by the President and returned to the House ......................................... 549
H.B. 270 — UTAH SCIENCE TECHNOLOGY AND RESEARCH
INITIATIVE CENTERS (R. Bigelow)
Read for the first time and referred to the Rules Committee ................. 205
Assigned to standing committee ........................................... 237
Committee report adopted and placed on calendar ............................ 333
Read the second time ............................................................. 502
Circled ............................................................. 502
Uncircled ............................................................. 506
Tabled on Third Reading Calendar ................................................. 507
Enacting Clause Stricken .................................................. 1071

H.B. 271 — UTAH PURPLE HEART RECIPIENTS TUITION ACT AMENDMENTS (R. Barrus)
Read for the first time and referred to the Rules Committee ................. 458
Assigned to standing committee ........................................... 490
Committee report adopted and placed on calendar ............................ 547
Read the second time ............................................................. 625
Read the third time ................................................................ 685
Signed by the President and returned to the House ............................ 685

H.B. 272 — FALSE IMPERSONATION AND REPRESENTATION (G. Froerer)
Read for the first time and referred to the Rules Committee ................. 150
Assigned to standing committee ........................................... 167
Substituted ........................................................................... 333
Committee report adopted and placed on calendar ............................ 333
Read the second time ............................................................. 504
Read the third time ................................................................ 527
Returned to the House ........................................................... 527
Signed by the President and returned to the House ............................ 629

H.B. 274 — UTAH K–8 ONLINE VIRTUAL SCHOOL (B. Ferry)
Read for the first time and referred to the Rules Committee ................. 822
Enacting Clause Stricken .................................................. 1071

H.B. 275 — VEHICLE TOWING REQUIREMENTS (B. Daw)
Read for the first time and referred to the Rules Committee ................. 254
Assigned to standing committee ........................................... 331
Committee report adopted and placed on calendar ............................ 389
Read the second time ............................................................. 510
Read the third time ................................................................ 530
Circled ............................................................................. 530
Uncircled ............................................................................ 550
Amendments ......................................................................... 551
Returned to the House ........................................................... 552
Signed by the President and returned to the House ............................ 629

H.B. 276 — HEALTH PROFESSIONAL AUTHORITY – DEATH AND DISABILITY (B. Last)
Read for the first time and referred to the Rules Committee ................. 458
Assigned to standing committee ........................................... 491
Committee report adopted and placed on calendar ............................ 597
Returned to the Rules Committee ............................................. 819
Placed on calendar .................................................................. 859
Returned to the Rules Committee ............................................. 899
Enacting Clause Stricken .................................................. 1071

H.B. 277 — PANDEMIC PREPAREDNESS AMENDMENTS (B. Last)
Read for the first time and referred to the Rules Committee ................. 330
Assigned to standing committee ........................................... 385
Read the second time and placed on Consent Calendar ......................... 497
Read the third time ................................................................ 576
Signed by the President and returned to the House ............................ 577
H.B. 279 — TAX INCENTIVES FOR MILITARY MEMBERS (W. Harper)
Read for the first time and referred to the Rules Committee 458
Assigned to standing committee 491
Committee report adopted and placed on calendar 573
Read the second time 809
Circled 809
Uncircled 818
Tabled on Third Reading Calendar 818
Enacting Clause Stricken 1071

H.B. 280 — SCHOOL FINANCE AMENDMENTS (Julie Fisher)
Read for the first time and referred to the Rules Committee 739
Enacting Clause Stricken 1071

H.B. 281 — GRANTS TO RURAL HOSPITALS – OVERSIGHT RESPONSIBILITIES (M. Newbold)
Read for the first time and referred to the Rules Committee 458
Assigned to standing committee 491
Read the second time and placed on Consent Calendar 574
Read the third time 678
Signed by the President and returned to the House 678

H.B. 282 — STATE PAYMENT AND REIMBURSEMENT TO COUNTY CORRECTIONAL FACILITIES (M. Noel)
Read for the first time and referred to the Rules Committee 799
Placed on calendar 860
Returned to the Rules Committee 899
Placed on calendar 943
Read the second time 1048
Circled 1048
Uncircled 1061
Read the second and third time 1061
Amendments 1061
Returned to the House 1061
Signed by the President and returned to the House 1068

H.B. 286 — PERMANENT TEACHER LICENSE REVOCATION FOR SEXUAL ACTIVITY WITH STUDENTS (C. Wimmer)
Read for the first time and referred to the Rules Committee 312
Assigned to standing committee 358
Committee report adopted and placed on calendar 438
Read the second time 603
Substituted 603
Read the third time 663
Circled 663
Uncircled 663
Returned to the House 664
Signed by the President and returned to the House 739

H.B. 287 — REGULATION OF TEACHER – STUDENT RELATIONSHIPS (S. Sandstrom)
Read for the first time and referred to the Rules Committee 458
Assigned to standing committee 490
Committee report adopted and placed on calendar 547
Read the second time 625
Read the third time 685
Signed by the President and returned to the House 685

H.B. 288 — 911 COMMITTEE (B. Dee)
Read for the first time and referred to the Rules Committee 358
Assigned to standing committee 403
Read the second time and placed on Consent Calendar 497
Read the third time 578
Signed by the President and returned to the House 578
H.B. 290 — MUNICIPAL OVERSIGHT OF RENTAL DWELLINGS (G. Froerer)
Read for the first time and referred to the Rules Committee ............... 458
Assigned to standing committee ........................................ 491
Committee report adopted and placed on calendar ...................... 597
Returned to the Rules Committee ...................................... 819
Placed on calendar .......................................................... 846
Read the second time ..................................................... 918
Read the third time ....................................................... 936
Signed by the President and returned to the House ................. 936

H.B. 291 — OFF-HIGHWAY VEHICLE AMENDMENTS (M. Noel)
Read for the first time and referred to the Rules Committee .......... 275
Assigned to standing committee ........................................ 330
Committee report adopted and placed on calendar ...................... 389
Read the second time ..................................................... 509
Read the third time ....................................................... 529
Signed by the President and returned to the House ................. 529

H.B. 292 — LEGISLATIVE TASK FORCE TO STUDY RADIO COMMUNICATION SYSTEM IN UTAH (B. Dee)
Read for the first time and referred to the Rules Committee .......... 458
Assigned to standing committee ........................................ 491
Committee report adopted and placed on calendar ...................... 573
Read the second time ..................................................... 817
Tabled on Third Reading Calendar ................................... 818
Enacting Clause Stricken .................................................. 1071

H.B. 293 — PRIVATE BUILDING INSPECTOR AUTHORIZED (D. Aagard)
Read for the first time and referred to the Rules Committee .......... 711
Enacting Clause Stricken .................................................. 1071

H.B. 294 — APPROPRIATION LIMIT AMENDMENTS — FIRE SUPPRESSION (B. Ferry)
Read for the first time and referred to the Rules Committee .......... 254
Assigned to standing committee ........................................ 276
Read the second time and placed on Consent Calendar .................. 390
Read the third time ....................................................... 481
Signed by the President and returned to the House ................. 482

H.B. 296 — VOTING MACHINES USED BY MUNICIPALITIES (N. Hansen)
Read for the first time and referred to the Rules Committee .......... 358
Assigned to standing committee ........................................ 402
Read the second time and placed on Consent Calendar .................. 547
Read the third time ....................................................... 633
Signed by the President and returned to the House ................. 634

H.B. 301 — COMPREHENSIVE HEALTH INSURANCE POOL AMENDMENTS (J. Dunnigan)
Read for the first time and referred to the Rules Committee ............... 330
Assigned to standing committee ........................................ 385
Committee report adopted and placed on calendar ...................... 495
Read the second time ..................................................... 619
Read the third time ....................................................... 669
Signed by the President and returned to the House ................. 670

H.B. 303 — PHOSPHORUS LIMIT IN DISHWASHING DETERGENT (C. Johnson)
Read for the first time and referred to the Rules Committee ............... 674
Assigned to standing committee ........................................ 741
Returned to the Rules Committee ...................................... 772
Placed on calendar .......................................................... 956
Read the second and third time ....................................... 1034
Signed by the President and returned to the House ................. 1034
H.B. 304 — SALES AND USE TAX REVENUES FOR QUALIFIED EMERGENCY FOOD
AGENCIES (L. Wiley)
Read for the first time and referred to the Rules Committee ................. 596
Assigned to standing committee ........................................... 647
Amendments ................................................................. 716
Read the second time and placed on Consent Calendar ......................... 717
Read the third time ......................................................... 827
Returned to the House ..................................................... 827
Signed by the President and returned to the House ............................ 869

H.B. 305 — COUNTY SHERIFF QUALIFICATION AMENDMENTS (R. Greenwood)
Read for the first time and referred to the Rules Committee ................. 854
Placed on calendar .......................................................... 943
Read the second and third time ............................................. 1055
Signed by the President and returned to the House ............................ 1056

H.B. 307 — CANCER SCREENING AND MORTALITY REDUCTION SPECIAL GROUP
LICENSE PLATE (C. Moss)
Read for the first time and referred to the Rules Committee ................. 540
Assigned to standing committee ........................................... 585
Committee report adopted and placed on calendar ............................ 653
Returned to the Rules Committee .......................................... 819, 899
Placed on calendar .......................................................... 860
Enacting Clause Stricken .................................................... 1071

H.B. 309 — ELECTION INFORMATION AMENDMENTS (J. Dougall)
Read for the first time and referred to the Rules Committee ................. 458
Assigned to standing committee ........................................... 491
Committee report adopted and placed on calendar ............................ 597
Returned to the Rules Committee .......................................... 819
Placed on calendar .......................................................... 820
Read the second time ......................................................... 850
Read the third time ......................................................... 895
Signed by the President and returned to the House ............................ 896

H.B. 310 — ABSENTEE BALLOT REVISIONS (D. Aagard)
Read for the first time and referred to the Rules Committee ................. 358
Assigned to standing committee ........................................... 402
Read the second time and placed on Consent Calendar ......................... 547
Read the third time ......................................................... 634
Signed by the President and returned to the House ............................ 634

H.B. 311 — HIGHER EDUCATION DISTANCE LEARNING PARTNERSHIPS (B. Last)
Read for the first time and referred to the Rules Committee ................. 822
Enacting Clause Stricken .................................................... 1072

H.B. 312 — CRIME VICTIM REPARATIONS REVISIONS (Julie Fisher)
Read for the first time and referred to the Rules Committee ................. 458
Assigned to standing committee ........................................... 491
Read the second time and placed on Consent Calendar ......................... 633
Read the third time ......................................................... 756
Signed by the President and returned to the House ............................ 756

