

SENATE JOURNAL
SECOND SPECIAL SESSION
SECOND DAY
September 26, 2008

The Senate was called to order at 9:15 a.m., with President John Valentine presiding.

Prayer – Senator Wayne Niederhauser

Pledge of Allegiance – Senator Mike Dmitrich

Roll Call – All Senators present except Senators Dayton and McCoy, excused.

INTRODUCTION OF BILLS

S.B. 2002, Student Achievement Testing Exceptions (H. Stephenson), read the first time by short title and referred to the Rules Committee.

S.B. 2003, Higher Education Budget Authority (G. Bell), read the first time by short title and referred to the Rules Committee.

S.B. 2004, Deposit of Interest Earned on Restricted Funds (L. Hillyard), read the first time by short title and referred to the Rules Committee.

On motion of Senator Bramble, **S.B. 2002, S.B. 2003, and S.B. 2004** under suspension of the rules, were placed on the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Stephenson, under suspension of the rules, **S.B. 2002, STUDENT ACHIEVEMENT TESTING EXCEPTIONS**, was considered read the second and third times. Senator Stephenson explained the bill.

Senator Stephenson proposed the following amendment:

1. Page 1, Lines 24 through 25
 - 24 postsecondary education;
► provides a cap on the number of exemptions that the State Board of Education may provide to school districts and charter schools;

25 ► provides that a school district or charter school that is exempt from U-PASS testing

2. Page 4, Line 105:

105 (ii) developed and adopted by the State Board of Education.
(c) By October 31, 2009, the State Board of Education shall:
(i) develop and adopt an accountability plan for a school district or
charter school that pilots an assessment system described in Subsection
(3)(a)(i) – (iii); and
(iii) report on the accountability plan to the Education Interim
Committee.
(d) The State Board of Education may only provide the following
exemptions under this Subsection (5):
(i) up to three rural school districts;
(ii) up to two urban school districts; and
(iii) up to five charter schools.

Senator Stephenson’s motion to amend passed on a voice vote. Senators Greiner, Waddoups, Jones, Hickman, Mayne, Peterson, and Romero commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Davis
Dmitrich	Eastman	Fife	Goodfellow
Hillyard	Jenkins	Jones	Killpack
Madsen	Niederhauser	Peterson	Romero
Stephenson	Stowell	Van Tassell	Waddoups
Walker	Valentine		

Voting in the negative were: Senators

Christensen	Greiner	Hickman	Knudson
Mayne			

Absent or not voting were: Senators

Dayton	McCoy
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S.B. 2002, as amended, was transmitted to the House.

COMMUNICATIONS FROM THE HOUSE

Mr. President:

September 26, 2008

The House passed **H.B. 2001**, SALES AND USE TAX EXEMPTION FOR AIRCRAFT PARTS AND EQUIPMENT, by Representative B. Dee, and it is transmitted for consideration; and

The House passed **H.B. 2002**, AMENDMENTS TO LEGISLATOR SALARIES, by Representative D. Clark, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 2001** and **H.B. 2002** were read the first time.

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On motion of Senator Eastman, under suspension of the rules, **H.B. 2001** and **H.B. 2002** were placed on the Second Reading Calendar.

On motion of Senator Bramble, **H.B. 2002**, AMENDMENTS TO LEGISLATOR SALARIES, was placed at the top of the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Bramble, under suspension of the rules, **H.B. 2002**, AMENDMENTS TO LEGISLATOR SALARIES, was considered read the second and third times. Senators Hillyard and Hickman commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Voting in the negative were: Senators

Dmitrich	Hillyard	Madsen	Peterson
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Absent or not voting were: Senators

Dayton	McCoy
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H.B. 2002 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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S.B. 2003, HIGHER EDUCATION BUDGET AUTHORITY, was read the second time.

On motion of Senator Bell, the bill was circled.

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On motion of Senator Hillyard, under suspension of the rules, **S.B. 2004, DEPOSIT OF INTEREST EARNED ON RESTRICTED FUNDS,** was considered read the second and third times. Senator Hillyard explained the bill. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Christensen	Davis	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	Dayton	McCoy
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S.B. 2004 was transmitted to the House.

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On motion of Senator Madsen, under suspension of the rules, **H.B. 2001, SALES AND USE TAX EXEMPTION FOR AIRCRAFT PARTS AND EQUIPMENT,** was considered read the second and third times. Senator Niederhauser commented and the bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Buttars	Davis	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	Christensen	Dayton	McCoy
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H.B. 2001 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: September 26, 2008

The House passed **H.B. 2003**, CAPITAL IMPROVEMENT AMENDMENTS, by Representative K. Garn, and it is transmitted for consideration; and

The House passed **H.B. 2004**, TRANSPORTATION GENERAL OBLIGATION BOND MODIFICATIONS, by Representative W. Harper, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 2003** and **H.B. 2004** were read the first time.

On motion of Senator Killpack, under suspension of the rules, **H.B. 2003** and **H.B. 2004** were placed on the Second Reading Calendar.

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On motion of Senator Hillyard, and at 10:40 a.m., the Senate sauntered.

The Senate was called to order at 11:45 a.m., with President Valentine presiding.

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On motion of Senator Bell, the circle was removed from **S.B. 2003**, HIGHER EDUCATION BUDGET AUTHORITY, and it was before the Senate.

On motion of Senator Bell, under suspension of the rules, **S.B. 2003**, HIGHER EDUCATION BUDGET AUTHORITY, was considered read the second and third times. Senator Bell explained the bill. Senators Valentine and Goodfellow commented. The bill passed on the following roll call:

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

Voting in the affirmative were: Senators

Bell	Bramble	Buttars	Christensen
Davis	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

Dayton	McCoy
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S.B. 2003 was transmitted to the House.

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On motion of Senator Bramble, and at 12:00 noon, the Senate recessed.

AFTERNOON SESSION

The Senate reassembled at 2:50 p.m., with President Valentine presiding.

INTRODUCTION OF BILLS

S.B. 2001, Current Fiscal Year Budget Adjustments (L. Hillyard), read the first time by short title and referred to the Rules Committee.

On motion of Senator Hillyard, **S.B. 2001, CURRENT FISCAL YEAR BUDGET ADJUSTMENTS**, was placed at the top of the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Hillyard, under suspension of the rules, **S.B. 2001, CURRENT FISCAL YEAR BUDGET ADJUSTMENTS**, was considered read the second and third times. Senator Hillyard explained the bill. Senators Dmitrich, Waddoups, Walker, Davis, Jones, Romero, Goodfellow, and Hickman commented.

Senator Davis proposed the following amendment:

1. Page 11, Line 388:
Delete line 388

2. Page 11, Line 391:
Delete “(67,500)” and insert “(127,500)”
3. Page 12, Line 412:
Delete “310,000” and insert “370,000”
4. Page 12, Line 422:
Delete “(12,000)” and insert “48,000”

Senator Davis’ motion to amend passed on the following roll call vote:

Yeas, 17; Nays, 8; Absent, 4.

Voting in the affirmative were: Senators

Bell	Bramble	Davis	Dmitrich
Eastman	Fife	Greiner	Hickman
Killpack	Knudson	Madsen	Romero
Stephenson	Stowell	Van Tassell	Walker
Valentine			

Voting in the negative were: Senators

Buttars	Christensen	Goodfellow	Hillyard
Jenkins	Jones	Mayne	Waddoups

Absent or not voting were: Senators

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

Absent or not voting were: Senators

Dayton	McCoy	Niederhauser	Peterson
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S.B. 2001, as amended, was transmitted to the House.

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On motion of Senator Jenkins, under suspension of the rules, **H.B. 2003**, CAPITAL IMPROVEMENT AMENDMENTS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Dayton	Hickman	McCoy	Niederhauser
Peterson			

H.B. 2003 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 Waddoups, under suspension of the rules, **H.B. 2004**, TRANSPORTATION GENERAL OBLIGATION BOND MODIFICATIONS, 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	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Dayton	McCoy	Niederhauser	Peterson
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H.B. 2004 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: September 26, 2008

The House passed **H.B. 2005**, TRANSPORTATION FINANCE AMENDMENTS, by Representative R. Lockhart, and it is transmitted for consideration; and

The House passed **H.J.R. 201**, JOINT RESOLUTION REJECTING SALARY INCREASES FOR LEGISLATORS, by Representative G. Snow, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 2005** and **H.J.R. 201** were read the first time.