H.B. 314 — SEXUAL OFFENSES – DEFINITIONS (R. Bigelow)
Read for the first time and referred to the Rules Committee ................. 358
Assigned to standing committee ........................................... 402
Read the second time and placed on Consent Calendar ......................... 633
Read the third time ......................................................... 756
Signed by the President and returned to the House ............................ 757

H.B. 315 — CHILD AND VULNERABLE ADULT ENDANGERMENT
PROVISIONS (M. Morley)
Read for the first time and referred to the Rules Committee ................. 753
Placed on calendar .......................................................... 943
Enacting Clause Stricken .................................................... 1072
H.B. 316 — SUBSTANCE ABUSE TREATMENT FOR PREGNANT WOMEN
AND PREGNANT MINORS (E. Hutchings)
Read for the first time and referred to the Rules Committee ........................................ 697
Assigned to standing committee ................................................................. 740
Committee report adopted and placed on calendar .......................................... 802
Returned to the Rules Committee .................................................................... 819
Placed on calendar .......................................................................................... 846
Read the second and third time ...................................................................... 924
Signed by the President and returned to the House ........................................ 924

H.B. 319 — REVIEW AND APPROVAL OF GRANTS (D. Clark)
Read for the first time and referred to the Rules Committee ......................... 822
Placed on calendar .......................................................................................... 845
Read the second and third time .................................................................... 916
Signed by the President and returned to the House ........................................ 916

H.B. 320 — VEHICLE IMPOUND YARD REQUIREMENTS (C. Oda)
Read for the first time and referred to the Rules Committee ......................... 430
Assigned to standing committee .................................................................... 478
Committee report adopted and placed on calendar .......................................... 573
Returned to the Rules Committee .................................................................... 819
Placed on calendar .......................................................................................... 860
Returned to the Rules Committee .................................................................... 899
Enacting Clause Stricken ................................................................................. 1072

H.B. 321 — HIGHER EDUCATION SAVINGS INCENTIVE PROGRAM
AMENDMENTS (K. Garn)
Read for the first time and referred to the Rules Committee ......................... 384
Assigned to standing committee .................................................................... 448
Committee report adopted and placed on calendar .......................................... 479
Read the second time ........................................................................................ 607
Circled ............................................................................................................... 607
Uncircled .......................................................................................................... 614
Read the third time .......................................................................................... 667
Signed by the President and returned to the House ........................................ 668

H.B. 323 — EMINENT DOMAIN AMENDMENTS (A. Tilton)
Read for the first time and referred to the Rules Committee ......................... 531
Assigned to standing committee .................................................................... 558
Placed on calendar .......................................................................................... 820
Committee report adopted and placed on calendar .......................................... 632
Returned to the Rules Committee .................................................................... 819
Read the second time ........................................................................................ 850
Read the third time .......................................................................................... 896
Proposed Amendments ...................................................................................... 896
Signed by the President and returned to the House ........................................ 897

H.B. 324 — NOT−A−DROP DRIVERS PROGRAM AMENDMENTS (R. Greenwood)
Read for the first time and referred to the Rules Committee ......................... 769
Enacting Clause Stricken ................................................................................. 1072

H.B. 325 — BULLYING AND HAZING (C. Moss)
Read for the first time and referred to the Rules Committee ......................... 844
Placed on calendar .......................................................................................... 897
Read the second and third time .................................................................... 959
Amendments .................................................................................................... 959
Returned to the House ...................................................................................... 962
Signed by the President and returned to the House ........................................ 1005
H.B. 326 — CHILDREN’S HEALTH INSURANCE PROGRAM – OPEN ENROLLMENT (G. Curtis)
Read for the first time and referred to the Rules Committee ...................... 477
Assigned to standing committee ............................................................. 532
Committee report adopted and placed on calendar .................................. 597
Returned to the Rules Committee ........................................................... 819
Placed on calendar ..................................................................................... 846
Read the second and third time ................................................................. 867
Signed by the President and returned to the House ................................... 868
H.B. 327 — ENTICING A MINOR BY ELECTRONIC MEANS (K. Gibson)
Read for the first time and referred to the Rules Committee ...................... 458
Assigned to standing committee ............................................................. 491
Read the second time and placed on Consent Calendar ............................. 633
Read the third time .................................................................................... 757
Signed by the President and returned to the House ................................... 757
H.B. 329 — HIGH-ABILITY STUDENT INITIATIVE PROGRAM (B. Last)
Read for the first time and referred to the Rules Committee ...................... 768
Enacting Clause Stricken ........................................................................... 1072
H.B. 330 — STATE SUPPLEMENTAL FUNDING FOR HEAD START (L. Shurtliff)
Read for the first time and referred to the Rules Committee ...................... 584
Assigned to standing committee ............................................................. 613
Committee report adopted and placed on calendar .................................. 743
Returned to the Rules Committee ........................................................... 819
Placed on calendar ..................................................................................... 880
Read the second time ................................................................................ 884
Amendments ............................................................................................... 884, 907
Read the second and third time ................................................................. 884
Returned to the House .............................................................................. 884
Recalled ....................................................................................................... 895
Placed on calendar ..................................................................................... 906
Before the Senate ....................................................................................... 907
Returned to the House .............................................................................. 908
Signed by the President and returned to the House ................................... 929
H.B. 332 — USE OF PUBLIC SCHOOLS BY COMMUNITY ORGANIZATIONS (G. Hughes)
Read for the first time and referred to the Rules Committee ...................... 584
Assigned to standing committee ............................................................. 612
Substituted ................................................................................................ 742
Amendments ............................................................................................... 742, 924
Committee report adopted and placed on calendar .................................. 743
Returned to the Rules Committee ........................................................... 819
Placed on calendar ..................................................................................... 846
Read the second time ................................................................................ 924
Read the third time .................................................................................... 938
Returned to the House .............................................................................. 938
Signed by the President and returned to the House ................................... 983
H.B. 333 — SENIOR CITIZEN’S HOMEOWNER’S CREDIT (G. Froerer)
Read for the first time and referred to the Rules Committee ...................... 891
Enacting Clause Stricken ........................................................................... 1072
H.B. 336 — AUTHORITY TO ESTABLISH REFUGEE SERVICES FUND (C. Herrod)
Read for the first time and referred to the Rules Committee ...................... 567
Assigned to standing committee ............................................................. 613
Read the second time and placed on Consent Calendar ............................. 717
Read the third time .................................................................................... 828
Signed by the President and returned to the House ................................... 828
H.B. 339 — HUMAN TRAFFICKING AMENDMENTS (C. Herrod)
Read for the first time and referred to the Rules Committee .......................... 697
Assigned to standing committee ................................................................. 740
Amendments ................................................................................................. 812, 916, 959, 996
Returned to the Rules Committee ................................................................. 812
Placed on calendar ........................................................................................ 820
Read the second time .................................................................................... 853
Circled ............................................................................................................ 853
Uncircled ........................................................................................................ 916, 959, 996
Read the third time ....................................................................................... 935
Returned to the House ................................................................................... 997
Signed by the President and returned to the House ........................................ 1005

H.B. 341 — DAMAGE TO UNDERGROUND UTILITY FACILITIES AMENDMENTS (D. Clark)
Read for the first time and referred to the Rules Committee .......................... 567
Assigned to standing committee ................................................................. 613
Committee report adopted and placed on calendar ....................................... 716
Returned to the Rules Committee ................................................................. 819
Placed on calendar ........................................................................................ 846
Read the second and third time .................................................................... 946
Amendments ................................................................................................. 947
Signed by the President and returned to the House ........................................ 947

H.B. 342 — INSURANCE CODE AMENDMENTS (J. Dunnigan)
Read for the first time and referred to the Rules Committee .......................... 458
Assigned to standing committee ................................................................. 490
Amendments ................................................................................................. 653
Read the second time and placed on Consent Calendar ................................. 660
Read the third time ....................................................................................... 758
Returned to the House ................................................................................... 797
Signed by the President and returned to the House ........................................ 797

H.B. 343 — EXEMPTION OF UNIVERSITY HOUSING FROM EVICTION LAWS (P. Neuenschwander)
Read for the first time and referred to the Rules Committee .......................... 799
Placed on calendar ........................................................................................ 1057
Enacting Clause Stricken ............................................................................. 1072

H.B. 345 — MINIMUM AGE FOR PUBLIC EDUCATION ENROLLMENT AMENDMENTS (E. Hutchings)
Read for the first time and referred to the Rules Committee .......................... 844
Enacting Clause Stricken ............................................................................. 1072

H.B. 346 — DIVISION OF REAL ESTATE RELATED AMENDMENTS (G. Froerer)
Read for the first time and referred to the Rules Committee .......................... 531
Assigned to standing committee ................................................................. 557
Committee report adopted and placed on calendar ....................................... 653
Returned to the Rules Committee ................................................................. 819
Placed on calendar ........................................................................................ 820
Read the second time .................................................................................... 851
Circled ............................................................................................................ 851
Uncircled ........................................................................................................ 918
Read the third time ....................................................................................... 935
Signed by the President and returned to the House ........................................ 936
H.B. 347 — MOTOR VEHICLE BUSINESS REGULATION AMENDMENTS (S. Andersen)
Read for the first time and referred to the Rules Committee 697
Assigned to standing committee 741
Committee report adopted and placed on calendar 802
Returned to the Rules Committee 819
Placed on calendar 846
Returned to the Rules Committee 899
Placed on calendar 943
Read the second and third time 1033
Signed by the President and returned to the House 1033

H.B. 348 — ZION NATIONAL PARK SPECIAL GROUP LICENSE PLATE (B. Last)
Read for the first time and referred to the Rules Committee 596
Assigned to standing committee 647
Committee report adopted and placed on calendar 802
Returned to the Rules Committee 819
Placed on calendar 846, 1041
Returned to the Rules Committee 899
Read the second and third time 1056
Signed by the President and returned to the House 1057

H.B. 349 — OPEN ENROLLMENT REVISIONS (Julie Fisher)
Read for the first time and referred to the Rules Committee 739
Placed on calendar 956
Read the second and third time 1016
Signed by the President and returned to the House 1016

H.B. 351 — INDIVIDUAL INCOME TAX – HEALTH INSURANCE (J. Dunnigan)
Read for the first time and referred to the Rules Committee 531
Assigned to standing committee 558
Amendments 630
Committee report adopted and placed on calendar 632
Returned to the Rules Committee 819
Enacting Clause Stricken 1072

H.B. 352 — AMENDMENTS RELATED TO MONIES DERIVED FROM NAVAJO NATION RESERVATION LANDS IN UTAH (D. Clark)
Read for the first time and referred to the Rules Committee 611
Assigned to standing committee 646
Committee report adopted and placed on calendar 743
Returned to the Rules Committee 819
Placed on calendar 820
Read the second time 851
Circled 851
Uncircled 904
Read the second and third time 904
Recalled 963
Read the first, second and third time 967
Signed by the President and returned to the House 904, 967

H.B. 353 — DEPARTMENT OF ENVIRONMENTAL QUALITY AMENDMENTS (C. Johnson)
Read for the first time and referred to the Rules Committee 674
Enacting Clause Stricken 1072

H.B. 354 — APPRAISALS FOR STATE LAND PURCHASES (J. Draxler)
Read for the first time and referred to the Rules Committee 711
Placed on calendar 1057
Read the second and third time 1064
Signed by the President and returned to the House 1064

H.B. 356 — TAXATION OF MOIST SNUFF (R. Lockhart)
Read for the first time and referred to the Rules Committee 557
Read the second and third time 1052
Signed by the President and returned to the House 1053
H.B. 357 — PUBLIC ASSOCIATIONS SUBJECT TO GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT (M. Noel)
Read for the first time and referred to the Rules Committee .................. 596
Assigned to standing committee ........................................... 646
Enacting Clause Stricken ................................................... 1072

H.B. 359 — TAX CHANGES (J. Dougall)
Read for the first time and referred to the Rules Committee ............... 822
Placed on calendar .................................................................. 980
Read the second time .............................................................. 991
Substituted ............................................................................. 991
Read the second and third time .............................................. 992
Returned to the House .............................................................. 992
Signed by the President and returned to the House ......................... 1005

H.B. 360 — INDIVIDUAL INCOME TAX – LONG-TERM CARE INSURANCE PREMIUMS (B. Last)
Read for the first time and referred to the Rules Committee ............... 711
Enacting Clause Stricken ...................................................... 1072

H.B. 361 — ANTI-SEIZURE DRUG NOTIFICATION (E. Hutchings)
Read for the first time and referred to the Rules Committee ............... 769
Placed on calendar .................................................................. 897
Read the second and third time .............................................. 964
Signed by the President and returned to the House ......................... 964

H.B. 362 — MOTOR FUEL TAX – OFF-HIGHWAY VEHICLE REFUND AMENDMENTS (B. Ferry)
Read for the first time and referred to the Rules Committee ............... 584
Committee report adopted and placed on calendar ......................... 716
Returned to the Rules Committee ............................................. 819
Placed on calendar .................................................................. 846
Returned to the Rules Committee ............................................. 899
Enacting Clause Stricken ...................................................... 1072

H.B. 363 — BEVERLEY TAYLOR SORENSON ELEMENTARY ARTS LEARNING PROGRAM (G. Hughes)
Read for the first time and referred to the Rules Committee ............... 674
Assigned to standing committee ............................................. 740
Returned to the Rules Committee ............................................. 806
Enacting Clause Stricken ...................................................... 1072

H.B. 364 — PROMOTION OF HEALTH CARE COVERAGE (K. Holdaway)
Read for the first time and referred to the Rules Committee ............... 769
Placed on calendar .................................................................. 980
Read the second and third time .............................................. 1006
Amendments ........................................................................ 1006
Returned to the House .............................................................. 1007
Signed by the President and returned to the House ......................... 1027

H.B. 365 — AVIATION AMENDMENTS (W. Harper)
Read for the first time and referred to the Rules Committee ............... 596
Assigned to standing committee ............................................. 647
Committee report adopted and placed on calendar ......................... 846
Returned to the Rules Committee ............................................. 819
Read the second time .............................................................. 920
Read the third time ................................................................. 936
Signed by the President and returned to the House ......................... 937
H.B. 366 — MEDICAID LONG TERM CARE AMENDMENTS (M. Newbold)
Read for the first time and referred to the Rules Committee ..................... 769
Placed on calendar .............................................................................. 1014
Read the second and third time ......................................................... 1051
Signed by the President and returned to the House .............................. 1051

H.B. 369 — MUNICIPAL RENTAL FEES AMENDMENTS (M. Walker)
Read for the first time and referred to the Rules Committee ..................... 596
Assigned to standing committee ............................................................ 646
Returned to the Rules Committee .......................................................... 807
Read the second time ......................................................................... 1054
Circled ............................................................................................... 1054
Uncircled ............................................................................................. 1055
Read the second and third time ......................................................... 1055
Signed by the President and returned to the House .............................. 1055

H.B. 370 — CHILDREN’S HEALTH INSURANCE PROGRAM AMENDMENTS (J. Dunnigan)
Read for the first time and referred to the Rules Committee ..................... 711
Placed on calendar .............................................................................. 1014
Read the second and third time ......................................................... 1049
Signed by the President and returned to the House .............................. 1050

H.B. 371 — DIGITAL CERTIFICATES FOR BREATHALIZERS (C. Herrod)
Read for the first time and referred to the Rules Committee ..................... 645
Assigned to standing committee ............................................................ 703
Substituted ......................................................................................... 771
Read the second time and placed on Consent Calendar .......................... 771
Read the third time ......................................................................... 856
Returned to the House ....................................................................... 857
Signed by the President and returned to the House .............................. 900

H.B. 373 — UNIFORM FEES ON VINTAGE MOTOR VEHICLES (W. Harper)
Read for the first time and referred to the Rules Committee ..................... 596
Assigned to standing committee ............................................................ 647
Read the second time and placed on Consent Calendar .......................... 717
Read the third time ......................................................................... 827
Signed by the President and returned to the House .............................. 828

H.B. 374 — CHILD ABUSE AND NEGLECT PREVENTION AND TREATMENT AMENDMENTS (P. Ray)
Read for the first time and referred to the Rules Committee ..................... 674
Assigned to standing committee ............................................................ 740
Read the second time and placed on Consent Calendar .......................... 803
Read the third time ......................................................................... 893
Signed by the President and returned to the House .............................. 894

H.B. 375 — DECEPTION DETECTION EXAMINERS LICENSING ACT AMENDMENTS (R. Barrus)
Read for the first time and referred to the Rules Committee ..................... 557
Assigned to standing committee ............................................................ 585
Read the second time and placed on Consent Calendar .......................... 771
Read the third time ......................................................................... 857
Signed by the President and returned to the House .............................. 857

H.B. 377 — CODE OF CRIMINAL PROCEDURE AMENDMENTS (R. Lockhart)
Read for the first time and referred to the Rules Committee ..................... 490
Assigned to standing committee ............................................................ 532
Read the second time and placed on Consent Calendar .......................... 633
Read the third time ......................................................................... 757
Signed by the President and returned to the House .............................. 758
H.B. 378 — STATE ACCOUNTING AND BUDGETARY PROCEDURES
AMENDMENTS (R. Bigelow)
Read for the first time and referred to the Rules Committee ............... 596
Assigned to standing committee ............................................. 646
Read the second time and placed on Consent Calendar ....................... 745
Read the third time ............................................................ 832
Signed by the President and returned to the House ......................... 833

H.B. 380 — INSURANCE DEPARTMENT – WORKERS’ COMPENSATION
AMENDMENTS (R. Bigelow)
Read for the first time and referred to the Rules Committee ............... 822
Placed on calendar .............................................................. 897
Placed on calendar .............................................................. 1014
Read the second and third time ................................................. 1015
Signed by the President and returned to the House ......................... 1015

H.B. 384 — EMPLOYEE OBLIGATIONS RELATED TO WORKERS’
COMPENSATION (M. Morley)
Read for the first time and referred to the Rules Committee ............... 739
Placed on calendar .............................................................. 956
Read the second and third time ................................................. 1016
Signed by the President and returned to the House ......................... 1017

H.B. 385 — ROAD AND RIGHTS–OF–WAY AMENDMENTS (M. Noel)
Read for the first time and referred to the Rules Committee ............... 1009
Enacting Clause Stricken ...................................................... 1072

H.B. 395 — DEPORTATION OF ELIGIBLE UNDOCUMENTED
IMMIGRANT PRISONERS (G. Donnelson)
Read for the first time and referred to the Rules Committee ............... 872
Enacting Clause Stricken ...................................................... 1072

H.B. 399 — MEDICATION AIDE CERTIFIED AMENDMENTS (R. Lockhart)
Read for the first time and referred to the Rules Committee ............... 674
Assigned to standing committee .............................................. 740
Committee report adopted and placed on calendar .......................... 802
Returned to the Rules Committee .............................................. 819
Placed on calendar .............................................................. 860
Returned to the Rules Committee .............................................. 899
Placed on calendar .............................................................. 943
Read the second and third time ................................................. 945
Signed by the President and returned to the House ......................... 946

H.B. 400 — CONDOMINIUM AND COMMUNITY ASSOCIATION PROVISIONS (R. C. Webb)
Read for the first time and referred to the Rules Committee ............... 823
Placed on calendar .............................................................. 943
Enacting Clause Stricken ...................................................... 1072

H.B. 401 — MASTER PLUMBER LICENSING (J. Dunnigan)
Read for the first time and referred to the Rules Committee ............... 674
Assigned to standing committee .............................................. 740
Read the second time and placed on Consent Calendar ...................... 803
Read the third time ............................................................ 892
Signed by the President and returned to the House ......................... 892

H.B. 402 — VEHICLE TO PULL OFF HIGHWAY (F. Hunsaker)
Read for the first time and referred to the Rules Committee ............... 769
Enacting Clause Stricken ...................................................... 1072
H.B. 406 — TRAFFIC CODE AMENDMENTS (J. Dunnigan)
Read for the first time and referred to the Rules Committee .......... 674
Assigned to standing committee ................................. 741
Committee report adopted and placed on calendar ..................... 802
Returned to the Rules Committee .................................. 819
Placed on calendar .................................................. 860
Returned to the Rules Committee .................................. 899
Placed on calendar .................................................. 956
Read the second and third time .................................... 1024
Signed by the President and returned to the House .......... 1024

H.B. 409 — POWERSPORT VEHICLE FRANCHISE ACT REVISIONS (J. Gowans)
Read for the first time and referred to the Rules Committee .......... 769
Enacting Clause Stricken ............................................ 1072