On motion of Senator Hillyard, the Senate voted to place **H.B. 2005** and **H.J.R. 201** on the Second Reading Calendar.

SECOND READING CALENDAR

On motion of Senator Walker, under suspension of the rules, **H.B. 2005**, TRANSPORTATION FINANCE AMENDMENTS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Absent or not voting were: Senators

Dayton	Madsen	McCoy	Niederhauser
Peterson			

H.B. 2005 was signed by the President of the Senate in open session and returned to the House for the signature of the Speaker.

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On motion of Senator Eastman, under suspension of the rules, **H.J.R. 201**, JOINT RESOLUTION REJECTING SALARY INCREASES FOR

LEGISLATORS, was considered read the second and third times and passed on the following roll call:

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

Voting in the affirmative were: Senators

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

Voting in the negative were: Senators

Buttars Hillyard

Absent or not voting were: Senators

Dayton	Madsen	McCoy	Niederhauser
Peterson			

H.J.R. 201 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, and at 3:25 p.m., the Senate sauntered.

The Senate was called to order at 4:20 p.m., with President Valentine presiding.

COMMITTEE OF THE WHOLE

On motion of Senator Stephenson, Howard Headley, Executive Director, Utah Bankers Association, spoke in Committee of the Whole. Senators Greiner, Hickman, and Bramble commented.

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

COMMUNICATIONS FROM THE HOUSE

Mr. President: September 26, 2008

The House passed, as amended, **S.B. 2001**, CURRENT FISCAL YEAR BUDGET ADJUSTMENTS, by Senator L. Hillyard, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 2002**, STUDENT ACHIEVEMENT TESTING EXCEPTIONS, by Senator H. Stephenson, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 2003**, HIGHER EDUCATION BUDGET AUTHORITY, by Senator G. Bell, and it is transmitted for further consideration; and

The House passed, as amended, **S.B. 2004**, DEPOSIT OF INTEREST EARNED ON RESTRICTED FUNDS, by Senator L. Hillyard, and it is transmitted for further consideration.

Sandy D. Tenney, Chief Clerk

The bills were placed on the Concurrence Calendar.

CONCURRENCE CALENDAR

On motion of Senator Hillyard, the Senate voted to concur in the House amendments to **S.B. 2001**, CURRENT FISCAL YEAR BUDGET ADJUSTMENTS. 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	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Dayton	McCoy	Niederhauser	Peterson
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S.B. 2001 was returned to the House for the signature of the Speaker.

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On motion of Senator Stephenson, the Senate voted to concur in the House amendments to **S.B. 2002**, STUDENT ACHIEVEMENT TESTING EXCEPTIONS. 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	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Dayton	McCoy	Niederhauser	Peterson
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S.B. 2002 was returned to the House for the signature of the Speaker.

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On motion of Senator Bell, the Senate voted to concur in the House amendments to **S.B. 2003**, HIGHER EDUCATION BUDGET AUTHORITY. 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	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Dayton	McCoy	Niederhauser	Peterson
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S.B. 2003 was returned to the House for the signature of the Speaker.

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On motion of Senator Hillyard, the Senate voted to concur in the House amendments to **S.B. 2004**, DEPOSIT OF INTEREST EARNED ON RESTRICTED FUNDS. 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	Dmitrich	Eastman	Fife
Goodfellow	Greiner	Hickman	Hillyard
Jenkins	Jones	Killpack	Knudson
Madsen	Mayne	Romero	Stephenson
Stowell	Van Tassell	Waddoups	Walker
Valentine			

Absent or not voting were: Senators

Dayton	McCoy	Niederhauser	Peterson
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S.B. 2004 was returned to the House for the signature of the Speaker.