H.B. 410 — RESTRICTED ACCOUNTS AMENDMENTS (R. Bigelow)
Read the first time and referred to the Rules Committee ............ 739
Placed on calendar .................................................. 928
Read the second and third time .................................... 943
Signed by the President and returned to the House .......... 943

H.B. 412 — BELOW COST SALES (S. Urquhart)
Read for the first time and referred to the Rules Committee .......... 674
Assigned to standing committee ................................. 740
Placed on Time Certain Calendar .............................. 760
Read the second and third time .................................... 778
Signed by the President and returned to the House .......... 779

H.B. 415 — JOINT CUSTODY MODIFICATIONS (L. Fowlke)
Read for the first time and referred to the Rules Committee .......... 753
Placed on calendar .................................................. 943
Enacting Clause Stricken ............................................ 1072

H.B. 425 — EXEMPTION FOR ALCOHOLIC BEVERAGE MANUFACTURING LICENSE (C. Johnson)
Read for the first time and referred to the Rules Committee .......... 799
Placed on calendar .................................................. 860
Returned to the Rules Committee .................................. 899
Enacting Clause Stricken ............................................ 1072

Read for the first time and referred to the Rules Committee .......... 782
Placed on calendar .................................................. 956
Read the second time .............................................. 1018
Circled ................................................................. 1018, 1036
Uncircled ............................................................... 1035, 1038
Substituted .............................................................. 1035
Amendments ............................................................ 1038
Read the second and third time .................................... 1039
Returned to the House ............................................... 1039
Signed by the President and returned to the House .......... 1060

H.B. 427 — HUNTER EDUCATION REQUIREMENT EXEMPTION FOR MILITARY PERSONNEL (B. Winn)
Read for the first time and referred to the Rules Committee .......... 905
Read the second and third time .................................... 1063
Signed by the President and returned to the House .......... 1064

H.B. 436 — ENGLISH LANGUAGE LEARNER FAMILY LITERACY CENTERS PROGRAM (G. Hughes)
Read for the first time and referred to the Rules Committee .......... 822
Enacting Clause Stricken ............................................ 1072
H.B. 437 — FUNERAL SERVICES LICENSING ACT AMENDMENTS (S. Urquhart)
Read for the first time and referred to the Rules Committee .......................... 697
Assigned to standing committee ................................................................. 740
Amendments ............................................................................................... 802
Read the second time and placed on Consent Calendar .............................. 803
Read the third time ..................................................................................... 892
Returned to the House .............................................................................. 893
Signed by the President and returned to the House ................................... 945

H.B. 440 — MODIFICATIONS TO GOVERNMENT LAW (L. Fowlke)
Read for the first time and referred to the Rules Committee ...................... 799
Enacting Clause Stricken .......................................................................... 1072

H.B. 443 — MEMBERSHIP OF OCCUPATIONAL AND PROFESSIONAL
LICENSURE REVIEW COMMITTEE (G. Hughes)
Read for the first time and referred to the Rules Committee ...................... 799
Placed on calendar .................................................................................... 1014
Read the second and third time ................................................................. 1014
Signed by the President and returned to the House .................................. 1015

H.B. 445 — NURSING HOME AMENDMENTS (M. Newbold)
Read for the first time and referred to the Rules Committee ...................... 739
Placed on calendar .................................................................................... 956
Read the second time .............................................................................. 1016
Circled ....................................................................................................... 1016
Uncircled .................................................................................................. 1024
Read the second and third time ................................................................. 1024
Signed by the President and returned to the House .................................. 1025

H.B. 452 — HANDLING OF MINOR TRAFFIC ACCIDENTS (E. Hutchings)
Read for the first time and referred to the Rules Committee ...................... 799
Enacting Clause Stricken .......................................................................... 1072

H.B. 456 — FAIR CAMPAIGN PLEDGE AMENDMENTS (E. Hutchings)
Read for the first time and referred to the Rules Committee ...................... 844
Enacting Clause Stricken .......................................................................... 1072

H.B. 459 — CONSTRUCTION TRADES EXEMPTION (S. Urquhart)
Read for the first time and referred to the Rules Committee ...................... 768
Placed on calendar .................................................................................... 936
Read the second and third time ................................................................. 942
Signed by the President and returned to the House .................................. 943

H.B. 464 — ACCESS TO LANDLOCKED PARCELS (M. Walker)
Read for the first time and referred to the Rules Committee ...................... 872
Placed on calendar .................................................................................... 956
Read the second time .............................................................................. 1034
Circled ....................................................................................................... 1034
Uncircled .................................................................................................. 1041
Read the second and third time ................................................................. 1041
Signed by the President and returned to the House .................................. 1042

H.B. 466 — TITLE INSURANCE RECOVERY, EDUCATION, AND RESEARCH
FUND ACT (M. Morley)
Read for the first time and referred to the Rules Committee ...................... 799
Placed on calendar .................................................................................... 943
Read the second and third time ................................................................. 1053
Signed by the President and returned to the House .................................. 1053
H.B. 467 — MOTOR VEHICLE INSURANCE ARBITRATION AMENDMENTS (S. Urquhart)
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Effective Date:  1/1/2009

S.B. 73  **Wrongful Death Amendments**  S. McCoy
Senate/ enacting clause struck on 3/5/2008

S.B. 74  **Health Care Provider Access**  D. Buttars
Senate/ enacting clause struck on 3/5/2008

S.B. 75  **Prohibiting Gang Activity**  J. Greiner
Senate/ filed on 3/5/2008

S.B. 76  **State Parks and Recreation Amendments**  B. Goodfellow
Governor Signed on 3/14/2008
Effective Date:  5/5/2008

S.B. 77  **Revisions to Government Records Access Management Act**  M. Dayton
Governor Signed on 3/14/2008
Effective Date:  5/5/2008

S.B. 78  **County Personnel Management Act Amendments**  W. Niederhauser
Governor Signed on 3/13/2008
Effective Date:  5/5/2008

S.B. 79  **Small Business Access Amendments**  R. Romero
Senate/ filed on 3/5/2008

S.B. 80  **Ski and Snowboard Education, Development, and Promotion Special Group License Plate**  K. Van Tassell
Senate/ filed on 3/5/2008
S.B. 81  **Illegal Immigration**  
Governor Signed on 3/13/2008  
Effective Date: 7/1/2009  
J. Hickman

S.B. 82  **Ambulatory Surgical Centers Amendments**  
Senate/ enacting clause struck on 3/5/2008  
A. Christensen

S.B. 83  **Check Cashing and Deferred Deposit Lending Registration Act**  
Governor Signed on 3/14/2008  
Effective Date: 5/5/2008  
K. Mayne

S.B. 84  **Net Metering Programs**  
Governor Signed on 3/17/2008  
Effective Date: 5/5/2008  
K. VanTassell

S.B. 85  **Water Rights Board**  
Senate/ filed on 3/5/2008  
D. Stowell

S.B. 86  **Economic Analysis and Reporting of Cost of Land Use Regulation**  
Senate/ enacting clause struck on 3/5/2008  
M. Madsen

S.B. 88  **Uniform Model Registered Agent Act**  
Governor Signed on 3/18/2008  
Effective Date: 5/5/2008  
L. Hillyard

S.B. 89  **Mitigation of Invasive Species**  
Governor Signed on 3/17/2008  
Effective Date: 5/5/2008  
D. Stowell

S.B. 90  **Payment in Lieu of Property Taxes Act**  
Senate/ enacting clause struck on 3/5/2008  
G. Davis

S.B. 91  **Benefits to American Board Certified Teachers**  
Senate/ filed on 3/5/2008  
M. Madsen

S.B. 92  **Real Property Recording Amendments**  
Governor Signed on 3/14/2008  
Effective Date: 5/5/2008  
D. Stowell

S.B. 93  **Licensed Direct Entry Midwife Amendments**  
Governor Signed on 3/18/2008  
Effective Date: 5/5/2008  
M. Dayton
S.B. 94  **Burglary of a Railroad Car**  D. Peterson
Governor Signed on 3/18/2008
Effective Date:  5/5/2008

S.B. 95  **Markup on Alcoholic Beverages**  M. Dmitrich
Governor Signed on 3/14/2008
Effective Date:  5/5/2008

S.B. 96  **Multi–channel Video or Audio Service Tax Act Amendments**  W. Niederhauser
Senate/ filed on 3/5/2008

S.B. 97  **Immigration Task Force**  S. Jenkins
Senate/ filed on 3/5/2008

S.B. 98  **Licensing of Security Services**  D. Eastman
Governor Signed on 3/17/2008
Effective Date:  5/5/2008

S.B. 99  **Amendments to Sales and Use Tax Exemption for Prosthetic Devices**  W. Niederhauser
Governor Signed on 3/14/2008
Effective Date:  7/1/2008

S.B. 100  **Motor Vehicle Dealer Disclosure Requirements Amendments**  D. Eastman
Governor Signed on 3/14/2008
Effective Date:  5/5/2008

S.B. 101  **Utah Comprehensive Health Insurance Pool Funding**  G. Davis
Senate/ enacting clause struck on 3/5/2008

S.B. 102  **Animal Torture Offense**  G. Davis
Senate/ enacting clause struck on 3/5/2008

S.B. 103  **Higher Education Enhancements**  D. Stowell
Governor Signed on 3/17/2008
Effective Date:  7/1/2008

S.B. 104  **State Capital Facility Board – Creation and Oversight**  D. Buttars
Senate/ enacting clause struck on 3/5/2008
S.B. 105  Judicial Performance Evaluation Commission  D. Buttars
Governor Signed on 3/17/2008
Effective Date: 5/5/2008

S.B. 106  Juvenile Custody Maintenance Amendments  D. Peterson
Senate/ enacting clause struck on 3/5/2008

S.B. 107  State Retirement Benefit Additions  B. Goodfellow
Senate/ enacting clause struck on 3/5/2008

S.B. 108  Offset of Workers’ Compensation and Social Security  J. Hickman
Governor Signed on 3/13/2008
Effective Date: 5/5/2008

S.B. 109  Poll Worker Neutrality  S. McCoy
Senate/ enacting clause struck on 3/5/2008

S.B. 110  Foreign Business Entities and Tribal Law  K. Van Tassell
Governor Signed on 3/17/2008
Effective Date: 5/5/2008

S.B. 111  Revisor’s Statute  J. Hickman
Governor Signed on 3/17/2008
Effective Date: 5/5/2008

S.B. 112  Legislative Space in the Capitol  C. Bramble
Governor Signed on 2/15/2008
Effective Date: 2/15/2008

S.B. 113  Access to Research Workers’ Personal Information  G. Bell
Governor Signed on 3/14/2008
Effective Date: 5/5/2008

S.B. 114  Notary Public Revision  G. Bell
Governor Signed on 3/14/2008
Effective Date: 5/5/2008

S.B. 115  Motor Vehicle Safety Inspection Advisory Council Amendments  D. Eastman
Governor Signed on 3/17/2008
Effective Date: 5/5/2008
S.B. 116  **Retirement Office Amendments**  
Governor Signed on 3/17/2008  
Effective Date:  5/5/2008  
C. Walker

S.B. 117  **Animal Cruelty Amendments**  
Senate/ filed on 3/5/2008  
A. Christensen

S.B. 118  **Education Transportation Amendments**  
Senate/ filed on 3/5/2008  
D. Peterson

S.B. 119  **Department of Corrections Amendments**  
Governor Signed on 3/18/2008  
Effective Date:  5/5/2008  
D. Peterson

S.B. 120  **Department of Corrections Employee Vehicle Use**  
Governor Signed on 3/18/2008  
Effective Date:  5/5/2008  
D. Peterson

S.B. 121  **Access to Qualified Health Care Providers**  
Senate/ enacting clause struck on 3/5/2008  
D. Buttars

S.B. 122  **Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act**  
Governor Signed on 3/17/2008  
Effective Date:  1/1/2009  
L. Hillyard

S.B. 123  **Filling Vacancies in the Senate**  
Senate/ filed on 3/4/2008  
J. Hickman

S.B. 124  **Sales and Use Tax − Definitions of Permanently Attached to Real Property and Tangible Personal Property**  
Governor Signed on 3/13/2008  
Effective Date:  5/5/2008  
H. Stephenson

S.B. 125  **High School Voter Registration**  
Governor Signed on 3/14/2008  
Effective Date:  5/5/2008  
K. VanTassell

S.B. 126  **Filing Fee for Write−in Candidates**  
Senate/ filed on 3/5/2008  
P. Knudson
S.B. 127 Underground Utilities Facilities Amendments
J. Greiner
Senate/ enacting clause struck on 3/5/2008

S.B. 128 Amendments to the Veteran’s Property Tax Exemption
B. Goodfellow
Governor Signed on 3/14/2008
Effective Date: 5/5/2008

S.B. 129 Changes to County Surveyor
K. Van Tassell
Senate/ enacting clause struck on 3/5/2008

S.B. 130 Utility Improvement District Revisions
K. Van Tassell
Governor Signed on 3/18/2008
Effective Date: 5/5/2008

S.B. 131 Wage Withholding for Employee Contributions
W. Niederhauser
Governor Signed on 3/17/2008
Effective Date: 5/5/2008

S.B. 132 Consumer Credit Protection Act – Attorney General Powers
C. Walker
Governor Signed on 3/13/2008
Effective Date: 5/5/2008

S.B. 133 Medical Assistance and Managed Care
G. Bell
Senate/ enacting clause struck on 3/5/2008

S.B. 134 Mortgage Fraud Act
S. Killpack
Governor Signed on 3/18/2008
Effective Date: 5/5/2008

S.B. 135 Extending the Sales and Use Tax Exemption for Pollution Control Facilities
W. Niederhauser
Governor Signed on 3/13/2008
Effective Date: 5/5/2008

S.B. 136 Apportionment of Business Income and Deduction of Net Losses by an Acquired Corporation
W. Niederhauser
Governor Signed on 3/14/2008
Effective Date: 1/1/2009
S.B. 137 Mineral Production Tax Withholding Amendments
Governor Signed on 3/17/2008
Effective Date: 7/1/2008

W. Niederhauser

S.B. 138 Utah Substance Abuse and Anti−violence Coordinating Council Amendments
Governor Signed on 3/13/2008
Effective Date: 5/5/2008

D. Buttars

S.B. 139 Utah Antitrust Act Amendments
Governor Signed on 3/17/2008
Effective Date: 5/5/2008

L. Hillyard

S.B. 140 Education Advisory Councils
Senate/ enacting clause struck on 3/5/2008

P. Jones

S.B. 141 Water Conservancy District – Selection of Board of Trustees
Senate/ enacting clause struck on 3/5/2008

W. Niederhauser

S.B. 142 High School Graduation Requirements
Senate/ enacting clause struck on 3/5/2008

M. Madsen

S.B. 143 Insurance Financial Requirements
Governor Signed on 3/17/2008
Effective Date: 7/1/2008

K. Van Tassell

S.B. 144 Parameters on Governor’s Ability to Enter Agreements Binding the State
Governor Vetoed on 3/3/2008
Effective Date: 5/5/2008

S. Jenkins

S.B. 145 State Family Day Holiday
Senate/ enacting clause struck on 2/6/2008

J. Hickman

S.B. 146 Amendment to Uniform Anatomical Gift Act
Governor Signed on 3/13/2008
Effective Date: 5/5/2008

L. Hillyard

S.B. 147 Candidate Filing Requirements
Governor Signed on 2/26/2008
Effective Date: 2/26/2008

P. Knudson
S.B. 148  Enforcement of Front License Plate Display Requirement Amendments  S. Killpack
Governor Signed on 3/14/2008
Effective Date:  5/5/2008

S.B. 149  Motor Vehicle Liability Policy Minimum Limits  S. Killpack
Governor Signed on 3/18/2008
Effective Date:  1/1/2009

S.B. 150  Criminal Penalties Revisions  S. Jenkins
Governor Signed on 2/26/2008
Effective Date:  2/26/2008

S.B. 151  Trademark Protection Act Amendments  D. Eastman
Governor Signed on 3/17/2008
Effective Date:  5/5/2008

S.B. 152  Presumptive Personal Representative  G. Bell
Governor Signed on 3/17/2008
Effective Date:  5/5/2008

S.B. 153  Revision to County Elected Offices  G. Bell
Senate/ enacting clause struck on 3/5/2008

S.B. 154  Protective Order – Crime of Inducing Breach  S. McCoy
Senate/ enacting clause struck on 3/5/2008

S.B. 155  Punitive Damages Amendments  L. Hillyard
Governor Signed on 3/17/2008
Effective Date:  5/5/2008

S.B. 156  Utah Relocation Assistance Act Amendments  L. Hillyard
Governor Signed on 3/17/2008
Effective Date:  5/5/2008

S.B. 157  Rights of Citizens to Carry Firearms in Declared Emergency  M. Madsen
Governor Signed on 3/17/2008
Effective Date:  5/5/2008

S.B. 158  Governor’s Rural Partnership Board and Rural Coordinating Committee Amendments  D. Stowell
Governor Signed on 3/13/2008
Effective Date:  5/5/2008
S.B. 159  **Workers’ Compensation Amendments**  
Governor Signed on 3/17/2008  
Effective Date:  5/5/2008  

D. Eastman

S.B. 160  **Candidate Replacement Deadline for General Election**  
Senate/ filed on 3/5/2008  

P. Knudson

S.B. 161  **Advance Health Care Directive Amendments**  
Governor Signed on 3/14/2008  
Effective Date:  5/5/2008  

A. Christensen

S.B. 162  **Federal Education Agreement Requirements**  
Governor Signed on 3/17/2008  
Effective Date:  5/5/2008  

M. Dayton

S.B. 163  **Certified Public Accountant Licensing Act Amendments**  
Governor Signed on 3/17/2008  
Effective Date:  5/5/2008  

C. Bramble

S.B. 164  **Computer Assisted Remote Hunting Prohibited**  
Governor Signed on 3/13/2008  
Effective Date:  5/5/2008  

M. Waddoups

S.B. 165  **Alcoholic Beverage Single Event Permits**  
Governor Signed on 3/14/2008  
Effective Date:  5/5/2008  

S. McCoy

S.B. 166  **Nondiscrimination Amendments**  
Senate/ filed on 3/5/2008  

S. McCoy

S.B. 167  **Alcoholic Beverages on Election Day**  
Governor Signed on 3/17/2008  
Effective Date:  5/5/2008  

S. McCoy

S.B. 168  **Highway Funding Amendments**  
Governor Signed on 3/14/2008  
Effective Date:  7/1/2008  

D. Stowell

S.B. 169  **Renewable Energy Zone Task Force**  
Senate/ enacting clause struck on 3/5/2008  

D. Stowell
S.B. 170  **Board of Water Resources Amendments**  
Governor Signed on 3/17/2008  
Effective Date:  5/5/2008  
D. Stowell

S.B. 171  **Repeal of Certain Reporting by Financial Institutions**  
Governor Signed on 3/17/2008  
Effective Date:  5/5/2008  
K. Van Tassell

S.B. 172  **Funding for Medicaid Vision Care**  
Senate/ filed on 3/5/2008  
A. Christensen

Senate/ enacting clause struck on 3/5/2008  
S. McCoy

S.B. 174  **Dentist and Dental Hygienist Practice Act Amendments**  
Governor Signed on 3/17/2008  
Effective Date:  5/5/2008  
P. Knudson

S.B. 175  **Death Certificate Procedure Amendments**  
Senate/ enacting clause struck on 3/5/2008  
J. Greiner

S.B. 176  **Unemployment Insurance Contribution Rates Amendments**  
Governor Signed on 3/14/2008  
Effective Date:  5/5/2008  
H. Stephenson

S.B. 177  **Local Government Disposal of Real Property Acquired by Exaction**  
Governor Signed on 3/13/2008  
Effective Date:  5/5/2008  
W. Niederhauser

S.B. 178  **Senior Citizen Property Tax Safe Harbor**  
Senate/ enacting clause struck on 3/5/2008  
D. Buttars

S.B. 179  **Salvage Vehicle Amendments**  
Governor Signed on 3/17/2008  
Effective Date:  5/5/2008  
C. Walker

S.B. 180  **Regents’ Scholarship Program**  
Governor Signed on 3/17/2008  
Effective Date:  7/1/2008  
L. Hillyard
S.B. 181  **Off−highway Vehicle Use on Public Highways**  
Governor Signed on 3/13/2008  
Effective Date: 10/1/2008  
S. Jenkins

S.B. 182  **Survival Action upon Injury or Death**  
Senate/ filed on 3/5/2008  
M. Waddoups

S.B. 183  **Child Pornography Amendment**  
Senate/ filed on 3/5/2008  
D. Buttars

S.B. 184  **Child Care Licensing Exemptions**  
Governor Signed on 3/14/2008  
Effective Date: 5/5/2008  
J. Greiner