COMMUNICATIONS FROM THE HOUSE

Mr. President: September 26, 2008

The Speaker of the House has signed **S.B. 2001**, CURRENT FISCAL YEAR BUDGET ADJUSTMENTS, by Senator L. Hillyard, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 2002**, STUDENT ACHIEVEMENT TESTING EXCEPTIONS, by Senator H. Stephenson, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 2003**, HIGHER EDUCATION BUDGET AUTHORITY, by Senator G. Bell, and it is transmitted for the signature of the President; and

The Speaker of the House has signed **S.B. 2004**, DEPOSIT OF INTEREST EARNED ON RESTRICTED FUNDS, by Senator L. Hillyard, and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 2001, S.B. 2002, S.B. 2003, and S.B. 2004 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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President Valentine appointed Senators Chris Buttars, Bill Hickman, and Karen Mayne to wait upon the Governor and ask if he has any further business to bring before the Senate.

President Valentine appointed Senators Greg Bell, Jon Greiner, and Fred Fife to notify the House of Representatives that the Senate has concluded its business and is ready to adjourn sine die.

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

Senator Buttars 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.

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On motion of Senator Bramble and at 4:57 p.m., the Senate adjourned sine die.

PAGE INDEX

H.B. 2001 — SALES AND USE TAX EXEMPTION FOR AIRCRAFT PARTS AND EQUIPMENT (*B. Dee*)

Read for the first time 7

Placed on calendar 7

Read the second and third time 8

Signed by the President and returned to the House 9

H.B. 2002 — AMENDMENTS TO LEGISLATOR SALARIES (*D. Clark*)

Read for the first time 7

Placed on calendar 7

Read the second and third time 7

Signed by the President and returned to the House 8

H.B. 2003 — CAPITAL IMPROVEMENT AMENDMENTS (*K. Garn*)

Read for the first time 9

Placed on calendar 9

Read the second and third time 12

Signed by the President and returned to the House 12

H.B. 2004 — TRANSPORTATION GENERAL OBLIGATION BOND MODIFICATIONS (*W. Harper*)

Read for the first time 9

Placed on calendar 9

Read the second and third time 12

Signed by the President and returned to the House 13

H.B. 2005 — TRANSPORTATION FINANCE AMENDMENTS (*R. Lockhart*)

Read for the first time 13

Placed on calendar 13

Read the second and third time 13

Signed by the President and returned to the House 13

H.J.R. 201 — JOINT RESOLUTION REJECTING SALARY INCREASES FOR LEGISLATORS (*G. Snow*)

Read for the first time 13

Placed on calendar 13

Read the second and third time 13

Signed by the President and returned to the House 14

S.B. 2001 — CURRENT FISCAL YEAR BUDGET ADJUSTMENTS (*L. Hillyard*)

Read the first time by short title and referred to the Rules Committee. 10

Placed on calendar 10

Read the second and third time 10

Amendments 10

Transmitted to the House 11

Placed on Concurrence Calendar 14

Concurrence 15

Returned to the House 15

Signed by the President and transmitted to the Governor 17

S.B. 2002 — STUDENT ACHIEVEMENT TESTING EXCEPTIONS (*H. Stephenson*)

Read the first time by short title and referred to the Rules Committee. 5

Placed on calendar 5
 Read the second and third time 5
 Amendments 5
 Transmitted to the House 6
 Placed on Concurrence Calendar 15
 Concurrence 15
 Returned to the House 16
 Signed by the President and transmitted to the Governor 17

S.B. 2003 — HIGHER EDUCATION BUDGET AUTHORITY (*G. Bell*)

Read the first time by short title and referred to the Rules Committee. 5
 Placed on calendar 5
 Read the second time 8
 Circled 8
 Uncircled 9
 Read the second and third time 9
 Transmitted to the House 10
 Placed on Concurrence Calendar 15
 Concurrence 16
 Returned to the House 16
 Signed by the President and transmitted to the Governor 17

S.B. 2004 — DEPOSIT OF INTEREST EARNED ON RESTRICTED FUNDS (*L. Hillyard*)

Read the first time by short title and referred to the Rules Committee. 5
 Placed on calendar 5
 Read the second and third time 8
 Transmitted to the House 8
 Placed on Concurrence Calendar 15
 Concurrence 16
 Returned to the House 17
 Signed by the President and transmitted to the Governor 17