S.B. 185  **Economic Incentive Revisions**  
Governor Signed on 3/18/2008  
Effective Date: 5/5/2008  
L. Hillyard

S.B. 186  **Custody and Parent−time for Non−parents**  
Governor Signed on 3/17/2008  
Effective Date: 5/5/2008  
L. Hillyard

S.B. 187  **Bail in Capital Offense Cases**  
Governor Signed on 3/18/2008  
Effective Date: 3/18/2008  
J. Greiner

S.B. 188  **Pilot Program for Summer School and after School Programs for Children with a Disability**  
Senate/ filed on 3/5/2008  
G. Bell

S.B. 189  **Independent Contractor Database**  
Governor Signed on 3/17/2008  
Effective Date: 5/5/2008  
D. Eastman

S.B. 190  **Public Classroom Displays**  
Senate/ filed on 3/5/2008  
A. Christensen

S.B. 191  **Judicial Conduct Commission Amendments**  
Governor Signed on 3/17/2008  
Effective Date: 5/5/2008  
G. Davis

S.B. 192  **Sex Offense Amendments**  
Governor Signed on 3/17/2008  
Effective Date: 5/5/2008  
J. Greiner
S.B. 193  **Election Law Changes**  
Governor Signed on 3/17/2008  
Effective Date:  5/5/2008  

S.B. 194  **Metal Theft Amendments and Penalties**  
Senate/ filed on 2/26/2008  

S.B. 195  **Use of Campaign Contributions**  
Senate/ enacting clause struck on 3/5/2008  

S.B. 196  **County and Municipal Land Use Amendments**  
Governor Signed on 3/14/2008  
Effective Date:  5/5/2008  

S.B. 197  **Preferred Drug List Revisions**  
Senate/ filed on 3/5/2008  

S.B. 198  **Child Support Technical Amendments**  
Governor Signed on 3/13/2008  
Effective Date:  3/13/2008  

S.B. 200  **Professional Engineers Licensing Amendments**  
Governor Signed on 3/17/2008  
Effective Date:  5/5/2008  

S.B. 202  **Energy Resource and Carbon Emission Reduction Initiative**  
Governor Signed on 3/18/2008  
Effective Date:  3/18/2008  

S.B. 203  **Highway Abandonment Amendments**  
Senate/ enacting clause struck on 3/5/2008  

S.B. 204  **Income Taxation Amendments**  
Senate/ filed on 3/5/2008  

S.B. 205  **Uniform Interstate Depositions and Discovery Act**  
Governor Signed on 3/17/2008  
Effective Date:  5/5/2008  

S.B. 208  **Transportation Corridor Preservation Amendments**  
Governor Signed on 3/17/2008  
Effective Date:  5/5/2008
S.B. 209  **Methamphetamine Decontamination Standards and Funding**  
Governor Signed on 3/13/2008  
Effective Date:  5/5/2008  
D. Buttars

S.B. 210  **Proof of Citizenship Required to Vote**  
Senate/ enacting clause struck on 3/5/2008  
M. Madsen

S.B. 211  **Alcoholic Beverage Control Amendments**  
Governor Signed on 3/19/2008  
Effective Date:  5/5/2008  
C. Bramble

S.B. 212  **Funeral Processions**  
Senate/ enacting clause struck on 3/5/2008  
B. Goodfellow

S.B. 213  **State Contract − False Claims Act**  
Senate/ enacting clause struck on 3/5/2008  
A. Christensen

S.B. 216  **Deferred Deposit Lending Information and Reporting**  
Senate/ enacting clause struck on 3/5/2008  
G. Bell

S.B. 217  **Property Tax Deferrals, Abatements, and Relief Limitations**  
Senate/ enacting clause struck on 3/5/2008  
D. Stowell

S.B. 218  **Amendments to Tourism, Recreation, Cultural, and Convention Facilities Tax**  
Senate/ enacting clause struck on 3/5/2008  
W. Niederhauser

S.B. 219  **School District Division Funding**  
Senate/ enacting clause struck on 3/5/2008  
M. Waddoups

S.B. 220  **Cause of Action for Defective Construction**  
Governor Signed on 3/17/2008  
Effective Date:  5/5/2008  
C. Bramble

S.B. 221  **Capital Development and Improvement Amendments**  
Governor Signed on 3/17/2008  
Effective Date:  5/5/2008  
L. Hillyard
S.B. 222  
**Division of Real Estate Licensing and Presence in the United States**  
M. Dayton  
Senate/ enacting clause struck on 3/5/2008

S.B. 223  
**School Transfers – Participation in Extracurricular Activities**  
M. Madsen  
Senate/ enacting clause struck on 3/5/2008

S.B. 224  
**Coal Mine Safety Act**  
M. Dmitrich  
Governor Signed on 3/14/2008  
Effective Date: 5/5/2008

S.B. 225  
**Gubernatorial and Legislative Space in the Capitol**  
C. Bramble  
Governor Signed on 2/20/2008  
Effective Date: 2/20/2008

S.B. 228  
**Regulation of Wells**  
M. Dayton  
Governor Signed on 3/17/2008  
Effective Date: 5/5/2008

S.B. 231  
**Transportation Governance**  
S. Killpack  
Governor Signed on 3/13/2008  
Effective Date: 7/1/2008

S.B. 234  
**Minimum School Program Amendments – Counseling and Guidance Programs**  
M. Dmitrich  
Senate/ filed on 3/5/2008

S.B. 235  
**Human Remains Related Amendments**  
K. VanTassell  
Governor Signed on 3/14/2008  
Effective Date: 5/5/2008

S.B. 236  
**Judiciary Amendments**  
L. Hillyard  
Governor Signed on 3/14/2008  
Effective Date: 5/5/2008

S.B. 237  
**Commercial Airline and Airport Taxation Amendments**  
W. Niederhauser  
Governor Signed on 3/17/2008  
Effective Date: 5/5/2008

S.B. 238  
**Aquatic Invasive Species Interdiction Act**  
J. Greiner  
Governor Signed on 3/17/2008  
Effective Date: 5/5/2008
S.B. 239  Office of the Attorney General – Safety Net Initiative  C. Bramble
Governor Signed on 3/14/2008
Effective Date:  5/5/2008

S.B. 241  Local Governmental Cooperation in Education Matters  P. Jones
Senate/ filed on 3/5/2008

S.B. 242  Law Enforcement Tracking of Domestic Violence Statistics  J. Greiner
Governor Signed on 3/18/2008
Effective Date:  5/5/2008

S.B. 243  This Is the Place Foundation – Procurement Code Exemption  B. Goodfellow
Senate/ filed on 3/5/2008

S.B. 244  Division of Parks and Recreation to Support Nonprofit Corporation or Foundation  B. Goodfellow
Governor Signed on 3/17/2008
Effective Date:  5/5/2008

S.B. 245  Funding Relating to Airports, Highways, and Public Transit  C. Bramble
Governor Signed on 3/17/2008
Effective Date:  5/5/2008

S.B. 247  Veterans Procurement Provisions  F. Fife
Governor Signed on 3/13/2008
Effective Date:  5/5/2008

S.B. 251  Task Force Studying Funding for Fighting Forest Fires  D. Stowell
Senate/ filed on 3/5/2008

S.B. 253  County Law Enforcement Duties  M. Waddoups
Governor Signed on 3/14/2008
Effective Date:  5/5/2008

S.B. 255  Hospital Lien  D. Peterson
Senate/ enacting clause struck on 3/5/2008
S.B. 256  **Good Samaritan Act for Engineers**  
M. Waddoups  
Senate/ filed on 3/5/2008

S.B. 258  **Property Tax Committee**  
W. Niederhauser  
Senate/ enacting clause struck on 3/5/2008

S.B. 260  **Disclosure of Public Employee Disciplinary Actions Amendments**  
D. Buttars  
Senate/ enacting clause struck on 3/5/2008

S.B. 261  **Political Subdivision Annexation Amendments**  
M. Waddoups  
Governor Signed on 3/14/2008  
Effective Date:  5/5/2008

S.B. 263  **Self Authentication of Documents**  
S. McCoy  
Governor Signed on 3/14/2008  
Effective Date:  5/5/2008

S.B. 264  **Development Around Military Installations**  
S. Killpack  
Governor Signed on 3/14/2008  
Effective Date:  5/5/2008

S.B. 265  **Unlawful Detainer Amendments**  
M. Waddoups  
Governor Signed on 3/14/2008  
Effective Date:  5/5/2008

S.B. 266  **Process Servers – Age Restrictions**  
J. Greiner  
Senate/ enacting clause struck on 3/5/2008

S.B. 267  **Local Government Authority Amendments**  
D. Buttars  
Senate/ enacting clause struck on 3/5/2008

S.B. 269  **Water Rights – Ombudsman**  
D. Stowell  
Senate/ filed on 3/5/2008

S.B. 273  **Regulation of Gifts**  
G. Bell  
Senate/ enacting clause struck on 3/5/2008

S.B. 274  **Amendments to Utah Service Members’ Civil Relief Act**  
P. Knudson  
Governor Signed on 3/14/2008  
Effective Date:  5/5/2008
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<th>Bill Number</th>
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<th>Sponsor</th>
<th>Action Details</th>
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<td>S.B. 275</td>
<td><strong>Military Justice Code Amendments</strong></td>
<td>P. Knudson</td>
<td>Governor Signed on 3/17/2008 Effective Date: 5/5/2008</td>
</tr>
<tr>
<td>S.B. 277</td>
<td><strong>Post-conviction Remedies Act Revisions</strong></td>
<td>G. Bell</td>
<td>Governor Signed on 3/17/2008 Effective Date: 5/5/2008</td>
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<td>S.B. 278</td>
<td><strong>Technical Amendments to Titles 78a and 78b</strong></td>
<td>G. Bell</td>
<td>Governor Signed on 3/14/2008 Effective Date: 3/14/2008</td>
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<tr>
<td>S.B. 279</td>
<td><strong>Water and Land Use Development</strong></td>
<td>D. Peterson</td>
<td>Senate/ enacting clause struck on 3/5/2008</td>
</tr>
<tr>
<td>S.B. 283</td>
<td><strong>Transportation Funding Amendments</strong></td>
<td>S. Killpack</td>
<td>Governor Signed on 3/14/2008 Effective Date: 7/1/2008</td>
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<tr>
<td>S.B. 286</td>
<td><strong>Transportation and Transit Amendments</strong></td>
<td>S. Killpack</td>
<td>Governor Signed on 3/17/2008 Effective Date: 5/5/2008</td>
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<td>Senate/ filed on 3/5/2008</td>
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<td>M. Waddoups</td>
<td>Governor Signed on 3/17/2008 Effective Date: 5/5/2008</td>
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<td>S.B. 290</td>
<td><strong>Private Investigators’ Access to Driver Licensure Information</strong></td>
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Governor Signed on 3/14/2008  
Effective Date:  5/5/2008  
C. Bramble

S.B. 295  Security Alarm Business Licensing Amendments  
Governor Signed on 3/18/2008  
Effective Date:  5/5/2008  
M. Dayton

S.B. 296  Financial Institutions Amendments  
Governor Signed on 3/14/2008  
Effective Date:  5/5/2008  
C. Bramble

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Effective Date:  5/5/2008  
A. Christensen

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Effective Date:  5/5/2008  
J. Hickman

S.B. 299  Revision to Local Government  
Governor Signed on 3/14/2008  
Effective Date:  5/5/2008  
G. Bell

S.C.R. 1  Resolution Supporting Obesity Awareness  
Governor Signed on 2/29/2008  
Effective Date:  2/29/2008  
D. Buttars

S.C.R. 2  Resolution Promoting Legislators Back to School Program  
Governor Signed on 3/13/2008  
Effective Date:  3/13/2008  
M. Dayton

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Governor Signed on 2/26/2008  
Effective Date:  2/26/2008  
J. Greiner

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Governor Signed on 2/4/2008  
Effective Date:  2/4/2008  
J. Valentine
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<tr>
<th>Number</th>
<th>Title</th>
<th>Sponsor</th>
<th>Effective Date</th>
<th>Governor Signed</th>
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</thead>
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<td>D. Stowell</td>
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L. Hillyard
Senate/ filed on 3/5/2008

S.J.R. 8  Joint Rules Resolution – Base Budget Amendments  
W. Niederhauser
Senate/ filed on 3/5/2008

S.J.R. 9  Joint Resolution Amending Rules of Evidence Relating to Information Contained in the Management Information System  
G. Davis
Senate/ enacting clause struck on 3/5/2008

S.J.R. 10 Joint Resolution Amending Constitution Regarding Taxes of the Elderly  
G. Davis
Senate/ failed on 2/18/2008

S.J.R. 11 Master Study Resolution  
C. Bramble
Senate/ to Lieutenant Governor on 3/13/2008  
Effective Date:  3/5/2008

S.J.R. 12  Joint Resolution Honoring Hill Air Force Base’s 388th and 419th Fighter Wings  
S. Killpack
Senate/ to Lieutenant Governor on 3/5/2008  
Effective Date:  2/29/2008

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F. Fife
Senate/ to Lieutenant Governor on 3/13/2008  
Effective Date:  2/27/2008

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A. Christensen
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CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Eighth Extraordinary Session of the Fifty−Seventh Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Eighth Extraordinary Session convening on Wednesday, April 16, 2008, and adjourning sine die on the same day.

Annette B. Moore
Secretary of the Senate

Leslie McLean
Manager, Senate Services

Mary B. Andrus
Journal Clerk
Pursuant to the proclamation of His Excellency, Governor Jon M. Huntsman, Jr., the Senate of the Fifty−Seventh Legislature of the State of Utah met in the Senate Chamber at the State Capitol Complex in the Eighth Extraordinary Session at 12:00 noon on Wednesday, April 16, 2008.

The Senate was called to order at 12:15 p.m. with President John Valentine presiding.

Prayer – Senator Brent Goodfellow

Pledge – Senator Pat Jones

Annette Moore, Secretary of the Senate, read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the close of the 2008 General Session of the 57th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature in Extraordinary Session;

NOW, THEREFORE, I, JON M. HUNTSMAN, JR., Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 57th Legislature into a Eighth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 16th day of April, 2008 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 2008 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Salt Lake Capitol Complex in Salt Lake City, Utah, this 15th day of April, 2008.

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 15, 2008, and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamation calling the Senate only into a Eighth Extraordinary Session at the State Capitol Complex, at Salt Lake City, Utah, on the 16th day of April, 2008, 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 2008 General Session of the Utah State Legislature.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah at Salt Lake City, Utah, this 16th day of April 2008.

Gary R. Herbert
Lieutenant Governor

Roll call – All Senators present, except Senators Hickman, Peterson and McCoy, excused.

On motion of Senator Eastman, the Senate voted to adopt the Senate Rules of the 2008 General Session of the Fifty-Seventh Legislature as the rules for the Eighth Extraordinary Session.

President Valentine appointed a committee comprised of Senators Scott Jenkins, Dennis Stowell, and Fred Fife to notify the Governor’s representative that the Senate is convened in the Eighth Extraordinary Session in accordance with his proclamation.

Senator Jenkins advised the Senate that the Governor’s representative has been notified of the convening of the Eighth Extraordinary Session.

***

Annette Moore read the following communications:

COMMUNICATION FROM THE GOVERNOR

Mr. President: February 28, 2008

In accordance with Utah Code Ann. 67–1–1 and 67–1–2, I propose and transmit the following appointments:

FIRST DISTRICT COURT

Kevin K. Allen is appointed as a Judge of the First District Court. See Utah const. ant. VIII, 8; Utah Code 78–29–2.
Thank you for your timely consideration and confirmation of the above appointment.

Jon M. Huntsman, Jr.
Governor

* * *

Mr. President: April 16, 2008

The Senate Judicial Confirmation Committee met on April 14, 2008, and reports a favorable recommendation for Mr. Kevin K. Allen to be confirmed to the position of Judge in the First District Court.

Gregory S. Bell, Chair

Senator Hillyard moved to consent to the appointment as read by Annette Moore. Senator Bell commented. The motion passed on the following roll call:

**Yeas, 26; Nays, 0; Absent, 3.**

**Voting in the affirmative were:** Senators

<table>
<thead>
<tr>
<th>Bell</th>
<th>Bramble</th>
<th>Buttars</th>
<th>Christensen</th>
</tr>
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<tr>
<td>Davis</td>
<td>Dayton</td>
<td>Dmitrich</td>
<td>Eastman</td>
</tr>
<tr>
<td>Fife</td>
<td>Goodfellow</td>
<td>Greiner</td>
<td>Hillyard</td>
</tr>
<tr>
<td>Jenkins</td>
<td>Jones</td>
<td>Killpack</td>
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</tr>
<tr>
<td>Madsen</td>
<td>Mayne</td>
<td>Niederhauser</td>
<td>Romero</td>
</tr>
<tr>
<td>Stephenson</td>
<td>Stowell</td>
<td>Van Tassell</td>
<td>Waddoups</td>
</tr>
<tr>
<td>Walker</td>
<td>Valentine</td>
<td></td>
<td></td>
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</table>

**Absent or not voting were:** Senators

<table>
<thead>
<tr>
<th>Hickman</th>
<th>McCoy</th>
<th>Peterson</th>
</tr>
</thead>
</table>

**COMMITTEE OF THE WHOLE**

On motion of Senator Hillyard, Judge Kevin K. Allen spoke in Committee of the Whole.

On motion of Senator Bramble, the Committee of the Whole was dissolved.

* * *

President Valentine directed the committee to wait upon the Governor’s representative to notify him that the Senate has concluded its business.

Senator Jenkins reported that the committee had notified the Governor’s representative that the Senate had concluded its business, and that the Governor has no further business to bring before the Senate.

On motion of Senator Bramble, and at 12:40 p.m., the Senate adjourned sine die.
STATE OF UTAH

SENATE JOURNAL

NINTH EXTRAORDINARY SESSION
OF THE
FIFTY-SEVENTH LEGISLATURE

Convened and Adjourned on
Wednesday, May 21, 2008
CERTIFICATION

The undersigned, as the duly appointed committee on revision of the Senate Journal for the Ninth Extraordinary Session of the Fifty−Seventh Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Ninth Extraordinary Session convening on Wednesday, May 21, 2008, and adjourning sine die on the same day.

Annette B. Moore
Secretary of the Senate

Leslie McLean
Manager, Senate Services

Mary B. Andrus
Journal Clerk
Pursuant to the proclamation of His Excellency, Governor Jon M. Huntsman, Jr., the Senate of the Fifty–Seventh Legislature of the State of Utah met in the Senate Chamber at the State Capitol Complex in the Ninth Extraordinary Session at 12:00 noon on Wednesday, May 21, 2008.

The Senate was called to order at 12:25 p.m. with President John Valentine presiding.

Prayer – Senator Greg Bell

Pledge – Senator Sheldon Killpack

Annette Moore, Secretary of the Senate, read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the close of the 2008 General Session of the 57th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature in Extraordinary Session;

NOW, THEREFORE, I, JON M. HUNTSMAN, JR., Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 57th Legislature into a Ninth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 21st day of May, 2008 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 2008 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done at the Utah State Capitol in Salt Lake City, Utah, this 20th day of May, 2008.

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 15, 2008, and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamation calling the Senate only into a Ninth Extraordinary Session at the State Capitol Complex, at Salt Lake City, Utah, on the 21st day of May, 2008, 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 2008 General Session of the Utah State Legislature.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah at Salt Lake City, Utah, this 20th day of May 2008.

Gary R. Herbert
Lieutenant Governor

Roll call – All Senators present, except Senators Eastman, Peterson, and Van Tassell, excused.

On motion of Senator Hickman, the Senate voted to adopt the Senate Rules of the 2008 General Session of the Fifty-Seventh Legislature as the rules for the Ninth Extraordinary Session.

President Valentine appointed a committee comprised of Senators Michael Waddoups, Chris Buttars, and Scott McCoy to notify the Governor’s representative that the Senate is convened in the Ninth Extraordinary Session in accordance with his proclamation.

Senator Waddoups advised the Senate that the Governor’s representative has been notified of the convening of the Ninth Extraordinary Session.

***

Leslie McLean read the following communications:

COMMUNICATION FROM THE GOVERNOR

Mr. President: May 6, 2008

In accordance with Utah Code Ann. 67–1–1 and 67–1–2, I propose and transmit the following appointments:

Utah State Fair Corporation Board of Directors:

Steven Barth is reappointed as a member of the Utah State Fair Corporation Board of Directors, a term to expire on December 1, 2011. See Utah Code Ann. 9–4–1104 UCA.
Kent Buttars is reappointed as a member of the Utah State Fair Corporation Board of Directors, a term to expire on December 1, 2011. See Utah Code Ann. 9−4−1104 UCA.

Maura Carabello is appointed to replace Spencer Jones as a member of the Utah State Fair Corporation Board of Directors, a term to expire on December 1, 2011. See Utah Code Ann. 9−4−1104 UCA.

Board of Tourism Development:
John Holland is appointed to replace the late Robert Syrett as a member of the Board of Tourism Development, a term to expire on July 1, 2011. See Utah Code Ann. 63−38f−1407 UCA.

Board of Child and Family Services:
Gerald Blackburn is reappointed as a member of the Board of Child and Family Services, a term to expire on January 1, 2012. See Utah Code Ann. 62A−1−107 UCA & 62A−4a−102 UCA.

Board of Services for People with Disabilities:
Bart Kinsey is appointed to replace the Tamara Dalton as a member of the Board of Services for People with Disabilities, a term to expire on April 1, 2009. See Utah Code Ann. 62A−1−105 & −1−107 & −5−105 UCA.

Thank you for your timely consideration and confirmation of the above appointments.

Jon M. Huntsman, Jr.
Governor

Senator Hillyard moved to consent to the appointment as read by Leslie McLean. Senator Stowell commented. The motion passed on the following roll call:

Yeas, 22; Nays, 0; Absent, 7.

Voting in the affirmative were: Senators
Bell  Bramble  Buttars  Christensen
Davis  Dayton  Dmitrich  Goodfellow
Greiner  Hickman  Hillyard  Jenkins
Killpack  Knudson  Mayne  McCoy
Niederhauser  Romero  Stowell  Waddoups
Walker  Valentine

Absent or not voting were: Senators
Eastman  Fife  Jones  Madsen
Peterson  Stephenson  Van Tassell
President Valentine directed the committee to wait upon the Governor’s representative to notify him that the Senate has concluded its business.

Senator Waddoups 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.

**COMMITTEE OF THE WHOLE**

On motion of Senator Bramble, Tom Bingham from the Manufacturer Association spoke in Committee of the Whole. Senator Mayne commented.

On motion of Senator Bramble, the Committee of the Whole was dissolved.

On motion of Senator Bramble, 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 Tenth Extraordinary Session of the Fifty-Seventh Legislature of the State of Utah, do hereby certify that herein contained is an accurate record of the proceedings of the Tenth Extraordinary Session convening on Wednesday, June 18, 2008, and adjourning sine die on the same day.

Annette B. Moore
Secretary of the Senate

Leslie McLean
Manager, Senate Services

Mary B. Andrus
Journal Clerk
Pursuant to the proclamation of His Excellency, Governor Jon M. Huntsman, Jr., the Senate of the Fifty−Seventh Legislature of the State of Utah met in the Senate Chamber in the State Capitol in the Tenth Extraordinary Session at 12:00 noon on Wednesday, June 18, 2008.

The Senate was called to order at 12:25 p.m. with President John Valentine presiding.

Prayer − Senator Peter Knudson

Pledge − Senator Margaret Dayton

Annette Moore, Secretary of the Senate, read the following Proclamation and Certification:

PROCLAMATION

WHEREAS, since the close of the 2008 General Session of the 57th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

WHEREAS, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature in Extraordinary Session;

NOW, THEREFORE, I, JON M. HUNTSMAN, JR., Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and Laws of the State of Utah, do by this Proclamation call the Senate only of the 57th Legislature into the Tenth Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 18th day of June, 2008, 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 2008 General Session of the Legislature of the State of Utah.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah.
Done at the Salt Lake Capitol Complex in Salt Lake City, Utah, this 6th day of June, 2008.

Jon M. Huntsman, Jr.
Governor

Gary R. Herbert
Lieutenant Governor

CERTIFICATION

I, GARY R. HERBERT, LIEUTENANT GOVERNOR OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT the attached copy of a Proclamation issued under the date of June 6, 2008, and signed by Governor Jon M. Huntsman, Jr., is a true and correct copy of the original Proclamation calling the Senate only into a Tenth Extraordinary Session at the State Capitol Complex, at Salt Lake City, Utah, on the 18th day of June, 2008, 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 2008 General Session of the Utah State Legislature.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah at Salt Lake City, Utah, this 6th day of June 2008.

Gary R. Herbert
Lieutenant Governor

Roll call – All Senators present, except Senators Hickman and Fife, excused.
On motion of Senator Eastman, the Senate voted to adopt the Senate Rules of the 2008 General Session of the Fifty-Seventh Legislature as the rules for the Tenth Extraordinary Session.

President Valentine appointed a committee comprised of Senators Stephenson, Niederhauser, and McCoy to notify the Governor’s representative that the Senate is convened in the Tenth Extraordinary Session in accordance with his proclamation.

Senator Stephenson advised the Senate that the Governor’s representative has been notified of the convening of the Tenth Extraordinary Session.

SPECIAL ORDER OF BUSINESS

Senator Bramble presented Lane Summerhays with a Special Citation.

COMMITTEE OF THE WHOLE

On motion of Senator Bramble, Layne A. Summerhays spoke in Committee of the Whole. Senator Jones commented.

On motion of Senator Bramble, the Committee of the Whole was dissolved.

***

Leslie McLean read the following communications:

COMMUNICATION FROM THE GOVERNOR

Mr. President: June 3, 2008

In accordance with Utah Code Ann. 67−1−1 and 67−1−2, I propose and transmit the following appointments:

State Records Committee:

Scott D. Whitaker is reappointed as a member of the State Records Committee, a term to expire on July 1, 2012. See Utah Code Ann. 63−2−501 UCA.

Utah Conservation Commission:

Paul Boyd Leishman is reappointed as a member of the Utah Conservation Commission, a term to expire on May 8, 2012. See Utah Code Ann. 4−18−4 UCA.

Ben A. Thurgood is appointed to replace Dee A. Waldron as a member of the Utah Conservation Commission, a term to expire on May 8, 2012. See Utah Code Ann. 4−18−4 UCA.
Randy A. Greenhalgh is appointed to replace Stanley W. Wood as a member of the Utah Conservation Commission, a term to expire on May 8, 2012. See Utah Code Ann. 4–18–4 UCA.

Allen K. Henrie is appointed to replace Ralph H. Staheli as a member of the Utah Conservation Commission, a term to expire on May 8, 2012. See Utah Code Ann. 4–18–4 UCA.

**State Board of Regents:**

Reverend Dr. France A. Davis is appointed to replace Sara V. Sinclair as a member of the State Board of Regents, a term to expire on June 30, 2013. See Utah Code Ann. 53B–1–104 UCA.

Basim Motiwala is appointed as a member of the State Board of Regents, a term to expire on June 30, 2009. See Utah Code Ann. 53B–1–104 UCA.

**Utah Digital Health Service Commission:**

Deborah LaMarche is reappointed as a member of the Utah Digital Health Service Commission, a term to expire on October 1, 2010. See Utah Code Ann. 26–9f–103 UCA.

R. Chet Loftis is reappointed as a member of the Utah Digital Health Service Commission, a term to expire on October 1, 2010. See Utah Code Ann. 26–9f–103 UCA.

Scott Douglas Barlow is reappointed as a member of the Utah Digital Health Service Commission, a term to expire on October 1, 2010. See Utah Code Ann. 26–9f–103 UCA.

Dennis D. Moser is reappointed as a member of the Utah Digital Health Service Commission, a term to expire on October 1, 2010. See Utah Code Ann. 26–9f–103 UCA.

Marc F. Probst is appointed to replace Michael Stanton Jensen as a member of the Utah Digital Health Service Commission, a term to expire on October 1, 2011. See Utah Code Ann. 26–9f–103 UCA.

Jan Root is appointed as a member of the Utah Digital Health Service Commission, a term to expire on October 1, 2011. See Utah Code Ann. 26–9f–103 UCA.

Nancy Staggers is appointed as a member of the Utah Digital Health Service Commission, a term to expire on October 1, 2011. See Utah Code Ann. 26–9f–103 UCA.
Natalie Gochnour is appointed as a member of the Utah Digital Health Service Commission, a term to expire on October 1, 2011. See Utah Code Ann. 26−9f−103 UCA.

**Real Estate Commission:**
Blaine Walker is reappointed as a member of the Real Estate Commission, a term to expire on June 30, 2012. See Utah Code Ann. 61−2−5.5 UCA.

**Water Quality Board:**
Phil D. Wright is appointed as a member of the Water Quality Board, a term to expire on March 1, 2011. See Utah Code Ann. 19−5−103. Mr. Wright is non−partisan.

**Radiation Control Board:**
Dr. Joseph Kay Miner is reappointed as a member of the Radiation Control Board, a term to expire on July 1, 2012. See Utah Code Ann. 19−3−103 UCA. Dr. Miner is a Republican.

Frank D. DeRosso is reappointed as a member of the Radiation Control Board, a term to expire on July 1, 2012. See Utah Code Ann. 19−3−103 UCA. Mr. DeRosso is non−partisan.

Dr. David A. Tripp is appointed to replace Stephen T. Nelson as a member of the Radiation Control Board, a term to expire on July 1, 2012. See Utah Code Ann. 19−3−103 UCA. Dr. Tripp is a Republican.

Edd Johnson is appointed to replace Gregory G. Oman as a member of the Radiation Control Board, a term to expire on July 1, 2012. See Utah Code Ann. § 19−3−103 UCA. Mr. Johnson is a Republican.

Dr. Douglas Scott Kimball is appointed to replace Ken J. Bradford as a member of the Radiation Control Board, a term to expire on July 1, 2012. See Utah Code Ann. § 19−3−103 UCA. Dr. Kimball is non−partisan.

Thank you for your timely consideration and confirmation of the above appointments.

Jon M. Huntsman, Jr.
Governor

Senator Hillyard moved to consent to the appointment as read by Leslie McLean. The motion passed on the following roll call:

**Yeas, 24; Nays, 0; Absent, 5.**
**Voting in the affirmative were:** Senators
Bell Bramble Buttars Christensen
Davis Dayton Dmitrich Eastman
Goodfellow Greiner Hillyard Jenkins
Jones Killpack Knudson Mayne
McCoy Niederhauser Stephenson Stowell
Van Tassell Waddoups Walker Valentine

**Absent or not voting were:** Senators
Fife Hickman Madsen Peterson
Romero

President Valentine directed the committee to wait upon the Governor’s representative to notify him that the Senate has concluded its business.

Senator Stephenson reported that the committee had notified the Governor’s representative that the Senate had concluded its business, and that the Governor has no further business to bring before the Senate.

On motion of Senator Bramble, and at 12:45 p.m., the Senate adjourned sine die.
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